

# AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 2 July 2015  
**Time:** 6.00 pm

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

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## Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Christopher Devine (Vice-Chairman)	Cllr George Jeans
Cllr Richard Britton	Cllr Ian McLennan
Cllr Richard Clewer	Cllr Ian Tomes
Cllr Brian Dalton	Cllr Ian West
Cllr Jose Green	

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## Substitutes:

Cllr Trevor Carbin	Cllr Helena McKeown
Cllr Terry Chivers	Cllr Leo Randall
Cllr Ernie Clark	Cllr Ricky Rogers
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Magnus Macdonald	Cllr Graham Wright

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# AGENDA

## Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 5 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 11 June 2015.

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 and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on *25 June 2015*. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Enforcement: Land between nos. 62 and 64 Thistlebarrow Road, Salisbury**  
*(Pages 11 - 12)*

7 **Planning Appeals**

To receive details of completed and pending appeals.

8 **Planning Applications**

To consider and determine planning applications in the attached schedule.

8a **14/11810/FUL: Swallowcliffe Manor, Swallowcliffe, SP3 5PB**

Installation of 42 solar panels (ground mounted)

8b **15/02283/FUL: 36 North Street, Wilton, SP2 0HJ**

Demolition of existing outbuildings and alterations to retained building fronting North Street. Construction and provision of 5 new flats, two new retail units, retention and alterations to existing retail unit and flat above

9 **Urgent Items**

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

## **Part II**

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

## **SOUTHERN AREA PLANNING COMMITTEE**

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JUNE 2015 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman), Cllr Richard Britton, Cllr Richard Clewer, Cllr Brian Dalton, Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes and Cllr Ian West

**Also Present:**

Cllr Bridget Wayman

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**67 Apologies for Absence**

There were no apologies for absence.

**68 Minutes**

**Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 21 May 2015.**

**69 Declarations of Interest**

A declaration of interest was made in respect of item 7a 15/01047/OUT by Cllr Jeans as he had traded with the business, he would participate in debate and vote with an open mind.

**70 Chairman's Announcements**

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

**71 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

## 72 **Planning Appeals**

The committee received updates on planning appeals as detailed in the agenda.

**Resolved:**

**To note the update.**

## 73 **Planning Applications**

### 73a **15/01047/OUT - Farmer Giles Farmstead, Teffont, Salisbury, Wiltshire, SP3 5QY**

Richard Hawkins and Callie Troup spoke in objection to the application.

Angus Corrie-Deane, speaking on behalf of the applicant, and Andrew Bracey spoke in support of the application.

Cllr David Wood, Teffont Parish Council, supported the application on balance but expressed some concerns and commented that the Parish Council would have liked to receive a full planning application to consider.

The planning officer introduced the report which recommended to grant planning permission subject to conditions, attention was drawn to the late items. It was explained the application had been brought to Committee due to significant material considerations and differed to a previous application in that it was accompanied by a landscape impact report which demonstrated no detrimental impact on the Area of Outstanding Natural Beauty (AONB); determination had been deferred to allow members to attend a site visit. Photographs, illustrative plans and curtilage of the proposed dwelling were shown and it was confirmed the area to be demolished would be 2175 square metres, with a dwelling of 600 square metres to be built in a different location on the site. The Planning Officer verified that buildings attached to those to be demolished would be retained and repaired as required. The Committee was reminded the application sought outline permission for access and scale only.

The Committee then had the opportunity to ask technical questions and it was confirmed this was a Brownfield site and included holiday homes.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Bridget Wayman, declared herself a member of the AONB panel and spoke in objection to the application, also highlighting that the application's demolition plan had not been published online. The local member felt the outline application did not address concerns identified by the

Committee in the original application. A key concern was that great weight was to be given to enhancing the landscape in an AONB, however the dwelling would be in an isolated and elevated position therefore causing an intrusion upon the landscape of the AONB. The Councillor commented the new dwelling would be much larger than suggested since plans included a basement, and argued the exceptional circumstances permitting development like this in the open countryside had not been met. Further points were that the business had already closed and so there would be no benefit to the AONB of reduced traffic visiting the site. Finally the use of the land for holiday homes, equine use or liveries had not been addressed.

The planning officer confirmed the location of buildings to be demolished.

In the debate that followed the Committee agreed it would have been desirable to have a full planning application to consider. Some members commented the development should not be permitted in an AONB since the scale of the building was excessively large and highly intrusive on the sensitive landscape due to its elevated position. If the new dwelling was to be located in place of current buildings, this would have been more acceptable. Members felt the limited circumstances that permitted development in the open countryside were not applicable in this case, it was noted in particular that the application did not comply with any 'rural life' exceptions in Core Policy 48 of the Wiltshire Core Strategy.

Other members of the Committee argued the application could be a marginal improvement to the AONB by removing buildings, reducing pollution from traffic not visiting the business and that commercial development of the land by another company, instead of the proposed dwelling, would have more impact on the AONB. Some Councillors felt it would be unfortunate to demolish buildings that could be used to provide rural employment. The Chairman noted that the statement from the applicant indicated she would continue the use of holiday lets on site however this was not permitted under the original condition. The Committee concluded that reasons for refusal provided when the original application was determined had not been addressed and the status of holiday lets had not been resolved.

**Resolved:**

**To refuse planning permission for the following reason:**

**1.The application site lies in open countryside and an Area of Outstanding Natural Beauty. Within the countryside there is effectively a presumption against new residential development except in limited circumstances not relevant in this case. This presumption is in the interests of sustainability and amenity. It follows that as a matter of principle the proposal comprises unacceptable development.**

In terms of harm, the proposal would introduce a house and its curtilage with inevitable domestic paraphernalia, and these would be visually intrusive and alien in such an isolated rural location, distant from other residential properties or any settlement. By reason of their visibility and alien appearance, the house and its curtilage would detract from the wider appearance of the landscape, neither conserving nor enhancing its status as an Area of Outstanding Natural Beauty. There are no exceptional circumstances which outweigh the harm to the countryside.

The proposal is, therefore, contrary to Core Policies 1 and 2 (the settlement and delivery strategies) of the Wiltshire Core Strategy, Core Policy 51 (Landscape) of the Wiltshire Core Strategy, and guidance in the National Planning Policy Framework - paragraphs 109 and 115.

2.The application site supports three holiday lodges. These lodges were given planning permission subject to conditions requiring their removal in the event of Farmer Giles Farmstead Ltd ceasing to trade or operate from the land and/or ceasing to be open to the public.

The description of development set out on the application forms is "Demolition of some existing buildings and cessation of business and erection of a dwelling all matters reserved save for access, scale and siting". The supporting Design and Access Statement further states that "the 'tourist' use cabins [the lodges] would remain on site".

Having regard to the conditions on the earlier permissions relating to the lodges it is considered to be unclear from the current application how the lodges can remain. Notwithstanding the statement in the Design and Access Statement about their retention, the application (and the description of development in particular) makes no further allowance for the planning conditions. This lack of clarity amounts to a further reason to object to the development.

**73b 15 03272/OUT- Land adjacent 1 Longhedge Cottages, Longhedge, Salisbury. SP4 6BP**

Richard Greenwood spoke in support of the application.

