

# AGENDA

---

**Meeting:** Southern Area Planning Committee

**Place:** Online

**Date:** Thursday 12 November 2020

**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](mailto: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](http://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

---

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

## **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 - 22*)

To approve and sign as a correct record the minutes of the online meeting held on 29 September 2020.

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. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[View the online meeting here](#)

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Monday 9 November 2020.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda (spaces are allocated in order of registration), plus statutory

consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

### **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 electronically to the officer named on the front of this agenda no later than 5pm on Thursday 5 November 2020, 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 9 November 2020.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 23 - 24*)

To receive details of completed and pending appeals and other updates as appropriate for the period of 18/09/2020 to 30/10/2020.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **19/11985/FUL - Land at Bonham Farm, Bonham Lane, Stourton, BA12 6PX** (*Pages 25 - 82*)

Construction of 4 no affordable dwellings comprising 2 x two bed house and 2 x three bed houses with associated access and parking area.

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 29 SEPTEMBER 2020 AT ONLINE.

##### Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Jose Green, Cllr Leo Randall, Cllr Sven Hocking, Cllr Ian McLennan, Cllr John Smale and Cllr Graham Wright (Substitute)

##### Also Present:

---

#### 73 Apologies

Apologies were received from:

- Cllr George Jeans who was substituted by Cllr Graham Wright
- Cllr Mike Hewitt

#### 74 Minutes of the Previous Meeting

The minutes of the meeting held on 27 August 2020 were presented.

##### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### 75 Declarations of Interest

In relation to application 20/05322/VAR (7c), Cllr Westmoreland noted that he had a past acquaintance with one of the public speakers. This was as the Chairman of local group of artists, which he was no longer chair of. Since that time, he had not had any other personal meetings with that person. Therefore, declared that he did not feel it affected his ability to take part in the discussion and vote on that item.

#### 76 Chairman's Announcements

The Chairman explained the procedure should a recess be required.

#### 77 Public Participation

The committee noted the rules on public participation.

78 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda pack and requested that any questions be made to officers outside of the meeting. As such, it was:

**Resolved**

**To note the appeals report for the period of 13 August to 18 September 2020.**

79 **Planning Applications**

80 **19/11206/OUT: Land to the East of Wagtails, Southampton Road, Alderbury, SP5 3AF**

Public Participation

Colin French read a statement in objection to the application

David Webb read a statement in objection to the application on behalf of Mrs Hexter

Ken Carley read a statement in objection to the application

Elaine Hartford (Chair) of Alderbury PC read a statement in objection of the application

Adam Madge, Planning Team Leader, presented the outline application for up to 32 dwellings with all matters reserved (except access) at land to the east of Wagtails, Southampton Road, Alderbury, SP5 3AF.

The Officer noted that following a protracted period of discussion and negotiation, the applicant had chosen to exercise their right to appeal against non-determination of the application. This meant that the Council no longer had the powers to formerly determine the application, as that power now lay with the Planning Inspectorate.

The view of the Committee was sought to enable the Council to make its case to the Inspector.

The presentation highlighted matters in relation to the principle and policy, the impact on residential amenity, highways systems, ecology, drainage, flooding and S106 and viability.

The application site was an L shaped parcel of greenfield land which was outside of the settlement boundary but was adjacent to it on three sides.

Trees and vegetation on the site had been cleared and developers were at present building houses on one side of the site near the entrance, which already had planning permission.

It was advised that the outline application, was an indicative plan only, and was not necessarily how the site would look when completed.

There were residential dwellings along three sides of the site and also a public footpath to one side.

Other house development had recently been approved around the site, with 50 houses at the back, which had gained permission on appeal, with construction not yet started.

Slide 6 detailed the plan for the different types of houses and the 40% affordable housing that the applicant has said would be included.

There was also a children's play area and a greenspace.

Existing dwellings on Southampton Road that backed on to the site would have views of the new houses proposed and would be the most impacted on by the development.

It was noted that although the report did not make much mention to CP1, the first reason for refusal did mention this and Officers were recommending refusal on that point, in that larger villages would only be developed to a certain extent.

The river Avon had been identified by Natural England (NE) as having too high levels of phosphate and NE had advised that applications which would add to those levels should not currently be approved.

The site was previously heavily covered with trees which had since been felled and removed. It was felt that a substantial number of trees and shrubs should be put back into the site, however and at present due to the number of proposed dwellings and layout, it was felt that this would not be possible.

It was also noted that the Applicant had not yet signed a legal agreement.

For the reasons mentioned and detailed in the Officer report, the application would be recommended for refusal by Officers.

Members of the Committee had the opportunity to ask technical questions to the officer. In response to queries, it was clarified that the ownership of the footpath was not known by the Officer. The usual length of future retention given to a planting scheme was for a period of five years from development, unless there were Tree Preservation Orders in place, then they would be protected forever.

A query on areas of Wiltshire which required additional housing was clarified. In that, although the South West community area specifically, at present did not require further housing, the way the council was required to calculate the housing land supply, meant that Alderbury was included in the wider calculation which did require more housing.

The site was in the river Avon catchment area which drained down into Southampton water, which also had issues. The reason for refusal was connected to the river Test area which was affected by nitrates.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points included comments around the scale of the development and that the proposed dwellings would not be in-keeping with neighbouring properties.

The Parish Council was in objection to the proposed development.

Local Member Cllr Richard Britton then spoke in objection to the application, noting that his points had already been made by the statements read by the PC and public speakers.

He put into context the nature of the application, according to the council's development strategy, and that Alderbury was considered as a large village. Noting that CP1 stated there would be limited development inside the settlement boundary, and that a small development was considered to be less than 10 properties, or infill developments.

There had already been 14% development growth in Alderbury, since 2013, with no significant alterations to the amenities.

The previous 50 house development had offered considerable benefits, a football club, preschool, replacement girl-guide hut and a piece of land for the preschool.

This site currently remained outside of the settlement boundary.

There were ecological implications to the development. The site was created by the felling of 150 trees, which amounted to ecological vandalism on a prolific scale. There was nothing in the proposal that got close to offer compensation for habitat loss or biodiversity impact.

There were issues connected to the river Test and the river Avon catchment areas.

Despite Highways reporting a no objection to the issue of access onto the Southampton Road, Cllr Britton noted that he was involved with the Community Speedwatch scheme, which involved monitoring traffic at the south of the site access. The speeds and traffic flows there were enormous, with traffic increasing in the summer months.

People regularly choose to bypass it by driving through Alderbury. He noted that it was a great shame that there was no highway objection and asked the Committee to consider the inclusion of that as a reason for refusal.



Cllr Britton then moved a motion that the Committee refused the application in line with the officer recommendation, and that the recommendation should form the council's defence of the appeal. I would like the highways reason to be included. This was seconded by Cllr Wright.

Mr Madge noted he understood the concerns around the Highways matter, however as there was no objection by Highways, there would be no support from Highways at appeal.

Cllr Britton felt strongly that the matter of a highways problem did exist and wished it to be included. The Chairman, Cllr Westmoreland supported the view that the addition of the Highways reason be included to the list of reasons for refusal.

Cllr Britton moved the addition of a Highways reason as an amendment to the motion, which was seconded by Cllr Westmoreland.

The Committee was invited to discuss the amendment where reference to a previous hearing on a local plan, where the inspector had said that there should not be much more development on the A36.

A query whether the Highways issue could be added as an informative was asked of the Officer, who advised that it would not have the power that members were looking for in this case.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal in-line with officer recommendation, with the additional reason on highways issues. It was:

**Resolved:**

**That if the Committee were in a position to determine the application, that it be Refused, for the following reasons: -**

- 1) Notwithstanding that the Council is currently unable to demonstrate a five year supply of housing land within the South Wiltshire Housing Market Area (and consequently the tilted balance towards the interpretation of the settlement boundary is engaged), and taking into account the benefits the proposal would bring in the provision of affordable housing units, there remain strong material considerations in respect of the adverse impact the development would have on the integrity of European protected wildlife sites, as well as ecological concerns within the site itself.**

**Consequently it is considered in this case the effect of the tilted balance in respect of the interpretation of the settlement boundaries, together with the benefits provided by the provision of affordable housing units, are clearly and significantly outweighed by the adverse impacts of the proposal on the integrity of the European Protected sites on the River Test and The Solent, and the New Forest, and the lack of any meaningful ecological and biodiversity mitigation and enhancement that the scheme would bring.**

In these respects, the proposed development is considered to be discordant with Core Policies CP1, CP2, CP23, and CP50 of the Wiltshire Core Strategy and the aims and objectives of the NPPF.

- 2) The site is situated within the River Test catchment which drains into the Solent, a maritime area protected by a number of European designations. Advice from Natural England indicates that every permission that results in a net increase in foul water entering the catchment could result in increased nutrients entering the European sites causing further deterioration to them. The application does not include detailed proposals to mitigate the impact of increased nutrients and consequently, without such detailed proposals, the Council as a competent authority cannot conclude there would be no adverse effect on the integrity of the European sites as a result of the development. The proposal would therefore conflict with Wiltshire Core Strategy policy CP50 (Biodiversity and Geodiversity); and paragraphs 175 and 177 of the National Planning Policy Framework.

3) The application site (a former mixed woodland) had recently been almost entirely cleared of trees and habitats prior to the submission of the planning application. As such, the local planning authority considers that current baseline conditions at the site are not representative of the ecological baseline conditions as they were prior to clearance and as such the LPA's ecology team has not been permitted the opportunity to consider the application alongside the requirements of the NPPF 2019 and CP50 of the Wiltshire Core Strategy (Adopted January 2015) and to assess whether the proposed development would be acceptable in terms of ecology. Ecology would have very clearly constituted a material consideration in the determination of this planning application. The submitted *Ecological Constraints Survey Report* (Daniel Ahern Ecology, August 2018) with application 19/03480/OUT suggested that the ecological issues at the site have been identified. However, this report and the survey conducted to inform its production were undertaken subsequent to the site being cleared. The purported ecological information submitted in respect of the current application (Ecological Statement – 1215 Heritage Homes November 2019) has not been prepared by a qualified ecologist and does not meet recognised industry standards to fully assess the impact of the development on the biodiversity of the site.

The clearance of the entire site prior to determination of the planning application has meant that there has been no opportunity for the Council to comment on or influence the proposed layout of the development in terms of biodiversity and the retention and protection of ecological features that were present on site. The NPPF 2019 and Section 40 of the NERC Act 2006 places a duty on LPA's to only permit developments that will result in a net biodiversity gain and this is augmented by means of CP50 of the Wiltshire Core Strategy. Given the clearance of the entire site of woodland habitat, the limited ecological enhancements proposed in the submitted *Ecological Statement* and total lack of compensatory measures or soft landscaping proposed, the local planning authority considers this development has already resulted in a total net loss of biodiversity and should not be granted planning permission as it contravenes local and national planning policy, contrary to Core Policies CP50, CP52 & CP57 of

the adopted Wiltshire Core Strategy and saved SDLP policy C9 by which all development should seek opportunities to enhance biodiversity (Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services), which also seek to preserve woodland, ensure that valuable features and characteristics are protected and enhanced, that Wiltshire's green infrastructure network is retained and enhanced and that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.

4) The application makes insufficient provision in respect of affordable housing, public open space provision, education provision, and waste and recycling contributions and is therefore contrary to the aims of policies CP45 & CP57 of the Wiltshire Core Strategy, saved SDLP policy R2 and the requirements of Wiltshire Council's Waste storage and collection: Supplementary Planning Document.

5) The proposal is for 32 additional dwellings in Alderbury village. The village is bypassed by the main A36 trunk road, but the villages access is close to the junction where the A36 narrows to a single carriageway and goes on into Salisbury. At busy periods, traffic will often back up along the dual carriageway past the village. Therefore, significant amounts of traffic try to avoid the dual carriageway during those periods by driving through Alderbury instead. These 32 dwellings with the consequent additional vehicles will add to the traffic and noise passing through the village, already experienced by villagers currently and will exacerbate an already unsustainable issue to the detriment of pedestrians, residents and other road users. The proposal which will rely heavily on vehicle usage and add to congestion is therefore contrary to policy CP57 and CP64 of the Wiltshire Core strategy.

## INFORMATIVE

Reason for refusal 4 could be overcome through the landowner entering into a suitable S.106 legal agreement with Wiltshire Council to make appropriate provision in respect of on-site affordable housing, an appropriate financial contribution towards public open space provision, educational provision, and towards the provision of waste and recycling containers. The amount of the contributions would be index linked from the date of the resolution to grant planning permission.

### 81 20/02624/FUL: The Old Dairy, Church Road, Milston, SP4 8HT

#### Public Participation

Suzanne Kennedy read a statement in support to the application

Nigel Keen read a statement in support of the application

Nigel Keen read the statement of EPR Ecology in support of the application.

Tracey Glibber, Chair of Milston PC, read a statement in support of the application.

Georgina Wright, Senior Planning Officer, noted an update to the published agenda pack, which was that Milston Parish Meeting had raised no objection to the application. She then presented the application which was for change of use of two adjoining agricultural buildings to form a single-family home. Demolition of a further barn and its replacement with a garage/workshop and associated works. The application was recommended for refusal as detailed in the Officer report.

Key issues highlighted included: Principle, heritage, Character and Design, Neighbouring Amenities, Highway Safety, Flooding and Ecology.

The site included a collection of agricultural buildings based around a farmyard. Slide 14 showed the four buildings labelled as A,B,C and D.

