

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 15 November 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

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

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Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Richard Britton (Vice-Chairman)	Cllr Sven Hocking
Cllr Brian Dalton	Cllr George Jeans
Cllr Matthew Dean	Cllr Ian McLennan
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	

Substitutes:

Cllr Trevor Carbin	Cllr Bridget Wayman
Cllr Ernie Clark	Cllr Graham Wright
Cllr Tony Deane	Cllr Robert Yuill
Cllr John Walsh	

Recording and Broadcasting Information

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Public Participation

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

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

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

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 20th September 2018.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation** (*Pages 17 - 18*)

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

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

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 8th November 2018**, in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Monday 12 November 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 19 - 20*)

To receive details of completed and pending appeals and other updates as appropriate for the period of 07/09/2018 to 02/11/2018.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **18/06366/FUL & 18/06723/LBC - Little Manor Nursing Home, Manor Farm Road, Milford, Salisbury, SP1 2RS** (*Pages 21 - 60*)

External and internal alterations/refurbishments of the historic Grade II listed part of a 24 bed residential care home. Together with the demolition of the recent (non historically significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 bed. Demolition of two ancillary buildings and associated landscape works and alterations to access (resubmission of 17/11250/FUL).

7b **18/04897/FUL - Land referred to as Paddock View Farm, Dean Road, East Grimstead, SP5 1HR** (*Pages 61 - 72*)

Retention and alterations to an existing agricultural building and the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes (resubmission of 17/04844/FUL).

8 **18/08496FUL & 18/08762/LBC - Box Hedge Cottage, High Street, Porton, SP4 0LH** (*Pages 73 - 80*)

Retrospective planning permission for replacement gate.

9 **Urgent Items**

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

Part II

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

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SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 SEPTEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Jose Green, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale and Cllr Robert Yuill (Substitute)

Also Present:

Cllr Atiqul Hoque

313 Apologies

Apologies were received from:

- Cllr Mike Hewitt – who was substituted by Cllr Robert Yuill
- Cllr Mary Douglas – who had asked Cllr Matthew Dean to speak on her behalf.

314 Minutes of the Previous Meeting

The minutes of the meeting held on 26th July 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

315 Declarations of Interest

There were none.

316 Chairman's Announcements

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

317 Public Participation

The Committee noted the rules on public participation.

Two questions had been submitted in advance of the meeting and had been circulated as part of the agenda pack.

Questions:

Submitted by Dr Claydon, were in relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018:

Question 1.

With reference to The Town and Country Planning (Development Procedure) England Order 2015 Section 39 paragraph 2 subsection (b): There was no evidence submitted as was required to verify the information included in the application because the information cannot be verified. The whole basis of the application was that the land upon which the bunds were sited was in effect within the permitted development boundary and not outside the acknowledged and defined boundary according to the Planning Officers' own Report. The application could not therefore be legally validated according to the rules. Why, in view of the undisputed facts, was planning application 18/05195/CLE validated by the Planning Department?

Response:

That the Council cannot refuse to validate or accept an application simply because a site or development may be contentious. We are duty bound to consider all applications submitted to the authority. Validation of an application does not however mean that we have accepted or agreed the contents of the application, simply that it meets validation requirements.

Permitted developments rights pursuant to Class A, Part 2, Schedule 2 of the General Permitted Development Order 2015 (means of enclosure) are not restricted to being within the curtilage of a planning unit even if the bund did fall outside of the authorised site.

Question 2.

What progress has been made in regard to pursuing enforcement action at Nightwood Farm, following the SAPC decision in January 2018.

Response 2.

The Council initially waited for the Environment Agency's (EA) response given that the disposal of asbestos would primarily fall within their remit and they subsequently decided that they would take no further action. An application for a certificate of lawfulness was then submitted to us ([18/05195/CLE](#)) and is currently under consideration and we will therefore await determination of this application before taking any further action.

Dr Claydon was then invited to ask a supplementary question. He then addressed the Committee with the following:

On the 10th January 2018, the Southern Area Planning Committee made a unanimous decision to reject application 17/10079/FUL: Nightwood Farm.

The answer provided in response is totally incorrect. I have been in touch with Karen Rosser at the Environment Agency (EA), who has confirmed that they were informed on January 11th and said that it was fine. The Local Authority (LA) do not need the EA support. That was back in January. The certificate of lawfulness was submitted in June. There is a gap between the two dates. There should have been enforcement on 12th January.

With regards to the validation of a certificate of lawfulness, one requirement of the Town & Country Planning Act, is that evidence must be provided. However, they cannot do this, as even the Planning Officer stated it was outside of the planning boundary area. The site is in ancient woodland. I am concerned over the total disregard of the ancient woodland.

Why has it taken since June 21st, not to respond. You can reject it. Ancient woodland has had an earth bund containing asbestos disposed of on it. This is a serious offence.

The Chairman thanked Dr Claydon for his comments, and noted that he had a great deal of sympathy in had been said. This Committee was clear in its decision in January. He agreed to find out whether the certificate of lawfulness had been decided on yet.

Cllr Britton, division Member for West Grimstead, added that he had been on this case since January. There had been a delay in progress because the Council had sought counsel's opinion in the decision. An opinion from an appropriate barrister was being sought.

Cllr Devine noted that the Committee had heard an allegation of illegal practice here, he asked the Legal Officer in attendance to feed back to the appropriate Officers prior to the decision on the certificate was made.

The Legal Officer confirmed that the matter had been noted and would be fed back. It was confirmed that a meeting to discuss the matter had been scheduled for the following week. The Committee would be informed of the outcome at a future meeting.

318 **Planning Appeals and Updates**

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

Resolved

That the report on Appeals and Updates for the period of 13/07/2018 to 07/09/2018 be noted.

319 **Planning Applications**
320 **18/06331/FUL & 18/06327/LBC - Watergate House, Bulford, Salisbury, SP4 9DY**

Public Participation

Robyn Harper registered to speak in support of the application

The Planning Team Leader Adam Madge presented the application for a new driveway to Watergate House and close off the existing. The new access will be located (in part) outside of the domestic curtilage, utilising part of a low grade pasture field (re submission of 17/12478/FUL). The application was recommended for refusal.

A site visit had taken place earlier in the day.

Current vehicular access to the house was from the centre of Bulford, however the owners state there had been issues with flooding along that route, and so had decided to create an alternative access.

The proposal would not require any of the trees to be removed.

The building was a grade 2 listed building. The Conservation Officer had requested further information on the specifications of the proposed changes to the bridges, as they were in the grounds of the listed building, this information had not yet been provided.

Members had the opportunity to ask technical questions of the Officer, where it was noted the agent had been asked for the information on the bridges, however this had not been provided. However, should the application be approved, conditions could be included to request the plans of the bridges.

No Technical advice on whether the tree routes would affect the ground below the new route had been sought, as a tree preservation order was not required for the quality of tree in place.

Evidence on whether the current driveway flooded, or not, was not required as this would not have a bearing on the consideration of the new route.

The Ecology report stated that all of the land was in the flood zone.

Cllr Devine moved the motion of deferral, to allow the applicant additional time to provide all the officers have asked for, so that the impact on the listed building could be properly assessed. This was seconded by Cllr McLennan.

The Committee then voted on the motion of deferral.

Resolved

That application 18/06331/FUL be Deferred to allow time for the additional information on the bridge plans to be provided and assessed.

Resolved

That application 18/06327/LBC be Deferred to allow time for the additional information on the bridge plans to be provided and assessed.

321 **18/04913/FUL - Duchy Cottage, North Road, Mere, Warminster, BA12 6HG**

Public Participation

Mr Sheldon spoke in objection to the application

Jenny Ritter spoke in support of the application

Clive Hazzard spoke on behalf of the Town Council

The Planning Officer Christos Chrysanthou presented the application for the removal of a single garage and shed on a driveway and replacement with a double garage. The application was recommended for approval with conditions.

He noted that there was no objection from Highways, subject to conditions.

Previous refusal of an application had gone to appeal, where it had been dismissed by the inspector.

The proposal included a reduction of 60cm to the driveway which would slope down from the road.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the other garage to the right of the applicants was owned by a neighbour.

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

The main points included concern of the size of the proposed garage, and the impact it would have on those living next to it, due to blocking out sunlight and the impact on the streetscene. The issue of possible future business use was also raised.

The applicant spoke to clarify some of the points surrounding drainage, windows, building height and proposed use.

Mere Town Council spoke in objection to the application noting that it felt this proposal did not address the previous reasons for refusal. It felt that the site would be readily visible in the streetscene and the proposed scale and mass would have an overbearing impact on 1 Duchy Cottages. Adding that whilst the proposed garage was an improvement, it was unnecessary to be so large. It was requested that if the application was to be approved, could a condition be included to prevent the garage from being used for commercial practices.

The Division Member Cllr George Jeans then spoke in objection to the application, noting that in the past the garage and its associated house had

been to committee before, an application had been to an inspector regarding the garage. It was refused, on harm caused to the character and appearance of the area.

The building would not be reduced by 1m when you walk along the road. He felt that the proposal showed no respect for the Officers recommendation, and asked whether enough had been done to overcome the inspectors refusal.

Cllr Jeans then moved the motion of refusal against Officers recommendation. This was seconded by Cllr Dalton

A debate then followed, where the key issues raised included that the proposal included a 30% reduction in size, and whether that addressed the concerns of the inspector.

There was already a smaller garage on the site, and at some point it was likely that the garage would need to be replaced.

The Inspectors report noted the impact of the previous proposal, and the impact on the streetscene primarily and not the impact of the bulk, so to accept that as this was a smaller development, the Committee considered whether the proposals addressed the adverse impact on the streetscene.

The Committee then voted on the motion of refusal.

This motion was not carried.

The Chairman then moved the motion of approval in line with Officer's recommendation. This was seconded by Cllr Britton.

The Committee then voted on the motion to add a condition to the Approval to restrict the window to a closed window.

This motion was not carried.

The Committee then voted on the motion to add a condition to restrict the garage to prevent commercial use. This motion was carried.

The Committee then voted on the complete motion of Approval with the condition to restrict use to non-commercial.

Resolved

That application 18/04913/FUL be Approved with conditions:

322 **18/06692/VAR - Application WITHDRAWN**

This application was withdrawn by the applicant, and not considered by Committee at this meeting.

323 **18/02580/OUT - Land Adjacent 1 Witt Road, Winterslow, SP5 1PL**

Public Participation

Chris Ward spoke in support of the application

The Planning Team Leader Adam Madge presented the outline application for the erection of 4 houses, garages, parking and access following the demolition of the 3 existing buildings (Outline application relating to access and layout). The application was recommended for refusal.

It was noted that Highways had raised concerns.

The Officer drew attention to late correspondence that had been circulated at the meeting.

There were two reasons for refusal, one related to the narrowness of the lane, and the other was due to the site being part of the Site Allocations Plan, therefore it was felt that this application was premature.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the late correspondence detailed an error in the report, relating to the Parish Council, it was confirmed that the Parish Council objected to the application.

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

The Agent addressed some of the issues raised in relation to the adoption of the Site Allocation Plan, and stated that in time this site would be included in the settlement boundary.

He queried why this was the first he had known of the drainage concern, as it had not been made aware to them ahead of the meeting, he suggested a deferral to allow time for them to respond.

The Division Member Cllr Chris Devine then spoke, and apologised for calling this application in, adding that the application had no merit whatsoever.

Never on the neighbourhood plan. Witt Road was one of the most cramped roads in Winterslow, and was a single vehicle road. To put more vehicles on this road was the last thing we would need. This proposal was an inappropriate development. He supported the recommendation for refusal.

Cllr Devine then moved the motion of refusal in line with Officers recommendation. This was seconded by Cllr Britton.

A debate then followed, where the key issues raised included that the drainage report had not been provided until now, and Highways object as the road was inadequate to take any more use.

The Committee then voted on the motion of refusal.

Resolved:

That application 18/02580/OUT be refused for the following reasons:

- 1. The application site is situated outside of the defined limits of development as set out within Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy and the associated policies maps. Whilst the application site has been included in the draft Wiltshire Housing Sites Allocation Plan (WHSAP), the WHSAP is not yet formally part of the development plan for the area. The proposal is therefore considered premature and contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. The proposal is therefore contrary to Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy, the emerging Winterslow Neighbourhood Plan, and the aims of the NPPF, which advocates a plan-led approach.**
- 2. The development is considered unacceptable in terms of the access to the site from Witt Road (by reason of Witt Roads restricted width, lack of pedestrian facilities and substandard junction onto The Common), is considered to be unsuitable to serve the proposed development and the increase in vehicular and pedestrian movements that this will generate. In these respects the proposal is considered discordant with Core Policies CP57 and CP64 of the adopted Wiltshire Core Strategy.**

324 **17/11212/VAR - The Coach House, 63A Castle Road, Salisbury SP1 3RN**

Public Participation

No speakers

The Planning Team Leader Adam Madge presented the application for the removal of condition 11 of S/2009/1409 to allow reconfiguration of internal arrangements. The application was recommended for approval.

The Officer drew attention to late correspondence that had been circulated at the meeting.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the extension to the rear of the property had been to Committee in September 2016.

The Division Member Cllr Douglas had sent here apologies, as she lived in one of the neighbouring properties effected by this proposal, and asked Cllr Matthew Dean to speak on her behalf in objection to the application.

Cllr Dean noted that Cllr Douglas had been contacted by a number of residents in objection to the application. This was a situation of overdevelopment. People that lived in the main house, which was split into flats, already parked elsewhere on the site. The design of the coach house originally included the garage. The site is constrained, and access is limited.

Cllr Devine then moved the motion of refusal, on the grounds of poor design, overdevelopment and insufficient parking. This was seconded by Cllr Dean.

Cllr Devine noted that the owner of the Coach House, also had a flat in the main dwelling as well, and intended to use his garage space from that to park in. He questioned what would happen if he sold the flat, as he would lose the garage and parking space. Where would the applicant park then?

Parking was limited and the original idea of the Coach House was that it was a small dwelling and now it has grown. It goes against what was originally approved.

A debate then followed, where they key issues raised included the changes made to the design, the space of the garage, and whether it was already being used as a living space.

Highways had not objected on parking or safety grounds.

The site was largely empty, there appeared to be ample spaces at the rear for parking several more cars.

The Committee then voted on the motion of refusal.

This motion was not carried.

The Chairman then moved the motion of approval in line with Officers recommendation, this was seconded by Cllr Britton.

Resolved

That application 17/11212/VAR be approved with conditions:

(1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or

amending those Orders with or without modification), no development within Part 1, Classes A-C, there shall be no other windows inserted in the dwelling, unless otherwise agreed in writing by the Local Planning Authority on submission of an application on that behalf. .

REASON: To ensure adequate privacy for the occupants of neighbouring premises.

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C and Class E (extensions/enlargements/outbuildings) shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

325 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Southern Area Planning Committee

15 November 2018

By Dr Claydon

To Southern Area Planning Committee

In relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018.

