

**REPORT TO EASTERN AREA PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	22 <sup>nd</sup> August 2024
<b>Application Number</b>	PL/2024/01509
<b>Site Address</b>	Townsend Farm Yard, Poulshot Road, Poulshot, Devizes, Wiltshire, SN10 1RZ
<b>Proposal</b>	Redevelopment of redundant farmyard to provide 14 'net zero' dwellings (including 4 affordable dwellings) and associated works
<b>Applicant</b>	Gaiger Brothers Ltd
<b>Town/Parish Council</b>	POULSHOT CP
<b>Electoral Division</b>	Devizes Rural West
<b>Grid Ref</b>	53.409749, -5.627462
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Meredith Baker

**Reason for the application being considered by Committee**

This application has been brought before the Planning Committee as the scheme is considered a departure from the policies of the statutory development plan and is being recommended for approval.

A call-in request was also made by Councillor Tamara Reay if the application was being recommended for refusal on the grounds that: *"the applicant has engaged extensively with the local community and the Parish Council. The Parish Council is supportive of the proposals for this brownfield site development."* Given the recommendation of approval this call-in is not the formal reason for the application being considered by Planning Committee.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material consideration, and to consider the recommendation that planning permission be **GRANTED** subject to the recommended conditions and a legal (Section 106) agreement, for the reasons detailed below.

**2. Report Summary**

The main planning issues are considered to be:

- Whether the development is acceptable in principle (CP 1, 2 and 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51);

- Whether the scheme would preserve or enhance the historic environment (CP 58);
- Whether the proposal has suitable regard to the compatibility and impact on neighbouring amenities (CP57);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development and suitable access arrangements (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50);
- Whether there will be any land contamination issues (CP 55);
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

### **3. Site Description**

The application site relates to a 2.34 hectare site comprising the existing farm complex of Townsend Farm Yard and parts of the adjacent highway and agricultural fields. The site contains a range of agricultural buildings, land, extensive areas of hardstanding and former slurry pits/silage clamps. All of the buildings, save for the red brick coach house at the front of the site are of a more modern construction, with a utilitarian appearance. The site is relatively flat with some small undulations. It has been confirmed within the Planning Statement that the operation of the farmyard for dairy cows ceased in the summer of 2021.

The site is located within the cluster of buildings forming the settlement of Townsend; it is connected to the settlement of Poulshot, which lies to the north-east along Poulshot Road. To the north of the application site, lies agricultural fields and the Public Right of Way Byway (POUL3). To the immediate south-east are residential dwellings fronting the public highway of Poulshot Road. Then, to the immediate south-west is a mixture of residential dwellings (including the Grade II listed building of Townsend Farm) and other buildings, including Townsend Barn Nursery (School). The 'front' of the site fronting the public highway lies within the Poulshot Conservation Area and the designation covers the buildings adjacent to Poulshot Road.

Below is an extract from the submitted Location Plan that shows the context of the site.



#### 4. Planning History

E/2011/0994/FUL - Extension of existing forage bunker by removing existing end wall and constructing concrete floor and wall panels to match existing – Granted 11.09.2011

E/09/1589/FUL – Extend existing cow shed – Granted 18.01.2010

K/51571/F - New covered yard, cow shed and silos - Granted 10.03.2005

K/50476/F - Convert redundant coach house and stables to agricultural workers dwelling accommodation. – Refused 11.08.2004

K/39692 – Cow housing for 46 cows – Granted 14.08.2000

K/33826 – Extension to farm building – Granted 26.02.1997

K/20526 – Alterations to existing dung storage – Granted 02.09.1993

K/16524 – Erection of cattle feed store – Granted 23.10.1990

K/81/0267 – Agricultural Building – Granted 28.05.1981

## 5. The Proposal

The application seeks full planning permission for the redevelopment of the mainly redundant farmyard to provide 14 'net zero' dwellings (four of which would be affordable housing) and associated works.

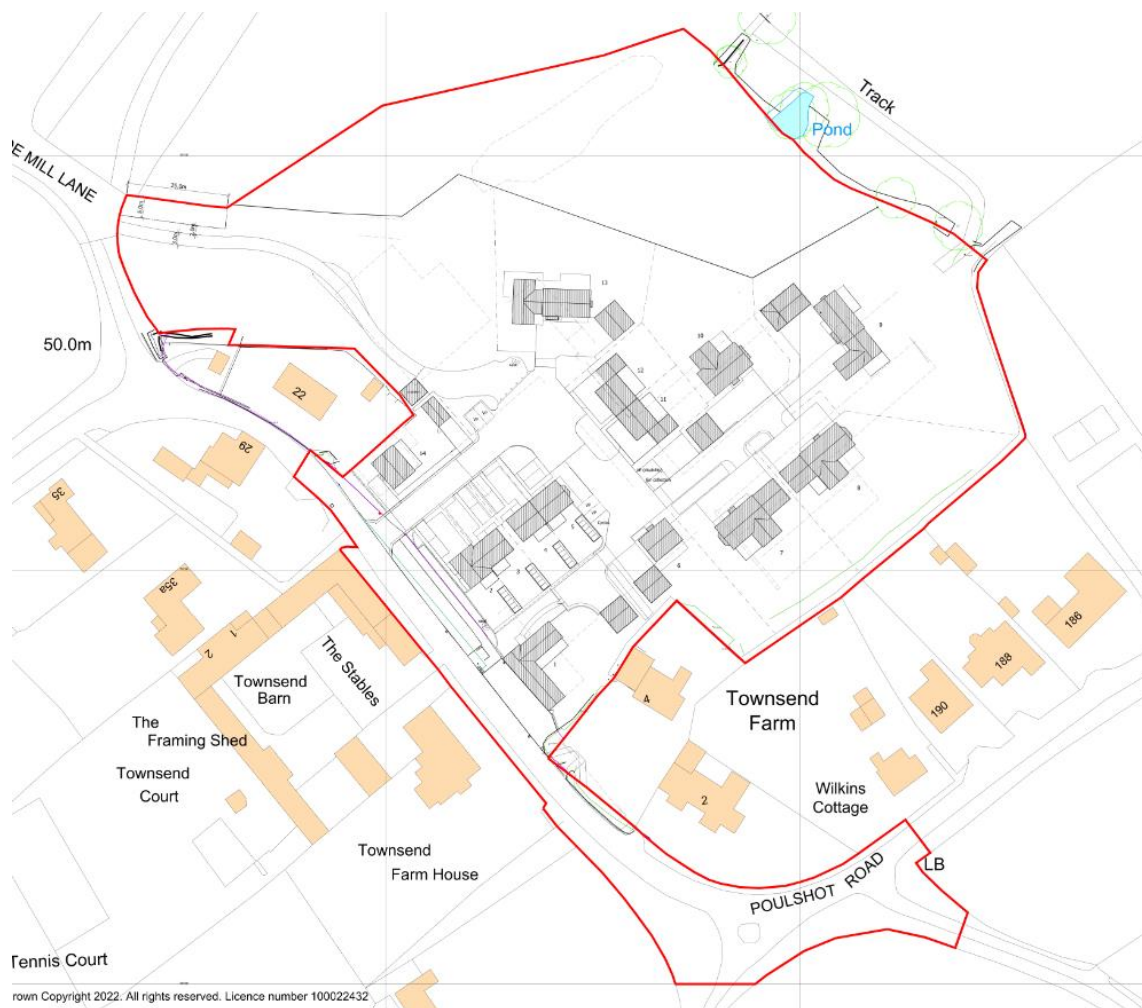
The fourteen dwellings are proposed as follows:

- Plot 1– Conversion and extension of the significant unlisted coach house building, fronting Poulshot Road. The resultant dwelling would be three bedroomed with brick and natural grey slate materials. A double garage would be sited to the rear of the private garden for this dwelling.
- Plots 2 and 3 – Semi-detached pair located to the 'front of the site'. They would be two storey in nature and would be constructed of brick and plain clay tiles. Plot 2 would be orientated so the principal elevation fronts Poulshot Road. Two parking spaces are proposed for both dwellings in a tandem arrangement. Plot 2 would be three bedroomed, and Plot 3 would be two bedroomed.
- Plots 4 and 5 – Semi-detached pair facing the internal access road (orientated north-west). They would be two storey in nature and two parking spaces are proposed for both dwellings in a tandem arrangement. Plot 4 would be two bedroomed and constructed of brick and plain clay tile, and Plot 5 would be three bedroomed and constructed of render and plain clay tile.
- Plot 6 – A detached two storey dwelling that would be located to the south eastern part of the site. The dwelling would be constructed of brick and plain clay tiles and would be three bedroomed in nature. A detached double garage is located to the side of the dwelling to the south-west.
- Plot 7 – A detached two storey dwelling that would be located to the south-eastern part of the site. The dwelling would be constructed of brick and plain clay tiles and would be four bedroomed in nature. An attached double garage is located to the side of the dwelling to the north-east which would have timber cladding walls.
- Plot 8 – A detached two storey dwelling that would be located to the south-eastern part of the site. The dwelling would be constructed of render and natural grey slate and would be four bedroomed in nature. An attached double garage is located to the side of the dwelling to the south-west.
- Plot 9 – A detached two storey dwelling situated to the eastern side of the plot. The dwelling would be constructed of brick and Double Roman clay tile and would be five bedroomed in nature. A detached triple one and half storey garage is located to the side of the dwelling to the south-west.
- Plot 10 - A detached two storey dwelling situated within the middle part of the site. The dwelling would be constructed of brick and natural grey slate and would be four bedroomed in nature. A double garage is located to the front of the dwelling to the south-west.
- Plots 11 and 12 - A semi-detached pair situated within the middle part of the site. The dwellings would be two storey in nature would be constructed of brick and natural grey slate and would be two bedroomed in nature each (the study rooms are not of sufficient scale to be counted as a bedroom). An attached single garage would be provided for both dwellings to the side which would be timber clad with grey slate roofing.

- Plot 13 - A detached two storey dwelling situated to the north part of the site. The dwelling would be constructed of brick and Double-Roman clay tile and would be five bed roomed in nature. A detached, one and a half storey double garage is located to the east of the dwelling.
- Plot 14 - A detached two storey dwelling situated to the western part of the site to the north of the access and would have the principal elevation fronting Poulshot Road. The dwelling would be constructed of render and plain clay tiles and would be three bed roomed in nature. A single garage is located to the rear of the dwelling to the north-east.

The scheme also proposes a vehicular access into the site and internal roads, together with parking spaces and visitor parking spaces. A substation would be present to the north-west of the site along with a new pedestrian pathway from within the site towards Byde Mill Lane. A new bus stop shelter is also proposed fronting Poulshot Road; a new footpath would be formed along the corner of the highway of Poulshot Road; and works to the entrance village signage are also proposed. Public green space with a pond and swale is proposed to the north-west part of the site as well as a water culvert works to the northern part of the site.

*Proposed scheme:*



**Proposed Block Plan**





Soft Landscaping Plan



Site Cross Section

## **Planning Policy**

### National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)  
Section 4 (Decision-making)  
Section 5 (Delivering a sufficient supply of homes)  
Section 6 (Building a strong, competitive economy)  
Section 8 (Promoting healthy and safe communities)  
Section 9 (Promoting sustainable transport)  
Section 11 (Making effective use of land)  
Section 14 (Meeting the challenge of climate change, flooding and coastal change)  
Section 15 (Conserving and enhancing the natural environment)  
Section 16 (Conserving and enhancing the historic environment)

National Planning Practice Guidance (NPPG)  
National Design Guide

### Wiltshire Core Strategy (WCS):

Core Policy 1 (Settlement Strategy)  
Core Policy 2 (Delivery Strategy)  
Core Policy 3 (Infrastructure Requirements)  
Core Policy 15 (Melksham Community Area)  
Core Policy 41 (Sustainable Construction and Low-Carbon Energy)  
Core Policy 43 (Affordable Housing)  
Core Policy 45 (Meeting Wiltshire's housing need)  
Core Policy 48 (Supporting Rural Life)  
Core Policy 50 (Biodiversity and Geodiversity)  
Core Policy 51 (Landscape)  
Core Policy 52 (Green Infrastructure)  
Core Policy 56 (Contaminated Land)  
Core Policy 57 (Ensuring High Quality Design and Place Shaping)  
Core Policy 58 (Ensuring the Conservation of the Historic Environment)  
Core Policy 60 (Sustainable Transport)  
Core Policy 61 (Transport and New Development)  
Core Policy 62 (Development Impacts on the Transport Network)  
Core Policy 67 (Flood Risk)

### Saved Policies of the Kennet District Local Plan

Policy HC35 (Recreation provision on small housing sites)  
Policy HC37 (Demand for Education)

### Other Material Documents

Waste Storage and Collection: Guidance for Developers  
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)  
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Poultshot Conservation Area Appraisal

Wiltshire Character Assessment

Historic England – GPA 1 – Managing Significance in Decision-Taking in the Historic Environment

Historic England – GPA2 – The setting of Heritage Assets

Planning Consultation Guidance Notes

Wiltshire Design Guidance

Wiltshire and Swindon Waste Core Strategy (2009)

## **6. Consultation responses**

Poultshot Parish Council: “After careful consideration and debate by members, especially regarding the concerns over current state of the site and its future condition, should the development not be approved, also members appreciative acknowledgement of the extensive consultation that has taken place with the parishioners and Members over the past 18th months.

It was proposed by Cllr Scott, seconded by Cllr Davis and RESOLVED to positively support the application PL/2024/01509 and include the following comments, that it would improve that end of the village, hopefully help to address the flooding issues, improve the surrounding infrastructure and that the site had a very poor future if the development was not approved.”

