

AGENDA

Meeting: Southern Area Planning Committee

Place: Alamein Suite, City Hall, Malthouse Lane, Salisbury, SP2 7TU

Date: Thursday 14 November 2019

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.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Fred Westmoreland (Chairman)
Cllr Richard Britton (Vice-Chairman)
Cllr Brian Dalton
Cllr Christopher Devine
Cllr Jose Green
Cllr Mike Hewitt

Cllr Leo Randall
Cllr Sven Hocking
Cllr George Jeans
Cllr Ian McLennan
Cllr John Smale

Substitutes:

Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Tony Deane
Cllr John Walsh

Cllr Bridget Wayman
Cllr Graham Wright
Cllr Robert Yuill

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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 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register 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 7th November**, 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 11th November**. 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 15 - 16*)

receive details of completed and pending appeals and other updates as appropriate for the period of 06/09/2019 to 01/11/2019.

7 Planning Applications

To consider and determine planning applications in the attached schedule.

7a 19/04863/FUL - Land at Ringwood Avenue, Amesbury, SP4 7PZ
(*Pages 17 - 50*)

Erection of 19 affordable dwellings, creation of access, landscaping, parking and associated works.

7b 19/00211/FUL - 124 Wilton Road, Salisbury, SP2 7JZ
(*Pages 51 - 78*)

Demolition of existing unused building and erection of 5 residential dwellings with associated access, parking and amenity.

7c 19/06176/FUL - 34 Park Lane Salisbury (*Pages 79 - 92*)

8 Urgent Items

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

Part II

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

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 SEPTEMBER 2019 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Leo Randall, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan, Cllr Trevor Carbin (Substitute) and Cllr Robert Yuill (Substitute)

Also Present:

Cllr Tony Deane

34 **Apologies**

Apologies were received from:

- Cllr Brian Dalton who was substituted by Cllr Trevor Carbin
- Cllr John Smale who was substituted by Cllr Robert Yuill

35 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 30th May 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes.

36 **Declarations of Interest**

Cllr George Jeans declared a non-pecuniary interest in item 6 – Mere Footpath No. 78 – Definitive Map and Statement, due to his local involvement and for item 6 Cllr Jeans opted to sit with the public during the public representations, and nominated Cllr Tony Deane to read his statement as Local Member. During debate and for the vote on this item, Cllr Jeans chose to leave the room, although he was aware that this was not a required procedure.

37 **Chairman's Announcements**

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

38 **Public Participation**

The committee noted the rules on public participation.

39 **Mere Path No. 78 - Definitive Map and Statement Modification Order 2019**

Public participation

Graham Sams spoke in objection to the recommendation.

Mrs Seward spoke in objection to the recommendation.

Adrienne Howell spoke in objection to the recommendation

Clive Hazzard spoke on behalf of the Mere Town Council

Due to his declared interest, Cllr George Jeans removed himself from the committee table to sit with the public.

Craig Harlow, Definitive Map Officer presented the Wiltshire Council Mere Path No.78 Definitive Map and Statement Modification Order 2019 made under Section 53 of the Wildlife and Countryside Act 1981, as detailed in his report attached to the agenda.

He noted that on 24 April 2018 Wiltshire Council received an application for an Order to record a public footpath over land north of The Square, Mere in the parish of Mere.

The claimed route led from The Square, Mere north through an archway and across a private car park to North Street, Mere, having a length of approximately 57 metres.

This application was supported by 26 representations, with 21 meeting the criteria as valid claims.

The iron gates depicted were still in place, however the wooden gates were no longer in place. Photographs of the wooden gates in place during 2006/7 and 2009 were shown to Committee.

The statements of use were in conflict with the evidence given by the landowner, who had stated that the gates were closed and padlocked during some periods, but was unsure of exact dates of some of those occurrences.

A letter was sent to users asking for their awareness pre- 1970s, asking for any knowledge of locked gates. At that stage some evidence was withdrawn and other statements were changed to reflect lesser use than was originally stated.

Officers believed that the gate was blocked during 2007, which would alter the continual 20-year period of use.

As objections have been received to the Modification Order it must now be referred to the Secretary of State for a public enquiry.

The Officer recommendation was that the Order should be determined by SoSEFRA with Wiltshire Council taking a neutral stance.

The options available to the Committee were provided in the report.

The Officer drew attention to the late correspondence which was circulated at the meeting, as supplement 1, which detailed a photograph showing the gates open in 1928, and an email from a business owner in Mere stating the continual use of the path during 2007.

The Committee then had the opportunity to ask technical questions of the Officer, where it was clarified that the time of continual use looked for was a period of 20 years and the application for a Modification Order had been made by a Member of the Public where the test was a lower test - 'reasonable allegation' – however the test to confirm the Order was a higher test being the 'balance of probabilities'. Due to conflicts in the evidence submitted to the Council, the Order must be referred to the Secretary of State.

The report mentioned that there were three routes from the square to North Street, it was noted that of the other two routes available, the road to the west did not have a pavement and that to the east had a barrier, with a limited width, which brought difficulties for users with pushchairs.

Members of the public then had the opportunity to state their case as detailed above. Some of the main points included that the gate had recently been locked and only some local residents had a key. Access was now restricted and other routes were considered dangerous due to the use of heavy farm machinery along the road, which had no pavement for pedestrians.

The members of the public speaking at the Committee as long-time residents declared that they had never known a period when the route had been restricted.

Mere Town Council had considered the Order at its meeting on 13th May, where it agreed to support the Modification Order.

Cllr Tony Deane read a statement from Cllr George Jeans.

The main points were that the walkway was not unlike many seen in other towns and villages, where a gap was seen as a safer or quicker option.

There had been other walkways in Mere that had started to develop, but had been completely extinguished by the land owners.

Having lived in Mere for 67 years, Cllr Jeans had no memory of being approached by owners or users regarding any problems with this route and he had been involved with many of the planning applications for the old Walton site.

Cllr Jeans was approached by a resident in late 2017 about the locking of the gate. A form to seek local views was circulated and replies were included in the report. After receiving communication from numerous people objecting to the locking of the gates, Cllr Jeans approached Wiltshire Rights of Way department, who informed him that an official form was required.

He supplied one to the previous owner of the land the arch was situated on. He had considered locking the gates when he owned the land, however his tenant at the time wanted them left open. Due to strong opposition, he did not make any efforts to stop the public access.

Previous owners have stated that the gates were not locked for periods of time. Previous employees of the nursery confirm that access had always been available.

As a child he remembers a stamp machine in the alley and a post room further along. Waltons was a large retailer and many used this gate and other entrances.

Cllr Jeans' statement recalled several occasions when people remembered the arch was open and in use.

He felt that an Inspector would have a complex task to decide if Mere Path 78 should be on the definitive map or not. At an inquiry the landowners would almost certainly have a barrister and other test cases may well be referred to that have complex or even unexpected judgements.

The facts of this case from the user's side need to be professionally presented to an Inspector. Those using the route would have no expertise without a barrister and would probably in some cases be intimidated without equal defence.

The photographs produced by Lipscombe Developments for the period of their and Mr Bob Finan's ownership show gates and doors, however I ask, would they been sufficiently blocked to stop the path being deemed public, if you the committee consider no based on the arguments given to me as read out, plus other information given to you, I hope you will support this path.

Cllr Deane asked the committee to put the statement forward with the support of the committee, rather than the officer recommendation that it go forward with a neutral stance.

Cllr Westmoreland reminded the Committee that when asked to determine these matters, desired need, and health and safety were not relevant considerations.

Cllr Westmoreland moved the motion in support of Officer Recommendation. This was seconded by Cllr Richard Britton.

A discussion then ensued where it was noted that going to the Inspector, would give the opportunity for both sides to put their case forward whether legally represented or not.

The Officer confirmed that the gate did not have to remain open during investigation as there were no public rights recorded.

The Officer confirmed that he had considered all of the evidence as it had been received, and due to the conflicts was unable to make a judgement so the matter would be forwarded to the Secretary of State with the Council taking a neutral stance.

The Inspectors were used to dealing with Applicants not represented by Counsel and if the evidence was strong Counsel would not be necessary.

The Committee had no powers to cross examine the evidence from either party.

Looking ahead to the hearing, if the Council went away from Officer's recommendation it would make it harder to put the Council's case, whereas if the Council remains neutral, the Officer would be able to attend the public inquiry and answer any questions from the Inspector.

The Committee then voted on the motion to put the Order forward with a neutral stance.

Resolved:

That "The Wiltshire Council Mere Path No.78 Definitive Map and Statement Modification Order 2019" should be determined by SoSEFRA with Wiltshire Council taking a neutral stance

40 **Planning Appeals and Updates**

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

Resolved

The Committee noted the Appeals update for the period of 17th May 2019 to 6th September 2019.

41 **Planning Applications**

42 **APPLICATION NUMBER: 19/05178/FUL - Rowdens Farm, Bunny Lane, Sherfield English, Romsey, Wiltshire SO516FT**

Public Participation

Whiteparish Parish Council – Trevor King

For clarity, Cllr Leo Randall noted that he was a member of Whiteparish PC, however was not in attendance at the parish meeting when the matter was discussed.

The Senior Planning Officer Becky Jones presented the application to demolish the black barn and rebuild using brick and cladding to create an annexe within the curtilage of Rowdens Farm house. The application was recommended for approval with conditions.

It was noted that the barn on the left was agricultural and was excluded from the red line area as it was still currently in use.

The barn was of a fairly historic construction, however, was not of concern to the Conservation Officer.

An application originally came in for a change of use, however this was withdrawn due to the domestic storage underneath. The application for consideration today was then submitted.

The design was approximately 30cm taller than the existing barn, and included a dormer and balcony on the roof. The footprint had not changed and the proposal included 2 bedrooms, each with ensembles. Appendix 4 detailed personal reasons why that arrangement was needed.

The main dwelling was for agricultural workers. Any occupant of the annex would also need to be a dependent or relative of the agricultural dwelling occupants.

The Officer drew attention to the other case laws which had been included in the report for guidance.

The Panel were then able to ask technical questions of the Officer, where it was clarified that condition 4 set out the restriction on the sale of the annex as a separate dwelling.

Members of the public were then given the opportunity to present their views as detailed below.

Trevor King spoke on behalf of Whiteparish parish council. He urged the committee to refuse the application. The parish council did not believe the proposed development was an annex in any way, as it was 17.5m away from main dwelling.

He queried the statement in the report which suggested there was insufficient room to extend Rowdens Farm house, noting that there was plenty of room for an extension.

The condition is understood very well, however there were ways to get around them, as in 5/6 years' time, he suggested that the applicant would come back to the committee for a certificate of lawfulness, and then the condition would be

removed. At that point, would it also remove the condition from Rowdens farm house? The Parish was seeing annexes being sold away from the main dwellings with land registry.

The Division Member, Councillor Richard Britton then spoke in objection to the application, noting that Core Policy (CP) 48 was not engaged because it referred to a conversion and to existing buildings, yet the proposed development was accepted as a new build. He queried how then they could continue to argue that CP24 applied. He suggested that the development was not an extension or an addition to a building, therefore CP24 was not engaged.

The report argued that H33 could be used to support occupancy for dependents, yet none of the characteristics of H33 applied in this instance. This was not a conversion of an existing building so H33 could not apply in support of this.

This is a new building at a considerable distance to the farm building it claims to be annexed to. It is a new build in open countryside, and falls foul to all of the policies identified. Because of this, the application should be refused.

Cllr Britton moved the motion of refusal against Officers recommendation. This was seconded by Cllr Leo Randall.

Cllr Randall noted that the application was from the Head Brothers, he asked who the annex was for? The Officer noted that appendix 4 to the report stated the annex was for the parents of Mr Head's wife.

There was no suggestion that the new house was required because of any medical issues with the family, it seemed that it was wanted because of a financial matter and they want somewhere to live. This was not required to assist a relative's medical issues and therefore there was no justification.

This annex was in the same curtilage, so could be considered an annex, and there are conditions to ensure it would not be separated.

Class Q and Class C, not in the AONB but there is a big move to support rural life and this was one way of doing it. Farming was a changing face and the domestic storage use, that has come about by default rather than necessity.

The Officer clarified that class Q was quite complex. She noted that it was in use for domestic storage, though they would struggle that the use had not changed. Class Q application would require them to prove it could be converted, which may be a struggle. There are buildings there that could more easily be considered for class Q, but then they would be on the open market, and the applicant wanted an annex.

If the owners could not convert a barn on their farm to house elderly parents then what can we do. At some time in the future they may have medical issues, and at that point it would be better that their children were around to look after them.

The Committee could not determine what could happen in the future.

This was not about the reuse of redundant farm buildings. There was no case being made for the medical needs of parents. It was purely financial.

The Committee voted on the motion of refusal against Officers recommendation.

This motion was not carried.

Councillor Mike Hewitt then moved the motion of approval, in line with Officer recommendation. This was seconded by Councillor Sven Hocking.

Resolved

That application 19/05178/FUL – Rowdend Farm, Bunny Lane, Sherfield English, Romsey, be approved subject to conditions:

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule:**

Proposed Elevations Dwg No C dated 20/5/19

Proposed Ground Floor with footprint of Existing Barn Dwg No AA dated 20/5/19

Proposed First Floor Plan Dwg No B dated 20/5/19

Barn conversion to Dwelling Plan 2 dated 6/11/18

Site Location Plan (red line) at 1:1250 scale

Planning Statement from M. Head received 5/7/19

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details submitted, namely red brick (to match Rowden's Farm house) and timber cladding for the walls and slate for the roof.**

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

- 4. The annexed accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main agricultural worker's dwelling, known as Rowdens Farm house and it shall remain within the same planning**

unit as the main dwelling. The annexe shall not be sold or let separately from the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling. The main dwelling, known as Rowden's Farm house is subject to a restrictive condition under 73/EY/478 which restricts the occupiers to a person solely, or mainly employed or last employed in the locality in agriculture (as defined) or in forestry (including any dependents of such a person residing with him) or a widow or widower of such as person). The occupation of the annexe, being ancillary to the main dwelling, would be available only to such dependents/persons.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additional insertion of any doors or entrances in the west elevation of the annexe hereby approved.

REASON: To ensure that the annexe retains its entrance within the curtilage of the main house.

6. The annexe hereby permitted shall not be occupied until the proposed sewage and surface water disposal drainage works set out on the statement from M. Head received 5/7/19 and Plan 2 have been completed in accordance with the details hereby approved.

REASON: To ensure that the development is provided with a satisfactory means of drainage before occupation.

7. If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary. The development shall be implemented in accordance with any scheme of remediation works to be subsequently agreed in writing.

Reason: In the interests of future amenities of the occupiers.

8. The demolition works hereby approved shall be overseen by a licenced bat ecologist who will be present on site on the day the demolition works commence to undertake a detailed inspection of the internal and external parts of the building to identify any areas that hold potential for bats (a bat scoping survey). The works will only proceed in accordance with any subsequent written advice issued by the ecologist.

REASON: To ensure harm to bats is avoided in accordance with the Habitats Regulations 2010

Informative

The applicant is advised that all British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please note that this consent does not override the statutory protection afforded to any such species. If bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence)

Councillor Richard Britton requested his dissent be recorded, stating that the decision was flying in the face of the policies.