Questions:

The responses given to my submitted questions on 20th September were factually incorrect, misleading and showed a contempt for the due processes required of the LPA in regard to Nightwood Farm. Has the LPA reviewed what they said in the two replies?

Since I was given reassurances at the Planning Meeting of 20th September in regard to the total failure of the LPA to manage the instruction of the Southern Area Planning Committee of the 10th January nor to reject the application for a Certificate of Lawfulness for Nightwood Farm registered 21st June I would request a clarification and an update in what is happening for the benefit of the whole Planning Committee.

What was the legal advice that was given to the LPA in regard to Nightwood Farm and what I consider to have been the incorrectly validated application for the Certificate of Lawfulness.?

Notes: Questions relating to an undetermined applications are not permitted under the rules of the constitution.

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**Wiltshire Council
Southern Area Planning Committee
15th November 2018**

Planning Appeals Received between 07/09/2018 and 02/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/08897/FUL	Land East of 2 Prospect Cottages Malthouse Lane Upper Chute SP11 9EP	CHUTE	Erection of a detached dwelling; with parking, turning, landscaping, and private amenity space. Creation of new vehicular access point out onto Malthouse Lane. (Resubmission of Application No. 17/04582/FUL)	DEL	Written Representations	Refuse	19/09/2018	No
17/09304/FUL	Upton Farm, Luke Street Berwick St John SP7 0HW	BERWICK ST JOHN	Temporary siting of 3 mobile homes to act as agricultural accommodation and farm office.	DEL	Hearing	Refuse	09/10/2018	No
17/10430/FUL	Warren Down Barn Burcombe Lane Wilton, SP2 0ES	WILTON	Extension and alterations to an existing barn / car barn, to create 2 no. three bedroom dwellings.	DEL	Written Representations	Refuse	30/10/2018	No
17/11252/FUL	The George George House London Road Shrewton, Salisbury Wiltshire, SP3 4DH	SHREWTON	Change of use from A4 to House of Multiple Occupation (14 bedrooms)	DEL	Written Representations	Refuse	19/09/2018	No
17/12401/OUT	Manor Farmhouse Butterfurlong Road East Grimstead SP5 3RT	GRIMSTEAD	Erection of detached dwelling (Access and layout only - all other matters reserved)	DEL	Written Representations	Refuse	12/09/2018	No
18/02385/FUL	27 High View Close Tisbury, SP3 6PR	WEST TISBURY	First floor extension to existing bungalow	DEL	House Holder Appeal	Refuse	03/10/2018	No
18/03084/VAR	Caddens, Lower Road Homington, SP5 4NG	COOMBE BISSETT	Variation of condition 2 of planning permission 17/07475/FUL to allow for the garage roof to be linked to the house and loft room created in roof void above garage	SAPC	House Holder Appeal	Approve with Conditions	19/09/2018	Yes

Planning Appeals Decided between 07/09/2018 and 02/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/12217/OUT	Land at Castle Street Mere, Wiltshire	MERE	Outline planning application for residential development (including affordable housing) and GP surgery, in addition to associated open space, infrastructure and attenuation features with all matters reserved, except access	DEL	Inquiry	Refuse	Dismissed	19/09/2018	None
17/11183/PNCOU	The Old Dairy Church Road Milston, Durrington Wiltshire, SP4 8HT	MILSTON	Notification for prior approval under Class Q for a proposed change of use of agricultural building to single dwellinghouse and associated operational development	DEL	Written Reps	Refuse	Dismissed	10/09/2018	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No. 7a

Date of Meeting	15 th November 2018
Application Number	18/06366/FUL
Site Address	Little Manor Nursing Home, Manor Farm Road, Milford, Salisbury, SP1 2RS
Proposal	External and internal alterations/refurbishments of the historic Grade II listed part of a 24 bed residential care home. Together with the demolition of the recent (non historically significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 bed. Demolition of two ancillary buildings and associated landscape works and alterations to access (resubmission of 17/11250/FUL).
Applicant	Wessex Care Ltd
Town/Parish Council	Salisbury City Council
Electoral Division	Salisbury St Martins and Cathedral, Cllr S Hocking
Grid Ref	
Type of application	Full (and associated 18/06723/LBC)
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee:

Cllr. Hocking has called the application to committee to be determined if recommended for refusal by officers, on the following grounds:

- The need for the development

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be refused.

2. Report Summary

The main planning issues to consider are:

1. Principle and need for the development
2. Impact on the character of the area and the character and setting of the listed building.
3. Neighbouring amenity, noise and public protection
4. Ecology and Archaeology
5. Highway safety
6. Drainage and Flooding
7. Community Infrastructure Levy
8. Waste, Recycling and Energy Efficiency
9. Public Open Space
10. Conclusion

The application in its original form generated 10 letters of local concern/objection and one letter of support. None received from Salisbury City Council for 2018 application.

3. Site Description and Proposal

The site lies within the settlement boundary for Salisbury in an Area of Special Archaeological Significance, within Flood Zone 1. Little Manor is a Grade II listed building. A Grade II listed wall extends east from Milford Manor which is south of the site, to Milford Mill Road. Manor Farm Road is an unclassified highway and a public right of way (footpath SALS 74, maintainable by Wiltshire Council) runs to the south of the site along Milford Hollow.

The applicant is proposing to:

- Demolish 365sqm of the existing gross floorspace erected in 1980 at the rear/west of the site.
- Provide a replacement rear wing extension to the listed building to increase capacity from 24 to 30 beds. Proposed Total Floor Area 1100m² (Net increase 735m²) Three storeys with double pitch roof with flat roof to valley. Contemporary style.
- New extension would have external walls finished in, render and stained boarding and red brick with bonds articulated to provide interest. Dark grey powder coated metal windows and doors to extension. High performance flat roof materials and standing seam zinc on mansard roof slopes only.
- Etched bay windows to 1st and 2nd floor residents' rooms. Three pane (smaller panes) bays which have ALL panes (with potential neighbour overlooking issues) acid etched (ie no clear glazed windows looking out toward neighbouring properties). Only the return side lights have clear glazing and these windows have a 100mm opening restriction (H+S).
- Provide 2 additional parking spaces (4 increased to 6) and 10 cycle spaces and 1 disability space, with automatic gates to entrance. Bike shelter and smoking shelter.
- New red brick dwarf wall and metal railings to enclose courtyard to front of period building. Reinstatement of wrought iron gates at pedestrian entry to main entrance
- Refurbishment works to existing original listed building using matching materials.
- Removal of garage. Landscaping works. Provision of sensory garden
- Increase employees from 5 full time to 7.

Documents submitted:

- Planning Statement – including background to Wessex Care nursing and residential homes
- Design and Access Statement
- Archaeological Desk Based Assessment
- Waste Audit
- Heritage Impact Assessment and Statement of Significance
- Updated Care Needs Assessment Report
- Tree Survey and Arboricultural Impact Assessment
- Updated Ecological Appraisal - Bat and Nesting Bird Survey
- Schedule of Works to Listed Building

Main changes made since the 2017 scheme (provided in full in Appendix 1)

Most notably, the extension has been moved 0.6m further away from the boundary of No. 10 Westbourne Close, raised pleached trees and an intervisibility screen have been added as privacy screening for the Care Home residents and the occupiers of No 10 Westbourne Close and the building has been set 0.3m lower into the ground. A mansard roof introduced to the proposed replacement building/extension to lower the eaves level/visual height of the

building ('gutter level' now lower than that of the Listed Building) and clad with standing seam zinc cladding. Elevations below 'roof' of extension clad in stained timber down to top of Milford Hollow 'wall' level/ground floor accommodation. Off-set/angled bays replaced by 'stacked' projecting square bays with clear glazing to sides looking forward/backwards along flank of building and acid etched obscure glazing facing neighbouring properties to allow light for elderly/those with dementia.

Planning History (a selection below from full list since 1949):

1949/3894 Change of use from dwellinghouse to guest home for aged people AC

1974/385 Nursing staff quarters Refused 26.6.74. Appeal allowed 29.8.75

76/847 Residential staff quarters AC 15.2.77

S/1987/0909 and 910 1st floor extension and internal alterations AC

S/1991/1496 Change of use from private dwelling (bungalow) to nursing accommodation. AC

S/1996/0607 and 0608 Alterations and extension to ground floor to provide individual bedrooms and bathroom AC

S2004/1359 and 1360 Addition of residential bed unit and ensuite. AC

17/11250/FUL and 17/11681/LBC External and internal alterations/refurbishments of the historic part of a 24 bed residential care home. Demolition of the recent extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 beds and alteration to existing access. Demolition of 2 ancillary buildings and associated landscape works.

Refused by Committee for the following reasons:

- 1. The development seeks to remove modern extensions and to extend and alter a Grade II listed building comprising a 24 bed nursing home. The proposed extension and alterations would add six new bedrooms and other facilities, to create a modern, 30 bed nursing home facility. The listed building, despite its relatively poor quality extensions, is pre-eminent on the site and the present extensions are very much secondary and partially obscured from view from Manor Farm Road. The proposed extension is a substantial three-storeyed cranked range occupying a footprint that is significantly disproportionate to its host.**

Whilst there are some elements of heritage gain within the proposals (such as the proposed stairs to the front door) and neutrality by removing the poor quality modern extensions and refurbishment works to the original building, the alterations to the historic core of the listed building (such as removal of masonry walls to the rear of room 3 and the kitchen) appear to the result in the loss of historic fabric and are inadequately justified in public benefit terms as required by NPPF para 134.

Therefore, the proposed extension, by virtue of its overall design, height and footprint, would cause "substantial" harm to the character and setting of the listed building, contrary to section 16 and 66 of The 1990 Act and paragraph

133 of the NPPF and the aims of Wiltshire Core Strategy Core Policy 58; and alterations to the historic core of the listed building would cause “less than substantial” harm and are inadequately justified in public benefit terms, contrary to NPPF paragraph 134.

2. The site lies adjacent to No 10 Westbourne Close, Milford Grove and White Lodge. The proposed 3 storey extension to the listed building, by virtue of its design, scale, massing and proximity to boundaries would result in an unacceptable level of actual and perceived overlooking towards neighbouring residential properties, is likely to give rise to unwanted light intrusion and would appear unduly dominant, to the detriment of the neighbouring occupiers, contrary to Wiltshire Core Strategy Core Policy 57 (vii) and paragraphs 9, 56 and 64 of the NPPF.

Since this decision, an appeal has been lodged and validated and the NPPF has been revised.

4. National and Local Planning Policy

National Planning Policy Framework (NPPF Updated July 2018) and the NPPG

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 20: Spatial Strategy for the Salisbury Community Area

Core Policy 41: Sustainable Construction and low Carbon Energy

Core Policy 46: Meeting the Needs of Wiltshire’s Vulnerable and Older People

Core Policy 50: Biodiversity and Geodiversity

Core policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 62: Development Impacts on the Transport network

Saved Policy R3 Public Open Space (annexe D of WCS)

The Community Infrastructure Levy Regulations 2010 (as amended)

The Conservation of Habitats and Species Regulations 2010,

EC Habitats Directive when as prescribed by Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

Circular 06/2005

Planning (Listed Building and Conservation Areas) Act 1990

Section 66: Special considerations affecting planning functions

Waste Core Strategy Policy WCS6.

Related: The State of Health Care and Adult Social Care in England 2015/2016, The Care Quality Commission, 2016.

5. Summary of consultation responses

Conservation: objection

Historic England: no comment

Waste: No comment

Public Protection – no objection subject to conditions

Highways: No objection subject to conditions

Ecology: No objection subject to condition

Public Protection: No objection subject to conditions

Archaeology: Support subject to condition

Rights of Way – no objection subject to Informative

Salisbury City Council - *SCC objects to this application due to overdevelopment of the property and lack of street parking. SCC asks that Conservation Officer report be sought.*

Wiltshire Council - Community Commissioning: Support

Community and Joint Commissioning Director and Group Director - N&E Wiltshire Group, NHS Wiltshire Clinical Commissioning Group: Support

The Chief Operating Officer, Salisbury NHS Foundation Trust: Support

Housing: *Little Manor Nursing Home is classified as C2 "Residential Institutions," for which no affordable housing provision would be sought provided as there are no individual tenancy agreements.*

6. Publicity

The application was advertised by site notice, press advert and neighbour consultation. Letter of objection from Salisbury City Council. The application generated 10 neighbour letters of concern/objection (including Willow End, Meadow View and Byways) on the following grounds:

- Existing parking problem will be increased. Traffic and parking along Manor Farm Road is already an issue, which will get worse if this facility is enlarged to such an extent. Delivery vehicles will use the pavement. Obstruction to passing vehicles, emergency services and residents accessing homes.
- Loss of privacy due to height of windows in the extension. Overlooking directly into upstairs bedroom windows. The residents will be seated and viewing our property for a large portion of the time.
- Planting needs to provide all year round privacy
- Modern style of building out of keeping with Milford Area. Too imposing and will not enhance the area. The visual impact of the proposed extension is a different type of building to small historic house with smaller, lower extension; the proposed building is more like an office block.
- Increased night time light pollution
- There has already been a significant increase in the provision of care home beds close by in Tollgate Road and there is another care home opposite Little Manor and

one a short walk away on the Petersfinger Road, this could be considered to be an over provision of care facilities for one small area.

- **10 Westbourne Close** - building that is still very close, seriously affecting privacy. The attempt to screen the building, together with the bulk of the building itself, will completely enclose and dominate our private grounds, which are now open and full of light. Of particular concern is the overshadowing of the outside patio area closest to the house, and the positioning of the proposed upper terrace with double sets of French doors from the lounge overlooking the sensory garden AND our upper windows. The large upper terrace would be very close to our property. There is of course, a further level above with a bedroom window in sight line. The proposed building will be particularly close to us and will be overbearing from all the rooms at the rear of our home. The mass of the development will have a considerable impact on our amenity space. (Ref : Core Policy 57 (point vii). Our garden is dark at night at present and we are very concerned about the light pollution from the proposed building, with inevitable 24 hr illumination in some areas. While we appreciate the need for development of this site, we consider that the revised proposal is unacceptable because of the very significant intrusive effect on the whole of our property, in terms of privacy and dominance, thus diminishing our residential amenity.

Amended Plans have been received and further comments from No 10 Westbourne Close are as follows:

- **Windows.** It is very unclear exactly how many and what size the 'stacked bay ' windows overlooking our garden will be. (Ref 308C west elevation, 306C N/W elevation and 300B Revised Site Plan). From one view they look large and very prominent which will bring them much closer to our garden. The sides of the 'stacked bays ' are clear glass.
- **Trees.** Ref 306C Outline of non existent trees still shown.
- We would definitely welcome a visit from committee members so they can appreciate the true impact on our property but we think it is VITAL that the outline of the proposed build is marked precisely on the ground. Without this, it is very difficult for anyone to visualise the extent of the build and how it relates to residential amenity Core policy 57 vii
- **Rosemead** - Development will not encroach close to Rosemead, but splayed wall is requested at bottom of driveway, to enable unrestricted view to towards Shady Bower and Milford Mill Road junction.
- **8, 10, and 12 Manor Farm Road.** Living dining room windows would focus their view directly at the windows and gardens of 8, 10 and 12 Manor Farm Road. Can the height of the boundary wall be increased to reduce this? Also could trees be planted in the strip of council owned land beside the bungalow and between the Manor boundary and the Manor Farm Road houses? The residents will spend a large amount of time seated, looking out of the windows which is unlike a 'normal suburban

residential environment' where people are busy in and out of the house, not spending the majority of the day looking directly into windows and gardens opposite.