The proposal involved the conversion of buildings A and B into a single four-bedroom dwelling.

Building C was to be demolished and replaced with a new garage block.

Building D was to be converted into a residential annex but did not form part of this application.

Access to site was from the north, on Church Road. The dwellings opposite the site on Church Road were Grade II listed buildings.

There were three recommended reasons for refusal, which the Officer then explained.

Reason one related to the planning history of the site. In 2017, buildings A & D both received planning permission through class Q of the general permitted development order, for a conversion into two separate dwellings. That permission had since expired.

Building B was refused permission for its use as a dwelling under the class Q route in 2017 as it was felt that that building was not capable of conversion. At the subsequent appeal, the Inspector agreed with that reason for refusal and so that building remains in agricultural use.

This application proposed the conversion of building A and B into one dwelling, with building A containing the bedrooms and building B to have the living quarters. The two buildings would be linked with a modest single storey glazed link.

The application was to be considered under policy CP48 which was more restricted than the class Q process re conversion of buildings. Under class Q, building B was found to be unconvertable. Likewise, for the same reason it did not satisfy CP48.

Building A could be a dwelling if the applicant re-applied under class Q.

The second reason for refusal was based on flooding, the flood zones currently went into the site, in particular over building B. New build in flood zone 2 was not acceptable unless a sequential test was done to look at alternatives outside of flood zones 2 and 3. There was an alternative on this site, so this scheme failed the sequential test for flooding.

The third reason was due to the river Avon, as there was no current strategic level mitigation for phosphate loading into the river Avon. Therefore, any additional dwelling in this part of the county was currently being refused or held until there was mitigation in place. Therefore, as the application proposed to introduce a new dwelling on the site, where there was a phosphate loading issue, to give permission would be contrary to policy.

The proposed elevations and floor plans were explained.

Members of the Committee had the opportunity to ask technical questions to the officer. In response to queries, it was clarified that the cladding would be dark in colour and would be conditioned should the application be approved.

Drainage and flooding were two separate matters. The Environment Agency (EA) had said that the flood zones were indicative and likely to be best case scenario and because of climate change could be likely to change/be worse.

If the committee was mindful to approve the application then it would be able to condition that the development did not commence until the phosphate issue had been resolved. The Officer noted that this was not a best practice approach and may take a while to resolve

Members of the public, as detailed above, then had the opportunity to speak on the application.

One statement suggested that a condition be applied to restrict the site to one dwelling. The Officer confirmed that a condition of that nature was not possible.

In response to the ecology report which had been read out, the Officer noted that it stated there would be a calculation of the phosphates and there would be a mitigation package put forward, however it was her understanding that it was not as simple as that. Until the calculations and mitigation had been provided the Officer could not be satisfied that the matter was resolved and if it were that simple she suggested that everyone else would do that for every other site that was currently being held up/refused on this matter. The WC Ecologist had been made aware of the proposals outlined in the report but due to lack of detail had reconfirmed their objection

Local Member Cllr John Smale then spoke in support of the application, noting that the applicants had vast support for the application locally. There had been a coming together of the villages to show their support of the development.

He noted that the dairy had been derelict for the last 30 years and that it was lucky that this family had come along and were taking their time to make sure they were getting things right to improve the location.

He hoped that they would be able to achieve accommodation that was suitable for the family, confirming that he had seen samples of the proposed cladding and felt that it was suitable.

He raised a point regarding nutrients and phosphates, in that the applicants would need to supply a mitigation plan. He stated that Wessex Water were in full support of the suggested action the applicant would take.

Cllr Smale then moved a motion of approval, against Officer recommendation, stating the reasons as local support, support of the parish council and the improvement of a derelict site of 30 years. This was seconded by Cllr Wright.

In the ensuing debate, Members considered the high level of support from neighbouring villages and the parish council to the proposals and whether there was any visible harm to the development from outside of the site.

The Council policy relating to phosphates and whether that could be managed under a condition to request that no development would take place until a mitigation strategy to deal with phosphates was produced by the applicant which satisfied the councils Ecological Officer.

Discussion around the height of the concrete base for building B and whether that would deal with the issue of flooding and whether it was possible to convert the agricultural barns in their current state, or if it would be considered new build. The situation of the previous permission under class Q for two dwellings was raised and that it would be possible for the applicant to apply for that again for building A.

It was noted that Wessex Water's support was only connected to the drainage aspect of the development, and not the phosphate issue, as that was dealt with by Natural England.

The Case Officer clarified the law on conditioning ecological matters.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of approval against officer recommendation with the added condition that no development would take place until a mitigation strategy to deal with phosphates was produced by the applicant which satisfied the councils Ecological Officer.

Cllr McLennan requested that his dissent be recorded.

It was:

**Resolved:**

That application 20/02624/FUL be GRANTED subject to the following conditions:

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: L-000 – Location Plan. Received – 23.03.2020

Ref: PL-001 – Proposed Site Plan. Received – 23.03.2020

Ref: PL-002 – Proposed Block Plan. Received – 23.03.2020

Ref: PL-101 – Proposed Ground Floor Plan. Received – 23.03.2020

Ref: PL-102 – Proposed First Floor Plan. Received – 23.03.2020

Ref: PL-201 – Prop. Context Elev. A-A, B-B, C-C Received – 23.03.2020

Ref: PL-202 – Prop. Context Elev. D-D, E-E. Received – 23.03.2020

Ref: PL-203 – Proposed House Elevations – W&S. Received – 23.03.2020

Ref: PL-204 – Proposed House Elevations – E&N. Received – 23.03.2020

Ref: PL-206 – Proposed Garage Elevations. Received – 23.03.2020

Ref: PL-401 – Proposed Details – D1, D2. Received – 23.03.2020

Ref: PL-402 – Proposed Details – D3, D4, D5. Received – 23.03.2020

Ref: PL-403 – Proposed Details – D6. Received – 23.03.2020

Ref: PL-404 – Proposed Details – D7, D8. Received – 23.03.2020

Ref: PL-405 – Proposed Details – D9, D10. Received – 23.03.2020

Ref: PL-406 – Proposed Details – D11, D12. Received – 23.03.2020

Ref: PL-901 – Proposed Materials Board. Received – 23.03.2020

Ref: 7244/501 Rev A – Drainage Strategy. Received – 02.06.2020

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

3. **WB1** No development shall continue above slab level 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:** 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:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- 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. **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-E & G shall take place on the dwellinghouse hereby permitted or within their curtilage.

**REASON:** In the interests of the design, character and amenity of the rural location; to reduce the potential impact of flooding; and to enable the Local Planning Authority to consider individually whether



planning permission should be granted for additions, extensions or enlargements.

7. **WE15** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

**REASON:** In the interests of the design, character and amenity of the rural location and to secure the retention of adequate parking provision, in the interests of highway safety.

8. The living accommodation that is to be provided in Building B (along the western edge of the site) hereby approved, shall be limited to non sleeping accommodation only (i.e. it shall not be used or subdivided for use as a bedroom/s).

**REASON:** To limit the impact of any potential flood risk

9. **WH6** The flood risk mitigation measures and drainage strategy detailed in the approved Flood Risk Assessment & Drainage Strategy (Cole Easdon Consultants Ltd, Issue 2, March 2020) shall be carried prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the assessment.

**REASON:** In the interests of flood prevention.

10. **WH9** No development shall commence on site, including site clearance, until the biodiversity enhancement measures detailed in the approved Phase 1 & 2 Bat Report (Lyndsey Carrington Ecological Services, Updated June 2020) have been outlined on a plan and submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be implemented in full prior to the dwelling hereby approved being first occupied and maintained/retained in situ, in perpetuity.

**REASON:** To enhance biodiversity and nature habitats across the site.

11. **WH11** No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

**REASON:** To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

12. No development shall commence on site, including site clearance or demolition, until a scheme to ensure that the development hereby approved will be phosphate neutral, including calculations of the potential phosphate levels from the site; any mitigation; and a scheme of phosphate reduction measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling hereby approved and the agreed measures shall be retained and maintained in perpetuity.

**REASON:** to ensure that the development does not result in any additional phosphate loading in the River Avon Special Area for Conservation in the interests of ecology

13. There shall be no external lighting at the site.

**REASON:** In the interests of ecology and protected species

**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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).
- 2) The applicant's attention is drawn to the advice provided by Wessex Water in their consultation about this application dated 06.05.2020

82 **20/05322/VAR: 18 Burford Road, Harnham, SP2 8AN**

Public Participation

Miss Jay read a statement in objection to the application

Ms Argo read a statement on behalf of Mrs Volkes in objection to the application

Mr Flint read a statement in objection to the application.

Christos Chrysanthou, Planning Officer, presented the variation application for condition 5 of planning permission 18/00376/FUL [Condition 4 of Variation of condition approval 18/10898/VAR] to allow the hours of play in garden nursery from 09:00 to 18:00 Monday to Friday. The application was recommended for approval with conditions as detailed in the Officer report.

The site was in a residential area. The variation was in relation to the garden area of the nursery, the times of use and the numbers of children permitted to play at one time.

The garden was approx. 26m from rear elevation and 15m wide. The building was set approx. 1.5m away from the boundary.

Key issues highlighted included the planning history, in 2012, an appeal was allowed by the planning Inspector for a log cabin that was sited retrospectively. In 2018 there was an application for a single storey flat roof extension to replace the log cabin, this was approved with conditions, relating to the garden use, restricting the times of use as a children's play area to 09:00 to 18:00 Monday to Friday, carried over from the 2012 appeal decision.

A variation of condition application was then received, which requested an increase in numbers of children attending the nursery from 45 to 65. The hours of use condition was then adjusted at that time to allow for two separate windows of outdoor play, which were 09:00 – 11:30 and 14:30 – 16:00 Monday to Friday. This was discussed and agreed as acceptable by Public Protection (PP) with a maximum of 15 children playing outside at any one time. To minimise impact on neighbouring amenity.

The current application requests to revise the wording of the condition, to revert to the hours of 09:00 to 18:00, which was considered acceptable by PP, with the restriction of a maximum of 15 at any one time. There would also be an additional condition of a restriction of amplified music being played outside the building at any time during those hours.

Members of the Committee had the opportunity to ask technical questions to the officer. In response to queries, it was clarified that the basis for the original condition of the blockage of use of the garden over the lunch time period, was to protect the amenity of the neighbouring area and residents and that it was now felt that with the restriction to a maximum of 15 children able to play outside at one time, it was considered that allowing the hours to revert to 09:00 to 18:00 was acceptable.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Local Member Cllr Sven Hocking then spoke in objection to the application, noting that he completely agreed with the points of the three speakers in objection.

He acknowledged that some people would say that living near to school sites would experience a bit of noise, however, schools had break times and lunch times, if approved, the variation would permit the nursery to have all day outdoor play. This nursery did not operate half terms or summer holidays, it was in operation all year round.

He drew attention to the report which stated the department had not received any complaints, advising that there had actually been 20 or more complaints, which had been directed to different departments at the council.

Resident had been encouraged to make a log of any noise disturbance; however, this was not practical unless they were to remain at home all day every day.

The Public Protection suggested a noise management plan, but then advised that it was not feasible to enforce it. This was not the fault of the residents.

Cllr Hocking did not feel that there had been a supportive case for the change to the hours. The report stated under CP49, that the proposal would not unduly impact on neighbouring community and create undue noise, yet this variation would do that, making it worse for nearby residents.

Cllr Hocking then moved a motion of refusal, against Officer recommendation, stating the reasons as CP49 & PS5. Neighbouring amenity, and the Health and wellbeing of neighbouring residents, this was seconded by Cllr Dalton.