Wiltshire Council Landscape Officer: “In conclusion I have placed a holding landscape objection on the scheme until the following points have been dealt with:

- A layout more sensitive to the sites historical and landscape character context.
- More evidence that the PoS provided meets the minimum requirements necessary
- A LEMP that sets out how the mitigating landscaping will be maintained to maturity (especially in rear private garden plots.”

Wiltshire Council Urban Design Officer: “I note the consultation response from the Conservation Officer which has considered the design and appearance. The design would be appropriate and sensitive to its context and setting to accord with Core Policy 57. I have no design matters to raise but note the principle of development of additional residential properties and nature of this, would be subject of other disciplines ie Local Plan, Wiltshire Core Strategy Core Policy 2: local housing need and presumably the farming can be reasonably maintained without the need for these and subsequent replacement buildings on open land.”

Wiltshire Council Housing Enabling Officer: No objection subject to Section 106 agreement.

“Based on the proposed scheme of 14 residential units, there would therefore be a requirement to provide 4 affordable units on the site. We note the applicant has stated that 4 affordable units would be included on the scheme.”

Wiltshire Council Highway Officer: No objection subject to conditions and Section 278 agreement with the Highway Authority.



Wiltshire Council Ecology Officer: No objection subject to conditions.

Wiltshire Council Conservation Officer: No objection subject to conditions.

Wiltshire Council Public Protection Officer: No objection subject to conditions.

Wiltshire Council Archaeology Officer: No objection.

Wiltshire Council Education Officer: No objection subject to Section 106 agreement.

Wiltshire Council Public Open Space Officer: No objection subject to Section 106 agreement.

Wiltshire Council Drainage Officer: No objection subject to conditions.

Wiltshire Council Climate Officer: No objection subject to conditions.

Wiltshire Council Right of Way Officer: (Initial comments) No objection subject to conditions and Section 106 agreement.

(Final comments): Subject to conditions relating to the footpath and permissive footpath the request for contributions to be controlled by a Section 106 agreement is withdrawn.

Dorset & Wiltshire Fire and Rescue Service: Comment regarding building regulation matters and recommendations to domestic sprinkler protection.

## **7. Publicity**

The application has been advertised by letter to local residents. Thirteen letters of objection/comments with concerns were received, five letters of support were received and three letters of comments/mixed were received. The comments are summarised as follows:

### Objection/concern

- The access is too close to the dangerous blind bend along Poulshot Road.
- The existing access point was not heavily used whereby the 14 dwelling use would have considerably more vehicle movements which would result in highway safety issues and congestion.
- Green verge to the frontage of the site should have bollards to stop illegal parking. Concern who would maintain the verge.
- Consider that kerbing and drainage is required throughout the village from the dual carriageway to Townsend.
- Consider that widening of the highway bends are required and the surfacing fixed.
- Existing pavements need to be repaired and extended.
- Construction traffic using junction of Poulshot Road with Worton/Seend Road need to use this junction and enforced rigorously.

- Area between the farmyard and road is prone to flooding which needs to be resolved.
- Further highway measures required to reduce speed limit and introduce traffic-calming.
- Degradation of village through numerous developments in the area.
- Poulshot Road is not a quiet village road with construction traffic for development in the area degrading the highway.
- Additional people using inadequate or non-existent pavements.
- Concern for increased noise and pollution.
- Concern that the proposal would result in greater risk of flooding.
- Inadequate sewage system for the development.
- Consider that there are too many houses for a small village development.
- Site has not been advertised for sale as a farm whereby local farms are submitting applications elsewhere for new barns. Question the reliability and accuracy of the viability report carried out.
- Loss of farm to provide local jobs and home to other businesses.
- Proposal would extend the perceived boundary of the village.
- Unsustainable form of development for a small village with no shops or amenities and would put pressure on already stretched local amenities.
- Estate development appearance which is not in-keeping with the village.
- Focus is made that the farm is an eyesore when it is not considered to be. The sympathetic colours blend with the area and height of the barns are low.
- The proposal would not be suitable infill to meeting housing local needs.
- The proposal would transform the rural skyline.
- Location of bus stop opposite the entrance to the nursery would be a highway safety risk.
- The heights of the buildings are out of keeping with the area.
- Design of houses are suburban in nature and not genuinely modern or a style appropriate to this rural location. Opportunity being missed to create a distinctive development with its own sense of place.
- Being called redundant when barns are being rented out of various of uses to local businesses.
- Concern that planning permission for new barns will be coming to Poulshot if this scheme is approved.

## Support

- Improvement to the site with the removal of the dilapidated buildings on site.
- Salisbury & Wilton Swifts support the inclusion of 27 integrated swift bricks and the bat and bird box layout. It is recommended that the locations of bricks are marked on the elevations drawings to ensure no oversight during construction.
- Proposal would appear sympathetic.
- Support that the site would be cleared of decaying buildings and large areas of concrete which contributes to flooding at Townsend.
- Redevelopment would allow the present drainage issues to be resolved and improve the problems of flooding. The scheme would improve the situation and not be exacerbated.
- Number of dwellings acceptable given the location of the access.
- Link to right of way near to Townsend is welcomed.

- Most traffic passing through Townsend is vehicles going elsewhere and mainly using the road as a rat run. Additional traffic from 14 dwellings would not be a serious addition to this.
- Rest of the farm estate is continuing to be farmed, but without the former dairy herd, the farmyard is clearly redundant and an eyesore.
- Issues such as footpaths and kerbs in Poulshot are not germane to the Townsend Farm issues.
- Forcing large vehicles to the Worton end of the village will only cause problems for Worton.

#### Additional comments

- Wish to see money generated from the project support the wider village including anti speeding and traffic calming measures.
- Consideration should be afforded towards moving the 30 mph limit further out to slow down vehicles.
- Consideration should be afforded to making the remainder of the road up to the junction with Seend-Worton Road subject to 40 mph limit.
- Restriction of hours of construction and demolition should be imposed and steps to minimise dust, noise and smell during construction works.
- Opportunity should be taken to restore damaged verges of the area.

### **8. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application comprises the Wiltshire Core Strategy (WCS) and the 'saved' policies of the Kennet Local Plan 2011.

#### Principle of Development

- Wiltshire Core Strategy (WCS)

The Development Plan comprises the Wiltshire Core Strategy (WCS). In the interests of promoting sustainable development and the protection of the countryside, the policies of the Core Strategy seek to restrict all new residential development to locations within the Limits of Development defined for the towns and village. The settlement strategy of the WCS, as detailed within Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' states that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. In the case of Small Villages, the strategy defines the level of growth appropriate for residential development within the built-up area of a small village as 'infill' only. Development should be restricted to within the limits of development other than in exceptional circumstances.

The application site is situated within the Melksham Community Area (Core Policy 15). It is claimed that the application site lies within the southern end of Poulshot Village. It

is considered that the application site does not form part of the settlement of Poulshot (albeit it is acknowledged on site that the Poulshot village highway 'sign' is sited on Poulshot Road before the highway bend to the west and the site is also partially within the Poulshot Conservation Area). When considering maps of the area (including Ordnance Survey maps) there is a separate settlement of 'Townsend' which this application site is part of. Although noting that Poulshot is a linear form of development and has some connections to Townsend (including the Conservation Area covering both areas), there is an adequate separation between the built-up areas (noting the intervening agricultural fields) to be two settlements. As such, the application site is not considered to lie within the settlement of Poulshot.

Townsend is not an identified Local Service Centre, Large or Small village and thus the development is considered to be in the open countryside in terms of planning policy. In any event, if the application site were to be deemed part of Poulshot, the development would not comprise 'infill' development given the nature of the proposal (in particular being a major application which would not be filling a small gap within the village that is only large enough for not more than a few dwellings). As such, the proposal is considered to be contrary to Core Policies 1 and 2 which restrict development outside the limits of development, unless allowed for under permitted circumstances under other policies within the plan. This scheme is not allocated within any development plan nor is it a rural exception site.

When considering the permitted circumstances, it is noted that the coach house element is partly a conversion and re-use of a rural building that could fall under Core Policy 48. A structural report has been submitted to demonstrate that the building is capable of being converted. Although this structural report has been submitted, the proposal for 'Plot 1' also seeks a large extension to the rear. This extension is not considered to strictly accord with the policy wording of Core Policy 48 in that "only necessary extension or modification which preserves the character of the original building" would be permitted. In this regard, whilst the extension is deemed sensitive to the character and appearance of the building and located to the rear, the scale is not considered a 'necessary' extension for the converted building (noting the scale is substantial in comparison with the original building footprint) and therefore the part of the proposal is considered to not accord with Core Policy 48.

Although the provision of new dwellings on the site would be contrary to the housing policies of the Core Strategy and thus is deemed unsustainable in terms of siting, it is noted that the development plan is silent on re-development of land. It is undoubtedly considered a benefit to bring a use to a redundant farm but such a benefit, with other benefits that will be discussed within this report, will be considered as part of the planning balance at the end of this report against the harms of the proposal (which includes the harm that the proposal is contrary to the housing policies of the Core Strategy).

It is therefore concluded that the proposed development would not accord with the housing policies of the Development Plan and would also not fall within any of the exception policies for housing. As such the proposal is considered contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy.



- Housing Land Supply – titled balance not engaged

The National Planning Policy Framework (NPPF) was subsequently updated in December 2023 and under the latest national requirements, Wiltshire Council is now only required to demonstrate a 4-year housing land supply given the stage of advancement of the emerging new Local Plan. At present, the Council is able to demonstrate a housing land supply exceeding 4-years, currently confirmed at 4.2 years (published via the Housing Land Supply Statement - Base date: April 2023 - published in June 2024). As such, at the time of producing this report, the presumption in favour of sustainable development (or 'tilted balance') does not apply to this application with regard to housing land supply.

It is acknowledged that an open consultation is currently underway for proposed changes to the NPPF under "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" published 30 July 2024. Whilst this is only a consultation and not a formal change to the NPPF, it clearly outlines the intent to revert the changes to the NPPF made in December 2023 relating to the requirement to only demonstrate a 4-year housing land supply given the stage of advancement of the emerging new Local Plan. If the change under the consultation is formalised there will be a requirement for Wiltshire Council to demonstrate a 5-year housing land supply, which it cannot at present. Thus the titled balance would be engaged.

As this is only in the consultation period, very limited weight can be afforded towards this direction. The position officially stands that the tilted balance is not engaged due to the provisions of the current 2023 revision of the NPPF. A general planning balance of the proposal is still being made under the Conclusion/Planning Balance section at the end of this report.

- Loss of the agricultural commercial unit

The proposal would result in the loss of an agricultural unit. As confirmed within the submission, the unit was used recently as a dairy unit until its closure in 2021, furthermore milking on site ceased in 2019. Only a few buildings are being used on site by an arable contractor for storage to date. The loss of the agricultural unit is undesirable however the Core Strategy is silent on the loss of rural agricultural units. The dairy unit is not a rural service or community facility that would be controlled by Core Policy 49, which seeks the protection of rural facilities and services that benefit the local community such as shops, cultural buildings or public houses that are protected to ensure that settlements can still meet some of the day-to-day needs of the people who live in them.

Whilst not a rural service or community facility that would be controlled under the Core Strategy policies, the proposal would result in the loss of a commercial unit for the area, including potential employment opportunities. Paragraphs 88 and 89 of the NPPF seek to support a prosperous rural economy. Although the loss of an economic use in the area is acknowledged, the applicant has submitted an Agricultural Use Assessment which has concluded that any alternative agricultural use would require significant investment and also deems different types of agricultural enterprises invalid and inappropriate for the site. In particular, it has been considered within this

assessment that for a future dairy use, significant investment would be required. The redundant state of the farm has resulted in some buildings deteriorating and many buildings are at the end of their lifespan. There is a lack of appropriate milking infrastructure and slurry regulations (with the slurry handling coming to the end of its lifespan) as such significant investment, which is not considered economically viable, would be required to bring back a dairy use. It was furthermore noted that given its location in relation to other residential dwellings and significant complaints received from residents in the locality, issues such as noise, smell and dust would need to be addressed if any future enterprise on site were to be established.

Regarding beef cattle, due to the tight margins in this line of work, and the requirement to invest in the buildings to meet the requirements of the enterprise, this aspect would not be economically viable. Sheep has been discussed but acknowledged the buildings would be redundant as would not all be required in connection to this enterprise and would fall into further disrepair. Then, in relation to pigs, chickens and other specialist enterprises it was considered that there are no provisions for converting the buildings and significant investment would be required to upgrade buildings, replace buildings and to upgrade slurry handling facilities. Investment has been outlined to be considerably over £500,000 to have an efficient unit.

The assessment made within this report concludes that the current state of the buildings would mean that any new or proposed enterprise would require significant investment to establish an efficient and profitable business. The redevelopment of the site would be significantly costly and therefore with the agricultural industry struggling with limited profits, the investment is not considered viable.

There is no reason to dispute the submitted report's conclusions. It has been acknowledged that many of the buildings on the site are deteriorating and the agricultural use has not been present on the majority of the site for 3 years. The comments regarding the impact upon surrounding residential properties is also noted although this would not prevent an agricultural use on site when this is a historical situation.

As such, it is agreed that an agricultural use on site is not likely to be viable and the loss of the agricultural farm use would not be harmful in economic terms. It may have been preferable for other uses, such as commercial takes place on site to retain employment opportunities etc. This has been considered by the applicant, with a commercial viability report submitted from Strakers which has considered the re-use of the site for different commercial uses. The re-use of the site for Class E (light industrial), Class B2 (General Industrial) and Class B8 (Storage/Distribution) was considered, as well as a Class E office use for two smaller buildings on the site. Tourism use has also been considered in respect of the Coach House only.

It has been considered in this assessment that due to the close nature of the site to residential properties, a Class B2 would normally be discounted but has been assessed. Community or Cultural uses have however been discounted due to the little return on investment and lack of demand for this use.

