

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	17 th October 2024
Application Number	PL/2024/03325
Site Address	Wyckfield, Homington Road, Coombe Bissett, SP5 4LR
Proposal	Demolition of out buildings and erection of 1 self-build residential dwelling, access, parking, landscaping and associated works
Applicant	Mr & Mrs Artiss
Town/Parish Council	Coombe Bissett
Electoral Division	Downton and Ebble Valley – (Richard Clewer)
Grid Ref	51.036632, -1.845036
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application has been called-in before committee by Cllr Clewer if officers are minded to refuse on the basis that whilst the flooding issues are complex, the proposal is considered to improve and not increase flood risk.

1. Purpose of Report

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

2. Report Summary

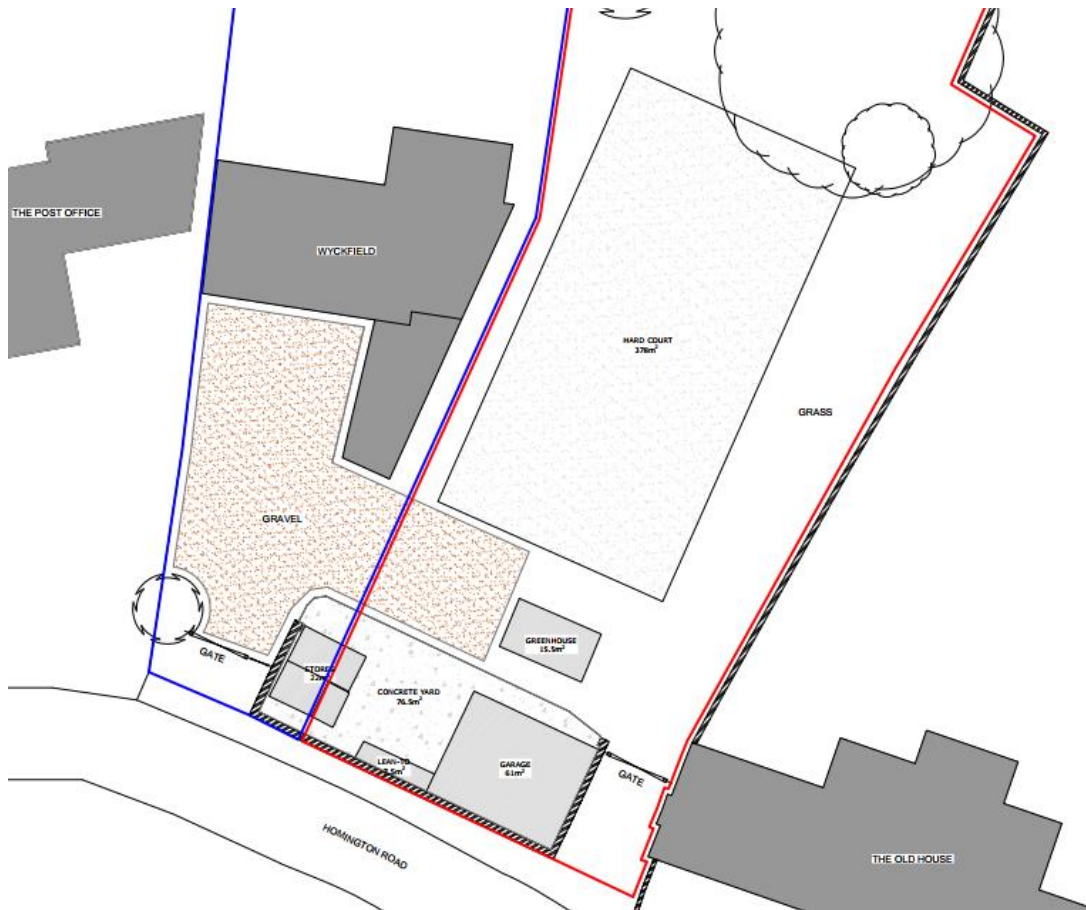
The issues in this case are:

- Principle of development;
- Flood Zones and Sequential/Exceptions Test;
- Design and scale;
- Amenity impacts including heritage, archaeology and wider CCNL landscape;
- Ecological Impact including the River Avon SAC/nutrient neutrality;
- Parking/Highway Safety

3. Site Description

The application site forms part of the residential curtilage associated with the dwellinghouse known as Wyckfield. The site lies within the village of Coombe Bissett, within the Coombe Bissett Conservation Area and the Cranborne Chase and West Wiltshire Downs National Landscape (CCNL) (until recently referred to as the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty). Wyckfield is unlisted, but The Old House and The Brines (east and south respectively) are Grade II listed. To the south of the site, it joins the Homington Road is a Class C highway. The site lies within Flood Zones 2 and 3. The River Ebble lies to the north boundary of the site, within the River Avon catchment area and

the New Forest 13.8km zone of influence for the New Forest protected sites.



The site is served by two access points, both to be retained with the main existing entrance serving Wyckfield and the second access used for the proposed new dwellinghouse. The application site comprises of approximately 0.14 hectares of land with the existing outbuilding and garage to be demolished to facilitate proposed works. Within the site was a tennis court but this is now made up of scrub and overgrown vegetation as shown on the plan above and in the photograph below.



View of site looking towards the boundary wall shared with The Old House

4. Planning History

N/A – Members should note that a pre-application enquiry was submitted on the site (Ref: 20/07007/PREAPP) that sought advice for the erection of two dwellinghouses on the site. This pre-application enquiry raised a number of concerns with one of the main issues raised being the location of the development proposal within the Flood Zones 2 and 3.