In the ensuing debate, Members considered the planning history in particular the variations to conditions, which individually may be minor, added up to a bigger picture over time. The impact on the neighbouring residents. The limit on the building and grounds to meet growing needs catered for by the nursery which was originally a 4-bedroom detached house.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials and voted on the motion of refusal against officer recommendation with the reasons stated above. It was:

**Resolved:**

**That application 20/05322/VAR be refused against Officer recommendation, for the following reasons:**

- 1. The existing 65 place children's nursery is positioned in a residential area of Salisbury where residents can expect a reasonable level of quiet enjoyment during daytime hours. Planning permission 18/10898/var restricted the garden area to the hours of 09.30 and 11.30, and between 14.30 to 16.00 Mondays to Fridays, allowing residents to quietly enjoy their property between these hours. The reason for this was that it was "In the interests of the amenity of the area and to protect the living conditions of nearby residents". The removal of this part of the condition would allow the unrestricted use of the garden by up to 15 children and employees for a period of 9 hours a day 5 days a week. This level of intensive use of the garden area, it is considered, will lead to a noise level far in excess of what could reasonably be expected by residents living in close proximity to the site. As such, the proposal, it is considered, would be contrary to policy CP57 (vii) of the Wiltshire Core strategy which requires the local authority to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and to ensure that appropriate**

**levels of amenity are achievable within the development itself, including inter alia, noise.**

83 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 6.00 pm)

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

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

**Wiltshire Council**  
**Southern Area Planning Committee**  
**12<sup>th</sup> November 2020**

Planning Appeals Received between 18/09/2020 and 30/10/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/11206/OUT	Land to the East of Wagtails Southampton Road Alderbury, SP5 3AF	ALDERBURY	Outline Application for up to 32 dwellings with all matters reserved (except access)	Non-Determ	Written Representations	-	05/10/2020	No
20/00954/FUL	Magnolia, Rectory Road Alderbury, SP5 3AD	ALDERBURY	Build a 2 bay oak garage with douglas fir featheredge cladding to match with the house	DEL	House Holder Appeal	Refuse	18/09/2020	No
20/01488/FUL	Heritage Automotive, Units 6 and 7 South Newton Ind Est Warminster Road South Newton SP2 0QW	SOUTH NEWTON	Retrospective planning consent for use of existing land as stock car storage, and construction of helipad.	Non-Determ	Written Representations	-	16/10/2020	No
20/04308/FUL	Walnut House A338, Cholderton SP4 0DH	CHOLDERTON	Demolition of a modern dilapidated 120 sqm swimming pool house that is ancillary to Walnut House and replacement with a single storey 120 sqm granny annex ancillary to Walnut House and re-use of the existing separate 7sqm pump-room and changing room to a recycling store and bicycle store (x3 bikes).	DEL	Written Representations	Refuse	07/10/2020	No
20/04904/FUL	Land Adjacent to Wyndrina Grimstead Road Whaddon, SP5 3EE	ALDERBURY	Erection of 1x pair of semi-detached 3 bedroom dwellings, parking and associated works (resubmission of 19/12178/FUL)	DEL	Written Representations	Refuse	06/10/2020	No

Planning Appeals Decided between 18/09/2020 and 30/10/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/08230/FUL	1 Southbourne Way Porton, SP4 0NN	IDMISTON	Erection of close-board wooden fence around side and part of front of property.	DEL	House Holder Appeal	Refuse	Allowed	21/10/2020	None
19/09738/FUL	Teffont Woodland Dinton Road Teffont Magna Salisbury, SP3 5RR	TEFFONT	Conversion of Forestry building to tourism accommodation (holiday let)	DEL	Written Reps	Refuse	Dismissed	22/09/2020	None
19/10455/FUL	Fleming Barn B3083 The Common Shrewton North to Rollestone Road Shrewton, Homanton Shrewton, SP3 4ER	SHREWTON	Demolition of existing buildings and the erection of one detached dwelling (use class C3), attached car port, landscaping and associated works.	DEL	Written Reps	Refuse	Dismissed	25/09/2020	None
20/00384/FUL	Flower Mews Flower Lane, Amesbury Wiltshire, SP4 7YX	AMESBURY	Retrospective planning permission for a 1.8m high bamboo slat fence/screening along chain link fence on boundary	DEL	Written Reps	Refuse	Dismissed	16/10/2020	None
20/00554/FUL	Magnolia, Rectory Road Alderbury, SP5 3AD	ALDERBURY	Build a 2 bay oak garage with douglas fir featheredge cladding to match with the house	DEL	House Holder Appeal	Refuse	Dismissed	05/10/2020	None
20/00814/FUL	Land rear of 43 & 45 Estcourt Road Salisbury, SP1 3AS	SALISBURY CITY	Erection of new 1.5 storey building to create 2 x 1 bed apartments	DEL	Written Reps	Refuse	Dismissed	05/10/2020	Appellant applied for Costs - <b>REFUSED</b>



## REPORT OUTLINE FOR AREA PLANNING COMMITTEES Report No.

<b>Date of Meeting</b>	12 <sup>th</sup> November 2020
<b>Application Number</b>	19/11985/FUL
<b>Site Address</b>	Land at Bonham Farm, Bonham Lane, Stourton, BA12 6PX
<b>Proposal</b>	Construction of 4 no affordable dwellings comprising 2 x two bed house and 2 x three bed houses with associated access and parking area.
<b>Applicant</b>	Stourhead (Western) Estate
<b>Town/Parish Council</b>	Stourton with Gasper Parish Council
<b>Electoral Division</b>	Mere, Cllr George Jeans
<b>Grid Ref</b>	
<b>Type of application</b>	Full
<b>Case Officer</b>	Mrs. Becky Jones

### Reason for the application being considered by Committee

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

- to consider the need for the local housing.

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be REFUSED for the reasons detailed below.

### 2. Report Summary

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

1. Principle of development and whether the development meets the policy criteria for an exceptions site
2. Affordable housing provision and Wiltshire Council's allocations policy
3. Impact on the settings of heritage assets and the character and appearance of the area
4. Landscape setting and the character of the AONB
5. Impact on residential amenity
6. Impact on the local road network, highway safety and rights of way
7. Ecology, archaeology and non mains drainage
8. Site at Brook Cottages in Gasper and application 13/00636/FUL

The application generated 1 letter of support from Stourton and Gasper Parish Council on the grounds that the dwellings would be available to rent at an affordable price for local people in perpetuity, 14 letters of support and two letters of objection.

### 3. Site Description

The site comprises a field for agricultural grazing (there is no site history for change of use to pony paddock), situated on the east side of a trackway serving Bonham Farm. The farm

buildings are located to the east, opposite the site. An area of woodland forms the west boundary to the site and is designated as National Trust land.

The application site is located within close proximity (and within the setting of) the **Grade II\*** listed Bonham House and Bonham Cottage (formerly listed as Bonham House and Chapel of St Benedict) and **Grade II** listed Bonham Farmhouse. A Grade II listed wall lies to the south of Bonham House.

The site, farm and its associated buildings lie within the countryside of the AONB. The site has a non agricultural Agricultural Land Classification and is within Flood Zone 1 within the River Stour catchment. Bonham Lane is an adopted, unclassified road. A public footpath STGA 7 runs along the access lane.



The applicant is proposing to erect four dwellings with access and parking for 12 cars on the site.

#### 4. Planning History

It is not considered that there is any planning history for the site which is of relevance to this application. However, Members' attention is drawn to a previous application at Gasper (Brook Cottages) for four affordable dwellings, which was approved subject to a legal agreement by the planning committee under 13/00636/FUL. This is discussed further below.



*Brook Cottages scheme 13/00636/FUL Gasper*

## 5. The Proposal

The proposal is to construct 4 no affordable dwellings comprising 2 x two bed house and 2 x three bed houses with associated access and parking area for 12 cars. In justifying the proposal, the applicants submitted Planning Statement indicates that:

*“The Housing Need Survey identified a specific need for 5 subsidised rented houses. Whilst it lists these as 3 X One bedroom homes (1 X bungalow/ground floor accommodation), 1 X Two bedroom home and 1 X Three bedroom home the report notes that the recommendations for the number of bedrooms are made in line with the “family size” criteria implemented as part of the housing benefit changes introduced by the 2012 Welfare Reform Act. As a consequence, what is stated is generally lower than the accommodation sought by those answering the survey.*

*The survey actually identified a predominant need for two bedroom properties with the most sought after type of home being bungalows and terraced accommodation.*

*As a consequence, (and there are also reasons why this type of development is most appropriate in terms of the site, location and context) it is proposed to construct a barn style terrace of 4 dwellings. 2 of the 4 dwellings are single storey and the other 2 (in the central half of the building) include bedroom accommodation at first floor level”.*

## 6. Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

### **National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance NPPG**

#### **Wiltshire Core Strategy (WCS) adopted Jan 2015:**

- CP1: Settlement Strategy
- CP2: Delivery Strategy,
- CP17: Mere Community Area
- CP44: Rural exception sites
- CP48: Supporting Rural Life
- CP51: Landscape
- CP57: Design
- CP58: Conserving the Historic Environment
- CP60: Sustainable Transport

- CP61: Transport and Development

The Conservation of Habitats and Species Regulations 2010, Circular 06/2005

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

**Wiltshire Local Transport Plan Car Parking Strategy:**

PS6 Residential parking standards

**Planning (Listed Building and Conservation Areas) Act 1990**

Section 66: Special considerations affecting planning functions

**7. Consultations**

**Housing Team** – objection, proposal is contrary to CP44

**Conservation** - Objection on grounds of impact on setting of Grade II\* listed buildings, at higher end of less than substantial scale.

**Historic England** - Particularly concerned about the potential impact of the proposed scheme on the Grade II\* listed building. This scheme to introduce a modern development of 4 dwellings to the west of the Bonham Farm complex will cause considerable harm to the overall heritage significance of Bonham House (previously the Chapel of St Benedict). See below.

**Public protection** – no adverse comments

**Highways** – objection on grounds of unsuitability of the local highway network and sustainability

**Archaeology** – no objection subject to condition for written programme of archaeological investigation

**Drainage** – no comments

**Ecology** – No objection subject to conditions for biodiversity net gain, which could include provision of bat and bird boxes on the new dwellings and that any external lighting is angled downwards and not illuminate any boundary vegetation.

**AONB Partnership** - various issues still to be addressed.

**8. Publicity**

The application was advertised by site notice and neighbour consultation.

14 letters of support received on the following grounds:

- Affordable and accessible homes for rent are required for local community and local workers
- Design is extremely sympathetic to Bonham, and they will be set lower than the current buildings so their impact would be small and screened by woodland belt.
- Site is well hidden and sympathetic to environment.
- Replaces local housing that has been lost, benefits to local community. Affordable homes are needed

2 letters of objection received on the following grounds:

- Adverse impact on setting of listed buildings, impact on historic character of the hamlet
- Adverse impact on setting of AONB, adjacent to public footpaths
- Proposed buildings are two storey, unsympathetic design
- Materials out of keeping with character in Bonham (eg slate and vertical wall cladding)

- Light pollution and impact of light and noise on protected species
- Traffic and impact on Bonham land and the access lane. Parking over-provision. Wood work business has been refused due to traffic impact. No quantitative study undertaken.
- Impact of non mains drainage
- Impact on archaeology
- Question affordability as those on housing benefit are ineligible

## 9. Planning Considerations

Planning permission is required for the development. The applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

### 9.1. Principle of development and whether the development meets the policy criteria for an exceptions site

Bonham and the site lies outside any adopted settlement boundary, within the countryside.

Policy CP2 states that other than in circumstances as permitted by other policies within the Plan, development will not be permitted outside the limits of development. Para 4.25 of the policy does however include 'exception policies' which seek to respond to local circumstance and national policy. This includes "Rural Exception sites", which is covered by policy CP44.

**Core Policy 44** of the Wiltshire Core Strategy is the relevant policy for the consideration of rural exception sites. This states that:

*At settlements defined as Local Service Centres, Large and Small Villages (Core Policy 1), and those not identified within the settlement strategy, a proactive approach to the provision of affordable housing will be sought in conjunction with Parish Councils and working with local communities and other parties. This exception to policy allows housing for local need to be permitted, solely for affordable housing, provided that:*

- i. The proposal has clear support from the local community***
- ii. The housing is being delivered to meet an identified and genuine local need***
- iii. The proposal is within, adjoining or well related to the existing settlement***
- iv. Environmental and landscape considerations will not be compromised***
- v. The proposal consists of 10 dwellings or fewer***
- vi. Employment and services are accessible from the site***
- vii. Its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement and***
- viii. The affordable housing provided under this policy will always be available for defined local needs, both initially and on subsequent change of occupant.***

The proposal before Members therefore needs to be tested against the above criteria.

As summarised elsewhere in this report, the proposal has been subject of several letters of support from local people, and the Parish Council. It has however also been the subject of

objections regards the likely impacts of the development. Members will need to consider whether this level of support is enough to meet criterion i) above.

The proposal site forms part of the open countryside which forms part of the hamlet known as Bonham. It is considered that the proposal site does not adjoin the development limits of a Local Service Centre or Large Village where employment and services are easily accessible. It is also considered that the proposal site is not adjacent to the existing built area of a Small Village where employment and services are easily accessible.

The proposal site, by reason of its location, which is remote from services and employment, does not represent a suitable exception site. Consequently, the principle of developing the proposal site as a rural exception site is not accepted. In officers' opinion, the scheme does not meet the requirements of CP44 criterion (iii) and (vi) above. In officers' opinion, this is not a sustainable development.

Regards the other above criterion, the report below assesses how the development meets the various policy requirements.

## **9.2 The provision of affordable housing and Wiltshire Council's allocations policy**

Criterion ii) of CP44 indicates that any application on an exception site should demonstrate that the affordable housing is being delivered to meet an identified and genuine local need.

The Parish Housing Needs Survey covering the area of the site (dating from 2018), and the survey's recommendations concentrate on households unable to afford accommodation on the open market.

The Survey indicates the following minimum need over three years (from 2018) for new affordable housing development in the parish, based on the responses to the survey:

### **Subsidised rented housing 10**

- 3x one bedroom homes (1x bungalow/ground floor accommodation)
- 1x two bedroom home
- 1x three bedroom home

### **Shared ownership / discount market homes 11**

- 1 x two bedroom home

### **Sheltered housing for older people**

- None

It is important to note that as the survey points out, the recommendations describe a snapshot of the need for affordable housing at the time the survey was conducted and do not take account of future changes in need, for example arising from the changing housing needs of employees of local businesses. The recommendations may not represent the parish's full housing need as responses were not received from every household, for example households which are on the Housing Register may have not completed a questionnaire. In order to fully assess the housing need in the parish, the recommendations need to be considered alongside evidence provided by Wiltshire Council's Housing Register, the Strategic Housing Market Assessment, and the advice of allocation staff who manage the Register.

In general terms, it appears from the Survey that there is a certain level of need within the area of the site for affordable housing provision.

