

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 3 July 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

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

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Membership

Cllr Christopher Newbury (Chairman)

Cllr Bill Parks (Vice-Chairman)

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Stewart Palmen

Cllr Horace Prickett

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr David Vigar

Cllr Suzanne Wickham

Substitutes:

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Graham Wright

Cllr Tamara Reay

Cllr Bridget Wayman

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Public Participation

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

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

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

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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 5 June 2024.

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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 26 June 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 28 June 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 11 - 22*)

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

Planning Applications

To consider and determine the following planning applications.

7 **PL/2024/02246: Trowbridge Rugby Football Club, Paxcroft, Hilperton, BA14 6JB** (*Pages 23 - 36*)

Retrospective application to regularise the use of part of the rugby club car park for (a) The stationing of storage and collection lockers and (b) Heavy Goods Vehicle Driving Licence training area.

8 **PL/2023/02682: 6 Ash Walk, Warminster, BA12 8PY** (*Pages 37 - 132*)

Conversion and extension to a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works.

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

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

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 JUNE 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Johnny Kidney

32 **Apologies**

An apology for absence was received from Cllr Jonathon Seed, who was substituted by Cllr Mike Sankey.

33 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 May 2024 were presented for consideration, and it was,

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 8 May 2024.

34 **Declarations of Interest**

There were no declarations.

35 **Chairman's Announcements**

There were no specific announcements.

36 **Public Participation**

The rules on public participation was noted.

37 **Planning Appeals and Updates**

Planning Appeals

The Planning Appeals update report was received. Attention was drawn to application PL/2023/00859 at Elmleaze Farm, Keevil, change of use of a 2 bed

holiday let to a dwelling, which was permitted on appeal for temporary personal permission.

Resolved:

To note the Planning Appeals update report.

Planning Update

A report was then presented by Kenny Green, Area Development Team Leader, regarding application PL/2021/09777 at Star Ground, Station Road, Holt. At its last meeting the Committee had requested an update regarding the consented application for ten affordable rental dwellings. This was in relation to the council's Allocations Policy, with the provider required to advertise the properties via the councils choice based lettings scheme, Homes4Wiltshire.

Details were provided as set out in the report in relation to the s.106 agreement, and discussions between officers and the provider, regarding the site being a rural exception site and that applications must have a local connection to the parish.

Cllr Trevor Carbin, as the local member, welcomed the update, noting concerns that the policy was not being adhered to appropriately. It was then,

Resolved:

To note the update.

38 **Northfield Playing Field, Winsley - Application no.2021/01TVG**

Public Participation

Murali Bandaru spoke in objection to the application to register a town or village green.

Duncan Sparrowhawk spoke in support of the application to register a town or village green.

John Strike spoke in support of the application to register a town or village green.

Kerry Kemp spoke in support of the application to register a town or village green.

Cllr Linda Ladner, Winsley Parish Council, spoke in support of the application to register a town or village green.

Janice Green, Senior Definitive Map Officer, introduced the report on the application to register a town or village green at Northfield Playing Field, Winsley under Sections 15(1) and (2) of the Commons Act 2006. It was recommended that the council as the Commons Registration Authority (CRA), appoint an independent Inspector to preside over a non-statutory public inquiry to consider the evidence and to produce an advisory report and recommendation on determination of the application, to the CRA.

Details were provided of the location and description of the application site, the legislative requirements for registration of a town or village green, the history of the application submitted by Winsley Parish Council, the parties providing evidence in support of the application and the objections which had been submitted.

The process for determination of the application in a manner fair and reasonable to all parties was set out, along with an explanation of planning trigger and terminating events which the Planning Authorities had confirmed were not a consideration in this case. Other matters set out included the identification of the relevant locality or neighbourhood within a locality required for the application under the legislation, and the extent of registered highway land which, if the application were approved, would need to be excluded from the registration. It was emphasised that evidence was key in these cases and in order for an application to be successful, each part of the legal test set out at sub-section 15(2) of the Commons Act 2006 must be satisfied. The burden of proof lay with the Applicant and the standard of proof would be the balance of probabilities.

The grounds for objection as set out in the report were also summarised, along with the requirement to follow procedures according with principles of natural justice, and to provide legally valid reasons supported by evidence in the event the application were to be determined at the meeting as opposed to establishing a non-statutory inquiry to further test the evidence on both sides.

Members of the Committee then had the opportunity ask technical questions of the officer. Details were sought on the circumstances in which a non-statutory inquiry would be considered appropriate. Clarity was sought on the reasons for objection which had been submitted, with a judgement to be made as to whether these amounted to a serious dispute of fact. Questions were raised as to the definition of a neighbourhood within a locality which had been identified within the registration application. Information was also sought on historic holding of the land by the council as the highway authority, and that this had elapsed in the early 1990s with full control of the land returned to the landowner, with queries relating to whether this affected the period of use associated with the application, and whether use during the relevant period was non-qualifying use 'by right' or qualifying use 'as of right'. In response to questions, it was stated there was no formal guidance on interpretation of what would constitute a serious dispute of fact for the purposes of holding a non-statutory public inquiry, and the legal avenues of appeal or challenge for the landowner in the event of registration were set out.

Other questions related to the registration application identifying an area slightly distinct from the spatial information settlement boundary as set out within the Wiltshire Core Strategy document, whether the previous landowner had sought to prevent use on the site or been aware of use, the consideration of the totality of the evidence, records of public maintenance of the site, the process in the event an inquiry was arranged, and further details of the objection material which had been submitted.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

Cllr Johnny Kidney, as the local Unitary Division Member, then spoke in support of the application. He stated there had been unrestricted access and use of the land in the required manner before, during, and up to the period of registration. He noted the lack of other green space recreation in the nearby area. In response to the objections which had been raised, it was argued these were not substantive in nature and the fact of the use of the site in the required period was not seriously contested. The neighbourhood identified was the area considered by residents to be the village community, inclusive of areas just outside the settlement boundary, and this was considered to be a meaningful description capable of being understood.

Cllr Kidney further pointed to the lack of action from the previous landowner to address the activity taking place on the land, and argued the evidence was clear in the use by the community, and that only a very few supporting statements had been raised as having any inconsistencies. On that basis, it was argued a non-statutory public inquiry was not required in the circumstances given the very strong evidence in support of the application.

A motion to approve the option set out at paragraph 47(i) of the report, to register the application land as a town or village green, excluding the area of registered highway land at the south-west corner, was then moved by Cllr Trevor Carbin, seconded by Cllr Stewart Palmen.

During debate, it was argued that the evidence in support of the registration application was both strong and clear, whilst the objections did not rise to the level of raising serious dispute of facts requiring the depth of testing from a non-statutory inquiry. The objection based on very few of the supportive statements was argued to not be significantly material in light of the prevailing and persuasive counterevidence, and there was felt to be no serious dispute over use of the land as of right, with the previous landowner not preventing the use of the land nor giving permission. In relation to identifying a neighbourhood within a locality which was recognisable or capable of meaningful description, this was summarised by officers assessing the application in the report as the neighbourhood of Winsley settlement within the locality of Winsley Parish.

A comment was also made that if the registration application were approved without a non-statutory inquiry this could be challenged, at greater cost, by the landowners. It was also confirmed that if the registration were confirmed access to the site, which had been obstructed following purchase by new landowners after the initial registration application, would be required to be restored.

At the conclusion of debate, it was,

Resolved:

Based on the available evidence, to register the land known as Northfield Playing Field, Winsley as a Town or Village Green, as it is considered that

the legal tests for registration, as set out under Sections 15(1) and (2) of the Commons Act 2006, have been met in full over the application land, excluding the area of recorded highway located at the south-west corner.

Cllr Ernie Clark requested that his vote in opposition to the resolution be recorded.

39 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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**Wiltshire Council
Western Area Committee
3rd July 2024**

Planning Appeals Received between 17/05/2024 and 21/06/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2024/00785	1 Philip Close, Melksham, SN12 7AP	Melksham	Proposed detached 1 bed dwelling on vacant land to the rear of 1 Philip Close	DEL	Written Representations	Refuse	23/05/2024	No

Planning Appeals Decided between 17/05/2024 and 21/06/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/09147	Meadow View Farm, Bradford Leigh, Wilts, BA15 2RW	Holt/ South Wraxall	Erection of agricultural worker's dwelling and associated works	WAPC	Hearing	Approve with Conditions	Dismissed	24/05/2024	Appellant applied for Costs - REFUSED

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Appeal Decision

Hearing held on 7 May 2024

Site visit made on 7 May 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/Y3940/W/23/3327751

Meadow View Farm, Bradford Leigh BA15 2RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Hillier [Norbin Farm Ltd] against the decision of Wiltshire Council.
 - The application Ref is PL/2022/09147.
 - The development proposed is described as 'the erection of agricultural worker's dwelling and associated works.'
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Prior to the Hearing an application for costs was made by Mr Andrew Hillier [Norbin Farm Ltd] against the decision of Wiltshire Council. This application is the subject of a separate decision.

Procedural Matters

3. The appellant requested that the appeal be dealt with by the written representations procedure. Due to interested party representations and the Council's first reason for refusal raising concerns that very special circumstances for the erection of a dwelling in the Green Belt had not been demonstrated, I am satisfied that it was necessary to clarify the evidence regarding the essential need for the proposal and that the appropriate procedure was that of a Hearing¹.
4. In December 2023, the Government published a revised National Planning Policy Framework (the Framework). The parties acknowledged at the Hearing that although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal.
5. The appeal site lies outside the area for the Holt Neighbourhood Plan (2017) such that I have not had regard to it in my decision.
6. The proposal is for a new dwelling within the Green Belt, albeit restricted to an agricultural worker. Paragraph 154 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. As the proposal does not meet any of the exceptions within paragraph 154, the parties

¹ Criteria for Determining the Procedure for Planning, Enforcement, Advertisement and Discontinuance Notice Appeals' guidance (2022).

agree that it is inappropriate development. Based on all that I have read including interested party representations, and the discussions at the Hearing, the main issues in relation to this appeal are;

- i) The effect of the proposal on the openness of the Green Belt;
- ii) The effect of the proposal on the character and appearance of the area;
- iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a dwelling to accommodate a rural worker at the site, so as to amount to very special circumstances necessary to justify it.

Reasons

Openness

7. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension, as set out in the Planning Practice Guide (PPG)².
8. The appeal site consists of a field adjoining the main road through the hamlet of Bradford Leigh. Other than an access track leading to the Meadow View Farm (MVF) barn to the north, the site is undeveloped. The erection of a dwelling, even one which is single storey in scale, would therefore result in the introduction of built development where presently there is none, resulting in the 3-dimensional erosion of space.
9. Mature hedging exists along the south-western and the roadside boundaries, which provides some screening of the appeal site. However, there is a small gap to the front through which the proposed dwelling would be visible in very localised views, as was evidenced by the ability to see the existing pile of mounded earth/debris from the road.
10. A close boarded fence has been erected along the north-eastern boundary precluding views from the adjacent public right of way (PROW). Similarly wooden panels have been added to the front side of the field gates. It is not clear whether the gates would remain in this rudimentary form. Even if they did, due to the recessed nature and relatively wide span of the access onto the main road, it is clear that the bulk and scale of the proposed dwelling, particularly the north-eastern gable and rear projection, would still be visible in localised views above the gates.
11. The proposal would lead to the encroachment of development into the countryside resulting in permanent harm to the spatial and visual openness of the Green Belt. Consequently, I find conflict with paragraph 142 of the Framework as set out above.

Character and Appearance

12. The West Wiltshire District Landscape Character Assessment (LCA) 2006 identifies the appeal site as being within the Limestone Lowland landscape character area. This area consists of gently undulating and verdant lowland

² Paragraph: 001 Reference ID 64-001-20190722.

farmland such that it has a strong rural character. The LCA identifies the need to conserve and enhance the current pattern of fields with hedgerows and acknowledges that the pressure for development along rural lanes is a threat to the landscape character.

13. I observed that there is sporadic development within the vicinity of the appeal site and that this consists of dwellings of various ages and forms, often with landscaped front gardens that front the main road. However, there are variations in the positions of such dwellings relative to the road and there are significant gaps formed by agricultural and other land between some properties as well as the road. Notwithstanding the findings of the previous Inspector, it seems to me that existing built form does not represent a wholly continuous pattern of linear ribbon development. Irrespective, the overwhelming character is of rolling countryside contained by verdant hedgerows and trees. Free from buildings, the appeal site contributes positively to the rural landscape.
14. As discussed above, the siting of the dwelling in an undeveloped field would result in the encroachment of built development into the countryside, to the north of the main road. Although designed to appear as a converted shippoon, the proposed dwelling would nonetheless appear as a domestic bungalow with associated garden and parking area. Despite its single storey form, and provision of hedgerow screening to the west and south, it would still be visible in localised views from the south-east above the existing modified field gates, adjacent post and rail fence and through the gap in the hedgerow to the front.
15. The planting of a new hedgerow to the north and east of the proposal would offer a degree of softening and screening to the curtilage of the dwelling. Over time this would further reduce the visibility of the development. However, it would take a number of years to mature and would be unlikely to mitigate the proposed development in its entirety due to the overall scale of the proposed dwelling.
16. Whilst the appellant suggested at the Hearing that stone buildings with red brick quoins are typical of Wiltshire, neither of the parties could draw my attention to any examples found specifically within the vicinity of the appeal site. I observed during my visit that the majority of buildings nearby consisted of stone with stone quoins. This matter could be overcome with a planning condition requiring the submission of material details and/or samples, should the proposal be considered to be acceptable in all other regards.
17. The proposal would further result in the re-routing of the access track to the barn to run parallel with the PROW. If the existing gates were to be removed and I note that they are not shown on the proposed site plan³, the track would be more readily visible in public views than the present route along the eastern boundary, such that the encroachment of development upon the countryside would be more evident.
18. New development along a rural lane that is visually and spatially detached from any other built form on the northern side, would detract from the positive contribution the appeal site makes to the rural landscape. It would erode the existing field pattern, such that it would not conserve or enhance the open landscape character.

³ Drawing number LPC 5325 PR 01 Rev B.

19. Notwithstanding that materials could be dealt with by condition, the siting and scale of the proposed dwelling would result in modest harm to the character and appearance of the area. It would be contrary to Policies 51 and 57 of the Wiltshire Core Strategy (CS) 2015 which require development to protect, conserve and where possible enhance landscape character, and to ensure development relates positively to its landscape setting and the existing pattern of development.

Other Considerations

Farm Operations

20. There is no dispute that the appeal site is located outside of any designated development boundary. Policy 48 of the CS provides support for dwellings required to meet the employment needs of rural areas. Similarly, paragraph 84 of the Framework seeks to avoid the creation of isolated new dwellings in the countryside unless particular circumstances apply. This includes the need for a rural worker, to live at or near to their place of work in the countryside.
21. The parties agree there is an essential need for the proposed dwelling and the appellant points to this also having been accepted by the previous Inspector⁴. However, the need for a dwelling on this particular site is disputed by a number of interested parties including South Wraxall Parish Council.
22. The appellant's written evidence states that a herd of 98 suckler cows together with their calves are kept on 48 acres of land at MVF⁵, which is treated as a separate holding in terms of cattle to the wider beef rearing enterprise of Norbin Farm. Cows are said to be outwintered and calved outdoors all year round at MVF, with only emergency use of the agricultural shed.
23. The Cooper and Tanner Agricultural Planning Appraisal (APA) seeks to justify the proposed dwelling on the basis that at any one time at MVF, 98 cows and additional young stock will be kept together and so a large number of incidents can regularly occur particularly as a result of calving, which require the prompt attention of one or more workers.⁶
24. Interested parties suggest that a suckler herd has never been seen at MVF, that there is insufficient land to support the number of animals and that the barn has been used to house beef cattle⁷. At the Hearing the appellant confirmed that there have never been 98 suckler cows at MVF and that there is insufficient land to support this number of animals. This contradicts their written evidence.
25. I observed that there was a suckler herd in the field to the north of the appeal site at the time of my visit. However, the addendum to the APA confirms that cows and calves were not at the appeal site at the time of the surveyor's visit on 12 June 2023⁸. Photographs in Appendix 1 of the APA also confirm the presence of at least some of the suckler herd at Norbin Farm. The APA implies that the suckler herd has been located at Norbin Farm because of the lack of a dwelling at MVF from which such a herd could be managed. The addendum also

⁴ Appeal reference APP/Y3940/W/22/3294187.

⁵ Paragraphs 5.2.1, 6.1.1 and 8.1 of the Cooper and Tanner Agricultural Planning Appraisal and paragraph 2.8 of the LPC Trull Ltd Appeal Statement.

⁶ Paragraph 8.1.

⁷ Supported by photographic evidence and undisputed by the appellant.

⁸ As confirmed at paragraph 5.3 of the appellants statement of case.

makes reference to moving the herd permanently to MVF, again inferring it has been permanently located at Norbin Farm⁹. Given the evidence presented by interested parties and the appellant's contradictory evidence it seems to me that the suckler herd has not been solely based at MVF as presented in the appellant's written evidence.

Essential Need

26. It is understood that calves have to be born at MVF in order to be classed as organic. However, the appellant's oral evidence suggests that the operations at MVF are intrinsically linked to the activities that take place at the wider enterprise, where there is a greater presence of organic land. The appellant's oral evidence suggests that animals are moved in batches between Norbin Farm and MVF and that no more than 30-40 cows would be present at MVF at any one time, as is the existing situation and would remain the case even if the herd was to be expanded to 250 cows¹⁰.
27. Little information has been presented as to how and when the cows are inseminated to understand the frequency of calving activities. Whilst it is suggested that cows would on average calve every other day once stock levels are increased, there may be periods when there are multiple calving's and some periods when there are none, particularly as the evidence indicates the animals are calved in batches. Without expansion of the herd, calving would be significantly less than one every other day on average.
28. Although reference was made to a business plan at the Hearing, no such document has been submitted as part of the appeal process. No evidence has been presented as to how and when the suckler herd would be grown to a head of 250 cows, how it would be sustained over time or how the operations would be linked to the wider enterprise of Norbin Farm. Indeed, it is not known whether Norbin Farm is contiguous with or physically separate to the land at MVF. Nor has evidence been presented as to why Norbin Farm cannot have an organic classification so that calving could occur there.
29. Whilst the appellant suggests that the greater number of cows at MVF results in a greater functional need for the proposed dwelling, the ambiguous evidence regarding stock levels and location, calls into question whether there is sufficient need specifically at MVF and therefore, whether the appeal site is the appropriate place for a new dwelling to serve the enterprise.
30. Although the Council's agricultural consultant accepted that there was a need for a full-time worker at MVF, this was predicated on the basis of there being a permanently expanded 250 strong suckler herd there¹¹. Even if the full-time worker requirement could be accepted, this is separate to whether there is a functional need for that worker to have a 24-hour presence all year round.
31. MVF does not currently have a dwelling and it is understood that the farm worker lives 3 miles away in rented accommodation, while the appellant lives at Norbin Farm. I do not doubt the importance of closely monitoring a cow and its calf shortly before, during and soon after giving birth for animal welfare reasons. However, even if I could accept that calving has taken place at MVF as suggested at the Hearing, no evidence has been presented to demonstrate that

⁹ Paragraph 4 of the APA.

¹⁰ As advised by Mr Hector during the Hearing.

¹¹ As set out in the Agricultural Assessment of Planning Application by A.M Coke dated 16 June 2023.

there have been negative consequences to the welfare of animals or the enterprise from the remote management of circa 30-40 animals. There is no indication of the number of births that require human intervention.

32. Given that the number of animals would not increase at MVF even if the total herd is expanded, it is unclear as to why MVF could not continue to be managed remotely. No evidence has been presented to demonstrate whether technologies are, or could be, used to assist with calving activities, or that a temporary form of accommodation would not be appropriate. The onus is on the appellant to provide sufficiently transparent and unambiguous evidence. Given the incomplete evidence provided, I cannot have confidence in the essential need for the proposed dwelling.
33. Interested parties have queried the ability of the appellant to use the existing building at MVF for the purposes of housing livestock. The 2 applications considered and permitted under the Town and Country (General Permitted Development) (England) Order (GPDO) 2015 were for 2 buildings for the storage of hay, straw, fodder and machinery. GPDO conditions prevent their use for accommodating livestock, other than in emergency situations such as calving¹². Internally there is no division such that it now functions as a single building, in use for very limited storage at the time of my visit.
34. The use of the barn is not a matter before me in the strictest sense. Whilst the use of the building for calving purposes may have implications for the approved finishing unit licence, it is a matter for the appellant. If the building is used contrary to its permitted use for the prolonged housing of livestock, the Council has the option of pursuing enforcement action.
35. The Framework should be read as a whole. Thus, the general support for the development and diversification of agricultural and other land-based rural businesses within paragraph 88a) and b) does not set aside the requirement to demonstrate an essential need for a rural worker to live at their place of work, or the need to prevent the construction of new buildings in the Green Belt unless they meet an exception.
36. Based on the totality of evidence presented, it has not been adequately demonstrated that there is an essential need for an agricultural workers dwelling at the appeal site, to support the existing or proposed suckler herd at MVF. Whilst consistency in decision making is important, my findings differ from those of the previous Inspector and those laid out in the Council's officer report, as they arise from the inconsistent evidence put to me both in written and oral form for this particular proposal.
37. The proposal would conflict with paragraph 84 of the Framework that requires an essential need to be demonstrated for a rural worker, to live permanently at or near their place of work. It would also conflict with Policy 48 of the CS.

Other Matters

38. The parties do not raise any concerns regarding the financial viability of the existing enterprise as a whole. Based on all that I have seen and read, including representations from interested parties, I have no reason to take a different view.

¹² Planning application references 18/05367/APD and 20/07499/APD.

39. The parties dispute whether the Council is able to provide a 5-year housing land supply. However, I have found that the proposal would harm the Green Belt. In respect of paragraph 11(d) (i) of the Framework, this is a situation where the presumption in favour of sustainable development is not engaged, because the application of the policies in the Framework that protect land designated as Green Belt provides a clear reason for refusing the development proposed¹³.
40. It has been suggested that the position and scale of the proposal represents a material improvement in relation to the effect on the openness of the Green Belt and the character and appearance of the area, to that which was previously refused and dismissed at appeal¹⁴. Be that as it may, I am required to assess the proposal before me and with which I have found harm for the reasons given.
41. The circumstances of the approval for an agricultural workers dwelling in the Green Belt at Greenacres Poultry Farm are not before me¹⁵. The essential need for an agricultural workers dwelling can present very special circumstances sufficient to outweigh harm to the Green Belt. However, given the inconclusive evidence presented by the appellant, I cannot make such a determination here.
42. The proposed scheme would provide a social benefit for the farm worker in reducing their commute. Economic benefits through the construction phase of the development and in meeting the needs of an existing rural business would also be realised. These matters attract moderate weight.
43. The appeal site is located within the buffer zone for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). As I am dismissing the appeal on other substantive grounds, I have not been required to consider further, whether the proposal would result in significant adverse effects upon the SAC.

Green Belt Balance and Conclusion

44. The proposal would be inappropriate development in the Green Belt which would result in a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
45. Given the substantial weight is to be attached to Green Belt harm, and modest harm has been identified to the character and appearance of the area, the harm is not clearly outweighed by the essential need for an agricultural workers dwelling and the moderate benefits cited in support of the proposal. On the evidence presented in this instance, the very special circumstances to justify the development have not been demonstrated.
46. Consequently, the proposal conflicts with the development plan and there are no material considerations including the approach within the Framework, which indicate that a decision should be made otherwise than in accordance with it. The appeal is dismissed.

M Clowes - INSPECTOR

¹³ Paragraph 11(d), footnote 7 of the Framework.

¹⁴ Planning application reference PI/2021/11357 and appeal reference APP/Y3940/W/22/3294187.

¹⁵ Planning application reference 20/04854/FUL, referred to at paragraph 5.28 of the appellant's appeal statement.

APPEARANCES

FOR THE APPELLANT:

Andrew Hillier	The Appellant
Mrs Hillier	The Appellant's Wife
Simon Chambers	LPC Trull Ltd
Tim Hector	Cooper and Tanner

FOR THE LOCAL PLANNING AUTHORITY:

Steven Sims	Senior Planning Officer
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FOR INTERESTED PARTIES:

Bella Walker	Chair of South Wraxall Parish Council
Johnny Kidney	Wiltshire Council



Costs Decision

Hearing held on 7 May 2024

Site visit made on 7 May 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3327751 Meadow View Farm, Bradford Leigh BA15 2RW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Hillier [Norbin Farm Ltd] for a partial award of costs against Wiltshire Council.
 - The Hearing was in connection with an appeal against the refusal of the Council to grant planning permission for the erection of agricultural worker's dwelling and associated works.
-

Decision

1. The application for an award of costs is refused.

The Submission for Mr Andrew Hillier

2. An application for a partial award of costs was made in writing prior to the Hearing. The basis of the applicant's costs claim is that the Council has behaved unreasonably by not substantiating the first reason for refusal, and that the planning committee took a decision contrary to officer advice, when a consistency of decision was reasonable for the applicant to expect.

The Response by Wiltshire Council

3. The Council's rebuttal was submitted in writing in advance of the Hearing. It suggests that the planning committee formed its own judgement in relation to the merits of the case, following consideration of the officer recommendation, interested party representations and responses to questions at the committee meeting. The Council considers that the committee is entitled to reach a different conclusion to officers.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. It goes on to state that local planning authorities are at a risk of costs, if they behave unreasonably with respect to the procedural handling of the case and the substance of the matter under appeal.
6. The first reason for refusal set out on the Council's decision notice is clearly articulated and states the paragraphs of the National Planning Policy Framework that the proposal would be in conflict with. The Council's statement

of case explains the reason for refusal in more detail. Notwithstanding the officer recommendation, the apportionment of weight is a matter for the decision maker. The committee is not duty bound to follow the advice of its professional officers. It appears from the evidence before me including the Council's statement of case that the committee attached a different weight to the considerations, as is its right.

7. At the Hearing the applicant suggested that the Council's decision was made following erroneous comments of interested parties. In my decision I have found that the interested parties had legitimate concerns regarding the evidence of need for the proposed dwelling. However, the Council refused the application on the grounds that the harm to the openness of the Green Belt and the character and appearance of the area were not outweighed by the essential need for the dwelling, which is a different set of circumstances. On the evidence before me, I am satisfied that the Council substantiated the first reason for refusal. The applicant has not raised any concerns with regard to the second reason for refusal.
8. The proposal the subject of this appeal was wholly different in terms of site location, design and scale such that it was right that the planning committee considered it on its own merits, rather than inferring acceptability because it sought to address concerns raised during the consideration of a previous scheme¹.
9. Even if the proposal was put forward following advice from a planning officer, the PPG is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal application.
10. There is no compelling evidence before me to clearly demonstrate that the Council has behaved unreasonably with regard to either the procedural handling or substance of the appeal.

Conclusion

11. I acknowledge the applicant's frustration with their perception of the Council's approach. However, insofar as is relevant to this costs application, based on all of the evidence before me, I find that no action or inaction taken by the Council amounts to unreasonable behaviour as described in the PPG, directly resulting in unnecessary or wasted expense at appeal. A partial award of costs is not therefore justified.

M Clowes

INSPECTOR

¹ Planning application reference PL/2021/11357 and appeal decision APP/Y3940/W/22/3294187.