The Assessment has been made noting the considerable work required to the majority of the buildings for any re-use. It is noted within the conclusion that "the demand for

commercial premises which are remote from a town's employment pool is somewhat specialist and the infrequent nature of public transport facilities in the village might limit the market appeal of these buildings for certain uses. That said, currently there is a reasonably strong level of demand for light industrial workshops as well as B8 storage in villages such as Poulshot which benefit from having nearby access onto both the Class A and Class B road networks." The assessment goes on to state that:

- Conversion of four buildings for Class E Light Industrial use is not financially viable as would result in project losses from circa £64,682 to £173,102.
- Conversion of three larger buildings for Class B2 General Industrial use is not financially viable as would result in project losses from £73,890 to £198,842.
- Conversion of three larger building for Class B8 Storage/Distribution use is not financially viable as would result in project losses from circa £64,061 to £126,485.
- Conversion of two smaller buildings for Class E Office use is not financially viable as would result in project losses from circa £66,148 and £84,437.
- Conversion of the Coach House for tourism use would not be financially viable as would result in a project loss of £51,574.

The assessment submitted by the applicant has not been highly scrutinised but provides a professional opinion that the site is not viable for re-uses for other commercial uses. Whilst it is acknowledged that some buildings would be able to converted successfully to a potential new use, overall the site has many buildings of disrepair which would not be possible for conversion without significant rebuild. The assessment submitted has appeared to focus on specific buildings and does not necessarily take into account that the conversion of a few buildings in the site would result in other buildings falling into further disrepair. It must also be noted that other uses have potential implications from vehicle movements and impacts upon neighbouring amenity.

It is therefore considered that in this instance, it is not reasonable to object to the fact that the development would not retain some economic use on site footing as well there are no policies contained in the Core Strategy to give weight to the preferred uses (given the proposal is not being assessed under Core Policy 48 which for conversion and re-use of specific rural buildings there should be evidence that the preferred uses are not practical propositions). In any case, residential development schemes are considered to have some economic benefits to local areas, such as employment during the construction period, and occupants of the dwellings contributing and spending within the locality and its services and facilities which will be afforded some weight in the planning balance.

Therefore, due to the conclusion of the submitted assessment that agricultural uses on the site are not viable, the loss of the agricultural use is deemed acceptable.

### Design and Visual Impact

Core Policy 57 requires a 'high standard of design' for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should protect, conserve and where possible enhance the

landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The proposed development comprises fourteen dwellings following the removal of the existing farmyard. Many of the buildings comprising the farmyard are redundant and are of a dilapidated state and thus their removal is considered acceptable, noting as well (as is further assessed in the heritage assets section below) that none of the buildings being removed are of any historic merit. The only building of any historic merit is the former Coach House (red brick single storey building) which fronts Poulshot Road. This building is proposed to be converted to residential use and extended at the rear.

The site sits within the rolling clay lowland (11C) of the Wiltshire Landscape Character Assessment, noted for its 'good' condition, 'moderate' strength of character, and with a management strategy to conserve and strengthen. The site does not lie within any designated landscape although it does sit partially within (and within the setting of) the Poulshot Conservation Area.

The Council's Landscape Officer has reviewed the application and raised a holding objection to the scheme. It has been assessed that the site is an old farmstead consisting primarily of derelict non-descript farm buildings and would be largely removed to make way for a conventionally laid out small housing estate in a cul-de-sac arrangement. There is no inherent landscape objection to the proposed conversion of a derelict farmstead to a new use by the Landscape Officer, as the landscape mitigation is well placed to reduce the visual impact of the scheme on the surrounding Public Right of Ways; also, the height and scale of development is similar to the existing. The Landscape Officer has also commented that he would have preferred to have seen a layout that references the farmstead's historic layout rather than a 'standard' housing layout.

In this regard, it is agreed that significant harm would not result from the replacement of a derelict farmstead with a new use. A farmstead in this rural area is typical however given the poor state of the majority of the buildings and the redundant use as a dairy farm (and as per the viability report heavy substantial re-investment is required for other farming uses which is not considered viable), it is considered that the removal of the non-historic buildings would not result in landscape harm. The farm does not occupy an isolated location in comparison to the other buildings forming the built-up-settlement of Townsend, noting for example that the existing built form does not extend further eastwards than the residential dwelling 186 Poulshot Road, nor does the complex extend further north-west than No. 22 Townsend. The existing farmstead appropriately ties in visually with the surrounding built form and thus the development would not be visually isolated from other residential development in the vicinity.

The change of character from agricultural to residential must be acknowledged to cause a degree of harm to the rural character of the area. It is however considered that given the state of the buildings and land, the removal of the agricultural farmstead would have a neutral impact upon landscape character, noting in particular the high potential for the buildings to fall into further disrepair if not redeveloped, thus harming the landscape character further. The residential development of the site is not entirely



a welcome change of character however it is not considered to have a significant harmful impact upon landscape character, noting the siting as above, and that the buildings are primarily going to be positioned on the existing areas of built form on the farmstead.

Referring back to the Landscape Officer's comments, there is a holding objection on the basis of the layout, since it is felt that this should be more sensitive to the site's historical and landscape character context, stating that "I would have preferred to have seen a layout that reference the farmsteads historical layout rather than creating a 'standard' housing plot scheme". In this respect, the proposed dwellings are to be sited mainly in the locations of the existing built form and is not spreading out development beyond the existing situation within the landscape. This can be demonstrated on plans such as the landscape mitigation and enhancement plan which has dotted lines showing the existing buildings on site that are to be removed.

Whilst it can be argued that the layout and form is somewhat 'standard' in its approach and has a somewhat suburban character, it is not considered that this layout or design would give rise to any harmful impact upon landscape character. The main access and through road reflect the routes within the existing farmstead (laid to hardstanding) and whilst the buildings are not reflective of the existing locations and scales of the barns, this is not considered a harmful design in this instance. The northern boundary of the site would be soft landscaped with some land kept for agricultural use. The north-western side has a large area of open space and natural features which would mitigate some of the potential negative impact, as this part of the site would form an important and attractive 'transition area' between the built form and the open countryside, especially towards the Public Right of Way starting from Byde Mill Lane. The only dwelling which is not considered to overly reflect the layout of the existing farmstead is Plot 13, due to its southern orientation and only being partially located where the slurry pit is sited. The other buildings are considered to follow the historic layout of the farmstead to an appropriate degree (such as retaining the historic Coach House, the cluster of buildings to the 'middle' of the site, the linear form of development to the south-eastern part of the site and Plot 14 being in a similar location to an existing building. As for Plot 13, it is understood that this is a 'trade off' through the removal of the more modern (and currently in use) barn to the immediate north-east of No. 22 Townsend to enable the provision of the attractive transition area and swale. Plot 13 would still be partially located on an area of built form, this being the slurry pit. As such, whilst the layout of Plot 13 would not reflect the historic layout of the farmstead, this is not considered to have such a harmful landscape impact as to justify an objection on this basis.

The Landscape Officer also raised a holding objection on the basis that more evidence should be submitted to demonstrate that the public open space proposed meets the minimum policy requirement. In this regard, it is acknowledged that the Landscape Officer has raised concern with the lack of usable public open space for residents and this is agreed with to some extent. The space provided for open space has been outlined by the applicant to be well in excess of the required 137.76m<sup>2</sup> stipulated by the Public Open Space Officer. A play area(s) is not being proposed and instead will be covered by developer contributions. In any event, if the public open space were not agreed the principle of off-site contributions of £4,803.69 (for upgrading open space at facilities in vicinity of the development) was considered acceptable. Whilst concern

has been raised by the Landscape Officer in this regard, given that the Public Open Space Officer has raised no objection subject to the financial contributions and the open space is considered to result in an appropriate and attractive 'transition area' into the countryside and the right of way network, there is no objection in relation to design or visual impacts.

Finally, the holding objection was on the basis of a Landscape and Ecology Management Plan (LEMP) being required that sets out how the mitigating landscaping will be maintained to maturity (especially in rear private garden plots). This management plan can be controlled by way of a planning condition. The proposed landscaping has not been objected to, rather concern has been raised about the maintenance and management over the longer term. The landscaping proposed is deemed appropriate to mitigate some of the landscape impacts and includes tree lined streets in accordance with Paragraph 136 of the NPPF (which states that decisions should ensure that new streets are tree-lined). Trees and hedgerow are proposed throughout and to the north of the site, the land would be managed as agricultural grassland/paddock to ensure there is an appropriate transition area to agricultural land with the water culvert. As the LEMP can be controlled by condition this objection is not warranted.

The Council's Urban Design Officer has also reviewed the submission and raised no objection, stating that the design would be appropriate and sensitive to its context and setting. It has been stated that "presumably the farming can be reasonably maintained without the need for these and subsequent replacement buildings on open land." Specific comments have not been received about the need to replace any buildings on the site. Most of the buildings are in a redundant and dilapidated state and there are only a couple of barns in full use towards the north-western part of the site. It is noted that these barns would need to be re-located however as they are rented out (as confirmed by the applicant) it does not specifically mean that new agricultural barns would be required in the open landscape surrounding the application site. Any future application for barns would be considered on its own individual planning merits and this application and the wider farming practices around the site can reasonably be maintained without the replacement of those buildings.

It is considered that the proposed layout and design of the scheme is acceptable. Although a change of character will cause a degree of harm, the built form would reflect the siting of the existing built up farmstead which is redundant and has the potential to fall into further disrepair to the detriment of the character and appearance of the area. The soft landscaping scheme is of high quality and appropriate to the context, with the plots to the edges of the site, in particular those facing the northern boundary, appropriately set within large plots; this is in-keeping with the character and pattern of development of the area. The soft landscaping to the frontage of the site is welcomed and would improve the views from Poulshot Road where it is currently laid fully to hardstanding which has a negative impact on the character and appearance of the area. It is noted that concerns have been raised by the public regarding the grass verge and the potential for illegal parking on it (this being harmful in visual terms). Bollards have been suggested however is not considered reasonable or necessary to control this; it would also have a potential harmful impact on the Conservation Area. It would be for the applicant and the occupants to maintain this grass verge and the grass verge, footway and bus stop would likely deter illegal parking. In relation to the

bus shelter, this is acceptable in principle and would be a welcome addition since I would ensure the provision of a formal bus stop for the area which currently does not exist. However, no information has been submitted at present regarding its design. Whilst there may be specific highway authority requirements, it is considered reasonable that the elevation plans and details are controlled by way of condition rather than being provided upfront.

Consideration is now afforded to the design of the dwellings themselves. As previously acknowledged, the design of the scheme is somewhat suburban in nature. It is however noted that the surrounding area has no prevailing character with residential dwellings of varying styles. The proposed dwellings would have suburban estate features, but would not be out of keeping given this context. The amount of development would ensure an efficient use of the land without it appearing overdeveloped. The detailed design of the dwellings is high-quality with architectural features (such as cill heads) and materials which are reflective of those in the locality. Whilst it is acknowledged that concern has been raised by the public regarding the height of the dwellings, the scale of the dwellings, whilst tall at circa 8 metres to the ridge, are not considered excessive in this location. In fact, their height would not be too dissimilar to the tallest barns already on site so this argument would be difficult to sustain. Although the built form and height at the front of the site would be more prominent in views from Poulshot Road, since the existing situation comprises single storey agricultural buildings mainly fronting this highway, it is not considered to be visually harmful.

Regarding the proposed materials, these are acceptable in principle however the final details of the material and finishes would need to be the subject of a condition (noting for example that the submitted plans do outline 'suggested' materials). The principle of the materials outlined within the 'Proposal description' section of this report are appropriate to the site's context and the mix would add visual interest to the scheme. Conditions are also recommended requiring further details of boundary treatments, surfacing and external lighting, in the interests of visual amenity.

With the conditions outlined above imposed, the proposal development is considered, on balance, to be appropriate to the location and would not give rise to any significant harmful landscape and/or visual impacts. The proposal would have the visual benefit of re-developing a redundant farmstead which has the potential to fall into further disrepair to the detriment to the appearance of the area. Whilst there would be a degree of impact from the change of character and loss of the agricultural use, the negative impacts have been mitigated as far as possible through sensitive design and landscape measures (criteria of Core Policy 51). The proposed dwellings would mainly follow the layout and siting of existing built form of the farmstead, would be high-quality in design dwellings and would have appropriate levels of landscaping and proposes a sensitive 'transition area' into the open landscape. The proposal is therefore considered to accord with the main aims of Core Policies 51 and 57 of the Core Strategy.

## Sustainable Construction

Core Policy 41 seeks to help to reduce Wiltshire's contribution to climate change through improved design and construction methods. The Climate Change Team has reviewed the submitted Sustainable Energy Statement and Waste Audit. The Climate Change Officer has endorsed the comments made within the supporting documents submitted with the application and has made some constructive comments. It is however outlined that that they "consider that in sustainable construction terms this scheme is clearly exceeding policy requirements."

The Climate Officer has commented that, in relation to sustainable transport, it must be acknowledged that this is a site where there would be a reliance on the private vehicle. It is considered that more could be demonstrated by the applicant around journey avoidance, which in a location like this, would be to ensure mobile and internet are as good as possible and, where there are limitations, seek to address this. It is however acknowledged that the proposal is providing a betterment over the existing situation in terms of walking, cycling and public transport infrastructure; there is also a commitment to providing electric vehicle charging points for every dwelling. It has been recommended under the sustainable transport section that any final Sustainable Energy Strategy (secured by condition) should address the opportunities to avoid journeys through enhanced telecommunications and appropriate space to work from home in each dwelling.