However, the proposed scheme needs to satisfy the requirements for Affordable Housing for Rent, as set out in the NPPF. This states that affordable housing is defined as:

*“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”.*

However, the scheme also needs to comply with the following definition from the NPPF:

*a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

The Council’s Housing officer has **objected** to this proposal on the basis that:

- *the proposed site is located outside of, and away from, the existing built area of Stourton, which is identified as a ‘Small Village’ in the Wiltshire Core Strategy. It does not therefore appear to meet criteria (iii) of CP44.*
- *The applicant proposes to retain Nomination Rights to the units which will be managed by a private landlord. This is contrary to the definition of ‘Affordable housing for Rent’ in Annex 2 of the NPPF which requires that the landlord is a Registered Provider.*
- *The proposed allocations criteria provided (attached) are not in accordance with the adopted Wiltshire Council Allocations Policy.*

*Whilst the applicant has provided additional information stating that the tenure will be ‘Build to Rent’ and therefore does not need to be transferred to an RP, no evidence has been provided as to how the proposed units meet the requirements of Build to Rent set out in the PPG such as: longer tenancies of 3 years or more, inclusion of a clawback mechanism in the S106, and in-perpetuity requirements.*

*The PPG states that ‘Build to Rent is a distinct asset class within the private rented sector’ and whilst the NPPF and PPG don’t set out a minimum number of units for Build to Rent schemes, it is generally considered that these are large scale schemes. The units proposed therefore do not appear to be in the nature of Build to Rent units and we do not consider that Build to Rent is an appropriate tenure for a Rural Exception Site.*

Therefore, although the proposed housing may be being offered as an affordable rent scheme, it is considered that the proposal does not satisfy the requirements of either the NPPF or CP44 and would not function as affordable housing under these definitions. Build to Rent is characteristically provided on large, urban schemes and is not considered a suitable means of provision for small exceptions sites.

Members will need to be mindful that application 13/00636/FUL (at Brook Cottages, Gasper to the west of this current application site) was considered by the Southern Area Planning Committee on the 3<sup>rd</sup> of July 2014. At that meeting, against officer advice, Members resolved to grant planning permission for that development subject to the imposition of planning conditions and the applicant entering into a legal agreement concerning the allocation of the

housing and a financial contribution towards public open space. It was further agreed that a draft Section 106 agreement and a draft set of conditions should be considered by a future Planning Committee before the Local Planning Authority issued a decision.

The completed the legal agreement is attached at **Appendix 1** for consideration. Should Members decide to approve this current application, it is likely that a similarly worded Agreement will be needed.

However, in officers opinion, the considerations for this application at Bonham Farm are materially different to Brook Cottages in three ways:

1. The definition of affordable housing has changed since 2013 and is now provided by the 2019 NPPF. The Housing officer is concerned that Build to Rent schemes are an unsuitable mechanism for small rural exceptions sites.
2. The Brook Cottages scheme attracted a highway *sustainability* objection. The Bonham Farm proposal has generated a highway *sustainability* and **safety** objection as the highways officer considers that the local road network is unsuitable as a means of access to serve the development (This matter is explored elsewhere in this report).
3. Brook Cottage was a Grade II listed building opposite the affordable housing scheme. The Bonham Farm scheme is considered to adversely affect the setting and significance of a Grade II\* listed building and has generated conservation objections and concerns from Historic England. (This matter is explored elsewhere in this report).

### **9.3 Impact on the settings of heritage assets and the character and appearance of the area surrounding the proposal site**

The proposed site at Bonham lies within the setting of a Grade II\* and Grade II listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:  
*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The Conservation policies of the local plan and the NPPF seek to ensure that the settings and significance of listed buildings would not be harmed. Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

In terms of the siting and location of the development, the Conservation officer has strongly objected to the proposal:

*Bonham House is an important grade II\* listed building dating from the 14<sup>th</sup> century. Bonham Farmhouse is also listed – grade II (late 18<sup>th</sup> century). Any historic barns may well be curtilage listed. The setting is extremely rural, well-wooded and verdant in character. The site for the proposed housing is a pasture, north-west of the listed buildings.*

*As it stands, I would not support the proposals.*

*The current application is supported by a heritage statement that, yet again, uses the Design Manual for Roads and Bridges to assess significance. I suggest they look at Historic England's*



guidance on assessing significance.

Nevertheless, they do acknowledge the **high significance** of Bonham House (reflected in its grade II\* status). At 4.3 they note that the remoteness of the chapel (part of the house) enabled it to be a discrete location for the continued observance of the Roman Catholic religion. At 4.4 they say 'it remains a well-preserved building, holds great historic and architectural interest and is of **High Significance**'.

Unfortunately there is no assessment of the contribution the setting makes to its setting – a conspicuous absence from the report.

The report also acknowledges the grade II farmhouse and the authors consider this to be of **Medium Significance**. There is no assessment of the contribution the farm buildings (unlisted) make to the farmhouse, and actually whether, as a group, the mutual functional, physical and historic relationship enhances the interest of the farmhouse and the barns (ie that the value of the group is greater than the individual components – I would argue that this is the case) and again, there is no assessment of the setting of the farmhouse.

In conclusion, para. 189 of the NPPF requires that the applicant should describe the significance of any heritage assets affected, '**including any contribution made by their setting**', the latter is missing from the heritage appraisal. Notwithstanding the absence of an assessment of the setting of the designated heritage assets, I consider that the rural undeveloped character of the site contributes to the significance of Bonham House, in view of the fact that its isolated character was an important aspect of its historic interest, allowing it to discretely provide Roman Catholic services for a considerable length of time when generally this was not supported. Furthermore, I consider the rural undeveloped setting to contribute positively to the significance of the farmhouse. As such, I consider the development would cause some harm to the setting of both of these assets. I consider the harm would be at the high end of the 'less than substantial' scale.

Historic England also responded with concerns:

The application sites is located within close proximity, and within the setting of the Grade II\* listed Bonham House, Bonham cottage (formerly listed as Bonham House and Chapel of St Benedict) and Grade II listed Bonham Farmhouse. We are particularly concerned about the potential impact of the proposed scheme on the Grade II\* listed asset, as outlined below.

*Heritage Significance of Bonham House:*

Bonham House is Grade II\* listed and represents a Roman Catholic Chapel and cottage which date from the 14th century onwards. The buildings have been altered and updated throughout the centuries, including recently when they have been converted to a residential dwelling. The location of the Chapel of St Benedict is particularly relevant to its heritage significance because it historically provided an isolated sanctuary for Catholic worship following the reformation. This isolated location is still very much appreciated today; with the converted chapel and its surrounding farm complex being set amongst open fields.

*Impact of the Proposals on the Heritage Asset:*

This scheme to introduce a modern development of 4 dwellings to the west of the Bonham Farm complex will cause considerable harm to the overall heritage significance of both Bonham House.

While the applicants Heritage Impact Assessment states that the majority of the asset's significance is related to surviving architectural interest; we would argue its historical value and setting are major contributors to its importance. The isolated setting within which the chapel was established and functioned was integral to its use and survival as a worshipping Roman Catholic Church during the period of upheaval for Roman Catholics in the 16th century. During a period of forced sale of properties by the wider Stourton family as a result of their

*allegiance to the Catholic Faith, the purchase by Sir Thomas Stourton of the chapel as a place for discrete worship is an important and perhaps central reason for its survival today. On this basis we disagree with the conclusion that the proposals would have a negligible effect on the setting of the asset or that there would be 'no change to its significance'*

*The proposals will be detrimental to the setting and experience of Bonham House (previously the Chapel of St Benedict) which was historically important for its isolated, rural and tranquil location. Its survival as a Roman Catholic place of worship during the Civil War and following the establishment of the Protestant Church in England in the 16th Century was closely linked to its discrete location. As stated by the applicants Heritage Impact Statement 'This isolation can still be appreciated as there is little or no intrusion into the rural landscape and the lane on which the asset lies is little used by modern traffic'.*

*The introduction of a number of modern dwellings with their associated car movements, parking, increased people and domestic use would have a detrimental impact on the ability to experience the isolated setting that was so integral to the Chapel's continued use for Roman Catholic worship in the 16th century and therefore survival. It is a physical marker of the Stourton family's connection and commitment to their faith, further reflected in the Chapel's use by families across this part of Wiltshire.*

*While there is only limited visual connection between the assets (from upstairs windows), setting can be impacted on by anything that negatively impacts on the understanding, experience and appreciation of a place, as outlined in the Historic Environment Good Practice Advice in Planning Note 3: Setting of Heritage Assets (2nd Edition, 2017).*

*Given our view of the importance of setting on the overall significance of Bonham House, we argue that the scheme proposed will cause considerable harm to the overall significance of the asset. Any justification for this location for the required housing in Stourton would need to outweigh this level of harm and Wiltshire Council would need to consider the need give 'great weight' to the asset's conservation (Para. 193, 194 and 196 NPPF).*

*Recommendation: We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 196 of the NPPF.*

*In determining this application you should bear in mind the statutory duty of (LBs) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

The applicant has submitted a supporting letter by AC Archaeology, setting out their response to the conservation objections regarding the setting and significance of the listed buildings. The letter considers that the HE advice has incorrectly defined the extent of the setting of the heritage asset and the level of effect that the proposed development might have on that setting. The contribution that setting makes to the significance of the asset has been overstated and that harm to that significance would ensue from permitting the development.

The Conservation officer considered the response as follows:

*Historic England and myself are in accordance over the impact of the proposed development on the significance of Bonham Manor, a II\* building. Rather than us misunderstanding the Historic England guidance, it is AC Archaeology who have failed to properly apply the Setting*

guidance from the outset. Whilst setting is not a significance in its own right, in certain cases it contributes to the significance of the designated heritage asset.

As both Historic England and myself have opined, part of the significance of Bonham Manor is its isolated location which enabled the building to operate as a chapel for Roman Catholic recusants. This isolated setting enables us to continue to appreciate its important historic/social role, thus contributing to its evidential, social and historic significance. I have little doubt that its isolated setting in part explains its high grading ie in the top 7% of listed buildings. Indeed, AC Archaeology accede that the site forms part of the setting of the manor house in their letter:

*'the reference to the contribution that its isolated setting made to its continued use and survival as a site of catholic worship in the 16<sup>th</sup> century is **not disputed** – but that is no longer the case, and it is its contemporary setting that should be assessed'*

*The isolated setting continues to form part of the setting of the manor house today and as such continues to contribute to its significance, ergo, development within its setting will erode an important element of its significance thereby causing harm to the setting. To approve the development would be contrary to paragraph 193 of the NPPF and section 66 of the Planning (LB and CA) Act 1990 which requires that an LPA shall have:*

*'**special regard** to the desirability of **preserving** the building or its setting or any features of special architectural or historic interest which it possesses'.*

*In addition, I have stated that I consider that the rural isolated aspect contributes to the significance of the farmhouse, a grade II listed building. There are many appeal decisions which highlight the fact that a rural aspect contributes to the significance of listed farmhouses and that development within their setting, erodes their significance.*

*To reiterate, both HE and I remain firmly of the view that the proposals amount to harm on the 'less than substantial harm' spectrum and that the harm would be at the higher end of the scale in view of that high grade national designation of Bonham Manor.*

The Conservation officer also referred to a recent appeal decision at Corsley House in Warminster. The inspector considered the setting issues and clarified that setting is a wider consideration for decision makers:

*'To this day, Corsley House [a grade II listed building] is **experienced** as inextricably linked with its parkland and wider landscape setting. Therefore, beyond its historic fabric, architectural evolution and historic associations, the significance and special interest of Corsley House **are informed by its setting** within a historic parkland **and the wider dramatic Wiltshire countryside beyond it**'.*

Therefore, in conclusion, the proposal would be considered harmful to the significance and setting of the listed buildings, contrary to CP58 and the NPPF.

#### **9.4 Landscape setting and the character of the AONB**

The site is located with the AONB. It forms an open field adjacent to the listed building and farm complex.

Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The AONB Partnership has not raised an outright objection to the development, but has flagged up a number of concerns. The Partnership considers that *the perceived need for housing in and around this AONB is for affordable housing. The AONB Management Plan echoes that view. There would, however, need to be an enforceable arrangement whereby any development permitted as affordable would be maintained as such in to the future.*

*From an AONB perspective the large number of roof lights, ten, is not acceptable in this International Dark Sky Reserve. The potential for light pollution from these roof lights does need to be addressed, preferably by a redesign. The west elevation has significant areas of floor to eaves glass and this does not appear to be a particularly rural character for a location that is particularly rural. Furthermore the scope for light pollution from these large expanses of glass is significant.*

*The proposal would need to incorporate arrangements for capturing and utilising renewable energy for each of the dwellings. Clearly this development will effectively change the character of the whole of the pony paddock, and not just the area proposed for development, which includes a significant parking area and domestic gardens. Whilst affordable housing could gain support from the AONB Management Plan there are a number of other issues, outlined above, that need addressing before a favourably decision can be contemplated. I note the concerns that your Conservation Officer has and, of course, those need to be taken into account as well.*

Given the strong objections voiced by the conservation officer and HE regarding the setting and significance of the listed buildings, officers consider that the development would harm the *locally distinctive character of the settlement and its landscape setting and the landscape features of cultural, historic and heritage value and important views and visual amenity*, which would be contrary to the criteria of policy CP51.

### **9.5 Impact on residential amenity**

Given the design of the dwellings, by reason of their size, in terms of their height, width and depth and their positioning in relation to each other and the views which would be possible from the proposed openings, it is considered that appropriate levels of residential amenity would be achievable within the site. The development would not adversely affect the amenities of neighbouring dwellings in terms of dominance, overshadowing, overlooking or loss of light, The public protection officer has no adverse comments to make regarding the proposal.