The planning officer introduced the report which recommended to delegate authority to Director of Development Services to approve planning permission subject to a s106 legal agreement and conditions. Attention was drawn to the late items and photographs and plans for the site and existing access arrangement were shown. It was explained the development was to be on a narrow site next to, but not part of , the Longhedge development. Details of the neighbouring development were provided alongside the retention of landscaping to screen dwellings. The Officer advised that since



the application was last considered by Committee the site had now been identified as a potential site for future development in the Council 'potential site options' document. The Wiltshire Core Strategy had also been adopted and so policy details were updated.

The Committee then had the opportunity to ask technical and it was verified that the land was a potential development site. The Planning Officer explained that a footpath on the plan aimed to link to the Longhedge development could not stretch the entire length as the land between was owned by a third party. As part of the Longhedge development, landscaping would partly screen the houses from the road but houses would still be in close proximity to the road.

The local member, Cllr Ian McLennan, spoke in objection to the application and moved that it be refused for the same reasons given by Committee at determination of the original application: namely that uncertainty remained about the layout of the Longhedge development and the permission constituted development in the open countryside. The councillor suggested the site should go through the Strategic Housing Land Availability Assessment (SHLAA) process. Other key concerns were that the site could suffer from overdevelopment and that the residential amenity of occupants of the dwellings could be reduced by neighbouring commercial development, moreover permission on this site could restrict the development of commercial units in a major strategic site. Other members commented that commercial units were already located near dwellings as part of the Longhedge development and so did not consider this application to be a concern.

Further observations included that the proposed condition 6 could address highways safety but that permission could not be conditioned on the final agreement of the Longhedge development. Additional points were that shrubbery should be used for screening where possible and the proposed pathway was not useful until linked to the other development. Some councillors argued the development could tie in well with the Longhedge site and was low-density however the Committee agreed the application was premature.

**Resolved:**

**To REFUSE planning permission for the following reason:**

**The proposed dwellings would be located on a site which is currently located in the open countryside, and is not specifically allocated for housing development in the adopted Wiltshire Core Strategy. The adjacent A345 road onto to which the dwellings would have a vehicular access is a very busy arterial road between Salisbury and Amesbury, where traffic speeds are very high.**

**A large area of land immediately adjacent the site has been allocated for a significant mixed development within the development plan, and planning permission has been granted. A new highway arrangement has been proposed as part of the adjacent development, which will help improve highway safety and reduce traffic speeds.**

**However, this adjacent permission is in outline form and development has yet to commence. Consequently, at the current time, the surrounding land remains of a rural character, and it may be some time before the land is actually developed, including the provision of a roundabout. As a result, there is no certainty that the final development will resemble the layout currently envisaged or that the future developments would not conflict.**

**Consequently, due to the lack of certainty that the development of the area would occur as currently envisaged, it is considered that the scheme would be likely to result in housing development within the open countryside also result in additional traffic generation onto a busy arterial road to the detriment of highway safety, contrary to policies CP1, CP2, CP45, CP48, CP51 & CP57 of the adopted Wiltshire Core Strategy.**

#### **74 Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 8.30 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail [elizabeth.beale@wiltshire.gov.uk](mailto:elizabeth.beale@wiltshire.gov.uk)

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**Wiltshire Council**

**Southern Area Planning Committee**

**2 July 2015**

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## **Land between nos. 62 and 64 Thistlebarrow Road, Salisbury**

### **Purpose of Report**

1. To update/inform members of the outcome in respect of this planning enforcement case.

### **Background**

2. The site comprises a long, thin strip of land between the two residential gardens of no 62 & 64 Thistlebarrow Road. The site was originally part of the garden of no 62, but was separated and retained by the original owner of that property when he sold it many years ago.
3. In 1989, the owner applied for planning permission to store vehicles and boats on the site. However the application was refused and later dismissed at appeal.
4. In August 2013, Officers visited the site after a complaint received regarding its use of for storing vehicles and its general untidiness.
5. In line with accepted approach for dealing with such matters, the Council initially negotiated with the owner of the site to secure improvements to its appearance, by amongst other things, removing the stored vehicles (some of which appeared to have been on site for several years) and cutting back overgrown vegetation. These negotiations involved correspondence, telephone calls and meetings with the owner over many months. Unfortunately, notwithstanding the owner's apparent goodwill, none of the suggested improvements were made within agreed timescales.
6. In October 2014, the Council therefore served a Notice under Section 215 of the Town and Country Planning Act 1990 (an 'untidy site' notice) formally requiring the owner to take steps to tidy up the site within 12 weeks of the Notice taking effect (i.e. by the end of January 2015 at the latest).
7. The deadline for compliance passed but when officers inspected the site, it was apparent that little had been done to comply with the Notice. At this stage, the Council had the option of either prosecuting the owner of the site or carrying out the works itself in default of compliance.

8. For various reasons, including the owner's advanced age and poor health, together with the primary role of enforcement being one of achieving compliance, it was considered that direct action was expedient in this case and a contractor was approached regarding the undertaking of the work required by the Notice.
9. Clearance works on the site were undertaken between 20<sup>th</sup> April and 12<sup>th</sup> May 2015, the extended period being attributable to the volume of material removed. A charge will now be placed on the site, in order to recover the expenditure incurred in instructing a contractor to carry out the work. The charge will be payable to the Council in the eventuality that the site changes ownership in the future.
10. Unlike some nearby authorities, the Council has no specific budget for undertaking direct action of this nature and had to rely in this instance on another source of funding which may not always be available. Undertaking direct action sends a strong signal to persons in breach of formal Notices and who may, for whatever reason, not be deterred by a fine and criminal conviction, that the Council is determined to resolve such breaches. It may also be regarded as a relatively cost effective way of resolving planning breaches, involving commitment of a relatively small sum of money in most cases, with the prospect of the expenditure being recovered in the medium to long term.

## **Recommendation**

- 11. That Members note the report.**

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Report Authors: Stephen Hawkins, Enforcement Team Leader.

Date of report: 22 May 2015.

## **Background Papers**

The following unpublished documents have been relied on in the preparation of this report:

None

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 1

<b>Date of Meeting</b>	2 July 2015
<b>Application Number</b>	14/11810/FUL
<b>Site Address</b>	Swallowcliffe Manor Swallowcliffe SP3 5PB
<b>Proposal</b>	Installation of 42 solar panels (ground mounted)
<b>Applicant</b>	Mr David Matthews
<b>Town/Parish Council</b>	SWALLOWCLIFFE
<b>Ward</b>	FOVANT AND CHALKE VALLEY
<b>Grid Ref</b>	396726 127190
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

### Reason for the application being considered by Committee

The application was called-in by Local Member Cllr Jose Green on grounds of scale of development, visual impact on the surrounding area, relationship to adjoining properties and environmental/Highway impact.

#### 1. Purpose of Report

To consider the application and to recommend to Members of the Southern Area Planning Committee that the application should be **Granted subject to Conditions**.