43 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 4.55 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

Wiltshire Council
Southern Area Planning Committee
14th November 2019

Planning Appeals Received between 06/09/2019 and 01/11/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/01739/FUL	36 Pains Way Amesbury, SP4 7RG	AMESBURY	Second storey extension over garage.	DEL	House Holder Appeal	Refuse	09/10/2019	No
19/03798/VAR	High Trees Winterbourne Earls Wiltshire, SP4 6HD	WINTERBOURNE	Variation of conditions 2 & 3 of planning permission 18/10127/VAR to allow for replacement of external building material from brick to stone	DEL	Written Representations	Refuse	08/10/2019	No
19/05238/PNCOU	The Barn, Cow Lane Laverstock, Salisbury SP1 2SR	LAVERSTOCK	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development	DEL	Written Representations	Refuse	16/09/2019	No

Planning Appeals Decided between 06/09/2019 and 01/11/2019

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
18/01042/OUT	Land SW of Middleton Road, Winterslow Wiltshire, SP5 1RU	WINTERSLOW	Outline application (all matters reserved except access) to erect up to 22 market dwellings, 9 affordable dwellings, and 4 elderly bungalows; provide a new access from Middleton Road and pedestrian footpath alongside Middleton Road; provide circa 4,500m2 of public open space including 'LAP' children's play area, ecological buffer to Browns Copse, and drainage detention basin (resubmission of application 17/02002/OUT).	DEL	Written Reps	Refuse	Dismissed	30/10/2019	Appellant Applied for Costs - REFUSED
18/02945/FUL	Normanton House West Amesbury Salisbury, SP4 7BJ	WILSFORD CUM LAKE	Outbuilding conversion to Home Office/Studio	DEL	Written Reps	Refuse	Dismissed	24/09/2019	Appellant Applied for Costs - REFUSED
18/08738/FUL	Forest View, Clay Street Whiteparish, Salisbury Wiltshire	WHITEPARISH	Retention of existing bungalow known as Forest View and additional dwelling on Land at Forest View including parking spaces.	DEL	Written Reps	Refuse	Dismissed	24/09/2019	Appellant Applied for Costs - REFUSED
19/01251/FUL	Land Adjacent South Lea Tytherley Road Winterslow, Salisbury Wiltshire, SP5 1PZ	WINTERSLOW	Proposed 2 bedroom bungalow and associated works	DEL	Written Reps	Refuse	Dismissed	11/10/2019	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	14 th November 2019
Application Number	19/04863/FUL
Site Address	Land at Ringwood Avenue, Amesbury, SP4 7PZ
Proposal	Erection of 19 affordable dwellings, creation of access, landscaping, parking and associated works.
Applicant	Blue Leaf Projects
Town/Parish Council	AMESBURY
Electoral Division	Amesbury East – Cllr Yuill
Grid Ref	416219 141084
Type of application	Full Planning
Case Officer	Georgina Wright

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Yuill, for the following reasons:

- Scale of development;
- Visual impact on surrounding area;
- Relationship to adjoining properties;
- Environmental or highway impact; and
- Car Parking

1. Purpose of Report

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

2. Report Summary

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

- Principle
- Site History
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- Archaeology
- Drainage/Flooding
- S106/CIL

The application has generated an Objection from Amesbury Town Council; and 32 letters of objection from third parties.

3. Site Description

The 0.53 hectare site is situated within the defined parameters of the Market Town of Amesbury, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). It is surrounded on all sides by a residential housing estate that was built in the 1950s by the MoD. The estate consists of a mix of detached, semi-detached and terraced development and is predominantly 2 storeys in form. The existing estate is, typical of its age; fairly highway led with wide grass verges and areas of green interspersed throughout the development and between plots.

The site currently comprises an area of undeveloped grassland which is used informally for recreational purposes. The site is enclosed by residential properties which back on to the site whilst fronting onto Lyndhurst Road on three boundaries. Residential garage blocks accessed off Ringwood Avenue define the eastern boundary. There is an existing vehicular access into the site, shared with the garage blocks, located in the south-eastern corner of the site.

There is also a pedestrian access onto Ringwood Avenue at the north-eastern corner of the site. Many of the surrounding properties benefit from informal rear pedestrian accesses into the land but the site history confirms that previous claims that the land is a Village Green or has public right of access across it have not been upheld or successful and the land therefore remains in private ownership.

There are level changes across the site and the land falls in a westerly direction – the vehicular access being some 3 metres higher than the western portion of the site. The ground also continues to fall away within the rear gardens of properties in Lyndhurst Road to the west. This makes this a particularly sensitive part of the site.

The site is also within 0.5 kilometres of the River Avon Special Area for Conservation (SAC) and Site of Special Scientific interest (SSSI) and within 3 kilometres of the Salisbury Plain Special Protection Area (SPA) and within 7 kilometres of the Porton Down SPA.

Planning History

Application Ref	Proposal	Decision
S/2009/0843	Residential development comprising 20x2 and 3 bed detached, semi-detached and terrace dwellings with associated access, garaging and landscaping.	Refused – 07.09.2009. Appeal Dismissed – 01.07.2010
S/2006/2611	Residential development comprising 20 two and three bed dwellings with related access, garaging and landscaping.	Refused – 05.10.2007 Appeal Dismissed – 13.06.2008
S/2001/2290	Erection of 16 houses with estate road and alteration to access.	Refused – 04.03.2002. Appeal Dismissed – 05.08.2002
S/2001/1887	Erection of 16 houses with estate road and alteration to access.	Refused – 19.11.2001

4. The Proposal

This is a full application proposing the redevelopment of the site with 19 dwellings and their associated amenity/parking provision, which is to be served from Ringwood Avenue. The submitted plans confirm that the dwellings will be of a mix of brick, render and brick and render design. The houses are to have hipped roofs and are to be served off a new cul de sac road linking to the existing estate from the existing vehicular access point onto Ringwood Avenue. All properties will be semi-detached or detached and predominantly of 2 storey scale, with some bungalow development proposed on the western edge (lowest part) of the site.



PLAN A: Proposed Site Plan

It is confirmed that 100% of the units are to be provided as affordable rented tenure consisting of 4x2 bed bungalows; 6x2 bed houses; and 9x3 bed houses. Each property is to benefit from at least 10 metre long gardens and a total of 38 car parking spaces (2 per dwelling) and 5 additional visitor spaces have been provided across the site.

During the course of the application a number of amended plans have been received in order to address some of the comments raised by consultees and third parties. These have made tweaks to the layout (but not the number, type of dwellings or number of parking spaces proposed across the site). They have also altered the pedestrian access to the site (with the removal of one of the previously proposed footpath links in the north eastern corner); and the main access into the site off Ringwood Avenue, to enable a better relationship between both vehicles and pedestrians at this point. Some of the design features have also been changed on the dwellings with windows altered and chimneys added to the scheme. An air quality assessment has also been submitted.

Supplementary Planning Documents:
Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Wiltshire Local Transport Plan – Car Parking Strategy
Waste Storage and Collection: Guidance for Developer
Affordable Housing SPG (Adopted September 2004)
Wiltshire Planning Obligations Supplementary Planning Document (SPD)

6. Summary of consultation responses

Amesbury Town Council – Objection

- Overlooking issues into current back gardens
- Parking for visitors issue due to narrow road and insufficient spaces allocated
- Overdevelopment of the site
- Health and safety issues.
- No footpath at entrance/exit to Ringwood Avenue
- Restricted views at entrance/exit.
- The alterations to the original plan have resulted in the road being narrowed at a critical bend, creating visibility issues on the corner of the exit/entrance by house no. 19.

Housing – No Objection

- I have had some discussions with Sovereign Housing Association in relation to development.
- I confirm that I accept their bed size mix, i.e. 4 x 2 bed bungalows; 6 x 2 bed houses; and 9 x 3 bed houses

Highways – No Objection

- The revised layout is now generally acceptable to me.
- You will recall the concern regarding the restricted visibility across the right angled bend in the vicinity of Plot 19.
- The applicants response to this included the following which is acceptable to me:
- *Manual for Streets design guidance identifies reductions in forward visibility can be used to calm driving speeds, citing that 'There will be situations where it is desirable to reduce forward visibility to control traffic speed' and that 'carriageways with tight, enclosed corners makes a better junctions than cutback corners with a sweeping curve. This might involve bringing buildings forward to the corner.' In such circumstance's drivers negotiate carriageway bends with a greater caution. The relationship between forward visibility and vehicle speeds is detailed in section Figure 7.16 of MfS.*

Urban Designer – No Objection

- The 'amended plans' have satisfactorily addressed each of my reasons for objection in my previous response
- Happy that boundaries now changed to provide 1.8m overall height brick plinth/pier wall with fence panels boundaries, for all public areas across the site which addresses my concern in this regard
- There is a discrepancy in the 'Indicative street scenes' which still shows boundary fences where brick plinth pier/fence walls have been incorporated through the amendments
- North path connection/continuation into development has been deleted and appropriately secured off with 1.8m high brick wall from plot 11 rear garden.
- House 19 no longer has any windows on its south side elevation satisfactorily addressing the matter of overlooking and privacy.

- The applicant has appropriately reduced the roof pitch of all houses from 35 to 30 degrees.

Crime Prevention Design Advisor – No Objection

- The NPPF defines three fundamental objectives to achieving a sustainable development: economic, social and environmental (NPPF, page 5, para 8).
- Crime has a direct impact on all three objectives.
- This has been reinforced throughout the NPPF where the government makes it clear that *'planning policies and decisions should aim to achieve healthy, inclusive and safe places which...are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'*.
- Furthermore, section 8, para 95 states *'Planning policies and decisions should promote public safety and take into account wider security and defenceThis includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security'*.
- Similarly the NPPF Para 124, states *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*
- paragraph 127 (f) states that *'planning policies and decisions should aim to ensure that developments create places that are safe, inclusive and accessible... where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*
- This is reiterated in the accompanying NPPG where it states *'planning should address crime prevention – designing out crime and designing in community safety should be central to the planning and delivery of new development'*.
- WCS policy CP57 (Ensuring High Quality Design & Space Shaping) also states *'A high standard of design is required in all new developments.... (viii) - Incorporate measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area'*.
- With the exception of the footpath, I find the layout to be good in terms of crime prevention, having parking either in curtilage or immediately in the view of the associated home. The boundary treatments are good, and all plots are shown gated. All homes have been provided with defensible space.
- But I am pleased to see the footpath access has now been removed by the amended plans. I have no further comments to make

Archaeology – Support subject to conditions

- The proposed development area was subject to evaluation in 2001.
- At that time, Roman pottery and a large ditch thought to be of Bronze Age date were found in the trial trenches.
- There is demonstrable potential for further archaeological features, deposits and artefacts to be present on the site;
- Meanwhile, the wider area around the proposed development includes later prehistoric and Romano-British settlement, as well as burials.
- For these reasons we recommend that the full archaeological condition be attached to any permission that is granted.

Education – No Objection subject to S106 contributions

- Standard 30% AH discount applied to all 19 units = a reduction by 6 units. 13 units are therefore considered for assessment
- the development generates a need for 4 additional primary (nominally Amesbury CofE Primary); and 3 additional secondary school (nominally Stonehenge School) places

- No early year's contribution is required due to the size of the development.
- There is currently no spare capacity at nominal or nearby primary schools to accommodate the needs of this development
- The three existing town schools cannot be expanded further on their existing sites.
- Land for a new primary school is secured against phase 3 of the Kings Gate development, and a new primary school is currently being built. Contributions towards its funding are therefore being sought from applications coming forward in the Amesbury town area.
- A developer contribution of £75,032 (subject to indexation) is therefore required from this development towards providing the 4 primary places needed by this development, at the new Amesbury primary school.
- There is one other pooled project contributing towards this school.
- There are currently no spare spaces at Stonehenge Secondary school to accommodate the needs of this development.
- An expansion project providing additional places to meet demand generated by new housing, is currently underway at Stonehenge School.
- A developer contribution of £68,820 (subject to indexation) is therefore required from this development towards providing the 3 secondary places required by this development at Stonehenge School.
- There are 3 other pooled projects contributing towards this school.
- I note however, that the applicant's revised Planning Statement continues to make the following inaccurate assertion regarding education infrastructure:
- "Given Wiltshire is a CIL authority it is not considered that any site specific contributions are required to make this proposal acceptable in planning terms, thereby meeting the required tests of any s106 contributions."
- CIL does not apply to the education contributions required here and as detailed in our consultation response

Public Open Space – No Objection subject to S106 contributions

- As there is no on-site provision there would be a requirement from this development of 19 units for an off-site contribution of £52,295.10 to upgrade facilities at Harvard Park.
- Saved policy R2 does not appear to make an exception for affordable housing, however were the contributions to impact on the viability of the development we would consider the evidence

Ecology – No Objection subject to conditions and Natural England's agreement of an Appropriate Assessment

- The application site lies within the catchment of the River Avon Special Area of Conservation (SAC).
- The River Avon SAC/River Avon System Site of Special Scientific Interest (SSSI) is located approximately 485m to the southwest of the application site.
- The application site is located approximately 2.68km south of the Salisbury Plain Special Protection Area (SPA) and SAC at its nearest point.
- Porton Down SPA is situated approximately 6.94km southeast of the application site at its closest point.
- Both of the submitted ecology reports are based on previous plans of the site and proposals to build 21 houses rather than 19 but this doesn't constitute a major issue.
- The site has *Low potential for foraging and commuting bats*
- The site has a *Low – Moderate potential for reptiles.*

- *The main habitats on site can be considered to be of value only at the local level (i.e. isolated improved grassland, scrub and scattered trees).'*
- Although the presence of trees is identified in the assessment the report does not consider or discuss the loss of, or impact upon these trees.
- The impacts on the boundary trees is not assessed, or even discussed, within the assessment and the application has not been accompanied by a Tree Removals Plan clearly depicting which, if any, of the trees are planned for removal.
- Furthermore, the application has not been supported by a Tree Protection Plan showing intended root protection areas (RPAs) either. Therefore, at present it is very unclear whether the trees are planned for removal or retention, and as such this will need to be addressed by means of a planning condition.
- A number of ecological mitigation and enhancement measures have been recommended within the assessment.
- This mitigation measures identified are welcomed, nonetheless, the documents and plans submitted in support of the application, including the Site Layout drawing, do not provide details of the location of proposed lighting columns, specification and details of luminaires, and details of any mitigation to be implemented to reduce light spill such as louvres, cowls and back shields.
- However, given the relatively low level of impact this application will likely have on bats, I am satisfied that details with respect of the proposed external artificial lighting can be secured by means of the planning condition.
- The assessment recommends planting of native fruiting trees which is welcomed but again these do not appear on the submitted plans but these can also be secured by condition
- The proposed enhancement measures for hedgehogs, birds and bats are welcomed. But again none of the submitted plans, including the Site Layout drawing, incorporate the ecological enhancement features within the scheme layout and built design. again these matters will need to be conditioned
- a reptile survey was undertaken and the results are presented in the *Reptile Presence/Likely Absence Survey* (Ecosupport, 24th June 2019) which accompanies the application.
- however these surveys were undertaken at a sub optimal time of year and at sub optimal times of the day (given that most reptiles are nocturnal).The survey method is not in line with best practice survey guidelines
- The report does not provide a rationale for the sub-optimal survey timings, or acknowledgement or discussion regarding whether this could have affected the results and interpretation of results within
- The Council cannot have confidence in the interpretation of survey results presented in the report.
- Taking into account the sub-optimal survey method and concerns regarding the reliability of the survey results, coupled with the fact that the PEA identified suitable reptile habitat and the potential risk, albeit low, for individuals to be killed and/or injuring during the proposed development works, a reptile sensitive vegetation/site clearance method should be implemented. This should be secured by condition
- I raise no objection in principle to the development proposals but advise that the application automatically triggers the requirement for appropriate assessment (AA) under the Habitats Regulations 2017 because the application site lies within the catchment of the River Avon SAC, and lies within 6.4km of the Salisbury Plain SPA.