Report for the Western Area Planning Committee	
Date of Meeting	Wednesday 3 rd July 2024
Application Number	PL/2024/02246
Type of application	Full planning permission
Site Address	Trowbridge Rugby Football Club, Paxcroft, Hilperton, Trowbridge, BA14 6JB
Proposal	Retrospective application to regularise the use of part of the rugby club car park for (a) The stationing of storage and collection lockers and (b) Heavy Goods Vehicle Driving Licence training area
Recommendation	Approve with Conditions
Applicant	Trowbridge Rugby Football Club
Town/Parish Council	Hilperton CP
Electoral Division	Hilperton ED – Cllr Ernie Clark
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application has been called to committee if recommended for Approval by Councillor Ernie Clark citing the following concerns:

- Visual impact upon the surrounding area
- Car 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 and to consider the recommendation that the application be approved

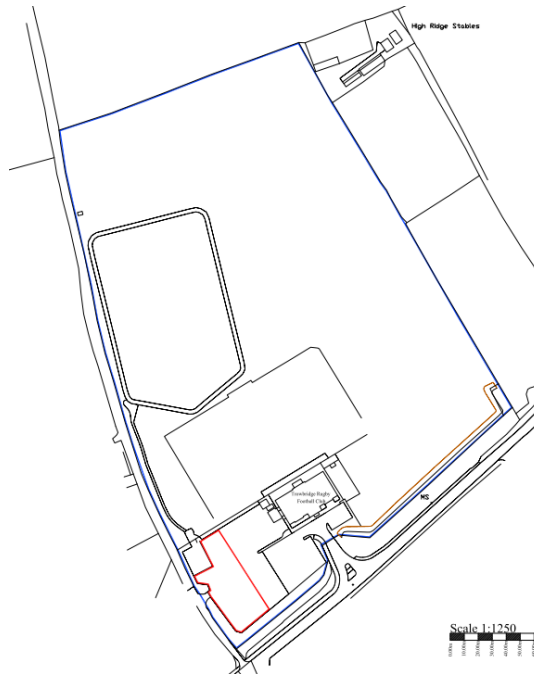
2. Report Summary

The key determining planning issue are considered to be:

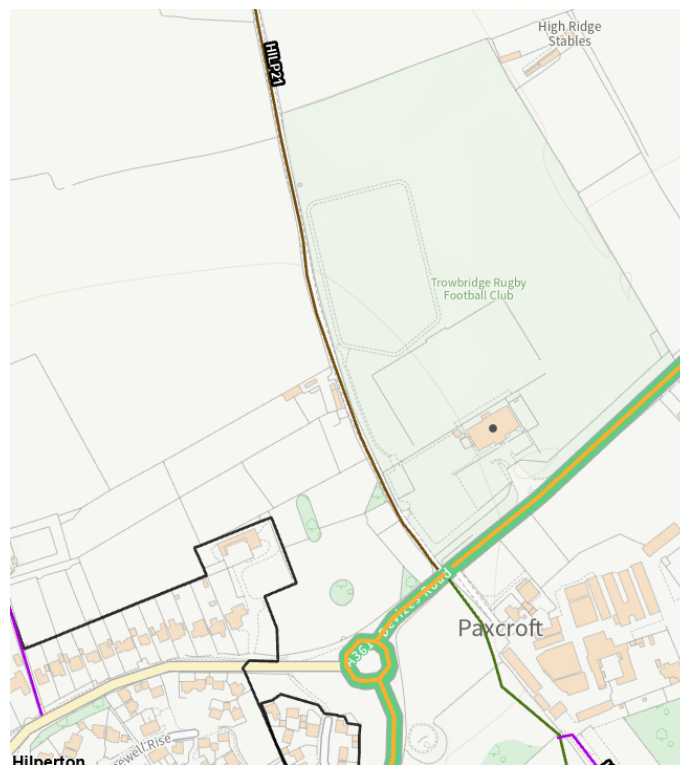
- Principle of Development
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Highways

3. Site Description

The 0.17-hectare application site is shown below edged in red and forms part of the car park serving the Trowbridge Rugby Club which is located outside of the limits of development of Trowbridge and Hilperton.



A public byway runs to the west of the site known as HILP21. The settlement limits of Hilperton are shown by the black line below.



4. Planning History

19/10805/FUL – New sports facility to include a new fenced and floodlit 3G Artificial Grass Pitch and a new pavilion providing inclusive ancillary facilities to support the pitch, together with new community coaching and education rooms and a training room/gym for use by football and rugby club users. A new access road and additional parking is also proposed.- Approved with conditions

17/04354/FUL Construction of a 440m long, 3m wide path/training track around perimeter of floodlit pitch, consisting of geotechnical membrane covered with 125mm deep type 1 stone, topped with 25mm deep "Redgra" type cinder finish dressing contained by wooden edging – Approved with conditions

14/02933/FUL – Erection of two 5 metre lights at the entrance to the site – Approved with conditions

13/05726/ADV – 2 free standing entrance signs – Approved with conditions

W/12/01169/FUL – Proposed rugby ground including clubhouse, groundman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – Approved with conditions:

Condition 18 of this permission states: The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order, 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order or without modification.

W/05/00822/FUL – Proposed rugby ground including clubhouse, groundman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – Approved with conditions

5. Planning Proposal

This application seeks to regularise the use of part of the rugby club car park. At present there are three business operating from the car park. This current application has been submitted on behalf of two of the businesses – B&W Truck Training and ByBox. The unauthorised 'We Buy Any Car' office is subject to a separate planning application that is (at the time of writing this report) yet to be registered.

As part of the application submission, it is argued that in order to raise funds and support the ongoing costs and growth of the rugby club, small areas of the car park have been rented out for other business purposes.

The rugby club maintains that they were not aware that planning permission was required and have subsequently sought to regularise matters through this application (for two of the businesses).

B&W Truck Training and their sister company, B&W Recruitment (a recruitment agency specialising in HGV and non-HGV, vans and chauffeurs) operate from Paxcroft Farm, which provides employment floorspace on land also outside the settlement limits and located directly opposite the rugby club. The club car park is used Monday-Friday only by the training company who use the car park for the purpose of a vehicle manoeuvring area to train drivers to obtain Part A of their Heavy Goods Vehicle Driving Licence.

This takes place towards the western edge of the site, outside of the area of the demarcated rugby club car parking spaces. The proposed operating hours are as follows:

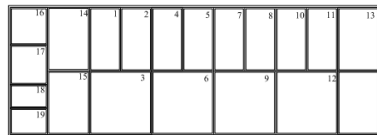
Monday 09:00hrs – 12:00hrs and 13:00hrs to 16:00hrs

Tuesday 08:00hrs – 12:00hrs

Wed/Thurs/Fri (providing ad hoc remedial/top up training as required) – 09:00hrs – 12:00hrs

The 2m high smart lockers are operated by ByBox Limited which monitor, and store equipment/parts required by businesses. A smart locker is a secure storage and distribution system with integrated computers and sensors that allows businesses and their engineers 24/7 access to the parts they need. The lockers offer the ability to scan items in and out using a mobile app and the inventory is then updated in real-time, allowing an efficient supply chain.

At the Trowbridge RFC site, a number of the lockers are used by British Gas. This means that the parts required regularly by engineers are stored in the lockers and their use is monitored. Previously, it is understood that engineers would pick up separate parcels from Royal Mail depots.



North East Elevation



South East Elevation

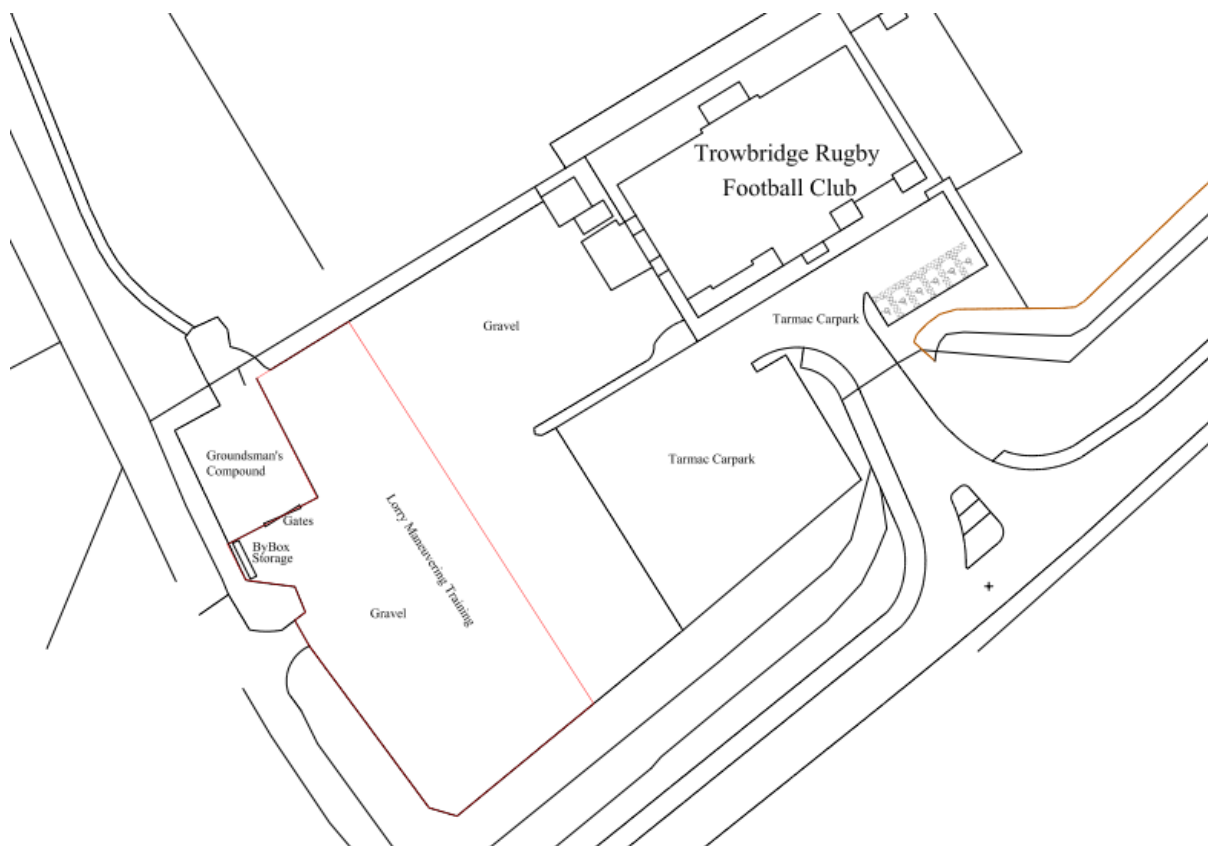


South West Elevation



North West Elevation

The ByBox storage lockers as shown above in plan form, provide a collection point for local engineers which is accessible 24/7. Although in the majority of cases, the lockers are accessed early morning or during the late evening for British Gas Engineers to collect spare parts that are dropped off overnight.





The storage locker facility (the grey cabinets) shown on extreme left of the above site photo. The lorry manoeuvring training area is immediately in front. The existing rugby club groundman's storage compound is behind the fencing adjacent to the lockers.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP3 – Infrastructure Requirements, CP29 – Spatial Strategy for the Trowbridge Community Area, CP49 – Protection of rural services and community facilities, CP34 – Additional Employment Land, CP50 – Biodiversity and Geodiversity, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP62 – Development Impacts on the Transport Network, CP64 – Demand Management,

Hilperton Neighbourhood Plan

The Hilperton Neighbourhood Development Plan was made on 5th November 2018 and covers the period 2017-2026

Other Material Considerations

- Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015)
- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Trowbridge Bat Mitigation Strategy
- Habitat Regulations Assessment

7. Consultation Responses

Hilperton Parish Council: Objects for the following reasons:

- Safety in the fact HGV's mixing with children as there is a public play area
- Loss of car parking space would mean more vehicles using the overflow car park in Paxcroft Farm and increase in number of pedestrians (especially children) crossing the busy, 50mph A.361
- The original planning use is changed by apparent change to 'industrial' use
- Concern over possible future growth

Wiltshire Council Highways Officer: No objection

Wiltshire Council Ecology Officer: No objection

8. Publicity

2 letters of objection have been received which can be summarised as follows: -

- The existing parking is insufficient to cope with the growing demand for the normal running club and rugby club during weekend use which results in parked vehicles frequently mounting the grass verge outside the venue.
- Further overflow parking is by special arrangement with Paxcroft Farm opposite and also within the surrounding residential area causing inconvenience and congestion.
- The use of the overflow car park creates highway safety issues with large numbers of young participants and supporters/spectators at risk of an accident when crossing the main road
- The planning statement makes no reference to the on-site storage of a large B&W articulated lorry 24x7 used for training purposes which blocks at least 8 parking places.
- Should the trailer be stored off site at the weekends? Pictures of the site show no evidence of this activity.
- The list of neighbours notified is an extremely small sample. The issues of parking affect a much wider area and there are many more local residents who are not aware of this retrospective planning application.
- The proposal is contrary to a condition imposed on W/12/01169/FUL and therefore any commercial uses should be refused.

9. Planning Proposal

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

9.1 Principle of Development

The site is located outside of, but in relatively close proximity to the limits of development for Hilperton. In granting permission for the rugby club to develop the land under application W/12/01169/FUL, the Council imposed a planning condition restricting the use of the site to be limited to D2 and ancillary D1 uses.

Both the unauthorised HGV training and the storage locker facilities are not within these use classes, and they are not ancillary to the main sporting function of the wider site, and as such, they require planning permission.

Adopted Wiltshire Core Strategy Core Policy 34 supports the use of employment development (primarily B1, B2 and/or B8) outside the principal settlements, market towns and local service centres where they are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements.

The storage locker facility is considered as an associated B8 use and the HGV training facility use are considered to be a sui generis use.

Concerns have been raised by Hilperton Parish Council and local residents regarding changing the use of the consented sporting /leisure rugby club facility, and concerns are raised about the industrialisation of the site.

The planning condition imposed on application W/12/01169/FUL remains in place for the rugby club site, and the restrictive terms of the condition, which is copied again below, means that the Council must consider this application against policy as well as have due regard to any effects on the immediate and local area and consider the merits of the proposal.

This application site extends to about 0.17 hectares; however, the locker facility only takes up just over 12 square metres and is sited close to the fenced off groundsman's storage compound with a heavily treed backdrop as shown below.

This facility adds some additional clutter to the site's western boundary but by being sited along the perimeter of the car park, the storage facility is not considered obtrusive or inappropriate and does not compromise the essential use of the sporting/recreational use of the rugby club site.

The temporary use of the remaining part of the 0.17-hectare site would be a consistent land use when compared to the remainder of the car park. The HGV being parked on the car park should only be a short-term feature and existing planning conditions would control the use of the site when the training facility is not operational. Anything outside of the stated training hours, the site would be open for parking use associated to the rugby club.

It is important that the decision-making process for this application is only informed by material planning considerations relevant to the application. Any other proposals or other applications that are pending an assessment cannot influence the planning appraisal. Doing so would place the Council at risk of acting on an Ultra Vires basis and being exposed to an award of costs for unreasonable behaviour.

The principle of this application has been carefully considered by officers and is supported.

9.2 Visual and Environmental Impacts

Adopted WCS Core Policy 57 titled 'Ensuring High Quality Design and Place Shaping' sets out the requirements for good design.

The site is an existing loose gravel car park with unmarked parking spaces. As mentioned above, the location and extent of the storage locker facility is not considered harmful, and it does not have a deleterious impact upon the character of the site or the immediate area.

The use of the car park for HGV training is temporary in nature and when training is not operational, the site would be open to be used by other vehicles, as and when required. When travelling from Trowbridge, the existing roadside landscape treatment limits views of the extreme western part of the car park and this application site.

Views of the lorries when travelling west along the A361 can be obtained, but these glimpses do not manifest in substantive grounds to refuse the application. It is also noteworthy that the rugby club could have large vehicles, buses parked in association to the rugby club use for sporting events, and these would have a similar visual impact on the area.

Officers are fully satisfied that the application before the Council raises no substantive visual or environmental harm.

The following page includes some site photos illustrating the points made above.





9.3 Ecology Impacts

The site is located within the yellow 'medium' risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). The yellow risk medium zone represents the areas where habitat has been shown to be of importance or is highly likely to be of importance for bats associated with the Bath and Bradford-on-Avon Bat SAC.

The application seeks to regularise uses of the car park which is surfaced in gravel and with there being no habitat removal or additional lighting forming part of the proposals, there are no ecology-based objections. The application has been screened out of Appropriate Assessment by the Councils ecologist who raises no objection to the scheme, subject to a planning condition on there being no external lighting installed unless subsequently approved.

The Council ecologist sought a biodiversity plan requiring additional hedgerow planting, but such a condition would not meet the legal tests for planning conditions. As shown above, the bund and existing landscape planting is considered sufficient to filter views of the existing car park and additional hedgerows are not required.

The proposal complies with the relevant parts of CP50 and does not conflict with the TBMS or the NPPF.

9.4 Impact on Local Amenity

Adopted WCS Core Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 130f) states that planning decisions should '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*'

The closest residential properties are approximately 150 metres to the west of the site which are considered to be of sufficient distance to ensure the ongoing uses do not cause material harm. It should also be fully appreciated that the A361 – a high volume main road, runs between the site and these nearest neighbouring dwellings.

The proposal therefore complies with CP57.

In response to the concern raised by Hilperton Parish Council regarding there being an increase in the number of pedestrians having to cross the A361 due to a lack of car parking spaces being available to the rugby club, that is a separate matter to this application proposal. The use of the HGV training facility is and would be (by condition) limited to weekdays when the club is at its quietest, when there is no demand for the off-site parking overspill area. The recommended condition would prohibit weekend use for the HGV training facility when the rugby club is at its busiest.

It is nevertheless acknowledged that the rugby club relies on use of the weekend overspill parking provision at Paxcroft Farm – which necessitates people crossing the A361. However, it is important

to appreciate that because this application would not reduce parking availability at weekends, the overspill parking issue is not a material consideration for this application, and it cannot be used as grounds to refuse the application.

9.5 Highway Impacts

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

The objectives of the Core Strategy as set out within policies 60 and 61 seek to reduce the need to travel particularly by private car, and to support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire; and, to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives

The NPPF at paragraph 115 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

The site is located outside the village settlement limits but forms part of an existing consented car park and is used by the general public. The uses identified within this application cannot be said to be unsustainable.

The existing car park can accommodate approximately 170 vehicles, some within demarcated spaces. A referenced above, the rugby club have access to an overflow car park located opposite the rugby club, but this is only required irregularly. During the “working week” the car park is largely empty and used only for events taking place within the clubhouse.

The use of the car park by B&W HGV training facility would be limited in terms of Monday to Fridays and for clearly defined periods. The third party-based objection about weekend parking which would not be a material matter for this application. The parking of the training HGV/trailer would not be a permanent arrangement and the applicant has confirmed that they would accept the imposition of a planning condition to ensure it is removed from the site outside of the proposed restricted operational hours. This would then ensure that the car park would be fully available for the public during weekday evenings and at the weekends when the site is at its busiest.

The Councils Highway Officer fully supports this approach and on the basis of the above, the proposal complies with the adopted WCS CP60, CP61 and CP64, and there are no substantive highway grounds to refuse the application when tested against NPPF paragraph 115.

The Public Right of Way known as CHAP14 runs long the west side of the development and would not be affected.

9.6 Other Matters

The Parish Council have raised concerns regarding a conflict between the proposed uses and the children’s play park that is on site. The play park is on the opposite side of the rugby club site and due to the proposed operational hours of the HGV training facility, there are no substantive conflicts between the users of the training centre and the play park to warrant the refusal of the application.

10. Conclusion (The Planning Balance)

There are no adverse impacts upon the open countryside, neighbouring amenity or highways and such as, the application is recommended for approval subject to conditions.

11. Recommendation: To grant planning permission subject to the following conditions

1 The development hereby permitted retrospectively is based on the following approved plans and documents:

BDS-02-24-03 (proposed block plan), BDS-02-24-04 (storage lockers) received by the Local Planning Authority on 29th February 2024

**BDS-02-24-01 (location plan) received by the Local Planning Authority on 14th March 2024
Highways Note received by the Local Planning Authority on 10th April 2024**

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

2 The use hereby approved shall enure solely for B&W Truck Training and B&W Recruitment being identified as Lorry Manoeuvring Training on Drawing Number BDS-02-24-03 and shall operate only between the hours of 09:00 to 16:00 on Mondays and between 08:00 and 12:00 Tuesday to Fridays. No equipment including trucks and trailers associated with this consented use shall be present on the site outside of these hours. The use shall not operate on weekends or Bank Holidays.

REASON: In the interests of the users of the Trowbridge Rugby Club car park

3 The ByBox Storage area identified on drawing number BDS-02-24-03 shall only be used for the stationing of storage lockers as shown on drawing number BDS-02-24-04 and for no other use within Use Class B8 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 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In the interest of parking, highway safety and neighbouring amenity

4 No external light fixtures or fittings shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved in writing by the Council. The submitted details must demonstrate how the proposed lighting would impact on bat habitat compared to the existing situation alongside measures to minimise light pollution. Any lighting shall then be carried out in accordance with the approved details.

REASON: to avoid illumination of habitat used by bats

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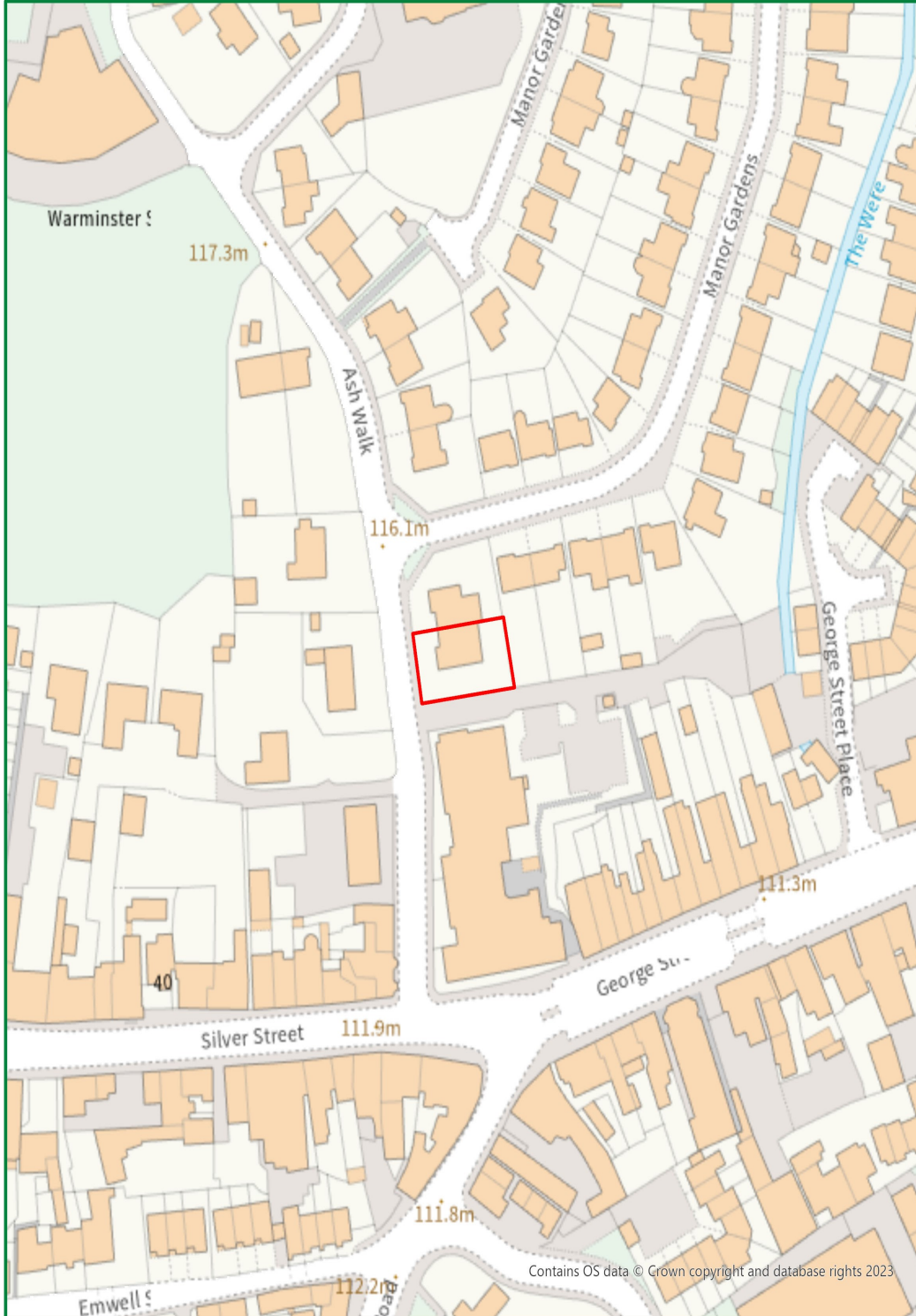
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Wiltshire Council

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	3 July 2024
Application Number	PL/2023/02682
Site Address	6 Ash Walk, Warminster, BA12 8PY
Proposal	Conversion and extension to a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works
Applicant	Mr A Janes
Town/Parish Council	WARMINSTER TOWN COUNCIL
Electoral Division	Warminster East - Cllr Andrew Davis
Grid Ref	ST 87116 45220
Type of application	FULL PLANNING
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: This application has been called in to committee by Cllr Davis if officers are minded to recommend the application for refusal, so that members can consider the: scale of the development; visual impact upon the surrounding area; relationship to adjacent properties; and the design of the proposed dwelling.

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

An appendix is linked to this report setting out the previous decisions made by the Council and at appeal. Should members wish to overturn the officer recommendation, a suggested list of planning conditions is presented in draft for members to debate, if appropriate.

2. Report Summary: This report appraises the: impact on the setting of the nearby listed buildings and conservation area; impact on the character and appearance of the area; impact on the amenity of existing and future occupiers; highway matters; and impact on ecology interests, relating specifically to the protection of the River Avon SAC. A summary of the received consultations responses and third-party representations are provided within sections 8 and 9 of this report.

3. Site Description: This planning application relates to an existing semi-detached dwelling constructed from brick with hanging tile detailing, located within a predominately residential area of Warminster. It should be noted that the applicant has started constructing a single storey outbuilding (referenced by the applicant as a garden room) located to the south of No. 6, with the applicant arguing he was doing so utilising permitted development rights. However, officers have carefully reviewed the allowances set out within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and have concluded that the outbuilding **does not** constitute permitted development, and as such it is unauthorised.

Criterion (e) of Class E of the GPDO stipulates the following for an outbuilding to be considered as permitted development:

(e) the height of the building, enclosure or container would exceed –

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

In this instance, the partially built outbuilding which is shown on the submitted existing plans as complete, scales as being 2.6m high and is positioned 0.95m from the boundary, which does not meet the criteria of Class E, as quoted above. To constitute as 'permitted development' any ancillary outbuilding to the main dwelling would need to be no higher than 2.5m.

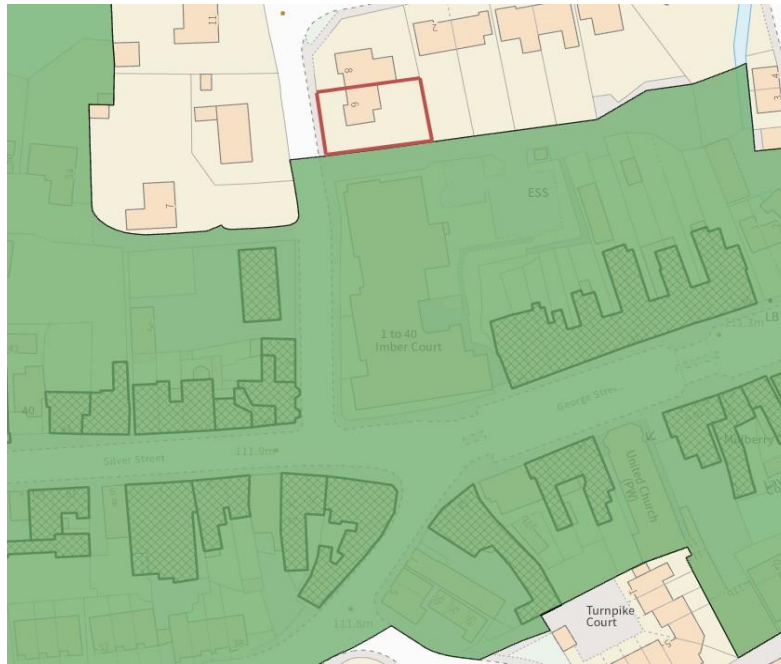
The applicant has confirmed in writing that they are aware of the permitted development height restriction, and this is why the roof of the outbuilding has not been completed, in order to avoid an enforcement complaint.

Under this application, the applicant seeks the Council's assessment to utilise the partially built outbuilding (shown below) to construct a separate detached dwelling.



The area immediately surrounding the application site is predominantly characterised by two-storey brick-built dwellings of a similar style to Nos 6-8 Ash Walk, as semi-detached pairs or detached properties set within modestly sized plots, and arranged to front the road, with the exception of the dwellings opposite the application site (to the west) which are more informally arranged and are set behind mature hedging and brick walling. To the south of the application site, there is a three-storey retirement home of brick and reconstituted stone.