#### 2. Report Summary

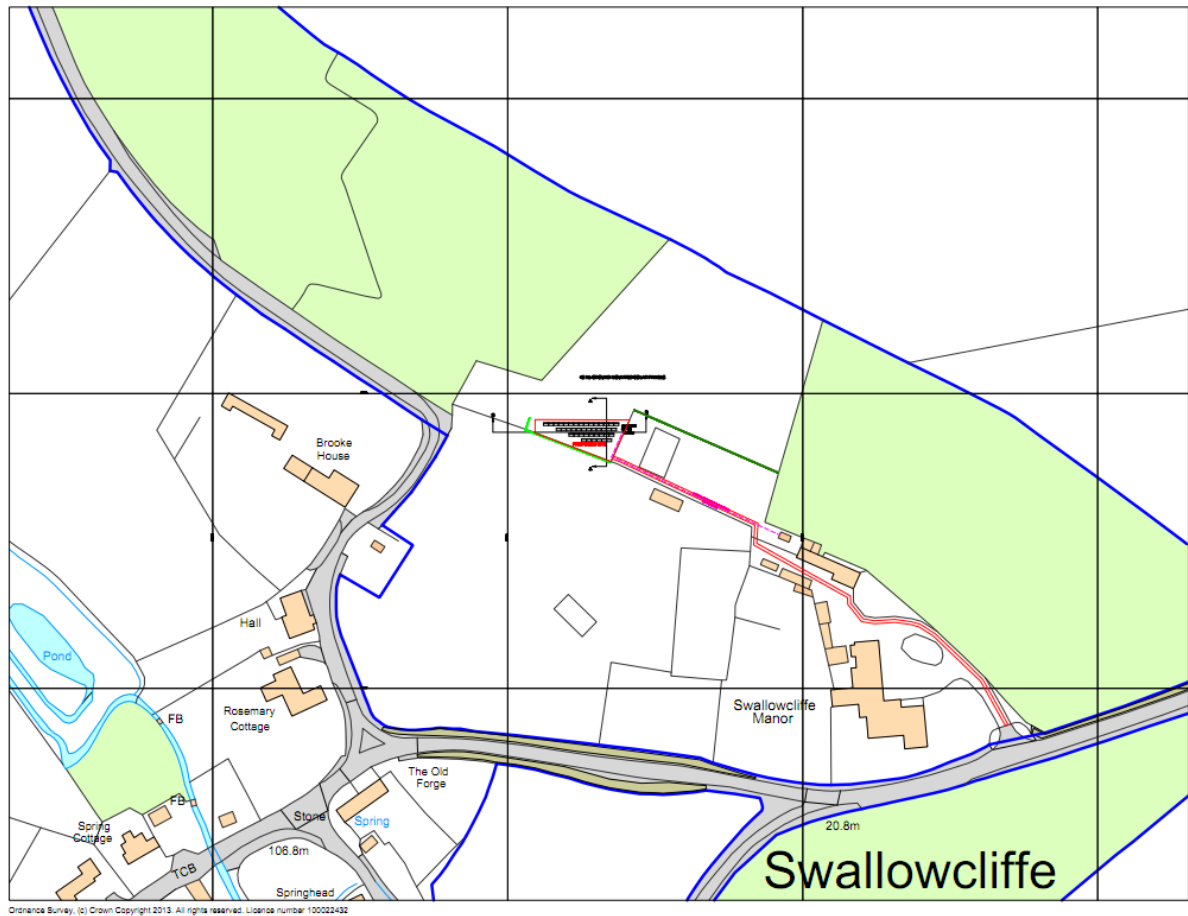
The main issues in the consideration of this application are as follows:

1. Principle of the proposed development
2. Scale, design and siting
3. Impact upon residential amenities
4. Impact on the existing character and appearance of the adjacent conservation area and the surrounding AONB
5. Impact on the character and setting of the adjacent listed building

#### 3. Site Description

Swallowcliffe Manor is a substantial, detached, grade II listed dwellinghouse located within the conservation area of Swallowcliffe, and within the AONB. The application site forms a small part of the land owned and or maintained by the owners of Swallowcliffe Manor. The site of the proposed solar panels is outside of the designated conservation area on a parcel

of land situated on a slope formed by the natural topography of the surrounding landscape area.



The area in which it is proposed to install ground mounted solar panels constitutes a predominantly grassed area enclosed by a timber post and rail fence. The immediate area surrounding the site of the proposed solar panels is generally open to the south (with ground levels gently falling), open to the north east (ground levels rising fairly steeply), and there are a number of significant mature trees to the north west.

There are public footpaths to the west and further across the valley to the west and south, and a restricted byway to the west of the site (see plan below).



Plan showing location of local public footpaths and byway (NTS)

#### 4. Planning History

13/04109/FUL Installation of ground mounted solar panels - Withdrawn

#### 5. The Proposal

The application proposes the installation of 42 ground mounted solar panels on land to the north west of Swallowcliffe Manor. The solar panels (each approximately 1.65m by 1m), would be mounted on angled brackets with a maximum height above ground level of approximately 0.6m.

The area in which it is proposed to install ground mounted solar panels constitutes a predominantly grassed area enclosed by a timber post and rail fence. The immediate area surrounding the site of the proposed solar panels is generally open to the south (with ground levels gently falling), open to the north east (ground levels rising fairly steeply), and there are a number of significant mature trees to the north west. The closest unrelated dwelling to the application site is 'Brooke', situated approximately 70m to the west of the application site.

#### 6. Local Planning Policy

Wiltshire Core Strategy (WCS) Core Policies CP42, CP48, CP51, CP57 & CP58

Swallowcliffe Village Design Statement

NPPG & NPPF

**Officer's note:** The DCLG document Planning Practice Guidance for Renewable Energy (published 29<sup>th</sup> July 2013) has been withdrawn and replaced by the new planning practice guidance (NPPG) launched 6<sup>th</sup> March 2014.

## **7. Summary of consultation responses**

**WC Energy Policy Officer** – Supports the application

**WC Highways** – No Highway objection

**WC Conservation Officer** – No objection

**Wiltshire Police** – Object on ground the proposed solar panels would be vulnerable to theft

**AONB Group** – *'The current proposal appears to be less potentially obtrusive than earlier schemes. It is, however, unfortunate that public Rights of Way are not shown on submitted plans and that there is not an assessment of locations on those paths where the site may be perceived'*. Suggest a more precise specification and planting list is provided for the proposed natural screening mitigation

**Swallowcliffe parish council** – Objects to the application on grounds of inappropriate siting of the proposed solar panels and consequent adverse visual impact within the AONB

The application generated a total of 20 representations from the public, as follows:

- No representations in support of the proposed development
- Twenty representations objecting on grounds including
  - I. Adverse impact on the surrounding AONB
  - II. Adverse impact on the adjacent conservation area
  - III. Adverse impact on the setting of Swallowcliffe Manor as a GII listed building
  - IV. Would set an adverse precedent for similar schemes
  - V. Impact on amenity
  - VI. Impact on flora/wildlife at the application site

Salisbury Civic Society objects to the proposed development on grounds of adverse impact on the character and setting of the adjacent Swallowcliffe Manor GII listed building.

## **8. Publicity**

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

The application generated a total of 20 representations from the public, as detailed above.

## **9. Planning Considerations**

### 9.1 Principle of the proposed development

The application proposes the installation of 42 ground mounted solar panels on land to the north west of Swallowcliffe Manor, a GII listed building located within the settlement (and designated conservation area) of Swallowcliffe, and forming part of the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).



A previous application (under planning reference 13/04109/FUL) related to the provision of 83 ground mounted solar panels was withdrawn by the applicant. This current proposal therefore represents a significant reduction in scale compared to the 2013 scheme.