- The proximity of the application site to these Natura 2000 sites necessitates AA as any new residential dwellings within the catchment of the River Avon SAC could result in additional phosphate loading of the river thereby affecting the integrity of the SAC.
- In terms of the Salisbury Plain SPA, it has been identified that recreational pressure upon the SPA can adversely affect its qualifying species, notably breeding Stone-curlew, and that the majority of visitors originate from a 6.4km buffer around the SPA.
- The AA will need to be approved by Natural England (NE) before the application can be lawfully permitted.

Public Protection – No Objection subject to conditions

- Air quality pressures in Wiltshire necessitate that a development proposal such as this, should be accompanied by an Air Quality Assessment (AQA) which looks at the potential impacts of all vehicles associated with the use.
- Alternatively, it may be demonstrated through a screening assessment that an AQA is not required.
- This is however required upfront before the application can be determined.
- Otherwise no objection is made to the scheme

Drainage – No Objections subject to conditions

- The additional clarification provided by the applicant is all noted and has resolved my objections to the proposals.
- Informational – the road will not be able to be adopted for permeable sub-base construction.
- Wiltshire Council custom and practice is to seek FRA for all major developments, even if it's a one page report noting that there is no risk.
- Following further analysis of this application due to recent resubmissions the drainage team has noted some missing information within the application and as such would suggest a condition be imposed on the permission.
- Whilst the drainage team still support the application the additional condition will ensure the site can be drained adequately in line with how the drainage strategy intends.

Waste – No Objection subject to S106 contributions

- The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit.
- A total of £1,729 is required for this purpose which should be secured by S106
- This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site.
- Policy support for seeking developer contributions towards the provision of waste management facilities is provided by WCS policy CP3 (Infrastructure Requirements), Wiltshire and Swindon Waste Core Strategy and the Wiltshire Planning Obligations Supplementary Planning Document,
- As a site-specific infrastructure requirement, the provision is sought through section 106 contributions rather than through the Community Infrastructure Levy (CIL).
- To meet the requirements of the Written Ministerial Statement on small-scale developers, contributions are not sought for developments which include 10 residential units or fewer.

- Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential for ensuring that residents know what materials are designated for each container – meets the required standard.
- WCS policy CP3 (Infrastructure Requirements) states that it is “important that all new development proposals build safeguards into schemes to protect and enhance appropriate services and facilities, including...waste collection and management services”.
- These safeguards can be achieved by allowing suitable space for waste storage and collection operations in accordance with the council’s draft waste SPD at the outset of the application process.
- I can see this application has vehicle tracking that is good.
- The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.
- The required arrangements are set out in section 5.8 of the Draft SPD
- Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property

Public Art – No Comment

- This is a small site and the Arts Service would not expect the integration of public art on this occasion

Wessex Water – Comments

- If the proposals require new connections to the public foul sewer and public water mains, the applicant will need to apply
- Wessex Water will not permit the build over of public shared sewers by multiple new properties.
- the contractor must undertake private survey to determine the precise location of the existing
- public foul sewer which crosses the site.
- Easements are usually 3 metres either side of public sewers,
- Subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. We understand that a section of the public foul sewer will be diverted to achieve 3 metres easement either side of the pipe, this is subject to agreement with our Development Engineers.

7. Publicity

This application was advertised through the use of site notices; an advert in the local press; and letters of consultation. The application has also been subject to amended plans which have also been renotified.

Letters – 32 letters of objection received from the residents of 22, 24, 26, 28, 30, 31, 32, 36, 38, 45, 48, 50, 52, 53, 57, 58, 62, 64, 66, 68, 72 & 74 (x4) Lyndhurst Road; 12 & 15 Ringwood Avenue; 1 Chambers Avenue; and 42 Beaulieu Road; The following comments made:

- No policy for this and no need for this number of houses.
- The Kings Gate development has ample space for affordable rented and shared ownership opportunities without the need to fill in all pieces of land
- Already lots of dwellings that are for sale in area and have been for some time.
- Amesbury is fast becoming a developers paradise with every plot of land being bought and developed, this has to stop

- Contrary to H16
- The Government has stated that infill should be on 'Brown Field Sites' and not on 'Green Field sites'
- The proposed amount of dwellings would result in over-crowding
- 19 houses on a very restricted site with poor access, will be detrimental to the area and have little contribution
- This site has had 4 previous planning applications denied on grounds of overcrowding, inappropriate site access, and many more reasons which are still relevant to this day.
- There is virtually no land left for our children to enjoy.
- Playing fields, allotments and farm land are just being taken by new builds
- We opt to live in the country but our countryside is being turned into mini cities.
- The proposed site has been a safe haven for children and families for 60+ years to play safely and away from the roads,
- since the heras fencing has been erected preventing access to this site there have been several near misses with children and vehicles
- The NPPF says housing is needed but it also says consideration should be given to protection and provision of open space.
- It has been scientifically proven that green areas increase the sense of wellbeing & quality of life. A concrete jungle causes nothing but stress & misery
- This is a windfall site and therefore not required for "Affordable Housing".
- Pickets Piece, Andover (900 Houses). Long Hedge Village, Salisbury (675 Houses), development in Wilton. All these sites have allocations for Affordable housing and are less than 10 miles from Amesbury. There is no need for more
- Developments which segregate social and private housing have higher rates of negative feelings and division
- concerned about the impact of troubled families moving into this area
- Object to the affordable housing units being rent tenures. Residents are likely to change quite frequently and such properties are never maintained and cared for
- the proposed look bears no resemblance to the existing development
- It would be a total eyesore
- contrary to Planning Policy Statement 3 (Nov 06)
- Brick/Render is not used anywhere else and brick colour doesn't match existing
- This development is more in keeping with an inner city site.
- Houses are substantially taller and to the south causing considerable loss of light
- Tree planting to prevent overlooking will cause loss of light
- Concerned about loss of privacy into my rear garden, bedrooms, living rooms
- I have a 4ft fence at the end of my garden to maintain light.
- Putting a 1.8m fence followed by an 8-10m 2 story property will reduce natural light and cause loss of privacy.
- Although bungalows are proposed at this western end, the 2 storey houses behind will still be able to see directly into my garden.
- Inspector stated in his report "I consider that the potential for material overlooking would exist at all the proposed houses which would back onto the existing dwellings" and "the living conditions of the neighbouring occupiers would be materially compromised due to the significant overlooking and diminished privacy as a consequence of this proposed development."
- Due to level changes, the top of the proposed 1.8 m fence would be 3.64 m above the ground level of my residence
- Given the gradient of the site the four bungalows would still be visible above the fence and obscure even more daylight.
- My boundary is an open chain link fence to maximise sun for my vegetables
- Existing residents will soon be boxed in, with gardens overlooked

- The view will change from grassland to un/sheltered bins
- the housing layout is disgraceful and will overlook existing houses
- uncomfortably close to existing residents
- Concerned about traffic flow along Ringwood Ave
- The entrance/exit to the site comes onto Ringwood Ave where the road is quite narrow and there is a sharp bend,
- currently two cars going opposite directions cannot navigate the bend at the same time
- This proposal will add a potential further 43+ vehicles to the mix.
- There is no footpath on this part of the road and it is used by school children, additional traffic will only increase the potential for a tragic accident.
- Not suitable for emergency vehicles
- I doubt if the refuse vehicle can get around the first 'tight' bend
- The transport plan is not adequate and didn't monitor the surrounding roads
- The desktop survey did not take into account those that start work at 0800hrs.
- People park on the side of road and navigation is difficult.
- A virtual footpath by the garages is unacceptable
- The area where they claim that vehicles will turn around in is not big enough.
- When people can't park on the proposed development, they will then spill over onto the existing estate roads which are already bad for parking.
- The footpath in NE corner would not be suitable for children or after dark.
- The visitor spaces are poorly located and won't be used
- This new build project will bring an unprecedented number of large commercial vehicles onto an estate where the current roadways barely cope at present.
- How and where are the additional utilities coming from?
- The access plans have incorporated Mrs Surveys private land at the left hand side, at the end of her garden, This makes the entrance even less accessible
- The revision to the footpath from Ringwood Avenue now requires pedestrians to walk over the vehicle movement area between the garages
- The present green areas absorb and act as a soak a way for rain water, but even then, after very heavy rain the area does become waterlogged
- Building on this green space will cause the rain water to run off onto the properties on Lyndhurst Road and cause flooding.
- Despite drainage works that have been undertaken, the drains still flood
- The existing drains are a health hazard giving off noxious smells, and without drastic improvement appears incapable of taking more sewerage
- The location of waste collection bins next to the boundary of the surrounding properties, will create disturbance and a source of smells.
- The existing sewerage system is old and has had next to no maintenance
- I would reject any sewerage pipe passing over my property
- The scheme involves about 80% hard surfaces, where is all the rain going to go?
- No Roadside drainage proposed
- The soakaway for bungalow on plot 2 is very close to the boundary fence and given the disparity in levels, concerned that the water will flow into my garden
- Plans incorrectly show route of sewers
- the effluent from bungalows on plot 3 and 4 appear to need to flow uphill
- Noise pollution and traffic during construction.
- Increase the light pollution on the estate
- I have seen no 'lighting' plan except just ONE Lamp on the north east
- We will lose what little wildlife there is in the area.
- We might not have Newt, but the field is full of wildlife and fauna
- It supports Shrews, Field mice, Harvest Mice, Rats, birds

- They all feed on the field, so, where will they all go to feed with this lost area?
- There have been archaeological burials found in the vicinity. Has the correct archaeological reports been conducted?
- Amesbury town medical and educational services are already struggling to cope with the increase of population from all the other developments around the town
- If you take into consideration the military building work taking place in surrounding areas for returning troops and families, the town simply cannot cope
- Lack of supporting documentation confirms that this is ill thought out
- Residents were told that objecting was a waste of time because it is for social housing.
- The site notice was not put on a thoroughfare through the estate
- Garages do not currently have light and want to insert windows. These windows will look directly into the proposed gardens of plot 11
- How will you tie the boundary walls to the garages without the owner's consent?
- The development would cause me to lose the shorter route to my garage
- I have enjoyed freedom of access over this site unchallenged via my garden gate which was put in place as an entry and exit to the rear of my property in the 50s
- My property has been extended and there is no access from front to back without having to go through the house. This development will block off a fire escape.
- Neighbour's back steps extend into the field
- Plans appear to block access to an electricity substation
- Use of the garages will be affected/blocked by more vehicles/changes to the access
- When we purchased our property from the MOD, we were informed by our solicitor that there was a covenant on this field.
- The field is "in private ownership" but since the MOD relinquished the ownership there has been no maintenance of the field. For the past 30 year we have paid to maintain the field
- It is getting increasingly more difficult to exercise one's dog. As I am also disabled the loss of this facility would be an extra burden to me.
- I feel that my Human Rights are being denied in accordance with Article 8 of The Human Rights Act 1998
- I am concerned about the impact on property prices.
- Anomalies between plans in supporting documents and proposed plans
- The air ambulance has used this grassland to land on in an emergency
- Amesbury Town Council have objected so why are we debating this as they should have the control of their land

Salisbury & Wilton Swifts – No Objection subject to conditions

- Concerned with the lack of provision for wildlife in the built environment, in particular for swifts.
- Swifts are now an 'amber-listed' species on the UK list of Birds of Conservation Concern having declined by 51% between 1995 – 2014, and it is expected that in 2021, when the next official list is released, they will be classified as a 'red-listed' species.
- We note that no ecology report has been submitted with this application and request that one is considered.
- We believe that due to the age and type of the surrounding houses there is a strong possibility of swift colonies in the area.
- We recommend that 14 integral swift bricks are installed, one in the side elevation of house nos. 05-12 and 14-19 (house no.13 is not suitable as there is insufficient flight clearance space on its side elevation).

- We ask Wiltshire Council to condition the installation of 14 swift nest bricks in this development.
- Provision of integral swift bricks in this application would comply with WCS policy CP50 (Biodiversity and Geodiversity) and meet the requirements of the 2019 National Planning Policy Framework para. 170 (d), that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on biodiversity and providing net gains in biodiversity....'
- By conditioning swift bricks in this new development the actual buildings themselves will provide a habitat that previously didn't exist thereby contributing towards a net gain in biodiversity.

8. Planning Considerations

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

9.1 Principle of development

As is discussed above, the site is situated within the defined parameters of the Market Town of Amesbury, as identified by WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). Wiltshire Core Strategy CP1 (Settlement Strategy) defines Market Towns as '*...settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities*' and therefore that such settlements '*...have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities*'. WCS CP2 (Delivery Strategy) further confirms that in such settlements '*...there is a presumption in favour of sustainable development*', whilst WCS policy CP4 (Amesbury Community Area) confirms that there is a need in the community area between 2006 and 2026 for approximately 2,785 new homes, 2,440 of which should occur in Amesbury (including Bulford and Durrington). The principle of the site's redevelopment for housing is therefore considered to be acceptable.

Local representation has suggested that this is public open space and government policy seeks to protect public open space. However, the land has never formally been identified as public open space and it is actually privately owned with no official public right of access over it. Previous applications to secure it as a village green have failed and it is not therefore appropriate to reopen this matter at the planning application stage as it is instead governed by its own legislation and process. The fact remains that in planning terms, the site is undeveloped privately owned grassland within the principle settlement boundary and has to be considered as such accordingly.

As is also identified above, there is significant planning history at this site and a number of different schemes have been refused and in some cases dismissed at appeal. The previous reasons for refusal will therefore need to be considered and addressed by this scheme in order to be considered favourably. However it should also be noted that the scheme has never been refused on the matter of principle.

Furthermore, the Council is not currently able to demonstrate a 5 year supply of deliverable housing sites in the southern part of the County and therefore paragraph 11d of the NPPF is engaged. This confirms that planning permission should be granted for new housing schemes unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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 lack of a demonstrable 5 year supply of housing land is a material consideration for the determination of any application involving additional dwellings in this housing area, but particularly those consisting of major development (10 dwellings or more) such as this.

This principle acceptability of the scheme is therefore subject to the detail and the other material considerations identified above. An assessment of how this scheme has addressed previous reasons for refusal (where they are still relevant within the current policy context); and how the current scheme relates to the character of the area; design; highway safety; and neighbouring amenities will all therefore need to be undertaken. This is all therefore assessed in more detail below.

9.2 Site History:

As is identified above, the site has been subject to significant planning history to date, which is summarised as follows:

S/2001/2290

This application involved a redevelopment of the site with 16 houses. It was refused by the Council because:

- 1) Loss of public open space and no provision/contribution for any replacement public open space
- 2) The road network and drainage system serving the site was in poor condition
- 3) The use of the site for residential purposes would be out of character with the surrounding area
- 4) Flooding
- 5) Road safety and lack of any pedestrian footways

The subsequent appeal was dismissed. However in dismissing the appeal, the Inspector made the following points:

- 1) It was found that the land in question is private with no public access over it and therefore it would be unreasonable to withhold planning permission for housing on this basis. It was however deemed to be appropriate to secure off site contributions to provide for an identified deficit in public open space in the area.
- 2) The road network and drainage system serving the site was poor and whilst there was a current planning application for the upgrading of these facilities it had not been determined and there was no guarantee that it would be upgraded in a reasonable time to serve the further 16 households.
- 3) The site was in a housing policy boundary and was an unusual feature in the existing layout. Its development with housing would not be out of character with the surrounding area and government guidance at the time encouraged efficient use of land and so the density was appropriate too.
- 4) It was not accepted that there was a flooding issue on the site/in the area.
- 5) Safe pedestrian access to the site had not been demonstrated and the road network serving the site was poor.