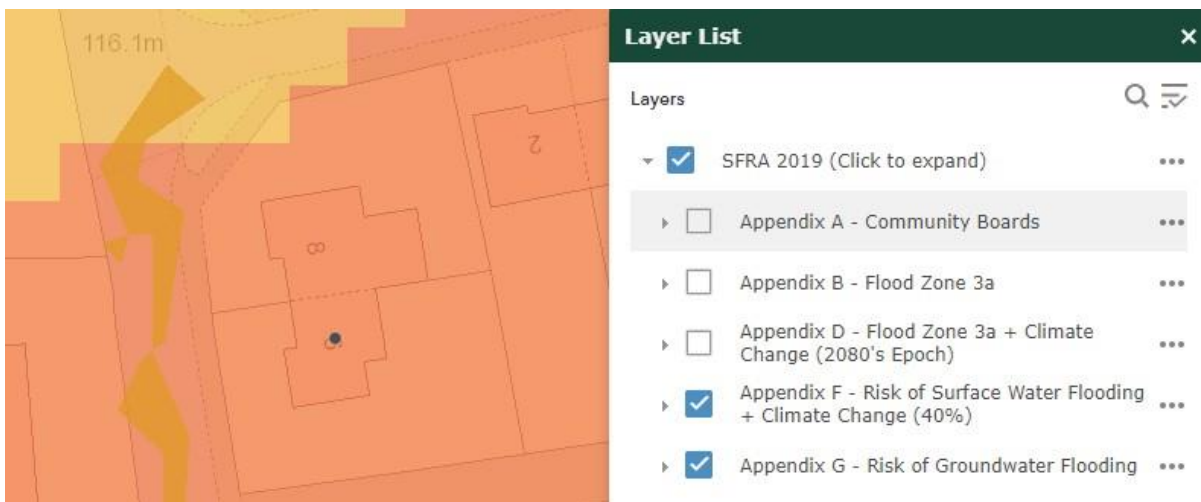
The southern boundary of the application site immediately borders the designated Warminster Conservation Area and there are several Grade II listed buildings within 50m of the application site, including: Nos 1, 3 and 5 Ash Walk to the south-west; Nos 25-36 (inclusive) George Street to the south-east. The below extract taken from the Council's mapping system illustrates the location of these heritage assets in relation to the application site, which has been outlined in red. The listed buildings are depicted by the black cross-hatching in the below image, with the Warminster Conservation Area boundary shown by the areas washed over in green:



The application site is located entirely within the red zoned 'high' risk area for phosphorus discharge as defined by Natural England, and in such areas, without appropriate mitigation, phosphorus producing residential development (via sewage discharge) would likely have an adverse impact on the Hampshire River Avon catchment and the protected River Avon Special Area of Conservation (SAC).

The site is also located within the Salisbury Plain Special Protection Area (SPA) 6.4km buffer zone, for stone-curlews.

The application site is also located in an area at high risk of groundwater flooding according to the Council's Strategic Flood Risk Assessment (SFRA) (an extract of which is provided below), with the groundwater levels being either at or very near the ground surface.



4. Relevant Planning History: The following applications are of relevance to this application and will be discussed in greater depth later in this report.

PL/2021/07803 – Subdivision of plot to create a separate dwelling (2 bed 3 person) at land to the side of 6 Ash Walk – Refused on the following two grounds, but not appealed by the applicant:

1. The proposed dwelling and subdivision of the plot associated with 6 Ash Walk would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, through the resultant formation of small plot sizes which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, which that would be substantively out of character and appearance with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings. The proposal would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of any public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 197, 199- 202 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. In order to accommodate the proposed dwelling, the existing plot associated with 6 Ash Walk would be subdivided and significantly eroded, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would provide limited amenity value by virtue of its size, in direct conflict with criterion vii of CP57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework which requires a high standard of amenity for existing and future users

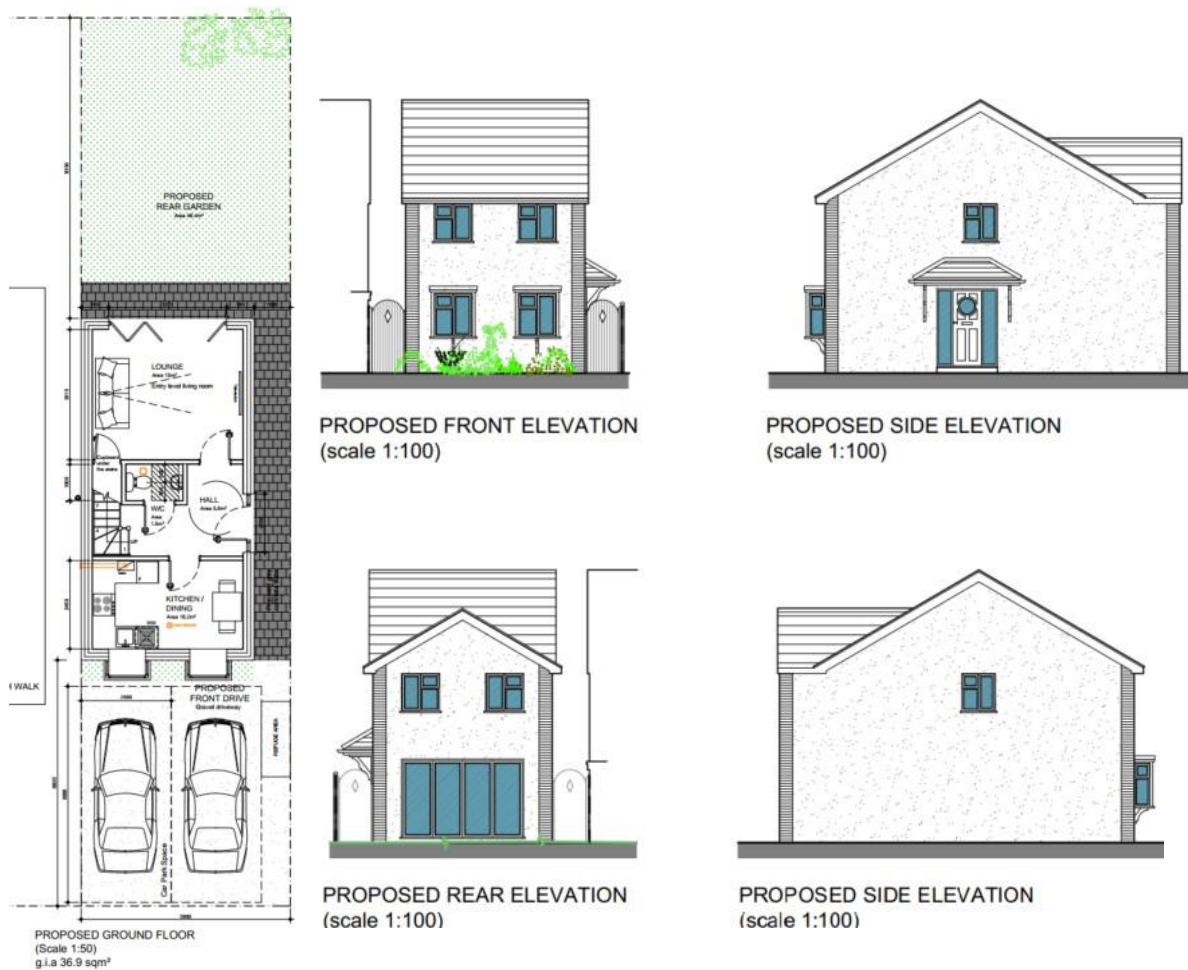
Extracts of the submitted proposed elevations and ground floor plan pursuant to refused application PL/2021/07803 are provided below:



20/06434/FUL - Subdivision of plot to create a separate dwelling – Subject to a non-determination appeal with officers recommending the application be refused – and was subsequently dismissed at appeal, with the appointed Inspector concluding the following:

"... even though there is no evidence that the proposal would have a harmful effect on living condition of future occupiers in relation to the amount of private outdoor space, there would still be a harmful effect on the character and appearance of the area and the setting of designated heritage assets. Consequently, the appeal is dismissed, and planning permission is refused."

Extracts of the submitted proposed elevations and ground floor plan pursuant to 20/06434/FUL are provided below:



20/02726/PNEX - Larger home extension to the rear - Prior approval not required

NOTE: Copies of the officer reports and the appeal decision pursuant to the above cited applications (references PL/2021/07803 and 20/06434/FUL) are provided within appendices 1-3 linked to this report.

5. The Proposal: This application seeks planning permission for the erection of a two-storey, two-bed detached dwelling, by redeveloping and extending the partially constructed single storey outbuilding, to the side of No. 6 Ash Walk. The proposal would include on-site car parking spaces for two vehicles to the front of the proposed dwelling, with car parking spaces to be retained to the front

of the existing dwelling No. 6 and the provision of a garden to serve the proposed new dwelling to the rear.

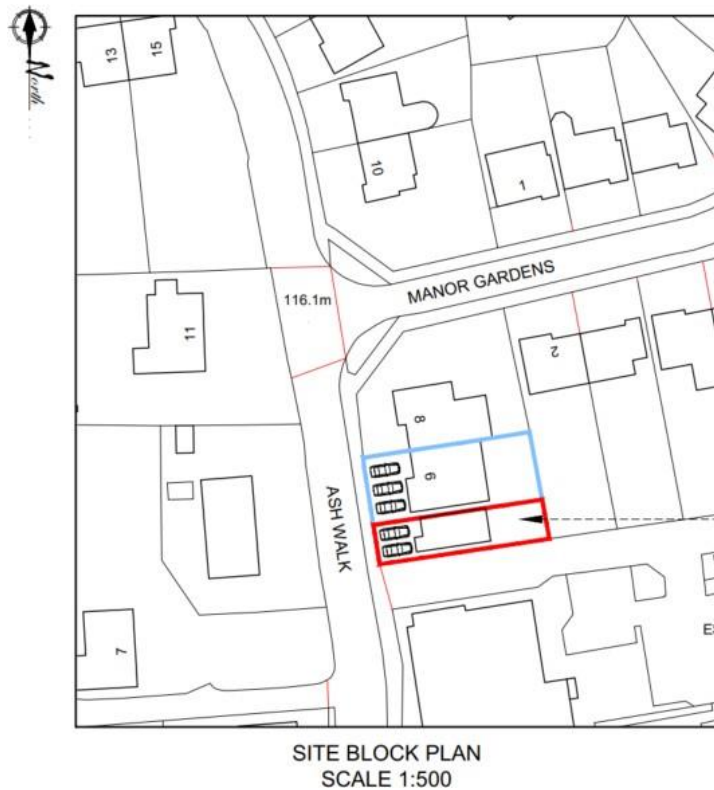
Extracts of the existing elevations are provided below (as taken from drawing no. 2386-16):



Extracts of the proposed elevations are provided below (as taken from drawing no. 2386-17):



This proposal would result in the subdivision of the existing residential plot associated with No. 6, as illustrated by the below extract taken from the submitted proposed block plan, in order to accommodate the proposed new dwelling:



As detailed within Section 4 of this report, this current application follows two previous planning applications, both of which have sought planning permission for the construction of a detached two-storey dwelling on this site. The applicant submitted an initial application for a two-storey dwelling under reference 20/06434/FUL, which was subject to a non-determination appeal prior to the Council

refusing the application within the statutory timeframes and the subsequent appeal was dismissed and planning permission refused.

At appeal, the appointed planning Inspector concluded that the subdivision of the plot in order to accommodate a detached new dwelling to the side of No.6 Ash Walk would have

“a harmful effect on the character and appearance of the area and the setting of designated heritage assets”, as detailed within paragraph 18 of the Appeal Decision for APP/Y3940/W/20/3263057.

A subsequent application was submitted under application reference PL/2021/07803, which was refused under delegated powers on two grounds.

Firstly, due to the harmful effect of the proposal on the character and appearance of the area and the setting of the nearby designated heritage assets, contrary to policies CP57 criteria iii and iv and CP58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, paragraphs 203, 211-214 of the Framework and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and secondly, due to the inadequately sized residual rear garden area that would serve the occupiers of 6 Ash Walk, which would conflict with criterion vii of CP57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan and paragraph 135f of the Framework which requires a high standard of amenity for existing and future users.

It is important to note that the applicant did not appeal the Council's refusal of PL/2021/07803, however the planning inspectorate have previously backed up the assessment by officers that the proposed construction of a dwelling on this site would result in harm to the designated heritage assets (including the neighbouring conservation area and nearby listed buildings).

Members are respectfully advised to note that this application represents the third attempt by the applicant to erect a two-storey dwelling on this particular site, following the two previous failed attempts to obtain planning permission.

The proposals set out within this current application are very similar to those previously refused under application reference PL/2021/07803, and given the previous dismissed appeal, the Council could have utilised its powers set out within 70A of the Town and Country Planning Act 1990 to decline to determine this application. However, officers have taken a pragmatic stance and recognise that by commencing with a partially built outbuilding, there has been a material change of circumstances since the refusal of PL/2021/07803. As a result, the proposal description for this current application is also different to the previous applications, and in light of the phosphorus sensitivities, the constraints affecting this site and Warminster Community Area have also changed since the last application was refused planning permission.

The proposed dwelling would have a similar footprint to that of the previously refused application, although officers do note that the submitted proposed ground floor plan for the new dwelling is annotated with a different gross internal area (GIA) figure compared to the proposed ground floor plan submitted under application reference PL/2021/07803. Despite the difference in the annotated measurement, the internal layouts of both proposals are identical.

The drawings submitted as part of this current application show an increase in GIA of c.11.4 square metres compared to the proposed drawings submitted under application reference PL/2021/07803. It is unclear from comparing the proposed drawings for both applications where this increase in GIA arises from, as the annotated GIA areas provided for each room are a match on the two drawings.

Officers also note that the applicant proposes a slight increase in the garden area when compared against the proposals submitted under the refused application PL/2021/07803 which stated a garden

measuring 47.4m², whereas under this application, the garden area would measure 56.8m², representing an increase of 9.4m².

Officers have calculated that this 'change' arises from the plans submitted under PL/2021/0780 not including the area to the side of the proposed dwelling in the overall measurement.

The proposed dwelling would have a pitched roof with rear projecting gable and lean-to porch on the front elevation, and would be finished in materials to match the semi-detached pair (Nos 6-8 Ash Walk), comprising brickwork with hanging tile detailing for the external walling, under a roof completed in interlocking concrete roof tiles.

As set out within the planning history section of this report, the main dwelling has benefitted from an approved application to construct a large domestic rear extension under reference 20/02726/PNEX extending 4.8m beyond the existing rear garage wall and spanning the full width of No. 6. It was evident at the time of the case officer's initial site visit on 16 September 2020 (as part of the determination of 20/06434/FUL) that this rear extension had been constructed and this extension is illustrated on the submitted plans pursuant to PL/2023/02682.

6. Planning Policy

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP61 - Transport and New Development; CP64 - Demand Management; CP67 - Flood Risk; CP69 - Protection of the River Avon SAC

Also of relevance: Wiltshire Design Guide, adopted March 2024; Wiltshire Local Transport Plan 2011-2026; saved policy U1a Foul Water Disposal of the West Wiltshire District Plan 1st Alteration 2004. The 'made' Warminster Neighbourhood Plan, November 2016 with particular regard to Policy L1 – Design; Building for Life 12 publication, as endorsed by the 'made' Warminster Neighbourhood Plan; Warminster Town Centre Conservation Area Character Assessment, Informative Document, adopted April 2007; Wiltshire's Community Infrastructure Levy documents

7. Summary of Consultation Responses

Warminster Town Council: No objection

Wiltshire Council Highways: No objection

Wiltshire Council Drainage: Following the submission of a site-specific Flood Risk Assessment (FRA) no objection has been raised, subject to conditions

Wiltshire Council Ecology: Initially raised an objection to the application due to the application site falling within the catchment of the River Avon Special Area of Conservation (SAC) and therefore the proposal has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater.

Following discussions between the Council's ecology department and the applicant, the applicant submitted a nutrient calculator for review to aid the production of an Appropriate Assessment (AA)

under the Habitats Regulations. The phosphorus budget that has been completed indicates that the proposals would result in an annual phosphorus load of 0.06 kg TP/yr.

The applicant has confirmed that they wish to use the Council-led mitigation scheme to achieve phosphorus neutrality and on this basis, it is considered that the proposal would not result in an adverse effect on the integrity of the SAC, subject to the applicant securing the requisite credits. As such, no objections are now raised subject to conditions – which are set out in draft within a separate appendix linked to this report.

8. Publicity

Third-Party Representations: No third-party representations were received

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. In this case, the Wiltshire Core Strategy, including the relevant policies from the West Wiltshire District Plan that continue to be saved in the WCS, form the relevant development plan for the area.

9.1 Principle of the Development: The adopted WCS sets out the 'Settlement Strategy' and 'Delivery Strategy' for development within the county. Policy CP1 defines the 'Settlement Strategy' and identifies four tiers of settlements including: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages. Outside of these settlements is open countryside. As identified in the Warminster Community Area policy in CP31, Warminster is identified as a 'Market Town' which has a defined settlement boundary. Policy CP2 of the adopted WCS states that "*within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development*".

9.1.1 The application site lies within the defined settlement boundary for Warminster, and within CP2 there is a presumption in favour of sustainable development within Market Towns.

9.1.2 It is important to mention that since this application was submitted the Government has published a revised National Planning Policy Framework (NPPF) in December 2023, which contained two new paragraphs relating to housing supply and delivery as set out below – with the NPPF paragraphs being cited:

76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific

deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or oversupply can be addressed.

Paragraph 226 referred to in paragraph 77 states the following:

226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

9.1.3 For the purposes of the revised Framework, Wiltshire Council is considered to be a 'paragraph 77 authority' due to the Council having an emerging local plan which has now passed the Regulation 19 stage of the plan-making process and contains both a policies map and proposed allocations towards meeting housing need, so it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

9.1.4 The Council's most recent Housing Land Supply Statement (published on 13 June 2024 using a base date of April 2023) sets out the number of years supply against local housing need as 4.2 years. The HLSS and its appendix can be accessed online here: <http://www.wiltshire.gov.uk/planning-policy-monitoring-evidence>.

9.1.5 The 4.2 years supply figure exceeds the 4-year NPPF threshold that is now relevant to Wiltshire, and this means that the planning balance is now 'level' rather than 'tilted'; and, with a level balance, full weight can be afforded to the strategic housing delivery policies of the adopted WCS, namely CP1 and CP2.

9.2 Impact of the proposals on the significance and setting of the nearby Listed Buildings and Conservation Area: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.2.5 The Framework requires great weight be given to the conservation of heritage assets and advises on a balanced approach pursuant to any public benefits, which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 205 advises that when "*considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and 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*".

9.2.6 NPPF Paragraph 206 requires that any harm or loss of significance to a designated heritage asset should require clear and convincing justification.

9.2.7 In addition to the above, CP58 of the adopted WCS requires that *“designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance”*. Policy CP57 also requires a 'high standard of design' in all new developments and for developments to be *“sympathetic to and conserving historic buildings and historic landscapes”* in criterion iv.

9.2.8 Furthermore, Policy L1 of the 'made' neighbourhood plan states that the *“design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard”*, with justification being: good urban design; quality and sustainability of new homes; preservation of Warminster's heritage and characteristics; and to promote and maintain a high quality of life.

9.2.9 In addition to the above, the adopted Wiltshire Design Guide states in paragraph 4.2.3 that *“smaller scale infill development or larger developments to areas where there is a strong historic fabric should generally respect the intrinsic pattern of streets and blocks in the settlement”*.

9.2.10 This application is supported by a heritage statement produced by Wessex Archaeology (dated August 2021, reference 248640.01), which asserts that the application site was historically *“located within the southernmost field belonging to a Manor House between at least the mid- to late 19th century until the 1960s, with Ash Walk forming the access road to the House at the time. The Manor House remains extant to the north of the Site, but is now surrounded by modern residential development”*. The submitted heritage statement claims that the *“new residential estate, has significantly altered the former setting and context of the area surrounding the Manor House and the identified listed buildings”*. Officers accept that the surrounding area has clearly evolved, but the relationship between the existing application site and the effects of the proposed 2-storey dwelling on the nearby heritage assets requires a contemporaneous assessment.

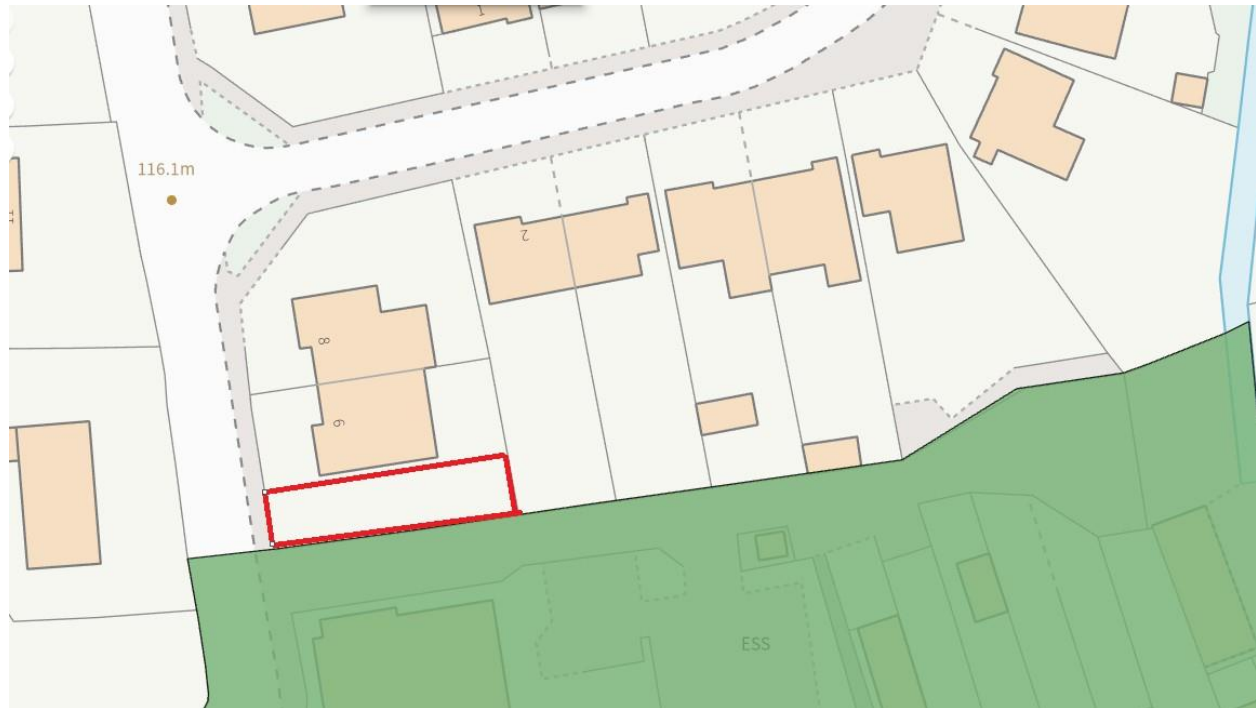
9.2.11 The listed buildings closest to the application site are predominantly 2 or 3 storeys with converted attic space and dormer windows on the top floor facing the road, and are orientated to front their corresponding roads of George Street, Silver Street and Ash Walk. The buildings are predominantly constructed from brick, stone or have a rendered finish – with George Street and Silver Street forming part of the secondary retail area of the town and provide an attractive approach to the town centre of Warminster. The application site is located immediately to the north of the designated conservation area boundary and forms part of the modern 1960s built residential estate.

9.2.12 The applicant's heritage statement argues that the proposed development would *“visually merge with the 1960s development in terms of design, height, form and materials used”* and as Nos 6-8 Ash Walk do not *“contribute to the understanding or significance”* of Nos 1, 3 and 5 Ash Walk or to Nos 25-36 George Street, the proposals would have 'no impact' on the significance of the nearby listed buildings. It is also argued within the applicant's Planning Design and Access Statement (dated March 2023, produced by Planning Sphere Limited) that there is no direct inter-visibility between the nearby listed buildings and the application site and concludes that the proposed development would *“not result in any loss of significance to any heritage asset and the proposal is therefore in accordance with applicable heritage legislation, WCS Policy 58 and the NPPF”*.

9.2.13 Officers do not dispute the fact that the proposed dwelling would be constructed in similar terms to the host property and would be somewhat reflective of the 1960s estate. However, the proposed subdivision of the existing plot and the construction of a 2 storey dwelling would not be in keeping with the prevailing local estate character and would result in a narrow additional plot with the new dwelling very close to the site boundary which represents the edge of the Conservation Area,

and it is the officers view that the diminution of the property separation to the Conservation Area, would be harmful to its setting.

9.2.14 As noted previously, the partially built outbuilding (without a roof) is not permitted development and does not constitute as a comparable “fall-back position”, and unlike a domestic single storey outbuilding where there would be no sub-division of the plot, officers do not support the proposed construction of a 2-storey dwelling on such a small plot and express concerns about its juxtaposition with the stated heritage asset.



9.2.15 Officers accept that the application site is not located within the conservation area boundary, as illustrated above, but given its proximity to the conservation area boundary, the views into and out of a designated conservation area are very important, as is the juxtaposition of any new development on the edge of the Conservation Area, mindful of setting impacts. No. 6 Ash Walk does not contribute positively to the architectural or historical interest of the Warminster Conservation Area, but the existing spatial gap provides a buffer for the Conservation Area, albeit a limited one. This proposal would result in there being essentially no buffer, which officers oppose.

9.2.16 The Warminster Town Centre Conservation Area Character Assessment Informative Document, which was published in April 2007, states that George Street and Silver Street “*portrays the characteristics of a secondary retail area, with a considerable number of residential buildings and less commercial emphasis*”. Heading along Ash Walk from Silver Street, the character of the area is more dominated by residential properties and a modern road layout. From the insert above, members can observe the spatial gaps between the modern houses to the north of the Conservation Area.

9.2.17 The juxtaposition between what is proposed, and the nearby Conservation Area was considered by the appointed planning inspector as part of determining the appeal for application reference 20/06434/FUL (appeal reference APP/Y3940/W/20/3263057) and the Inspector argued the following, which officers fully concur with:

5. The site falls outside of but directly abuts the boundary of Warminster Conservation Area, which is located to the south. There is a marked and distinct change in the character and appearance of the

buildings within the conservation area boundary, in that buildings take on a historic character and appearance and where many are Grade II listed buildings.

*6. Consequently, there is a juxtaposition between the historic buildings immediately to the south of the site and the modern buildings comprised on the site itself and immediately to the north on the wider residential estate. **The juxtaposition with the modern buildings is one element of the conservation area's and listed buildings' setting, which helps provide a backdrop that better reveals their historic nature and heritage significance to the public.***

7. The proposal would introduce a new dwelling within an existing modestly sized plot at 6 Ash Walk. There is no evidence that the existing plot is proportionally larger than other plots within the locality, or that there is surplus land available to comfortably support a new dwelling at the site.

*8. Consequently, **the proposal would take up a significant proportion of the existing plot, which in and of itself would detract from the wider uniformity and arrangement of dwellings in the locality and make the existing dwelling appear cramped on a much smaller plot. Furthermore, and in a similar context, due to the existing plot being modest in size, the new dwelling would be squeezed onto a plot that is substantially smaller than others in the locality, and it too would detract from the general uniformity of the area.***

*9. Consequently, **the proposal would change the pattern of development, which would have a harmful effect on the character and appearance of the area. By extension, the proposal would not preserve the setting of Warminster Conservation Area or Grade II listed buildings in proximity to the site. There is no evidence demonstrating that this harm would be outweighed by public benefits generated by the proposal.*** (emphasis added by officers)

9.2.18 The above appeal conclusion remains valid and is applicable to this current application, and officers do not agree with the applicant's heritage assessment in terms of addressing the previous reasons for refusal and appeal dismissal grounds on the heritage impacts.

9.2.19 The proposed plot size for the new dwelling would be much smaller compared to the residential plots in the immediate area and officers maintain it would not result in a high-quality development and it would not preserve the existing pattern of development or the setting of the neighbouring Warminster Conservation Area and Grade II listed buildings.

9.2.20 The partially constructed single storey outbuilding holds very limited weight in the planning balance, since it would require separate planning permission should the applicant seek the Council to assess its merits. Officers maintain that the current proposals fail to address the first reason for refusing PL/2021/07803, and the application does not resolve the planning inspector's reasons for dismissing appeal reference APP/Y3940/W/20/3263057.

9.2.21 NPPF Paragraph 208 states that where a proposal would "*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*". In this case, no substantive public benefits that would outweigh the stated harm, and as such, the application is considered contrary to core policies CP57 and CP58 of the adopted WCS, and in conflict with paragraphs 203, 205 to 208 of the Framework which seek to conserve and enhance the historic environment and would consequently fail to satisfy the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, officers recommend that this application be refused.

9.3 Impact on the Amenity of Existing and Future Occupiers: Policy CP57 of the adopted WCS requires in criteria vii for developments 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)".

9.3.5 NPPF Paragraph 135f requires planning policies and decisions to *inter alia* ensure that developments “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”. It is also noted that footnote 52 on page 40 of the Framework advises that planning policies may “make use of the nationally described space standard, where the need for an internal space standard can be justified”.

9.3.6 The 'made' Warminster Neighbourhood Plan endorses the Building for Life 12 industry standard for well-designed dwellings and it makes reference to this within Policy L1 - Design, which states (with officer emphasis added) that:

“The design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard”.