- **11 Westbourne Close** - the height and close proximity to neighbouring properties of the proposed extension will mean that it will both dominate and overshadow the gardens of such properties, and as such this represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.
- **White Lodge** – roof line is a valid change, however major concerns remain. The upper floors and roof of the proposed building continue to look incongruous alongside the main house and the connecting glass corridor will become a light emitting intrusion. The proposed modern roof and windows will draw attention rather than blend in. Final building must sit comfortably in surroundings.
- **Milford Grove** – stance remains unchanged as per original objection letter. Serious concerns regarding visual, audio and aesthetic impact of the development and impact on property. Slightly changed roof, acid etched opaque glass and minor changes are helpful but proposed structure remains incongruous from south/south west of site. Still a major rebuild in semi-rural setting. Resembles office block or factory in a box shape. Current building is sympathetic enough to setting, proposed new build is not. Must already be CQC compliant? Intrusive and incongruous.

Milford Preservation Group – Support.

This application is a refinement of an earlier bid (ref 17/11250/FUL) that failed to convince Salisbury City Council's Planning Committee of its merits. The new proposal represents a further improvement of the building on Manor Farm Road, and especially the construction of better vehicle access and parking facilities that would reduce the present hazards to drivers and pedestrians in the immediate area. The Milford Preservation Group fully supported the original application, and maintains its support for the revised version, which, when approved, will further help to meet the growing demand for up-to-date care facilities in the Salisbury area.

7. Planning Considerations

Planning permission is required for the development. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004).

The revised NPPF confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF also states that the policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). (para 202 and 203).

7.1 Principle of the development and need

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Salisbury is listed as a Principle Settlement within the Salisbury Community Area. Core Policy 2 addresses the issue of development within settlement boundaries:

Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

The proposed development would affect an existing residential institution within the settlement boundary is therefore acceptable *in principle*. The proposal is also subject to the other policies and provisions set out in the development plan and NPPF.

Core Policy 46, Meeting the needs of Wiltshire's vulnerable and older people, states:

The provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required. Wherever practicable, accommodation should seek to deliver and promote independent living.

Specialist accommodation

The provision of sufficient new accommodation for Wiltshire's older people will be supported, including:

- i. Nursing accommodation*
- ii. Residential homes and*
- iii. Extra care facilities.*

[Proposals for extra care accommodation to be sold or let on the open market are not considered exempt from the need to provide affordable housing. Therefore proposals for extra care accommodation will be expected to provide an affordable housing contribution in line with Core Policy 43.]

Members will note that the proposed accommodation affects a residential institution and not open market housing. The new housing team have commented again regarding need:

Need

The Care Accommodation Assessment looks at quantitative need for additional care in the local area, including projected levels of need in 5 and 10 years' time, and a qualitative assessment of accommodation currently on offer in the home and benefits from the development. In summary:

- The population of people aged 65 plus within the catchment area is set to increase from 26,200 persons in 2016 to 30,790 by 2026, an increase of 4,590 in the next ten years.
- There are 3,780 people aged 85 years or over within the catchment area as at 2016 and this is set to increase to 5,320 by 2026. This age group has the highest likelihood to require long term residential care.
- The numbers of people aged 65 years plus identified as requiring care will increase from 1,036 in 2016 to 1,359 by 2026
- The data shows that there is currently a supply of 1136 care bed spaces in the catchment area
- Of the existing care accommodation within the catchment area approximately 135 of bed spaces are in shared rooms and additionally a number of single bedrooms are not en-suite or less than 12 square metres in area, which are no longer supported for new registrations under current care home accommodation standards (the regulations state that when a space becomes available in a shared room the remaining occupant should have the choice of whether or not to continue sharing, so many shared rooms are in fact occupied as singles). If double rooms are changed to single rooms in the future, and/or rooms that do not meet the standards in order areas fall out of use there is likely to be a growing shortfall in accommodation over time.
- By 2026, assuming no other developments come forward, there is a projected potential shortage of at least 295 bed spaces in the area.
- The actual shortfall of care accommodation is likely to be even higher, because the above figures reflect need for long term care accommodation, and do not take account of respite and rehabilitation care, on which there is increasing emphasis.
- The additional bedrooms proposed to be provided at Little Manor can contribute towards addressing this projected shortfall in care accommodation.

The Housing Team *previously* provided the following details for the 2017 scheme:

There are currently 672 bed spaces across 17 care homes providing a range of residential and nursing care in the Salisbury Community Area. The Older People's Accommodation Development Strategy [2010] sets out the need for an additional 80 bed nursing home and a 64 bed care home for people with dementia in the Salisbury community area. There is and will be significant demand for older people's accommodation in the Salisbury area [as with the whole county] with the projected population figures showing a steep increase in older people with the percentage of the population in Wiltshire aged 65 or over reaching 22.6% by 2021. This represents a 32% increase in the number of people over 65 in Wiltshire from 2011. The number of Wiltshire's residents aged over 85 years is projected to increase from around 12,000 in 2011 to over 17,000 by 2021 (42.4%).

Wiltshire Council Commissioning team support the latest proposal and stated:

I would like to express my continued support for the above planning application. Wessex Care have a 5-year development plan to rebuild their services to ensure they are fit for purpose for the next 20-30 years, and the alterations at Little Manor are part of this overarching plan, with the home due for completion in March 2020.

Adult Social Care currently has a large block contract with this provider for the provision of care home beds (currently 130 beds), and, on behalf of the Council and the Wiltshire Clinical Commissioning Group, also currently commissions a intermediate care beds, to support people who have had an acute hospital admission, or who may otherwise be admitted to hospital unnecessarily. The new building will ensure that services remain fit for purpose in the future, and can accommodate people with more complex and specialist needs.

The Council's ability to provide care for Wiltshire residents should see a significant benefit from this re-provision and expansion of beds in Salisbury.

The Community and Joint Commissioning Director and Group Director - N&E Wiltshire Group, NHS Wiltshire Clinical Commissioning Group has also stated:

I would like to express my support for the above planning application. Wessex Care have a 5-year development plan to rebuild their services to ensure they are fit for purpose for the next 20-30 years, and the alterations at Little Manor are part of this overarching plan, with the home due for completion in March 2020.

Wiltshire Clinical Commissioning Group, with the Council, currently commission intermediate care beds to support people who have had an acute hospital admission, or who may otherwise be admitted to hospital unnecessarily. The new building will ensure that services remain fit for purpose in the future, and can accommodate people with more complex and specialist needs.

The CCG see a significant benefit from this re-provision and expansion of beds in Salisbury to support those who need further care and support.

The Chief Operating Officer, Salisbury NHS Foundation Trust

Capacity outside of the hospital is key to discharging patients in a timely manner. We work closely with other care providers to align capacity and to this end Salisbury NHS Foundation Trust Hospital fully support the planning application submitted by Wessex Care. This will provide more capacity to discharge patients allowing the acute hospital to treat critically ill patients.

The development would therefore comply with Core Policy 46.

7.2 Impact on the character of the area and the character and setting of the listed building.

Core Policy 57 considers design and place shaping and requires a high standard of design in all new developments *including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.*

The Little Manor is a Grade II listed building and the development would affect its curtilage and setting.

There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building and its setting.

Paragraphs 189, 190, 192-5 of the NPPF state:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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

In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

*a) grade II listed buildings, or grade II registered parks or gardens, should be **exceptional**;*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset

- securing the optimum viable use of a heritage asset in support of its long term conservation

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

The submitted Heritage Impact Assessment concludes:

3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a strong presumption for development to preserve the setting of listed building, and the courts have reminded that this must be given considerable importance and weight in the planning balance. In exceptional cases, however, the presumption may be overridden in favour of development which is desirable on the grounds of public interest.

3.2 Aside from other potential public benefits that may accrue as a result of the development, there would be heritage benefits through the removal of the unsympathetic additions to the building and the restoration of the building's frontage.

3.3 However, it is acknowledged the proposals would result in some loss of spaciousness within the site that contributes to the setting and in turn the significance of the listed building.

3.4 Overall, however, due to the judicious planning, design and materials of the proposals, there would be 'less than substantial harm' to the listed building under the terms of the NPPF. As such, and in accordance with paragraph 134 (now 196) of that document, the harm should be weighed against the public benefits of the proposals, including rectifying some of the harmful interventions of the past while securing the building in its optimum viable use.

Historic England has made no comment on the proposal. The Conservation officer has stated:

I've had a careful look through the proposals and considered the impact on the listed building and its setting. I'm afraid I can see nothing that would reduce the concerns raised by the previous application, and the same reason for refusal would be appropriate.

On the basis of this response, the proposed revised scheme is still perceived to be institutional in character and appearance, and although the existing buildings and extensions on the site are somewhat ramshackle in appearance, they have managed to retain the setting of the main building and are relatively unobtrusive within their surroundings and the streetscene. This is probably because they are mainly subservient, and of a simplistic, traditional design approach, with pitched roof details and matching brick and tile materials. This is a sentiment echoed by several third parties.

The proposed extension still presents a strident, contemporary design, which is more institutional in appearance and will create more prominent building than the existing listed building, particularly due to its rather uniform scale and design. This would be at odds with the existing modest character of the listed building, to the detriment of its setting. The scale of the proposed building would not seem to reflect the simple, small scale of existing

development in the immediate area. The existing outbuildings are simply designed, subservient and they manage to retain the setting of the main building. The proposals would impact on the predominantly modest residential nature of the area, the character of which contributes to the existing informal setting of the listed building.

For these reasons, officers consider that the proposal would be contrary to CP57, CP58, the NPPF para 194 and 195 and S66 of the 1990 Act.

7.3 Neighbouring amenity, noise and public protection

The proposal has generated 10 letters of concern/objection and the case officer has previously visited some of the properties immediately adjacent to the site. Some neighbours are concerned about the impact of increased light pollution at night and also potential noise disturbance from windows. There are also concerns about the impact of the development on privacy, including the increased prominence of the building and potential overlooking into and towards neighbouring properties.

Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours. It states:

A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).

The public protection officer has considered the scheme in relation to neighbouring properties and commented as follows.

Previously this department made comments on application; 17/11250/FUL. As well as recommending conditions, we had concerns in relation to a floor to ceiling glass walkway connecting the old and new buildings. It is apparent that this has now been removed from the plans. Therefore, whilst we do not have any significant concerns with the proposals, we would recommend the conditions below are attached to any approval granted.

The applicant has stated that there is no requirement for an extraction system. However, if other externally mounted plant is proposed (air con units/ventilation systems etc) we would recommend that conditions are attached to any approval of this application to control noise emanating from any future equipment, prevent burning of waste, control hours of construction/demolition and provide a dust management plan to manage dust during demolition.

The closest neighbours are still concerned about light pollution and noise (including noise from room buzzers) emanating from the windows, which would have some restricted opening. The public protection officer has looked again at these issues and considers that the plans have been altered to reduce the light impact and that the roof lights would have

black out blinds. Furthermore, it is considered unlikely that the sound of buzzers would be loud enough to cause disturbance outside.

The impact of the development in terms of dominance and loss of privacy have also been considered in relation to CP57 (vii):

East – Meadow View, Bourne Cottage and Corner Cottage

These properties face towards the site (see impression below) and have access onto Manor Farm Road. These dwelling would be sited more than 40 metres from the north east corner of the development and so the occupiers would not be adversely affected in terms of dominance or overlooking. The revised site access would be in close proximity to these properties, but the highways team have raised no objections to the proposals.

Refused scheme



Revised scheme



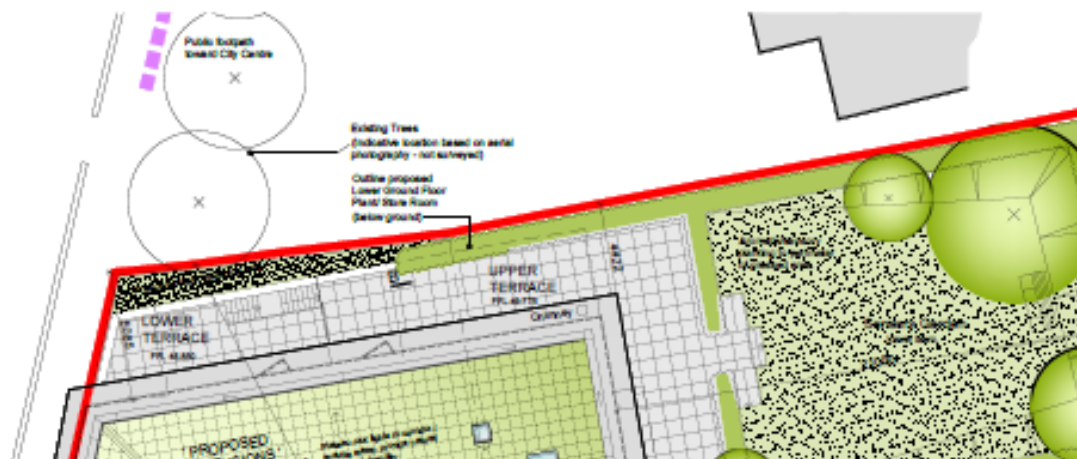
North – Rosemead

This property (shown above in relation to the extension) is a single storey bungalow with an access to the side of the nursing home. The corner of the proposed extension would be less than 4 metres from the bungalow. This bungalow has one west facing dormer, which would face obliquely towards the proposed Upper Terrace for the lounge/dining rooms. This relationship would enable some direct/oblique overlooking into the dormer from users of the terrace. However, most of the private spaces for this property are apparently sited away from the development, to the front of the bungalow and to the north corner. Therefore, whilst the extension will appear dominant when viewed from this bungalow, the relationship is considered to be acceptable, on balance.