S/2006/2611

This application involved the redevelopment of the site with 20 dwellings and was refused by the Council for the following reasons:

- 1) Loss of public open space and no provision/contribution for any replacement public open space
- 2) The road network and drainage system serving the site was in poor condition
- 3) Out of character with the surrounding area
- 4) Poor design
- 5) Impact for residential amenities.

The subsequent appeal was also dismissed. However in dismissing the appeal, the Inspector made the following points:

- 1) The land in question is private with no public access over it; a recent application for Village Green status had failed; and the land was not identified in the Council's Public Open Space strategy. The land could therefore be developed for alternative purposes but S106 contributions would be appropriate for off site public open space provision.
- 2) The road network and drainage system had been upgraded and was now suitable to serve the development so this matter was not upheld.
- 3) The site was in a housing policy boundary and its development with housing would not be out of character with the surrounding area. A density at 38 dwellings per hectare (20 dwellings on this site) was also considered to be appropriate
- 4) The design of the scheme copied the surrounding 'uninspiring' 1950s vernacular and therefore the developer had missed an opportunity to achieve a higher design quality
- 5) Levels had not been properly considered in the proposed layout and thus a number of the plots would create direct overlooking for surrounding residents despite sufficient back to back distances.

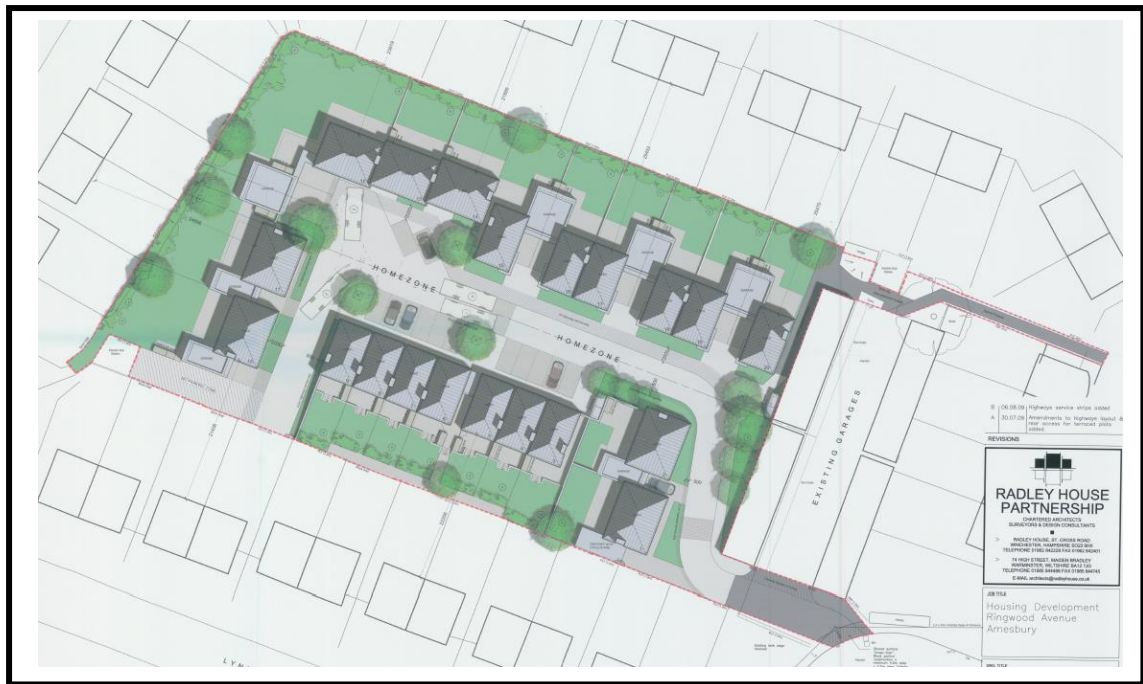
The Inspector also confirmed that the site access arrangements to serve the 20 dwellings was acceptable and flooding was not a significant issue that could be upheld.

S/2009/0843

The most recent decision on this site was refused in 2009 and was subsequently dismissed at appeal in 2010. This also involved the development of the site with 20 dwellings and was refused by the Council for the following reason:

- 1) *The development by reason of its design, appearance and density is considered to be a cramped form of development out of keeping in its architectural style and layout with surrounding properties and as such will detract from the visual amenities of properties in Lyndhurst Road contrary to policy D1 (i) m (iii), (iv) of the saved policies of the adopted local plan.*

The matters of principle, access, infrastructure, loss of open space were not used as a reason for refusal. The matters for refusal, which were upheld at appeal for this most recent scheme were the reasons concerning detail and layout which were deemed to result in an overall scheme that would be cramped and dominated by hardstanding and thus was considered to represent an over development of the site.



PLAN C: 2009 Layout

It is against this background that the current application must therefore be assessed. It should however be noted that significant changes have occurred in policy since this 2009/10 decision was made. Namely the NPPF has been produced (in 2012 and revised in 2017 and 2018 and 2019) at national level which superseded all of the previous Planning Policy Statements and Guidance Notes that had existed at the time of the previous decisions on this site, and effectively puts a greater emphasis and presumption in favour of sustainable residential development. The WCS has also been adopted (in 2015) since the previous decisions were made which sets out the local context for planning policy and which confirms that this site is in a sustainable location and that there is a local need for housing. Finally, as has been highlighted above, the Council is not currently able to demonstrate a five year supply of deliverable housing sites and therefore the 'tilted' balance in favour of sustainable housing schemes has also been engaged.

9.3 Character & Design:

As is identified above the site is situated in the middle of an established, 1950s, residential housing estate that was originally built by the MoD but has since been sold off to the individual homeowners. Previous Inspectors have confirmed that the surrounding dwellings are of their time and their design is not particularly inspiring. However it is considered that there is uniformity to the existing development and whilst it is highway dominated the existing estate does have a spacious and verdant character afforded by the grass verges, front gardens and spaces between properties.

The proposals involve the redevelopment of this left over parcel of land with 19 dwellings comprising a mix of 2 storey houses and single storey bungalows, all of which are to be semi-detached or detached and comprising of 2 and 3 bedrooms of accommodation. The development is to wrap around a new access road that is to culminate in a cul de sac arrangement and each dwelling is to be served by at least 10 metre long gardens and the required level of parking as set out in the Council's adopted parking standards. In addition, the proposals involve 100% affordable housing thus providing a particular stock of housing that will go some way to reducing the identified housing need in the area. All of these factors are encouraged and welcomed and certainly result in an improvement to the previous schemes on this site.

During their assessment of the previous scheme in 2009, which involved a development of 20 units on this site, the Planning Inspector made the following comments:

'In short I consider that the space between the houses would appear as a mean and poor quality one giving the impression of an unduly high density of development. This impression is exacerbated by the proximity of parking spaces to habitable room windows and the way the access road wraps round the house on plot 2 at very close range together with the limited gaps between houses, especially on the south side...I understand that this number of houses, or something close to it, has been accepted in principle in the past but that does not remove the need to ensure that it is translated into a scheme that is of high quality.'

It is considered that the design of the current scheme has made significant improvements to resolve these previous concerns. The number of units has been reduced to 19, which does not seem to be a significant reduction on the face of it but has served to free up some space across the site thus improving the previously cramped and hard landscaped layout. The reduction in the number of units, when coupled with the omission of terraced housing; and the commitment of at least 10 metre long private gardens, have all created a layout that will feel far more spacious than the previous scheme. Instead of parking being provided in shared parking courts, such parking spaces are now generally provided on driveways to the side of/between properties or immediately in front of their respective plots. As a result of the semi-detached and detached nature of all of the properties, gaps are also afforded between properties; front gardens are identified; and meaningful planting is now possible. The level of hardstanding proposed across the site has been significantly reduced meaning that the development will feel more spacious and result in a more verdant development than previous schemes. It is also considered that the rhythm and grain of the development better reflects that of the surrounding residential estate.

Local concern has been raised that the proposals do not reflect the design or material finishes of the surrounding estate. Design is however a very subjective matter and the Local Planning Authority is not able to dictate the design of what should be built on a site. The appeal history is also unhelpful in this regard as both a scheme that served to directly replicate the surrounding vernacular; as well as one that was a modern move away from the 1950s architecture and design have both been criticised and dismissed on design grounds. The current proposals reach a compromise by not pushing the architecture too far forward but by also moving away from a direct replica of the existing development and improving the design and quality of the overall appearance and character of the development. The proposals consist of predominantly semi-detached development which is akin to the surrounding development, but includes a mix of render, brick and brick and render so as to break up the uniformity and add interest to the proposals. Architectural features such as porches; window details and chimneys have also been added to help break up this massing; add interest; and also give a nod to the adjacent vernacular. Both the Council's Crime Prevention Design Advisor and Urban Designer are satisfied that the proposals are an acceptable, modern interpretation of the adjacent development and will create a safe development that will settle into the existing pattern and character of development. No objection has been raised by the consultees in this regard accordingly.

9.4 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens.

It has been confirmed that at least 10 metre long gardens are proposed to serve each dwelling and that a back to back separation of at least 20 metres to surrounding properties would therefore be provided. It is also suggested that the dwellings on the western portion of the site will be of bungalow scale rather than 2 storey, further reducing the potential for harm. Amended plans have also been provided during the course of the application that have altered room layouts/window placement and confirmed potential solutions to previously identified amenity issues and potential for overlooking.

Local concern has been raised about the back to back distances and thus impact for neighbouring properties, particularly in terms of their outlook, which will be significantly reduced by the development of this site in such a way. I have sympathy with the neighbouring residents and the fact that they are to lose an area of land that they have both benefited from in terms of view/outlook but also used on an adhoc basis as additional open space/garden land. However, the Village Green status application for the land failed some time ago and this site is privately owned. It is not Council land or publically or formally available for public open space provision. Neither has the Council any reasonable ability to secure its use for this purpose in perpetuity. It therefore represents left over land within an existing and established residential estate; within the settlement boundary; in a sustainable location that is appropriate for additional residential development. The Local Planning Authority therefore has a duty to consider it for such purposes and to encourage the effective use of land.

In addition, there are no adopted standards for garden lengths or levels of separation between back to back properties in either the adopted Development Plan or any subsequent Design Guides. However a national guideline that is commonly applied is that of 10 metres long gardens and 20 metre back to back distances between facing windows. This is a guide only and as is confirmed above, it is not supported by adopted policies. However, in this instance, the gardens of the new properties are at least 10 metres in length, with the surrounding residential properties also benefitting from gardens of at least 10 metres in length. This therefore provides sufficient back to back separation in line with national guidance and therefore whilst I acknowledge the local concern about the proximity of the new development to their properties, these concerns cannot be upheld or warrant a justifiable reason for refusal of the scheme.

It is noted that a previous Inspector commented that the 20 metre back to back separation was not enough to overcome the amenity impact, on the western part of the site given that level changes make this area particularly sensitive and higher than adjacent properties. However this scheme now proposes bungalows on this lower section of the site (plots 1-4), which thus reduces the potential dominance and/or issue of overlooking on these western neighbours. This reduced massing when coupled with the separation distance identified is therefore considered to address previous concerns in this regard.

Further local concerns have been raised about loss of light that would be generated by proposed landscaping/boundary treatment; the removal of an easy access to adjacent garages; removal of rear steps/gates into this area; the proposed storage of bins adjacent to shared boundaries; and the removal of a means of escape should a fire occur. However, 1.8 metre high boundary treatment is an accepted form of boundary between properties that is prevalent in residential estates and indeed across this estate. No high hedgerows are proposed and landscaping is proposed in the form of one off trees and incidental gardens/shrubs. It is considered that this will serve to soften the impact of the development as well as provide dappled additional screening between properties which will also be of benefit for both current and future residents. In any event the planting of trees is not development and even if they were not included in this scheme, could be planted by future occupants without the need for planning permission in the future.

With regard bin storage, the Local Planning Authority cannot control where future residents store their bins on their own property. The only controllable requirement is that provision is made for safe access to rear gardens from the front of the plot thereby providing options for bin and bike storage. All plots are provided with such access and whilst bin storage locations within these gardens have been identified on the submitted plans, it is not possible to insist that they either are or are not stored in this area. If however anti-social instances of smell, odours, rats...etc are created, this would be a civil matter between the residents; and/or a matter for the landlord/Council's Public Protection Team. This matter would not therefore warrant a reason for refusal of the scheme in planning terms.

With regard the loss of access across the site to nearby garages; fire escape; and removal of gates/steps into the site, as has been addressed above, the site is in private ownership. These accesses are not formalised and there are no public rights of access across the site. Whilst the proposed changes to this historic situation is obviously not welcomed by the existing residents who have benefited from this informal arrangement, it is not a matter that can be resolved by the planning system and is within the site owner's right. Likewise regardless of the outcome of this application, the applicant could erect up to 2 metre high fences around the entire boundaries of the site, blocking off accesses, without the need for planning permission.

In planning terms it is considered that what is now proposed on this site is unlikely to result in any significant implications for neighbouring amenities and it is considered that the previously identified concerns have thus been overcome and addressed in this regard.

9.5 Highway Safety:

As part of the consideration of the previous appeal schemes identified above the suitability of the adjacent estate roads and infrastructure to serve the site were questioned but these issues were resolved and not carried forward into reasons for refusal. The previous Inspector/s considered that the access to the site was appropriate and the existing highway network could accommodate the additional development (in that case of 20 houses). The Highway Authority has therefore confirmed that the principle of the development of this site, and in particular 19 houses being served off the existing access off Ringwood Avenue that the site shares with the adjacent garage block, would be acceptable from a highway safety point of view.

Local concern has been raised about the level of parking that has been provided across the site. However the Council's adopted parking standards require that 2 car parking spaces per 2 or 3 bedroom properties should be provided with an addition of 0.2 visitor spaces per dwelling (unallocated). In this instance the plans identify a total

of 38 dedicated parking spaces for the 19 units, each to be provided adjacent to the plot it is to serve. The scheme also identifies a further 5 visitor spaces across the site (instead of the 3.8 visitor spaces required by the standards). It is therefore considered that the proposals satisfy the requirements of the site and meet the Council's adopted policies.

Further concern has been raised about the access to the site and in particular the pedestrian access to the site. The scheme originally proposed a vehicular access with informal pedestrian facilities to the site from Ringwood Avenue in the south eastern corner of the site as well as a footpath link to a further pedestrian access currently serving the adjacent garage block, from the north eastern corner of the site. Whilst lighting was proposed to serve this latter footpath access, it was considered from a crime and design point of view that this footpath was inappropriate and would result in anti-social behaviour; safety issues for users of the path; and impact for the proposed neighbour to this path (on plot 11). Whilst the Highway Authority would prefer to see this secondary pedestrian access retained, it is considered that for the reasons identified this footpath should be omitted from the scheme meaning that the only access into the site for both vehicles and pedestrians would be from the south eastern corner.