Justification:

Good urban design

Quality and sustainability of new homes

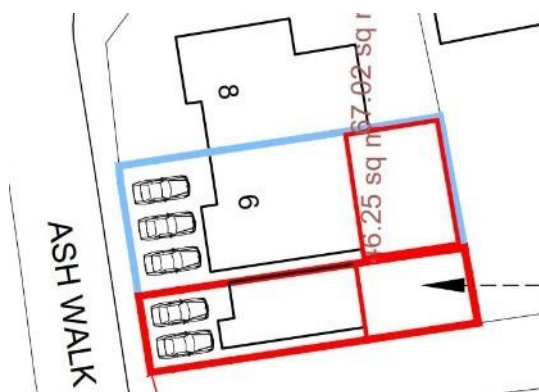
Preservation of Warminster’s heritage and characteristics

Maintains a quality of life

9.3.7 The Building for Life 12 industry standard for the design of new housing developments (as published in 2015) advises on page 17:

“Thinking carefully about the size and shape of outside amenity space. It is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling. Triangular shaped gardens rarely offer a practical, usable space. Allow residents the opportunity to access their garden without having to walk through their home” (emphasis added by officers).

9.3.8 The insert below left includes a scaled measurement of the 67sq.m rear garden for the host dwelling (if the sub-division is approved) and what would be available for the proposed additional dwelling (46sq.m), along with a photograph taken from Ash Walk picking up the host property, the partially built outbuilding and the edge of the Conservation Area.



9.3.9 In addition to the above, the Council now has an adopted Wiltshire Design Guide (WDG), where there is a requirement as set out within section 9.2.1 for all dwellings to have “private open space in the form of a garden, terrace balcony or winter garden”. Section 9.2.2 continues by asserting that as a minimum “garden areas for all houses should be equivalent to the footprint of the house” and with “south, east or west facing garden” having a minimum depth of 10m. The proposed dwelling is

calculated as having a footprint of 49.4sqm of floorspace with a 46sq.m proposed garden, which would be a deficit in terms of the adopted WDG expectations, and in addition, with rear elevation of the additional dwelling facing east, and the rear garden only measuring 8m long, there would be a deficit of 2m when tested against the adopted Design Guide.

9.3.10 The proposed house would have some external amenity space with a patio area, side pedestrian access and car parking provision at the front, however the above deficits combine to strengthen officers' view that this application constitutes inappropriate site cramming, and the proposed dwelling would not have the minimum level of external rear garden amenity space. Consequently, the proposal fails to contribute high-quality development as required by national and local planning policy.

9.3.11 In terms of internal floor space, the government's technical housing standards set out the nationally described space standards, and when compared to these, the proposed 2-bed dwelling (based on 3 persons/residents) would be compliant as detailed in Table 1 on page 5 of the publication (an extract of which is provided below), whereby the proposed dwelling would exceed the minimal gross internal floor area based on the measurements taken from the submitted plans.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Extract taken from page 5 of the governments nationally described spaces standards guidance

9.3.12 The submitted elevation and floor plans show that all the proposed habitable rooms would be served by windows, and would have access to natural light.

9.3.13 The proposed subdivision of the plot to accommodate the proposed detached two-storey dwelling to the side of the existing semi-detached pair would result in a significant reduction to the garden amenity associated with 6 Ash Walk, through the sub-division of the plot to accommodate the new dwelling. As identified by the planning history for 6 Ash Walk, the property has been previously extended through the construction of a large home extension which has already resulted in a reduction to the rear amenity space serving this property.

9.3.14 The partially built single storey outbuilding has also further reduced the amount of private external amenity space associated with this semi-detached dwelling.

9.3.15 The Council must assess the merits of the proposed plot subdivision and construction of a 2-storey dwelling. This proposal seeks to subdivide the existing plot associated with 6 Ash Walk, leaving

the occupiers of the existing semi-detached dwelling (No.6) with a significantly undersized outside amenity space with the future occupiers of the new dwelling also having inadequate amenity space when compared to the Building for Life and Wiltshire Design Guide requirements. Officers therefore maintain that the proposal is inappropriate, would fail to satisfy our policies and the recent adopted Wiltshire Design Guide and would not represent high-quality development.

9.3.16 The appeal inspector for APP/Y3940/W/20/3263057 concluded that the proposed division of the plot would “*reduce the available private outdoor space at both 6 Ash Walk and the new dwelling, to the extent that these areas would be significantly eroded compared to the private outdoor space available at other dwellings in the vicinity*”, and this remains the position of officers. CP57 of the adopted WCS requires new housing proposals to respond positively “*to the existing townscape and landscape features in terms building layouts, built form....mass, scale...plot size...*” as set out within CP57 criterion iii, to which this proposal fails.

9.3.17 If approved and implemented this development would result in No.6 Ash Walk having a significantly reduced garden of approximately 67m² to serve the 4-bed home (which has a footprint of 97m²). The current garden arrangements for 6 Ash Walk equate to about 116m². The subdivision would result in a 42% reduction, which officers oppose.

9.3.18 By way of some local context and comparison, officers have measured the rear garden area serving No.8 Ash Walk, which equates to about 196 sq.m; and, the five 2-storey properties located further to the east at no’s 2-10 Manor Gardens (even house numbers) all have even larger rear gardens – with all the properties having comparable footprints – which strengthens the position of officers in arguing that this proposal does not respond positively to the existing built form, plot sizes and character.

9.3.19 It is clear from officers’ review of council held aerial photographs that the majority of the properties within the estate have access to suitably sized rear amenity spaces, which appear to be widely in accordance with the Building for Life 12 and Wiltshire Design Guide’s recommendation of having rear gardens that are at least equal to the ground floor footprint of the dwelling. An extract taken from Google Earth, image dated July 2021 (taken from [Google Earth](#)) is provided below to illustrate the current layout of the subject dwelling, and its immediate neighbour at No.8 and No’s 2-10 Manor Gardens located to the east (with the insert below also including the recently constructed and completed rear extension to No.6. The extract confirms that if the plot associated with 6 Ash Walk was to be subdivided as proposed, both No. 6 and the new dwelling would be served by rear gardens that would be a substantive break from the established pattern of development.



9.3.20 The proposal is therefore considered contrary to part vii of CP57 of the WCS which requires regard to be given to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants, whilst ensuring that appropriate levels of amenity are achievable within the development itself. The lack of amenity space serving the existing dwelling of No.6 Ash Walk demonstrates that the proposal cannot achieve the 'high quality of design' that CP57 of the adopted WCS requires. The proposal would also conflict with Policy L1 of the made Warminster Neighbourhood Plan, the Wiltshire Design Guide and paragraph 135f of the Framework which requires "*a high standard of amenity for existing and future users*". The proposal would constitute as an overdevelopment of the site and as such, the application is recommended for refused on this basis.

9.4 Building Control Compliance: During the course of the case officer assessment of this application, questions have been raised about the suitability of the partially built outbuilding to be adapted to construct a 2-storey dwelling, and whether the completed foundations would be capable of carrying the additional weight of an extra storey. In response to this, the case officer consulted with the Council's Building Control Inspector who knew about the existing outbuilding and when inspecting the site was made aware of the applicant's intention to build above the existing outbuilding from the outset and has confirmed that the completed foundations are capable of supporting an additional storey.

9.5 Highways Safety: In accordance with CP64 of the adopted WCS and the Council's adopted car parking strategy, there is a requirement to provide a minimum of three on-site car parking spaces for a 4+ bed dwelling and two on-site car parking spaces for a 2-3 bed dwelling. The submitted site block plan drawing confirms that the required on-site car parking provision can be adequately met for both No. 6 and the proposed dwellings. Therefore, there is no highways reason for refusing the application.

9.5.1 The Council's highways department have recommended that a plan be submitted to demonstrate that a suitable pedestrian visibility splay on the northern boundary (as measured from the back of the footway) can be delivered to ensure that adequate visibility for vehicles exiting the driveway do not conflict with pedestrian safety. Such a requirement could be covered by a pre-occupancy planning condition, should members be minded to approve the application against officer recommendation.

9.6 Ecology Matters: CP50 of the adopted WCS and the NPPF requires the local planning authority to ensure the protection of important habitats and species in relation to development and to seek the enhancement of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or at risk of flooding, it is situated within the River Avon (Hampshire) Special Area of Conservation (SAC) catchment area.

9.6.1 The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen discharges via sewage treatment works or from fertilizers used on farmland throughout the catchment.

9.6.2 In order for applications to be approved (which would result in new connections to the existing wastewater treatment works), an Appropriate Assessment has to be completed and conclude a favourable outcome. New housing development in such areas must also demonstrate that they can be phosphorus neutral.

9.6.3 Previous applications at this site were assessed against the previous interim strategic approach which allowed planned applications to be permitted in the catchment through an agreed memorandum with Natural England, Wessex Water, the EA (as well as all the affected Councils along the catchment) and this was reviewed annually by Natural England. The previous approach involved

the use of CIL funding to investigate ways to deliver off-site mitigation. However, this approach ultimately failed to deliver the necessary mitigation and by the summer of 2023, the Council informed all outstanding applicants/developers within this protected catchment that the onus would fall to them as developers to come forward with their own mitigation and no longer rely on CIL funds, which was never a long-term viable strategy. Since the summer of 2023, the Council has been developing a new long term strategic approach with applicants/developers being required to identify either on-site solutions or to secure credits (generated by banked phosphate betterment through septic tank upgrades delivering less pollution overall) with the very clear intention of providing the necessary mitigation and phosphate neutrality for the Hampshire River Avon SAC.

9.6.4 This application is seeking to extend and convert an existing outbuilding to form a separate dwelling which would be connected to the existing Warminster wastewater treatment works. The application has been supported by a nutrient calculator, which has been appraised by the Council's ecology team and the applicant has confirmed that they intend to use the Council-led mitigation scheme to ensure that the development can achieve the required phosphorus neutrality. The necessary safeguards can be secured through imposing a Grampian style planning condition should members are minded to approve the application against officer advice.

9.6.5 The Council's ecology team are satisfied that this 1-house development could be suitably mitigated against for phosphorus, subject to planning conditions being imposed to ensure there is no adverse effect on the integrity of the River Avon SAC as a result of this development. Without the conditions, the effects of the development would likely lead to harm and the Habitat Regulations Assessment Appropriate Assessment (AA) undertaken by the Council's ecology team would no longer apply, and it would be unlawful to grant any such permission without those conditions. Put simply, if members are not supportive of granting the development with the requisite ecology/phosphate mitigation conditions, the application should be refused. Approving the application without the conditions, would expose the Council to a court challenge and potentially significant costs, as well as potentially significant environmental damage to a protected site.

9.6.6 A strategic AA is being progressed for applications using the Council-led scheme, to provide mitigation against the phosphorus burdens associated to new housing which require new connections to be made to the existing foul sewer network and the wastewater treatment plant.

9.6.7 If members are minded to approve this application, an additional planning condition should be imposed to restrict water usage of the dwelling to 110 litres per person per day, which forms part of the Government's response to introducing more efficiencies in our homes and having less of an impact on the sewer system. The Council has been imposing these conditions for several years, and applicant's / developers are required to discharge within a set period and evidence compliance through the submission of a water efficiency report with the requisite certifications that the restrictions are in place.

9.7 Drainage Considerations: Policy CP67 of the adopted WCS requires proposals for all new development to "*include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable*".

9.7.1 The application site is located within Flood Zone 1 with reference to the Environment Agency's flood map for planning, which confirms that the site is at the lowest risk of fluvial flooding. The subject site has been screened on the Council's SFRA mapping system, which indicates that the site is susceptible to groundwater flooding, due to the groundwater levels being at or very near the ground surface.

9.7.2 In response, the applicant submitted a Groundwater Flood Risk Assessment (GFRA) (produced by Tumu, dated 20 October 2023) which details proposed mitigation measures including

having a damp proof course set a minimum of 150mm above the existing ground levels. The GFRA confirms that the risk of flooding from the proposed development would not increase flooding risk on-site or to existing properties.

9.7.3 The Council's drainage authority were consulted on the GFRA and have raised no objection.

9.7.4 In addition to the above, saved policy U1a of the West Wiltshire District Plan 1st Alteration 2004 states that new development shall only be permitted "*where adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision*". The completed application form states that foul sewage would be disposed of via mains sewer, and separate consent would be required from Wessex Water.

10. Conclusion (The Planning Balance): This proposal seeks the conversion and upwards extension of an existing partially built outbuilding to form a two-storey detached dwelling, which would be of a design, scale and height similar to that previously refused under application reference PL/2021/07803.

The proposed development is not considered appropriate and would comprise a cramped form of development that would be substantively out of character with the existing built form and would failing to preserve the setting of the designated conservation area and nearby listed buildings.

The erosion of the plot associated with 6 Ash Walk to accommodate the new dwelling would result in an inadequately sized residual rear garden area, providing the occupiers of the existing semi-detached dwelling with limited amenity value, due to the resultant size of the garden from the subdivision of the existing plot. The proposed rear garden to serve the new dwelling would also fail to meet the requirements of the adopted WDG, and whilst the deficit in size would be not significant, the failure to meet the recommendations of the WDG in terms of garden size does demonstrate the overdevelopment of the site.

The proposal is therefore contrary to CP57 (particularly criteria iii, iv and vii) and CP58 of the adopted WCS, Policy L1 of the made Warminster Neighbourhood Plan, the Wiltshire Design Guide, paragraphs 135, 203, 205 to 208 of the Framework, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas).

RECOMMENDATION: Officers recommend that this application be refused on the following grounds.

1. The proposal would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, and would appear out of character with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings; and would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of substantive public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 203, 205-208 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. In order to accommodate the proposed new dwelling, the existing plot of No.6 Ash Walk would be subdivided and significantly reduced in size, resulting in an inadequately sized

residual rear garden area for the occupiers of 6 Ash Walk, which would result in a diminished amenity value. Furthermore, the rear outside amenity space that would serve the new dwelling (created through the subdivision of No.6) would be of an insufficient size when assessed against the requirements of Council's adopted Design Guide. The proposal is therefore in direct conflict with criterion vii of Core Policy 57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, chapter 9.2 of the adopted Wiltshire Design Guide and paragraph 135f of the National Planning Policy Framework which requires a high standard of amenity for existing and future users.

Wiltshire Council

Town and Country Planning Act 1990

APPEAL

By Mr Andy Janes

Relating to 6 Ash Walk, Warminster on the basis of non-determination of a full planning application which seeks planning permission for the construction of a new dwelling on land to the side of 6 Ash Walk, application reference: 20/06434/FUL

WRITTEN STATEMENT OF THE LOCAL PLANNING AUTHORITY

Appeal Ref: APP/Y3940/W/20/3263057
LPA ref: 20/06434/FUL

1. Background and Site Description:

1.1 The appealed application was submitted to Wiltshire Council on 30 July 2020 and was registered on 18 August 2020. The reasons for the delayed registration was due to the local planning authority having a backlog of applications, and the delay was also partly down to the Council's direct response to the COVID pandemic which necessitated members of the technical support staff (who are ordinarily asked with setting up new application) and planning officers being seconded away from development management duties to deal with the global crisis.

1.2 Once the application was registered, the application was subject to a formal 21-day consultation and notification exercise with neighbours, the Council's highways department, Warminster Town Council and Wessex Water. Revised drawings were submitted on 25 September which sought to address consultation responses and to confirm the proposed on-site car parking provision.

1.3 The applicant's agent was informed of officer concerns relating to an overdevelopment of the site due to the resultant size of the garden and that which would remain for No. 6. The applicant's agent was also informed back in mid-October that if the application was found to be acceptable and policy compliant, the Council could not legally issue an approval until the then ongoing phosphate loading issues affecting the River Avon SAC catchment area were resolved through an agreement with Natural England and the issuing of an Habitats Regulations Assessment (HRA).

1.4 For a significant period throughout 2020, a number of strategic discussions were held between the Council and Natural England regarding the potential impacts from all new planned development within the catchment of the River Avon SAC, which extended beyond the Warminster Community Area. These discussions were essential to addressing the high phosphorus levels and associated ecology and biodiversity impacts on the SAC – level creates by new development (mostly housing) discharging effluent into the sewage treatment works and package treatment plants. Therefore, it was clear that any proposed development with the potential for additional phosphate loading into the river required an appraisal in line with the Habitat Regulations. During the latter part of 2020, a solution relating to this issue was well advanced, but it not been finalised.

1.5 Wiltshire Council fully accepts that the appealed development was not determined within the statutory timeframe but there were clear planning reasons for that. No extension of time was agreed with the applicant's appointed agent or applicant which has led to this appeal.

1.6 The appealed application seeks the determination of erecting a two-bed detached dwelling with on-site car parking to the front and a rear garden, to the side of No. 6 Ash Walk. The proposal seeks to subdivide the existing plot as illustrated by the below extract taken from the submitted proposed site plan:



1.7 The appeal site relates to an existing brick semi-detached dwelling with hanging tile detailing, located within a predominately residential area of Warminster. The area immediately surrounding the appeal site is predominantly characterised by two-storey brick built dwellings of a similar style to the pair

of dwellings, located in either semi-detached pairs or detached properties arranged to face the road, with the exception of the dwellings opposite (to the west) which are more informally arranged and are set behind mature hedging and brick walling. To the south of the appeal site, a three-storey retirement home of brick and reconstituted stone construction is located. The southern boundary of the appeal site borders the designated Warminster Conservation Area and there are a number of Grade II listed buildings within 50m including: Nos 1, 3 and 5 Ash Walk to the south-west; Nos 25-36 (inclusive) George Street to the south-east. The below extract illustrates the location of these heritage assets in relation to the appeal site (which is depicted by the black dot in the below image):-



1.8 The Council's records confirm that an application seeking permission to construct a large domestic rear extension was submitted and granted under reference 20/02726/PNEX at No. 6 for an extension extending 4.8m beyond the existing rear garage wall and spanning the full width of No. 6. It was evident at the time of the case officer's site visit on 16 September 2020 that this rear extension had been constructed, as illustrated by the photograph below: -



1.9 The main issues pursuant to considering this appealed application proposal are:

- Whether the proposal would be acceptable and policy compliant with the 2015 adopted Wiltshire Core Strategy (WCS), the 'made' Warminster Neighbourhood Plan 2015-2026 and the National Planning Policy Framework (NPPF) in terms of: impact on the nearby listed buildings and conservation area; impact on the character and appearance of the area; impact on the amenity of existing and future occupiers; and whether the proposal would be in compliance with the policies surrounding the protection of the River Avon SAC.

2. Consultations/Notifications:

2.1 The application was subject to a statutory consultation exercise, during which no letters of objection were received from third parties, but the following consultation responses were received:

Warminster Town Council: Objects on the grounds that it is an overdevelopment of the site, a motion that was carried unanimously.

Wessex Water: No objections subject to a number of informatives for the applicant's attention relating to new connections to Wessex Water's infrastructure.

Wiltshire Council Highways: On receipt of a revised site plan to clearly demonstrate the on-site car parking provision for both the existing and proposed dwellings, no objections were raised subject to conditions associated with surface water run-off and implementation of the car parking area.

3. The Council's Statement of Case

3.1 The Council submits that the appeal submission lacks sufficient information and a proportionate assessment of the development's impact on the significance of the nearby Conservation Area and listed buildings and the appellant has failed to explain and assess how the appealed development would impact upon the setting and significance of these heritage assets to which Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy (CS) 57 and CP58 of the adopted WCS and paragraphs 189, 192-196 of the NPPF, all refer.

3.2 The appeal site is located within the defined settlement boundary of the Market Town of Warminster, where there is a presumption in favour of sustainable development as set out in CP1, CP2 and CP31 of the adopted WCS.

3.3 However, applications for new development are required to comply with the WCS as a whole, and this includes satisfying CP57 which, inter alia, requires a high standard of design for all new development and requires new development to "create a strong sense of place through drawing on the local context and being complementary to the locality" and for new development to be "accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire" through complying with a series of criteria enshrined within the policy detail of CP57.

3.4 Whilst the application was submitted with a Planning Statement, this document failed to mention or assess the impact of the proposal on the nearby conservation area and listed buildings, which given the close proximity of the site to these heritage assets, renders the application as being fundamentally flawed, and contrary to paragraph 189 of the NPPF which requires applicants 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".

3.5 The Warminster Town Centre Conservation Area Character Assessment Informative Document, which was adopted in April 2007, states that George Street and Silver Street "portrays the

characteristics of a secondary retail area, with a considerable number of residential buildings and less commercial emphasis". Heading along Ash Walk from Silver Street, the character of the area does become more residential in character with narrower roads, however the submitted details do not provide an adequate assessment of the Conservation Area, nearby listed buildings or the proposal's impact upon this.

3.6 In addition to the above, the appeal site is located within Warminster which has a 'made' neighbourhood plan that endorses the Building for Life 12 industry standard for well-designed dwellings and places. The Warminster Neighbourhood Plan includes Policy L1 - Design which states (with officer emphasis added) that:

"The design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard".

Justification:

Good urban design

Quality and sustainability of new homes

Preservation of Warminster's heritage and characteristics

Maintains a quality of life

3.7 With due regard to the size of the proposed dwelling, it is reasonable to assume that it would be capable of family occupation and therefore, a reasonable area of private amenity space should be provided. Whilst the Wiltshire Core Strategy does not have any prescribed policy on garden size standards, the Building for Life 12 publication sets out the industry standard for the design of new housing developments and recommends as a general 'rule of thumb' that the extent of outside amenity space, should be, as a minimum, at least equal to the size of the ground floor footprint of the dwelling. This guidance also encourages external access to gardens to prevent occupiers from having to walk through their home to gain access to their amenity space.

3.8 Whilst the garden to serve the proposed dwelling would be of an adequate size (c.48.4m²) exceeding the ground floor footprint of the proposed dwelling by c. 11.5m², the resultant garden for 6 Ash Walk would be significantly reduced due to the sub-division of the plot and following the construction of the rear extension, leaving a garden area of c.72m² to serve a dwelling with a footprint of c.97.5m². The proposal is considered an overdevelopment of the site through the consequential and materially reduced plot size and amenity provision that would accrue for the host property at No. 6.

3.9 The proposal is therefore found to be contrary to Policy L1 of the 'made' neighbourhood plan which requires proposals to reflect the principles of Building for Life 12 and to maintain a quality of life and to part vii of CP57 of the WCS which requires regard to be given to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants, whilst ensuring that appropriate levels of amenity are achievable within the development itself. The lack of amenity space serving the existing dwelling of No.6 Ash Walk demonstrates that the appealed application cannot achieve the 'high quality of design' which CP57 of the adopted WCS requires all developments to achieve.

3.10 In addition to the above the proposed dwelling would have an orientation different to the existing dwellings, with the front door on the side elevation instead of to the front. The footprint and width of the dwelling is much smaller than the neighbouring semi-detached pair, due to the restricted size of the plot which would prevent the construction of a dwelling akin to the size of the existing neighbouring dwellings and those found within the wider estate.

3.11 The proposed dwelling would be completed in a smooth render finish with brick corner detailing. Whilst there is evidence of some render used in the wider area, this is predominantly limited to use on historic buildings located towards Silver Street and opposite the appealed site, with little evidence of render used on the estate to which Ash Walk forms a part – where the use of brick with hanging tile detailing between the ground floor and first floor windows is prevalent. Furthermore, the design and size of the fenestration proposed on the new dwelling would materially differ to that on the neighbouring semi-detached pair due to the cramped form and design of the proposed dwelling. The proposed

dwelling would fail to respond positively to the existing townscape in terms of built form, plot size, elevational design and materials to effectively integrate into its setting.

3.12 Revised drawings were submitted by the applicant's appointed agent to show that on-site car parking provision would be provided to serve the proposed dwelling and the existing dwelling to comply with those aspects set within CP57, CP64 and the Council's adopted Car Parking Strategy. On receipt of the revised plan, no objections were raised from the Council's highways department subject to conditions and informatives being imposed relating to the access and car parking area being laid out in accordance with the submitted details and for surface water provision to be provided to prevent surface water run off onto the highway.

3.13 Further to the above, the appellant's appointed agent was informed in October that there were ongoing concerns regarding to the levels of phosphorus discharging into the River Avon SAC. The Council was alerted by Natural England in April 2020 that there was a very high risk of new development leading to harmful phosphorus levels entering the sensitive and highly protected SAC and that until a solution as found, new housing development creating effluent and connecting with the sewage treatment works would not be compliant with the Habitats Regulations.

3.14 As a result, the Council entered critical discussions with Natural England to devise a plan and strategy on how to reduce phosphates entering this catchment. These discussions continued throughout 2020, and it was only in early January when a report was taken to Cabinet to agree a strategy and way forward.

3.15 The Council has now agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral. The Council has prepared and is implementing a mitigation strategy to offset phosphorus generated by residential development, both sewered and non sewered, where this comes under the quantum anticipated by the Wiltshire Core Strategy. The mitigation strategy also covers impacts from non-residential development with the following exceptions:

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

3.16 On the basis of the phosphorus mitigation strategy, its delivery programme, and funding mechanism and review processes, which were approved by Cabinet on 5th January 2021, the Council has favourably concluded a generic Appropriate Assessment (AA) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which was endorsed by Natural England on 7 January 2021.

3.17 As this application falls within the scope of the mitigation strategy and generic AA, it can only be now concluded that there would be no adverse impact on its own and in-combination with other plans and projects on the River Avon SAC, subject to a planning condition being imposed if the appointed Inspector is minded to approve this appealed application to restrict water consumption levels to no more than 110 litres per person per day in order to deliver betterment in terms of the level of discharge of phosphates into the River Avon SAC. To issue a decision without this condition would be contrary to the agreed strategy to which Natural England is a signatory, and should the Inspector be minded to allow this appeal without such a condition, the inspector would be required to complete a fresh HRA AA to avoid a court challenge.

4. Wiltshire Council's Recommendation to the Appointed Planning Inspector

4.1 The appellant has failed to provide a proportionate significance assessment in respect to the Warminster Conservation Area and nearby Grade II listed building, which is in direct conflict with the NPPF which requires a proportionate assessment to be undertaken to inform the proposal and to appreciate its effects on heritage assets. The application site directly borders the Conservation Area

boundary to the south, with several nearby Grade II listed buildings within 50m of the appeal site requiring a statement. The Council submits that this is a fundamental flaw and recommends that the appeal be dismissed on grounds of lack of supporting information.

4.2 From the details the have been submitted, the Council is of the view that the proposed dwelling would comprise a cramped form of development that would be substantively out of character and appearance with the existing built form, scale, plot size, elevational design and materials of the area to effectively integrate into its setting and to the detriment of the amenity of the occupiers of No. 6 Ash Walk which would experience a consequential substandard level of private rear amenity space that would be contrary to criteria iii and vii of CP57 of the adopted WCS as well as Policy L1 of the 'made' Warminster Neighbourhood Plan and to paragraph 127 of the NPPF. The Council therefore recommends the appealed application be dismissed on these grounds.

5. Suggested Condition and Informatives

If the appointed Inspector is minded to allow this appeal, the Council recommends the following conditions be imposed:

- 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:

Drawing No. 2386-06, Site Location, Block Plan, Proposed Elevations, Ground and First Floor Plans, Roof Plan, as received on 25 September 2020

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

- 3 No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls (including the RAL colour for the render finish) 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 No development above ground floor slab level 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:-

- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species,

unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

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

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

REASON: In the interests of residential amenity and privacy.

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

REASON: In the interests of highway safety.

- 9 No development above ground floor slab level shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

INFORMATIVES TO APPLICANT:

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

- 3 The application may involve the need for a new 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.
- 4 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.

6. Appendices to the Report

APPENDIX i - Copies of CP57 and CP58 of the adopted WCS

APPENDIX ii - Extract of Policy L1 from the 'made' Warminster Neighbourhood Plan

APPENDIX iii - Copy of Building for Life 12

APPENDIX iv - Full version of the Generic HRA AA for the River Avon SAC

APPENDIX i - Copies of CP57 and CP58 of the adopted WCS

Core Policy 56

Contaminated land

Development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity.

Developers will be required to demonstrate that the development site is, or will be, made suitable for the proposed final use and will need to provide one or more of the following documents:

- i. Detailed site history identifying possibly contaminative uses.
- ii. Site characterisation: The nature and extent of any contamination and the hazards and risks posed.
- iii. Detailed remediation scheme: Including methodology and quality assurance.
- iv. Methodology to report unexpected contamination.
- v. Methodology to ensure verification of remedial works.
- vi. Details of long term monitoring and maintenance proposals (where necessary).

The need for, type and complexity of reports will depend on the specific site.

Core Policy 57: Ensuring high quality design and place shaping

6.125 Wiltshire is a diverse county with distinctive characteristics related in a large part to its historic environment which includes heritage assets of international, national and local significance. Wiltshire has many market towns and villages set in large expanses of countryside. Steep hillsides and river valleys also create prominent long views and skylines which help to define Wiltshire's settlements. Historic centres are highly valued and form the focus of each town and village. Continued demand for housing means Wiltshire's towns have grown significantly over time.

6.126 The historic environment includes both archaeological and built heritage assets and their settings, a large number of conservation areas and historic parks and gardens,

as well as the Stonehenge and Avebury World Heritage Site. It creates visual richness and adds value to the built environment and wider countryside.