The site of the proposed solar panels is outside of the designated conservation area on a parcel of land situated on a slope formed by the natural topography of the surrounding land.

The area in which it is proposed to install ground mounted solar panels constitutes a predominantly grassed area enclosed by a timber post and rail fence. The immediate area surrounding the site of the proposed solar panels is generally open to the south (with ground levels gently falling), open to the north east (ground levels rising fairly steeply), and there are a number of significant mature trees to the north west. The closest unrelated dwelling to the application site is 'Brooke', situated approximately 70m to the west of the application site.

Core Policy 42 of the adopted Wiltshire Core Strategy (WCS) deals with development involving standalone renewable energy installations. This Policy sets out how standalone renewable energy installations, of all types, will be encouraged and supported.

The development of most standalone renewable energy installations within Wiltshire requires careful consideration due to their potential visual and landscape impacts, especially in designated or sensitive landscapes, including AONBs.

CP42 states that proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on specific factors (criteria as listed within the policy) have been satisfactorily assessed, including any cumulative effects. The criteria that are considered relevant to the current application include:

- The landscape of the AONB
- Biodiversity
- The historic environment
- Residential amenity

Applicants are not required to justify the overall need for renewable energy development, either in a national or local context.

The NPPG makes it clear that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

However, the NPPG also advises that renewable energy developments should be acceptable for their proposed location.

The NPPF states (paragraph 109) that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes which include AONBs. Furthermore it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 14 footnote 9, due to other policies relating to AONBs elsewhere within the Framework. It also states (paragraph 115) that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in

relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.

The general policy stance of encouragement and support of standalone renewable energy installations must be carefully balanced against the protection of valued landscapes and historic assets, as well as the amenity of nearby residents.

In the case of the current application, the proposed development is considered acceptable in principle, provided the visual impact of the proposed development can be adequately mitigated by an appropriate scheme of planting and natural screening to ensure no undue impacts affect the existing character of the AONB, the adjacent conservation area, the character and setting of the listed building and the amenity of nearby residential properties.

### 9.2 Scale, design and siting

The application proposes the installation of 42 ground mounted solar panels (each approximately 1.65m by 1m), mounted on angled brackets with a maximum height above ground level of approximately 0.6m.

The area in which it is proposed to install ground mounted solar panels constitutes a predominantly grassed area enclosed by a timber post and rail fence. The immediate area surrounding the site of the proposed solar panels is generally open to the south (with ground levels gently falling), open to the north east (ground levels rising fairly steeply), and there are a number of significant mature trees to the north west. The closest unrelated dwelling to the application site is 'Brooke', situated approximately 70m to the west of the application site. An area of new hedge planting to the south and west of the application site is proposed to provide mitigation/natural screening of the panels within the immediate and wider surrounding landscape.

### 9.3 Impact upon residential amenities

The site of the proposed solar panels is approximately 70m distant from the closest neighbouring dwelling. The proposed solar panels would be static and silent in operation, and would be screened from local public and private views by new hedge planting.

The application has received objections from the closet neighbouring dwelling (known as Brooke House). Officers consider that given the orientation of the solar panels that the views out of the rear top windows of the dwelling will be towards the side elevation of the panels and not head on, and by reason of the distance between Brooke House and the site of the solar panels, and by reason of existing and proposed planting/natural screening and boundary features between Brooke House and the application site, the proposed development is not considered to be unduly harmful to the amenity of neighbouring occupiers. The proposal would therefore comply with the aims of Core Policy 57 in relation to protecting amenity.

### 9.4 Impact on the existing character and appearance of the adjacent conservation area and the surrounding AONB

The Parish Council, together with a number of third party representations, have raised concerns regards the impact of the scheme on the landscape of the AONB. The AONB Group Landscape and Planning Advisor, in his consultation response to the application, states:

*'The current proposal appears to be less potentially obtrusive than earlier schemes. It is, however, unfortunate that public Rights of Way are not shown on submitted plans and that there is not an assessment of locations on those paths where the site may be perceived.'*

*If you are minded to consider the proposal favourably then I would suggest that a more precise specification and planting list is provided. For a linear feature, such as a hedge, a planting density per square metre is both unusual and confusing. The proportions of the different species should be made clear and to encourage biodiversity a wider range of native species could be included'.*

Whilst the applicant has not submitted any form of Landscape Visual Assessment which demonstrates the impact of the panels, officers have visited the application site and surrounding context, and the officer's visual presentation to Committee will cover the issue of how visible the panels may be in the wider countryside. In officers' opinion, whilst the panels may be visible to users of the surrounding countryside and footpaths, this does not mean that they will be harmful to the character of the landscape. It is considered that this current, reduced scheme would not be unlikely to be so harmful to the character of the AONB landscape as to warrant refusal.

Subject to the agreement (by Condition) of an appropriate scheme of planting to provide and adequate level of visual screening for the proposed solar panels, it is considered the proposal would not result in undue impacts on the character and quality of the surrounding designated landscape of the AONB, or have an adverse impact on the existing character of the adjacent conservation area.

The proposal is therefore considered to comply with the requirements of Core Policy 51, which seeks to protect the landscape of the AONB.

#### 9.5 Impact on the character and setting of the adjacent listed building

By reason of the distance and relationship between the site of the proposed development and the adjacent GII listed building, and subject to the agreement (by Condition) of an appropriate scheme of planting to provide and adequate level of visual screening for the proposed solar panels, it is considered the development would not adversely affect the character and setting of the adjacent listed building.

The conservation officer raises no objection to the proposed development. The proposal is therefore considered to comply with the aims of Core Policy 58, in relation to the protection of heritage assets.

#### **10. S106/CIL contributions**

**11.**

None relevant to the proposed development

#### **12. Conclusion**

The proposed development constitutes a form of standalone renewable energy generation that is encouraged and supported by National planning policy guidance and within the policy context of the adopted Wiltshire Core Strategy.

Subject to the agreement (by Condition) of an appropriate scheme of planting to provide and adequate level of visual screening for the proposed solar panels, it is considered the proposal would not result in undue impacts on the character and quality of the surrounding designated landscape of the AONB, the adjacent conservation area or the character and setting of the adjacent listed building. The proposed development is not considered to be unduly detrimental to the amenity of neighbouring occupiers.

## RECOMMENDATION

That the application be **APPROVED**, subject to the following Conditions:

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

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

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

Drawing number BH130433W-04-E (revision 4) dated 11/06/2014, as deposited with the local planning authority on 15.12.14, and  
Drawing number BH130433W-04-L (revision 4) dated 05/01/2015, as deposited with the local planning authority on 07.01.15, and  
Drawing number BH130433W-04-S (revision 4) dated 05/01/2015, as deposited with the local planning authority on 07.01.15, and  
Drawing number BH130433W-04-SE (revision 4) dated 11/06/2014, as deposited with the local planning authority on 15.12.14.

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

3. No development shall commence on site until a scheme of planting mitigation/soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include a detailed planting specification showing all plant species, supply and planting sizes and planting densities; finished levels and contours; means of enclosure;

REASON: In order that the visual impact of the development is mitigated in an acceptable manner, to ensure a satisfactory landscaped setting for the development in the interests of the landscape quality of the surrounding AONB, the existing character of the adjacent conservation area, and in the interests of amenity.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development; 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 that the visual impact of the development is mitigated in an acceptable manner, to ensure a satisfactory landscaped setting for the development in the interests of the landscape quality of the surrounding AONB, the existing character of the adjacent conservation area, and in the interests of amenity.