During the course of the application amended plans have been received to identify the removal of the pedestrian footpath in the north eastern corner; and alterations to the existing site access to improve the relationship between pedestrians and vehicles accessing the site from this point. This has been achieved by the provision of a pavement/footpath on the northern edge of this access track which continues through into the development wrapping around the off site garages. This pavement also provides a safe link (through the garaging) to the remainder of the existing north eastern footpath link to the shops which is undoubtedly likely to be a desire line for future occupants. The Highway Authority (and Crime Prevention Design Advisor and Urban Designer) are all now satisfied that the site can be safely accessed for all road users.

Local concern has also been raised about the ability of the site to be served by emergency vehicles and refuse vehicles. However the applicant has submitted tracking diagrams that have satisfactorily demonstrated that such access and manoeuvre is possible both into and around the site. The Highway Authority is also satisfied that the tight bend that has been provided to navigate the development around the existing garage block is acceptable and will create a natural traffic calming measure reducing traffic speeds entering and leaving the site. The Highway Authority has therefore confirmed that the proposed development will be served by a safe access for all users of the highway and is unlikely to result in any implications for highway safety. No objections have been raised in this regard accordingly.

9.6 Ecology:

Local residents have identified that the existing grassland provides a habitat for a variety of wildlife and biodiversity. The application is accompanied by a Phase I ecological survey and further reptile survey which has assessed the site and identified that the proposals may have a low risk for reptiles; badgers; bats; nesting birds and because of its proximity to the Salisbury Plain SPA/SAC/SSSI, and its Stone Curlews. A number of mitigation strategies are therefore identified and it is suggested that a contribution towards the monitoring of Stone Curlews on the Salisbury Plain should be paid.

There are a number of deficiencies in the survey work that has been undertaken and the detailed mitigation measures that identified on the plans. However the Council's Ecologist is satisfied that the site represents a low potential for reptiles, bats and nesting birds and that the mitigation strategy identified is sufficient but needs to be properly secured. No objection has therefore been raised in this regard subject to a number of conditions being imposed on the decision to ensure that the identified mitigation strategy is fully secured and implemented into the scheme.

In addition however, whilst the Council's Ecologist has raised no objection in principle, the application automatically triggers the requirement for an appropriate assessment (AA) under the Habitats Regulations 2017 because the application site lies within the catchment of the River Avon SAC, and lies within 3km of the Salisbury Plain SPA. The proximity of the application site to these Natura 2000 sites necessitates AA as any new residential dwellings within the catchment of the River Avon SAC could result in additional phosphate loading of the river thereby affecting the integrity of the SAC. In terms of the Salisbury Plain SPA, it has been identified that recreational pressure upon the SPA can adversely affect its qualifying species, notably breeding Stone-curlew, and that the majority of visitors originate from a 6.4km buffer around the SPA. Therefore, any new residential development within this buffer must be subject to AA.

The Council's Ecologist has undertaken the AA but this needs to be agreed by Natural England before a development can be lawfully permitted. This recommendation is therefore made subject to Natural England agreeing the Council's AA before the decision is issued.

9.7 Archaeology:

The proposed development area was subject to evaluation in 2001. At that time, Roman pottery and a large ditch thought to be of Bronze Age date were found in the trial trenches. Subsequent archaeological discoveries that have been made in this area in the intervening years confirm that there is demonstrable potential for further archaeological features, deposits and artefacts to be present on the site. The Council's Archaeologist has therefore requested that further archaeological investigation work to be undertaken at the site prior to development commencing on site. A condition is applied to the recommendation accordingly.

9.8 Drainage & Flooding:

The site is situated in Flood Zone 1 and is at low risk of surface water flooding. The site area is also below the threshold where the Environment Agency advises a Flood Risk Assessment (FRA) would be required. The Council's Drainage Officer originally requested an FRA in this instance but has since accepted that it is not necessary and thus the application is not supported by any such assessment.

The application form confirms that the site is to be linked up to the Mains Sewers with regard foul drainage disposal; and is to use soakaways with regard surface water drainage. The Council's Drainage Officer originally raised doubts about the use of soakaways on this site as the area is historically known for high levels of groundwater. However the application has been accompanied by a detailed assessment of the site and further clarification has been provided during the course of the application about the surface water proposals. The Council's Drainage Officer is therefore satisfied that soakaways are likely to be achieved on the site. A condition is however applied to the recommendation to seek further details in this regard.

Wessex Water has also commented on the application, identifying a public sewer that crosses the site. Details of easement and potential diversion have been provided but these matters are covered by other legislation and will need to be addressed/agreed separately outside of the planning system directly with the Water Authority. An informative is attached to the recommendation accordingly to bring this to the applicant's attention.

9.9 Other Matters

Much local concern has been raised about covenants, house prices, loss of view and ownership, however these matters are not material planning matters and cannot therefore be used to refuse the scheme. That said however, the granting of planning permission does not override any legal right or covenant that may exist on the site which will need to be satisfied separately and outside of the planning system. Another informative is attached to the decision to that affect.

10. CIL & S106 contributions

As of May 2015, the Council adopted its Community Infrastructure Levy. Any scheme involving a net gain in the number of dwellings in the area, could therefore be subject to CIL. An informative is attached to the recommendation to highlight this to the applicant accordingly.

In addition, any successful scheme involving a net gain of 10 houses on this site is also subject to S106 contributions and provisions in line with various policies in the adopted WCS including CP3 (Infrastructure Requirements); CP43 (Providing Affordable Housing); and Saved SDLP policies D8, R2 and PS5 and in order to mitigate the direct impact of the specific development on surrounding facilities/services. Those that are relevant in this instance are discussed below but confirm that as well as providing 19 units of affordable housing, the scheme will secure contributions totalling £197,876.10 towards off site community infrastructure and benefits, which is also welcomed.

Affordable Housing Provision:

Local concern has been raised about the fact that the development is for 100% affordable rented units as it is questioned if this is even needed in the area given the recent development and provision at Kings Gate. However, WCS policy CP43 requires 30% on-site Affordable Housing provision within the 30% Housing Zone, on all sites of 10 or more dwellings. There is therefore a policy requirement to provide at least 5.7 (rounded up to 6) of the 19 units identified in this scheme as affordable units. There are however no adopted policies that suggest that this provision should be restricted or that the 30% requirement is a maximum provision. It is also entirely up to the applicant should they wish to provide a greater provision of affordable units than is required by the policy.

The Council's Housing Team welcomes the provision of 100% of the units as affordable units and it has confirmed that the proposals would assist in addressing an identified need for affordable housing in Amesbury where there is a high level of demand for Affordable Housing. The fact that the tenure is also to be provided as 100% Affordable Rented housing is also supported.

WCS policy CP45 (Meeting Wiltshire's Housing Needs) further states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The Council's Housing Team has confirmed that the proposed mix identified (of 2 and 3 bed units) would meet the need on the Housing Register and is therefore also supported by the Council.

The Housing Team has also confirmed that there is a demonstrable need for adapted housing and ground floor housing in Amesbury. The provision of 4 wheelchair adapted bungalows is therefore also welcomed. This provision and tenure will therefore need to be secured by a Section 106 agreement between the parties and this recommendation is therefore made on the basis that such a legal agreement is completed prior to a decision being issued.

Education

The Education Authority has confirmed that a scheme involving 19 dwellings on this site would generate a demand for no additional early year's places; but would generate a need for 4 primary spaces and 3 secondary school places. The existing schools in the vicinity of the site do not currently have capacity to accommodate this extra provision. The Education Authority has however confirmed that a new primary school is currently being developed at the nearby Kings Gate development which could provide for this additional primary need. It is also confirmed that the extensions to Stonehenge School (secondary) that are underway could provide the secondary need generated by this development. Relative contributions are therefore sought from this development towards these two new schools/provision equating to a total of £75,032 towards primary provision and £68,820 towards secondary provision. This too will be secured by the required S106 agreement.

Public Open Space:

As is identified above, the site in question, whilst currently used as ad hoc informal recreation, is in private ownership and does not form part of the Council's public open space strategy. It is also not reasonably possible to insist that the land is retained for such a purpose. This stance was also accepted by the Inspector's during the consideration of previous appeal decisions.

However whilst no onsite provision is proposed or required, the future occupants will generate a need for further off site provision. The Council's Public Open Space Officer has therefore confirmed that a contribution of £52,295.10 will also be required from this development to upgrade facilities at the nearby Harvard Park, in line with Saved SDLP policy R2. This will also be secured by the required S106 Agreement.

Waste Management:

In line with WCS policy CP3 (Infrastructure Requirements) and the Council's Waste Storage; and Collection: Guidance for Developers SPD, contributions will also be required from any scheme on this site towards the provision of waste and recycling containers for each residential unit. The contribution equates to a total of £1,729. This too would therefore need to be secured by the S106 agreement.

Public Art:

The Council's Public Art Officer has confirmed that the size of the site/scheme does not warrant the need for any on site public art and thus no contributions are to be secured for this purpose by the required S106.

Stone Curlews:

The supporting Ecological reports have confirmed that contributions towards the monitoring and protection of Stone Curlews from the development would be appropriate. However this contribution now forms part of the Council's 123 Regulations and is therefore secured as part of the CIL contribution. No additional S106 contribution is therefore required in this regard.

11. Conclusion

It is considered that sufficient changes have been made to the scheme to overcome previous, historical concerns raised, which now make the scheme acceptable. It is considered that the proposal to redevelop the site with 19 affordable dwellings will meet an identified housing need; contribute towards the Council's deficit in demonstrable and deliverable housing land supply; and will result in an attractive development that is sustainable; in keeping with the character of the area; and will not result in any implications for highway safety; drainage; or neighbouring amenities. It will also secure a total of £197,876.10 towards local infrastructure and community facilities/services as well as additional affordable housing stock. The application is therefore recommended for permission subject to the required S106 agreement being completed to secure these community and infrastructure benefits, prior to the decision being issued; and subject to Natural England agreeing the Council's AA.

12. RECOMMENDATION

APPROVE subject to a S106 Legal Agreement being completed to secure 100% of the units as affordable housing; and contribution towards primary school provision, secondary school provision, off site public open space provision and waste management; subject to Natural England agreeing the Council's Appropriate Assessment; and then subject to the following conditions and notes

1. **WA1** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. **WM13** The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate

Ref: 18082-PL-2-01 Rev A – Location Plan. Received – 16.10.2019

Ref: 18082-PL-2-02 Rev C – Site Layout. Received – 17.09.2019

Ref: 18082-PL-2-03 Rev C – Tenure. Received – 17.09.2019

Ref: 18082-PL-2-04 Rev C – Building Heights. Received – 17.09.2019

Ref: 18082-PL-2-05 Rev C – Building Materials. Received – 17.09.2019

Ref: 18082-PL-2-06 Rev C – Bedrooms. Received – 17.09.2019

Ref: 18082-PL-2-07 Rev C – Boundary Materials. Received – 17.09.2019

Ref: 18082-PL-2-08 Rev D – Parking/Bins. Received – 17.09.2019

Ref: 18082-PL-3-01 – 2 Bed Bungalow (2BB). Received – 02.09.2019

Ref: 18082-PL-3-02 Rev A – 2 Bed House (2BH) – Bricks+Render. Received – 02.09.2019

Ref: 18082-PL-3-03 Rev A – 2 Bed House (2BH) – Brick. Received – 02.09.2019

Ref: 18082-PL-3-04 Rev A – 2 Bed House (2BH) - Render. Received – 02.09.2019

Ref: 18082-PL-3-05 Rev A – 3 Bed House A (3BA) - Render. Received – 02.09.2019

Ref: 18082-PL-3-06 Rev A – 3 Bed House A (3BA) - Brick. Received – 02.09.2019

Ref: 18082-PL-3-07 Rev A – 3 Bed House B (3BB) – Bricks+Render. Received – 02.09.2019

Ref: 18082-PL-3-08 Rev A – 3 Bed House C (3BC) - Plans. Received – 02.09.2019

Ref: 18082-PL-3-09 Rev A – 3 Bed House (2BC) - Elevations. Received – 02.09.2019

Ref: 18082-PL-5-01 – Indicative Street Scene. Received – 02.09.2019

Ref: 2019-6093-001 Rev G – Access Visibility Splays. Received – 26.09.2019

Ref: 01 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 02 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 03 – Soft Landscaping Planting Plan. Received – 21.10.2019

Ref: 04 – Root Barrier General Arrangement. Received – 21.10.2019

Ref: 05 – Soft Landscaping Specification. Received – 21.10.2019

Ref: 06 – Soft Landscaping Tree Pit Details. Received – 21.10.2019

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

3. **WB1** No development shall commence above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. **WC1** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. **WC2** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

6. Prior to the commencement of development works on site including vegetation clearance, site clearance and boundary treatment works, final details regarding the proposed removal and/or retention of trees will be provided to the Council for approval in writing. The proposed tree removal and/or retention shall be illustrated on an accompanying Tree Removals Plan and/or Proposed Tree Protection Plan (where applicable) showing root protection areas.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the Council is provided with accurate and up to date information regarding which trees are to be retained and protected within the scheme layout and, those that are to be felled as this information was not provided prior to determination

7. **WE 1** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their 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.

8. **WE4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be on the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. **WE12** Before the development hereby permitted is first occupied, the windows in the north elevation of Plot 2; southern elevation of Plot 3; and the first floor windows on the southern and western elevation of Plot 14, shall be glazed with obscure glass only to an obscurity level of no less than level 5, and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

10. No development shall commence within the area indicated (proposed development site) until:
- 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; and
 - The approved programme of archaeological work has been carried out in accordance with the approved detail

REASON: To enable the recording of any matters of archaeological interest.

11. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details and measures to be taken to protect the residential amenities of the occupiers of dwellings directly adjacent to the proposed works during construction. It will also provide measures that will be taken to reduce and manage the emission of noise and dust during the construction phase of the development and shall specifically address the following:
 - i. The movement of construction vehicles
 - ii. Wheel washing and vehicle wash down facilities
 - iii. The storage, transport and management of waste materials and building materials.
 - iv. The recycling of waste materials
 - v. The loading and unloading of plant and materials
 - vi. The location and use of generators and temporary site accommodation.

The development shall be carried out in strict accordance with the plan agreed.

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

12. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the measures that will be implemented during the construction phase and shall include but not necessarily be limited to, such measures as the following:
 - a) Pollution prevention measures to ensure contaminated/sediment loaded surface water runoff does not enter the River Avon;
 - b) Identification of tree root protection areas/buffer zones;
 - c) The location and timing of works that need to be scheduled and undertaken in such a way as to avoid/reduce potential harm to ecological receptors such as nesting birds;
 - d) Details of precautionary works methods;
 - e) Responsible persons and lines of communication; and
 - f) Location of type of protective fences, exclusion barriers where applicable.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection and mitigation for ecological receptors and implementation of best practice working methods.

13. Prior to the commencement of any works on site, including vegetation clearance, site clearance, and boundary treatment works, an Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and agreed in writing by the local planning authority. The EMES shall include and expand upon all the recommendations stipulated in Section 6 of the Preliminary Ecological Appraisal (Ecosupport, February 2019). The EMES shall include comprehensive details of all avoidance, mitigation, compensation and enhancement measures to be implemented to avoid/minimise and compensate for direct and indirect effects on

protected and priority species and habitats both within the application site. The EMES shall include a reptile sensitive site clearance working method. It shall include a finalised site plan illustrating the proposed location of all the ecological enhancement features, including bat roosting and bird nesting provision with the built design. Thereafter, development shall be carried out in strict accordance with the approved strategy and with supervision and input from a suitably qualified and experienced professional ecological consultant.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 41 of the NERC Act (2006); and to ensure full details of all ecological avoidance, mitigation and ecological enhancements, are provided and implemented in accordance with Paragraph 118 of the NPPF, Section 40 of the NERC Act (2006) and CP50 of the Wiltshire Core Strategy (Adopted January 2015).