- 6.127 Policies addressing the design of new development will play an important role in maintaining Wiltshire's high quality environment.
- 6.128 Development needs to be carefully planned to ensure that valuable features and characteristics are protected and enhanced. The subsequent core policies set out how the Core Strategy will ensure that development contributes towards:
- achieving high quality buildings and spaces that reinforce a sense of identity
 - a well integrated development, which makes a positive contribution to the character of Wiltshire's urban and rural environments by complementing valuable contextual features and buildings
 - protection and enhancement of Wiltshire's heritage assets
 - ensuring that places with national and international designations receive the highest level of protection.

Ensuring high quality design and place shaping outcomes

- 6.129 Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing. Wiltshire has a rich built heritage and its vibrant towns and villages are set within large expanses of open countryside which is valued for its tranquillity and beauty as well as its environmental value. Enhancing the character of Wiltshire's countryside and settlements is of the utmost importance and, in order to do this, development must be informed by a thorough understanding of the locality and the development site.
- 6.130 The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the sites characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality.

- 6.131 Careful consideration of topography can enhance the design of a new development in a number of ways including the creation or enhancement views into or within a site, creating attractive skylines through the use of building heights in parallel with contours, ensuring appropriate drainage arrangements, the retention of established planting and trees which can visually enhance a development, ensuring an appropriate relationship with the wider landscape, both visually and in terms of activity and the creation of wildlife corridors.
- 6.132 High quality design will be required for all new developments from building extensions through to major developments. Innovative designs which help raise the standard of design more generally in the area will be encouraged. This policy sets out a range of issues which all developers will need to take into account when designing each individual scheme. Proposals will need to be accompanied by appropriate information to demonstrate compliance with Core Policy 57, including a design and access statement when this is required by the local validation checklist¹¹¹. All proposals will need to have regard to relevant supplementary guidance on design. This includes village design statements that are up to date and approved by the local authority as providing guidance on the implementation of policy Core Policy 57 for a local area.
- 6.133 Density is interlinked with design and it is essential that innovative design solutions are encouraged to achieve higher density levels where appropriate, although the density of development should rightly be a product of a robust site assessment which responds positively to Wiltshire's exceptional environmental quality.
- 6.134 In demonstrating that proposals will be sympathetic to and conserve historic buildings and historic landscapes, applicants should have consideration to the requirements of Core Policy 58 (ensuring the conservation of the historic environment).

Core Policy 57

Ensuring high quality design and place shaping

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

- i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
- ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
- 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
- iv. being sympathetic to and conserving historic buildings and historic landscapes
- v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
- 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
- vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)
- viii. incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

- ix. ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)
- x. the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials
- xi. taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future
- xii. the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm
- xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place
- xiv. meeting the requirements of Core Policy 61 (Transport and New Development).

Core Policy 58: Ensuring the conservation of the historic environment

6.135 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.



6.136 Heritage assets include:

- listed buildings
- conservation areas
- scheduled ancient monuments
- registered parks and gardens
- registered battlefields
- world heritage sites¹¹²
- non-designated heritage assets such as buildings and archaeological sites of regional and local interest.

6.137 Within the context of the specific characteristics of Wiltshire, development will be required to be sensitive to all heritage assets including:

- the individual and distinctive character and appearance of Wiltshire's historic market towns and villages
- archaeological monuments and landscapes
- the Stonehenge and Avebury World Heritage Site
- historic buildings and structures related to the textile industry
- historic rural structures including threshing barns, granaries, malt houses, dovecotes and stables
- ecclesiastical sites including churches, chapels and monuments
- the historic Great Western Railway and associated structures
- the historic waterways and associated structures including canals and river courses
- heritage assets associated with the military
- the sensitive re-use of redundant and under-used historic buildings and areas which are consistent with their conservation especially in relation to the viable re-use of heritage assets at risk
- opportunities to enhance Wiltshire's historic public realm by ensuring that all development, including transport and infrastructure work, is sensitive to the historic environment.

- 6.138 Designation of a conservation area, listed building, or scheduled ancient monument does not preclude the possibility of new development and the council is committed to working pragmatically with owners to find positive solutions which will allow adaptation of such buildings to reflect modern living aspirations. Such alterations will only be acceptable where they are consistent with the conservation of a heritage asset's significance. Consequently, it is expected that development will be of the highest standard in order to maintain and enhance the quality of the area or building, and be sensitive to its character and appearance. In considering applications for new development in such areas, the council will seek to ensure that the form, scale, design and materials of new buildings are complementary to the historic context.
- 6.139 It is anticipated that additional planning guidance will be developed to aid in the application of Core Policy 58. The anticipated Heritage Guidance will provide details on heritage issues in Wiltshire, including the endorsement of establishing a new local heritage list in line with English Heritage's Good Practice Guidance (May 2012)¹¹³.
- 6.140 Applicants are expected to take account and adequately respond, where appropriate, to conservation area management plans and other guidance produced at a national and local level. The preparation of further conservation area management plans and other proactive strategies, such as the Salisbury Cathedral Conservation Plans produced by the diocese, will be encouraged to support policy delivery.
- 6.141 The Infrastructure Delivery Plan sets out the requirement for additional museum storage space for the sustainable preservation of archaeological finds and archives.
- 6.142 The council will continue to keep under review conservation areas and where appropriate, designate new areas. Appraisals of conservation areas will define the boundaries and analyse the special architectural and historic interest of the area. A component of the plan's positive strategy for the conservation of heritage assets at risk will include the joint Wiltshire Council/English Heritage Monument Management Scheme.
- 6.143 The individual area strategies identify specific distinct heritage assets, conservation challenges, and where appropriate, specific opportunities. Information in the Area Strategies and Development Templates should be supported by mitigation measures and information identified in evidence documents such as: The Historic Landscape Assessment (January 2012) and Salisbury Historic Environment Assessment (April 2009). The anticipated Heritage Guidance referred to in paragraph 6.139 above will also provide further supporting information.

Core Policy 58

Ensuring the conservation of the historic environment

Development should protect, conserve and where possible enhance the historic environment.

Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:

- i. nationally significant archaeological remains
- ii. World Heritage Sites within and adjacent to Wiltshire
- iii. buildings and structures of special architectural or historic interest
- iv. the special character or appearance of conservation areas
- v. historic parks and gardens
- vi. important landscapes, including registered battlefields and townscapes.

Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

Heritage assets at risk will be monitored and development proposals that improve their condition will be encouraged. The advice of statutory and local consultees will be sought in consideration of such applications.

APPENDIX ii - Extract of Policy L1 from the 'made' Warminster Neighbourhood Plan

4.4 West Urban Extension

4.4.1 The land identified by the Wiltshire Core Strategy to satisfy strategic housing requirements is shown at Appendix A.5. Development of this area on the projected scale will create a number of specific challenges for Warminster.

Number of houses

4.4.2 Warminster has grown outwards from the centre of town with new development generally taking place along, and infilling between, the five main entrances. The West Urban Extension places a significant number of new dwellings on one side of town. It will therefore impact on the relative balance that exists across the present conurbation.

4.4.3 Warminster supports the principles of the Core Strategy and accepts that consequential growth of the town is inevitable. Residents are passionate however that the loss of a significant greenfield site to accommodate the West Urban Extension should be offset by a quality of development that is sensitive to the local environment and that the number of dwellings should also be limited to that prescribed by the Core Strategy.

Urban design

4.4.4 Warminster is an historic market town with a rich heritage and diversity of buildings. Variety of design is an essential characteristic of the town, but quality and context should not be compromised by new builds. In particular, uniform housing estates that contribute little of value to such ideals must be rigorously avoided.

4.4.5 Good urban design ensures: the quality of a development; its attractiveness to prospective residents; the functionality of the community; and contributes to a feeling of safety. It is achieved by planning the space around and between new homes, including how they sit within a development. It therefore goes beyond the design of individual buildings alone. This Neighbourhood Plan encourages new housing to reflect the Building for Life 12 industry standard, which is endorsed by government for well-designed homes and neighbourhoods.

POLICY L1 – DESIGN

The design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard.

Justification:

Good urban design

Quality and sustainability of new homes

Preservation of Warminster's heritage and characteristics

Maintains a quality of life



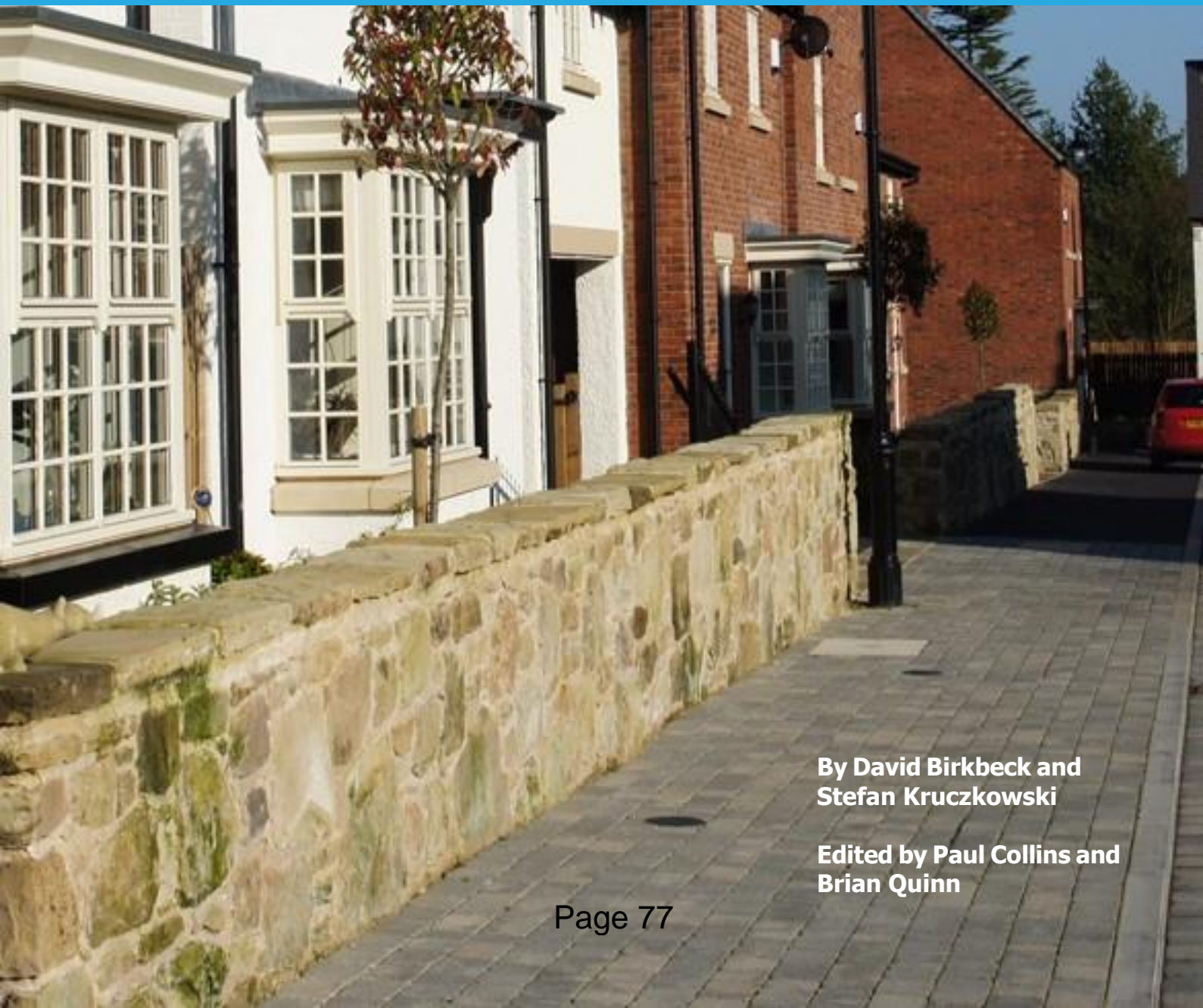
BUILDING FOR LIFE 12



• BUILT FOR LIFE •

The sign of a good place to live

www.builtforlifelifehomes.org



By David Birkbeck and Stefan Kruczkowski

Edited by Paul Collins and Brian Quinn

In originally producing the 1st edition of Building for Life 12 in 2012, The Partnership thanks **Pam Alexander** of Design Council for chairing their discussions, **North West Leicestershire District Council** for their assistance in developing and testing Building for Life 12 and a wide range of contributors and consultees including: **Steve Bambrick** (North West Leicestershire District Council), **Matt Bell** (Berkeley Group), **Lord Carlile of Berriview QC** (Design for Homes), **Neil Deely** (Metropolitan Workshop Architects) **Ben Derbyshire** (HTA Architects), the **Design Network**, **Chris Elston** (North West Leicestershire District Council), **Christine Fisher** (North West Leicestershire District Council), **Garry Hall** (Urban Forward Limited), **Sue Haslett** (North West Leicestershire District Council), **Esther Kurland** (Urban Design London), **Nigel Longstaff** (Barratt Developments), **James Mattley** (North West Leicestershire District Council), **Kevin McGeough** (Homes and Communities Agency), **Sue McGlynn** (Sue McGlynn Urban Design Limited), **Bob Meanwell** (David Wilson Homes), **Lubaina Mirza** (Design For Homes), **Richard Mullane** (Design for Homes), **Ian Nelson** (North West Leicestershire District Council), **Afrieen Patel** (South Cambridgeshire District Council), **Tim Peach** (Redrow Homes), **Glenn Richardson** (Cambridge City Council), **Nick Rogers** (Taylor Wimpey), **Judith Salomon** (St. George), **Bridget Sawyers** (Bridget Sawyers Limited), **David Singleton** (DSA Environment and Design), **John Slaughter** (Home Builders Federation), **Julie Tanner** (OPUN), **David Tittle** (MADE), **Nigel Turpin** (Nottingham City Council), **Andrew Whitaker** (Home Builders Federation), **James Wilson** (Davidsons Homes), **Sarah Worrall** (North West Leicestershire District Council), **Bob White** (Urban Design Consultant), **Louise Wyman** (Homes and Communities Agency), **Dale Wright** (Barratt Developments) and **Liz Wrigley** (Core Connections).

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This (Third) edition edited by **Garry Hall** of Urban Forward, **Brian Quinn** of Cabe at the Design Council, and **Paul Collins** of Nottingham Trent University.



Building for Life 12 is a government-endorsed industry standard for well-designed homes and neighbourhoods. Local communities, local authorities and developers are encouraged to use it to guide discussions about creating good places to live.

Building for Life 12 (BfL12) is led by three partners: **Cabe at the Design Council, Design for Homes** and the **Home Builders Federation**, supported by **Nottingham Trent University**.

It was redesigned in 2012 to reflect the National Planning Policy Framework's commitment not only to build more homes, but better homes, such as can be achieved when local communities participate in the place-making process and help identify how development can be shaped to accommodate both new and existing communities.

The questions are therefore designed to help structure discussions between local communities, local planning authorities, developers and other stakeholders*.

BfL12 is also designed to help local planning authorities assess the quality of proposed and completed developments; it can be used for site-specific briefs and can also help to structure design codes and local design policies.

Based on BfL12's 'traffic light' system, developments that achieve 9 'greens' are eligible for '**Built for Life™**' accreditation. '**Built for Life™**' accreditation is a quality mark available immediately after planning approval, offering developers the opportunity to promote the quality of their developments during sales and marketing activity. It will also help those seeking a home to find a place to live which has been designed to have the best possible chance of becoming a popular and desirable neighbourhood.

Built for Life™ quality mark is the sign of a good (or better) place to live but the ambition of the Built for Life partnership is to encourage hundreds of developments built across the country to use this standard for their design. Some of these will be good enough to achieve 12 greens or the Built for Life 'Outstanding' and these will form the basis for an awards programme honouring the 'best of the best'.

In April 2014, **builtforlifelifehomes.org** was launched to help homebuyers find their ideal place to live and to showcase developments that have achieved **Built For Life™**.

* According to the Farrell Review (2014), a government-commissioned inquiry into design quality by an independent panel of notable experts, BfL12 can help in creating a "collective vision shaped in collaboration with local communities, neighbourhood forums and PLACE Review Panels." www.farrellreview.co.uk Accessed 31.3.2014





• BUILT FOR LIFE •

Securing Built for Life™ Accreditation

Simple, transparent, efficient

The **Building for Life** campaign is about guiding the better planning of new development through urban design that is safe and provides everything that should be expected of a new community.

Urban design is about the spaces between and around new homes that can sometimes be overlooked by focusing on the building and its interior, but which are vital to the quality of a place, its attractiveness, functionality and feelings of safety.

The **Built for Life™** criteria represent a Q&A checklist for the quality of placemaking and, when done well, are a clear indicator of a development's potential to grow into a popular new address.

The spaces around new homes and other buildings, often known as the public realm, have to be designed intelligently, treated with the same attention as the homes and made safe and attractive.

We believe most of the 12 urban design criteria we promote with **Building for Life** should be readily achievable. Developers which achieve at least 9 of them are eligible for our special **Built for Life™**

quality mark that indicates the scheme has been assessed as achieving these placemaking essentials. Here's a quick introduction to some of the themes we believe are fundamental to successful new development:

The development should have obvious character, based either on contemporary architecture or local traditions in building materials and landscaping (Q5).

Car parking should be adequate and located where it is accessible and likely to be well used (Q10).

Footways and paths should always be located in places where homes overlook them so no-one feels at risk when using them, especially after dark (Q1, Q7, Q8).

Bus stops and car parking should not be placed remotely where a lack of overlooking might make crime easier to get away with. Closer bus stops also encourage shifts to more sustainable forms of transport (Q1, Q3, Q10).



Clean, contemporary architecture combined with convenient parking and a pedestrian-friendly street helped Manor Kingsway, Derby win one of our first Built for Life™ 'outstanding' awards.

Properties should have clear indications of what is privately owned space and what is shared public realm so passers-by respect the boundaries and residents feel their personal space is protected (Q7, Q11).

Homes should have appropriate external storage, in particular for bins and bicycles, so that neither are left in the open (Q12).

Schemes that address the above themes and more achieve the **Built for Life™** quality mark. New developments that achieve 9 from the 12 Building for Life questions are eligible to display the **Built for Life™** quality mark, helping homebuyers choose with confidence.

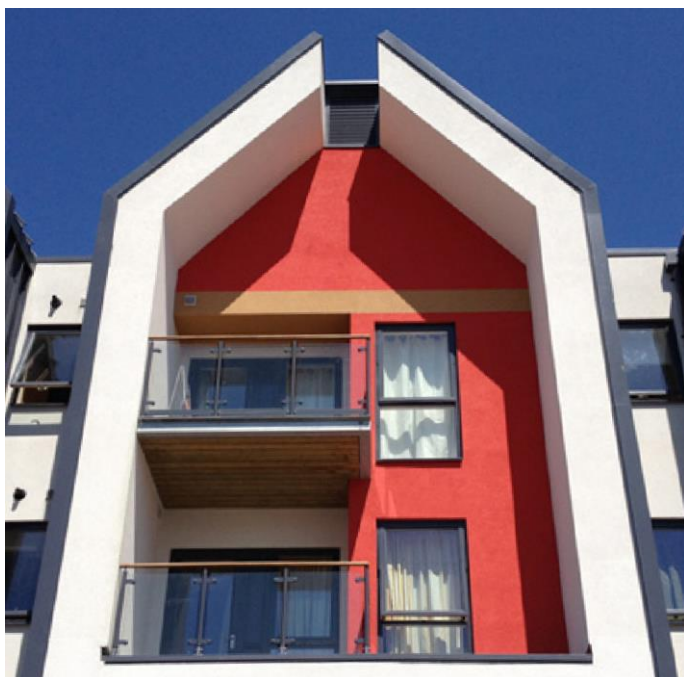
A development achieving 'green' on all 12 of the **Building for Life** questions will be eligible to be awarded **Built for Life™ 'Outstanding'**, and the best new housing across the country will be recognised at events organised by the Building for Life Partnership.



The Built for Life™ quality mark helps developers showcase their best new housing developments whilst helping homebuyers choose the best places to live.

Built for Life™ accreditations are awarded through an independent assessment process, guaranteeing impartiality and helping to ensure developments in all parts of the country are judged by the same high quality standards.

Assessments are undertaken by **Built for Life™ Forums** of experts local to the scheme, helping to make each assessment sensitive to its context, history and future need.



How to use BfL12

BfL12 comprises of 12 easy to understand questions that are designed to be used as a way of structuring discussions about a proposed development. There are four questions in each of the three chapters:

- **Integrating into the neighbourhood**
- **Creating a place**
- **Street and home**

Based on a simple 'traffic light' system (red, amber and green) we recommend that proposed new developments aim to:

- Secure as many 'greens' as possible,
- Minimise the number of 'ambers' and;
- Avoid 'reds'.

The more 'greens' that are achieved, the better a development will be.

A red light gives warning that a particular aspect of a proposed development needs to be reconsidered.

A proposed development might not achieve 12 'greens' for a variety of reasons⁴. What is important is to always avoid 'reds' and challenge 'ambers' - can they be raised to a 'green'? Local circumstances such as the need for housing for local people in rural locations (for example, rural exception

sites) may justify waiving the requirement for 'greens' against the relevant questions. Third party land ownership issues may prevent ideal connectivity from being achieved, however all developments should seek to 'future proof' connections to allow the opportunity to provide these links at some point in the future. Waivers should be supported by the local planning authority and highlighted early in the design process. We would not recommend that any scheme is permitted a waiver against any questions within the 'Creating a place' and 'Street and home' chapters.

For these reasons, whilst we encourage local authorities to adopt BfL12, we recommend that they avoid explicitly setting a requirement for all proposed developments to achieve 12 'greens'. Instead, we recommend that local policies require all proposed developments to use BfL12 as a design tool throughout the planning process with schemes performing 'positively' against it.

We also recommend that local authorities consider expecting developments to demonstrate they are targeting BfL12 where applications for outline planning permission is granted. A useful way to express this expectation is through either a condition or 'note to applicant'.



Homes facing the street, with public and private spaces clearly defined by a retained and sensitively restored stone wall

(DeLacy Court, Castle Donnington)

Simpler, easier and better

Each headline question is followed by a series of additional questions that we suggest are useful to ask at the start of the design process. We've also provided five recommendations for how you might respond with the aim of offering a range of responses.

Recommendations are designed to stimulate discussion with local communities, the project team, the local authority and other stakeholders to help you find the right solution locally.

Integrating into the neighbourhood

1 Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?

2 Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

3 Public transport

Does the scheme have good access to public transport to help reduce car dependency?

4 Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

Creating a place

5 Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

6 Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates?

We've travelled the country visiting hundreds of residential developments. During these visits, we found common problems. Our avoidance tips help you avoid these pitfalls. We also discovered many well-designed developments, their qualities have been captured in our recommendations.

Finally, we've added endnotes providing further detail, clarity and where appropriate, references that you may find useful.

7 Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

8 Easy to find your way around

Is the scheme designed to make it easy to find your way around?

Street & home

9 Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

10 Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

11 Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

12 External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

1 Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones, while also respecting existing buildings and land uses around the development site?

1a Where should vehicles come in and out of the development?

1b Should there be pedestrian and cycle only routes into and through the development?
If so, where should they go?

1c Where should new streets be placed, could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood and surrounding places?

1d How should the new development relate to existing development? What should happen at the edges of the development site?

We recommend

Thinking about where connections can and should be made; and about how best the new development can integrate into the existing neighbourhood rather than creating an inward looking cul-de-sac development.

Remembering that people who live within a new development and people who live nearby may want to walk through the development to get somewhere else, so carefully consider how a development can contribute towards creating a more walkable neighbourhood.

Thinking carefully before blocking or redirecting existing routes, particularly where these are well used.

Creating connections that are attractive, well lit, direct, easy to navigate, well overlooked and safe.

Ensuring that all streets and pedestrian/cycle only routes pass in front of people's homes, rather than to the rear of them.

We recommend that you avoid

Not considering how the layout of a development could be designed to improve connectivity across the wider neighbourhood.

Not considering where future connections might need to be made - or could be provided - in the future.



A choice of safe, direct and attractive routes can encourage walking and cycling, particularly for shorter journeys

2 Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

2a Are there enough facilities and services in the local area to support the development? If not, what is needed?

Where new facilities are proposed:

2b Are these facilities what the area needs?

2c Are these new facilities located in the right place? If not, where should they go?

2d Does the layout encourage walking, cycling or using public transport to reach them?

We recommend

Planning development so that everyday facilities and services are located within a short walk of people's homes. The layout of a development and the quality of connections it provides can make a significant impact on walking distances and people's travel choices.

Providing access to facilities through the provision of safe, convenient and direct paths or cycle routes. Consider whether there are any barriers to pedestrian/cycle access (for example, busy roads with a lack of crossing points) and how these barriers can be removed or lessened.

Locating new facilities⁵ (if provided) where the greatest number of existing and new residents can access them easily, recognising that this may be at the edge of a new development or on a through route; but consider whether existing facilities can be enhanced before proposing new ones.

Where new local centres⁶ are provided, design these as vibrant places with smaller shops combined with residential accommodation above (rather than a single storey, single use supermarket building). Work to integrate these facilities into the fabric of the wider development to avoid creating an isolated retail park type environment dominated by car parking and highways infrastructure.

Creating new places within a development where people can meet each other such as public spaces, community buildings, cafes and restaurants. Aim to get these delivered as early as possible. Think carefully about how spaces could be used and design them with flexibility



A mix of uses including homes, shops and other facilities in Lawley, Telford

in mind, considering where more active spaces should be located so as to avoid creating potential conflict between users and adjacent residents.

We recommend that you avoid

Locating play areas directly in front of people's homes where they may become a source of tension due to potential for noise and nuisance. Carefully consider the distance between play equipment and homes in addition to the type of play equipment selected and the target age group.

Creating the potential for future conflict if residential uses and commercial premises are not combined thoughtfully.

3 Public transport

Does the scheme have good access to public transport to help reduce car dependency?

3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?

3b Where should new public transport stops be located?

We recommend

Maximising the number of homes on sites that are close to good, high frequency public transport routes, but ensure that this does not compromise the wider design qualities of the scheme and its relationship with its surroundings. 'Hail and ride' schemes agreed with public transport providers can help reduce the distance people need to walk between their home and public transport.

Carefully considering the layout and orientation of routes to provide as many people as possible with the quickest, safest, attractive and most convenient possible routes between homes and public transport.

Considering how the layout of the development can maximise the number of homes within a short walk from their nearest bus, tram or train stop where new public transport routes are planned to pass through the development. Locate public transport stops in well used places, ensuring that they are accessible for all, well overlooked and lit.

Considering how the development can contribute towards encouraging more sustainable travel choices, for example by establishing a residents car club, providing electric car charging points, creating live/work units or homes that include space for a home office.

Exploring opportunities to reduce car miles⁵ through supporting new or existing park and ride schemes or supporting the concept of transit orientated developments (where higher density and/or mixed use development is centred on train or tram stations).

We recommend that you avoid

Thinking about development sites in isolation from their surroundings. For example, bus only routes (or bus plugs) can be used to connect a new development to an existing development and create a more viable bus service without creating a 'rat run' for cars.

People will use buses if bus stops are close to their homes



4 Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?

4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower incomes?

4c Are the different types and tenures spatially integrated to create a cohesive community?

We recommend

Demonstrating how the scheme's housing mix is justified with regard to planning policy, the local context and viability.

Aiming for a housing mix that will create a broad-based community.

Considering how to incorporate a range of property sizes and types⁶, avoiding creating too many larger or too many smaller homes from being grouped together.

Providing starter homes and homes for the elderly or downsizing households. People who are retired can help enliven a place during the working day. Providing for downsizing households can also help to rebalance

the housing market and may help reduce the need for affordable housing contributions over time.

Designing homes and streets to be tenure-blind, so that it is not easy to differentiate between homes that are private and those that are shared ownership or rented.

We recommend that you avoid

Developments that create homes for one market segment unless the development is very small.

Using exterior features that enable people to easily identify market sale from rented/shared ownership homes, such as the treatment of garages or entrances.

Reducing the level of parking provision for rented/shared ownership homes.



A mix of homes can help to provide a more balanced community

5 Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

5a How can the development be designed to have a local or distinctive identity?

5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?

We recommend

Identifying whether there are any architectural, landscape or other features, such as special materials that give a place a distinctive sense of character as a starting point for design. It may be possible to adapt elevations of standard house types to complement local character.



Architecture and green space works together to generate character in Bristol

Distinctiveness can also be delivered through new designs that respond to local characteristics in a contemporary way⁷.

Exploring what could be done to start to give a place a locally inspired identity if an area lacks a distinctive character or where there is no overarching character.

Landscaping traditions are often fundamental to character, especially boundary treatments.

Introducing building styles, details and landscaping features that can be easily expressed to someone visiting the development for the first time. Where an area has a strong and positive local identity, consider using this as a cue to reinforce the place's overall character⁸.