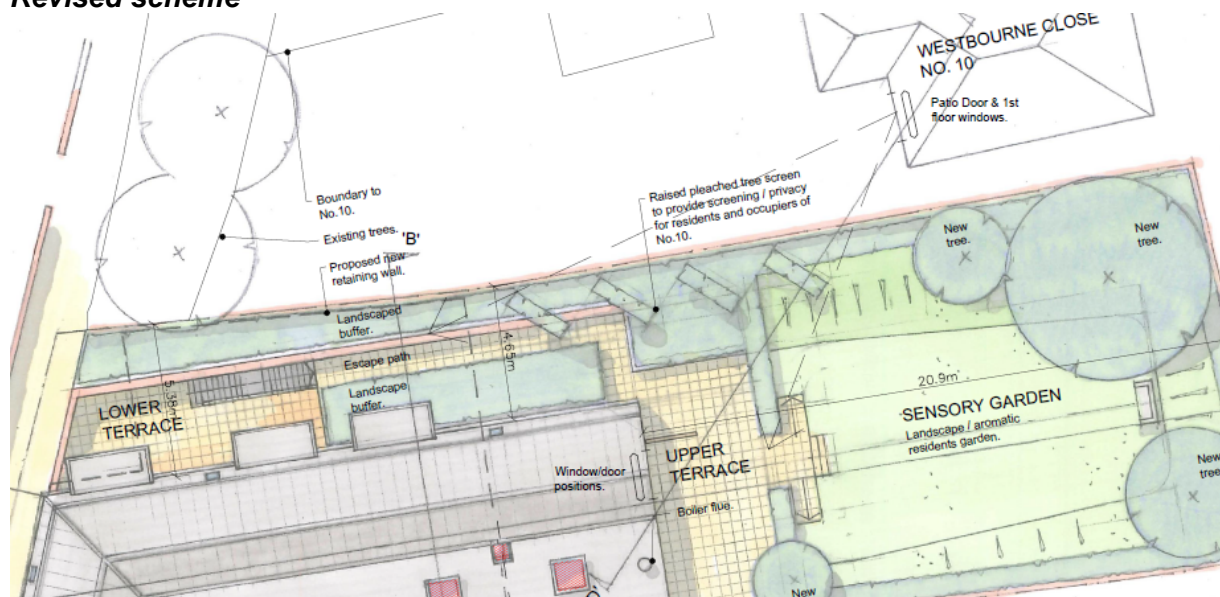
The occupiers of Rosemead again responded to the latest consultation with a request for the east boundary wall to be pulled back, to give them better sight lines. The highways officer is satisfied that Rosemead will have more than sufficient sight lines for their access.

West - 10-14 Westbourne Close

Refused scheme



Revised scheme



The development would increase the present scale and bulk of development along the west boundary with No 10, in particular. The private areas of this property, including the garden, small patio area and french doors to the lounge face directly towards the proposed north elevation of the development, and the proposed west elevation would run parallel and in in close proximity to the garden wall boundary between the properties. The existing nursing home currently presents modest elevations towards this property.



Existing views from bedroom



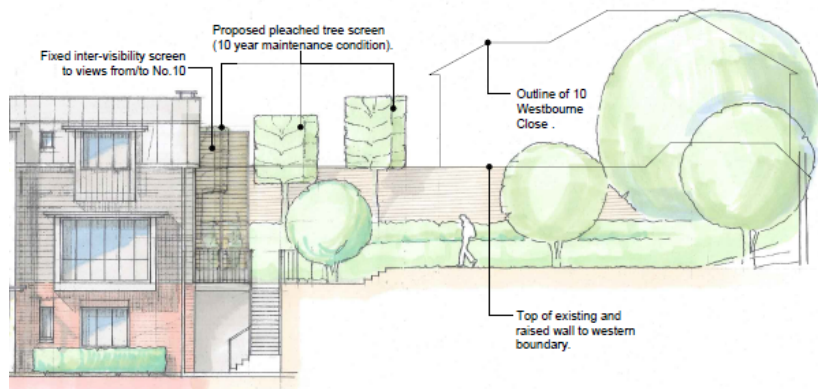
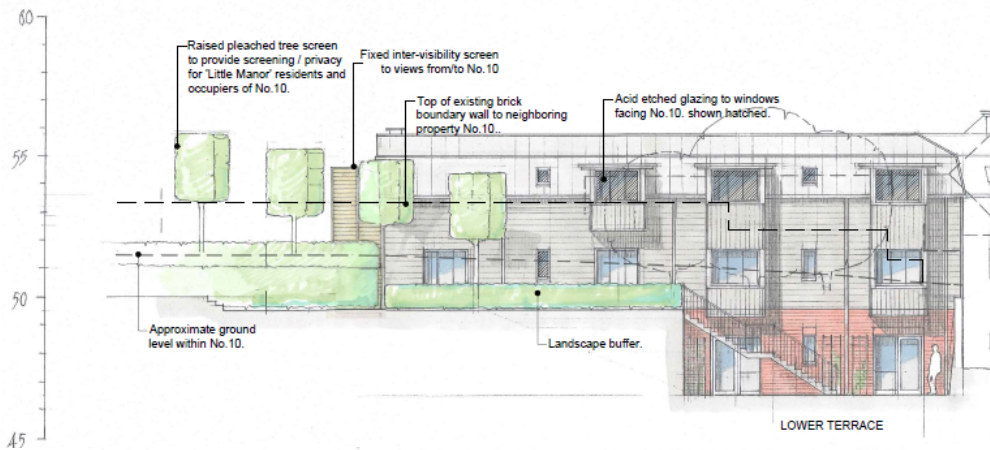
and living room French doors/patio

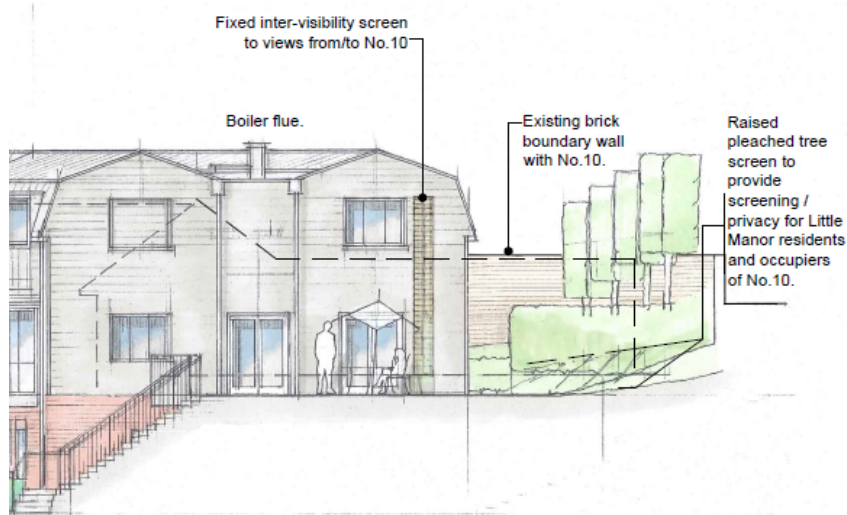


Refused scheme



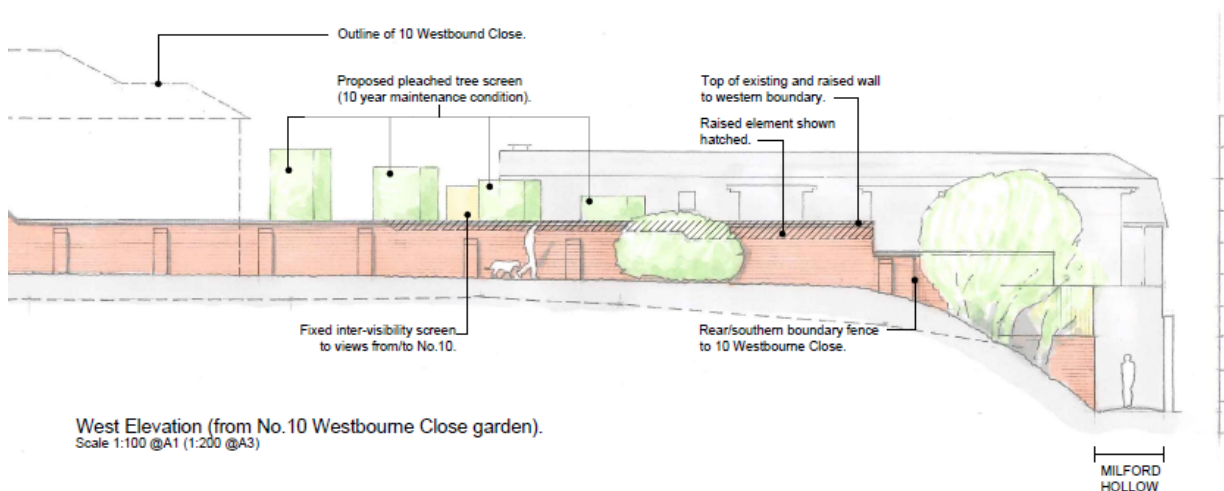
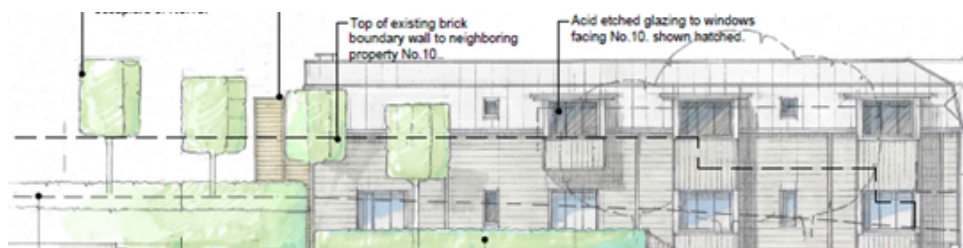
Revised scheme





The applicant has gone to lengths to reduce the possibility of inter visibility and overlooking between the north elevation first floor windows and ground floor patio area, as shown above. Officers are satisfied that appropriate levels of *privacy* for the occupiers can now be achieved by the development, as presented on the *north elevation*.

However, the proposed development, in increasing from a single storey bungalow with a pitched roof to a vertical structure with at least two storeys and three large, etched windows being *visible* from the garden, the development still likely to appear dominant and intrusive when viewed from No 10 and its garden:



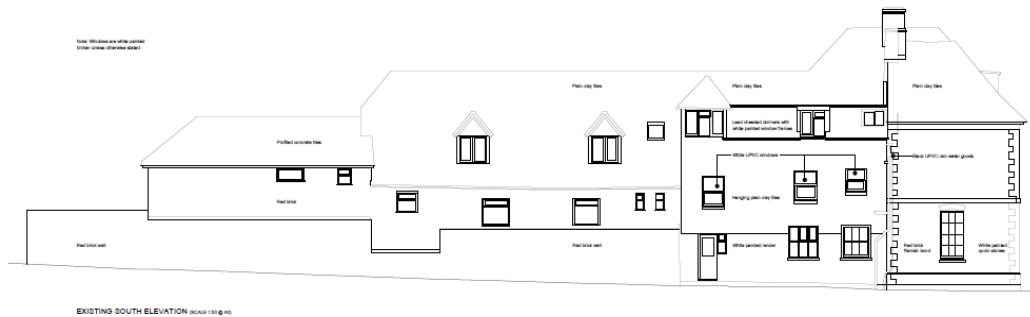
South – The Corner House, White Lodge, Milford Grove

The north elevations of these dwellings are approximately 12m, 35m and 34m from the south boundary wall of the nursing home. The Corner House is oriented in such a way that the development is unlikely to have a detrimental impact on the occupiers. Its garden and

living areas are sited to the south, away from the development. Two windows and a garage/parking area only would be affected, but whilst the development would be visible, no likely harm to amenity is perceived.

Concerns have been expressed regarding the change in the appearance and character of the development, which is presently visible at the end of the gardens for White Lodge and Milford Grove. Concerns centre on the change from a large expanse of a tiled pitched roof to provision of a third storey with a mansard style roof, the increase in the number and scale of the windows (dominance, noise and privacy), and light intrusion from the glazed link.

Existing south:



Refused south:



Revised south:



Despite the significant changes to the design, it is still considered that the change in the roof shape from a steeply sloping pitch to a vertical wall with a small pitch is likely to result in a significant increase in the dominance of the nursing home in relation to these properties.

Presently, there are four dormer windows on a sloping roof facing the gardens. This would be replaced with six etched windows, on a vertical elevation.

Current views looking north from White Lodge and Milford Grove gardens



Whilst the smaller of the two panes would be obscure glazed for privacy, the increase in windows and their position on a vertical wall is likely to increase the perception of and actual overlooking of (from the small panes) into the properties and gardens to the south of the development. The windows are also likely to appear intrusive.

The revised NPPF para 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a **high standard of amenity for existing and future users**⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The adverse impacts of the development on amenity are considered to be contrary to CP57 and the NPPF for the reasons described and the harm that would be caused to residents in amenity terms is not considered to be outweighed by the need for this development in this particular location, given its scale and form.

7.4 Ecology and Archaeology

Ecology

The NPPF para 175 states that when determining planning applications, local planning authorities should apply the following principles:

a). if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

The NPPG also sets out guidance. **Core Policy 50** seeks to ensure that all development proposals incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

A bat and nesting bird survey has been submitted and concludes that:

- No evidence was found for use of any of the buildings by bats during the daytime survey/assessment.
- The site does not otherwise appear suitable for material use by bats for foraging or commuting.
- No bats were seen to emerge from, enter or show any particular interest in any of the buildings during any of the dusk/dawn watches.
- Local bat activity during the dusk/dawn watches was limited to a small number (<10 passes per watch) of foraging or commuting passes by individual Common pipistrelle bats, mostly along the adjacent lane (to the southwest) or over neighbouring gardens (to the west).
- No evidence was found for birds having nested recently within or upon any of the buildings.
- There is a low risk of common birds nesting within various shrubs in the formal garden area.
- No other evidence was found for use or likely significant use of the site or immediately adjacent land by protected species. In this regard we note that:

- i. the location is suburban – there are no adjoining ‘natural’ or semi-natural habitats;
- ii. there are no ponds present upon the site or apparent in the immediate vicinity.

Recommendations:

4.5. No further bat survey is warranted.

4.6i. any removal of shrubs/trees be carried out between October and February inclusive (so as to avoid the nominal bird nesting season) or otherwise only following a thorough check to confirm that no active birds nests are present at the time. Should birds start to nest within or upon the buildings at any time then all works liable to impact upon such nests should be delayed until the nests are no longer occupied.

Other than the above, the applicant’s surveyor saw no need for any further ecological survey in relation to the proposed works. The Council’s ecologist previously considered the report and raised no objection, subject to the development being implemented in accordance with the above recommendation, by condition. In conclusion, on the basis of the survey recommendations, the development is considered to pose a negligible threat to protected species and no objection is raised to the development and the proposed mitigation, in

accordance with Core Policy 50, the NPPF, guidance in the NPPG and the ODPM circular 06/2005.

Archaeology

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Heritage assets include Listed Buildings and Conservation Areas.

The Archaeologist has considered the NPPF and stated:

This site is of archaeological interest as it lies close to the historic core of the medieval settlement of Milford. There are also other HER records in the vicinity, including to early post-medieval listed structures. There is therefore potential for archaeological remains to be present on the site. Therefore in line with the NPPF (2018), PPS5 (2010) and the earlier Planning Policy Guidance Note 16: Archaeology and Planning (DoE 1990) the following recommendations are made: Standard condition requiring a written programme of archaeological investigation which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work should be carried out in accordance with the approved details, to enable the recording of any matters of archaeological interest. The work should be conducted by a professional recognised archaeological contractor in accordance with the written scheme of investigation agreed by this office and there will be a financial implication for the applicant. In this instance, we consider that archaeological monitoring will be the most appropriate form of response.