The proposal is therefore considered to be in accordance with Core Policy 57 (vii) of the Wiltshire Core Strategy

### **9.6 Impact on highway safety and rights of way**

The access track to the site forms a public right of way, footway STGA 7. The comments from the rights of way team are awaited and Members will be updated at the committee meeting. The site is not considered to be well related to any settlements and is not sustainably located in transportation terms. The Council's highways officer commented:

*The site is accessed via Bonham Lane via a network of rural roads. I have concerns regarding the restricted width, poor alignment and sub-standard junctions and would consider the road network being unsuitable to serve as a means of access to the proposed development.*

*In addition, the site is located outside of any village policy boundary and I therefore have concerns with regards to the sustainability of the site for residential/ commercial development due to the likely reliance upon the private car for any occupants and their visitors. This proposal is therefore, in my opinion, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework 2019, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.*

*The applicant responded that the Highway Authority has raised objection regarding the suitability of the surrounding road network rather than access to the development itself. The Highway Authority was engaged at the pre-application stage and following receipt of this information requests were made on a number of occasions for a meeting with the Highways Officer in order to discuss potential off site (but within the ownership/control of the applicant) highways improvements which could include enhancements to the visibility at nearby junctions and the provision of passing places. Unfortunately there has been no response from the Highway Authority to this offer but there is the potential for significant improvements to be provided and conditioned as part of any approval.*

*If minded to approve, Members may wish to consider delegating the application back to officers to consider whether any improvements are possible or feasible. However, as the Highways advice appears to relate to the width of the narrow lanes, officers have concerns that a package of highway improvements around the site may result in an urbanisation of the rural character of the area to serve a development which is against policy in principle. Thus, officers have not sought any highway improvements.*

*Consequently, in the absence of a satisfactory highway recommendation, the application is considered contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 102, 103, 108 & 110 of the National Planning Policy Framework.*

## **9.7 Ecology/archaeology/non mains drainage**

The Council's ecologist has commented:

*The site proposed for development appears to be paddock with little value to biodiversity, and does not fall within any HRA consultation zones. It also appears that no vegetation/trees/hedgerow will need to be removed as a result of the development. It is assumed that bats use the site for foraging/commuting, but no features exist on site that are suitable for roosting. No ecology survey work is required in the application's support.*

*The woodland situated approximately 50m west of the site is Ancient Woodland and County Wildlife Site. It is likely to be heavily used by a variety of bat species and other nocturnal species and should remain as a dark area. The proposed housing is located a sufficient distance from this woodland to avoid significant impact on protected species as a result of increased light levels. If bats are roosting in farm buildings on the opposite side of the road, they should not be affected by the introduction of the housing which is set back approx. 15m from the roadside.*

*The proposal will need to demonstrate biodiversity net gain, which could include provision of bat and bird boxes on the new dwellings. I recommend that any external lighting is angled downwards and not illuminate any boundary vegetation.*

The AONB partnership have concerns about lighting and a third party has commented that there are, within a few hundred yards of the site, bat, kite, buzzard roosts, badger setts and newt/amphibian migrations.

However, the ecologist has checked the details again and maintains there is insufficient policy justification to require any more information/surveys or changes to the proposal for ecological reasons. Therefore, no objection is raised under CP50 subject to conditions requiring the applicant to provide bat and bird boxes and that lights are angled downwards, away from boundary vegetation.

### **Archaeology**

CP58 seeks to ensure that development *protects, conserves and where possible enhances the historic environment*. An archaeological evaluation was undertaken by the applicant and submitted to the archaeologist. The archaeologist concluded in summary:

*".... This report has identified a likely medieval house platform in the north east corner of the site with associated earthworks to the west and south and with evidence for further activity in the south east corner. I would advise that further work is now required in order to further explore the archaeological potential identified by the evaluation and to mitigate the impact of the proposed development upon it, this work to be secured via a condition to be attached to any planning permission issued.*

*I would therefore withdraw the earlier objection to the application made by my former colleague Martin Brown in January this year. Instead I now support the application, ..subject to the condition ..to enable the recording of any matters of archaeological interest.*

Consequently, should Members be minded to approve this application, a suitable archaeological condition will be required.

### **Non Mains Drainage**

The applicant is proposing to dispose of surface water to a sustainable drainage system (SuDS) and foul sewage to a package treatment plant. Where there is no access to existing mains drainage, a package treatment plant is an acceptable solution under the guidance in the NPPG para 020. This development is within the River Stour catchment area. The drainage team have no comments to make and so standard conditions for drainage would be required.

## **10. Conclusion**

Whilst the provision of affordable housing is welcomed in principle, the proposal site, by reason of its location in the open countryside of the AONB, is remote from services and employment, and does not represent a suitable exception site for residential dwellings. Additionally, the development would cause less than substantial harm at the upper end of the scale to the significance and settings of listed buildings. The local road network is also considered to be unsuitable to serve as a means of access to the proposed development. Notwithstanding, it is not considered that the proposal would be likely to result in the provision of affordable housing in the manner intended by National and Local Planning policies. The harm caused by the proposal therefore outweighs any perceived benefits in terms of the provision of affordable housing for local people, and the proposal is therefore contrary to the policies of Wiltshire Core Strategy and the NPPF.

## **11. RECOMMENDATION**

**Planning Permission should be REFUSED for the following reasons:**

1. The application site, is located in the open countryside of the Area of Outstanding Natural Beauty landscape, where residential development is restricted; is remote from services and employment, and in an area where the local road network is unsuitable to serve as a means of access to the proposed development without potentially significant adjustments. Whilst there appears to be some need for affordable homes in the area, no evidence has been provided to explain how the proposed units meet the requirements of Build to Rent, as set out in the NPPG and the NPPF. Notwithstanding, Build to Rent is considered to be an unsuitable tenure for a small rural exceptions site.

The proposal would therefore result in unsustainable residential development in the open countryside of the AONB landscape; have significant highway and visual implications; and would be unlikely to result in the provision of suitable affordable housing. The proposal would therefore be contrary to Wiltshire Core Strategy Core Policy CP1, CP2, CP44, CP51, and Annex 2(a) of the NPPF 2019 and the guidance for Build to Rent in the NPPG. The proposal is therefore also contrary to policies CP 60, 61 and 62 and Section 9, paras 102, 103, 108 & 110 of the NPPF 2019, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives.

2. The development would lie within close proximity of and within the settings of the Grade II\* listed Bonham House and Bonham Cottage (formerly listed as Bonham House and Chapel of St Benedict) and Grade II listed Bonham Farmhouse. A Grade II listed wall lies to the south of Bonham House. The historically isolated location continues to form part of the setting of the listed buildings and continues to contribute to their significance. The existing rural aspect also contributes to the significance of the listed farmhouse. Development within the setting of these buildings, and the associated activities, will erode an important element of their historic significance whilst causing harm to their setting. The justification for this location for four affordable homes does not outweigh this level of harm, due to the 'great weight' that must be attached to the assets' conservation. The development would therefore be contrary to Wiltshire Core Strategy Core Policy CP58, paragraph 19, 194, 196 and 200 of the NPPF 2019 and section 66 of the Planning (LB and CA) Act 1990.

#### **Appendix 1: Legal Agreement for Brook Cottages 13/00636/FUL**

#### **Appendix 2: Stourhead (Western) Estate, Allocation Policy for proposed new cottages at Bonham Farm, Stourton dated November 2019 V1.**

This page is intentionally left blank



DATED

6 JANUARY 2015

between

WILTSHIRE COUNCIL

and

STOURTON WITH GASPER PARISH COUNCIL

and

NICHOLAS COLT HOARE

Deed under Section 106 of the Town and Country Planning Act 1990  
and all other enabling powers

relating to Land at Brook Cottages, Gasper, Stourton,  
Warminster, Wiltshire BA12 6PY

Head of Legal Services  
Wiltshire Council  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire BA14 8JN  
Ref: 104363

THIS DEED is dated [DATE] 6 JANUARY 2015

- (1) **WILTSHIRE COUNCIL** of County Hall Bythesea Road Trowbridge Wiltshire BA14 8JN (**Council**).
- (2) **STOURTON WITH GASPER PARISH COUNCIL** of 7 High Street Stourton Warminster BA12 6QF
- <sup>3</sup>  
(2) **NICHOLAS COLT HOARE** of Gasper Mill Stourton Wiltshire BA12 6PU (**Owner**).

#### **BACKGROUND**

1. The Owner is the freehold owner and is seised in possession of the Land shown for the purposes of identification only edged red on the Plan
2. The Council is the local planning authority for the purposes of the Act, the highway authority, the education authority and the housing authority for the area in which the Land is situated
3. The Parish Council has agreed to undertake certain functions with regard to the allocation of the Affordable Housing Units
4. The Owner has submitted the Planning Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed without which the Planning Permission would not be granted
5. On 3 July 2014 the Council resolved to grant planning permission for the Development subject to conditions and the prior completion of this Deed in the interests of the proper planning of the area.

NOW THIS DEED WITNESSES AS FOLLOWS:

#### **Definitions**

The definitions and rules of interpretation in this clause apply in this deed:

- |                             |   |
|-----------------------------|---|
| <b>“the Act”</b>            | the Town and Country Planning Act 1990  |
| <b>“Affordable Housing”</b> | housing let in perpetuity to Qualifying Persons at a rent of no more than 80% of local Open Market Rents (including |

		service charges, where applicable) at the time of letting which may be increased by no more than the All Items Index of Retail Prices plus 0.5% annually
<b>"Affordable Housing Unit"</b>		any of the Residential Units forming part of the Development, all such Residential Units comprising Affordable Housing
<b>"Allocations Policy and Procedure"</b>	<b>and</b>	the policy and procedure attached at Schedule 4 which sets out : <ul style="list-style-type: none"> <li>(i) the necessary criteria to be met in order for person(s) to be allocated an Affordable Housing Unit; and</li> <li>(ii) the procedure to be followed by applicants, the Owner and the Parish Council on applications for an Affordable Housing Unit</li> </ul>
<b>"Commencement of Development"</b>		the date on which any material operation as defined in section 56(4) of the Act forming part of the Development begins to be carried out with the exception of investigation of ground conditions and remedial work archaeological work demolition and erection of hoardings and Commence and Commenced shall be construed accordingly
<b>"Engineer"</b>		the Director of Highways and Transport or his appointed representative for the time being of the Council
<b>"Development"</b>		any development permitted by the Planning Permission
<b>"Director"</b>		the Associate Director of Economic Development and Planning or his

	appointed representative for the time being of the Council
<b>“Index”</b>	All Items Index of Retail Prices issued by the Office for National Statistics
<b>“Index Linked”</b>	increased in accordance with the following formula: Amount payable = the Contribution x (A/B) where: A = the figure for the Index that applied immediately preceding the date of actual payment and B = the figure for the Index that applied when the Index was last published prior to the date of this Deed
<b>“Interest”</b>	Interest at the rate of 4% above the base lending rate of the HSBC Bank Plc from time to time
<b>“Land”</b>	the land at Brook Cottages Gasper Stourton Warminster Wiltshire BA12 6PY
<b>“Land Compensation Act”</b>	In relation to clause 16 means the Land Clauses Consolidation Act 1845 the Land Compensation Act 1961 the Compulsory Purchase Act 1965 the Land Compensation Act 1973 and the Planning and Compensation Act 1991 and includes the Human Rights Act 1998 and any variation or enactment of the Land Compensation Acts on a date on or after the date of execution of this Deed which confers a right of compensation for the compulsory acquisition of land and/or the diminution in value of land as a result of the carrying out of or the use of public works

<b>“Monitoring Sum”</b>	the sum of £331.44 (three hundred and thirty-one pounds 44 pence)
<b>“Occupation” and “Occupied”</b>	occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction
<b>“Open Market Rent”</b>	means the rent calculated in accordance with the definition of "Market Rent" at Practice Statement 3.3 of the Royal Institution of Chartered Surveyors' Appraisal and Valuation Standards 6th Edition dated January 2008 as amended
<b>“Open Space Contribution”</b>	the sum of £5524.00 (five thousand five hundred and twenty-four pounds) as a contribution towards recreational open space in accordance with saved policy R2 of the Salisbury District Local Plan which is a saved policy of the South Wiltshire Core Strategy
<b>“Plan”</b>	the plan or drawing attached to this Deed and referenced 0253/101rev B which plan is for the purposes of identification only
<b>“Planning Application”</b>	the planning application for full planning permission for the construction of three two bedroom Affordable Housing Units; the construction of one three bedroom Affordable Housing Unit and a structure which would provide garaging for eight vehicles and bike and bin storage registered by the Council on 28 May 2013 and allocated reference number 13/00636/FUL
<b>“Planning Permission”</b>	the/any planning permission for the Development that may be granted

**“Qualifying Person”**

pursuant to the Planning Application  
an individual who fulfils the  
requirements of appendix 1 and  
appendix 2 of the Allocations Policy

**Construction of this Deed**

- 1.1. Words importing the masculine include the feminine and neuter gender and vice versa
- 1.2. Words importing the singular include the plural and vice versa
- 1.3. Words importing persons include companies corporations and vice versa and all such words shall be construed interchangeable in that manner
- 1.4. Wherever there is more than one person named as a party and where more than one party undertakes an obligation (including by becoming a successor in title) all their obligations can be enforced against all of them jointly and against each individually
- 1.5. Insofar as different parts of or interests in the Land are owned by different persons each person Covenants with the Council and with one another to co-operate insofar as they are able to ensure that the Covenants herein on behalf of “the Owner/ Developer” are fulfilled as expeditiously as possible
- 1.6. The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed
- 1.7. Any reference to a clause paragraph schedule or plan is to one in to or attached to this Deed and any reference to this Deed includes any schedule, plan, annexure or other attachment to this Deed
- 1.8. In the absence of contrary provision any reference to a Council document to be completed which is annexed or referred to in this Deed shall be the Council document which is current and in force at the date of its completion