Varying the density, built form and appearance or style of development to help create areas with different character within larger developments. Using a range of features⁹ will help to create town and cityscape elements that can give a place a sense of identity and will help people find their way around. Subtle detailing can help reinforce the character of areas and in doing so, provide a level of richness and delight.

Working with the local planning and highway authority to investigate whether local or otherwise different materials can be used in place of standard highways surface materials and traffic furniture. Be creative and adventurous by exploring the potential to innovate - develop new ideas and build with new materials.

We recommend that you avoid

Using the lack of local character as a justification for further nondescript or placeless development.

Ignoring local traditions or character without robust justification.

Too many identical or similar house types (where there is no benefit to the overall architectural integrity of the scheme from repetition).

6 Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including water courses), trees and plants, wildlife habitats, existing buildings, site orientation and microclimate?

6a Are there any views into or from the site that need to be carefully considered?

features, such as streams that need to be carefully designed into the development?

6b Are there any existing trees, hedgerows or other

6c Should the development keep any existing building(s) on the site? If so, how could they be used?

We recommend

Being a considerate neighbour. Have regard to the height, layout, building line and form of existing development at the boundaries of the development site. Frame views of existing landmarks and create new ones by exploiting features such as existing mature trees to create memorable spaces. Orientate homes so that as many residents as possible can see these features from within their homes¹⁰. Carefully consider views into the development and how best these can be designed.

Assessing the potential of any older buildings or structures for conversion. Retained buildings can become instant focal points within a development. Where possible, avoid transporting building waste and spoil off site by exploring opportunities to recycling building materials within the development¹¹.

Working with contours of the land rather than against them, exploring how built form and detailed housing design can creatively respond to the topographical character; thinking carefully about the roofscape. Explore how a holistic approach can be taken to the design of sustainable urban drainage by exploiting the topography and geology¹².

Exploring opportunities to protect, enhance and create wildlife habitats. Be creative in landscape design by creating wildflower meadows rather than closely mown grassland and, where provided, creating rich habitats within balancing lagoons, rainwater gardens, rills and swales.

Considering the potential to benefit from solar gain through building orientation and design where this can be achieved without compromising good urban design or creating issues associated with over heating¹³. Finally have regard to any local micro-climate and its impact.

We recommend that you avoid

Leaving an assessment of whether there are any views into and from the site that merit a design response until late in the design process.

Transporting uncontaminated spoil away from the site that could be used for landscaping or adding level changes where appropriate.

Not carefully considering opportunities for rainwater attenuation both on plot and off

Not carefully thinking about what balancing lagoons will look like and how people could enjoy them as attractive features within an open space network. Careful thought in the design process can eliminate the need for fenced off lagoons that are both unsightly and unwelcoming.



Existing mature trees on this site in Exeter add character and quality

7 Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

7a Are buildings and landscaping schemes used to create enclosed streets and spaces?

7c Do all fronts of buildings, including front doors and habitable rooms, face the street?

7b Do buildings turn corners well?

We recommend

Creating streets that are principally defined by the position of buildings rather than the route of the carriageway.

Designing building that turn corners well, so that both elevations seen from the street have windows to them, rather than offering blank walls to the street¹⁴. Consider using windows that wrap around corners to maximise surveillance and bring generous amounts of natural light into people's homes.

Using a pattern of road types to create a hierarchy of streets and consider their enclosure, keeping to the well proportioned height to width ratios relative to the type of street¹⁵.

	Minimum	Maximum
Minor streets, e.g mews	1: 1.15	1:1
Typical streets	1:3	1:1.5
Squares	1:6	1:4

Source: Manual for Streets (2007) p.54

Respecting basic urban design principles when designing layouts. For example, forming strong perimeter blocks¹⁶.

Orientating front doors to face the street rather than being tucked around the back or sides of buildings.

We recommend that you avoid

Streets that lack successful spatial enclosure by exceeding recommended height to width ratios.

Over reliance on in front of plot parking that tends to create over wide streets dominated by parked cars and driveways unless there is sufficient space to use strong and extensive landscaping to compensate the lack of built form enclosure.

Homes that back on to the street or offer a blank elevation to the street.

Locating garages and/or driveways (or service areas and substations) on street corners or other prominent locations, such as the 'end point' of a view up or down a street.



Think carefully about what you will see at the end of the street

8 Easy to find your way around

Is the development designed to make it easy to find your way around?

8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?

8b Are there any obvious landmarks?

8c Are the routes between places clear and direct?

We recommend

Making it easy for people to create a mental map of the place by incorporating features that people will notice and remember. Create a network of well defined streets and spaces with clear routes, local landmarks and marker features. For larger developments it may be necessary to create distinct character areas. Marker features, such as corner buildings¹⁷ and public spaces combined with smaller scale details such as colour, variety and materials will further enhance legibility*.

Providing views through to existing or new landmarks and local destinations, such as parks, woodlands or tall structures help people understand where they are in relation to other places and find their way around.

Making it easy for all people to get around including those with visual or mobility impairments.

Identifying and considering important viewpoints within a development, such as views towards the end of a street. Anticipate other, more subtle viewpoints, for example a turn or curve in the street and how best these can be best addressed.

Creating a logical hierarchy of streets. A tree lined avenue through a development can be an easy and effective way to help people find their way around.

We recommend that you avoid

Creating a concept plan for a scheme that does not include careful consideration as to how people will create a mental map of the place.

Layouts that separate homes and facilities from the car, unless the scheme incorporates secure underground car parking.

Creating overly long cul-de-sac developments, rather than a connected network of streets and spaces.

Blocking views to landmarks or notable landscape features.

Terminating views down streets with garages, the rear or side of buildings, parking spaces, boundary fences or walls.



Marker buildings and spaces can help people create a 'mental map' of a place
(Manor Kingsway, Derby)

***Legible features include:** distinct character areas (for larger developments), framing views of existing or proposed new landmarks (and/or landscape features) both on- and off- the development site, a well-defined street hierarchy (for example, tree lined avenues can help establish the character of a principle street within a hierarchy) and creating new marker buildings and spaces.

9 Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?

9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely or for neighbours to converse?

We recommend

Creating streets for people where vehicle speeds are designed not to exceed 20 mph¹⁸. Work with the Highways Authority to create developments where buildings and detailed street design is used to tame vehicle speeds. Sharp or blind corners force drivers to slow when driving around them while buildings that are closer together also make drivers proceed more cautiously¹⁹. 20mph zones are becoming increasingly popular with local communities and are a cost effective way of changing driver behaviour in residential areas.

Thinking about how streets can be designed as social and play spaces, where the pedestrians and cyclists come first, rather than simply as routes for cars and vehicles to pass through²⁰.

Using the best quality hard landscaping scheme that is viable without cluttering the streets and public spaces.

Designing homes that offer good natural surveillance opportunities; carefully considering the impact of internal arrangement on the safety and vitality of the street²¹. Consider maximising the amount of glazing to ground floor, street facing rooms to enhance surveillance opportunities creating a stronger relationship between the home and the street .²²

Creating homes that offer something to the street²³, thinking carefully about detail, craftsmanship and build quality. Afford particular attention to the space between the pavement and front doors²⁴. A thoughtful and well designed entrance area and front door scheme will enhance the kerb appeal of homes whilst also contributing towards creating a visually interesting street. Carefully

consider changes in level, the interface between different materials, quality finishing and the discreet placement of utility boxes.

We recommend that you avoid

20mph speed limits enforced with excessive signage or expensive compliance systems or features.

Designing a scheme that allows drivers to cross pedestrian footpaths at speed to access their driveways. Consider how hard and soft landscaping can be used to make drivers approach their street and home more cautiously and responsibly.

Minimise steps and level changes to make them as easy as possible for pushchairs and wheelchairs.

A pavement that has lots of variation in levels and dropped kerbs to enable cars to cross it can encourage unofficial parking up on the kerb and may make movement less easy for those pushing a pushchair, in a wheelchair or walking with a stick or walking frame.



At Fairfield Park in Bedfordshire, vertical calming and 'pinch points' remind drivers they are in a 20mph zone

10 Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

10a Is there enough parking for residents and visitors?

10b Is parking positioned close to people's homes?

10c Are any parking courtyards small in size (generally no more than five properties should use a parking

courtyard) and are they well overlooked by neighbouring properties?

10d Are garages well positioned so that they do not dominate the street scene?

We recommend

Anticipating car parking demand taking into account the location, availability and frequency of public transport together with local car ownership trends. Provide sufficient parking space for visitors.

Designing streets to accommodate on street parking but allow for plenty of trees and planting to balance the visual impact of parked cars and reinforce the spatial enclosure of the street. On street parking has the potential to be both space efficient and can also help to create a vibrant street, where neighbours have more opportunity to see and meet other people.



Parking near front doors and softened with landscaping help this parking in Oxford integrate well with the street

Prevent anti-social parking. Very regular and formal parking treatments have the potential to reduce anti-social parking. People are less prone to parking in places where they should not be parking, where street design clearly defines other uses, such as pavements or landscape features.

Making sure people can see their car from their home or can park it somewhere they know it will be safe. Where possible avoid rear parking courts²⁵.

Using a range of parking solutions appropriate to the context and the types of housing proposed. Where parking is positioned to the front of the property, ensure that at least an equal amount of the frontage is allocated to an enclosed, landscaped front garden as it is for parking to reduce vehicle domination. Where rows of narrow terraces are proposed, consider positioning parking within the street scene, for example a central reservation of herringbone parking²⁶. For higher density schemes, underground parking with a landscaped deck above can work well.

We recommend that you avoid

Relying on a single parking treatment. A combination of car parking treatments nearly always creates more capacity, visual interest and a more successful place.

Large rear parking courts. When parking courts are less private, they offer greater opportunity for thieves, vandals and those who should not be parking there.

Parking that is not well overlooked.

Using white lining to mark out and number spaces. These are not only costly, but unsightly. It can be cheaper and more aesthetically pleasing to use small metal plates to number spaces, and a few well placed block markers to define spaces.

Not providing a clear and direct route between front doors and on-street parking or not balancing the amount of parking in front of plots with soft relief.

11 Public & private spaces

Will public and private spaces be clearly defined and designed to have appropriate access and be able to be well managed and safe in use?

11a What types of open space should be provided within this development?

developer contribute towards an existing facility in the area that could be made better?

11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the

11c How will they be looked after?

We recommend

Clearly defining private and public spaces with clear vertical markers, such as railings, walling or robust planting. Where there is a modest building set back (less than 1m), a simple change in surface materials may suffice. Select species that will form a strong and effective boundary, such as hedge forming shrubs rather than low growing specimens or exotic or ornamental plants. Ensure sufficient budget provision is allocated to ensure a high quality boundary scheme is delivered.

Creating spaces that are well overlooked by neighbouring properties. Check that there is plenty of opportunity for residents to see streets and spaces from within their homes. Provide opportunities for direct and oblique views up and down the street, considering the use of bay, oriel and corner windows where appropriate. Designing balconies can further increase opportunities for natural surveillance.

Thinking about what types of spaces are created and where they should be located. Consider how spaces can be designed to be multi-functional, serving as wide an age group as possible and how they could contribute towards enhancing biodiversity²⁷. Think about where people might want to walk and what routes they might want to take and plan paths accordingly providing lighting if required. Consider the sun path and shadowing throughout the day and which areas will be in light rather than shade. Areas more likely to benefit from sunshine are often the most popular places for people to gather.

Exploring whether local communities would wish to see new facilities created or existing ones upgraded. Think how play can be approached in a holistic manner, for example by distributing play equipment or playable spaces and features across an entire open space.

Providing a management and maintenance plan to include a sustainable way to fund public or shared communal open spaces.

We recommend that you avoid

Informal or left over grassed areas that offer no public or private use or value and do little or nothing to support biodiversity.

Avoid creating small fenced play areas set within a larger area of open space where the main expense is the cost of fencing.

Landscaping that is cheap, of poor quality, poorly located and inappropriate for its location. Low growing shrubs rarely survive well in places where people are likely to accidentally walk over them (such as besides parking bays).



Sometimes recreation space can double up as a formal landscaping feature

(Gun Wharf, Plymouth)

12 External storage and amenity space

Is there adequate external storage space for bins and recycling, as well as vehicles and cycles?

- 12a** Is storage for bins and recycling items fully integrated, so that these items are less likely to be left on the street?
- 12b** Is access to cycle and other vehicle storage convenient and secure?

We recommend

Providing convenient, dedicated bin and recycling storage where bins and crates can be stored out of sight. Check with the local authority to determine exactly what space is required and minimise the distance between storage areas and collection points. Where terraced housing is proposed, consider providing integral stores to the front of the property (such as within an enclosed section of a recessed porch) or by providing secure ginnels between properties that provide direct access to the rear of properties²⁸.

Designing garages and parking spaces that are large enough to fit a modern family sized car and allow the driver to get out of the car easily. Where local authorities have requirements for garage sizes, parking spaces and circulation space design these into your scheme from the outset. If garages do not meet local requirements, do not count these as a parking space.

Considering whether garages should be counted as a parking space. If garages are to be counted as a parking space, ensure that sufficient alternative storage space is provided for items commonly stored in garages. Consider extending the length of the garage to accommodate storage needs or allowing occupants to use the roof space for extra storage²⁹.

Anticipating the realistic external storage requirements of individual households. Residents will usually need a secure place to store cycles and garden equipment. A storage room could be designed to the rear of the property (either attached or detached from the home), reviving the idea of a traditional outhouse. More creative solutions may be needed to satisfy the cycle storage requirements of higher density apartment accommodation.

Thinking carefully about the size and shape of outside amenity space. It is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling. Triangular shaped gardens rarely offer a practical, usable space³⁰. Allow residents the opportunity to access their garden without having to walk through their home.



Poorly integrated bin storage erode the quality of this street in Oxford

We recommend that you avoid

Bin and recycling stores that detract from the quality of the street scene.

Locating bin and recycling stores in places that are inconvenient for residents, or they might find it easier to leave their bin and containers on the street.

Designing garages that are impractical or uncomfortable to use.

Cycle storage that is not secure or is difficult to access.

Using Building For Life 12 in more urban locations

Supplementary design prompts were introduced in November 2014 in response to feedback from users about the need to better address design issues in more urban locations.

Building for Life 12's core focus is on street and urban issues in schemes of between about 25-50 homes to the hectare, such as those typical of more suburban or rural locations. This supplement deals with issues found where apartment blocks of three or more storeys create new developments with few, if any, new streets and where key design issues are how blocks respond to their locality, existing streets and movement.

Six of the twelve questions now have an alternative prompt to suit urban situations. Whilst the ethos of each question remains the same the emphasis and considerations reflect better the challenges and considerations associated with more urban locations and higher density developments. We recommend that design teams agree with the local authority which version of the questions are most appropriate to any proposed development.



1 Connections and scale

Does the scheme respond to the scale of its surroundings, respect existing view corridors (or create new ones), and reinforce existing connections and make new ones where feasible?

Design rationale:

To emphasise visual connectivity whilst ensuring that where possible, the opportunity is taken to make physical connects that are going to be well-used and of benefit to residents and the wider community.

8 Easy to find your way in and around

Is the scheme designed to make it easy to understand the

links between where people live and how you access the building, as well as how you move through it?

Design rationale:

To emphasise the importance of creating a well defined entrance(s) to a development. Is it easy to find the front door?

9 Active Streets

Does the development engage with the street so passers-by will understand the movement between the building and the street, and is there an obvious visual link between inside and outside?

Design rationale:

To emphasise the importance of creating active edges to a development at street level, carefully consider how the building relates to the street, how vehicle and servicing is designed and to avoid dead elevations.

10 Cycle and car parking

Will the development be likely to support and encourage cycling by providing cycle storage which people can use with confidence? Where parking is provided, is this easy to use? Are accesses to car parking designed not to impact on those not in cars? Are entrances to car parks over-engineered, visually obtrusive or obstructive to pedestrians and cyclists?

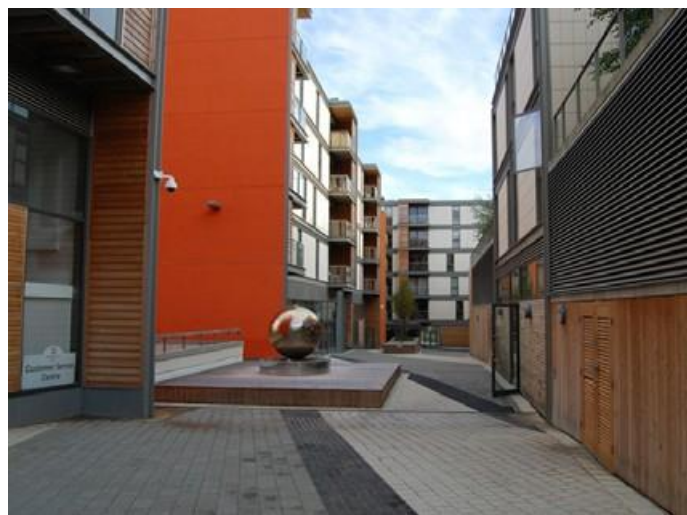
Design rationale:

To emphasise the modal emphasis on bikes in more urban development where people are more likely to live close enough to work and leisure to cycle. Seeks to also promote well-designed entrances to parking areas whether at grade or underground.



Design rationale:

To emphasise the importance of designing such spaces to be functional, attractive and well used.



12 Private amenity and storage

Are outdoor spaces, such as terraces and balconies, large enough for two or more people to sit? Is there opportunity for personalisation of these spaces? Is waste storage well integrated into the design of the development so residents and service vehicle access it easily whilst not having an adverse impact on amenity for residents.

Design rationale:

To focus on practical balcony sizes and well designed communal waste facilities that are well resolved in relation to building entrances and screened from publicly accessible routes.

11 Shared spaces

Is the purpose and use of shared space clear and it is designed to be safe and easily managed? Where semi-private or private spaces are created, are these clearly demarcated from the public realm?

Notes

1 Department for Communities and Local Government (2011) 'Laying the Foundations: A Housing Strategy for England', HMSO

Further supported by the National Planning Policy Framework (2012) and the Localism Act and Planning Practice Guidance.

2 To find out more about obtaining Built for Life quality mark please visit www.builtforlifehomes.org. Building for Life training and support (including facilitation of community workshops using BfL12) is available locally through the Design Network www.designnetwork.org.uk

3 Visit www.builtforlifehomes.org for further information.

4 For example, local concerns relating to crime and anti-social behaviour or cost prohibitive ransom strips may prevent the best connections being provided between a new development and its surroundings.

5 For strategic developments, such as sustainable urban extensions.

6 On larger developments.

7 A simple test is to ask how the architecture whether traditional or modern acknowledges and enhances its context. But there is no benefit in recycling tradition if treatments are not locally authentic.

8 However, this does not require pastiche. The aim is to exploit qualities in the character of local stock and link to them, not replicate them, but at the same time recognising that in some circumstances there is a need for a step change in approach to overall design ethos and approach.

9 Such as landscaping, tree lined streets, parks, greens, crescents, circuses, squares and a clear hierarchy of streets such as principal avenues, lanes, mews and courtyards, as well as colour, landscaping and detailing.

10 Consider using windows where appropriate to frame views from within the home.

11 Weathered materials can help add instant character whether within retained structures or reused as to create boundary walls, plinths or surface treatments.

12 For example by using permeable paving and creating a network of rills, swales, rain gardens and green roofs where suitable.

13 East-facing bedrooms are very popular for morning sun, while west-facing or south-facing patio gardens and living rooms boost their appeal in spring and autumn. In higher density schemes endeavour to have at least one principal room being able to receive sunlight through some of the day.

14 These windows need to serve habitable rooms where occupants tend to spend a lot of their day rather than bathrooms, hallways, stairwells and cloakrooms.

15 These may need to be varied within medium to higher density schemes.

16 Where buildings create the outside edge of the block and interlocked back gardens and/or shared amenity spaces create the middle.

17 Perhaps incorporating commercial premises where viable or designing flexible units that could be easily remodelled to accommodate commercial premises in the future.

18 By restricting forward visibility, using vertical features such as raised plateaus and/or designating Home Zones. Carefully consider the impact

of features such as over engineered corner radii on vehicle speeds and pedestrian safety and comfort. See www.20splentyforum.org.uk.

20 Shared surfaces may be appropriate in low traffic areas though carefully consider how shared environments can still be navigable by those with visual impairments.

21 First floor living rooms can be very effective for this purpose, even more so with bay or corner windows and balconies. The key attribute is that windows that face the street should be from habitable rooms where occupants are likely to spend a lot of their day.

22 Whilst also maximising the amount of natural light penetrating internal spaces.

23 Such as colour, detail, craftsmanship or other form of artistic expression and creativity.

24 Or shared access for apartment accommodation.

25 If rear parking courtyards are used, keep them small, so that residents know who else should be using it. Make sure at least one property is located at the entrance to the parking courtyard to provide a sense of ownership and security. Avoid multiple access points. Allow sufficient budget for boundary walls, surface treatments, soft landscaping and lighting to avoid creating an air of neglect and isolation. Contact the local Police Architectural Liaison Officer to determine whether local crime trends justify securing the courtyard with electric gates.

26 To avoid a car dominated environment, break up parking with a tree or other landscaping every four bays or so but ensure that the landscaping still allows space for people to get into and out of their cars, without having to step onto landscaped areas.

27 Discussions with local police officers and local community groups can be a useful source of information on what works well and what does not in a particular area and can help guard against creating potential sources of conflict.

28 If storage is provided within the rear garden, think about how bins and containers can be discreetly stored out of sight.

29 Non solid garage doors can dissuade residents from using these spaces as storage areas, but this will only be effective where sufficient alternative storage space is provided and where Permitted Development Rights are removed and enforced.

30 Where balconies are provided, design these generously so that they are large enough for a small table and at least two chairs.

References:

Department for Communities and Local Government (2012)

National Planning Policy Framework, HMSO

Department for Communities and Local Government and

Department of Transport (2007) Manual for Streets, HMSO

The Institution of Highways and Transportation (2000) Guidelines for Providing for Journeys on Foot, London. www.ciht.org.uk

By using Building for Life 12 as a tool throughout the design process, you can demonstrate compliance with the National Planning Policy Framework and Planning Practice Guidance

Building For Life 12 Question	Links with the National Planning Policy Framework (2012)	Links with Planning Practice Policy Guidance (2014)*
Integrating into the neighbourhood		
1. Connections	9, 41, 61, 75	006, 008, 012, 015, 022
2. Facilities and services	38, 58, 70, 73	006, 014, 015, 017
3. Public transport	9, 17, 35	012, 014, 022
4. Meeting local housing requirements	9, 47, 50	014, 015, 017
Creating a place		
5. Character	17, 56, 58, 60, 64	006, 007, 015, 020, 023
6. Working with the site and its context	9, 10, 17, 31, 51, 58, 59, 118	002, 007, 012, 020, 023
7. Creating well defined streets and spaces	58	008, 012, 021, 023
8. Easy to find your way around	58	022
Street and home		
9. Streets for all	35, 58, 69	006, 008, 012, 022, 042
10. Car parking	39, 58	010, 040
11. Public and private space	57, 58, 69	006, 007, 009, 010, 015, 016, 018
12. External storage and amenity	58	040

Generally:

NPPF: 63, 56 – 58, 63, 64

PPG*: 001, 004, 005, 029, 031 – 038

(BfL12 is designed to be used to support consultation and community participation. It can also be used to guide masterplans, design codes, frame pre-application discussions and Design Reviews, structure Design and Access Statements, support local decision making and if necessary justify conditions relating to detailed aspects of design, such as materials).

*paragraph references within 'Design' guidance category.

Credit: Kruczkowski, S

Suggested acceptable walking distances

These suggested acceptable walking distances can help you with questions in the 'Integrating into the neighbourhood'

	Town centres (m)	Commuting / School / Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Source: The Institution of Highways and Transportation (2000) Guidelines for Providing for Journeys on Foot, London (p.49)

Credit: Birkbeck, D., Collins, P.,Kruczkowski, S, and Quinn, B.

Building for Life is the industry standard, endorsed by government for well-designed homes and neighbourhoods. It can help local communities, local authorities and developers work together to create good places to live, work and play.

'Homes that sell for the highest amount and quicker than others have great kerb appeal. Built for Life schemes have this special kerb appeal. The streets and homes are better arranged - they are better designed places and will sell better in the future on the second hand market.'

Mike Fallowell FRICS, Co-founder, Newton Fallowell.

'Built for Life accreditation gives the consumer confidence in the quality of developments and the consideration that has gone into all aspects of the build.'

Nick Boles MP, former Parliamentary Under Secretary of State for Planning.

'This government recognises that what we build is just as important as how many homes we build.'

HM Government (2011), Laying the Foundations: A Housing Strategy for England, HMSO, London.



APPENDIX iv - Full version of the Generic HRA AA for the River Avon SAC

LK 07/01/2021

Not to be used beyond 31st March 2022

GENERIC APPROPRIATE ASSESSMENT OF DEVELOPMENTS IN WILTSHIRE OCCURRING IN THE RIVER AVON SAC CATCHMENT

This appropriate assessment has been written by Wiltshire Council and applies to appropriate planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment.

The Assessment is relevant to planning applications determined between January 2021 and 31st March 2022. It will be rolled forward on a year by year basis incorporating amendments considered necessary to avoid adverse effects on the River Avon SAC as well as the Avon Valley SPA and Ramsar site.

BACKGROUND TO THE EUROPEAN SITES

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 *Ranunculon fluitantis* and *Callitricho-Batrachion* 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.

Conservation objectives for the SAC and supplementary advice for implementing them have been published by Natural England (NE)^{1,2}. These are underpinned by targets for various chemical and physical attributes of the river in line with Common Standards Monitoring Guidance (CSMG). Of particular relevance to development is the fact that elevated levels of phosphorous are preventing the conservation objectives from being achieved and causing the river to be in unfavourable condition. Developments within the river catchment have the potential to contribute to elevated phosphorous through foul water discharges from sewage treatment works and package treatment plants.

The Avon Valley SPA and Ramsar sites lie in downstream sections of the river beyond Wiltshire. The SPA qualifies on account of non-breeding populations of Bewick's swan and gadwall with conservation objectives³ and supplementary advice⁴ published by Natural England to support maintaining the site in favourable condition. In particular, nutrient enrichment (e.g. phosphorus) needs to be controlled to ensure the habitats these species rely on for food are maintained.

The lower reaches of the River Avon and its floodplain are designated as the Avon Valley Ramsar site due to its range of habitats, particularly unimproved floodplain grassland, and diversity of flora and fauna which is greater than any other chalk river in Britain. Its qualifying

¹ European Site Conservation Objectives for River Avon Special Area of Conservation Site Code: UK0013016 published by Natural England 27 November 2018 (Version 3)

² European Site Conservation Objectives: Supplementary advice for conserving and restoring site features - River Avon Special Area of Conservation (SAC) Site Code: UK0013016. Published by Natural England 11 March 2019

³ European Site Conservation Objectives for Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 21 February 2019 (Version 3)

⁴ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. Avon Valley Special Protection Area Site Code: UK9011091 published by Natural England 29 January 2019

species is wintering gadwall, but other species also meet the qualification threshold⁵. Pollution by domestic sewage and agricultural fertilizers are identified as factors currently having an adverse effect.

Although most of the work leading up to this point has been focussed on the River Avon SAC, it is evident that by ensuring development is phosphorous neutral, adverse effects will be avoided not only on the River Avon SAC but also on the Avon Valley SPA and Ramsar sites.

PHOSPHOROUS NEUTRALITY

Memorandum of Understanding

The implications of development related phosphorous inputs have been assessed through appropriate assessments for the Wiltshire Core Strategy⁶ and Wiltshire Housing Site Allocations Plan. The latter plan relies on a Memorandum of Understanding (MoU)⁷ between Wiltshire Council, New Forest District Council, New Forest National Park Authority, Natural England, Wessex Water and the Environment Agency. The signatories have agreed to deploy a range of measures to ensure development between March 2018 and March 2026 will be phosphorous neutral.

Interim Delivery Plan

The MoU commits the parties to preparing an Interim Delivery Plan (IDP)⁸ in order to secure a trajectory of phosphorous reductions in line with the spatial and temporal pattern of development. The IDP focusses mainly on residential development down to single dwellings, as these combine to have the greatest negative effects across the catchment. Although it also captures anticipated increases in phosphorous from new employment uses, it is likely the proportion of householders living and working in the catchment is roughly the same and therefore accounting for these applications separately would potentially be double counting phosphorous loads. This matter will be picked up when the IDP is reviewed later in 2021 but this presumption is likely to be valid as it has been applied in Natural England's guidance for Nutrient Neutrality in the Solent Region⁹. In addition to residential and non-residential growth, the IDP considers the growth of unsewered development and takes account of land use change from agriculture to urban to arrive at a projection for net phosphorous increases up to 2025/26.