Under the 'operational energy/ carbon' section of the Climate Officer comments, it has been acknowledged that the proposal at this stage can only give an indication because Technical Design will only occur post the grant of planning approval. There is however a clear strategy and commitment to a definition of net zero in operation. It has been noted that the method used is only looking at regulated energy and there is not an allowance being made for unregulated energy. Nonetheless, the calculations show that these units will be far in excess of building regulations requirements or indeed emerging Future Homes Standards. It has been recommended under this section that any final Sustainable Energy Strategy (secured by condition) should seek to demonstrate that every dwelling will be net zero in operation (including regulated and an allowance for unregulated energy) per annum.

Regarding embodied carbon, the submitted Waste Audit has been outlined to start to set out an approach for how the existing built form would be removed and the site made good as part of the scheme. More information has been requested and ideally set out as an Embodied Carbon Assessment. It has been recommended by the Climate Officer that any final Sustainable Energy Strategy (secured by condition) should seek to provide an embodied carbon metric for the development and target in line with ambitious industry standards.

The 'Climate change adaptation' part of the comments has the Climate Officer acknowledge that the proposal sets out the removal of significant area of hard standards such as to improve water infiltration, drainage solutions to reduce flood risk and water efficiency measures such as to reduce demand. The commitment to 110 l/p/d has been recommended to be secured by condition such as to allow it to be secured through Part G of the building regulations.



The Climate Officer within the summary and conclusion section of their comments, outlines that the proposal clearly sets out sustainable construction measures that exceed current policy requirements and leave plenty of scope for optimising once Technical Guidance work is undertaken post planning. The developed has been considered to sought to mitigate the locational issues and climate impacts as far as practically possible and has designed a layout and building form that provides opportunity to have building integrated renewable energy generation that will go some way to ensuring that the scheme is in net zero operation. The scheme is also providing climate change adaptation betterments. As such no objection was raised subject to a number of conditions.

In this regard, the suggested conditions are considered to go beyond what is reasonable and necessary for this development (in particular the scale of such as development and the betterments proposed). Whilst a 'final' Sustainable Energy Strategy is sought from the Climate Change Officer they have been clear throughout the comments that the submitted documents already go beyond the policy requirements and are welcomed. The additional information sought such as relating to embodied carbon, improved telecommunication opportunities and assessment against unregulated energy would be welcomed however as the submitted statements already go beyond what is necessary to make the development acceptable in this regard it is not considered that these conditions would meet the tests of imposing conditions outlined within the NPPF. A condition will however be imposed that the submitted documents are adhered to.

It is however considered reasonable that condition is imposed relating to the details and provision of the air source heat pumps. Whilst the locations are known as are present on plan reference 21146.141-B, the details and scale are not currently known which has potential to impact amenity (noting they are not present on the elevation plans).

Regarding the requested solar panels condition, the solar panels are clearly demonstrated on the proposed plans and thus details such as location and dimensions are not considered required under a condition (though appearance details and their fixings will be controlled), nor is the condition requiring details and locations of EV charging points is reasonable, noting we have a plan (21146.141-B) demonstrating the locations already which will be an approved plan. Finally the recommended conditions regarding the water consumption limited to 110 litres per person per day is considered unnecessary as is controlled under building regulations.

As such, subject to the conditions outlined above the proposal is acceptable and would accord with Core Policy 41 of the Core Strategy. The commitment to reducing carbon emissions over and above baseline requirements is afforded positive weight in the planning balance.

### Impact on Heritage Assets

- Conservation Area and setting of Listed Buildings

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the

preservation of Listed Buildings. The Act requires that special regard should be given to the desirability of preserving a Listed Building or its setting (Section 16 and Section 66) as well as giving special attention to preserving or enhancing the character or appearance of the Conservation Area (Section 72). Paragraph 203 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

Core Policy 57 of the Wiltshire Core Strategy requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment.

Paragraph 200 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, the application is accompanied by a "Heritage Impact Statement" which provides sufficient information to understand the impact of the proposals and is proportionate to the scope. The requirements of the NPPF are therefore met in this respect.

The application site lies partially within the Poulshot Conservation Area, with the remainder of the site considered to lie within the immediate setting of this heritage designation. A small number of Listed Buildings are present in the immediate locality and the proposal would fall within the setting of the Grade II Townsend Farmhouse to the south of the site. The Conservation Officer has reviewed the submission and also acknowledged the presence of the nearby Grade II\* St Peter's Church as well as other Listed Buildings in the wider locality, however, it has been assessed that the farmyard plays no role in the setting of these buildings. The separation distance and intervening buildings/vegetation and landform all dictate that the farmyard is out of view at ground level. Furthermore, there is no other positive connection with the site.

The Council's Conservation Officer has assessed that the farm buildings on the north-east side of the road are all of modern construction, with no buildings shown there on the Tithe Map of 1840. A frontage structure, opposite Townsend Farmhouse, is shown on the First Edition O.S map of c. 1880. This structure is substantially unaltered and is a small, single storey, coach house with adjacent provision for the stabling of horses. A second, open-fronted, structure was shown running parallel deeper within the plot on historic evidence however there is no trace of this structure to be found today.

The Conservation Officer considers that the only positive feature on site is this former coach house. This building is also defined as a 'Significant unlisted building' within the Poulshot Conservation Area. The removal of the other farmyard is not objected to, noting the unattractive series of industrial-type farm structures and surrounding hard surfacing. In assessing the proposed residential development, the Conservation Officer has raised no objection subject to conditions.

The conversion of the coach house is welcomed and a structural report has been submitted which concludes that it is capable of conversion to residential. The retention

and re-purposing of this building is considered to help incorporate the new scheme into the local environment. The views of the Conservation Officer are agreed with; the conversion of the previous coach house would result in the only historic building of any merit being retained on site, with a new purpose to prevent further disrepair of the building. Whilst (as assessed above in the principle section) it is not considered to accord with Core Policy 48 due to the large rear extension proposed, this extension is considered not to give rise to any harm to heritage assets as it would be a rear extension within a new built residential estate with an appropriate rear garden etc. The extension is deemed appropriately sensitive to the conversion part at the front (the most visible part from the Conservation Area) and therefore this extension would not harm the character and appearance of the Conservation Area since the historic frontage would be appropriately retained in terms of its character and appearance.

It is acknowledged that the Conservation Officer has requested a condition that occupation of the new build units are restricted until the works to the Coach House have been substantially completed to the satisfaction of the Local Planning Authority. However, this condition is not considered to meet the tests of imposing conditions so is not reasonable in this instance. Whilst it is understood that there is a desire to ensure that the conversion works are completed, it should not prevent the occupation of other buildings on site when constructed. A condition requiring a repair specification and method statement for the conversion works was also recommended specifically relating to the Coach House. This condition is considered necessary and reasonable to ensure that the works undertaken are fully understood and controlled as a historic (significantly unlisted building) within the Conservation Area.

In relation to the new dwellings on site following the removal of the agricultural buildings (of modern construction), the Conservation Officer has acknowledged that the design of the scheme is producing an 'honest' scheme that would complement the adjacent Conservation Area rather than trying to mimic agricultural barns. It has been particularly noted that the main roofs and front elevations of Plots 2 and 14 would run parallel to Poulshot Road and would generally respect the established pattern of development along this road. The interface of the development with the road is considered to be respectful to the rural character, with a grass verge, and use of block paving for harder surfaces. The palette of clay tiles and Welsh slates for the roofing has been deemed to be in harmony with the established vernacular. The use of red/brown brickwork, textured render and feather edged boarding for walling was also considered to strengthen the sense of place, whilst the introduction of woven hazel fences and boundary hedges would help assimilate the development into its rural setting. The provision of solar panels on south and west facing roof slopes has been considered acceptable subject to black PVs are used.

Therefore, the Council's Conservation Officer has raised no objection, considering the proposal is sensitive to the rural character and the appearance of the Conservation Area. It was concluded that "the impact on the significance of the coach house, and the Poulshot Conservation Area, and the setting of Townsend Farmhouse will be neutral or slightly positive. The proposal are therefore justified in terms of conserving the designated heritage assets." This view is agreed with, noting as well that whilst there would be a change of character of the site in this instance, there is a positive from the redevelopment of a primarily redundant farmyard which has potential to fall into further disrepair and except from the Coach House (which is being converted in

any instance) the buildings are not of any historic merit. No harm is therefore considered to be generated towards the heritage assets from the proposal development.

The Conservation Officer has recommended a number of conditions, which are considered reasonable and necessary however these relate to design and visual amenity matters as well as on heritage grounds. Conditions relating to material details, joinery details, rooflights being Conservation style, details of the PVs and their fittings, boundary treatments plan, public realm surfaces plan, details of any external lighting (including street lighting) are recommended.

It is therefore considered, having regard to the points made above, that due regard has been given to the statutory duties set out within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the requirements of the National Planning Policy Framework (2023) and Policies 57 and 58 of the Core Strategy.

- Archaeology

Wiltshire Council's Archaeology Officer has reviewed the submission and although it was noted that the site is partially located within the deserted medieval settlement located at Townsend, the footprint of the proposed dwellings has been heavily impacted by past modern development within the current farm. As such it has been considered that it would be highly unlikely for groundworks to expose any as-yet unrecorded sub-surface archaeological features/deposits and no archaeological issues are raised (nor any conditions or informatives recommended). The proposal is therefore acceptable in this regard.

#### Residential Amenity and Pollution

Core Policy 57 criterion vii) outlines that there needs to have regard to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

- Amenity of future occupants

The proposed internal layout the proposed dwellings would allow adequate light to allow habitable rooms and the dwellings are of scales which are in accordance with the nationally described space standards.

The amount of amenity space would be sufficient for the enjoyment of the future occupants and would be in accordance with the Wiltshire Design Guide. The expectation under this guidance is that the minimum rear garden areas 'equal footprint of dwelling' and that the minimum length of garden for two storey dwellings (which all but the formal coach house is) would be 12 metre if north facing or 10 metre otherwise.

In this respect, all dwellings accord with this guidance. The only garden which is fully north facing is 'Plot 13' which is large in scale with a minimum depth of circa 16 metres. There are a few dwellings with less than 12 metres gardens however, given that they are not fully north facing and have a depth of more than 10 metres the amenity space

proposed is acceptable. For example, 'Plot 14' has a rear garden depth of 11 metres, and 'Plot 12' has a depth of circa 11.5 metres.

Regarding the potential impact on the amenities of the future occupants, the arrangement of the dwellings is acceptable since it would not give rise to any unacceptable impact upon amenity. Regarding loss of outlook and overbearing effect, the proposed dwellings are appropriately spaced so as to not give rise to unacceptable effects to the private rear amenity spaces. Whilst the dwellings are acceptable, it is acknowledged that the garages for 'Plot 10' and 'Plot 13' would be in close proximity to the shared boundaries with 'Plot 12' and 'Plot 11' respectively. In relation to 'Plot 10's garage, due to the single storey design and slight set back from the shared boundary through hedge planting it is not considered that this arrangement would give rise to any undue harm. Whilst would result in some overshadowing as a result of the single storey nature of this build and the limited part of the day the overshadowing would occur this is acceptable on balance.

In relation to 'Plot 13's garage, this is proposed to be a large 6m in height one a half storey structure. It is considered that the height and resultant bulk would be undesirable for the future occupants of Plot 12 however given the siting whereby it would not be immediately against the more protected private patio area and the open space to the east and west, this arrangement is not deemed of such unacceptable harm to warrant an objection. Furthermore, this large garage would not result in any unacceptable overshadowing or loss of light due to its northern siting. The garages, whilst undesirable is not therefore deemed unacceptable.

Consideration is now afforded towards the potential for adverse overlooking and loss of privacy from the new dwellings towards another. The plots are assessed as follows (which does not include the acceptable typical oblique views between adjacent properties):

- Plot 1 – Due to the single storey nature and intervening boundary treatment there would be no adverse overlooking.
- Plot 2 – First floor windows present on all three elevations. Due to the intervening distances to properties there would be no adverse overlooking.
- Plot 3 – First floor windows on the front and rear elevations with none proposed on the side elevation fronting Plot 4. The intervening distances from the first floor windows would not result in any adverse overlooking.
- Plot 4 - First floor windows on the front and rear elevations with none proposed on the side elevation fronting Plot 3. The intervening distances from the first floor windows would not result in any adverse overlooking.
- Plot 5 – First floor windows on the front and rear elevations with none proposed on the side elevation fronting the cul-de-sac highway. The intervening distances from the first floor windows would not result in any adverse overlooking.
- Plot 6 – First floor windows proposed on the front, rear and side (south-west) elevation. The front and rear elevations, by reason of the intervening distances to the properties would not result in any adverse overlooking. On the side (south-western) elevation, one first floor window is proposed as a secondary window for 'bedroom 1'. In this regard, this window would have direct views over the parking area for its plot and the parking area for Plot 1. Whilst there would be some views towards the amenity area of Plot 1, it would be slightly



oblique and in excess of 24 metres away and therefore is not considered a harmful arrangement. It is not considered reasonable to control this window to be obscure glazed etc.