- 1.9. In the absence of contrary provision any reference to a statute or statutory instrument includes any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it
- 1.10. References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and successors to any statutory functions of the Council
- 1.11. Covenants to do or not to do an action shall include respectively a covenant to permit or not to permit that action to be done

#### **Statutory provisions**

- 1.12. This Deed is made pursuant to the following:  
Section 106 of the Act  
Section 111 of the Local Government Act 1972  
Section 1 Localism Act 2011  
and all other enabling powers  
and has been entered into by the Council pursuant to those powers
- 1.13. The covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the Act to the intent that it shall bind the parties and their respective successors in title to each and every part of the Land and are enforceable by the Council as local planning authority

#### **Commencement**

- 1.14. This Deed takes effect on the grant of the Planning Permission
- 1.15. The Owner shall notify the Council of the Commencement of Development and the date of Occupation of the first Residential Unit and the Owner agrees that no time shall run to the detriment of the Council if and so long as the Owner has failed to serve notice

- 1.16. If the Owner has not provided the information referred to in clause 1.15 above within 20 Working Days of its becoming available the Council shall have the right to obtain this information by other reasonable means and to charge the Owner its costs in obtaining this information subject to a maximum of one thousand pounds (£1,000) per time **PROVIDED THAT** the information is in fact obtained as aforesaid and reasonable evidence of this is provided by the Council to the Owner

#### **The Owner's Covenants**

- 1.17 The Owner will observe and perform the obligations set out in this Deed and the Schedules

#### **The Parish Council's Covenants**

- 1.18 The Parish Council will observe and perform its obligations as set out in the Allocations Policy and Procedure

#### **The Council's Covenants**

- 1.19 The Council covenants with the Owner as set out in the Second Schedule

#### **General**

The parties agree that:

- 1.20 Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Council in the exercise of any other statutory function and nothing in this Deed constitutes and such approval, consent or permission.
- 1.21 This Deed does not and is not intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999 (other than any replacement body of the Council)
- 1.22 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land or that part of the Land in relation to which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest



- 1.23 Insofar as any clause or clauses or any part thereof of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
- 1.24 If before Commencement of Development the Planning Permission:  
a) expires within the meaning of Sections 91 92 or 93 of the Act; or  
b) is revoked, quashed or modified without the consent of the Developer;  
this Deed shall cease to have effect
- 1.25 The Owner shall pay to the Council:(a) its proper and reasonable legal costs incurred in negotiating preparing and entering into this Deed upon completion of this Deed, and  
  
(b) upon Commencement of Development to pay the Monitoring Sum
- 1.26 The Owner shall pay to the Council on the date hereof its proper and reasonable legal costs incurred in respect of the transfer or other disposal of any land or facility as required by this Deed.
- 1.27 This Deed shall be registerable as a local land charge by the Council
- 1.28 If required by the Council the Owner shall secure registration of this Deed in the Charges Register of the Registered Title to the Land at the Land Registry
- 1.29 Where the agreement approval consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Council by the Engineer or Director as appropriate
- 1.30 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed

1.31 Nothing contained or implied in this Deed shall prejudice affect fetter or restrict the rights powers duties and obligations of the Council in the exercise of its functions as Local Planning Authority or any other statutory function rights duties powers and obligations under all public and private statutes byelaws and regulations

1.32 This Deed is governed by and interpreted in accordance with the law of England and Wales

**Notices**

1.33 Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served if sent by registered or recorded delivery post to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party from time to time for this purpose and in the case of the Council shall be addressed to the Head of Legal Services and quote reference 13/00636/FUL

**Waiver**

1.34 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default

**Change in Ownership**

1.35 The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged. Such notice to give details of the transferee's name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation transferred by reference to a plan PROVIDED THAT this clause shall not apply to the disposal of an individual Residential Unit

**Indexation**

1.36 All financial contributions payable to the Council under this Deed shall be Index Linked

### **Interest**

1.37 If any payment due under this Deed is paid late Interest will be payable from the date payment is due to the date of actual payment compounded annually.

### **VAT**

1.38 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable in respect thereof

1.39 If at any time VAT becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT had not previously been charged in respect of that supply the person making the supply shall have the right to issue a VAT invoice to the person to whom the supply was made and the VAT shall be paid accordingly

### **Indemnity**

1.40 The Owner hereby undertakes and agrees with the Council that in the event of any claim or claims being made against the Council for any one or more of the following payments:

- a) Compensation (including any claim arising under the Land Compensation Acts)
- b) Damages
- c) Costs
- d) Charges
- e) any other payment

such claim arising in connection with or incidental to or in consequence of any failure on the part of the Owner to comply with its obligations under this Deed the Owner will hold the Council fully indemnified from and against each and every said claim

1.41 The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council

### **Delivery**

1.42 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

## **SCHEDULE 1: Covenants by the Owner to the Council and the Parish Council**

The Owner covenants with the Council that

### **1. Affordable Housing**

- 1.1 it shall ensure that the Affordable Housing Units are at all times occupied in accordance with the Allocations Policy and Procedure and at no more than 80% of the local Open Market Rent (including service charges where applicable at the time of letting) which may be increased by no more than the All Items Index of Retail Prices plus 0.5% annually
- 1.2 it shall not use the Affordable Housing Units other than for Affordable Housing let in accordance with the Allocations Policy and Procedure;
- 1.3 It shall cooperate with the Parish Council where necessary in the fulfilment of its obligations set out in the Allocations Policy and Procedure

### **2. Open Space Contribution**

- 2.1 Prior to first Occupation to pay the Open Space Contribution to the Council.
- 2.2 Not to Occupy the Development until the Open Space Contribution has been paid to the Council

**SCHEDULE 2: Covenants by the Parish Council to the Council and to the Owner**

1. At all times and acting reasonably to comply with the Allocations Policy and Procedure
2. To cooperate with the Owner where necessary in the fulfilment of its obligations set out in the Allocations Policy and Procedure

### **SCHEDULE 3: Covenants by the Council to the Owner**

#### **Repayment of Contributions**

The Council covenants with the Owner:

1. To use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid
2. To pay to the paying party such amount of any payment made by the Owner to the Council under this Deed which has not been expended or committed in accordance with the provisions of this Deed within ten (10) years of the date of receipt by the Council of such payment on receipt of a written request from the Owner to do so

**SCHEDULE 4: ALLOCATIONS POLICY AND PROCEDURE**



# **Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper**

## **Purpose:**

This policy ensures that the 4 new houses in Gasper Street built by Stourhead Western Estate ("SWE"), the Landlord, are let to tenants with local connection (as defined below), taking into account their housing need.

## **1 Eligibility to apply**

- 1) All members of the public may apply.

There is no requirement to be on the Housing Register.

## **2 Other criteria to be met**

- (a) Applicants must have a local connection, as defined in section 3 below

- (b) Occupation suitable to size of household

Houses will be allocated in accordance with the policy set out in Appendix 1.

- (c) Financial criteria

Tenancies will only be granted to applicants who

- (i) Are unable to afford to buy a home in the village of Stourton; and

- (ii) Do not own any residential property; and

- (iii) Are able to pay rent and outgoings at time of letting from current earnings

Applicants will be asked to provide evidence of their income, debts, savings and capital assets.

## **3 Definition of Local Connection**

To demonstrate a local connection, applicants must meet one or more of the three following requirements at the time of application:

- (a) Local work

Either:

- At least one years's substantial and continuing employment in the village of Stourton; or
- At least one year of self employment or running a business operating to a substantial degree in the village of Stourton

- (b) Local residency

Full time residence in Stourton for at least 5 of the preceding 10 years.

- (c) Family connection

At least one parent resident in the village of Stourton, who has lived in the village full time for the preceding 10 years .

If there are more applicants meeting the Stourton local connection than vacancies, preference will be applied to those meeting the Local Work condition

## **Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper**

If there are fewer applicants than vacancies meeting the Stourton local connection conditions, the tenancies will be readvertised and Local Area extended to include Stourton and contiguous parishes (currently Zeals, Kilmington, Mere, Bourton, Charlton Musgrove, Brewham and Penselwood).

### **4 Housing need**

If there is more than one applicant for a tenancy, meeting all other criteria and with equal degrees of local connection, the tenancy will be allocated to the applicant with the highest degree of housing need, as defined in Appendix 2.

### **5 Nominations**

Homes will be advertised through appropriate local channels at the Landlord's expense.

*Houses will be allocated strictly in accordance with this agreement. The applications will be made to the Landlord, who will make the initial decision.*

The Landlord may seek references at its own expense to confirm that applicants meet the criteria in sections 1 2 and 3. Applicants meeting the conditions may nevertheless be vetoed according to the criteria set out in Appendix 3.

Any applicant will have the right to appeal to the Stourton Parish Council if they feel the policy or a veto has been wrongly applied.

# Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

## Appendix 1: Occupation criteria

### Bedroom eligibility

Any expected child will be included as part of the household when calculating minimum bedroom requirements

<b>Household make-up</b>
<b>Eligible for two bedroom home:</b>
Single person
Couple
Single or Couple with 1 Child
Single or Couple with 2 Children (both under 10yrs)
<b>Eligible for three bedroom home</b>
Single or Couple with 1 Child
Single or Couple with 2 Children (both under 10yrs)
Single or Couple with 2 Children (one of which over 10yrs)
Single or Couple with 3 Children

## Stourhead Western Estate Allocation Policy for new cottages at Brook, Gasper

### Appendix 2: Housing Need

The bands of housing need are listed from highest to lowest:

#### Gold

<b><i>Seriously Overcrowded</i></b>	Applicants living in overcrowded accommodation (in need of at least two additional bedrooms)
<b><i>Hazards</i></b>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 3 or more category 1 hazards that cannot be remedied.
<b><i>Insecurity of tenure</i></b>	Where an applicant is under written notice to leave their accommodation. Applicants assessed as being insecure in their accommodation will generally be under a 2 month or 93 day notice to vacate their accommodation.
<b><i>High welfare or support needs</i></b>	Where an applicant has an identified support or welfare need which cannot be alleviated in the current accommodation. Applicants may need to live closer to family or support networks to give or receive support. Consideration will be given to the obstacles relating to the applicants need, such as the distance and transport links between the two areas.
<b><i>Multiple needs</i></b>	Applicants meeting more than two needs criteria within silver band.
<b><i>Split households</i></b>	Applicants whose family have formerly lived together as a household unit, with dependent children or expecting a child, who are unable to live together because of factors beyond their control, and as a result are living in separate households.

#### Silver

<b><i>Serious Disrepair</i></b>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 1 or 2 category 1 hazards that cannot be remedied.
<b><i>Overcrowded</i></b>	Applicants living in overcrowded accommodation (in need of one additional bedroom).
<b><i>Sharing Facilities</i></b>	Applicants sharing facilities - e.g. kitchen, bathroom, and toilet - with people who are not included in the application This does not include applicants who choose to share their home with someone who is not included on the housing application.
<b><i>Tied Accommodation</i></b>	Applicants living in accommodation tied to their employment.

**Stourhead Western Estate  
Allocation Policy for new cottages at Brook, Gasper**

**Bronze**

<i>Adequately Housed</i>	Applicants who are currently housed in a property that is appropriate for their needs in terms of size and facilities.
<i>Deliberately worsening circumstances</i>	<p>Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher banding the application will be placed in Bronze band.</p> <p>For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation..</p>

# **Stourhead Western Estate**

## **Allocation Policy for new cottages at Brook, Gasper**

### **Appendix 3: Grounds for veto of an application**

#### **Landlord reasons for rejecting an applicant**

The Landlord may need to refuse an applicant for one of the following reasons. In that case, it is Landlord's responsibility to inform applicant of the reasons. The applicant may appeal to the Stourton Parish Council if it feels the rejection is unfair and not in accordance with this policy.

#### ***Area unsuitable/Anti-social behaviour***

Where there is evidence that an applicant might endanger the health and safety or well being of neighbouring residents, the Landlord may refuse the right to offer them accommodation in that particular area.

#### ***Property unsuitable – Health and Safety***

Where there is reasonable evidence to suggest a property is unsuitable for the applicant due to health and safety concerns. For example, where the applicant has mobility needs that cannot be met without making considerable adaptations to the property.

#### ***Suspected fraudulent application***

Where there is reasonable evidence that an applicant has provided false information in their application for housing, the Landlord reserves the right not to offer accommodation.

#### ***Rent arrears***

Where the applicant has a history of uncleared rent arrears with any landlord, the Landlord may refuse the applicant.