In conclusion, no objection is raised under CP58 and the NPPF provisions, subject to a condition requiring a written programme of archaeological investigation.

7.5 Highway Safety and Public Right of Way

The development would provide 2 additional parking spaces, 10 cycle spaces and 1 additional disability space. Several third parties have objected to the proposal on the grounds that the site and surrounding areas are already congested with vehicles and that these cause an obstruction to existing accesses and are a danger to highway users, close to a dangerous junction. The proposed expansion of the care home will only exacerbate this problem. One resident feels that parking restrictions should be imposed and another suggested amending the alignment of the proposed external wall to improve visibility to their access.

The NPPF sets out the criteria for new transport related development:

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Core Policy 57, 60, 61 and 62 are also relevant and the highways officer has responded:

I note the proposal seeks the refurbishment and extension of the existing 24 bed care home, to a 30 bed care home, including a revised access and parking area from Manor Farm Road. The existing care home is substandard in terms of parking provision, with only 4 no. parking spaces available. The proposal will increase the number of spaces available to 7, including one dedicated disabled space and whilst overall parking provision for the care home would remain substandard, the increase in spaces is adequate to accommodate the modest extension of 6 bedrooms.

Alterations to the existing access will be relatively significant and I am satisfied with the visibility splays shown on plan, on the basis that the site is within a 20mph zone. I also feel that the new access and parking arrangement will improve highway safety on a section of Manor Farm Road that narrows, as a result of onsite vehicle turning now being provided. This will also benefit any delivery vehicles accessing the care home. I also note that new cycle parking is proposed, which is welcomed.

As a result of the above, I do not believe the modest extension and alterations will have a detrimental impact upon highway safety and as such, I recommend that no Highway objection is raised, subject to conditions and an informative being added to any consent granted.

With specific reference to Rosemead, the highways officer considered the proposed wall:

I have double checked this & the wall is set sufficiently back from the edge of the road so as not to obstruct visibility. We require visibility to be measured from a point 2.4m back from the edge of the road & the wall does not create an obstruction when measuring visibility in this way from the adjacent property's access.

A minimum visibility splay of 2.4m x 25m is required in this location and despite the wall, the property would appear to have at least 35m visibility to the south, when measured from 2.4m back.

Its potentially worth highlighting that the wall is not the redline but is actually set back from the redline boundary. The wall would also appear to be in a similar position to the existing fence.

The applicant has previously produced land registry evidence to show that their ownership extends to the centre of Milford Hollow, and this reflects the presence of the overhanging jetties on the original building over the right of way. The rights of way officer has raised no objection and feels that the right of way would not be affected by the development: *"This part of Milford Hollow (public footpath SALS74) is maintainable by Wiltshire Council as highway authority. I have no objection."*

An informative would be added to any permission to advise the developer that the right of way must not be obstructed at any time during construction.

7.6 Drainage and Flood Risk

The site lies within Flood Zone 1. The drainage team have raised no objection to the proposals relating to the discharge of surface and foul water from the site (soakaway and mains drainage).

7.7 Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. The Wiltshire Community Infrastructure Levy May 2015 Charging Schedule states that new C2 floorspace would be charged at a rate of £85 per square metre in Zone 1. Therefore, an informative would be added to any permission to bring to the applicant’s attention the requirement for the levy to be paid on commencement of development.

Table 2.1 – Rates of CIL to be charged on new development

Development Type ¹		CIL charge £/ sq m	
		Charging Zone 1 (settlement categories 1, 2 and 3)	Charging Zone 2 (settlement category 4 ²)
Residential development	Residential development (excluding strategically important sites as set out in the Wiltshire Core Strategy) Planning Use Classes: C2, C2A, C3 and C4	£85	£55

7.8 Waste, Recycling and Energy Efficiency

As the scheme is classified as a major development (over 1,000sqm), the applicant has prepared a Waste Audit, which seeks to ensure the maximum recycling of existing materials on the site and the minimisation and segregation of any waste arising from the proposed redevelopment. Waste team have previously raised no objection, in accordance with Waste Core Strategy **Policy WCS6**.

For new build development exceeding 1,000sqm gross, a condition would normally be applied under **Core Policy 41** requiring evidence that the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved for the development. Government guidance has been updated and this is now achieved through the building regulations procedure.

7.9 Public Open Space:

The proposals also need to comply with saved **Policy R3**:

R3 The recreational open space requirement for new development providing accommodation for the elderly will be reduced to 0.8 hectares per 1000 population. Additional amenity open space within the site will be sought as appropriate.

Development proposals for nursing homes will be required to provide on-site amenity space. In both cases, on-site amenity space should be of a sufficient size and appropriately landscaped to provide informal sitting out areas, and should be located to maximise the south and south western aspects of the site and the outlook from it.

The Local Planning Authority recognises that certain developments, such as nursing home accommodation for the elderly, generate different open space needs because of the greater reliance which their occupants have on on-site amenity space and the very limited demand for recreational facilities. On-site amenity space is, however, important in these types of development, providing pleasant views from habitable rooms within the development and as sitting out areas for residents. Amenity space has been provided for this development, including a new sensory lawn/garden and a separate garden and seating to the front of the site. This would enable residents to enjoy interaction with one another and would satisfy Policy R3.

7.10 Conclusion

The proposal seeks to extend an existing nursing home from 24 to 30 beds, within the Salisbury settlement boundary and the development is acceptable in policy principle.

The development seeks to remove modern extension and then extend a Grade II listed building and make various internal and external alterations to the original building. Officers consider that whilst the alterations to the historic core of the listed building are acceptable, the proposed extension would cause substantial harm to the setting of the listed building and are inadequately justified in terms of the *substantial public benefit* terms required by the NPPF para 195 (previously 133) which states:

*195. Where a proposed development will lead to substantial harm to.. a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm..is necessary to achieve **substantial** public benefits that outweigh that harm or loss.*

Neighbours immediately adjacent to the site (south and west) have maintained their objections to the development on the grounds of dominance, intrusion, loss of privacy and overlooking and light intrusion. Despite the many improvements that the applicant has made to the scheme, officers still feel that these objections are justified and have given reasons for the amenity objections under CP57 in this report.

There are no objections to the development on light, noise impact, parking or access grounds. The development would see a modest increase in parking provision and an improvement in the site access.

RECOMMENDATION: REFUSE for the following reasons:

- 1) The development seeks to remove modern extensions and to extend and alter a Grade II listed building comprising a 24 bed nursing home. The proposed extension and alterations would add six new bedrooms and other facilities, to create a modern, 30 bed nursing home facility. The listed building, despite its relatively poor quality extensions, is pre-eminent on the site and the present extensions are very much

secondary and partially obscured from view from Manor Farm Road. The proposed extension is a substantial three-storeyed cranked range occupying a footprint that is significantly disproportionate to its host.

Whilst there are some elements of heritage gain or neutrality within the proposals (by removing the poor quality modern extensions and the proposed refurbishment works to the original building), the proposed extension, by virtue of its overall design, height and footprint, would cause “substantial” harm to the character and setting of the listed building and are inadequately justified in terms of the *substantial* public benefits required by the NPPF para 195. The proposal would therefore be contrary to Sections 16 and 66 of The 1990 Act, Paragraph 195 of the NPPF and the aims of Wiltshire Core Strategy Core Policy 58.

- 2) The site lies adjacent to No 10 Westbourne Close, Milford Grove and White Lodge. The proposed 3 storey extension to the listed building, by virtue of its design, scale, massing and proximity to boundaries would result in an unacceptable level of perceived and actual overlooking towards neighbouring residential properties from the south and west elevation projecting bay windows, which would be etched, with openable, clear glazed side panels. The extension would appear unduly dominant, to the detriment of the neighbouring occupiers, and would fail to make the development acceptable to the wider community, contrary to Wiltshire Core Strategy Core Policy 57(vii) and paragraphs 124, 127 and 130 of the 2018 NPPF.

ctd.....

Appendix 1 Summary of Main Changes to Scheme:

- Proposed replacement building/extension moved 600mm further away from the boundary of No. 10 Westbourne Close. (ie to the east/toward Manor Farm Road).
- Raised pleached trees added as privacy screening for the Care Home residents and the occupiers of No 10 Westbourne Close (WC). Note: Each tree is positioned so as to maximise the screening effect between residents and neighbours windows and inclined at 45 degrees to the boundary for ease of access to both sides of the 'raised screen hedge' to enable pruning/long term maintenance and also so as to allow light/air between the properties. The raised pleached tree nearest to the Residents Garden is precisely located so as to obscure direct views between Residents Bedroom No. 20 and the 1st floor window of No 10 EC.
- Following submission of the current scheme the Planning Officer questioned the year round effectiveness/permanency of the pleached tree(s) as a screen.

(NB: The species specified within the application for the pleached screen trees is Hornbeam. Whilst Hornbeams change colour in the autumn they retain their leaves, thereby providing effective year round screening. Recognising the importance of these trees, the Applicant (Wessex Care) have agreed to accept a 10 year planning condition to ensure the proper establishment and maintenance of the screen trees).

However to allay any concerns over the long term effectiveness of the pleached tree screen we are now proposing to also add a fixed permanent timber and metal screen designed to block direct views between the residents of the care home and the occupiers of No 10 WC.

This fixed screen also now forms part of the application. The pleached tree(s) screening will be retained for screening and landscape/visual amenity purposes.

- Patio and patio doors formerly located on the west elevation and facing boundary with No 10 EC have now been relocated so as to be on the north elevation facing the Residents Garden. In place of the former patio area landscape planting has been provided so as to soften flank wall of the proposed replacement building/ extension and to act as a buffer between the boundary and the building.
- Boiler chimney relocated so as to be within proposed replacement building and 5m further away from neighbour at no 10 EC
- Building set 300mm lower into the ground. This will lower building height/windows/general visual impact etc.
- Lowering building has required re-planning the building so as to place the Spa/Physio/Residents Kitchen within the proposed replacement building/ extension where we can now only achieve high level windows. This also reduces the level of intervention required within the Listed Building. The Care Rooms have been located elsewhere within the building.
- A mansard roof introduced to the proposed replacement building/extension so as to lower the eaves level/visual height of the building ('gutter level' now lower than that of the Listed Building) and clad with contemporary but regressive (in terms of colour) standing seam zinc cladding.
- The steeply pitched 'feature' glazed light located over the Entrance/Main Stair area of the replacement/extended building (light pollution/visibility) has been removed from the current application.

- Elevations below 'roof' of extension clad in stained timber down to top of Milford Hollow 'wall' level/ground floor accommodation – softer/quieter/more regressive than buff coloured faux stone. Timber cladding to be low maintenance dark/mid grey Accoya (sustainably grown timber with 50 year life span – samples available).
- Off-set/angled bays replaced by 'stacked' projecting square bays with clear glazing to sides looking forward/backwards along flank of building and acid etched obscure glazing facing neighbouring properties – allows light but not sight – light vital for elderly/those with dementia).
- Stacking the bays will simplify the elevations and be a less visually challenging than the contemporary configuration.
- Obscure glazing will be noted as being acid etched glass (not film coating) and indicated as hatched on the elevations.
- All changes/concessions (and more as noted above) made to Conservation Officers leading up to consideration of the previous scheme by SAC are incorporated into revised application plans/elevations.
- External escape stair removed and relocated within the glazed 'link' and adjacent to Milford Hollow. Fire Escape/Staff Entrance door (like a 'garden gate') will be located below the half landing of this stair.
- Loft area within Listed Building changed to be Storage ONLY. Staff Cloaks/Shower Rm facility also removed thereby negating the need for the former roof level escape stair.
- To avoid confusion we no longer show the basement accommodation (in section) on the west elevation (not visible above ground). This clearly illustrates the fact that there are only 2 x above ground storeys adjacent to No 10 WC boundary.
- Top of the existing/very high brick boundary wall (now even higher relatively speaking as building has been lowered 300mm into the ground) highlighted on west elevation facing No 10 WC. NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC.
- Elevation from No 10 WC's side of the boundary wall now included within the application drawings and shows screening effect of existing boundary wall, raised pleached trees and extent of garden to No 10 EC. NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC. Applicant has/had agreed to maintain the line of the top of the boundary wall on to the end of the site (currently wall sweeps down to lower level for the last 1/3rd [approx.] of the wall length).
- We have provided cross section set at 45 degree to rear of No 10 EC to illustrate relationship of proposals to No 10 WC and to demonstrate effectiveness of raised pleached tree screen (see also 2nd bullet point and above). NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC. Applicant has/had agreed to maintain the line of the top of the boundary wall on to the end of the site (currently wall sweeps down to lower level for the last 1/3rd [approx.] of the wall length).
- Made clearer/annotated on Site Plan the fact that front boundary wall with Manor Farm Road is set back as it approaches 'Rosemead' to improve visibility to highway from 'Rosemead's' access drive.
- Central vehicle manoeuvring diagram for 'refuse vehicle' will also allow rigid van type deliveries to enter the site instead of parking on Manor Farm Road as at present thereby reducing incidence of obstructing visibility around the swept corner in Manor Farm Road.

- Site Plan annotated to identify “Onsite Staff/Visitor Parking”. Increased on-site parking from 4 to 7 spaces will reduce roadside parking/congestion over present parking availability/arrangement.
- General/Staff Cycle Store detailed and annotated as such (also doubles as a Staff/Residents Smoking Shelter – see next).
- The ‘cycle store’ is now a pavilion of which 50% will be annotated as being a ‘Smoking Shelter’ which is located well away from the boundary with No. 10 EC
- Revised proposals have been discussed in detail with neighbours at No 10 Westbourne Close and Milford Grove/White Lodge on Shady Bower.

REPORT FOR SOUTHERN AREA PLANNING COMMITTEE **Report No. 7a (lbc)**

Date of Meeting	15 th November 2018
Application Number	18/06723/LBC
Site Address	Little Manor Nursing Home, Manor Farm Road, Milford, Salisbury, SP1 2RS
Proposal	External and internal alterations/refurbishments of the historic part of a 24 bed residential care home. (Demolition of the recent extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension). Resubmission of 17/11681/LBC
Applicant	Wessex Care Ltd
Town/Parish Council	Salisbury City Council
Electoral Division	Salisbury St Martins and Cathedral, Cllr S Hocking
Grid Ref	
Type of application	LBC (and associated 18/06366/FUL)
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee:

Cllr. Hocking has called the application to committee to be determined if recommended for refusal by officers, on the following grounds:

- The impact on the listed building.

1. Purpose of Report

To consider the above application and the recommendation that planning permission be refused.

2. Report Summary

The main planning issues to consider are:

1. Impact on the character and setting of the listed building.
2. Conclusion

The application in its original form generated 1 letter of support from Milford Preservation Group.