- Plot 7 – First floor windows are proposed on all elevations. In relation to the front and rear elevations, given the intervening distances and orientation there would be no adverse overlooking from these windows (noting the first-floor windows are in excess of 24 metres towards Plot 11). In relation to the south-western elevation the first floor windows are proposed as secondary windows for 'bedroom 3' and 'bedroom 4'. In this regard the intervening distance to Plot 6 and its private amenity space would be circa 6 metres. Due to this distance and arrangement, it is considered that the first-floor windows would give rise to unacceptable overlooking and loss of privacy. It is therefore considered reasonable and necessary that these windows (which are only secondary windows and thus the main light and outlook would be afforded from the windows on the rear and front elevation) would be obscure glazed and non-opening unless the parts that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. In relation to the north-eastern side windows, these would serve bathrooms. These openings would be 7 metres from the shared boundary with Plot 8 and therefore it is also necessary to control these windows to be obscure glazed etc. to prevent adverse overlooking and loss of privacy to Plot 8.
- Plot 8 – First floor windows are proposed on all elevations. In relation to the front and rear elevations, given the intervening distances there would be no adverse overlooking from these windows (noting the first-floor windows is circa 24 metres towards front elevation of Plot 10). In relation to the north-eastern elevation the first floor windows are proposed as secondary windows for 'bedroom 3' and 'bedroom 4'. In this regard the intervening distance to Plot 9 would be circa 5 metres. Whilst the views would not be directly only the private amenity space immediately to the rear of the dwelling it would have large views over a large portion of the proposed garden for Plot 9. Due to this distance and arrangement, it is considered that the first-floor windows would give rise to unacceptable overlooking and loss of privacy. It is therefore considered reasonable and necessary that these windows (which are only secondary windows and thus the main light and outlook would be afforded from the windows on the rear and front elevation) would be obscure glazed. In relation to the south-western side windows, these would serve bathrooms. These openings would be circa 7.5 metres from the shared boundary with Plot 7 and therefore it is also necessary to control these windows to be obscure glazed etc. to prevent adverse overlooking and loss of privacy to Plot 7.
- Plot 9 – First floor windows are proposed on all elevations. Due to the intervening distances and orientation it is not considered there would be any adverse overlooking or loss of privacy. Whilst noted there would be some direct views towards Plot 10, there would be an intervening distance of circa 12 metres to the shared boundary and would be directed towards the public open front area of the dwelling and not the private rear amenity space and is therefore acceptable. In relation to the garage, this is a one and a half storey structure and thus has first floor openings. Rooflights are proposed on the rear (north-west) elevation which is acceptable with no direct views to neighbouring properties. A first-floor window is proposed on the south west elevation which would have direct views towards Plot 10. This window would be circa 5 metres

from the boundary and would have good views towards the private rear patio area. As such it is considered necessary and reasonable that this is controlled to be obscure glazed etc. noting that the roof lights would serve adequate light and outlook to the first-floor space.

- Plot 10 - First floor windows are proposed on all elevations. Due to the intervening distances and orientation there would be no adverse overlooking from the front and rear elevations. In relation to the north-eastern elevation, the first floor window would serve as a secondary window for 'bedroom 1' and would be 12 metres from the boundary. In this respect, given this intervening distance and noting the views would be towards the garage and not the private amenity area, it is not considered that this window would give rise to such unacceptable overlooking as to justify a condition controlling it to be obscure glazed etc. In comparison, the first-floor windows to the south west are proposed to serve bathrooms and would be circa 3 metres to the boundary. It is deemed necessary that these windows are controlled to be obscure glazed etc. to prevent adverse overlooking and loss of privacy toward Plot 11 in particular.
- Plot 11 and 12 – First floor windows are proposed on the front and rear elevations. The front windows would not directly view any private amenity areas and is acceptable. In relation to the rear elevation windows, it is considered that this arrangement is not desirable however is not of such undue harm in terms of overlooking or loss of privacy as to justify a refusal. The first-floor windows for these properties would be circa 12 metres to the shared boundary (taken from the middle of the boundary hedging). As outlined within the Wiltshire Design Guidance 'traditional 'back-to-back' separation of minimum 20m should be respected'. In this regard it is not a back-to-back arrangement but a side to back arrangement which is not specifically defined in the guidance. There would be some overlooking from the rear elevation windows to Plot 10 (including the dwelling and its private amenity space) however given it is in excess of 10 metres, the size of the plot of 10 which allows occupants to use parts of the site which would be much further away from the shared boundary (including the patio area which is proposed on the north eastern side of the dwelling) and the use of the rooms to the rear of these plots comprise a hallway, study and bathroom, this overlooking and loss of privacy is not considered unacceptable on balance.
- Plot 13 - First floor windows are proposed on all elevations. The front (south), rear (north) and side (west) would by reason of its orientation and intervening distances would not result in any adverse overlooking or loss of privacy. In relation to the side (east) elevation, this would have two first floor windows serving a bathroom and a secondary window for 'bedroom 1'. In this regard the direct distance towards Plot 10 shared boundary is circa 13 metres. Whilst it is acknowledged that some of the bathroom window may be blocked by the proposed garage, given the direct outlook towards the large rear portion of Plot 10s garden, it is considered reasonable that these windows are controlled by condition to be obscure glazed etc.
- Plot 14 – First floor windows are proposed on the front, rear and north-western side of the property. Due to the intervening distance, orientation and noting there are no first floor windows proposed on the south eastern side of the dwelling there would be no adverse impacts in terms of overlooking or loss of privacy to the amenity of the future occupants of the other proposed dwellings.

It is acknowledged that the windows on the other side (north-western) would impact the existing residential property of 22 Townsend however, this will be considered in the below section.

As such, with the conditions controlling the identified windows to be obscure glazed and non-opening unless the parts that can be opened are more than 1.7 metres above the floor of the room in which the window is installed, the proposed arrangement and design of the scheme is acceptable in terms of its amenity to the future occupants.

- Amenity of existing residential properties

Attention is now afforded towards the neighbouring amenities of the existing properties in the locality. Firstly consideration is made towards 22 Townsend which would be immediately bordering the site and the new neighbouring dwelling would be 'Plot 14'. In this respect, whilst the dwelling would be sited close to the boundary, by reason of the space around No. 22 and the slight off set from the boundary the proposed dwelling of Plot 14 would not result in any significantly adverse overbearing effect, loss of outlook, overshadowing or loss of light. The area adjacent to the proposed dwelling is the parking area for No. 22 as opposed to the private rear amenity space. In relation to overlooking and loss of privacy, 'Plot 14' is proposed to have a first-floor window on the north-western elevation directly facing this neighbouring property. This window is proposed to be a secondary window for 'bedroom 1' and therefore given that this is not a primary window for outlook, and the close arrangement to this neighbouring property it is deemed necessary and reasonable to control this window to be obscure glazed and non-opening unless the parts that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Regarding the proposed garage for Plot 14, given the single storey nature and siting away from the shared boundary of No. 22 this element is not deemed to give rise to any overbearing effect, loss of outlook, overshadowing or overlooking. As such, subject to the condition controlling the first-floor window on the north-western elevation the development is considered acceptable in terms of its impact upon 22 Townsend.

Regarding the properties fronting Poulshot Road, by reason of the intervening distances, over the public highway there is no unacceptable impacts in terms of overbearing effect, loss of outlook or overshadowing. Whilst there would be new outlook from windows to these neighbouring dwellings, given the intervening distances such as 18 metres from Plot 2 to the nearest building opposite or 21 metres from Plot 1 to the nearest property of Townsend Farmhouse, there would not be any unacceptable overlooking or loss of privacy as to warrant an objection. The proposal is therefore acceptable in terms of its impacts from the built form towards these properties to the south-west of Poulshot Road.

Consideration is now being afforded towards 'Bear Cottage (4 Townsend) which sited to the south of the development, adjacent to 'Plot 1'. In this regard, the dwellings of Plot 1 and Plot 6 are of sufficient distance away not to give rise to any unacceptable overbearing effect or loss of outlook, noting that Plot 6 dwelling is 10.5 metres away from the shared boundary and Plot 1 is a single storey property and is 6 metres from the shared boundary. Regarding overlooking, Plot 1 would be single storey and given the distance and boundary treatment it is acceptable in this regard. Plot 6 would have no direct views towards the private rear amenity area of Bear Cottage and given the

intervening distance to the shared boundary is not considered to give rise to any unacceptable loss of privacy. There would be single storey garages close to the shared boundary with this neighbouring dwelling (circa 4 metres from the boundary) however given the single storey nature and roof form which slopes towards the boundary, there would be no adverse overbearing effect, loss of outlook, overshadowing or loss of privacy.

In relation to White Bungalow (2 Townsend) to the south of the application site. By reason of the intervening distance, whereby there is no shared boundary with the application site, the proposal would not result in any unacceptable impacts upon neighbouring amenities.

Finally, consideration is afforded towards Wilkins Cottage (192 Poulshot Road), 190 Poulshot Road, Lynton (188 Poulshot Road) and Apeldorn (186 Poulshot Road). These dwellings are sited to the south-east of the application site with their rear amenity spaces backing onto the application site. In this respect, by reason of the distances between the existing residential dwellings and the proposed new dwellings under this scheme, it is not considered that there would be any harm generated in terms of overbearing effect, loss of outlook, overshadowing or loss of light. Whilst there would be some intervisibility, given the intervening distances (a minimum of 21 metres to the shared boundary) and the fact that this arrangement is way beyond the expected minimum back-to-back distances of 20 metres under the Wiltshire Design Guidance, there would be no unacceptable overlooking or loss of privacy to justify any objection.

It is therefore considered that the proposed development, in terms of the built form, is acceptable and would not give rise to any unacceptable impacts upon residential amenity subject to the conditions regarding windows identified above. In terms of the construction phase, it is deemed reasonable and necessary to control the construction phase by way of a Construction Management Plan to ensure that impacts upon neighbouring properties is limited such as in terms of hours of construction, dust and noise. In relation to noise and dust the Public Protection Officer raised no objection subject to a Construction and Environmental Management Plan, as well as conditions that no burning on site shall occur at any time, and that construction and demolition hours shall be limited to 0800 to 1800 Monday to Friday, 0800 to 1300 hours Saturday and no working on Sundays or Bank Holidays. These conditions are deemed reasonable in the interest of amenity of the area during the construction works.

### Contaminated Land

The Council's Public Protection Officer has reviewed the submission whereby a Preliminary Contaminated Land risk assessment was submitted to support the application. Section 6.4 of this risk assessment recommends further work and the Public Protection Officer supports these views and therefore request a planning condition that no development shall commence on site until further investigation work is undertaken and submitted to the Local Planning Authority to approve. With this planning condition, the proposed development is considered acceptable in terms of contaminated land, noting for example that the condition wording includes a requirement for remedial works if contaminated land is found.

## Access, Movement and Parking Provision

- Locational sustainability

Core Policy 60 and 61 aim to direct development to accessible locations where it is 'located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives'.

Core Policies 1 and 2 of the Core Strategy identifies areas of where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. This approach is to provide the sustainable development, in particular due to the intention to reduce the need to travel (an approach agreed by Planning Inspectors such as within APP/Y3940/W/21/3280947).

The application site is located outside of the built-up form of the settlement of Poulshot which is defined as a 'small village' under the Melksham Community Area as set out within Core Policy 14 of the WCS. Core Policy 1 identifies that small villages 'have a low level of services and facilities, and few employment opportunities'. In particular for Poulshot there is a limited number of facilities available such as a Village Hall, public house, hairdresser, bus stops. Although there a number of services and facilities which could be used by future occupants and could be accessed by foot given the proposed provision of a footpath to connect to existing footpaths, given the intervening distance of in excess of 1200m (in excess of 10 minute walk away) from the majority of the facilities this distance is not considered to deter any future occupants from using the private vehicle. Furthermore it must be acknowledged that Poulshot Road is unlit so would further prevent some use by any occupants. The only walkable facilities would be the nursery opposite the site and St Peter's Church.

Whilst a Right of Way network is available to the occupants, due to the nature of the routes, such as the terrain and ground conditions, this could mainly be used for recreational means and not daily needs of the occupants. Finally it must be noted that whilst some services and facilities are present in the area, they do not have all services and facilities for daily needs such as schools or shops.

It is acknowledged that cycling is a possibility to some local services and facilities. Some small settlements such as Poulshot lie within 5km of the application site however the main town of Devizes is outside of this area. Access from cycling to nearby settlements would however be on rural road with no street lighting with some national speed limits roads, which would prevent all but the experienced cyclists, and thus would not deter users from using the private vehicle.

The additional footpath provisions and re-location of the bus stop is noted as part of the submission. The footpath that would link to existing footpaths along Poulshot Road is welcomed however would still not prevent the use of the private vehicle due to the long distances to any services and facilities in Poulshot itself. Regarding the bus stop, it is questioned if this bus route would allow occupants to travel to other settlements in a way that would be desirable for occupants. For example it appears that Route 76 of Faresaver allows a stop at Mill Lane (the bus stop in question) however would only be collected circa 12:20 or 14:20 heading to Trowbridge (via other settlements on weekdays) and circa 10:30 and 13:10 heading to Devizes (weekdays). Which would



not allow any occupants to use this for a typical workday due to the timings, as an example.

It is considered however that the re-location would represent a highway safety benefit as there is limited space around the bus stop location at present and it is situated near a highway bend. It would also formalise an unmarked stop for school children as this area is a stop for a Council funded bus route to Devizes Secondary School. The new bus stop location would aid highway and pedestrian safety and would improve the appearance of the bus stop for users (with the provision of a bus shelter for example) however given that this is just a re-location and formalisation of an existing bus stop, which would have still been otherwise available for the future occupants as it is within walking distance (circa 120 metres to the application site) this re-location is not considered to give weight to the locational sustainability argument. Albeit the provision of this bus stop could potentially allow occupants to travel within the wider area is acknowledged however, as mentioned above, due to the limited service it is not considered a sustainable route to deter occupants from using the private vehicle for daily needs.

The proposal is not in accordance with Core Policies 1 and 2 and given there is a lack of all the facilities and services required for day-to-day living in Townsend/Poulshot, there would be a reliance on the private vehicle. As there would be a reliance on the private car, the proposal is considered to be contrary to Core Policy 60 and 61 and guidance contained within the NPPF which seeks that development should be moving to a low carbon economy (Paragraph 8 of the NPPF).