5. When the use of the solar photovoltaic apparatus hereby permitted permanently ceases, all solar panels, supporting structures and associated equipment and materials shall be removed and the site within a period of three months, and the land shall be restored to its

condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that the structures and equipment are removed on cessation of their use, in the interests of protecting the rural character of the area.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 2

<b>Date of Meeting</b>	2 July 2015
<b>Application Number</b>	15/02283/FUL
<b>Site Address</b>	36 North Street Wilton SP2 0HJ
<b>Proposal</b>	Demolition of existing outbuildings and alterations to retained building fronting North Street. Construction and provision of 5 new flats, two new retail units, retention and alterations to existing retail unit and flat above
<b>Applicant</b>	Mr Rodney Neale
<b>Town/Parish Council</b>	WILTON
<b>Electoral Division</b>	WILTON AND LOWER WYLYE VALLEY
<b>Grid Ref</b>	409794 131368
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lucy Minting

### Reason for the application being considered by Committee

Councillor Peter Edge has called in the application for the following reasons:  
Environmental/highway impact

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be **REFUSED**

#### 2. Report Summary

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

1. Principle
2. Flooding - Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF
3. Flooding - Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure
4. Scale, design and impact to the character and appearance of the conservation area/setting of listed buildings
5. Residential amenity
6. Highway considerations
7. Archaeology
8. S106 obligations

The application has generated an objection from Wilton Town Council and 5 letters of representation

#### 3. Site Description

The site is located on the corner of North Street and Churchill Court in Wilton. The site is within the Wilton Conservation Area, and is opposite a terrace of listed dwellings (Nos 55 -75 North Street).



There is a three storey red brick end of terraced building set right on the corner (back edge of pavement) with the 2<sup>nd</sup> floor level set within the roofspace with dormer windows to both front and rear elevations. There are single storey extensions to the rear.



View of Existing Site from Churchill Court

The design and access statement explains that historical maps of Wilton show that a building has been on the corner of this site pre 1877, whilst the single storey pitched and flat roof extensions were added sometime after 1939.

The single storey building is being temporarily used for display and storage as part of the ground floor shop on the ground floor, the first floor of the three storey building is vacant and there is a residential flat on the top floor.

The entire site is also located within Environment Agency flood zone 2 and partly within flood zone 3.

#### 4. Planning History

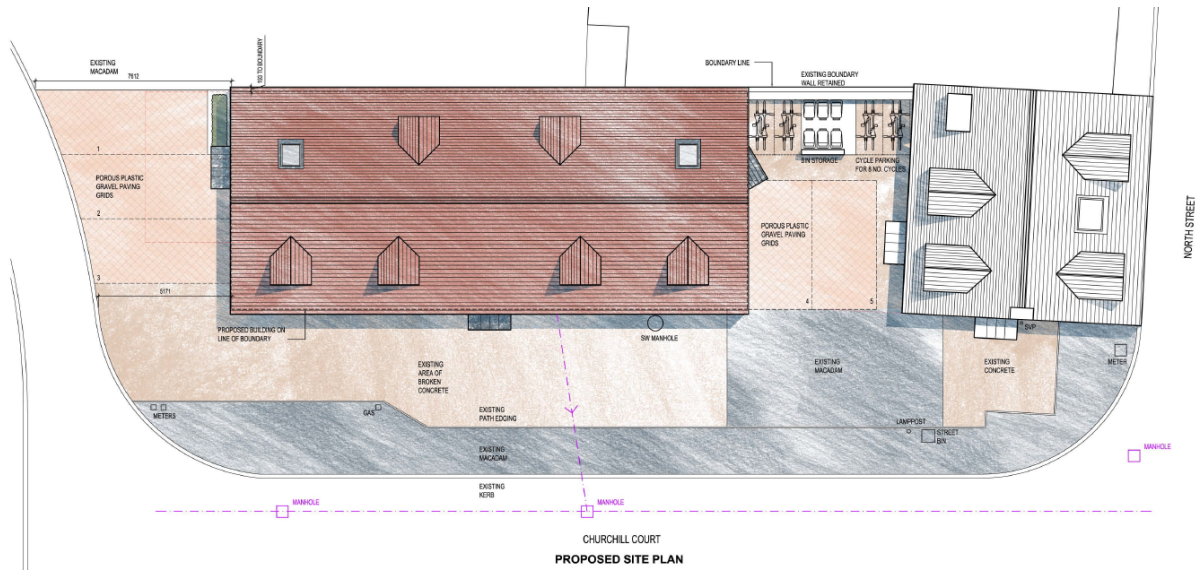
Application ref	Proposal	Decision
S/1993/1761	Proposed change of use from bakery to 4 no. Self-contained flats, 36 north street	Refused 16/02/1994
S/1994/0137	Convert old bakery into cellar and storage for club, 36 north street	Withdrawn
S/1994/0688	Change of use from b1 (business) to a1 (shop), 36 north street	Approved 22/06/1994
S/1998/0481	First floor extension, 36 north street	Approved 05/06/1998
S/2005/2020	Erection of 3 new dwellings (including demolition of existing building at rear of 36 north street)	Withdrawn
S/2005/2019	Erection of 3 new dwellings (including demolition of existing building at rear of 36 north street)	Withdrawn
S/2006/0146	Three new town houses including demolition of existing building, 36 north street	Withdrawn
S/2006/0147	Three new town houses including demolition of existing building, 36 north street (conservation area demolition approval)	Approved 21/03/2006
S/2006/1164	3 new town houses including demolition of existing building, 36 north street	Approved 21/07/2006

#### 5. The Proposal

It is proposed to demolish the rear single storey extension and replace this with a detached three storey building containing two retail units at ground floor, two 2 bedroom flats on the first floor and two 1 bedroom flats on the second floor (within the roofspace).

It is proposed to use the ground floor of the main three storey building on the corner as another retail unit, convert the first floor into a 2 bedroom flat and alterations to the 2<sup>nd</sup> floor, retaining a 2 bedroom flat.

The scheme includes provision of 5 off-street parking spaces, 8 cycle parking spaces and an area for bin storage.



*Extract from proposed site plan*

## 6. Local Planning Policy

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20<sup>th</sup> January 2015:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 33: Spatial Strategy: Wilton Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing affordable homes

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

Saved policies of the Salisbury District Local Plan:

R2 (Open Space Provision)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

## 7. Summary of consultation responses

### Highways: Object

I recommend that this application be refused for the reason that the proposed development does not make adequate provision for the parking of vehicles within the site and would, therefore, encourage such vehicles to park on the highway in an area which is already

congested with on-street parking with consequent additional hazard to all users of the nearby roads.

**Environment Agency: Withdraw objection subject to conditions and informatives**

(Finished floor levels to be no lower than 53.10mAOD, scheme for water efficiency, and pollution prevention during construction)

However, earlier consultation response confirms that the proposals are subject to the Sequential Test in accordance with national planning policy. As a priority the applicant should work with the Local Planning Authority in demonstrating that this can be passed successfully and this is a process for the Local Planning Authority to oversee.