14. Prior to the commencement of development works on site including vegetation clearance, site clearance and boundary treatment works, a finalised wildlife sensitive lighting strategy shall be submitted to the local planning authority for approval in writing. The strategy shall include a site lighting plan which illustrates the location, height of lighting columns and specification of proposed luminaires. Details of mitigating fixtures to be used, such as cowls, louvres, baffles and backshields shall also be included. All external lighting shall be installed in accordance with the approved lighting strategy and no other external lighting shall be installed without prior written consent from the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise light spillage onto any retained vegetative boundary features and compensation habitats including proposed tree and hedgerow planting, and to maintain dark corridors for wildlife, particularly commuting and foraging bats.

15. The development shall be undertaken in strict accordance with Section 6 of the Preliminary Ecological Appraisal (Ecosupport, February 2019), the Ecological Mitigation and Enhancement Strategy, Construction Environmental Management Plan, wildlife sensitive lighting strategy, Tree Protection Plan (where applicable), and landscaping plans once submitted to, and approved in writing by the local planning authority. The development shall also be undertaken with liaison with, and supervision by a suitably qualified, experienced and licensed professional ecological consultant where applicable.

REASON: To ensure that appropriate and adequate protection, mitigation and compensation for ecological receptors including protected and priority species and their habitats, is implemented and that ecological enhancement measures are delivered in accordance with the NPPF 2019 and CP50 of the Wiltshire Core Strategy (Adopted January 2015), and to ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 41 of the NERC Act (2006).

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

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

17. No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in accordance with the agreed details and shall be maintained in effective working order at all times thereafter.

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

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

REASON: In the interests of neighbouring amenities

19. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of neighbouring amenities

20. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

- (i) An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- (ii) If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.
- (iii) The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 21. No development shall commence on site, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with [Wiltshire Council's Surface Water Soakaway Guidance](#) has been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained without increasing flood risk to others during the construction phase.

22. **WD12** No part of the development hereby approved shall be first occupied until the estate road, pavements, parking and turning areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. The areas shall be maintained for those purposes at all times thereafter.

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

INFORMATIVES

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) To satisfy condition 9, the work should take the form of strip, and record. It should be conducted by a suitably experienced, professionally recognised archaeological contractor, in accordance with a Written Scheme of Investigation approved by this office and in line with the Standards and Guidance of the Chartered Institute for Archaeologists. There will be a financial implication for the applicant.
- 3) The applicant is reminded that the granting of planning permission does not override any legal right of way or covenant that may exist on the site. If such legal obligations exist at the site, then these will need to be addressed separately and outside of the planning system.
- 4) The applicant's attention is drawn to the comments made by Wessex Water (dated 03.10.2019) to this application. Please note if any changes are required to the layout/development hereby approved, a fresh planning application may be required which will be considered on its own merits accordingly.
- 5) **WP8** This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated ***.

19/04863/FUL
Land at Ringwood Avenue
Amesbury
SP4 7PZ



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

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

Reason for the application being considered by Committee

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

1. Purpose of Report

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

2. Report Summary

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

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

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

3. Site Description

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

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

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



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

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

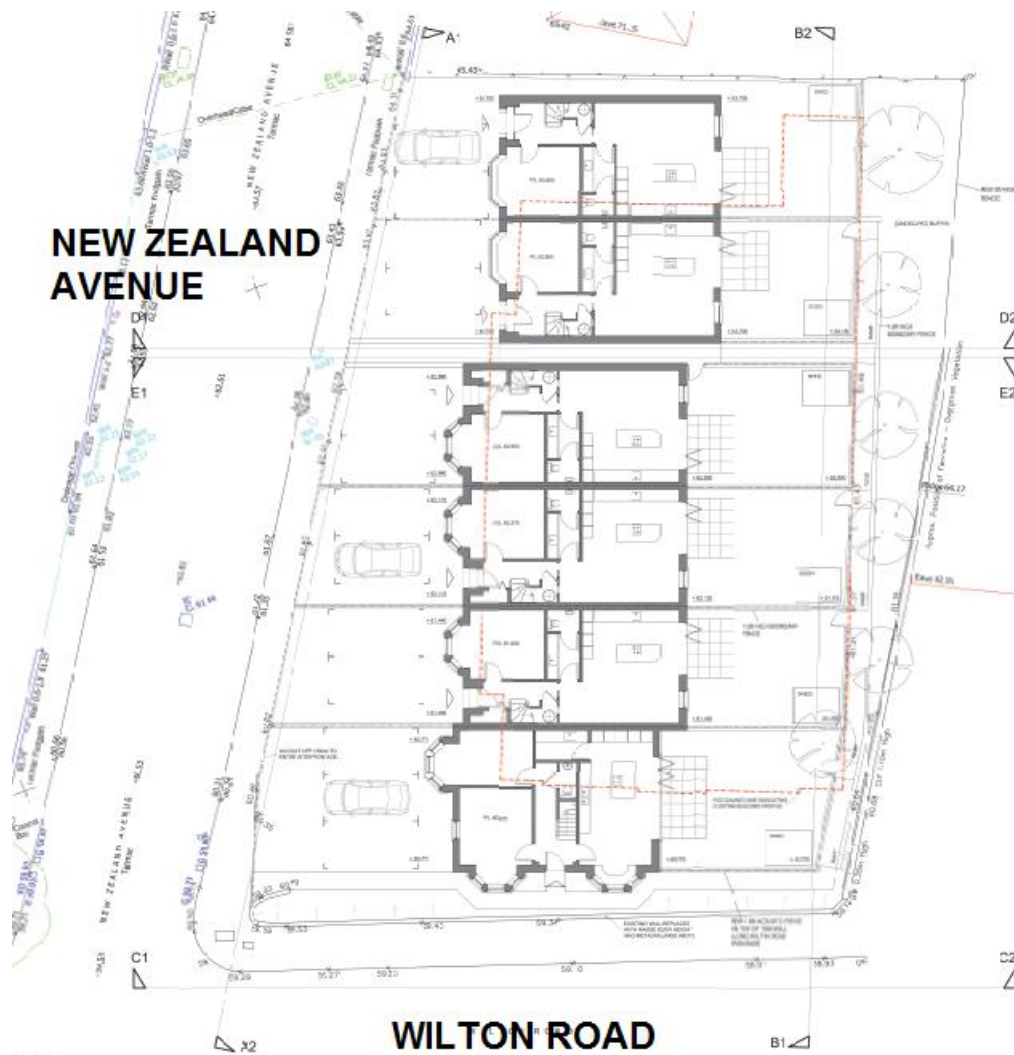
4. Planning History

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

5. The Proposal

Background:

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



Site plan extract of refused scheme

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

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

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

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

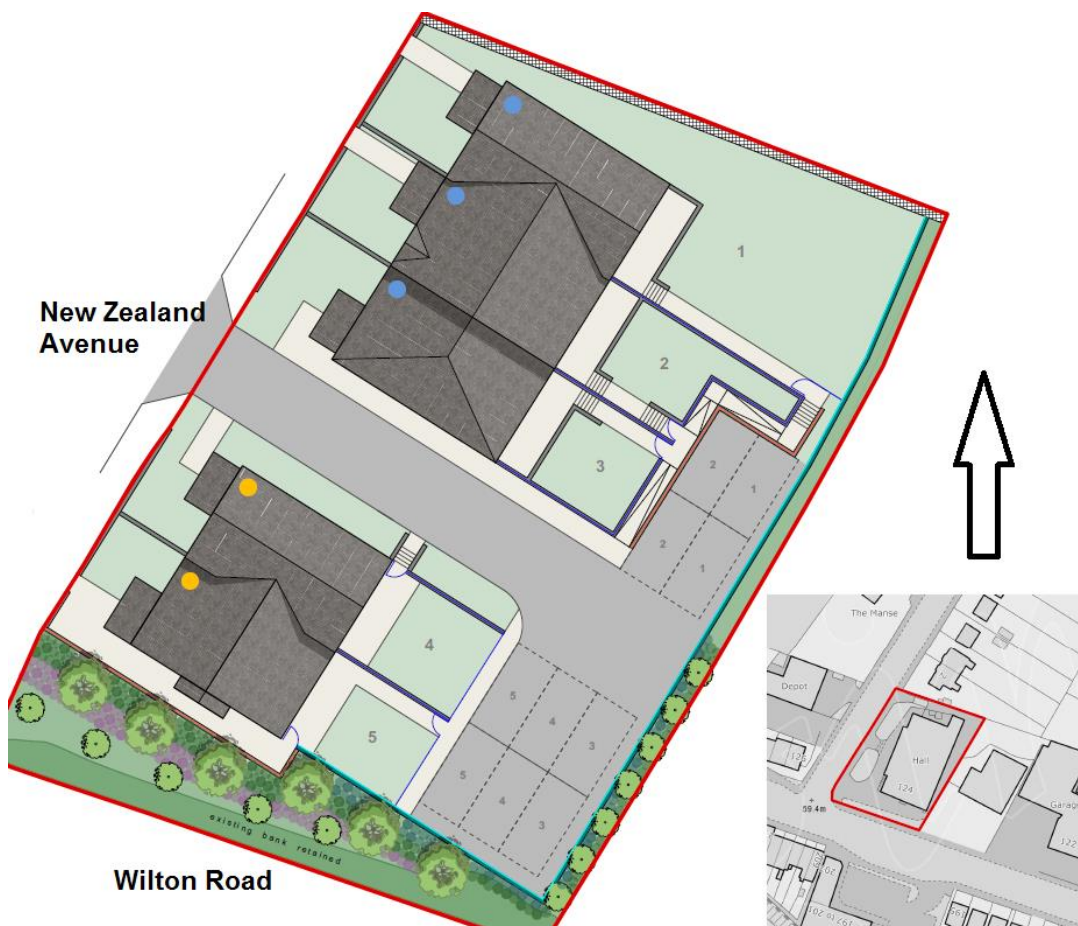
Notwithstanding the harm caused to the character of the site, the southern and western areas of grassy slope are also habitat to Mining Bees. Whilst Mining Bees are not a species strictly protected in its own right, Core Policy 50 seeks to protect and enhance areas important for wildlife, regardless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

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

This scheme:

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

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



Site plan extract of proposed scheme

6. Local Planning Policy

Wiltshire Core Strategy:

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

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

R2 - Open space provision
H8 – Salisbury Housing Policy Boundary

Wiltshire Local Transport Plan (3) 2011-2026.

Car Parking Strategy
Cycling Strategy

Government Guidance:

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

Supplementary Planning Guidance:

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

7. Summary of consultation responses

Highways England: No objections

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

WC Highways: Comments

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

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

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

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

Public Protection: No objections

Noise

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

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

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

Air Quality

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

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

Urban Design: No objections subject to conditions

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

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

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

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

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

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

Ecology: No objections

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

Previous comments –

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

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

Archaeology: No objections

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

8. Publicity

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

Salisbury City Council: Has no comment to make

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

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

9. Planning Considerations

Principle:

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

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

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

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

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

Core Policy 1 of the WCS sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Within the Settlement Strategy, Salisbury is identified as being a Principal Settlement. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

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

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

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

Impact to the living conditions of proposed and nearby properties:

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

The NPPF (para 127) states that planning decisions should ensure that developments ‘*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*’

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

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

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

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

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

Paragraph 180 is also relevant ‘*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;*’

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

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

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

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

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

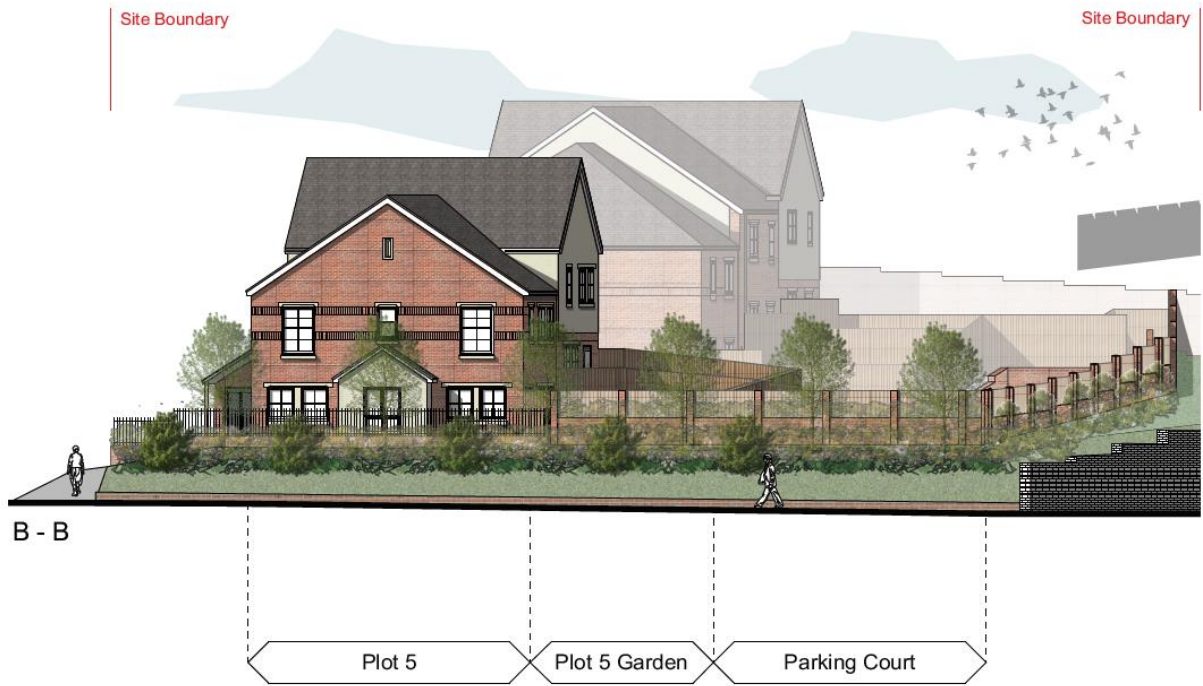
The application includes a Noise Impact Assessment which assesses the impact of noise from traffic from the A36 and from nearby businesses including Bathwick Tyres, Hyundai Garage, fish and chip shop and the Co-op Store on the amenity of the proposed residential properties. This concludes that subject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

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

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

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

Street Scene Elevation from Wilton Road:



Street Scene elevation from New Zealand Avenue:



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



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

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

The impact on the character and appearance of the area:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway safety:

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

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

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

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

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

Table 7.1 Minimum parking standards (allocated parking)

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

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

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

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

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

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

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

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

Ecology:

- Mining Bee Habitat:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainable Construction:

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

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

S106 obligations and CIL

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

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

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

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

Other issues:

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

10. Conclusion (The Planning Balance)

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

RECOMMENDATION

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

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

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

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

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

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

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

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

Plan Reference: 5382-P-12 Rev G Proposed Site Layout dated 22/08/2019, received by this office 17/06/2019

Plan Reference: 5382-P-71 Rev C Proposed Elevations Plots 4 & 5 dated 30/05/2019, received by this office 17/06/2019

Plan Reference: 5382-P-82 Rev F Indicative Street Scene A-A dated 12/06/2019, received by this office 17/06/2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

REASON: To protect the amenity of nearby residents.