#### - Access and Parking

Core Policy 61 requires proposals to demonstrate that the proposal is capable of being served by safe access to the highway network and states in the supporting text that transport impacts of new developments need to be assessed and connections to the highway should be safe for all road users.

The existing site comprises a farmyard which has potential for large amounts of comings and goings, including from large agricultural vehicles. There are currently two 'access' points into the site from Poulshot Road (albeit it one allows access into the yard itself and the other to a small hardstanding area between buildings) however it must be acknowledged that there is informal hardstanding and access on basically the whole frontage of the site which gives an 'open' highway access appearance and this hardstanding has been used for parking means and access etc. Another existing access to the site is accessed from Byde Mill Lane (to the northwest).

The proposal seeks to provide one formal vehicular access into the site for the proposed residential dwellings from Poulshot Road moving then into a residential cul-de-sac layout. The existing access that connects to Byde Mill Lane would be retained however would be solely used as an agricultural access post-construction. It should be noted that this access from Byde Mill Lane would not be available to the residential area itself due to the green space and pedestrian path proposed. The retention of the agricultural access onto Byde Mill Lane is acceptable on highway safety grounds as an existing situation and would allow access to the agricultural fields etc. to the north of the application site to be worked on.

The provision of a shared used path which would connect the development to Bye Mill Lane is also considered a highway improvement by the Highway Officer. In particular this path would ensure that the occupants (and other walkers in the locality) could go through the application site using footways to the Public Right of Way byway POUL3 and thus would allow walkers to stop using Bye Mill Lane and its highway junction with Poulshot Road which poses a highway safety risk due to the lack of footpaths along the junction area and the highway bend itself with no crossing point.

The Council's Highway Officer has reviewed the submission and raised no technical objection to the vehicular access proposed and the visibility splay provided. The Transport Statement contents have been reviewed and no objection is raised. Whilst the Highway Officer has acknowledged there would be a recognisable increase in car movements as a result of the development, it has been considered that it would not likely lead to a significant negative/unacceptable impact on the wider highway network and is acceptable.

Nor has any objection been raised in relation to the internal layout or amount of parking and cycle provision proposed. It is considered that the proposal would provide acceptable parking provision in line with Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011). The following are proposed for this development:

- Plot 1 – Three bedroomed property – Double garage with hardstanding outside which could provide parking for an additional two vehicles.
- Plot 2 – Three bedroomed property – Two parking spaces provided to front of site (tandem parking).
- Plot 3 – Two bedroomed property – Two parking spaces provided to front of site (tandem parking).
- Plot 4 – Two bedroomed property – Two parking spaces provided to front of site (tandem parking).
- Plot 5 – Three bedroomed property – Two parking spaces provided to side of site.
- Plot 6 – Three bedroomed property – Double garage with hardstanding outside which could provide parking for an additional two vehicles.
- Plot 7 – Four bedroomed property – Attached double garage with hardstanding outside which could provide parking for an additional two vehicles.
- Plot 8 – Four bedroomed property – Attached double garage with hardstanding outside which could provide parking for an additional two vehicles.
- Plot 9 – Five bedroomed property – Triple garage with hardstanding outside which could provide parking for at least an additional two vehicles.
- Plot 10 – Four bedroomed property - Double garage with hardstanding outside which could provide parking for at least an additional two vehicles.
- Plot 11 – Two bedroomed property – Attached single garage and hardstanding to the front of the garage for one additional parking space.
- Plot 12 – Two bedroomed property – Attached single garage and hardstanding to the front of the garage for one additional parking space.
- Plot 13 – Five bedroomed property – Double garage with hardstanding outside which could provide parking for at least an additional two vehicles.

- Plot 14 – Three bedroomed property - Single garage and hardstanding to the front of the garage for one additional parking space and one parking space to the front of the dwelling itself.
- Five Visitor Parking spaces are also sought within the site.

In relation to cycle provision, it has been outlined that this would occur either within the garages or through cycle storage sheds. No information has been submitted regarding cycle sheds and therefore it is considered necessary that details regarding cycle provision and any structures are submitted through the condition process.

The Highway Officer has also outlined that each property should be provided with an EV charging point to meet building regulations and the Council's promotion of more sustainable development design. In this regard, the Transport Statement confirms that each plot is to be provided with electric vehicle charging facilities.

The Highway Officer therefore raised no objection in relation to the access, vehicle movements or parking provision. Several conditions are recommended in relation to highway matters as below and are considered necessary and reasonable:

- The access, turning and parking spaces shall be completed in accordance with the approved plans and maintained for those purposes thereafter.
  - A Construction Management Plan to be submitted to and approved by the Local Planning Authority to minimise the detrimental effects to neighbours and dangers to highway safety during the construction phase.
  - Visibility splays to be as proposed within the submission.
  - Cycle storage details to be submitted for consideration.
- Footway Link, New Bus Stop Location and Improvements to the Highway Proposed

As part of the proposal to provide some off-site mitigation, the applicant has sought to improve the access for walking to local facilities. In particular, it has been acknowledged that whilst there is a footpath opposite the application site, it does not connect to the footpath along Poulshot Road (around the bend). This missing footway area (as demonstrated on the diagram from the submitted Transport Statement below) has been identified and it is proposed that a new pedestrian footway to the side of the highway (south) would be proposed to connect the existing footways of the area. This in turn would benefit residents that seek to walk safely around these areas, including towards St Peters Church, which is situated down the track to the south of this footway area.



Figure 4.2: Missing footway link to be delivered

In this regard, the Highway Officer raised no objection. It has been noted that in order to fully integrate the development in the wider context this has been provided as a highway improvement. Furthermore, an informal crossing point is proposed and a footway across the site frontage, which can be considered an improvement in highway group.

The new bus stop location to the frontage of the application site is considered a highway improvement. The new location would formalise the appearance and attractiveness of using it by reason of the bus shelter (for eastbound use) and space proposed. As outlined within the submission a Council funded school bus (to Devizes secondary school) does stop in this locality and this new bus shelter with flag and poles would formalise this stop. The Highway Officer raised no objection to this siting. Furthermore the Officer noted the suggestion of the implementation of a gateway feature to the approach to the village (to be enhanced in the interests of vehicle speeding which has been raised as a concern from neighbouring occupants) which has been acknowledged and considered to be a highway improvement in this regard (and would be a form of Grampian condition).

The Highway Officer therefore raised no objection in relation to these highway improvements. The following condition was however recommended and is considered acceptable and reasonable:

- No dwelling shall be occupied under the shared use path connecting to Byway, the footway across the site frontage, the crossing point, bus stop, village entrance feature and footway extension at the junction of Mill Lane has been



implemented to the satisfaction of the Local Highway Authority under a Section 278 agreement.

It has been duly noted that a number of public objections have raised concerns regarding highway safety, noting the number of dwellings proposed would mean additional traffic generation, and the immediate highway needs improvements such as widening and traffic calming. Whilst the requested further improvements to the surrounding highway may be desirable, the application propose a number of mitigation measures to attempt to address these concerns. Highway safety would be improved around the immediate area thorough the works to footways as well as the gateway feature - these are acceptable to the Local Highway Authority.

- Rights of Way

The Council's Rights of Way Officer has reviewed the scheme and noted that the proposed shared used pathway which would link the application site and the Public Right of Way Byway (POUL3) is a benefit to the Public Right of Way network. It is furthermore noted that it would be preferred if this would be recorded on the definitive map, and it has been requested that this is controlled by way of planning condition.

The Rights of Way Officer also noted that as this development would lead to an increase in the vehicular use of Poulshot Road, since Poulshot Road forms part of a long distance promoted walking route called the White Horse Trail. It was commented by the Officer that: "I believe that the farm may still be owned by the farmer who farms land alongside Poulshot Road. If this is still the case, then to mitigate the increased use of Poulshot Road by vehicles connected to this development if the farmer could again dedicate a new Public Footpath on the edge of these fields then that would remove the need for walkers to walk on the road or verges for 280m." Section 106 contributions were also requested which will be considered within the Developer Contribution sections of this report.

Following the receipt of comments from the Rights of Way Officer, the applicant responded that the additional changes sought along Poulshot Road were unreasonable and unnecessary to make the development acceptable in planning terms. In particular, it was commented that the applicant has no rights over the land between WORT 1 and the site, whereby there are multiple landowners. The start of WORT 1 is circa 280m from the application site. The proposal has focused its rights of way improvements on linking the site to POUL3 and the new footways which link to existing footways along Poulshot Road towards the village of Poulshot.

It was suggested by the applicant that a permissive route could occur along Poulshot Road to the south-west, which goes partially down towards the footpath of WORT 1 (though would connect back to the public highway). This has been informally offered and it has been stated that if this was to occur, it would be separate from this application process and would have to involve the landowner (not the applicants who have had discussions only with the landlord) and the Rights of Way Team. The Rights of Way Officer reviewed the comments submitted by the applicant and subsequently raised no objection subject to the footpath link between the development and POUL 3 bein a public footpath and the permissive path being provided. Subject to the provision



of both paths, it was confirmed that the request for Section 106 contributions for upgrades to WORT1 and the realignment for WORT1 would be removed.

Further to this comment being made, the applicant still did not agree that the permissive path is necessary to make the development acceptable, noting the commitments already made to undertake right of way improvements. Having considered the information submitted, the comments made by the applicant are agreed with. Whilst a permissive path along Poulshot Road (within the agricultural field) would be desirable for the area, it is not considered that the lack of this path would result in an insufficient or inadequate infrastructure to serve the development. The applicants have provided right of way improvements through the provision of the shared footpath, footways within the site and highway improvements through the new footways along Poulshot Road to the south-east. It must also be noted that the initial comments from the Right of Way Officer only requested a path in this area along Poulshot Road if the land was owned by the applicant. This area is owned by other landowners, and thus whilst a permissive pathway would be welcomed, it is not considered to be justified in order to make the development acceptable.

The existing Right of Way routes would not be adversely impacted by the development built from itself, nor through the construction works, as no right of way would be crossed (noting in particular that if construction vehicles were to use Byde Mill Lane access it would not cross POUL3 as this starts to the north of the access point). As such, subject to a condition regarding the proposed footpath and the conditions recommended by the Highway Officer (such as the provision of the highway improvements and a Construction Management Plan), there would be no adverse impact upon the Right of Way network.

### Drainage and Flood Risk

Core Policy 67 requires that all new development will 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.

The development falls entirely within Flood Zone 1, classified as low probability of flooding with Council's Strategic Flood Risk Assessment mapping showing the site itself as being of low risk of ground water flooding. Regarding surface water flooding parts of the site have risk, including the frontage to Poulshot Road, the slurry pit and small parts of the site including the existing access track from Byde Mill Lane.

The application has been supported by a Site-Specific Flood Risk Assessment which has been reviewed by the Council's Drainage Officer. This report and scheme have proposed flood mitigation measures to reduce flood risk from surface water, groundwater and sewer sources both on and offsite. The flood mitigation measures include:

- Sequential approach to locate dwellings within the broad footprint of the existing built form.
- Re-profiled site to remove localised low spots where surface waters could collect (specifically at the location of the slurry lagoon, around former buildings

and low point in the verge along Poulshot Road). Site levels would manage exceedance flow routes to ensure that water is directed into the proposed attenuation pond or onsite ditches/watercourses;

- Reduction of areas of hardstanding as a result of the development. With 16.8% reduction within the Poulshot Road frontage which would reduce runoff rates and volumes. Overall reduction of hardstanding of the site is circa 58%.
- Provision of a surface water drainage system to intercept and manage runoff;
- Reconfiguration of the site's surface water drainage system to remove a connection and reduce uncontrolled overland flows into the highway drain on Poulshot Road;
- Finished floor levels would be set 300mm above the 1 in 1000 year surface water flood level or 300mm above existing ground levels, whichever is higher;
- Retention of onsite watercourses within the site layout;
- Deculverting a 100m length of culverted watercourse, creating an open naturalised channel to intercept the overland flow route to the north and creating flood storage and wetland habitat;
- Provision of a flood mitigation bund on the northern boundary;
- Provision of an emergency plan as a precautionary measure to inform future residents about the residual flood risk along Poulshot Road;
- Foul water drainage would be designed and constructed as a sealed system to prevent the ingress of groundwaters (or surface waters) into the foul water drainage network.

The mitigation measures would ensure that there would be a flood risk betterment by reducing contributing impermeable areas, providing a surface water drainage system, incorporating attenuation storage and flow control to reduce runoff rates and intercept overland flows. An outfall swale and deculverting to create an open naturalised watercourse would increase flood storage and intercept overland flows. These mitigation measures have been outlined to provide a betterment from offsite flood risk associated with the Poulshot Road frontage and overland flow route to the north.

In relation to Poulshot Road, it is acknowledged that considerable concern has been raised by the public (and noted by the Parish) that this area is liable to flooding. As outlined within the submitted assessment, "the risk of surface water flooding along Poulshot Road would be reduced as a result of the redevelopment of the site but a residual risk would remain." The recalculated hazard rating for this area would result in a 'low' flood hazard rating for the surface water risk along the Poulshot Road frontage. The Assessment clearly has considered the concerns raised by the neighbouring occupants but notes that it is Wiltshire Council's responsibility as the Highway Authority to unblock/repair defective highway drainage infrastructure.

In this respect, it is agreed that the development would be appropriately safe for its lifetime, taking account of the vulnerability of its users, and would not increase flood risk elsewhere. Appropriate mitigation measures are proposed, and these would reduce flood risk overall in the locality, which would in turn benefit both the future residents and the existing community. It is acknowledged that there would still be a risk of some flooding along the frontage of Poulshot Road however it would likely be reduced as a result of the measures proposed.