**Archaeology: Support subject to condition**

The site is of archaeological interest as it lies within the historic core of Wilton which dates back to at least the Saxon period. As the majority of the site contains standing buildings, I consider that field evaluation is problematic. It is recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development which can be conditioned.

**Wilton Town Council: Objects**

For the reasons of lack of adequate provision for parking, and the further reduction of retail space in Wilton (comments refer to earlier plans for office units)

**New Housing Team: No requirement for Affordable Housing Provision**

**Public Protection: No objections subject to conditions**

(Rooflights to two second floor flats should be sealed shut, hours of demolition/construction, dust management plan, no burning of waste during the demolition/construction phase)

**Conservation: No objections subject to conditions**

(All materials and window details by condition, including a pointed sample panel)

**Wiltshire Fire & Rescue Service:**

Comments relating to fire safety measures which could be included as an informative

**8. Publicity**

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

5 third party representations have been received summarised as follows:

- Site is in need of improvement but insufficient parking proposed in already over congested area.
- Will not offer an improvement to the general parking situation. The retail units will contribute to lack of parking available on North Street and surroundings and increased traffic to and from the premises.
- Occupants will use their own vehicles rather than rely on public transport or bicycles
- Disagree that Wilton Shopping Village will bring trade into Wilton Town
- Obstruction of private rights of way



- Noise from members leaving adjacent social club and whether this will be acceptable to future inhabitants.

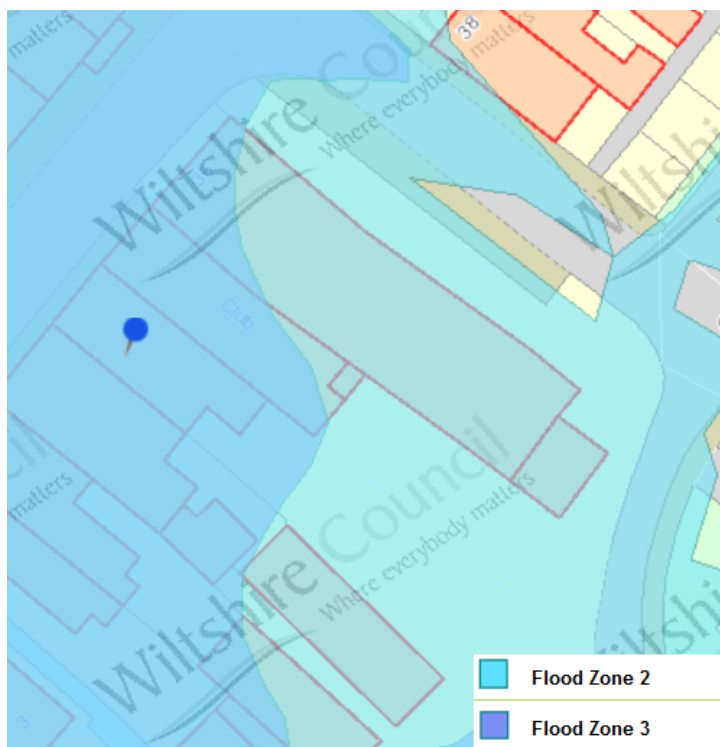
## 9. Planning Considerations

### 9.1 Principle of development

The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the 'NPPF does not change the statutory status of the development plan as the starting point for decision making' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

### 9.2 Flooding - *Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF*

The Environment Agency (EA) is responsible for designating flood zones. There are 3 zones in total across the country. Flood Zone 3 shows the area that could be affected by flooding from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year. Flood Zone 2 includes outlying areas likely to be affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year. Flood Zone 1 shows the area where flooding from rivers and the sea is very unlikely and where there is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The majority of England and Wales falls within this area. The entire site is within Flood Zone 2 (light blue) and part of the site in Flood Zone 3 (dark blue):



The NPPF states that residential (more vulnerable) development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and when development is being considered in areas subject to flood risk, a Sequential Test needs to be undertaken and applied first. Paragraph 101 of the NPPF makes it clear that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and sites within flood zones 2 and 3 should not be developed with residential schemes ahead of all other sites in flood zone 1.

The Environment Agency (EA) has confirmed that the Sequential Test is a process for the Local Planning Authority to oversee and not the EA.

A Sequential Test has been submitted with the application and includes comment that the development would bring significant improvements to the site and provide wider sustainability benefits through visually enhancing the site and thereby increasing the potential for a pedestrian link to Wilton Shopping Village via Churchill Court to be provided in the future in order to increase footfall between Wilton and the shopping village and would pass the Exception Test set out in the NPPF.

The Exception Test, as set out in paragraph 102 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations only where suitable sites at lower risk of flooding are not available (including considerations of wider sustainability benefits to the community that outweigh flood risk, re-use of a brownfield site and mitigation proposals).

Essentially, the two parts to the Exception Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The NPPF makes it quite clear that the Exception Test should only be applied once a Sequential Test has first shown that it is not possible for the development to be located in zones with a lower probability of flooding. That is not the case here.

The supporting text to Core Policy 67 of the Wiltshire Core Strategy states that the Strategic Housing Land Availability Assessment (SHLAA) demonstrates that there is sufficient land available in Flood Zone 1, the zone of least risk, to meet the proposed housing requirement of 42,000 new homes for the area. The Wiltshire Core Strategy therefore favours housing development in Flood Zone 1 over areas of higher risk as identified by the Strategic Flood Risk Assessment (SFRA).

Table C2 (Five year land supply) in Appendix C of the Wiltshire Core Strategy (Housing Trajectory) states that South Wiltshire has 5.59 years of deliverable supply.

As the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1, there is no need consider sites outside of Flood Zone 1 for residential development. This stance has been supported at appeal on other sites in Flood Zones 2/3 where the Planning Inspectors have concluded that there are sufficient alternative sites within Flood Zone 1 to accommodate residential development.

The applicant was advised at the pre-appn stage that because the council has a 5 year supply of housing and the proposed housing could be accommodated on sites within Flood Zone 1, the Sequential Test could not be passed; the proposal would be unacceptable and would not be supported by officers. The pre-appn response also confirmed that whilst no objections were raised in flood risk terms to the application which was approved under S/2006/1164 for 3 town houses on the site; subsequent government guidance has been

issued, introducing the sequential approach to site selection since 2008 and has been carried forward into the NPPF and since this previous permission has expired it unfortunately cannot be taken into account as a material consideration.

Notwithstanding this, a Sequential Test has been submitted with the application but this has only considered sites put forward in the Parish of Wilton in the Strategic Housing Land Availability Assessment (SHLAA) and not the whole of the local planning authority area and has discounted all of these on the basis that these other sites will not affect a visual improvement to this particular site.

The fact that the site is previously developed and the existing single storey buildings proposed to be replaced are not considered to contribute to the townscape of Wilton, would weigh in favour of the site at a NPPF Exception Test but as the scheme fails the initial Sequential Test; the Exception Test is not under consideration.

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and the NPPG.

### **9.3 Flooding - *Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure***

In addition to needing to pass the Sequential Test, the NPPF (paragraph 102) also requires a site specific flood risk assessment to demonstrate that the development would be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall. The Environment Agency has raised no objections in this regard subject to conditions, although this does not override the need for the Sequential Test to be passed first.

Notwithstanding this 'in principle' objection to residential development; in considering the proposal against the current adopted policies; a judgement would also be necessary in terms of all the development impacts considered below.