#### ***No vacant possession guarantee***

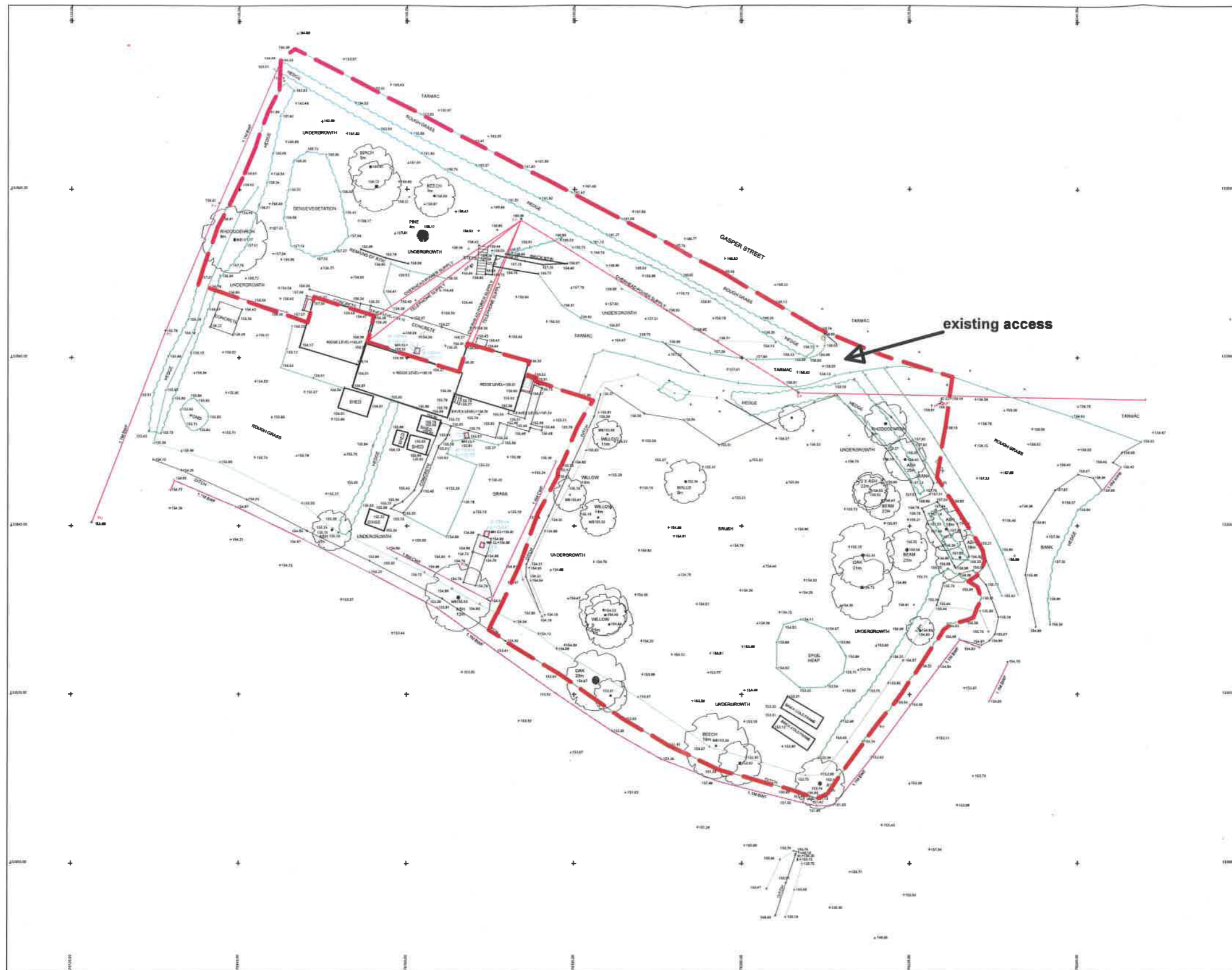
Where the Landlord has advertised a property which has since become unavailable.

**Appendix 1: Plan**

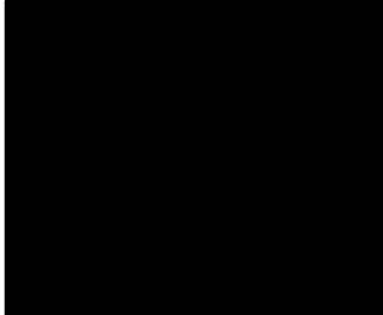


notes / key:

 boundary of site



site location plan



B 09/05/13 Detailed Proposals

client:  
brook housing trust

project:  
new housing  
brook cottages, gasper street  
gasper, wiltshire

title:  
site location plan

date:  
14/12/11

scale:  
1:500@A3

job:  
0253

drawing:  
101

revision:  
B



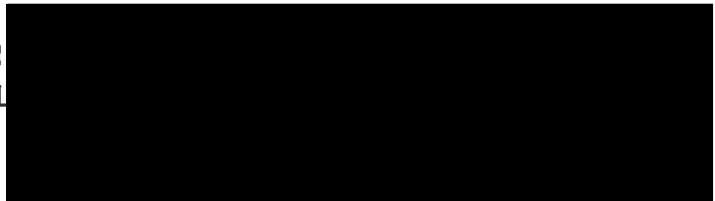
The common seal of WILTS  
COUNCIL  
was affixed to this document in  
presence of:



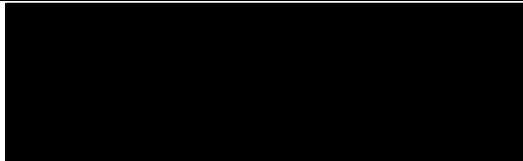
80752

Senior Solicitor

Signed as a Deed by STOURTON  
WITH GASPER PARISH COUNCIL  
acting by its Chairman HARRY  
PARKER in the presence of:



WITNESS SIGNATURE



WITNESS NAME

MARCUS COLEY

WITNESS ADDRESS

THE OLD LAUNDRY, GASPER, WILTS, BA12 6PY

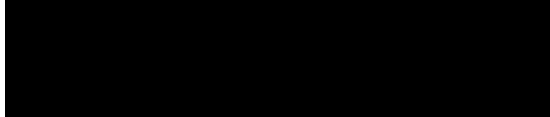
WITNESS OCCUPATION

MANAGEMENT CONSULTANT

SIGNED AS A DEED BY  
NICHOLAS COLT HOARE



IN THE PRESENCE OF:



SIGNATURE OF WITNESS

WITNESS NAME

MARCUS COLEY

WITNESS ADDRESS

THE OLD LAUNDRY, GASPER, WILTSHIRE 6PY  
BA12 ~~6PY~~

WITNESS OCCUPATION

MANAGEMENT CONSULTANT

This page is intentionally left blank

# **Stourhead (Western) Estate**

## **Allocation Policy for proposed new cottages at Bonham Farm, Stourton**

### **Description of Development**

Stourhead (Western) Estate (“the Landlord”) intends to build a terrace of 4 cottages in a barn style, for affordable rent to local people in the same way as the Brook Cottages development completed in 2016. The terrace will consist of:

- 2 single storey two bedroom houses, built to level 2 accessibility standards.
- 2 two storey houses, with a bedroom on the ground floor also meeting level 2 accessibility, with a further two bedrooms and shower on the first floor

The intention is to give priority to local people currently in need of ground floor accommodation, and older people who may need such accommodation to enable them to stay in the village as long as possible.

This policy ensures that the 4 new houses will be let to tenants with local connection (as defined below), taking into account their housing need.

### **1 Eligibility to apply**

All members of the public may apply. There is no requirement to be on the Housing Register or in need of accessible or ground floor accommodation

### **2 Other criteria to be met**

- (a) Applicants must have a local connection, as defined in section 3 below
- (b) Occupation must be suitable to size of household. Houses will be allocated in accordance with the policy set out in Appendix 1.
- (c) Financial criteria will be applied so that tenancies will only be granted to applicants who
  - (i) Are unable to afford to buy a home in the village of Stourton; and
  - (ii) Do not own any residential property; and
  - (iii) Are able to pay rent and outgoings at time of letting (checks will be carried out at the Landlord’s expense). Guarantors will neither be sought nor accepted.

### **3 Definition of Local Connection**

To demonstrate a local connection, applicants must meet one or more of the three following requirements at the time of application:

- (a) Local work  
Either:

# **Stourhead (Western) Estate**

## **Allocation Policy for proposed new cottages at Bonham Farm, Stourton**

- At least one years' substantial and continuing employment in the Parish of Stourton with Gasper ("Stourton"); or
- At least one year of self employment or running a business operating to a substantial degree in Stourton; or
- Have retired from such employment or self employment in the last 5 years

(b) Local residency

Full time residence in Stourton for at least 5 of the preceding 10 years

(c) Family connection

At least one parent resident in Stourton, who has lived in the village full time for the preceding 10 years .

If there are more applicants meeting the Stourton local connection than vacancies, preference will be applied to those meeting the Local Work condition

If there are fewer applicants than vacancies meeting the Stourton local connection conditions, the tenancies will be readvertised and Local Area extended to include the Parish of Kilmington.

If further applicants are needed the local area will extended to include the other contiguous parishes of Stourton (currently Zeals, Mere, Bourton, Charlton Musgrove, Brewham and Penselwood).

#### **4 Housing need**

If there is more than one applicant for a tenancy, meeting all other criteria and with equal degrees of local connection, the tenancy will be allocated to the applicant with the highest degree of housing need with the following order of priority:

- (i) A current need for accessible or ground floor accommodation
- (ii) Applicants over the age of 60
- (iii) Thereafter applying the housing list based criteria in Appendix 2

#### **5 Nominations**

Homes will be advertised through appropriate local channels.

Houses will be allocated strictly in accordance with this agreement. The applications will be made to the Landlord, who will make the final decision.

# **Stourhead (Western) Estate**

## **Allocation Policy for proposed new cottages at Bonham Farm, Stourton**

The Landlord may apply standard tenant referencing. Applicants meeting the conditions in sections 1 2 and 3 may nevertheless be vetoed according to the criteria set out in Appendix 3.

### **Appendix 1: Occupation criteria**

#### **Bedroom eligibility**

**Any expected child will be included as part of the household when calculating minimum bedroom requirements**

<b>Household make-up</b>
<b>Eligible for two bedroom home: (1 to 3 residents)</b>
Single person
Couple
Single or Couple with 1 Child
<b>Eligible for three bedroom home (3 to 5 residents)</b>
Couple with 1 Child
Single or Couple with 2 or 3 children

# Stourhead (Western) Estate

## Allocation Policy for proposed new cottages at Bonham Farm, Stourton

### Appendix 2: Housing Need

The bands of housing need are listed from highest to lowest:

#### Gold

<b><i>Seriously Overcrowded</i></b>	Applicants living in overcrowded accommodation (in need of at least two additional bedrooms)
<b><i>Hazards</i></b>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 3 or more category 1 hazards that cannot be remedied.
<b><i>Insecurity of tenure</i></b>	Where an applicant is under written notice to leave their accommodation. Applicants assessed as being insecure in their accommodation will generally be under a 2 month or 93 day notice to vacate their accommodation.
<b><i>High welfare or support needs</i></b>	Where an applicant has an identified support or welfare need which cannot be alleviated in the current accommodation. Applicants may need to live closer to family or support networks to give or receive support. Consideration will be given to the obstacles relating to the applicants need, such as the distance and transport links between the two areas.
<b><i>Harassment</i></b>	Applicants who are suffering from serious harassment, violence, or threat of violence at their current property, providing evidence exists to substantiate their claim.
<b><i>Multiple needs</i></b>	Applicants meeting more than two needs criteria within silver band.
<b><i>Split households</i></b>	Applicants whose family have formerly lived together as a household unit, with dependent children or expecting a child, who are unable to live together because of factors beyond their control, and as a result are living in separate households.

#### Silver

<b><i>Serious Disrepair</i></b>	Applicants living in a property assessed by the Private Sector Housing Team in accordance with the HHSRS as having 1 or 2 category 1 hazards that cannot be remedied.
<b><i>Overcrowded</i></b>	Applicants living in overcrowded accommodation (in need of one additional bedroom).
<b><i>Sharing Facilities</i></b>	Applicants sharing facilities - e.g. kitchen, bathroom, and toilet - with people who are not included on the housing register application form. This does not include applicants who choose to share their home with someone who is not included on the housing application.
<b><i>Tied Accommodation</i></b>	Applicants living in accommodation tied to their employment.

**Stourhead (Western) Estate**  
**Allocation Policy for proposed new cottages at Bonham Farm,**  
**Stourton**

**Bronze**

<i>Adequately Housed</i>	Applicants who are currently housed in a property that is appropriate for their needs in terms of size and facilities.
<i>Deliberately worsening circumstances</i>	Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher banding the application will be placed in Bronze band.  For an applicant to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation.
<i>Financial capability</i>	All applicants will be asked to provide evidence of their income, savings and capital assets

# **Stourhead (Western) Estate**

## **Allocation Policy for proposed new cottages at Bonham Farm, Stourton**

### **Appendix 3: Grounds for veto of an application**

The Landlord may need to refuse an applicant for one of the following reasons. In that case, it is Landlord's responsibility to inform applicant of the reasons

#### ***Anti-social behaviour***

Where there is evidence that an applicant might endanger the health and safety or well being of neighbouring residents because they have a history of violent or abusive behaviour, the Landlord may refuse the right to offer them accommodation.

#### ***Suspected fraudulent application***

Where there is reasonable evidence that an applicant has provided false information in their application for housing, the Landlord reserves the right not to offer accommodation.

#### ***Rent arrears***

Where the applicant has a history of uncleared rent arrears with any landlord, the Landlord may refuse the applicant.

#### ***No vacant possession guarantee***

Where the Landlord has advertised a property which has since become unavailable.



It is disappointing that the Housing Enabling Team are not supporting this application. Paragraph 77 of the NPPF says: “*Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs*”. Paragraph 7 of the PPG “Housing needs of different groups” states: “*Local planning authorities can support opportunities to bring forward rural exception sites by working proactively with landowners*”.