The Council's Drainage Officer (Lead Local Flood Authority) raised no objection to the proposed development subject to conditions to ensure that the drainage system is fully acceptable and can be controlled by the Local Planning Authority. Whilst the conditions are deemed reasonable and necessary to ensure appropriate drainage of the site, it must be acknowledged that the wording of the conditions recommend has been changed to reflect changes proposed by the applicant. In particular the applicant noted that the modelling methodology has been set out as a 2D model, whereby a 1D-2D model may better re the detailed flood mechanism, therefore it was requested that the prescriptive modelling methodology be removed from the condition wording to allow some flexibility in this. It was further raised by the applicant that in relation to the recommended condition 3 (as per the Drainage Officer comments) that no attenuation tank is being proposed (as a basin is proposed) and cross sections of this basin have already been provided under appendix 13 of the Risk Assessment. It is therefore considered that the recommended condition 3 does not fully relate to this development and is not reasonable to impose.

Subject to the amended condition wordings, the proposal is acceptable in terms of drainage and flood risk and would accord with Core Policy 67 of the Core Strategy.

### Ecology

Core Policy 50 outlines that development proposals must demonstrate how they protect features of nature conservation and that all developments should seek opportunities to enhance biodiversity.

The application has been supported by an Ecological Appraisal, Landscape Mitigation and Enhancement Strategy and a Biodiversity Metric. These documents have been considered by the Council's Ecology Officer who has raised no objection to the contents or mitigation proposed in this regard, taking into account the various mapping of the surrounding area and the review of the designated sites and existing records of protected/notable species. The submitted Ecological Appraisal acknowledges the permanent removal and change of the old dairy farm however the residual impact is not considered to be significant. Good working methods and the scheme design are defined to ensure complete protection of foraging bats, common mammals and nesting birds. As part of the scheme, there would be landscaping incorporated, including public amenity planting and semi-natural habitats within public open space. New habitats include floristically-rich grassland, a surface water pond, field ditches, species-rich native boundary hedgerow, domestic hedging within the site and mix of native trees and shrubs. Mitigation measures also proposed include 10 bat roosting boxes and 27 swift nesting boxes on the proposed buildings. As such, it was concluded that the proposed development would be positive in a local context.

Regarding biodiversity net gain (BNG), it must be noted that the scheme was made on the 9<sup>th</sup> February 2024 which is before BNG became mandatory from the 12<sup>th</sup> February 2024 for schemes such as 'majors'. A BNG metric has been submitted which demonstrates a positive net gain well in excess of 10% (circa 85%). As noted below, the Ecology Officer has requested that the BNG metric forms part of the approved documents and that this net gain is highly welcomed since it would accord with Core Policy 50, which seeks opportunities to enhance biodiversity. It is however not considered reasonable or necessary to impose the standard conditioning for a

biodiversity gain plan or potential legal agreements regarding monitoring of net gain benefits that would have been reasonable if the scheme was liable to the BNG under Schedule 7A of the Town and County Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The proposal, by reason of the mitigation measures and landscaping proposed, as submitted under the approved documents, would still be in accordance with Core Policy 50 and biodiversity of the site would be adequately protected, with enhancement also proposed.

The Ecology Officer raised no objection subject to the following conditions (in summary):

- Proposal to be carried out in strict accordance with the submitted ecology documents.
- A Construction Environmental Management Plan (CEMP) to be submitted and approved.
- A Landscape and Ecology Management Plan (LEMP) to be submitted and approved.

Informatives are also recommended regarding great crested newts/reptiles, bats and breeding birds. These conditions and informatives are considered reasonable and necessary in the interests of ecology and are therefore recommended.

#### Developer Contributions – Affordable housing, play/sport facilities/ open space, education, waste and rights of way

Core Policy 3 advises that ‘All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme (the calculation is based on the net addition of dwellings which is 14).

- Affordable housing

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out that a requirement for 30% on-site affordable housing provision on all sites of 10 or more dwellings. The above policy requires affordable housing to be secured via a legal agreement. Core Policy 45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. Core Policy 46 requires in suitable locations, new housing to meet the needs of vulnerable

people. The completed affordable dwellings (other than First Homes) will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

The applicant has agreed to provide 4 affordable housing units which meets the 30% required. In order to meet policy requirements, the affordable housing units should be provided with a tenure mix of 60% (2 units), affordable rented of 25% (1 unit) First Homes and 15% of Shared Ownership. A tenure mix and unit size breakdown (based on current demonstrable need and policy approaches) is as follows:

Affordable Rent (60%) = 2 units

1 x 2 bed 4 person house

2 x 3 bed 5 person house

First Homes (25%) = 1 unit

1 x 2 bed 4 person house

Shared Ownership (15%) = 1 unit

1 x 3 bed 5 person house

This mix has been outlined by the applicant in the proposed scheme (Plots 2 – 5). This will be secured by the Section 106 agreement.

In order to ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, all affordable homes should be built to meet at least 85% of the Nationally Described Space Standard. The proposed units meet these standards. Furthermore the number of parking bays per unit would meet current policy in this regard.

- Education

Core Policy 3 requires new development to provide for essential related infrastructure (including education facilities) to be delivered, where appropriate, through financial contributions. Similarly Saved Policy HC37 states that 'a contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development'.

*Early Years Places*

There is currently 1 preschool and 0 childminders within a two-mile safe walking route of this development. This provision if operating at full capacity. Any increase in population as a result of this development will require additional childcare provisions. Based on the 13 qualifying properties (1 property is deducted from the calculations due to the affordable housing discount):

- Early years places:  $13 \times 0.04 = 0.52$  0–2-year-olds and  $13 \times 0.09 = 1.17$  3-4-year-olds. Added together this = 1.69 rounded to **2 early years place at £17, 522 = £35,044.**



### *Primary School Places*

Data for Rowde and Five Lane Primary Schools is that capacity is 294 places, October 2023 census data is 134 pupils and current forecasts at a peak of 144 pupils by September 2024. Places required by in area housing registered/approved but not yet completed or in the forecasts =31. As such there are places currently available across the in area Primary Schools.

- Primary school places: £18,758 each. However, there is sufficient space in the local schools to accommodate the needs of this development, and so have no S106 requirement for primary school places from this application.

### *Secondary School Places*

PAN years 7-11 have a capacity of 1150, with October 2023 data confirming 969 pupils. Current forecasts indicate a peak of 968 pupils by September 2024, but numbers then drop in line with smaller cohorts feeding through from Primary Schools. Current demand from in area housing already registered/approved that has not yet started or in forecasts require a further 194 places. As such given the declining roll, the school will be able to accommodate the pupils generated from this development.

- Secondary school places: £22,940 each. However, there is sufficient space in the local schools to accommodate the needs of this development, and so have no S106 requirement for secondary school contributions from this application.

#### - Public Open Space and Play Areas

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 102 of the NPPF. Core Policy 52 of the WCS supports this by stating that accessible open standards should be in accordance with the adopted Wiltshire Open Space Standards. Open space is listed as place shaping infrastructure under priority theme 2 of Core Policy 3 of the WCS.

To comply with the above policy it is necessary to secure on-site public open space or off-site contributions to ensure the health and well-being of the future occupants of the development site. The increase in population caused by the development will have an impact on existing leisure facilities and, it is therefore also necessary to upgrade a local facility to cater for the likely increased demand.

The provision of public open space (POS) is to serve the needs of the future occupants of the housing scheme and thus its provision on-site or off-site is directly related to the development. The improvements to off-site leisure facilities directly relates to the increase to the local population caused by this development.

The proposal for 14 residential dwellings is considered to generate a requirements of 137.76m<sup>2</sup> of open space and 104.16m<sup>2</sup> play.

It has been confirmed by the agent that 1114m<sup>2</sup> of open space would be provided on site through the identified 'public green space' on the plans (to the western part of the site around the pedestrian path). Whilst the arrangement of the public open space has

been previously questioned, the space provided is well in excess of the open space requirement and has been confirmed by the Public Open Space team to be acceptable. No off-site open space contribution is required. Any on-site public open space proposed would be secured and agreed to be managed in perpetuity through the Section 106 agreement and would not be adopted by Wiltshire Council.

In relation to equipped play on site, there is no proposal for this provision. As such an offsite contribution is required of **£14,999.04** to upgrade facilities in the vicinity of the development. The Public Open Space Officer has identified the Poulshot Village Hall Play Area as a suitable target site for any off-site contributions.

- Waste and Recycling

Waste Core Strategy Policy WCS6 requires developers to provide facilities for separation and storage of waste for recycling and composting. It also states that any such provision must “have regard to the existing Municipal Waste Management Strategy”. The Council’s waste strategy expects that new developments are designed to enable waste collection services to operate safely and efficiently, and, to this end, the waste SPD sets out what is deemed to be safe and efficient.

The Wiltshire Core Strategy at para 4.41 (CP3) identifies sustainable waste management facilities as essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities. Waste management is listed as place shaping infrastructure under priority theme 1 of Core Policy 3 of the WCS.

The provision of bins, and the services required to support waste collection, is a burden on the Council that is directly related to new developments.

Recycling and collection facilities are classified as essential infrastructure for the purposes of WCS Core Policy 3: Infrastructure Requirements. The Council’s Waste Storage and Collection: Guidance for Developers SPD requires financial contributions towards the provision of bins and boxes for the dwellings at £101 per dwelling to be secured by way of planning obligation. As such a financial contribution of **£1414** would be secured via legal agreement.

- Highways and Public Right of Way

Core Strategy policies 60 and 61 objectives are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The Council’s Highway Officer has not requested any contributions to be controlled under a Section 106 agreement. It has been acknowledged that to fully integrate the development into its context highway improvements are required, which has been sought by the applicant in this proposal. In particular, it has been requested that a footway be provided across the site frontage, an informal crossing point, a re-located bus stop (including a new flag and bus shelter) and a new length of footway at the

junction to connect to footways to Poulshot along Poulshot Road. The works have been deemed achievable within the dedicated highway and will be covered by a Section 278 agreement which will require technical approval.

In relation to Rights of Way, as discussed in the Right of Way section of this report, Section 106 contributions were initially sought for the development. It was sought that a contribution of £6,000 was made to allow the Countryside Access Officers to upgrade the stiles on Public Footpath WORT1. A contribution was also sought for £3,500 towards the cost of diverting WORT1 to a point much close to BULK13 and BULK4 on the grounds of network connectivity and improving walking links between Poulshot and Bulkington. Further to conversations with the applicant/agent subject to the footpath and permissive footpath (previously discussed) was provided, the request for the contributions was withdrawn. Whilst as assessed previously the permissive footpath is not considered reasonable in this instance, noting the improvements regarding connectivity of the site proposed, it is not deemed that the fact that the permissive footpath would not be controlled by way of this application (although strongly welcomed if to occur outside of the planning process) would trigger a need for the contributions again. WORT1 is circa 280m from the applicant site and the Right of Way Officer has agreed to withdraw this request for contributions in this regard. As such no development contributions are considered necessary in this regard, although conditions will relate to controlling the footpaths and highway improvements to ensure they take place.

- Summary of Developer Contribution Matters

The education, waste, affordable housing, public right of way and public open space teams have all made representations regarding the proposals. No objections have been raised subject to the appropriate contributions being secured via suitably worded legal agreement. As such the proposal is considered to comply with Policies CP3, CP43, the adopted Planning Obligations DPD, and Policy WCS6 of the Waste Core Strategy.

### Conclusion/Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – 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 which it can demonstrate. The tilted balance under paragraph 11d is therefore not engaged.

However, it is considered necessary to assess the development plan when taken as a whole. As outlined at the start of the report, the application has been brought before the Planning Committee as the scheme is considered to be a departure from the Development Plan. This is due to the site being located within the 'open countryside' and not according with Core Policies 1 and 2 of the WCS. The proposal also does not accord with any of the WCS exception policies. The proposed development is therefore contrary to the housing policies of the Core Strategy and due to the absence of the 'titled balance', this conflict must be given substantial weight.

The application site would also, due to being contrary to the housing policies of the Core Strategy which directs development to sustainable locations and the strong reliance expected regarding the use of the private vehicle, be unsustainable in terms of its location and would therefore be contrary to Core Policy 61 of the Wiltshire Core Strategy. Whilst a bus stop would be re-sited and new footways proposed, this would be unlikely to deter the occupants of the development from using their private vehicles, noting in particular the infrequency of the buses and the distances to services and facilities for daily living. This conflict is given significant weight.

Whilst the above 'harms' are noted, the following benefits and neutral impacts are acknowledged and considered below.

- Neutral

Regarding the impact upon neighbour amenity and contaminated land, as assessed in the above report, subject to conditions there are no identified adverse impacts. Neutral weight is therefore afforded to these matters.

Developer contributions (including for waste and recycling, education) would ensure that the development is otherwise acceptable and thus whilst they would provide some benefits as they are required to meet the policy requirements, this is afforded neutral weight in the planning balance.

The dwellings would create the opportunity for the site to develop social and community ties and facilitate future community involvement (social sustainability matters). This very limited benefit is not considered to outweigh the harm caused by the unsustainable location of the application site and thus it is deemed neutral in the planning balance.

- Benefits
  - Landscape and Visual Impact

The proposal would not result in significant harm to landscape character due to the removal of a redundant farmstead which contains several dilapidated buildings which have the strong potential to fall into further disrepair, to the detriment of the character and appearance of the area. This is a high-quality scheme, with sufficient soft landscaping provision including a 'transition area' to the open countryside beyond, and would improve the frontage appearance through soft landscaping and footways. Whilst

a change of character from agricultural to residential is considered to give rise to some negative impacts, these would be appropriately mitigated through the sensitive design of the scheme. Whilst the lack of landscape harm would not normally give rise to such positive weight in the planning balance, in this instance, the re-development of the redundant farmyard is considered a visual benefit and would bring the site into re-use as opposed to falling into further disrepair. In this particular instance (noting for example the location, viability reports submitted, the state of some of the buildings) it is considered that the re-development of the land, in landscape and visual impact terms, is considered to give rise to significant positive weight in the planning balance.