### **9.4 Scale, design and impact to the character and appearance of the conservation area/setting of listed buildings**

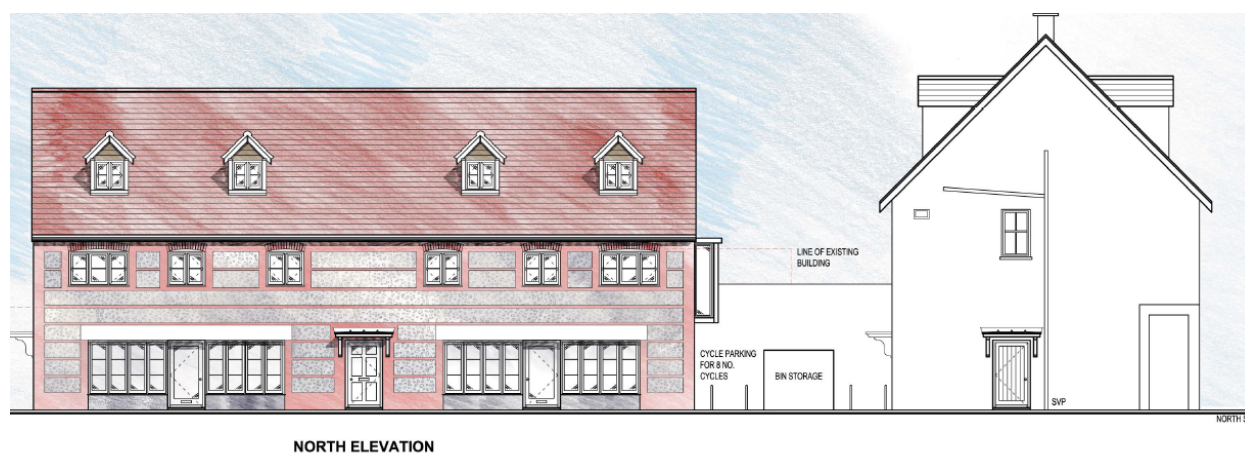
The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led, should always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

Core Policy 57 of the WCS requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses (including in terms of ensuring residential amenity is safeguarded).

The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16, 66 & 72) requires proposals affecting listed buildings or their settings to seek to preserve the special interest of the buildings and their settings. The principal considerations are to ensure that new development protects the significance of listed buildings and their settings, and prevents harm to their significance. Proposals within conservation areas must preserve or enhance the character and appearance of the areas.



Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that 'designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.'



The area of new build is set to the rear of the three storey building fronting North Street and is not considered to have an impact upon the immediate setting of the terrace of listed buildings to the North.

The conservation officer has raised no objections to the demolition elements of the proposal and its impact on the Wilton Conservation Area and considers that the proposed new building could be an attractive addition to the streetscene subject to conditioning the materials and specifically a flintwork panel given the expanse of flint proposed and the pressure to use prefabricated flint panels which rarely have an appearance comparable to the quality of traditional flintwork.

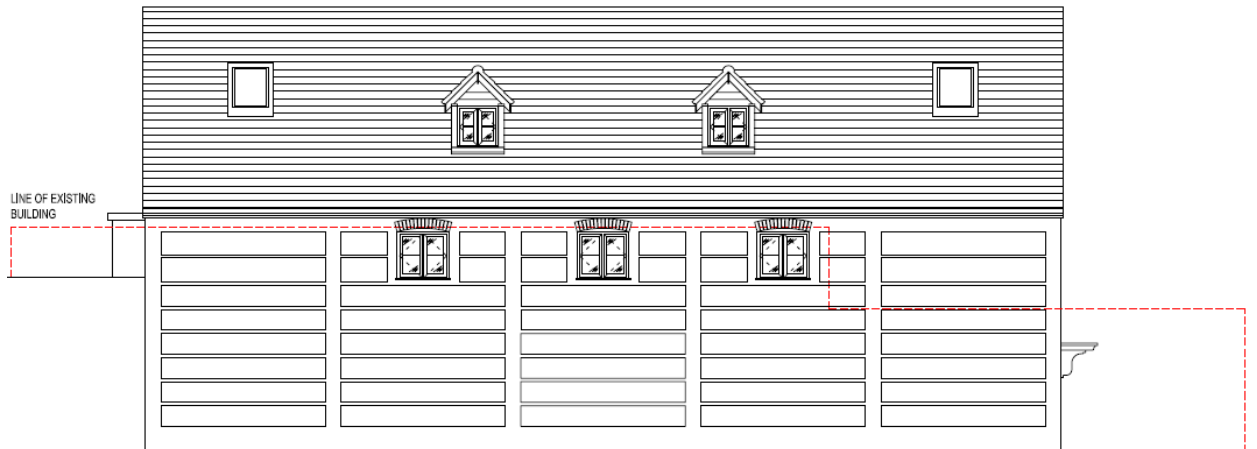
### 9.5 Impact on residential amenity

Policy CP57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

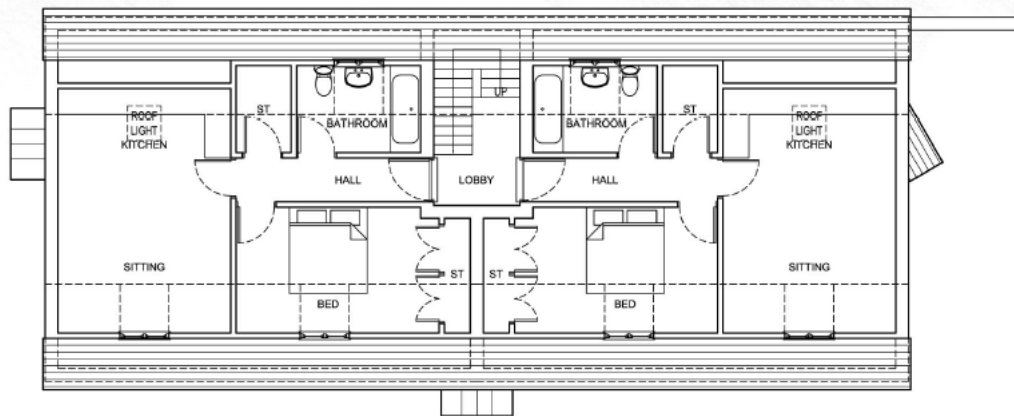
The south elevation of the proposed new build units abuts the yard area to the adjacent premises and third party concerns have been raised over impact to amenity from users of the adjoining social club use. The public protection team has also noted that the social club has condensing units on the rear of the building; that there are also some picnic benches and a smoking area where people would congregate to the rear of the premises.

However, the public protection team have advised that considering the design and layout of the proposed flats in the new building it is unlikely that noise from these sources will have an adverse impact within the dwellings. The bedrooms are all on the north elevation and the only windows on the southern elevation are roof lights on the second floor which lead into kitchen/sittingrooms. Public protection have recommended that these roof lights are not openable as when opened noise levels from outside may have an impact in these open plan habitable rooms which could give rise to complaints. There are two other windows into these rooms so it is considered that sealing the roof lights should be acceptable.