Industries which contribute phosphorous as a result of their commercial processes (e.g. laundries, fish farms, water cress farms, tourism attractions and some agricultural facilities), do not come within the scope of this appropriate assessment and will continue to need to be assessed separately. In addition, commercial development involving overnight accommodation such as self-service and serviced tourist / business accommodation, caravans and chalets etc, will attract people into the catchment and generate additional wastewater. This will therefore be assessed on a case by case basis, and developers are likely to require advice from Natural England through their chargeable services (DAS).

⁵ Information Sheet on Ramsar Wetlands. Compiled by Joint Nature Conservation Committee 2 February 1998

⁶ This relied on the River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus, Final version April 2015. Prepared by David Tyldesley and Associates for Wiltshire Council, Natural England and the Environment Agency.

⁷ Memorandum of Understanding, River Avon Special Area of Conservation, Phosphate Neutral Development – Interim Mitigation, 29 May 2018

⁸ River Avon SAC – Phosphate Neutral Development Interim Delivery Plan, Wood Environment and Infrastructure Solutions UK Limited, January 2019

⁹ Advice on achieving nutrient neutrality for new development in the Solent region, version 5 June 2020. Natural England

Outcome Delivery Incentive

When written, the IDP envisaged the entire load would be offset by a performance commitment (Outcome Delivery Incentive - ODI) which was being sought by Wessex Water through the water company Price Review (PR19). They committed to maintain phosphorous during the period 2020 – 2025 at the level of the previous 5 years. If this had been agreed by Ofwat, the IDP would have acted as a contingency to the ODI not being implemented, as well as to cover unsewered development and as a precaution to cover all new development between March 2018 and March 2020. Although Ofwat agreed the principle of the ODI, it did not consider it should be funded entirely by water customers. As a result, third parties including the Councils need to provide for offsetting for developments to be able to proceed.

Wessex Water is currently assessing how much of the incentive will be delivered over the business plan period up to 2025. Over the next four years, it expects to deliver a programme of optimising sewage treatment works in anticipation of agreeing lower phosphorus limits with Ofwat for the next Asset Management Plan period. It has already confirmed the Environmental Permit for Warminster Sewage Treatment Works will be reduced from 1mg/l down to 0.5 mg/l from 31st December 2021 effectively halving the mitigation needed for development discharging to these works. The Company also anticipates purchasing offsets for a number of environmental parameters through an online trading platform operated by Entrade. Provided the phosphorous element of these credits can be demonstrated to operate in perpetuity then they may be available for Councils to use towards mitigation for housing but at the current time details remain uncertain. In the short term however, Local Authorities will need to ensure offsetting is provided.

Beyond 2025

Beyond the IDP, signatories to the MoU recognise development must continue to be phosphorous neutral, potentially for the lifetime of the permissions being granted. To the extent that housing distribution is down to planning authorities, the Councils recognise they have a role to play in directing housing away from sensitive areas, and where this is not possible, finding appropriate mechanisms to offset harm.

To this end Wiltshire Council has agreed, unless it becomes evident that this responsibility falls to others, to provide for the in-perpetuity mitigation for unmitigated permissions it grants under the Wiltshire Core Strategy up to March 2026. The Council reserves the right to require developers to directly provide for the necessary mitigation measures where it considers it is appropriate to do so. The other MoU Councils are supportive of this approach.

Water usage condition

The MoU and IDP currently commits planning authorities to imposing a condition on all residential permissions in the catchment area to restrict water usage to 110 litres per person per day. This will have the effect of slightly reducing the amount of water reaching sewage treatment works. Most treatment works are restricted through their Environmental Permit on the amount of phosphorous that can be discharged per litre of water. The water use restriction will thereby achieve a reduction in total phosphorous discharged and reduce the offsetting by a small degree.

River Avon SAC Working Group

In order to track phosphorous neutrality in the short term and plan for the longer term, representatives of the MoU signatories meet regularly as the River Avon SAC Working Group.

The group tracks progress of delivery measures funded by local authorities, Wessex Water and developers, monitoring these against forecasts of housing delivery (housing trajectories) and annual returns of housing completions.

The Working Group also provides a forum for statutory agencies to advise on the implications of the growing scientific evidence which underpins the delivery of phosphorous neutral development, work being undertaken nationally to address nutrient impacts and in due course on the steps being taken to bring the SAC into favourable condition.

At least one full meeting will be held every year in late November / early December when new trajectory data is available. This Annual Review will assess progress on delivering phosphorous offsetting in relation to current trajectories of housing from Wiltshire - Council.

WILTSHIRE COUNCIL APPROACH FOR ACHIEVING NEUTRALITY

Overview

While MoU signatories will adopt their own approach, as the largest planning authority affected, Wiltshire is the first to set out how it will demonstrate phosphorous neutrality and provide the certainty required by appropriate assessments.

The Council has adopted the following approach to ensure the permissions it grants from January 2021 will avoid adverse effects on the European sites:

- The Council's trajectory of housing completions¹⁰ will be used to anticipate the amount of offsetting required and ensure sufficient offsetting is in place before housing becomes occupied.
- Offsetting will initially take the form of Small Schemes which will mainly comprise new wetlands and woodlands located in the headwaters of the River Avon sub-catchments.
- In the first place Small Schemes will be secured by 25 year contracts but these will be capable of being extended or replaced to provide offsetting in perpetuity.
- Temporary Measures, such as cover crops or capital works, will be used to bridge any gaps until Small Schemes are up and running and may be used at other times as a contingency.
- A 20% buffer will be incorporated into phosphorous projections to account for uncertainties inherent in the approach to determining whether development is phosphorous neutral.
- Large Habitat Creation Schemes will be delivered in the headwaters of some or all of the River Avon headwaters within the next 3-10 years to provide in-perpetuity offsetting for permissions granted between March 2018 and March 2026. Contracts

¹⁰ Housing trajectories include (i) permissions from 1 April 2018 to 31 March 2020, (ii) allocations in saved district Local Plans, Wiltshire Core Strategy, Wiltshire Housing Site Allocations Plan and Neighbourhood Plans that are expected to deliver housing by 31 March 2026 and (iii) a windfall allowance for sites that are likely come forward but are not currently committed.

for Small Schemes will not be continued in any given sub-catchment where a Large Habitat Creation Scheme is in place.

This approach to the delivery of mitigation measures was approved by the Council at the Cabinet meeting on 5th January 2021 when the following resolution was passed:

The Cabinet,

- (i) 'Confirms that the Council will, until such time as the responsibility falls to others, adopt a strategic approach to secure in perpetuity measures to ensure development is phosphorous neutral in the catchment for the River Avon (Hampshire) Special Area of Conservation; including short term temporary measures followed up by long term strategic mitigation measures, such as a large scale habitat creation scheme, to ensure in perpetuity phosphorous neutrality;*
- (ii) Confirms that the strategic approach will include monitoring with annual reporting, to take an evidence led approach to ensure that phosphorous offsets arising from the measures secured keep pace with permissions granted;*
- (iii) Agrees to ring-fence and commit an initial fund of £850,000 from the Community Infrastructure Levy strategic funds for the delivery of off-setting measures to achieve phosphorous neutral development and fund a project officer to oversee delivery, monitoring and reporting; and*
- (iv) Delegates authority for the Interim Corporate Director of Place in consultation with the Cabinet Member for Spatial Planning, Development Management and Property and Interim Corporate Director of Resources to oversee the spending of this fund. '*

Short term approach for housing - March 2018-March 2026

Following the above rationale, Wiltshire Council is securing contracts to deliver small scale phosphorous offsetting measures (Small Schemes). Currently, this is being done through the Entrade online trading platform. The first auction was held in June 2020 and the first two contracts arising from this are scheduled to be implemented before September 2021. These will provide offsets in the Avon sub-catchment and anywhere downstream of the Pewsey Vale.

The Council has spent several months working with Entrade, Natural England and the Environment Agency to refine the process by which auctions will be set up and offers will be assessed. Qualifying offers must meet fixed criteria regarding the type, location and duration of phosphorous reductions and must be able to demonstrate their proposals will not be used to remedy existing non-compliance with pollution regulations¹¹. Offers are then technically assessed by Entrade to establish the quantum of offsetting that can be delivered, assess maintenance requirements and review costs. The phosphorous offsetting schemes taken up by the Council will be agreed by Natural England. Finally, contracts are negotiated between the Council and relevant landowners and entered onto a register containing the details outlined in Appendix 1.

Having established to Natural England's satisfaction the on-line auction is effective at identifying landowners able and willing to deliver schemes acceptable for offsetting purposes, and given the advanced stage of negotiation on contracts that are able to secure these

¹¹ The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010

schemes, the Council is following the same approach for the remaining sub-catchments to deliver offsetting to March 2026. The aim is for Small Schemes to be delivered in the head of all catchments where housing is coming forward.

The auctions will need to be phased, with initial emphasis placed on the Avon, Nadder and Wylde catchments consistent with their relatively higher levels of growth. Growth in the Ebble and the Bourne is not insignificant and therefore these auctions will quickly follow. The first auctions for Temporary Measures will take place in Spring 2021 to allow these to be in place from September 2021.

Table 1 summarises the programme for securing the necessary offsetting anticipated up to March 2026.

As Table 1 demonstrates, apart from the Avon sub-catchment, the intention is to rely on Temporary Measures until at least March 2022 and potentially March 2023 to enable the Council to set up the necessary auctions, award contracts and enable land managers to put the contracted measures in place. By March 2023 Small Schemes for wetlands / woodlands should be in place for each sub-catchment. A further round of auctions in 2023 will secure any deficit in the offsetting projections up to March 2026. Where prudent, further Temporary Measures will be secured to make up for any short term contract delays or unexpected rise in housing projections.

Precautionary timeframes for short term and temporary measures being in place can be summarised as follows:

Small Schemes (wetland / woodland contracts)

Auctions in January, contracts by December the same year, measures in place by the following December, i.e. two years between auction and measures being available to use.

Temporary Measures (e.g. cover crops)

Auctions in April, contracts by June, measures in place by September the same year i.e. 6 months between auction and measures being available to use. Whilst the auctions for Temporary Measures are expected to be held annually these contracts may extend for more than one year depending on the expected need for the temporary measure.

The only sub-catchment where there will be a tighter timescale is the Avon sub-catchment. Here housing completions are expected to surpass the offsetting secured by the current two contracts in April 2022. An auction in Summer 2021 will seek further Small Schemes for this sub-catchment which will ideally be in place by April 2022, but it will also seek Temporary Measures as a contingency should the further wetland / woodland mitigation be delayed.

Additional issues to be addressed

The IDP estimates phosphorous arising from non-residential growth based on Wessex Water growth forecasts. No attempt has been made to calculate phosphorous for non-residential development for this appropriate assessment. Current advice from Natural England regarding nutrient neutrality for other catchments indicates that employment can be discounted on the assumption there is no net migration into the catchment for employment purposes¹².

¹² E.g. Advice on achieving nutrient neutrality for new development in the Solent region, version 5 June 2020. Natural England

In addition, the IDP includes an estimate for unsewered residential development. This is based on Wiltshire Council analysis showing approximately 5% of completions are within unsewered areas in the Avon catchment¹³. Natural England is preparing advice for Local Planning Authorities on assessing phosphorous contributions from unsewered development as in certain situations the contribution is likely to be *de-minimus*. This would mean some unsewered residential developments could be screened out of appropriate assessment and excluded from housing projections.

The Working Group has agreed the IDP needs to be reviewed in 2021. This will provide the opportunity to review the above issues and demonstrate that adequate offsetting is available.

This assessment does not include an allowance for urban runoff, nor does it account for the phosphorous gain which will accrue from taking land out of production. Natural England has commissioned further research on anticipated leachate rates from urban areas and therefore it is appropriate to leave this matter for further consideration during the review of the IDP.

¹³ River Avon SAC – Phosphate Neutral Development Interim Delivery Plan, Wood Environment and Infrastructure Solutions UK Limited, January 2019

Table 1: Programme for securing and delivering offsetting up to March 2026

AUCTION DATE	SCOPE OF AUCTION	SCOPE OF CONTRACTS	DATE OF CONTRACTS	MEASURES AVAILABLE FROM:
June 2020	Small Schemes in Avon sub-catchment	Secured for 25 - 80 years, should cover completions trajectory until March 2022	January 2021	Mid-late 2021
December 2020	Small Schemes in Wylfe and Nadder sub-catchments	These two catchments have the steepest trajectory of housing completions, therefore prioritise these to reduce long term risks	December 2021 (or earlier), construction of wetlands / planting to occur during 2022	Available April 2023 (or earlier)
April 2021	Further Small Schemes in Avon sub-catchment Temporary Measures in Avon sub-catchment	If possible, seek to avoid the need for temporary measures by ensuring further contracts for Small Schemes are in place and built before mid-2022. Contracts for a minimum of 25 years	Award contract mid-2021 to enable works to be completed before mid-2022	Available July 2022
April 2021	Temporary Measures in Nadder, Wylfe, Bourne and Ebble sub-catchments. Review whether to include Till sub-catchment.	Contracts to be secured for one year with options to extend for another one to two years as a bridge to when wetland / woodland contracts are in place	Award June/July 2021, sow cover crops immediately	September 2021
January 2022	Small Schemes in Bourne and Ebble (and Till) sub-catchments	Ideally schemes would be implemented during 2022 to reduce the need to extend temporary measures into a third year in March 2023	Award contracts as early as possible in 2022	Ideally available April 2023
April 2022	Temporary Measures - all sub-catchments	Review whether contracts required to deal with delays in aware of contracts or changes in completions trajectory	Award June/July 2022, sow cover crops immediately	September 2022
January 2023	Further Small Schemes in all sub-catchments up to March 2026	Review the projected offsetting deficient in all sub-catchments up to March 2026 and set up timetable of auctions as necessary	Award contracts December 2023	Available April 2025

Long term approach – Post March 2026

Over the next 3-10 years the Council is looking to establish habitat creation schemes in the heads of some or all of the sub-catchments. Once in place, these will negate the need for further contracts for Small Schemes and provide the in-perpetuity element for any permissions granted between March 2018 and March 2026. They will incorporate a 20% buffer to account for any uncertainties in the approach to offsetting. The schemes will be designed to enable them to be readily expanded, for example, to account for unforeseen increased growth or for further periods when provision for in-perpetuity offsetting is agreed to be the responsibility of the Council.

Habitat creation schemes will enable the Council to work at a landscape scale. Their size and spatial continuity will make offsetting more sustainable and cost-effective in the long term as they will have fewer maintenance and monitoring costs. These aspects will provide greater confidence that neutrality is being achieved, reducing the need for compliance monitoring across an increasingly large suite of scattered piecemeal contracts.

The appointment of a full time Nutrient Project Officer is being progressed without delay. This person will work with farm cluster groups and other partners to secure the first Habitat Creation Schemes over the next three to five years. The indications are that there is considerable interest from landowners in pursuing offsetting / biodiversity gain options for their land. There is also scope for synergies with the work of other organisations. For example, the Council is aware the Highways England wishes to secure largescale water quality and biodiversity improvement projects in the vicinity of the A36 which lies in the Wylde catchment. The Wessex River Trust is also looking to develop a habitat creation scheme in this catchment.

Sub-catchments with only limited development forecast (i.e. in Wiltshire, the River Till), will be mitigated either through Neighbourhood Plans or through Small Schemes until Habitat Creation Schemes come forward.

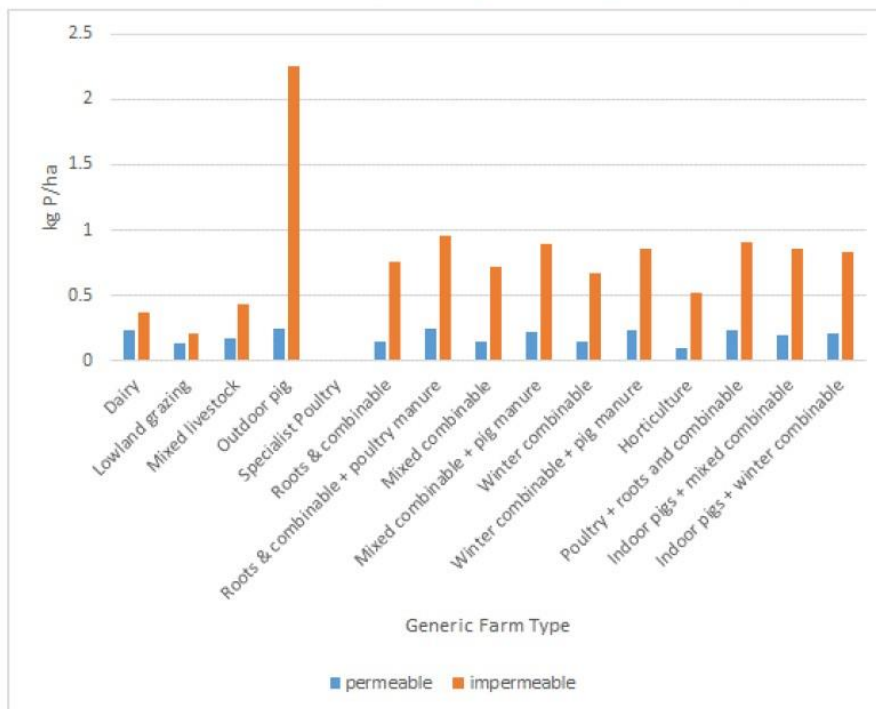
In-perpetuity offsetting for completions between March 2018 and March 2026

Here consideration is given to the size Habitat Creation Schemes may need to be to achieve the offsetting needs for the 2018-2026 period.

Housing permissions granted between 2018 and 2026 are anticipated to generate an annual requirement thereafter for 178.45kg of phosphorous offsetting which, with an additional 20% buffer, is 214 kg per year.

The following Figure is taken from the IDP. It summarises baseline information from Farmscoper (V4) to show the phosphorous exported by different generic farm types for permeable and impermeable soils where average annual rainfall is between 700 and 900mm per year.

Figure 3.1 Estimated baseline phosphorus export from generic farm types (Farmscoper 4)



It demonstrates that phosphorous exports depend primarily on soil type. Where farms are located on permeable soils e.g. where soil is underlain by chalk the average loss will be approximately 0.25 kg P/ha/year. Data from the Stour catchment, also based on Farmscoper (V4), corroborates this figure with an average for that catchment calculated to be 0.28 kg /ha/year¹⁴. On impermeable soils such as in floodplains, the average is much greater, approximately 1 kg P/ha/year.

The Stodmarsh study, recommends that a baseline nutrient leaching value of 0.14 kg P/ha/year can be used for land which is designated as open space, as new nature reserves or bird refuge areas and for areas of new woodland planting¹⁵. Natural England considers this figure may be excessive for land uses with low public access (eg nature reserves or bird refuges) and has commissioned further research. It may therefore be a worse-case scenario but will be taken into consideration when calculating the size of nature reserve to be created.

These figures equate to taking farmed areas of between 250 ha and 1950 ha out of production to deliver the offsets required until March 2026. However, these will be significantly reduced by incorporating other mitigation measures within the Habitat Creation Schemes such as wetland creation.

DELIVERY

Delivery Principles

- Where possible, auctions for short term measures will be initiated two years before the start of the year when completions become due in a sub-catchment.

¹⁴ Advice on nutrient neutrality for new development in the Stour catchment in relation to Stodmarsh designated sites – for Local planning authorities. Natural England, November 2020

¹⁵ See paragraph 5.42 in the above study

- Contracts will be signed to allow 1 year before the start of the year when the completions become due. This is to minimise the risk of measures not being in place at the point when first completions arise.
- 20% will be added to the annual phosphorous totals to provide a buffer for variations in the rates of completion, as well as other variables identified through a review of the IDP.
- The Council will consult with the Working Group, who will meet in November / December each year to consider progress of phosphorous mitigation (contracts and delivery) against updated housing trajectories.
- The Council supports bespoke schemes being provided by developers. Such schemes will be permitted where the developer has provided details of a scheme which Natural England has confirmed is compliant with the Habitats Regulations and is able to mitigate for phosphorous in-perpetuity with a 20% buffer. Such schemes will be secured through legal agreement to ensure mitigation is in place and working effectively before commencement of each phase of development.

Relevant Planning Applications

All applications for housing which result in a net increase in foul discharge being made within the River Avon catchment are within the scope of this appropriate assessment. The following applications are considered to be out of scope as they are not considered to have a significant effect on the SAC:

- Comparably sized replacement dwellings can be assumed to be phosphorous neutral in light of the condition restricting water use to 110 litres/person/day
- Any developments for annexes can also be regarded as phosphorous neutral if a condition is applied to limit use of the annex to that which is ancillary to the main dwelling
- Applications for replacement of a septic tank anywhere in the catchment are assumed to be phosphorous neutral provided there is no net increase in the number of connected dwellings.

In view of the 20% buffer proposed to be added to the anticipated cumulative discharge figures, non-residential development (excluding activities which contribute phosphorous as a result of their commercial processes or from people living beyond the catchment) and non-sewered development is within the scope of this appropriate assessment. The approach to these types of development will be reconsidered when the IDP is reviewed.

Nutrient Project Officer

A project officer is being recruited to support Wiltshire Council in delivering the following:

- Maintain records and share information with the Working Group
- Track housing permissions and completions and ensure contracts are in place in a timely way to ensure mitigation measures are on the ground before dwellings are occupied
- Oversee landowner negotiations, compliance of contracts and satisfactory maintenance
- Work with partners and landowners to develop proposals for long term habitat creation schemes in the River Avon catchment which will be suitable for in-

perpetuity phosphorous mitigation for completions delivered between March 2018 and March 2016.

- Working with partners to develop proposals for habitat creation schemes to offset additional development coming forward through the Local plan Review.

Funding

In Wiltshire, mitigation, management and monitoring identified in the IDP is currently being funded through the Community Infrastructure Levy (CIL), as well as bespoke mitigation and management schemes provided by developers. The Cabinet resolution (above) makes an unequivocal commitment to providing mitigation measures including funding.

In the longer term, the Council expects that mitigation will be funded through an increased variety of means, through partnership working with other statutory and non-governmental bodies and potentially through additional contributions secured from developers through legal agreement or similar.

CONCLUSION

The above work enables the Council to conclude, beyond reasonable scientific doubt, that development for residential and employment uses in the River Avon catchment would not lead to adverse effects on the integrity of the River Avon SAC either individually or in combination with other plans and projects.

The following non-exhaustive list of developments are excluded from this assessment and must be assessed separately before permission can be granted. Natural England chargeable advice must be sought before an application is submitted:

- New fish farms or extensions to existing fish farms
- New cress beds or extensions to cress beds
- Any industrial or other processes which lead to discharges which do not go through sewage treatment works
- Agricultural facilities which lead to livestock waste being concentrated in a small area
- Tourism attractions which aim to routinely bring people in from outside the catchment
- Any overnight accommodation which routinely brings people in from living outside the catchment pariah

NATURAL ENGLAND RESPONSE

In an email dated 7th January 2021, Natural England's Planning and Conservation Senior Advisor John Stobart provided the following response:

"I can confirm that Natural England supports the revised phosphorous neutrality strategy as described in the generic AA dated 7 January 2021. I note the Cabinet resolution of 5th January 2021 which confirms the Council's commitment to adopt a strategic approach to secure in perpetuity measures to ensure phosphorus neutrality of developments permitted up to March 2026 and the funding to deliver this. Consequently, we would have no objection to the generic AA being applied to new permissions that meet the criteria stipulated in that document. Further, I can confirm that provided your authority is satisfied that the generic AA is applicable to a particular case and provided you are satisfied the necessary in perpetuity offsetting measures are being delivered as planned, your authority may consider that Natural England is satisfied that the case would have no adverse

effect on the integrity of the international sites. On this basis we would have no need for a further consultation on cases covered by the provisions of the generic AA. Your authority may wish to seek its own legal advice on whether a consultation with Natural England remains a legal requirement in these types of cases in the light of this advice.

“We look forward to working closely with you over the coming year to complete the review of the IDP and ensure the necessary phosphorous offsetting measures are delivered in a manner that fully meets the Habitats Regulations requirements, while also realising the potential for substantive additional public benefits (e.g. carbon sequestration, biodiversity enhancement, public access to natural greenspace, etc.”

APPENDIX

Format for Register of contracts awarded for phosphorous mitigation

Contract No. 1		
		Compliance details
Landowner details:		NA
Location:		Map required
Date of contract:		Refer to contract
Details of scheme		Refer to specification
Date when scheme became effective		Verification details
Duration of contract		NA
Total phosphorous removed per year		Reference to water sampling results for verification
Number of dwellings mitigated per year		Changes depending on water sampling
Maintenance frequency		Date of last check

Appeal Decision

Site visit made on 24 February 2021

by **L Page BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/Y3940/W/20/3263057

Land to the side of 6 Ash Walk, Warminster BA12 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andy Janes against Wiltshire Council.
 - The application Ref 20/06434/FUL, is dated 28 July 2020.
 - The development proposed is sub division of plot to create a separate dwelling (2 bed 3 person).
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council failed to issue a decision within the prescribed period but has confirmed it would have refused planning permission, outlining the main areas in dispute. The appeal has been dealt with accordingly.

Main Issues

3. The main issues are:
 - (a) The effect of the proposal on the character and appearance of the area, including the setting of nearby designated heritage assets; and
 - (b) Living conditions of future occupiers in relation to private outdoor space.

Reasons

Character and Appearance

4. The site is located on Ash Walk and part of the broader Manor Gardens residential estate, which comprises two storey dwellings arranged as semi-detached pairs on modestly sized plots. The dwellings are mostly uniform in appearance, insofar as they comprise brick construction with hanging tile detailing at their frontages and tile roofs. There is some variation in the way porches and garages are incorporated into the main built form. For example, some garages are fully integrated, and others are offset and only partly integrated. These elements are generally subservient to the main built form and therefore any variation is subtle and does not tend to distract from the wider uniformity. The property at the site is consistent with the character and appearance of the wider residential estate in that it is two storeys in height and comprised in a semi-detached arrangement, among other things.

5. The site falls outside of but directly abuts the boundary of Warminster Conservation Area, which is located to the south. There is a marked and distinct change in the character and appearance of the buildings within the conservation area boundary, in that buildings take on a historic character and appearance and where many are Grade II listed buildings.
6. Consequently, there is a juxtaposition between the historic buildings immediately to the south of the site and the modern buildings comprised on the site itself and immediately to the north on the wider residential estate. The juxtaposition with the modern buildings is one element of the conservation area's and listed buildings' setting, which helps provide a backdrop that better reveals their historic nature and heritage significance to the public.
7. The proposal would introduce a new dwelling within an existing modestly sized plot at 6 Ash Walk. There is no evidence that the existing plot is proportionally larger than other plots within the locality, or that there is surplus land available to comfortably support a new dwelling at the site.
8. Consequently, the proposal would take up a significant proportion of the existing plot, which in and of itself would detract from the wider uniformity and arrangement of dwellings in the locality and make the existing dwelling appear cramped on a much smaller plot. Furthermore, and in a similar context, due to the existing plot being modest in size, the new dwelling would be squeezed onto a plot that is substantially smaller than others in the locality, and it too would detract from the general uniformity of the area.
9. Consequently, the proposal would change the pattern of development, which would have a harmful effect on the character and appearance of the area. By extension, the proposal would not preserve the setting of Warminster Conservation Area or Grade II listed buildings in proximity to the site. There is no evidence demonstrating that this harm would be outweighed by public benefits generated by the proposal.
10. Altogether, the proposal would conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy 2015 (WCS) and Paragraphs 192 through to 196 of the National Planning Policy Framework, and the statutory provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Among other things, these require proposals to incorporate high quality design and place shaping principles, and that great weight should be given to the conservation of designated heritage assets.

Living Conditions

11. The site is part of a modest sized plot associated with 6 Ash Walk. It appears that the approved rear extension under application 20/02726/PNEX has been built and the private outdoor space to the rear of the property is now similar in size to that available next door at 8 Ash Walk. Policy L1 of the Warminster Neighbourhood Plan 2016 (NDP) is clear that new development in the area should reflect the principles outlined in the Building for Life 12 industry standard.
12. In turn, there is said to be a minimum requirement for outside amenity space equal to the size of the ground floor footprint of the dwelling. However, the Building for Life 12 industry standard is not in front of me and I am therefore unable to rely on this potential requirement.

13. The proposal would reduce the available private outdoor space at both 6 Ash Walk and the new dwelling, to the extent that these areas would be significantly eroded compared to the private outdoor space available at other dwellings in the vicinity.
14. However, I cannot conclude that the proposal would be harmful to living conditions on the basis of size differential alone. In the absence of the Building for Life 12 industry standard I cannot therefore find conflict with Core Policy 57 of the WCS or Policy L1 of the NDP, which among other things require proposals to come forward in a well designed manner and with sufficient private outdoor space.