- Sustainable Construction

The development is proposed to be 'net zero' dwellings, with measures such as heat pumps, PV arrays, EV charging points, passive design as well as betterments regarding flood risk, drainage, ecology etc. As outlined by the Climate Officer, the proposal goes beyond policy requirements, though some constructive comments were made. Sustainable construction is considered an expectation for new buildings and whilst what is proposed goes beyond policy requirements, it is considered that the 'net zero' dwellings would result in moderate positive weight in the planning balance.

- Heritage Assets

The proposed development would by reason of the re-development of the redundant farmstead which has potential to fall into further disrepair, and the conversion of the only historical building (Coach House) on site, would provide a betterment to the character and appearance of the Conservation Area. The frontage of the site (within the Conservation Area) would be visually improved, and the significant unlisted building of the Coach House would be converted and extended sensitively and would bring a re-use to this historic building. It is considered that this would result in significant positive weight.

- Highway Impacts and Right of Way

It is acknowledged as above, that the proposal would be within an unsustainable location whereby this conflict is given significant weight.

In relation to the access, vehicle movements and parking provision the Highway Officer has raised no objection subject to conditions. It is acknowledged that on highway grounds has proposed a number of mitigation measures to provide betterment to the area. Notably it is proposed that a pedestrian footway would join onto Byde Mill Lane and the right of way network to the north, as well as proposing a new 'missing' footway on Poulshot Road which would allow a footway from the application site (whereby a crossing point would occur) to the existing footway along Poulshot Road which goes to the village of Poulshot to the north.

The existing bus stop along Poulshot Road is also proposed to be re-sited in front of the application site with a new bus shelter to improve the stop for its users. Improvements to the village 'entrance' gate signs are also outlined which would attempt to address concerns from the area that vehicles need to slow down around the highway around the application site. These improvements to the area are



considered to go beyond what would normally be required to make the scheme acceptable and would benefit not just the future occupants but residents in the locality and any walkers etc. using the right of way network. The highway mitigation measures are therefore attributed moderate positive weight.

- Drainage and Flood Risk

It has been outlined there would be a drainage betterment in particular through the major reduction of hard standing on site (circa 58%), improved surface water management including Sustainable Drainage Systems (attenuation pond and swale). Furthermore there would be the removal of approximately 100m of culverted watercourse in the north of the site and its replacement with circa 106m of naturalised watercourse channel, increasing flood storage. These betterments again are deemed to go beyond what would be normally required to make an acceptable application and would improve drainage and flood risk for the locality. This is afforded moderate positive weight.

- Ecology

The proposed scheme would provide a net gain of 85% of biodiversity as a result of the development, including the removal of significant levels of hardstanding and provision of additional soft landscaping. Whilst Core Policy 50 outlines all development should seek opportunities to enhance biodiversity, this scheme goes beyond this requirement and also what Biodiversity Net Gain would require if it was applicable in this instance. The increase in biodiversity to this significant degree is considered a moderate positive weight in this planning balance.

- Other matters

The proposed housing mix is acceptable, and the provision of smaller housing (such as two bedroomed) is welcomed to meet some existing local need. The proposal would also be providing affordable housing and whilst this is a requirement (and is not going beyond what is required) this is still afforded some limited positive weight. Furthermore, although the Council is a NPPF Paragraph 77 Authority and therefore only required to demonstrate 4YRHLS (which it can do), in the context of NPPF 60 which sets out the Government's objective of significantly boosting the supply of housing, the provision of additional housing should still attract a limited positive weight.

There would be site remediation of existing contaminants on the site which provides limited positive weight.

Economically, it is agreed that the re-use of the redundant dairy use buildings is not viable and as a whole it is agreed that economic uses for the site is not likely viable or feasible given the status of the buildings, investment required and also noting the location of the development such as close proximity to residential properties and rural lanes. The site is currently not contributing significantly economically, whereby only a few buildings are in use/rented, with the majority of the buildings in disrepair and not in use. The proposed development does have moderate positive weight through bringing the full site into re-use whereby economically the proposed development would encourage development and associated economic growth through the building

works. The future occupants would also contribute to the local economy and to the continued viability of local services in the local villages.

- Conclusion

The benefits outlined above are considered to be material considerations. The proposal results in redevelopment of a mainly redundant farmstead, that has strong potential to detract from the quality of the area and is currently not significantly contributing economically to the local area. Furthermore many mitigation measures are proposed to improve the site in ways such as drainage and biodiversity as well as wider highway and right of way improvements. Whilst substantial weight is afforded to the fact that the proposal is contrary to the housing policies of the Wiltshire Core Strategy and its location is not considered sustainable in its siting due to its reliance on the private vehicle, the benefits outlined above are considered in this instance to outweigh the conflict in this particular exceptional instance.

The development, whilst contrary to the Development Plan, is deemed to comply the relevant parts of the NPPF. For example, Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 12 of the NPPF states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Therefore, whilst this scheme is a departure from the Development Plan, namely relating to the housing policies (CP 1 and 2) and the reliance on the private vehicle (CP61), this development should be approved as the benefits that the development would deliver would outweigh the harm identified above.

**RECOMMENDATION:**

**The planning permission be GRANTED, subject to a Section 106 agreement covering the matters set out in this report, and subject also to the planning conditions listed below.**

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

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

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

Documents:

- Application Form
- Planning Statement by RCC Town Planning Consultancy - Dated January 2024
- Design & Access Statement by Mathewson Water Architects Rev A - 26-7-2024
- Transport Statement by PFA Consulting dated December 2023
- Preliminary Contamination Risk Assessment - P22-069pra\_v2
- Energy and Sustainability Strategy Revision A by JS Lewis Ltc dated December 2023
- Landscape and Visual Impact Assessment - 22.2437 Revision B by WHLandscape
- Flood Risk Assessment by PFA Consulting dated January 2024
- Waste Audit (x2, January 2024) by Gaiger
- Ecological Appraisal by Malford Environmental Consulting - 12th December 2023
- Biodiversity Metric 4.0 dated 7th December 2023
- Report on Structural Aspects of the Feasibility of Conversion of an Agricultural Outbuilding by Structural Solutions dated 4th April 2023
- Heritage Impact Statement dated October 2023
- Statement of Community Involvement

Plans:

- Site Location Plan - Drawing No. 21146.100-H
- Proposed Block Plan - Drawing No. 21146-102-D
- Topographical & Drainage Survey Sheets 1 of 3, 2 of 3, 3 of 3- Drawing No. 24176-200-01-REV D
- Landscape Mitigation and Enhancement Strategy - Drawing No. WHL-1437-06 Rev B
- Hard Landscaping - Drawing No. 21146.114-L
- Bat & Bird Boxes - Drawing No. 21146.140-A
- Solar, ASHP & EV Plan - Drawing No. 21146.141-B
- Demolition Plan - Drawing No. 21146.142
- Site Cross-Sections - Drawing No. 21146.139-A
- Plot 1: As Proposed - Drawing No. 21146.124-B
- Plots 2-5 Elevations - Drawing No. 21146.125-B
- Plots 2-5: Floor Plans - Drawing No. 21146.116-C
- Plot 6: Plans & Elevations - Drawing No. 21146.126-A

- Plot 7 - Elevations - Drawing No. 21146.127-B
- Plot 7: Floor Plans - Drawing No. 21146.119-D
- Plot 8 - Elevations - Drawing No. 21146.128-B
- Plot 8: Floor Plans - Drawing No. 21146.120-D
- Plot 9 - Elevations - Drawing No. 21146.129-D
- Plot 9: Floor Plans - Drawing No. 21146.122-D
- Plot 10 - Elevations - Drawing No. 21146.130-B
- Plot 10: Floor Plans - Drawing No. 21146.121-C
- Plots 11 and 12 - Elevations - Drawing No. 21146.131-A
- Plots 11 and 12: Floor Plans - Drawing No. 21146.118-B
- Plot 13 - Elevations - Drawing No. 21146.132-D
- Plot 13: Floor Plans - Drawing No. 21146.123-D
- Plot 14: Plans & Elevations - Drawing No. 21146.133-A
- P14 Garage & P2-5 stores - Drawing No. 21146.137-A
- Garages: Plots 1&6 - Drawing No. 21146.135-A
- Garage: Plot 10 - Drawing No. 21146.135
- Garage Elevations: Plot 9 - Drawing No. 21146.138-A
- Garage: Plot 13 - Drawing No. 21146.136-A

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

3. Notwithstanding the details of on the approved plans, no development above slab level shall commence on site until the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Details shall include the brick bond and mortar, rainwater goods and specifications of materials. 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 Conservation Area.

4. No development shall commence on site (including any works of demolition), until a Construction Method and Management Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h) measures for the protection of the natural environment.

- i) hours of construction, including deliveries;
- j) pre-condition photo survey - any damage related to the development will be put right (to the satisfaction of the Local Highway Authority) within 6 months of the development completion.
- k) monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

5. The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the Local Planning Authority and local community regarding key construction issues – newsletters, fliers etc.

REASON: In the interests of amenity during the demolition and construction phase.

6. No works shall take place on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) is submitted to and approved by the Local Planning Authority in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:



- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW)
- f) Timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

7. No development shall commence on site until further work regarding the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: Core Policy 56, To reduce the risks associated with land contamination

8. No development shall commence on site until the following details are submitted to and approved by the Local Planning Authority:

- Modelling of the site and overland flow route considering proposed interventions such as ground profiling, the surface water bund on the north western boundary, and de-culverted reach. This modelling should include analysis within the overland flow paths and exceedance paths to understand the impact of these interventions on flood risk for the development site and adjacent land.
- Details of the measures for managing contamination from the sludge pit.
- During the infiltration test, perched groundwater was observed in the trial pits (TP1 and SA2), and groundwater monitoring was recommended rear the attenuation pond to confirm whether lining with clay will be required. Monitoring the groundwater level (in line with the recommendation made in the submitted FRA) to determine the peak groundwater level on site. Details of such to be submitted.

REASON: In the interests of adequate drainage of the site.

9. No development shall commence on site until a Landscape Ecological Management Plan (LEMP), including long-term design objectives and targets, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) and ecological features within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details and be implemented in full for the lifetime of the development.

REASON: To ensure the proper management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10. No development shall commence above slab level 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:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure, including specifications, heights and materials of any boundary fencing;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

11. 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 any of the dwellings, 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.

12. No windows or doors shall be inserted on any dwelling until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the significant unlisted building being converted.

13. Prior to first occupation of the dwellings, details of the air source heat pumps (including dimensions, appearance and specifications) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

REASON: In the interests of sustainable development and visual amenity.

14. The permitted rooflights shall be 'conservation rooflights' in style fitted flush with the roofslope.

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

15. Prior to the installation of any solar panels, full details shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the specifications, colour and fixings. The development shall be carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

REASON: In the interests of visual amenity and sustainable construction.

16. Prior to works to 'Plot 1' (the Coach House) a repair specification and method statement for the conversion of this building shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: In the interests of the character and appearance of the Conservation Area and to ensure the appropriate conversion of the significant unlisted building.

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

REASON: In the interests of highway safety.

18. There shall be no burning undertaken on site any time of the demolition and construction phase.

REASON: In the interests of residential amenity.

19. Construction and demolition works on-site shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working shall take place on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

20. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

21. The development hereby permitted shall not be first occupied until 10m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

22. No dwelling on the development hereby approved shall be occupied until the shared use path connecting to Byde Mill Lane, the footway across the site frontage, the crossing point, bus stop, village entrance feature and footway extension at the junction of Mill Lane (details as approved within the approved Transport Statement) have been completed in full.

REASON: To provide the highway mitigation measures and in the interests of highway safety.

23. Prior to the installation of the bus stop shelter hereby permitted, full elevation plans and details, including materials) shall be submitted to and approved by the Local Planning Authority. The bus stop shelter (which also would require agreement with the Local Highway Authority through the Section 278 agreement) shall be carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

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

24. Notwithstanding the submitted details, the development hereby permitted shall not be first occupied until cycle parking and bin storage facilities for each permitted dwelling have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.

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



25. The development shall be carried out in strict accordance with the following documents:

- Ecological Appraisal (Malford Environmental Consulting, 12th December 2023);
- Landscape Mitigation and Enhancement Strategy. Drawing No. WHL-1437-06 Rev B (WHLandscape, Dec 2023);
- Biodiversity Metric 4.0 Completed by Dominic Hill, 07 December 2023
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REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

26. Before the development hereby permitted is first occupied the following windows shall be glazed with obscure glass only to an obscurity level of no less than level 4 and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, or the windows are installed with such measures to restrict opening as may first have been submitted to and approved in writing by the local planning authority:

- Plot 7 dwelling - first floor side elevation (south western and north eastern) windows.
- Plot 8 dwelling - first floor side elevation (north eastern and south western) windows.
- Plot 9 garage - first floor window on south western elevation.
- Plot 10 first floor windows on the south western side elevation.
- Plot 13 - first floor eastern side elevation windows.
- Plot 14 - first floor north western side elevation.

The windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Informatives:

1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT WHEN SIGNED] the requirements of which must be complied with in addition to the conditions of this permission.
2. The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works on the highway hereby approved.

3. There is a low risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from a consultant ecologist.
  
4. There is a low risk that bats may occur at the development site. Bats are a transient species and many species depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a consultant professional ecologist or to contact Natural England's Batline through the internet.
  
5. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to September inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st September but some species are known to breed outside these limits.
  
6. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works

commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

7. 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>.

8. Any alterations to the approved plans, brought by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of works.
9. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.