(16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

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

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, or other forms of openings shall be inserted above first floor level in the roofslopes or elevations of all plots; or above ground floor level to the gable elevations of plots 1, 3 and 4 of the development hereby permitted.

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

INFORMATIVE TO APPLICANT: Community Infrastructure Levy

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in

which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

INFORMATIVE: Private Property/Access Rights

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

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

INFORMATIVE TO APPLICANT: Material Samples

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

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

INFORMATIVE TO APPLICANT: Wessex Water

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

Applying for new drainage and water supply connections

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

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

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

Is the surface water strategy acceptable to Wessex Water?

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

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

INFORMATIVE TO APPLICANT: Bats

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

INFORMATIVE TO APPLICANT: Swifts

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

INFORMATIVE TO APPLICANT: Air Quality

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

INFORMATIVE TO APPLICANT: Environmental Protection Act 1990

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

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

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

APPENDIX 1: Appropriate assessment for the River Avon SAC

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

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

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

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

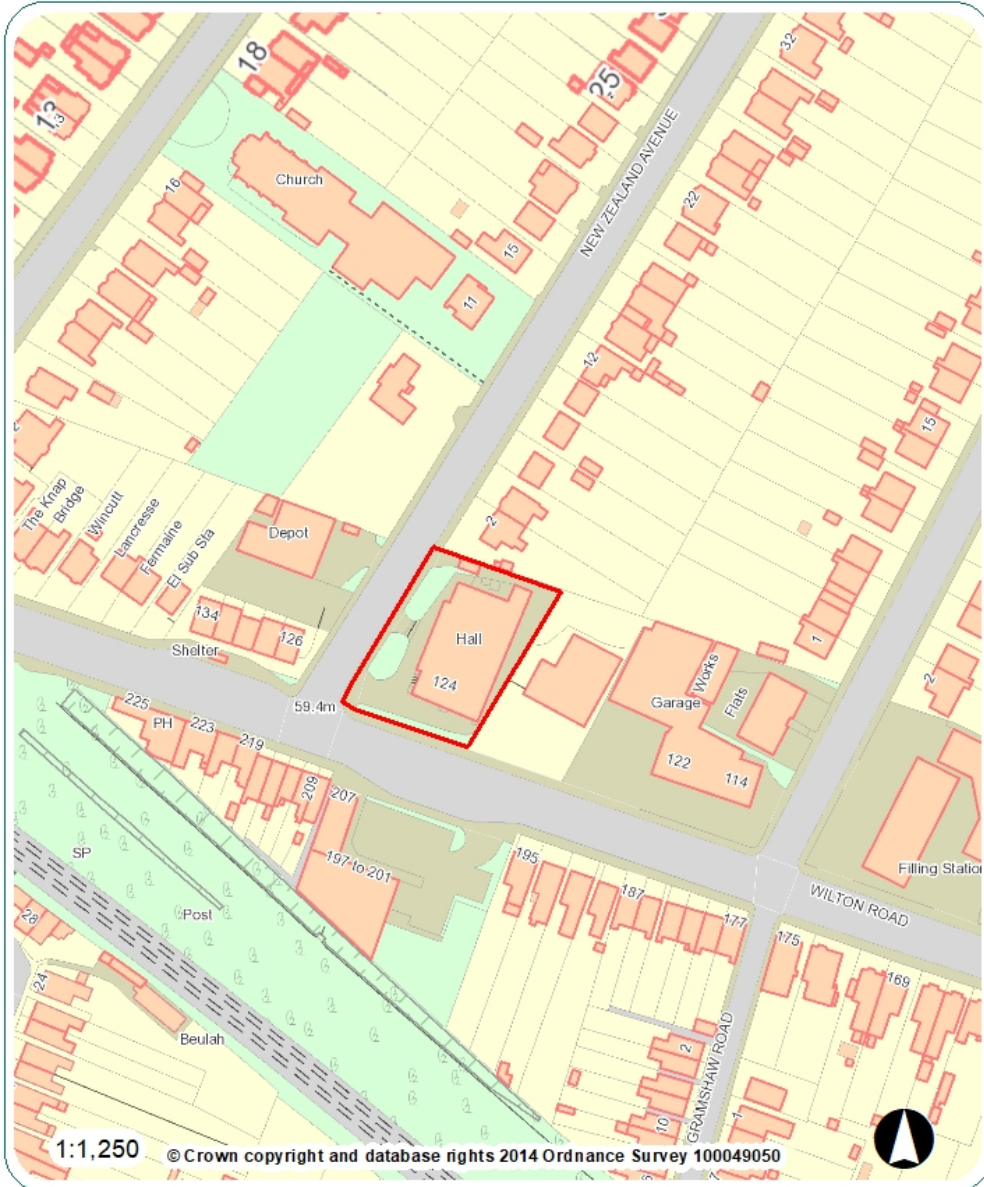
At the current time, the above work enables the Council to conclude, beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the River Avon SAC.

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

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

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19/00211/FUL
124 Wilton Road
Salisbury
Wiltshire
SP2 7JZ



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	14 November 2019
Application Number	19/06176/FUL
Site Address	34 Park Lane Salisbury SP1 3NP
Proposal	Demolish the existing bungalow and the erection of 3 townhouses with a detached triple garage, associated parking and vehicular access (resubmission of 18/06402/FUL)
Applicant	Bluestone Homes (SW) Limited
Town/Parish Council	SALISBURY CITY
Electoral Division	ST FRANCIS AND STRATFORD – Cllr Mary Douglas
Grid Ref	414165 131522
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application has been called-in to Committee by Cllr Mary Douglas citing concerns in respect of the scale of the proposed development, visual impact upon the surrounding area, relationship to adjoining properties and design (bulk, height and general appearance) and environmental and Highway impact.

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 outline planning consent be APPROVED subject to the Conditions set out at the conclusion of the report.

2. Report Summary

The main considerations in the determination of this application include:

- Principle of the proposed development
- Layout, scale, design & external materials
- Access, parking and Highways considerations
- Impact on the amenity of neighbours
- Impact on the character and appearance of the surrounding area
- Impact on protected trees

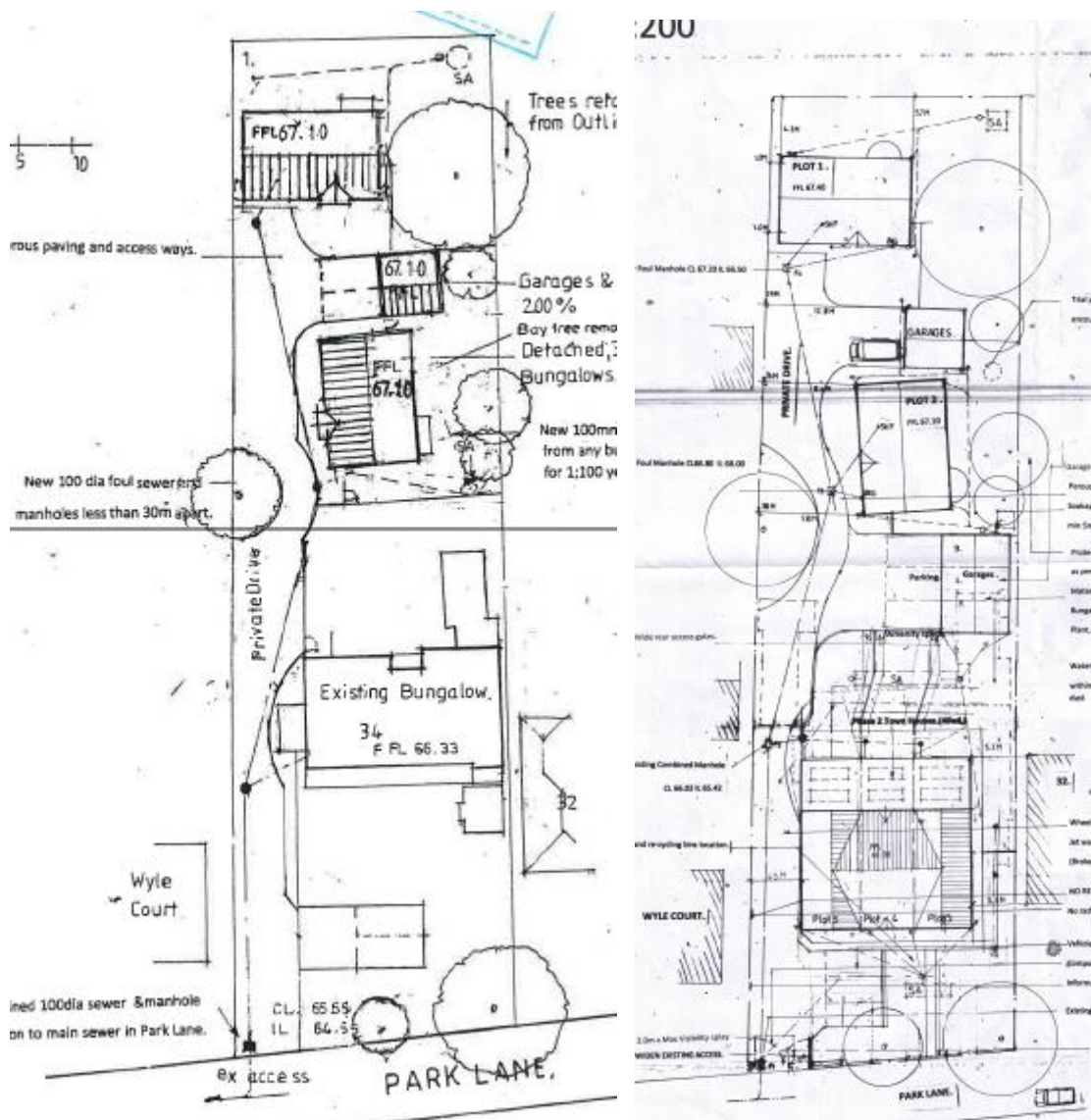
Salisbury City Council object to the application on grounds of overdevelopment

Three representations were received from third parties, of which two were in objection to the proposed development. Grounds for objection included unsuitable access, insufficient detail

of proposals, design/scale of buildings out of keeping, loss of trees, traffic increase, adverse impact on the amenity of neighbours and overdevelopment.

3. Site Description

The application site consists of the residential curtilage of number 34 Park Lane, Salisbury. The site was previously occupied by an extended, detached single-storey dwellinghouse with vehicular access off Park Lane. The original bungalow is to be demolished - the construction of 2 x new detached dwellings within the rear garden (as approved under planning reference 18/06402/FUL) is underway.



Site plan as previously approved under 18/06402/FUL (above left) and as currently proposed (above right)

4. Planning History

17/10559/OUT - Outline planning application for demolition of existing five bedroom detached bungalow and replacement with two detached chalet style dwellings and a single block containing four apartments. Approved with Conditions 09.03.18

18/06402/FUL - Erection of 2no. 3 bedroom detached bungalows with associated access and parking. Approved with Conditions 26.09.18

5. The Proposal

The application proposes the construction of a terraced row of three townhouses following the demolition of the existing bungalow, with a detached triple garage sited to the rear (NW) and associated vehicular access and parking provision.

6. Local Planning Policy

Wiltshire Core Strategy Core Policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP20 (Spatial Strategy: Salisbury Community Area), CP50 (Biodiversity and Geodiversity), CP57 (Ensuring high Quality Design and Place Shaping), CP58 (Ensuring the Conservation of the Historic Environment), CP63 & CP64 (Demand Management)

Saved SDLP policy H8 (as saved at Appendix D of the WCS)

NPPF & NPPG

7. Summary of consultation responses

WC Highways – Awaiting comments on the revised plans

Tree officer – No objection, subject to Condition(s)

WC Archaeology – No objections

Salisbury City Council – Object to the application on the grounds of overdevelopment

8. Publicity

The application was publicised via neighbour notification letters and a site notice. Three representations were received from third parties, of which two were in objection to the proposed development. Grounds for objection included

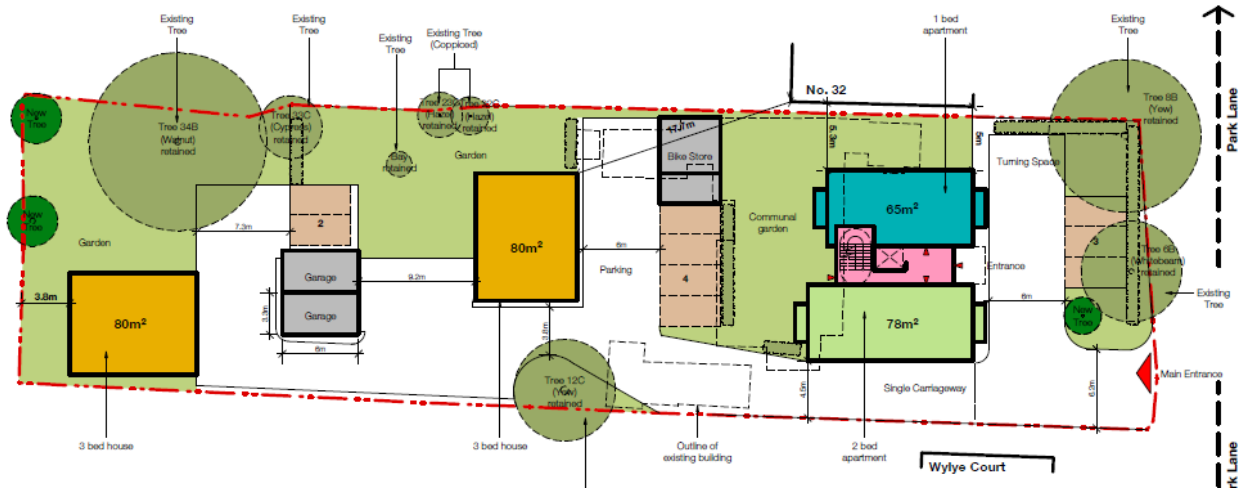
- unsuitable access
- insufficient detail of proposals
- design/scale of buildings out of keeping
- loss of trees
- traffic increase
- adverse impact on the amenity of neighbours and overdevelopment.