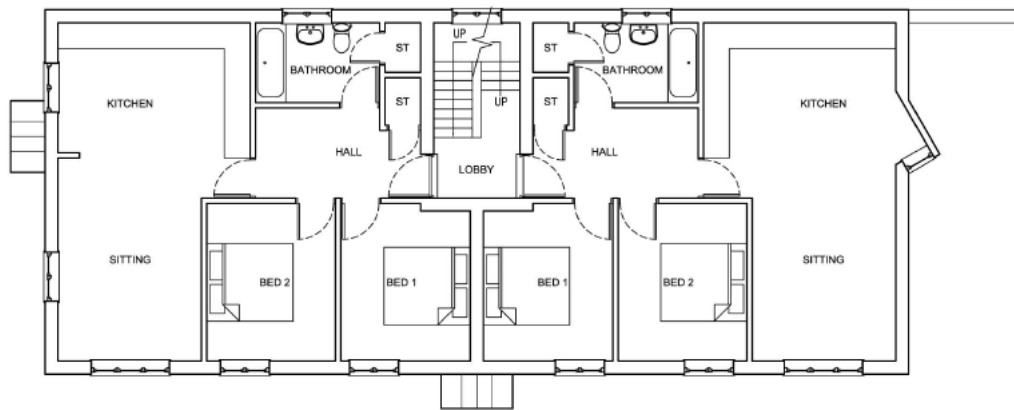
They have also advised that adequate sound proofing installation between the floors of the retail units and new dwellings will be covered under Building Regulations and have raised no objections to the scheme subject to conditions.



The proposed south elevation of new build units shown above has limited windows to first and second floor levels (the residential units). The floor plans of first and second floor flats in new build unit shows that these windows on the south elevation are to bathroom/stairwell and kitchen areas only.



**SECOND FLOOR PLAN**



**FIRST FLOOR PLAN**

The proposed new build faces the flank wall of No 38 North Street to the north, and given the limited windows on the south elevation, the principal windows are on the north elevation. However, No 38 only appears to have a landing window facing the proposed dwellings at first floor level with other secondary windows at ground floor and it is not considered that the development proposal would result in unacceptable overlooking impacts between existing and the proposed dwellings.

It is considered that subject to conditions, the proposed scheme will provide an acceptable standard of amenity for existing and future occupants.

### **9.6 Highway considerations**

The supporting text to Wiltshire Core Strategy Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards and policy PS4 – Private non-residential standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 2011-2026 – car parking strategy:

Table 7.1 Minimum parking standards (allocated parking)

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

Based on the current parking standards, the proposed scheme generates a need for 16 parking spaces, made up as follows:

New build 2 x 2 bed flats	4 spaces
New build 2 x 1 bed flats	2 spaces
New build retail units (2 x 65 sq.m)	4 spaces
Converted 2 x 2 bed flats	4 spaces
Existing retail unit (say 60 sq.m)	2 spaces
Total	16 spaces

Only 5 spaces are proposed, leaving a shortfall of 11 parking spaces which will need to be accommodated on the surrounding road network which is already heavily congested with on-street parking. The highways authority has recommended the application for refusal.

The site cannot accommodate any more parking spaces. Whilst the site is within walking distance of local shops, services and public transport and consideration can be given to relaxing parking standards in sustainable locations; it is considered that the shortfall is too great to be acceptable.

Third party objections also include concerns about impact to a right of way (an area of concrete hardstanding running between the north elevation of the proposed scheme and the pavement) which the agents explain is 'without title' having originally been used previously as a road serving some buildings behind North Street before the flats in Churchill Court and the new access road was constructed.

The red line of the application site originally excluded this area previously used as a road which has no title and as such certificate A had only been completed (the applicant being the owner of the red line application site). However, two of the new parking spaces will be accessed over this non-titled land and an amended red line plan was received including access from the site to the public highway (North Street) within the red line. As this land was non-titled an advertisement was placed in the Salisbury Journal and certificate D on the application form was completed, making the application 'valid' in accordance with the procedural requirements of a planning application.

Private issues between neighbours including private rights of access are Non Material Planning Considerations and as such are not a matter for the Local Planning Authority. Planning permission could not be reasonably refused if a proposal conflicted with those rights; although it may be a reason the applicant is unable to implement a scheme without third party consent.

## 9.7 Archaeology

Paragraph 128 of the National Planning Policy Framework states that "where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

The Council's archaeologist has explained that the site is of archaeological interest although as the majority of the site has standing buildings, field evaluation is problematic and instead an approval could be conditioned to require an archaeological watching brief.

## 9.8 S106 obligations and CIL

The Community Infrastructure Levy (CIL) came into effect on the 18<sup>th</sup> May 2015; CIL will be charged on all liable development granted planning permission on or after this date and would therefore apply to this application. However, CIL is separate from the planning decision process, and is administered by a separate department. If the application were to be approved; the following informative would be added to any planning approval decision advising that the development would be subject to the Community Infrastructure Levy:

*The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website*  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy)

The proposal results in a net gain of 5 residential units, which would have generated an off-site recreational open space contribution under saved policy R2 of the Salisbury District Local Plan. However, this is a tariff style 'pooled' contribution. Pooling restrictions that came into force on 6 April 2015 mean that Wiltshire Council cannot pool more than five planning obligations towards the same infrastructure type or project. This limit extends to all planning obligations entered into since 6 April 2010. As the Council has already pooled more than 5 planning obligations towards recreational open space, we cannot therefore require any further pooled recreational off site contributions.

Also, following the recent guidance issued by the DCLG (November 2014) Planning Contributions (Section 106 Planning Obligations), affordable housing and tariff-style contributions (including recreational open space) are no longer payable if the development site has 10 houses or fewer and a maximum combined gross floorspace of not more than 1000 sqm. The area of residential is approximately 500 sqm and therefore no affordable housing or tariff contributions are payable, although if the application were to be approved, CIL would apply.

## 10. Conclusion

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and technical guidance to the NPPF.

The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner and does not accord with the current parking strategy (Wiltshire Local Transport Plan 2011-2026). The proposal would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users.

### **RECOMMENDATION: REFUSE**

(1) The precautionary approach adopted by The National Planning Policy Framework is that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and a 'Sequential Test' must be undertaken to see whether there are alternative lower risk sites that could accommodate the development. The proposal is for a 'more vulnerable' form of development proposed within Flood Zones 2 and 3. The NPPF makes clear that such development should be located in Flood Zone 1 unless it can be demonstrated that no such sites are available.

The council can demonstrate that there is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, within the Local Planning Authority area to meet the housing development needs of the area. South Wiltshire has 5.59 years of deliverable housing land supply and therefore there is no urgent or immediate need for further housing to be permitted on this site to meet strategic requirements.

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF, NPPG and contrary to Core Policy 67 of the Wiltshire Core Strategy.

(2) The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner and does not accord with the current parking strategy (Wiltshire Local Transport Plan 2011-2026). The proposal would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point, contrary to Core Policy 64 of the Wiltshire Core Strategy, and policies PS4 and PS6 of the Local Transport Plan 3 Car Parking Strategy and guidance within the NPPF.



<b>Application Number</b>	15/02283/FUL
<b>Site Address</b>	36 North Street, Wilton, Salisbury. SP2 0HJ
<b>Proposal</b>	Demolition of existing outbuildings and alterations to retained building fronting North Street. Construction and provision of 5 new flats, two new retail units, retention and alterations to existing retail unit and flat above
<b>Case Officer</b>	Lucy Minting



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