Other Matters

15. Notwithstanding potential likely significant effects on the River Avon Special Area of Conservation (SAC), as I am dismissing the appeal and refusing planning permission for other reasons, it is not necessary for me to make a definitive finding on this particular matter.
16. The Council's administration of the application is not a matter for me to deal with under this appeal, which has been decided in relation to the evidence presented, in accordance with the development plan and other material considerations.
17. The appellant has referred to a number of other planning applications within the locality and the potential effects on designated heritage assets therein. However, the full details of these planning applications are not in front of me to determine their relevance as material considerations. In any event, the proposal has been considered on its own merits.

Conclusion

18. For the reasons given, even though there is no evidence that the proposal would have a harmful effect on living condition of future occupiers in relation to the amount of private outdoor space, there would still be a harmful effect on the character and appearance of the area and the setting of designated heritage assets. Consequently, the appeal is dismissed, and planning permission is refused.

Liam Page

INSPECTOR

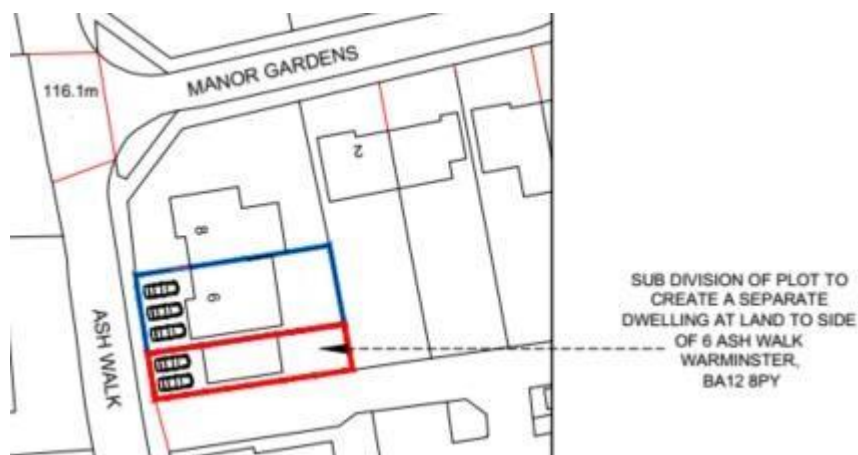
APPENDIX 3 – DELEGATED OFFICERS REPORT FOR PL/2021/07803

CASE OFFICER'S REPORT

Application Reference: PL/2021/07803
Application Type: Full planning permission
Site Inspection:
Consultation ends: 21 September 2021
Case officer: Verity Giles-Franklin

Site Address: 6 ASH WALK, WARMINSTER, BA12 8PY
Proposal: Sub division of plot to create a separate dwelling (2 bed 3 person) at land to the side of 6 Ash Walk
Recommendation: Refuse

Proposal and Site Description: This planning application seeks planning permission for the erection of a two-storey, two-bed detached dwelling to be located to the side of No. 6 Ash Walk. The proposal would include on-site car parking for two vehicles to be provided at the front of the dwelling, with a garden to the rear. The proposal seeks to subdivide the existing plot as illustrated by the below extract taken from the submitted proposed block plan:



This application follows a previous application submitted under application reference 20/06434/FUL which was dismissed and planning permission refused at appeal on the basis that the subdivision of the plot in order to accommodate a detached dwelling to the side of No.6 Ash Walk would have “a harmful effect on the character and appearance of the area and the setting of designated heritage assets”. The proposed dwelling would have a similar footprint to that of the previously refused proposal (though the submitted floor plans indicate that there would be an approximate 1.8m² increase in the gross internal floor area of the dwelling submitted as part of this current application compared to that of the previously refused application) with both dwellings comprising a pitched roof with rear projecting gable. With reference to the submitted elevation drawings provided on drawing reference 2386-11, the dwelling proposed as part of this current application would be finished in brickwork with hanging tile detailing to match the neighbouring dwellings under

interlocking concrete roof tiles, which differs from the materials proposed as part of the previously refused application which sought to finish the wall elevations in render with brick quoin detailing.

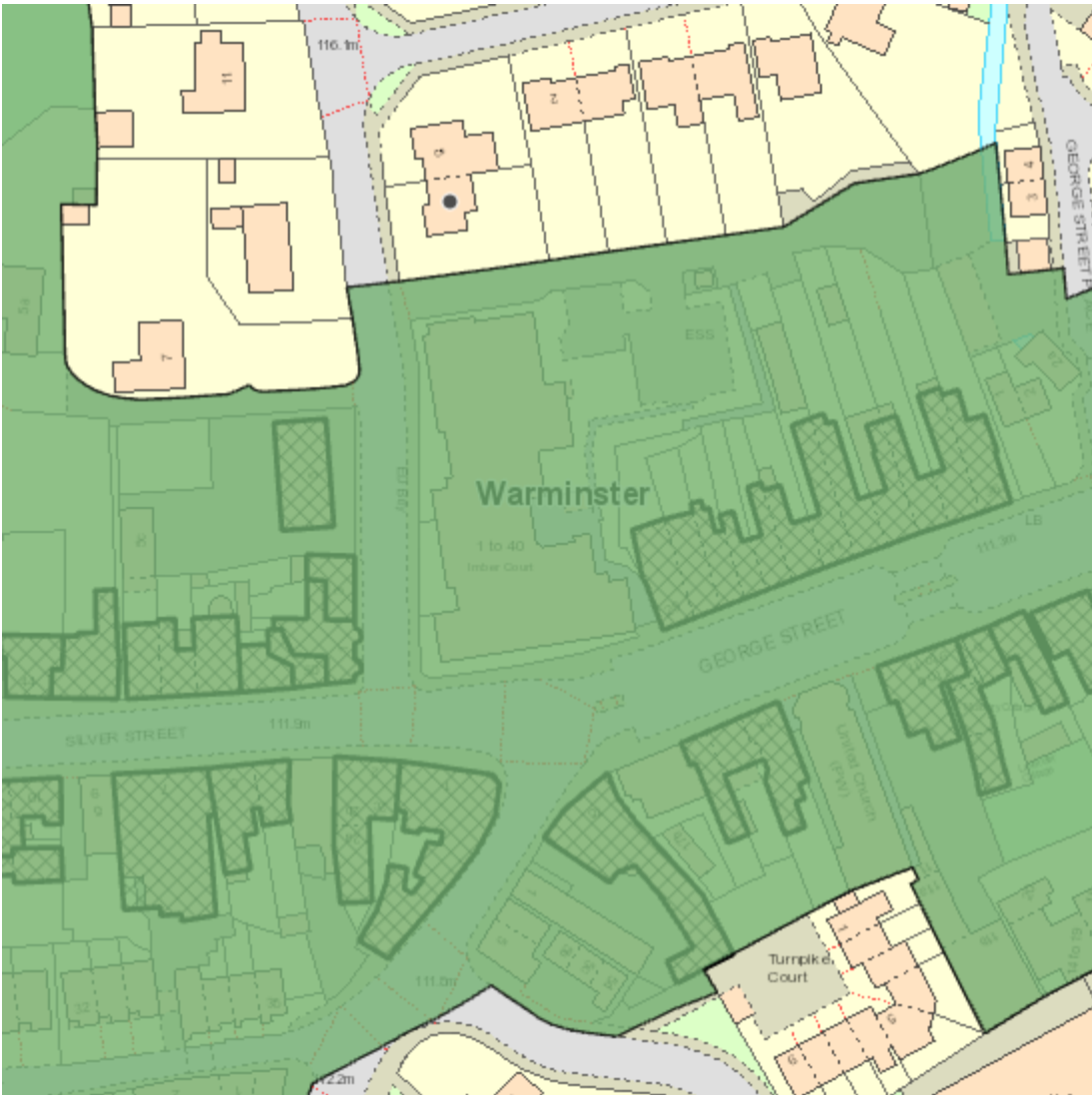


Elevations as proposed under application reference 20/06434/FUL



Elevations as proposed under the current application reference PL/2021/07803

The application site relates to an existing semi-detached dwelling constructed from brick with hanging tile detailing, located within a predominately residential area of Warminster. The area immediately surrounding the application site is predominantly characterised by two-storey brick-built dwellings of a similar style to Nos 6-8 Ash Walk, located in either semi-detached pairs or detached properties on modestly sized plots arranged to face the road, with the exception of the dwellings opposite (to the west) which are more informally arranged and are set behind mature hedging and brick walling. To the south of the application site, a three-storey retirement home of brick and reconstituted stone construction is located. The southern boundary of the application site borders the designated Warminster Conservation Area and there are a number of Grade II listed buildings within 50m including: Nos 1, 3 and 5 Ash Walk to the south-west; Nos 25-36 (inclusive) George Street to the south-east. The below extract illustrates the location of these heritage assets in relation to the application site (which is depicted by the black dot in the below image):



A review of the planning history for this site confirms that an application seeking permission to construct a large domestic rear extension was submitted and granted under reference 20/02726/PNEX at No. 6 for an extension extending 4.8m beyond the existing rear garage wall and spanning the full width of No. 6. It was evident at the time of the case officer's site visit as part of the determination of a previous application (reference 20/06434/FUL) at 6 Ash Walk on 16 September 2020 that this rear extension had been constructed.

Policies

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP31 - Spatial Strategy for the Warminster Community Area; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP61 - Transport and New Development; CP64- Demand Management; CP69 - Protection of the River Avon SAC

The adopted Wiltshire Local Transport Plan 2011- 2026; The 'made' Warminster Neighbourhood Plan, November 2016 with particular regard to Policy L1 – Design; Building for Life 12 publication, as endorsed by the 'made' Warminster Neighbourhood Plan; Warminster Town Centre Conservation Area Character Assessment, Informative Document, adopted April 2007; Wiltshire's Community Infrastructure Levy: Planning Obligations Supplementary Planning Document, Charging Schedule, and Regulation 123 List

Key Issues: Impact on the setting of the nearby listed buildings and conservation area; impact on the character and appearance of the area; impact on the amenity of existing and future occupiers; highway matters; and impact on ecology interests, relating specifically to the protection of the River Avon SAC

Relevant Planning History

20/06434/FUL - Subdivision of plot to create a separate dwelling - Refused at appeal, with the appointed Inspector concluding the following:

"For the reasons given, even though there is no evidence that the proposal would have a harmful effect on living condition of future occupiers in relation to the amount of private outdoor space, there would still be a harmful effect on the character and appearance of the area and the setting of designated heritage assets. Consequently, the appeal is dismissed, and planning permission is refused."

20/02726/PNEX - Larger home extension to the rear - Prior appeal not required

Consultation Responses

Warminster Town Council: Support - *Cllr Macdonald proposed acceptance of the application, on the grounds that the Land was plentiful and there were no planning reasons to object.*

Wessex Water: No objections, however commented to say that the prior consent of Wessex Water may be required if building works are over or within 3, of a public sewer

Wiltshire Council Highway: No comments received, however it is noted that the highways officer raised no objections, subject to two planning conditions being imposed, within the consultation response to the previous application on this site under application reference 20/06434/FUL, on the basis that on-site car parking would be retained for No. 6 with on-site car parking also being provided for the proposed dwelling

Representations

Third Party representations: No letters of objection were raised

Planning Considerations and Assessment

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.

Principle of Development: The application site lies within the town settlement boundary for Warminster. The adopted WCS defines Warminster as a Market Town, which CP2 asserts that within the limits of development of market towns, there is a presumption in favour of sustainable development. In this instance, the proposal is seeking planning permission for the construction of a new detached dwelling to the side of an existing dwelling. As such, the principle of development is supported by CP1, CP2 and CP31 of the adopted WCS, subject to compliance with the WCS as a whole.

Impact of the proposals on the significance and setting of the nearby Listed Buildings and Conservation Area: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

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

The NPPF outlines government policy, including its policy in respect of the historic environment. The NPPF requires that great weight be given to the conservation of heritage assets and advises a balanced approach with the public benefits, which may result from proposals being weighed against any harm caused. In particular, paragraph 199 advises that when *"considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 200 requires that any harm or loss of significance should require clear and convincing justification.

In addition to the above, CP58 of the adopted WCS requires that *"designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance"*. Core policy CP57 also requires a 'high standard of design' in all new developments and for developments to be *"sympathetic to and conserving historic buildings and historic landscapes"* in criterion iv.

In addition to the above, Policy L1 of the 'made' neighbourhood plan states that the *"design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard"*, with justification being: good urban design; quality and sustainability of new homes; preservation of Warminster's heritage and characteristics; and maintains a quality of life.

The previously refused application on this site, which was also seeking planning permission for the construction of a dwelling, was not accompanied by the submission of a heritage statement that assessed the impact of the proposal on the designated heritage assets and the submitted Planning Statement that accompanied 20/06434/FUL, failed to mention or assess the impact of the proposal

on the nearby conservation area and listed buildings, which given the close proximity of the site to these heritage assets, rendered the application fundamentally flawed and contrary to paragraph 194 of the NPPF which requires applicants to: *“describe the significance of any heritage assets affected, including any contribution made by their setting”*.

This application has been accompanied by a Heritage Statement produced by Wessex Archaeology, in which it considers the application site to have historically been *“located within the southernmost field belonging to a Manor House between at least the mid- to late 19th century until the 1960s, with Ash Walk forming the access road to the House at the time. The Manor House remains extant to the north of the Site, but is now surrounded by modern residential development”*. It is considered within the submitted heritage statement that this *“new residential estate, has significantly altered the former setting and context of the area surrounding the Manor House and the identified listed buildings”* in the summary on page iii of the statement.

The listed buildings closest to the application site are predominantly orientated to front their corresponding roads of George Street, Silver Street and Ash Walk. The nearby listed buildings are predominantly either 3 storeys high or are two storeys high with converted attic space with dormer windows on the top floor facing the road, with also some two-storey buildings. The buildings are predominantly constructed from brick, stone or have a rendered finish. George Street and Silver Street are considered to form part of the secondary retail area of the town and provide an attractive approach to the town centre of Warminster. The application site is located to the north of the designated conservation area boundary and forms part of a more modern residential estate comprising of 1960s style dwellings.

The submitted heritage statement considers the potential impact of the proposals on the nearby listed buildings to the application site and considers that as the proposed development would *“visually merge with the 1960s development in terms of design, height, form and materials used”* and as the site does not *“contribute to the understanding or significance”* of Nos 1, 3 and 5 Ash Walk or to Nos 25-36 George Street, the proposals would have ‘no impact’ on the significance of the nearby listed buildings. Officers do acknowledge that the design of the proposed dwelling would be more in keeping with the existing appearance of the semi-detached pair and would have a height to match existing, which would complement the existing appearance of the neighbouring dwellings to the north. However, it is considered that the submitted heritage statement fails to fully appraise the relationship of the modern housing estate, specifically No. 6, on the setting of the nearby listed buildings and the impact the subdivision of the existing plot and the residual plot sizes would have on the setting of the designated heritage assets.

In terms of the impact of the proposal on the nearby conservation area, the submitted heritage statement considers the site to not *“contribute to the understanding of the Conservation Area nor its character or appearance”*.

Officers note that the Warminster Town Centre Conservation Area Character Assessment Informative Document, which was adopted in April 2007, states that George Street and Silver Street *“portrays the characteristics of a secondary retail area, with a considerable number of residential buildings and less commercial emphasis”*. Heading along Ash Walk from Silver Street, the character of the area does become more residential in character with narrower roads.

It was considered by the appointed Inspector in the appeal for application reference 20/06434/FUL (appeal reference APP/Y3940/W/20/3263057) that:

5. *The site falls outside of but directly abuts the boundary of Warminster Conservation Area, which is located to the south. There is a marked and distinct change in the character and appearance of the buildings within the conservation area boundary, in that buildings take on a historic character and appearance and where many are Grade II listed buildings.*

6. *Consequently, there is a juxtaposition between the historic buildings immediately to the south of the site and the modern buildings comprised on the site itself and immediately to the north on the wider residential estate. **The juxtaposition with the modern buildings is one element of the conservation area's and listed buildings' setting, which helps provide a backdrop that better reveals their historic nature and heritage significance to the public.***

7. *The proposal would introduce a new dwelling within an existing modestly sized plot at 6 Ash Walk. There is no evidence that the existing plot is proportionally larger than other plots within the locality, or that there is surplus land available to comfortably support a new dwelling at the site.*

8. *Consequently, **the proposal would take up a significant proportion of the existing plot, which in and of itself would detract from the wider uniformity and arrangement of dwellings in the locality and make the existing dwelling appear cramped on a much smaller plot.** Furthermore, and in a similar context, due to the existing plot being modest in size, **the new dwelling would be squeezed onto a plot that is substantially smaller than others in the locality, and it too would detract from the general uniformity of the area.***

9. *Consequently, **the proposal would change the pattern of development, which would have a harmful effect on the character and appearance of the area. By extension, the proposal would not preserve the setting of Warminster Conservation Area or Grade II listed buildings in proximity to the site. There is no evidence demonstrating that this harm would be outweighed by public benefits generated by the proposal.*** (emphasis added by officers)

Whilst it is noted that the design of the dwelling has been revised following the refusal of the proposal submitted under application reference 20/06434/FUL, this application is still seeking to subdivide the existing plot associated with No. 6 Ash Walk, in order to accommodate the construction of the dwelling to the side of the existing semi-detached pair, which would occupy a marginally larger footprint from the previously refused proposal, through the subdivision of the existing plot associated with No. 6. The proposal would result in the existing dwelling appearing cramped on a much smaller plot, with the new dwelling being much smaller than others found within the locality of the site. As such, it is considered that the proposal would fail to preserve the existing pattern of development and consequently would fail to preserve the setting of the neighbouring Warminster Conservation Area or Grade II listed buildings in close proximity to the application site. It is not considered that the proposal put forward as part of this application addresses the concerns identified by the appointed Inspector in their assessment of APP/Y3940/W/20/3263057.

Paragraph 202 of the NPPF states that where a proposal would “*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*”.

In this case, no public benefits have been identified for the construction of a private market dwelling on this particular site. The submitted heritage statement fails to identify any public benefits to outweigh any potential harm to the designated heritage assets and officers have not identified any public benefits for this proposal. In the absence of any such public benefits to outweigh the less than substantial harm that the proposal would cause to the setting of the designated heritage assets, the proposal would conflict with core policies CP57 and CP58 of the adopted WCS, paragraphs 197, 199 to 202 of the NPPF which seeks to conserve and enhance the historic environment and would fail to satisfy the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, planning permission would be refused on this basis.

Design and Visual Impact: Core policy CP57 of the adopted WCS requires a "high standard of design" for all new developments, including extensions, alterations, and changes of use of existing buildings. The policy requires developments to *"create a strong sense of place through drawing on the local context and being complementary to the locality"* with applications being accompanied by appropriate information to demonstrate how the proposal would *"make a positive contribution to the character of Wiltshire"*. CP57 requires in criterion iii for proposals to 'respond positively' to the *"existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting"*.

Officers acknowledged that the design and materials of the proposed dwelling have been revised since the refusal of the previous application on this site (application reference 20/06434/FUL), to a design more in keeping with the appearance of the existing semi-detached pair Nos 6-8 Ash Walk.

Notwithstanding this, it is considered that the subdivision of the plot and the construction of a detached dwelling would lead to a cramped form of development which would fail to preserve the setting of the designated heritage assets and as detailed in the section above and below, planning permission would be refused on this basis.

Impact on the Amenity of Existing and Future Occupiers: Core policy CP57 requires in criteria vii for developments 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*.

Paragraph 130 of the NPPF requires planning policies and decisions to, amongst other requirements, ensure that developments *"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"*. Footnote 49 on page 39 advises that planning policies may *"make use of the nationally described space standard, where the need for an internal space standard can be justified"*.

The 'made' Warminster Neighbourhood Plan endorses the Building for Life 12 industry standard for well-designed dwellings and places within its Policy L1 - Design, which states (with officer emphasis added) that:

"The design and layout of the West Urban Extension and other new developments are encouraged to reflect the principles outlined in the Building for Life 12 industry standard".

Justification:

Good urban design

Quality and sustainability of new homes

Preservation of Warminster's heritage and characteristics

Maintains a quality of life

The Building for Life 12 industry standard for the design of new housing developments (as published in 2015) advises on page 17:

"Thinking carefully about the size and shape of outside amenity space. It is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling. Triangular shaped gardens rarely offer a practical, usable space. Allow residents the opportunity to access their garden without having to walk through their home." (emphasis added by officers)

Officers acknowledge that the proposed dwelling would benefit from an adequately sized amenity space, incorporating the enclosed rear garden and side patio area. As such, it is considered that the occupiers of the proposed dwelling would have suitable access to an area of outside amenity space with the residents of the proposed dwelling also benefiting from aside access, which would mean that the occupiers of the dwelling would not have to walk through their home in order to gain access to their garden.

In addition to the above and in accordance with the government's technical housing standards which set out nationally described space standards, it is considered that the construction of the proposed 2-bed dwelling for 3 persons would be of a size compliant with that recommended by the technical housing standards as detailed in Table 1 on page 5 of the publication.

Furthermore, the submitted elevation and floor plans show that all the habitable rooms would be served by windows, which would ensure that the habitable rooms would have access to natural light. As such officers are not recommending the application be refused on the lack of amenity for the future occupiers of the proposed dwelling and officers agree with the Inspectors conclusion in paragraph 18 of the Appeal Decision reference APP/Y3940/W/20/3263057 in that there is *"no evidence that the proposal would have a harmful effect on the living condition of future occupiers in relation to the amount of private outdoor space"* however as detailed within this report, officers maintain that there would still be a harmful impact on the setting of designated heritage assets and to the living conditions for the occupiers of 6 Ash Walk as detailed below.

The proposed subdivision of the dwelling in order to accommodate the construction of a detached two-storey dwelling to the side of the existing semi-detached pair would result in a significant reduction to the garden amenity associated with 6 Ash Walk. As identified by the planning history for 6 Ash Walk, the property has been previously extended through the construction of a large home extension which has already resulted in a reduction to the rear amenity space serving this property and the subdivision of the plot associated with 6 Ash Walk would be further reduced leaving the occupiers of this semi-detached pair with a significantly undersized outside amenity space.

The appointed Inspector considered in paragraph 13 of the appeal decision for APP/Y3940/W/20/3263057 that the previous proposal for a detached two-storey dwelling would *"reduce the available private outdoor space at both 6 Ash Walk and the new dwelling, to the extent*

that these areas would be significantly eroded compared to the private outdoor space available at other dwellings in the vicinity”, and it is considered that this point is still relevant in the determination of this current planning application, as the subdivision of the plot in order to accommodate a new detached dwelling would further erode the private outside space for the occupiers of 6 Ash Walk to a significant degree when compared to other properties in the immediate vicinity of the application site. CP57 of the adopted WCS does require proposals to respond positively *“to the existing townscape and landscape features in terms building layouts, built form....mass, scale...plot size...”* in criterion iii and it is not considered that this proposal would comply with this requirement.

The resultant garden to serve 6 Ash Walk would be significantly reduced following the subdivision of the plot in order to accommodate the construction of a new dwelling, leaving a rear garden area measuring approximately 72m² to serve a 4-bed dwelling with a footprint of c.98m². The current occupiers of 6 Ash Walk have a rear garden area that measures c.196m². Therefore, the subdivision of the dwelling would result in a reduction of 63% from the current garden area serving No. 6. Officers have measured the rear garden space serving the attached property No. 8 Ash Walk, and based on officers measurements, the occupiers of this dwelling currently benefit from an outside amenity area of c.200m². Officers therefore remain concerned about the residual external rear amenity provision that would be afforded to the occupiers of No. 6 Ash Walk, if permission were to be granted for the subdivision of the plot, in order to permit the construction of a new dwelling. The above measurements and the submitted site block plan show that the resultant garden serving No. 6 would fail to reflect the recommendations outlined in the Building for Life 12 industry standard, which has been endorsed by the made neighbourhood plan in Policy L1, as the residual garden area for No. 6 would be significantly less than that of the ground floor footprint of the dwelling in its extended form.

It is clear from officers review of council held aerial photographs that the majority of the properties within the estate have access to suitably sized rear amenity spaces, which appear to be widely in accordance with the Building for Life 12 recommendation of having rear gardens that are at least equal to the ground floor footprint of the dwelling. An extract taken from Google Earth, image dated September 2020 (as taken from Google Earth) is provided below to illustrate the current layout of the dwellings on the estate (which also includes the construction of the rear extension to No. 6) and shows the rear amenity areas which serve the existing properties. The extract confirms that if the plot associated with 6 Ash Walk was to be subdivided as proposed, both No. 6 and the new dwelling would be served by significantly undersized outdoor space compared to that of other properties on the estate:



The proposed subdivision of the plot associated with 6 Ash Walk would significantly reduce the size of the garden serving this property, to the extent that it would be significantly less than the ground floor footprint of the dwelling and would result in both No. 6 and the occupiers of the new dwelling having plot sizes that are significantly smaller compared to existing properties within the estate.

The proposal is therefore considered to be contrary to part vii of CP57 of the WCS which requires regard to be given to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants, whilst ensuring that appropriate levels of amenity are achievable within the development itself. The lack of amenity space serving the existing dwelling of No.6 Ash Walk demonstrates that the proposal cannot achieve the 'high quality of design' that CP57 of the adopted WCS requires all developments to achieve.

Officers therefore consider that the lack of outside amenity space that would be retained for the occupiers of 6 Ash Walk would be in direct conflict with CP57 of the adopted WCS, Policy L1 of the made Warminster Neighbourhood Plan and paragraph 130 of the NPPF which requires "a high standard of amenity for existing and future users", as the lack of amenity provision that would be

provided for the occupiers of No. 6 would be significantly reduced from that currently to the detriment of their living conditions. The proposal is considered an overdevelopment of the site through the consequential and materially reduced plot size and amenity provision that would serve the host property at No. 6. As such, planning permission would be refused on this basis.

Highways Safety: In accordance with CP64 of the adopted WCS and the council's adopted car parking strategy, there is a requirement to provide a minimum of three on-site car parking spaces for a 4+ bed dwelling and two on-site car parking spaces for a 2-3 bed dwelling. The submitted site block plan drawing confirms that the required on-site car parking provision can be adequately met for both No. 6 and the proposed dwellings. Therefore, there is no highways reason for refusing the application.

Ecology: CP50 of the adopted WCS and the NPPF requires the local planning authority (LPA) to ensure the protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Avon Special Area of Conservation (SAC) catchment area. The SAC is designated for several species of wildlife that depend on pristine water quality that is typical of chalk rivers such as the Avon. It is part of a network of sites across Europe designated in order to protect these and other species vulnerable to man-induced habitat change. This SAC is particularly vulnerable to the effects of pollutants including phosphate and nitrogen which may enter the river for example at sewage treatment works or from fertilizers applied to farmland throughout the catchment.

The council was alerted by Natural England in April 2020 that there was a very high risk of new development leading to harmful phosphorus levels entering the sensitive and highly protected SAC and that until a solution is found, new housing development creating effluent and connecting with the sewage treatment works would not be compliant with the Habitats Regulations. As a result, the council entered critical discussions with Natural England to devise a plan and strategy on how to reduce phosphates entering this catchment. These discussions continued throughout 2020, and it was only in early January when a report was taken to Cabinet to agree on a strategy and way forward.

The council has now agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral. The Council has prepared and is implementing a mitigation strategy to offset phosphorus generated by residential development, both sewered and non-sewered, where this comes under the quantum anticipated by the Wiltshire Core Strategy. The mitigation strategy also covers impacts from non-residential development with the following exceptions:

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

On the basis of the phosphorus mitigation strategy, its delivery programme, and funding mechanism and review processes, which were approved by Cabinet on 5th January 2021, the Council has

favourably concluded a generic Appropriate Assessment (AA) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which was endorsed by Natural England on 7 January 2021.

As this application falls within the scope of the mitigation strategy and generic AA, it can now be concluded that there would be no adverse impact on its own and in-combination with other plans and projects on the River Avon SAC, subject to a planning condition being imposed if planning permission is granted at any subsequent appeal, to restrict water consumption levels to no more than 110 litres per person per day in order to deliver betterment in terms of the level of discharge of phosphates into the River Avon SAC.

Community Infrastructure Levy (CIL): If planning permission is granted through any subsequent planning appeal, the proposed development may be liable for CIL. The details of the likely associated contribution and procedures involved can be found on the Council's website at: Wiltshire Council - CIL.

Refusal Reason(s): (2)

- 1 The proposed dwelling and subdivision of the plot associated with 6 Ash Walk would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, through the resultant formation of small plot sizes which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, which that would be substantively out of character and appearance with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings. The proposal would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of any public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy P58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 197, 199-202 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 2 In order to accommodate the proposed dwelling, the existing plot associated with 6 Ash Walk would be subdivided and significantly eroded, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would provide limited amenity value by virtue of its size, in direct conflict with criterion vii of CP57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood

Plan and paragraph 130 of the National Planning Policy Framework which requires a high standard of amenity for existing and future users

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