9. Planning Considerations

9.1 Background

Outline planning consent (with all matters reserved) was previously granted in March 2018 under planning reference 17/10559/OUT for *'demolition of existing five bedroom detached bungalow and replacement with two detached chalet style dwellings and a single block containing four apartments.'*

The outline consent included towards the SE of the site (approximately in the area of the existing bungalow) a two storey apartment block comprising 4 separate flats, two at ground level and two at first floor level. The indicative plans for the outline consent are shown below:



Indicative context elevational drawings were also provided for the apartment block as viewed from Park Lane, as below:

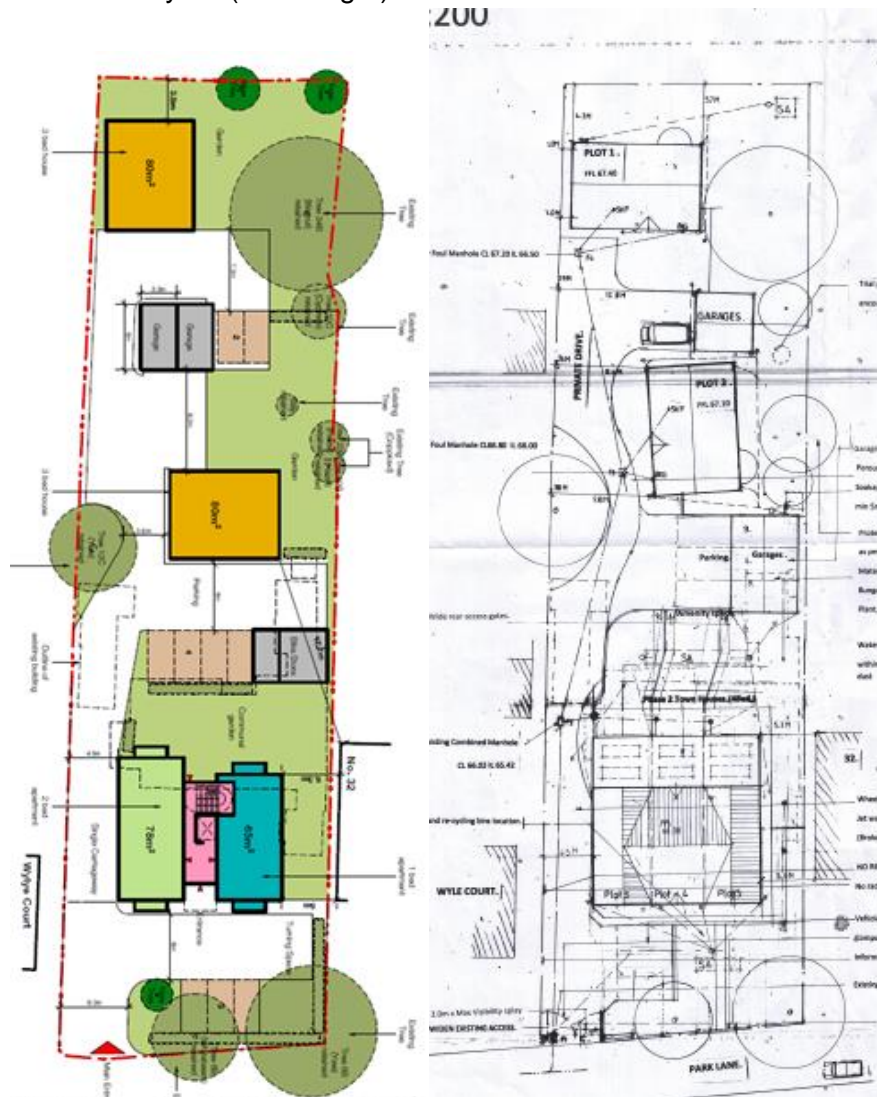


Subsequently full planning consent was granted under planning reference 18/06402/FUL which granted full planning consent in respect of the two detached dwellings and associated garaging behind the existing bungalow – these approved bungalows and garage are currently under construction.



The current application now seeks full consent for the replacement of the existing bungalow with a row of three town house style dwellings (instead of 4 flats in an apartment block), together with associated vehicular access and parking arrangements and the provision of a detached triple garage to the rear, all as described in the application documentation.

A comparison of the approved outline (indicative) site layout (below left) and the currently proposed townhouses layout (below right) is shown below:



9.2 Principle of the proposed development

The application site is within the settlement boundary for Salisbury where residential development and redevelopment is acceptable in principle, subject to the other provisions of the development plan and national planning policy guidance. Additionally in this case, the principle of the residential redevelopment of the site has previously been established through the granting of outline planning consent for 4 x flats in an apartment block and 2 x detached dwellings to the rear.

9.3 Scale, design & materials

The proposed townhouses are located in approximately the same position as the indicative outline apartment block and over the approximate footprint of the existing bungalow. The applicant has, in his submitted revised plans, maintained the 5m distance between the new building(s) and the existing western side facing elevation of number 32 Park Lane.

The indicative 4 x apartments scheme was a building of two storey form, with no door or window openings on the east facing side elevation. In comparison, the currently proposed 3 x townhouses scheme has accommodation over three floors, with second floor accommodation being provided within the roof void. There are no windows or other openings above ground floor level within the east facing side elevation, except for two rooflight windows serving non-habitable rooms (the glazing of which can be made obscured by Condition).

By providing second floor accommodation within the roof void of the buildings, the townhouses remain in effect of two storey scale and form, consistent with the indicatively approved 4 x apartments building scheme.

The external materials are not specified in the application documentation, but can be agreed by Condition should the application be approved.

Taking into consideration the siting, scale and design of the proposed 3 x townhouse scheme, and having regard to the existing extant outline consent for an apartment block of 4 x apartments in approximately the same position within the site, together with due regard to the scale and variety of other buildings/blocks along Park Lane, officers consider the scale and design of the proposal is acceptable subject to a Condition to control the final agreement of external materials.

9.4 Amenity impacts

The application site is bounded on three sides by existing residential dwellings/uses. To the immediate east is number 32 Park Lane, a two storey link-detached house, to the west is a four storey block of flats (Wyllye Court) with additional dwellings to the rear.

Concerns have been raised in third party representations that the proposed development would lead to undue impacts on the amenity of neighbours via overlooking and overshadowing and the generation of noise and disturbance.

By reason of the separation distance, orientation and general relationship between the application site and the existing four storey block of flats to the west, it is considered the proposed development would not be likely to result in undue impacts via overlooking or overshadowing.

In respect of the impact(s) on number 32 Park Lane, it is of note that the siting of the proposed 3 x townhouses maintains the 5m buffer distance between the closest part of the proposed development and the east facing side elevation of number 32. Additionally, there are no windows or other openings above ground floor level within the east facing side elevation of the proposed development, except for two rooflight windows serving non-habitable rooms (the glazing of which can be made obscured by Condition). In these respects officers consider the proposed development preserves the previously achieved level of amenity safeguarding that was indicatively approved outline planning consent for the 4 x apartments scheme, and the proposed development would not result in undue impacts on the amenity of the occupier(s) of the adjacent property at 32 Park Lane.

9.5 Highways safety, access and parking/turning provision

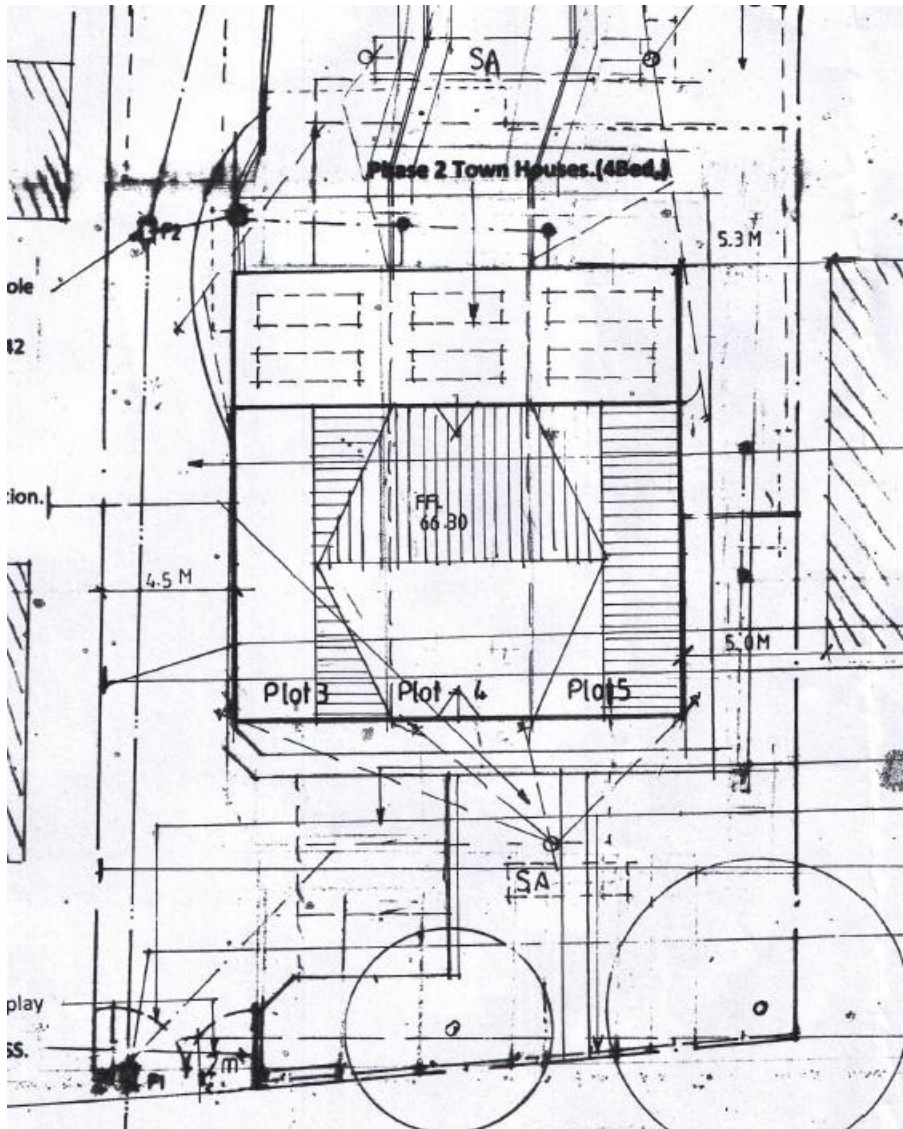
WC Highways initial comments were as follows:

“..... The proposed development will use the existing access which measures between 4.5m and 5m in width. This is sufficient for two vehicles to pass. I previously mentioned the need to improve visibility at the access by the provision of a 2m visibility strip across the site frontage. Given that the proposal will result in an increase in vehicle activity, and in the interests of pedestrian safety, I feel that an improvement to the visibility should be included in the scheme.

I note that the parking arrangement will provide 3 parking spaces fronting Park Lane, 1 per dwelling, with the remaining parking being located to the rear of the plots. Ideally I would wish to see a pedestrian link from the rear parking to each individual dwelling via a gate in the rear of the boundary fence.

The internal dimension of the proposed garages falls short of the required dimension of 3m by 6m to allow them to be included as allocated parking for the dwellings (as per para 7.4 of the Wiltshire Parking Strategy). Therefore, the proposal does not include sufficient parking to serve the proposed development and to meet the requirement of the current parking standards...”

Amended plans have been received which adjust the parking and turning layout at the front of the property. Confirmation that WC Highways now consider this revised layout acceptable is awaited and will be reported to Members.



9.6 Impact on protected trees

The Council's Tree officer has assessed the proposal and raises no objection, subject to a Condition requiring a Tree Protection Plan and Method Statement. It is considered the proposed development would not adversely affect protected trees.

10. S106 contributions

None required/relevant

11. Conclusion

The application is located with an area where residential development and redevelopment are acceptable in principle and proposes an acceptable scheme for the redevelopment of the

site, having regard to scale, design and the impact on neighbours and the existing character of the surrounding area.

RECOMMENDATION: That subject to WC Highways having no objections to the amended parking layout, then the application be **Approved**, subject to the following:

Conditions

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

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

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

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

- 3 No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use.

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

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of

development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: In the interests of visual amenity

- 6 No part of the development hereby permitted shall be brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their 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.

- 8 Before the development hereby permitted is first occupied/brought into use the roof window(s) in the east elevation(s) of the accommodation hereby permitted shall be glazed with obscure glass only [to an obscurity level of no less than level 5] and the windows shall be maintained with obscure glazing in perpetuity. No other windows, other than those hereby approved, shall be inserted in the east facing elevation of the accommodation hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

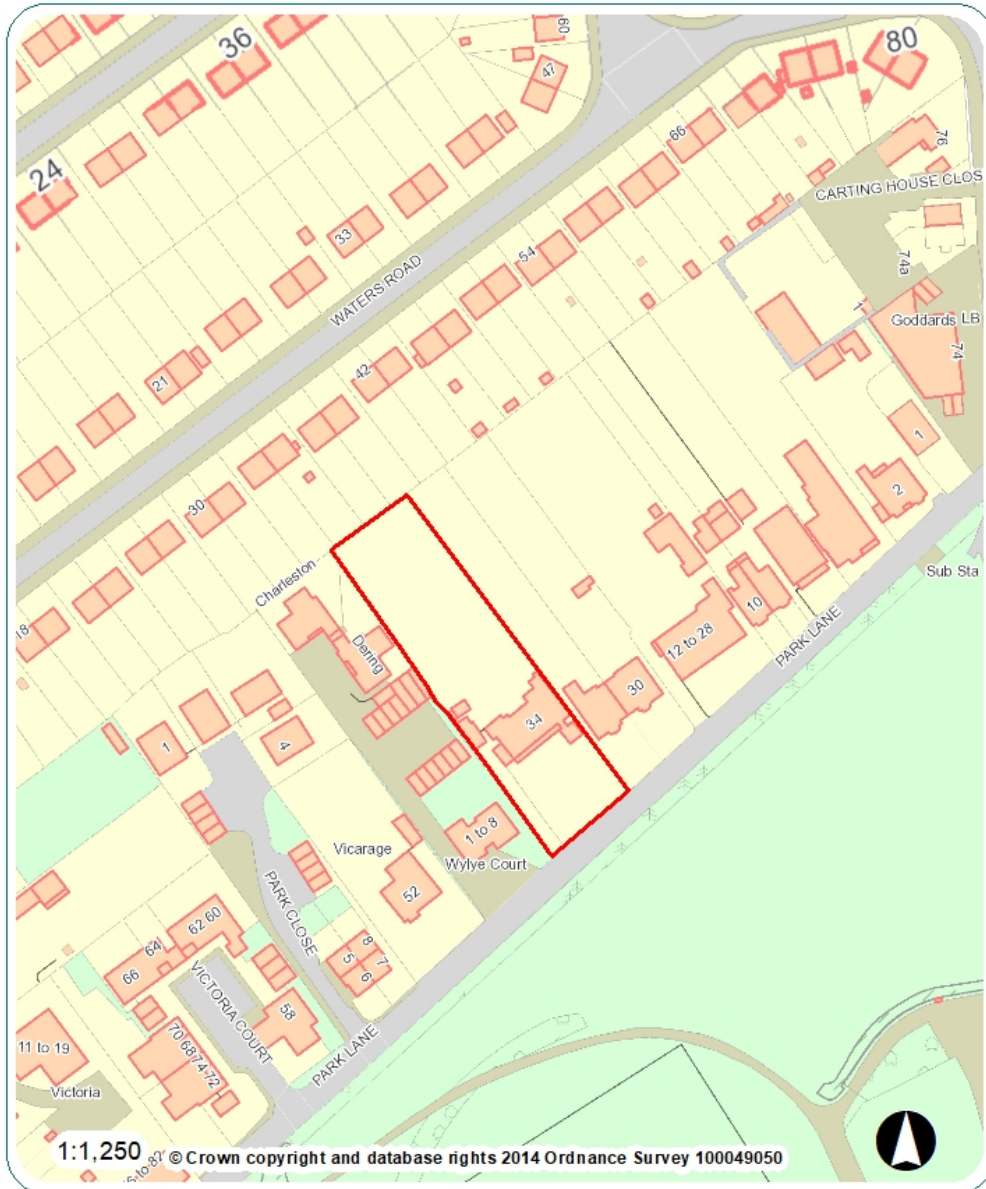
- Site works layout - drawing SW3 REV A
- Street scene drawing SS1 REV A
- Revised garage detail drawing GD3
- Revised elevations drawing SK6

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

- 10 The demolition and construction works hereby permitted shall only take place between the hours of 0800 hrs and 1800hrs from Mondays to Fridays and between 0800hrs and 1300 hrs on Saturdays. There shall be no construction works at any time on Sundays and Bank or Public Holidays, except for the internal fitting out works.

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

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