This proposed development goes part of the way to fulfilling the need identified in the Stourton with Gasper Parish Housing Needs Survey produced by Wiltshire Council in December 2018

To take the objections in order, first:

- the proposed site is located outside of, and away from, the existing built area of Stourton, which is identified as a ‘Small Village’ in the Wiltshire Core Strategy. It does not therefore appear to meet criteria (iii) of CP44.

The application site was chosen following an assessment of various possible locations of which the site at Bonham was considered to be most appropriate being suitable/available and not isolated.

Stourton does not have a single “built area”. It is made up of a series of hamlets of which Bonham is one. Sited next to the existing houses and buildings at Bonham, the proposal is “*adjoining or well related to the existing settlement*”. It is worth noting that the NPPF para 79 merely requires: “*Planning policies and decisions should avoid the development of isolated homes in the countryside*”. This development is not isolated.

The second objection:

- The applicant proposes to retain Nomination Rights to the units which will be managed by a private landlord. This is contrary to the definition of ‘Affordable housing for Rent’ in Annex 2 of the NPPF which requires that the landlord is a Registered Provider.

The NPPF goes on to say: “... *except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider)*”.

We have informed the Housing Enabling Team that this is to be a Build to Rent scheme. They wish to ignore that on the basis that

no evidence has been provided as to how the proposed units meet the requirements of Build to Rent

We did not feel this was required. A Build to Rent scheme has certain requirements, which this scheme will meet. These requirements will need to be contained within a S.106 agreement. It is normal for the Council legal team to draft the agreement, not the applicant.

We understand the requirements and can readily comply with them. The NPPF definition of Build to Rent is:

*Purpose built housing that is typically 100% rented out. ... Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.*

- We currently manage over 20 let properties from our professionally run Estate Office. This includes four Affordable Rent home built in 2016. While they were not a Build to Rent scheme, there are many similarities. A S.106 agreement ensures that these are Affordable in Perpetuity.
- All our existing tenancies are for a minimum of two years. Changing that to three is not an issue.
- Rent should be no more than 80% of market rent. At the last valuation, rents on our existing Affordable Homes were 71% of market rent.
- Tenants should be able to give one month's notice. This is standard in all our existing tenancies.
- The S.106 agreement should include a clawback mechanism should the homes cease to be Affordable Rental. We are very relaxed about that, as we believe that "Affordable in Perpetuity" should mean what it says.

The Housing Enabling Team also say:

we do not consider that Build to Rent is an appropriate tenure for a Rural Exception Site

There is nothing the NPPF or PPG's to support this. While it is true that most schemes to date have been large urban developments, do you really want to exclude this valuable method of supplying affordable housing from rural areas?

The last objection:

- The proposed allocations criteria provided (attached) are not in accordance with the adopted Wiltshire Council Allocations Policy.

This is irrelevant to Build to Rent. The PPG on Build to Rent states:

*Authorities must take a reasonable position in negotiating occupancy criteria with build to rent developers, and eligibility should not constitute grounds for refusing planning permission.*

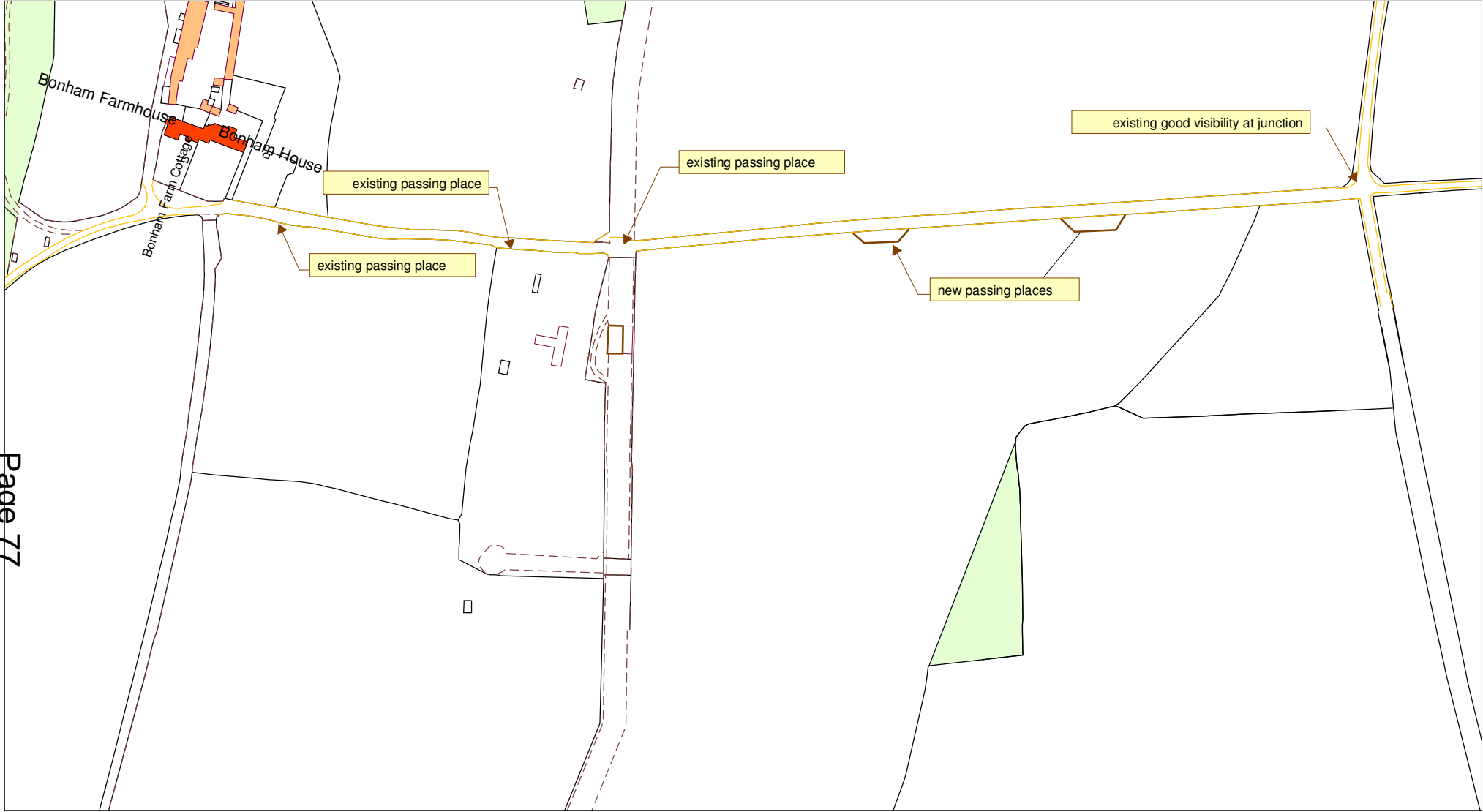
It goes on to say:

*Authorities should refrain from having direct nomination rights from their housing list.*

The proposed Allocation Policy is the same as that approved by the Council for our previous Affordable Housing, with the addition of some provision for tenants

requiring accessible accommodation. This proposal will provide affordable homes for local people in perpetuity at no cost to the state. It is entirely compatible with the NPPF and associated Guidance.

This page is intentionally left blank



This page is intentionally left blank

**From:** Diccon Carpendale <[Diccon.Carpendale@brimblelea.com](mailto:Diccon.Carpendale@brimblelea.com)>  
**Sent:** 28 October 2020 17:01  
**To:** Jones, Becky <[Becky.Jones@wiltshire.gov.uk](mailto:Becky.Jones@wiltshire.gov.uk)>  
**Subject:** 19/11985/FUL - Land at Bonham Farm, Bonham Lane, Stourton, BA12 6PA  
**Importance:** High

Dear Becky,

Many thanks for calling me yesterday and the helpful conversation.

My understanding is the matter will be reported to the Southern Area Planning Committee although there is no guarantee that this will be on the 12<sup>th</sup> November. Please advise/confirm as soon possible.

You have indicated the LPA will be recommending the application for refusal for 3 reasons:

1. Adverse impact upon heritage assets.
2. Objection from WC Housing Officer.
3. Objection from WC Highways Officer.

Although I have yet to see your detailed report, the following additional information is pertinent and I would be grateful if it is carefully considered in advance of the Planning Committee.

#### 1. Heritage

When we discussed the proposal many months ago (after you had visited the site) at that stage your personal (planning) assessment was that you were not unduly concerned about adverse impact upon heritage assets. Subsequently, your Conservation Officer has raised concerns with respect to the impact upon a Grade II\* listed building and this position has been echoed by Historic England.

We have provided a comprehensive Heritage Impact Assessment which has considered all of the heritage assets within the vicinity and reached a different conclusion to the consultees – that the proposal would not cause harm to significance.

Subsequently we have provided a further response from A C Archaeology following the receipt of your consultation responses from Jocelyn Sage and Historic England.

Although I have not read your report, it is very important for the benefit of the decision makers that they understand the NPPF at para 196 (within chapter 16 conserving and enhancing the historic environment) states *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.*

The statutory consultees suggest that based on their perception of the impact of the development on the setting of heritage assets the proposal should be adjudged to cause **less than substantial harm**. In such circumstances it is for the decision maker to weigh the benefits of the proposal against such harm. In this instance there are very substantial public benefits – the provision of 4 units of affordable housing – and in my professional assessment

(and I am both a qualified Planner and full member of the Institute of the Historic Building Conservation) the clear public benefits are able to justify approval in these circumstances.

## 2. **Housing Officer objections**

Please find attached a comprehensive response from the applicant which addresses the various concerns raised by your Housing Officer.

It is clear that the proposal is policy compliant and that there is no need for Wiltshire Council to be involved with nomination rights.

As you know, a similar proposal was approved nearby some 5 years ago by the Southern Area Committee and the applicant has explained how this (and other properties they control) are managed and there is every intention (as before) that all relevant matters relating to tenure, eligibility and the retention of the dwellings for rent in perpetuity are controlled through S.106 agreement which as the applicant states, will need to be worded to the satisfaction of the LPA.

## 3. **Highway objection**

The Highway Authority has objected to the proposal – primarily as it considers it is in an isolated location and also because it considers the road network to be inadequate.

As explained by the applicant, in response to the Housing Officers objection, Bonham Farm cannot be considered “isolated”. It comprises a cluster/hamlet of properties which is typical of Stourton. The site approved in 2015 was in a similar location adjacent to a cluster of properties.

With respect to promoting sustainable transport (chapter 9 of the NPPF) para 103 recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that should be taken into account in both plan-making and decision-making.

It is important to note the existing access to/from the public highway and the proposed access arrangements to serve the new dwellings are unobjectionable to the Highway Authority.

Of course, by its very nature many of the roads in the area are country lanes but those using them are familiar with their form and the type of traffic likely to be encountered. Tenants will be from the Parish or work within it.

Please find attached a plan produced by the applicant showing the possible highway improvements within land under their control which have been suggested to the Highway Authority. Unfortunately, despite numerous attempts to engage with the Highway Officer involved, she has declined to meet with the applicant to consider the benefits that could be delivered through the provision of a number of passing places along the road to the east of the development.

At paragraph 109, the NPPF advises *development should only be prevented or refused on highways grounds if there would be an unacceptable impact of highway safety, or the residual cumulative impacts on the road network would be severe.*



This is a modest development of small dwellings which is not going to generate significant additional traffic movements. Any change must be considered within the context of there being existing dwellings and a series of farm buildings on the site served by the same access. As such, any increase in the use of the access itself and the surrounding roads will be negligible.

Taking into account the above information, I would respectfully submit that there should be no objection to the proposal from your Housing Officer. Similarly, we submit that the objection from your Highway Officer cannot be substantiated either in terms of sustainability arguments or in relation to the nature of the road serving the development as the proposals do not result in any cumulative impact which is severe. Nor will they result in harm to highway safety.

Finally, with respect to the impact upon the setting of heritage assets, whilst the applicants Heritage Consultants do not share the view of your Conservation Officer or that of Historic England, the NPPF makes it clear that even in situations where there may be less than substantial harm to significance the planning benefits of a proposal should be weighed in the planning balance and it is entirely within the decision makers gift to judge that the clear benefits associated with this proposal are such to outweigh any perceived (minor) harm to significance.

Please can you ensure that the relevant statutory consultees are aware of these comments and also that this email and its attachments are circulated to all members of the Southern Area Committee in advance of the meeting.

Many thanks for your assistance.

Kind regards

*Diccon Carpendale*

Mr Diccon Carpendale  
MA, Dip (Arch.Cons.), MRTPI, IHBC  
Planning Consultant  
Brimble Lea & Partners  
Wessex House  
High Street  
Gillingham  
Dorset  
SP8 4AG

Mobile: 07968 500223

Tel: 01747 823232

[Diccon.carpendale@brimblelea.com](mailto:Diccon.carpendale@brimblelea.com)

**Disclaimer:** This Email is confidential and may contain legally privileged information. If you are not the intended recipient it may be unlawful for you to read, copy, distribute, disclose or otherwise make use of the information herein. If you have received this Email in error please contact us immediately. Brimble Lea & Partners will accept no liability for the mis-transmission, interference or interception of any Email and you are reminded the Email is not a secure method of communication. Whilst all efforts are made to ensure that inbound and outbound Emails are virus free, Brimble Lea & Partners will not accept liability for viruses or computer problems which may occur as a result of this Email and/or any attachments thereto.

This page is intentionally left blank