3. Site Description and Proposal

The applicant is proposing to:

- Demolish 365sqm of the existing gross floorspace erected in 1980 at the rear/west of the site.
- Provide a replacement rear wing extension to the listed building to increase capacity from 24 to 30 beds. Proposed Total Floor Area 1100m² (Net increase 735m²) Three storeys with double pitch roof with flat roof to valley. Contemporary style.
- New extension would have external walls finished in render and stained boarding and red brick with bonds articulated to provide interest. Dark grey powder coated metal

windows and doors to extension. High performance flat roof materials and standing seam zinc on mansard roof slopes only.

- Etched bay windows to 1st and 2nd floor residents' rooms. Three pane (smaller panes) bays which have ALL panes (with potential neighbour overlooking issues) acid etched (ie no clear glazed windows looking out toward neighbouring properties). Only the return side lights have clear glazing and these windows have a 100mm opening restriction (H+S).
- Provide 2 additional parking spaces (4 increased to 6) and 10 cycle spaces and 1 disability space, with automatic gates to entrance. Bike shelter and smoking shelter.
- New red brick dwarf wall and metal railings to enclose courtyard to front of period building. Reinstatement of wrought iron gates at pedestrian entry to main entrance
- Refurbishment works to existing original listed building using matching materials.
- Removal of garage. Landscaping works. Provision of sensory garden
- Increase employees from 5 full time to 7.

Documents submitted:

- Planning Statement – including background to Wessex Care nursing and residential homes
- Design and Access Statement
- Archaeological Desk Based Assessment
- Waste Audit
- Heritage Impact Assessment and Statement of Significance
- Updated Care Needs Assessment Report
- Tree Survey and Arboricultural Impact Assessment
- Updated Ecological Appraisal - Bat and Nesting Bird Survey
- Schedule of Works to Listed Building

Main changes made since the 2017 scheme (provided in full in Appendix 1)

Most notably, the extension has been moved 0.6m further away from the boundary of No. 10 Westbourne Close, raised pleached trees and an intervisibility screen have been added as privacy screening for the Care Home residents and the occupiers of No 10 Westbourne Close and the building has been set 0.3m lower into the ground. A mansard roof introduced to the proposed replacement building/extension to lower the eaves level/visual height of the building ('gutter level' now lower than that of the Listed Building) and clad with standing seam zinc cladding. Elevations below 'roof' of extension clad in stained timber down to top of Milford Hollow 'wall' level/ground floor accommodation. Off-set/angled bays replaced by 'stacked' projecting square bays with clear glazing to sides looking forward/backwards along flank of building and acid etched obscure glazing facing neighbouring properties to allow light for elderly/those with dementia.

Planning History (a selection below from full list since 1949):

1949/3894 Change of use from dwellinghouse to guest home for aged people AC

1974/385 Nursing staff quarters Refused 26.6.74. Appeal allowed 29.8.75

76/847 Residential staff quarters AC 15.2.77

S/1987/0909 and 910 1st floor extension and internal alterations AC

S/1991/1496 Change of use from private dwelling (bungalow) to nursing accommodation. AC

S/1996/0607 and 0608 Alterations and extension to ground floor to provide individual bedrooms and bathroom AC

S2004/1359 and 1360 Addition of residential bed unit and ensuite. AC

17/11681/LBC External and internal alterations/refurbishments of the historic part of a 24 bed residential care home. Demolition of the recent extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 beds and alteration to existing access. Demolition of 2 ancillary buildings and associated landscape works.

Refused by Committee for the following reasons:

- 1. The development seeks to remove modern extensions and to extend and alter a Grade II listed building comprising a 24 bed nursing home. The proposed extension and alterations would add six new bedrooms and other facilities, to create a modern, 30 bed nursing home facility. The listed building, despite its relatively poor quality extensions, is pre-eminent on the site and the present extensions are very much secondary and partially obscured from view from Manor Farm Road. The proposed extension is a substantial three-storeyed cranked range occupying a footprint that is significantly disproportionate to its host.**

Whilst there are some elements of heritage gain within the proposals (such as the proposed stairs to the front door) and neutrality by removing the poor quality modern extensions and refurbishment works to the original building, the alterations to the historic core of the listed building (such as removal of masonry walls to the rear of room 3 and the kitchen) appear to result in the loss of historic fabric and are inadequately justified in public benefit terms as required by NPPF para 134.

Therefore, the proposed extension, by virtue of its overall design, height and footprint, would cause “substantial” harm to the character and setting of the listed building, contrary to section 16 and 66 of The 1990 Act and paragraph 133 of the NPPF and the aims of Wiltshire Core Strategy Core Policy 58; and alterations to the historic core of the listed building would cause “less than substantial” harm and are inadequately justified in public benefit terms, contrary to NPPF paragraph 134.

Since this decision, an appeal has been lodged and validated and the NPPF has been revised.

4. National and Local Planning Policy

National Planning Policy Framework (NPPF updated 2018) and the NPPG

Wiltshire Core Strategy (WCS):

Core Policy 58: Ensuring the conservation of the historic environment

Planning (Listed Building and Conservation Areas) Act 1990

Section 6: Decisions

Section 66: Special considerations affecting planning functions

5. Summary of consultation responses

Wiltshire Council Conservation: objection

Historic England: no comment

Salisbury City Council: Objection

6. Publicity

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

7. Planning Considerations

Planning permission is required for the development. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004).

The revised NPPF confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF also states that the policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). (para 202 and 203).

7.1 Impact on the character and setting of the listed building.

There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building and its setting.

Paragraphs 189, 190, 192-5 of the NPPF state:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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

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

- a) grade II listed buildings, or grade II registered parks or gardens, should be **exceptional**;*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

Heritage assets include listed buildings and conservation areas. Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The submitted Heritage Impact Assessment concludes:

3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a strong presumption for development to preserve the setting of listed building, and the courts have reminded that this must be given considerable importance and weight in the planning balance. In exceptional cases, however, the presumption may be overridden in favour of development which is desirable on the grounds of public interest.

3.2 Aside from other potential public benefits that may accrue as a result of the development, there would be heritage benefits through the removal of the unsympathetic additions to the building and the restoration of the building's frontage.

3.3 However, it is acknowledged the proposals would result in some loss of spaciousness within the site that contributes to the setting and in turn the significance of the listed building.

3.4 Overall, however, due to the judicious planning, design and materials of the proposals, there would be 'less than substantial harm' to the listed building under the terms of the NPPF. As such, and in accordance with paragraph 134 (now 196) of that document, the harm should be weighed against the public benefits of the proposals, including rectifying some of the harmful interventions of the past while securing the building in its optimum viable use.

Historic England has made no comment on the proposal. The Council's Conservation officer has stated:

I've had a careful look through the proposals and considered the impact on the listed building and its setting. I'm afraid I can see nothing that would reduce the concerns raised by the previous application, and the same reason for refusal would be appropriate.

On the basis of this response, the proposed revised scheme is still perceived to be institutional in character and appearance, and although the existing buildings and extensions on the site are somewhat ramshackle in appearance, they have managed to retain the setting of the main building and are relatively unobtrusive within their surroundings and the streetscene. This is probably because they are mainly subservient, and of a simplistic, traditional design approach, with pitched roof details and matching brick and tile materials. This is a sentiment echoed by several third parties.

The proposed extension still presents a strident, contemporary design, which is more institutional in appearance and will create more prominent building than the existing listed building, particularly due to its rather uniform scale and design. This would be at odds with the existing modest character of the listed building, to the detriment of its setting. The scale of the proposed building would not seem to reflect the simple, small scale of existing development in the immediate area. The existing outbuildings are simply designed, subservient and they manage to retain the setting of the main building. The proposals would impact on the predominantly modest residential nature of the area, the character of which contributes to the existing informal setting of the listed building.

For these reasons, officers consider that the proposal would be contrary to CP57, CP58, the NPPF para 194 and 195 and S16 and S66 of the 1990 Act.

8.0 Conclusion

The proposal seeks to extend an existing nursing home, within the Salisbury settlement boundary and the development is acceptable in policy principle.

The development seeks to remove modern extensions and then extend a Grade II listed building and make various internal and external alterations to the original building. Officers consider that whilst the alterations to the historic core of the listed building are acceptable, the proposed extension would cause substantial harm to the setting of the listed building and are inadequately justified in terms of the *substantial public benefit* terms required by the NPPF para 195 (previously 133) which states:

*195. Where a proposed development will lead to substantial harm to.. a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm..is necessary to achieve **substantial** public benefits that outweigh that harm or loss.*

RECOMMENDATION: REFUSE for the following reasons:

- 1) The development seeks to remove modern extensions and to extend and alter a Grade II listed building comprising a 24 bed nursing home. The proposed extension and alterations would add six new bedrooms and other facilities, to create a modern, 30 bed nursing home facility. The listed building, despite its relatively poor quality extensions, is pre-eminent on the site and the present extensions are very much secondary and partially obscured from view from Manor Farm Road. The proposed extension is a substantial three-storeyed cranked range occupying a footprint that is significantly disproportionate to its host.

Whilst there are some elements of heritage gain or neutrality within the proposals (by removing the poor quality modern extensions and the proposed refurbishment works to the original building), the proposed extension, by virtue of its overall design, height and footprint, would cause “substantial” harm to the character and setting of the listed building and are inadequately justified in terms of the *substantial* public benefits required by the NPPF para 195. The proposal would therefore be contrary to Sections 16 and 66 of The 1990 Act, Paragraph 195 of the NPPF and the aims of Wiltshire Core Strategy Core Policy 58.

ctd.....

Appendix 1 Summary of Main Changes to Scheme:

- Proposed replacement building/extension moved 600mm further away from the boundary of No. 10 Westbourne Close. (ie to the east/toward Manor Farm Road).
- Raised pleached trees added as privacy screening for the Care Home residents and the occupiers of No 10 Westbourne Close (WC). Note: Each tree is positioned so as to maximise the screening effect between residents and neighbours windows and inclined at 45 degrees to the boundary for ease of access to both sides of the 'raised screen hedge' to enable pruning/long term maintenance and also so as to allow light/air between the properties. The raised pleached tree nearest to the Residents Garden is precisely located so as to obscure direct views between Residents Bedroom No. 20 and the 1st floor window of No 10 EC.
- Following submission of the current scheme the Planning Officer questioned the year round effectiveness/permanency of the pleached tree(s) as a screen.

(NB: The species specified within the application for the pleached screen trees is Hornbeam. Whilst Hornbeams change colour in the autumn they retain their leaves, thereby providing effective year round screening. Recognising the importance of these trees, the Applicant (Wessex Care) have agreed to accept a 10 year planning condition to ensure the proper establishment and maintenance of the screen trees).

However to allay any concerns over the long term effectiveness of the pleached tree screen we are now proposing to also add a fixed permanent timber and metal screen designed to block direct views between the residents of the care home and the occupiers of No 10 WC.

This fixed screen also now forms part of the application. The pleached tree(s) screening will be retained for screening and landscape/visual amenity purposes.

- Patio and patio doors formerly located on the west elevation and facing boundary with No 10 EC have now been relocated so as to be on the north elevation facing the Residents Garden. In place of the former patio area landscape planting has been provided so as to soften flank wall of the proposed replacement building/ extension and to act as a buffer between the boundary and the building.
- Boiler chimney relocated so as to be within proposed replacement building and 5m further away from neighbour at no 10 EC
- Building set 300mm lower into the ground. This will lower building height/windows/general visual impact etc.
- Lowering building has required re-planning the building so as to place the Spa/Physio/Residents Kitchen within the proposed replacement building/ extension where we can now only achieve high level windows. This also reduces the level of intervention required within the Listed Building. The Care Rooms have been located elsewhere within the building.
- A mansard roof introduced to the proposed replacement building/extension so as to lower the eaves level/visual height of the building ('gutter level' now lower than that of the Listed Building) and clad with contemporary but regressive (in terms of colour) standing seam zinc cladding.
- The steeply pitched 'feature' glazed light located over the Entrance/Main Stair area of the replacement/extended building (light pollution/visibility) has been removed from the current application.

- Elevations below 'roof' of extension clad in stained timber down to top of Milford Hollow 'wall' level/ground floor accommodation – softer/quieter/more regressive than buff coloured faux stone. Timber cladding to be low maintenance dark/mid grey Accoya (sustainably grown timber with 50 year life span – samples available).
- Off-set/angled bays replaced by 'stacked' projecting square bays with clear glazing to sides looking forward/backwards along flank of building and acid etched obscure glazing facing neighbouring properties – allows light but not sight – light vital for elderly/those with dementia).
- Stacking the bays will simplify the elevations and be a less visually challenging than the contemporary configuration.
- Obscure glazing will be noted as being acid etched glass (not film coating) and indicated as hatched on the elevations.
- All changes/concessions (and more as noted above) made to Conservation Officers leading up to consideration of the previous scheme by SAC are incorporated into revised application plans/elevations.
- External escape stair removed and relocated within the glazed 'link' and adjacent to Milford Hollow. Fire Escape/Staff Entrance door (like a 'garden gate') will be located below the half landing of this stair.
- Loft area within Listed Building changed to be Storage ONLY. Staff Cloaks/Shower Rm facility also removed thereby negating the need for the former roof level escape stair.
- To avoid confusion we no longer show the basement accommodation (in section) on the west elevation (not visible above ground). This clearly illustrates the fact that there are only 2 x above ground storeys adjacent to No 10 WC boundary.
- Top of the existing/very high brick boundary wall (now even higher relatively speaking as building has been lowered 300mm into the ground) highlighted on west elevation facing No 10 WC. NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC.
- Elevation from No 10 WC's side of the boundary wall now included within the application drawings and shows screening effect of existing boundary wall, raised pleached trees and extent of garden to No 10 EC. NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC. Applicant has/had agreed to maintain the line of the top of the boundary wall on to the end of the site (currently wall sweeps down to lower level for the last 1/3rd [approx.] of the wall length).
- We have provided cross section set at 45 degree to rear of No 10 EC to illustrate relationship of proposals to No 10 WC and to demonstrate effectiveness of raised pleached tree screen (see also 2nd bullet point and above). NB: Relative level of garden/top of wall amended/corrected based on information provided by the occupiers of No 10 WC. Applicant has/had agreed to maintain the line of the top of the boundary wall on to the end of the site (currently wall sweeps down to lower level for the last 1/3rd [approx.] of the wall length).
- Made clearer/annotated on Site Plan the fact that front boundary wall with Manor Farm Road is set back as it approaches 'Rosemead' to improve visibility to highway from 'Rosemead's' access drive.
- Central vehicle manoeuvring diagram for 'refuse vehicle' will also allow rigid van type deliveries to enter the site instead of parking on Manor Farm Road as at present thereby reducing incidence of obstructing visibility around the swept corner in Manor Farm Road.

- Site Plan annotated to identify “Onsite Staff/Visitor Parking”. Increased on-site parking from 4 to 7 spaces will reduce roadside parking/congestion over present parking availability/arrangement.
- General/Staff Cycle Store detailed and annotated as such (also doubles as a Staff/Residents Smoking Shelter – see next).
- The ‘cycle store’ is now a pavilion of which 50% will be annotated as being a ‘Smoking Shelter’ which is located well away from the boundary with No. 10 EC
- Revised proposals have been discussed in detail with neighbours at No 10 Westbourne Close and Milford Grove/White Lodge on Shady Bower.

18/06366/FUL & 18/06723/LBC

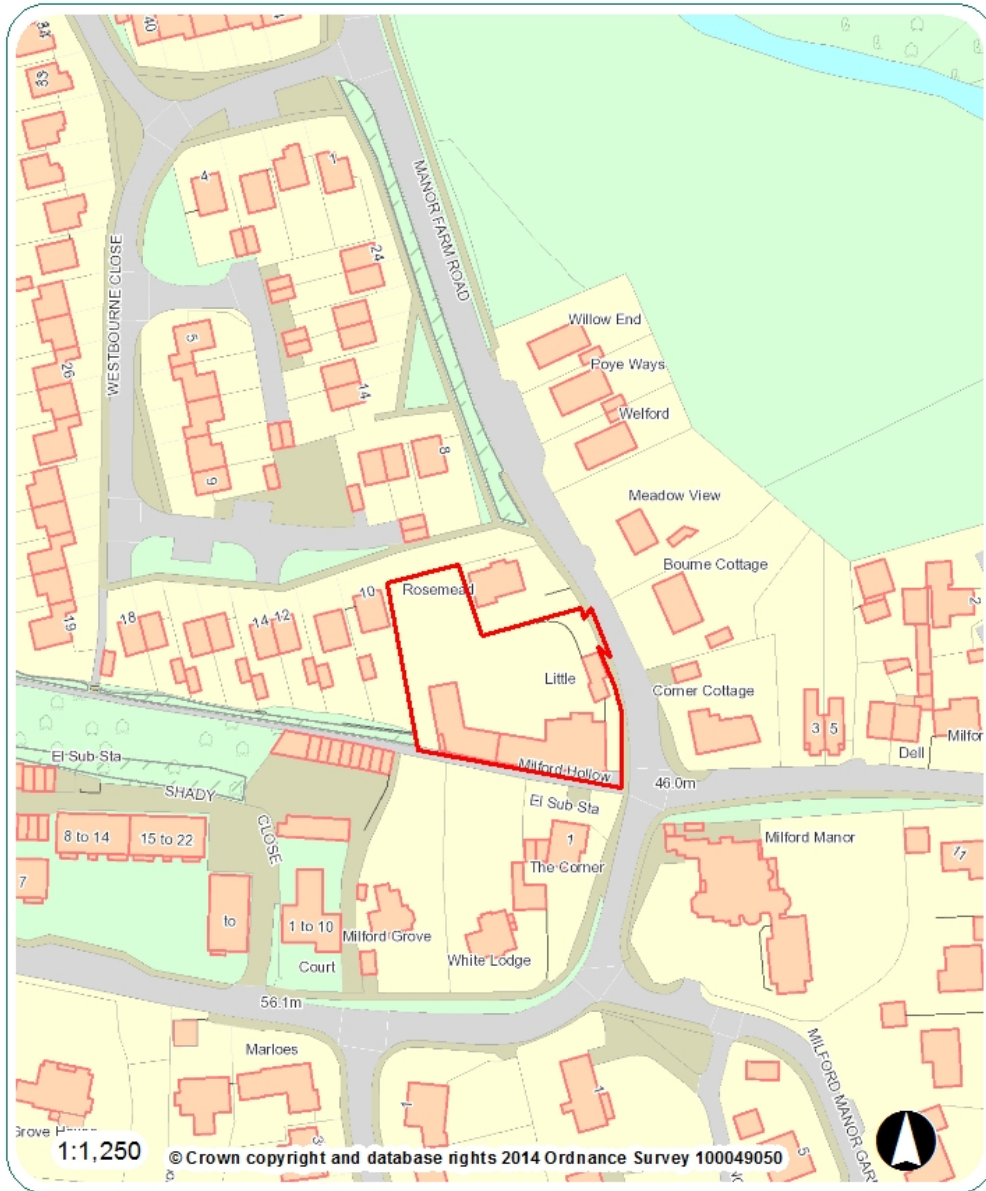
Little Manor Nursing Home

Manor Farm Road

Milford

Salisbury

SP1 2RS



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 7b

Date of Meeting	15 th November 2018
Application Number	18/04897/FUL
Site Address	Land referred to as Paddock View Farm, Dean Road, East Grimstead, Wiltshire, SP5 1HR
Proposal	Retention and alterations to an existing agricultural building and the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes (resubmission of 17/04844/FUL)
Applicant	Mr K Baldwin and Miss Z Church
Town/Parish Council	West Dean
Electoral Division	Winterslow – Christopher Devine
Grid Ref	424261 127166
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in by Cllr Divine if officers are minded to approve.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

2. Report Summary

The issues in this case are:

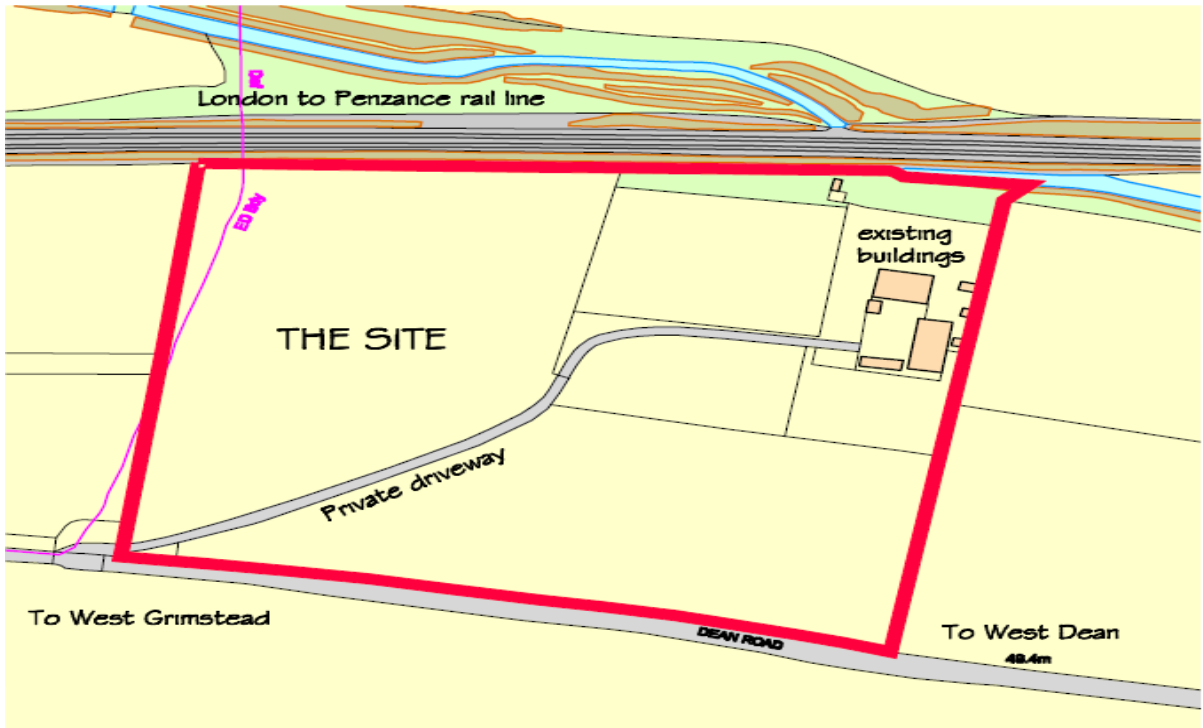
- Principle of development
- Scale, design and Impact to the character of the area
- Environmental Impact
- Highway safety

The publicity has generated one letter of objection from a member of the public for the application with an objection also received from West Dean Parish Council and Grimstead Parish Council given to the development.

3. Site Description

The application site is located within the open countryside between the villages of West Dean and Grimstead accessed via a private track from the public highway (Dean Road). The application site consists of a parcel of land bounded on the north by the railway line and to the west and south by Dean Road. The parcel of land is approximately 3.14 hectares in area and is accessed via a track from the south eastern corner (off Dean Road). The site is not

located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.



4. Planning History

S/2008/0551/FUL – Erection of an agricultural barn for use of a haystore, machinery store and animal pen A.C 09.05.08

17/04844/FUL - COU of land from agriculture to a mixed use of agriculture and the keeping of horses as well as the retention of the existing barn, stables and store/tack room (retrospective) REF. 13.11.17

5. The Proposal

The application which is retrospective, proposes to retain the use of the agricultural barn, the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes. This application is a resubmission of the previously refused scheme, 17/04844/FUL.

6. Local Planning Policy

The Wiltshire Core Strategy (WCS) was adopted in January 2015 and constitutes the primary planning document. The relevant planning policies are:

Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 34 Additional employment land
Core Policy 48 Supporting Rural Life
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 61 Traffic matters

Also of relevance are the NPPF & NPPG.

7. Summary of consultation responses

West Dean Parish Council – Objection with comments stating:

Ref.1. S/2008/0551, dated March 2008, planning application (approved) that established permission for erection of barn now proposed to be modified. West Dean Parish Council (WDPC) strongly opposes this planning application for the following reasons.

1. Change of Use

This planning application seeks approval for change of land use from agricultural to mixed agricultural and equestrian use. This change of use has been included within a number of previous planning applications already rejected by Wiltshire Council. In each case the change to include equestrian use was cited within the planning officer's comments as a contributory factor to the refusal; particularly due to the likely increase in vehicle movements on a site with unsuitable access and surrounding road network. It can also be seen from the case officer's report to the planning application that originally allowed erection of the barn now being modified (Ref. 1.), that recommendation for approval was based, amongst other factors, on there being no change of use.

This application does not quantify the additional vehicular movements that would result from the proposed change of use but it does make clear the applicant's intent to grow this

business through the offering of Livery services (e.g. to the Wiltshire Hunt) and through breeding. It is noted that that this increase in equestrian business is in addition to a stated intent to grow the agricultural business which will undoubtedly bring its own increase in traffic.

On the basis that, whilst unquantified, this application must result in some level of increased traffic and that concern over the site's unsuitability for additional vehicular movements has been raised consistently and repeatedly by Wiltshire Council WDPC is opposed to the proposed change of use.

2. Building Modifications

There was an express condition associated with the Ref. 1. approval for erection of the barn that there should be no windows or rooflights other than the single rooflight shown in the barn plans. This condition was imposed due to concerns over light pollution and to preserve the visual amenity. The proposed introduction of shutters to the 1st floor windows does not address these concerns given that Wiltshire Council cannot realistically impose and enforce conditions under which those shutters should be closed. It is noted that the property falls within a Special Landscape Area and, as such, any development of this nature should be carefully controlled.

Of greater concern, however, is the fact that the proposed design of the barn is such that it remains very suitable for unapproved residential use and subsequent conversion to a habitable dwelling. WDPC remains very concerned that a development of this nature could, in future, very easily lend itself to such unapproved residential use which might eventually lead to a Certificate of Lawfulness as has recently happened on the neighbouring property (Windrush Farm2). WDPC would prefer that the barn is returned to the design that was approved in the Ref. 1. planning application to minimise this possibility but should Wiltshire Council decide to approve this retrospective planning application then WDPC requests that full consideration be given to all possible conditions, limitations and constraints that could be placed on approval in order to limit this possibility. WDPC would also wish to see Wiltshire Council's enforcement team continue to monitor the site.

Grimstead Parish Council – Objection with comments stating:

Grimstead Parish Council objects on the grounds that the proposed equestrian use is not suitable for the site. The condition for the erection of the barn stated only one roof light so all windows created since should be removed. Increasing the size of the business would create a large amount of vehicular movement. The barn is such that it remains very suitable for unapproved residential use and the Parish Council is very concerned that this does not happen. The site should be continually monitored by the Enforcement Team.

WC Public Protection – No objection subject to conditions with comments stating:

Whilst this department does not have any significant concerns with the proposals, there are residential properties located to the east and south east and would therefore recommend that the conditions below are attached to any planning approval granted:

- 1. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.*
- 2. No development shall commence on site until details of the arrangements for the storage of manure and other material derived from the keeping of horses*

and livestock have been submitted to and approved in writing by the Local Planning Authority. The details are to include a plan illustrating where the material will be stored and details of the construction and design of the structure/enclosure within which the material will be stored. The storage of manure and other material derived from the keeping of horses or livestock shall only be carried out in accordance with the approved details.

As far as I can see the applicant has not detailed whether or not they propose to install any external lighting, if they do we would expect to see further information on the type of lights to be installed and where they will be positioned to ensure that no light spill will impact on those neighbouring residents.

WC Highways Officer – No objection subject to conditions

Third party representations – 1 x letter of objection with comments stating:

I oppose this application (resubmission of 17/04844/FUL). Despite the additional information provided the need for such extensive livestock facilities is still not clear. There is no record of foaling and no record of a Wiltshire Hunt (the two local hunts – Wilton & Hursley do not visit West Dean). As to the proposed changes to the barn – they still do not meet the original specifications – i.e. green cladding to match all the existing agricultural barns. With the introduction of agricultural animals the Planning Authority should – in accordance with the views of the Parish Council – refuse the application.

8. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated a letter of objection for the application with objections received from West Dean Parish Council and Grimstead Parish Council given to the development.

9. Planning Considerations

9.1 Principle of development and policy

The application site is located within the open countryside between the villages of West Dean and Grimstead accessed via a private track from the public highway (Dean Road). The application site consists of a parcel of land bounded on the north by the railway line and to the west and south by Dean Road. The parcel of land is approximately 3.14 hectares in area and is accessed via a track from the south eastern corner (off Dean Road). The site is not located within a settlement boundary and is therefore outside of the defined limits of development as defined by the relevant policies of the adopted Wiltshire Core Strategy (WCS) and as such is considered to be within the countryside for the purposes of the local plan.

A recent retrospective planning application 17/04844/FUL was submitted to the Local Planning Authority and was refused for the following reason:

Whilst a mixed equine and agricultural business use would, in principle, not be unusual in the open countryside, the application contains limited information regards the proposed equine business, in terms of its nature, scale, or intensity. Furthermore, based on the submitted information, the 24 hour grooms accommodation element of the scheme, would be tantamount to a new residential accommodation in the open countryside without significant justification. Additionally, without any information to the contrary, an unfettered equine business use would, by reason of its relatively remote location, be likely to attract a high level of vehicular traffic movements into this rural location, to the detriment of the general amenity of the area.

As a result, in the absence of any substantial justification, the proposed development would not conform to the objectives of Core Policies 2, 48, & 57 of the Wiltshire Core Strategy, and the aims of the NPPF.

Retrospective planning permission is sought for the change of use of land from agriculture to a mixed use of agriculture and the keeping of horses as well as the retention of the existing barn, stables and tack room. Planning permission was granted (S/2008/0551/FUL) for the erection of a barn for the use as a hay store, machinery store and animal pens. It is apparent the permitted barn structure has not been built in accordance with the approved plans of the scheme with the insertion of casement windows and doors into the northern and western elevations and; the erection of ancillary buildings related to the keeping of horses on the land that include a tack room with WC and stable block.

This current application seeks to address the changes to the permitted barn with the introduction of purpose made timber shutters attached to each window at first floor level; the removal of the existing French windows at ground floor level with the insertion of a set of timber framed doors and; the erection of timber weather boarding on the elevations of the building replacing the existing metal profiled sheeting. Other changes externally include replacing part of the original roofing with newer profiled cladding; the replacement of the existing grey metal profiled cladding around the building with dark stained horizontal weather boarding and the retention of a small section of red brickwork at the northern end of the western elevation.

Core Policy 48 of the WCS deals with the supporting of rural life and is based upon the following four key objectives:

- Protecting the countryside and maintaining its local distinctiveness;
- Supporting the sensitive reuse of built assets to help meet local needs;
- Supporting improved access between places and to services; and
- Supporting the community in taking ownership of local services.

Whilst this policy deals predominantly with the provision of new dwellings in the rural area, it is noted that the removal of the grooms living accommodation from this application reduces the relevance of this policy to this application. However, the proposed changes to the appearance of the building as described do have relevance to a degree as these changes, in the opinion of the case officer, reduce the visual prominence of the building within the landscape and its surroundings.

Core Policy 57 of the WCS requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

9.2 Scale, design and Impact to the character of the area

Following the recent refusal of planning permission, the applicant has sought to address how the design of the barn and surrounding structures along with the use of the land will harmonise within the local landscape.

The changes to the barn externally have been documented in section 9.1 of this report. Internally the ground floor will remain in two unconnected sections, which will include a rest room and facilities for tea and coffee, an area for hay storage and animal feed, and pens for piglets. The other section will be used for secure machinery, equipment, vehicles and associated storage. The first floor of the building will remain largely as it is and be used for general storage purposes, the partially completed area shown as a 'welfare facilities room' within the previous scheme will be completed to provide toilet and washing facilities only for the applicants. Therefore, it is considered that the changes to the existing barn structure are considered to be acceptable in planning terms.

Other structures on the land include the tack room and stable block. No changes in scale, size or location are proposed to the stable block. It is proposed to timber clad the tack room covering the existing external blockwork so that it is more in-keeping with the surrounding buildings and area.

The applicants in 2014 stationed an unauthorised mobile home on the land to be used as a rest room for visiting family members. The applicant has requested that following an on-going planning enforcement investigation into the site, the mobile home is conditioned to any planning permission that it is removed from the land within 6 months to 1 year whilst the works to the barn and other structures are completed. Whilst this request is noted, it would not be reasonable under the terms of the NPPF to impose such a condition and as such, this issue would be a matter for the Council's Planning Enforcement Team to regularise in agreement with the applicants.

The applicant has provided further information to the number of animals (detailed in section 9.4 of this report) to be kept on the land in respect to the retrospective change of use to the land from an agricultural use to a mixture of agriculture and equestrian use. Given that this type of use within the countryside is not usual, it is considered the use of the land in this way would not have any significant detrimental impact to the amenity of the area or wider surrounding land that would warrant the refusal of planning permission.

9.3 Environmental Impact

The Council's Public Protection Team have been consulted on this planning application and raise no objection subject to conditions regarding the storage of manure on the site and; additional information regarding the installation of any lighting on the structures. Subsequently, the agent has provided an additional plan showing the storage of manure on the site and has confirmed that no external lighting exists on the site or is proposed to be installed on the site.

As such, it is considered that the continuing use of the site will not have any significant environmental impact on the wider area that would warrant the refusal of planning permission.

9.4 Highways safety

Access to the site will be obtained via the existing access from Dean Road. The applicant proposes to gate this access within the site to allow a vehicle to stand in front of the gate. The access passes between stock fenced fields before ending at the buildings and structures subject to this planning application. There is an existing area with the site adjacent to the barn utilised for the parking of vehicles and horse boxes related to the site.

The Highways Team of Wiltshire Council have been in discussions with the applicants as there were concerns raised regarding the use of the existing access for a livery. Subsequently, the applicants have decided not to operate any equine related commercial or business from within the site. The application involves the retention of the 8 stables. The applicants own 9 horses which graze within their fields and are stabled on site. No horses other than their own will be grazed or stabled on site.

Following the removal of the livery business from the proposal, the Council's Highways Officer has withdrawn his previous objection to the scheme provided that a condition is applied to any decision securing the use of the stables to the applicant/ to private or domestic use only. To advise, the Highways Officer has also stated that existing access is severely substandard in terms of visibility and is also at an acute angle to the highway. It is therefore encouraged that the applicant seeks improvements to the existing access arrangement in consultation with the Local Planning Authority, but in the context of this application, this is not essential.

Notwithstanding the above regarding the comments on the existing access, the private use of the access in this way not related to a livery, will not have any significant detrimental impact to highway safety and highway users that would warrant the refusal of planning permission.

10. Conclusion

The comments and concerns of the third parties and Parish Councils have been noted and taken into consideration. However, following an assessment of the situation as outlined above, the proposed uses and changes to the existing structures are unlikely to have such a significant impact on the amenity the area as to warrant refusal, and therefore the scheme conforms to the objectives of Core Policies 57 and 61 of the Wiltshire Core Strategy and the

aims of the NPPF. Therefore, the Local Planning Authority considers that retrospective planning permission should be granted.

11. RECOMMENDATION:

Approve with conditions

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

DWG No: 918.1 Site Location Plan, Proposed Site Location Plan, Proposed Ground and First Floor Plan of Existing Barn, Existing Floor Plan of Tack Room and Stables
Date Received 22.05.18

DWG No: 918.2.A Proposed Barn Elevations Date Received 14.08.18

DWG No: 918.1.A Manure Storage Plan Date Received 02.10.18

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for the purposes of agriculture and the private stabling of horses associated with the agricultural/equestrian use of the land.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

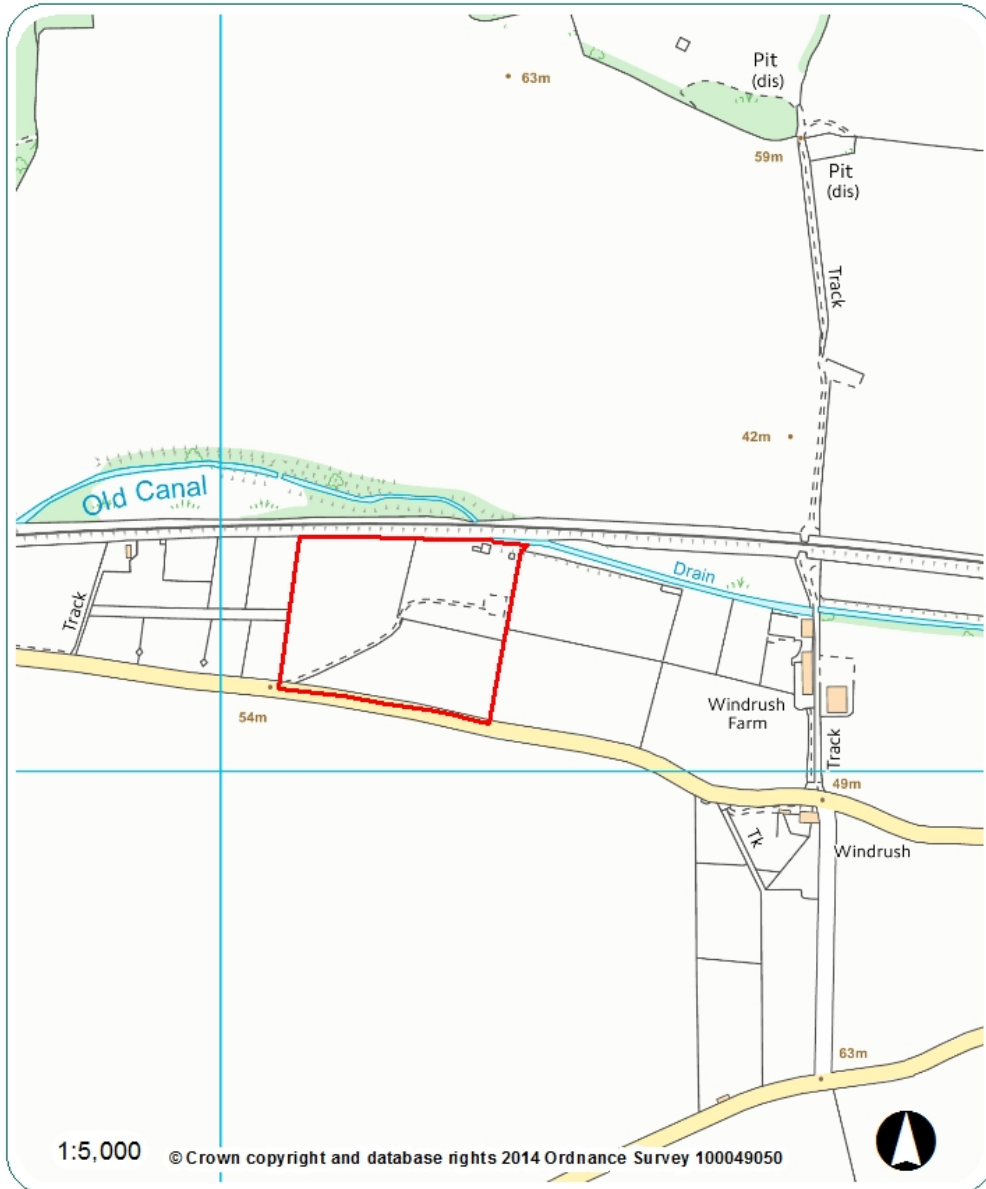
REASON: In the interests of highway safety.

4. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.

REASON: In the interests of amenity

18/04897/FUL

Land Referred To As Paddock View Farm
Dean Road
West Dean
SP5 1HR



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 7c

Date of Meeting	15 November 2018
Application Number	Planning application 18/08496/FUL and listed building consent application 18/08762/LBC
Site Address	Boxhedge Cottage High Street Porton SP4 0LH
Proposal	Retrospective planning permission for replacement gate
Applicant	Mr & Mrs R Pope
Town/Parish Council	IDMISTON
Electoral Division	Bourne and Woodford - Councillor Hewitt
Grid Ref	418727 136426
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

The application has been called in to committee by Councillor Hewitt for the following reasons –

- It is not considered that the development is detrimental to the listed building
- The Parish Council have no objection.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation of the Head of Development Management that planning permission and listed building consent should be **REFUSED**.

2. Report Summary

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

- Principle of development
- Impact to the setting and significance of the listed building and the appearance of the conservation area
- Impact on Highway safety
- Impact on neighbour amenity

3. Site Description

The application site is located on the High Street within the village of Porton. The property is a two storey detached dwelling that was formerly three separate cottages. The site is constructed from a timber frame with brick and render under a thatched roof. Boxhedge Cottage is a large thatched grade II listed building in the Porton Conservation Area. A footpath runs within close proximity to the site on the eastern boundary.



4. Planning History

NB Development on land adjacent to Boxhedge Cottage not included below

16/04773/FUL	Proposed two storey rear extension Approved 15/08/2016
16/04776/LBC	Proposed two storey rear extension Approved 15/08/2016
16/11289/LBC	Replacement of all joinery of rear porch Approved 22/02/2017
17/03510/LBC	Demolish existing garage and erect a replacement garage of a similar construction Withdrawn 16/05/2017
17/04764/FUL	Demolish existing garage and erect a replacement garage Approved 10/07/2017
18/08556/LBC	Retrospective application for flue extension – live application under consideration

5. The Proposal

The proposal is for “retrospective planning permission for a replacement gate” – shown below in the case officers photo



6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

- Section 16: Preserving a Listed Building or its setting
- Section 66: Special considerations affecting planning functions
- Section 72: General duties of planning authorities (CONSERVATION AREAS)

National Planning Policy Framework (NPPF) revised July 2018

Wiltshire Core Strategy (WCS):

- Core Policy 57: Ensuring high quality design and place shaping
- Core Policy 58: Ensuring the conservation of the historic environment

Supplementary Planning Documents:

- Councils Adopted Supplementary Planning Document 'Creating Places'
- Idmiston, Porton and Gomeldon Village Design Statement
- Idmiston Neighbourhood Plan

7. Summary of consultation responses

Parish Council – No objection

Wiltshire Council Highways - No objection

Wiltshire Council Conservation – Objection

The council has a statutory duty to pay special regard to preserving the character, significance and setting of listed buildings, which are by definition of national interest; and preserving or enhancing the character of conservation areas. (sections 16, 66 and 72 of the PLBCA Act 1990).

The gate in this application has already been installed. Records show that the cottage had a pair of narrow traditional five-bar timber gates in line with its western elevation; the

sliding/rolling replacement is more than double the width, and when open it rolls across the whole of the southern bay of the cottage.

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasize its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

8. Publicity

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

3 Neighbour/third party letters have been received, 2 in support and 1 commenting that the design is not in keeping with the listed building or conservation area

9. Planning Considerations

9.1 Principle

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.

Core Policy 57 states “a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality

Core Policy 58 of the Wiltshire Core Strategy states that designation of a listed building does not preclude the possibility of new development. In considering applications for new development, the council will seek to ensure that the form, scale, design and materials of new buildings are complementary to the historic context. Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment.

9.2 Impact to the setting and significance of the listed building and the appearance of the conservation area

Boxhedge Cottage is a grade II listed seventeenth-century thatched cottage at the southern entrance to the Porton Conservation Area. It has undergone a significant programme of works in the last three years, including the erection of a new dwelling and garage within the garden, a two-storeyed extension (approved by committee), and extensive internal works.

The council has a statutory duty to pay special regard to preserving the character,

significance and setting of listed buildings, which are by definition of national interest; and preserving or enhancing the character of conservation areas. (sections 16, 66 and 72 of the PLBCA Act 1990).

The gate in this application has already been installed. Records show that the cottage had a pair of narrow traditional five-bar timber gates in line with its western elevation; the sliding/rolling replacement is more than double the width, and when open it rolls across the whole of the southern bay of the cottage.

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasise its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

Objections to the gate have been raised by the Head of Planning and the council's Principal Conservation Officer.

9.3 Impact on highway Safety

The Wiltshire Council Highways Officer was consulted as part of the application process; the Highways Officer raised no objections

9.4 Neighbour Amenity

The proposed development will not have an adverse impact on the amenity of neighbouring properties, due to its location and design.

10. Conclusion (The Planning Balance)

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The property is a simple thatched cottage and the gate is out of keeping with this aesthetic. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72. The proposal is therefore contrary to both national and local policy and causes harm to this prominent listed building.

RECOMMENDATION: REFUSE

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched

cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

18/08496/FUL & 18/08762/LBC
Boxhedge Cottage
High Street
Porton
SP4 0LH



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