5. The Proposal

The proposal seeks planning permission for the demolition of outbuildings and the erection of 1 self-build residential dwelling, access, parking, landscaping and associated works

6. Local and National Planning Policy

S66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 23 Southern Wiltshire Community Area
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 58 Ensuring the conservation of the historic environment
Core Policy 60 Sustainable Transport
Core Policy 61 Transport and New Development
Core Policy 62 Development Impacts on the Transport Network
Core Policy 67 Flood Risk
Core Policy 69 Protection of the River Avon SAC

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

AONB Management Plan
National Design Guide
Wiltshire Design Guide
Creating Places Design Guide SPD (April 2006)
Emerging Local Plan

7. Summary of consultation responses

Coombe Bissett and Homington Parish Council – Support with the following comments received:

The Parish Council is happy to support this application but recommends that Wiltshire Council applies the following conditions:

We request a thorough drainage assessment by a drainage engineer and a construction management plan because there is an existing drain from Homington Road through the development site, to the River Ebbles, protecting properties from flooding. This must be protected from damage or interference. Additionally we request a large enough separation boundary between the proposed permeable paving around the new house and the neighbouring property, The Old House. This is to ensure there will be no negative impact on the existing drainage system of this property. The Old House is protected by a French drain around it, so it is important that it is not compromised by drainage from the new property.

WC Highways – No objection subject to conditions with the following comments stating:

The revised details submitted for the existing dwelling as shown with the swept path analysis demonstrating how 3 vehicles will enter Wyckfield, park, turn and exit the site in a forward gear is noted and agreed as previously commented, although the proposal is tight (the drawing has not been provided using proper swept path software) and with such a large plot, I still recommend this be improved and the turning area enlarged to provide a better facility and easier manoeuvrability for future residents. I note that the parking and turning area for three vehicles for the new dwelling has been enlarged as recommended. This will avoid vehicles

having to make excessive shunting manoeuvres to turn within the site for entry and egress in a forward gear off the classified Homington Road. Although the speed limit is 20mph, the requirement of turning within the site remains in the interests of highway safety and will be to the benefit of any future occupier as well as all users of the highway. The visibility splays are noted and the western 25m splay is accepted, the eastern 25m splay crosses third party land and cannot be secured in perpetuity. I do note however that this is an existing access and that the eastern direction is the non-oncoming direction of travel, therefore, I am prepared to accept this on the basis that the proposal is for only one dwelling. No details have been forthcoming for the vehicle access improvements, I will therefore attach a condition to cover this.

WC Drainage – Objection with comments received stating:

*In May 2024 the drainage team in their capacity as Lead Local Flood Authority had the below **objections** to the application:*

- i. The applicant is proposing to construct a new dwelling in Flood Zone 3a. As such, the development is subject to passing the Exception Test. The LPA needs to confirm if this development passes the exception test. (We would object to the proposal if the LPA confirms the exception test has not been met due to flood zone vulnerability)*
- ii. The access to the site is predicted to flood, therefore in line with the National Planning Policy Framework, a detailed emergency plan, including the proposed evacuation route, needs to be agreed with Wiltshire Council*
- iii. The size of the property would suggest that there is a high potential for ‘more vulnerable’ residents i.e., children living within the property thus increasing the level of risk from flooding the impact on people. The ability to maintain access during a flood even is therefore more significant.*

With reference to the first point, the LPA is yet to confirm that the Exception test has been passed – this is a planning matter based on the sustainability benefits outweighing the residual risk.

With reference to the second point, the response letter states: “It is recommended that a detailed flood plan for the site should be prepared to minimise the risk of flooding to site users”. This is yet to be received and agreed with WCC.

With respect to the third point, the response letter states: This hazard can be managed through acting upon Environment Agency flood warnings as part of evacuation planning. As stated in the response letter, the Flood hazard posed is danger for most – includes the general public. Paragraph 47 of the PPG states

Access considerations should include the voluntary and free movement of people during a ‘design flood’, as well as the potential for evacuation before a more extreme flood, considering the effects of climate change for the lifetime of the development

In this case, this cannot be achieved. The LLFA therefore maintains its objections to this proposal unless the applicant can provide more detailed assessment of the flood hazard to demonstrate that the requirements of the PPG can be satisfied.

WC Ecology – No objection subject to conditions (see response in the ecology section of this report)

WC Conservation – No objection subject to conditions with comments summarised as:

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification. The proposal involves the construction of a contemporary one and half storey high dwelling on the site. The proposed house would be located at or near existing ground level and be positioned generally forward of 'Wyckfield' but set back behind the building line created by 'The Old House'. The building could be built in the location and with the proposed height without harm to the conservation area of setting of the designated assets. The impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application.

WC Archaeology – No objection subject to conditions with comments summarised as:

This application is accompanied by an 'Archaeological Desk Based Assessment' prepared by Heritage Planning Services and dated July 2023. The assessment sets out the archaeological potential of the site of the proposed new dwelling, the likely impacts of the proposed development on below ground deposits, and measures that might mitigate the potential harm to buried archaeological remains if the development proceeded. The assessment concludes (Paras 7.1 and 7.2): 'There is limited potential for the occurrence of prehistoric or Roman archaeology on the Project Site. However, the Project Site does have the potential for archaeology of the Saxon, Medieval and Post Medieval periods. Although lacking in detail, Coombe Bissett was recorded in various Saxon Charters and the extent of the activity could include the Project Site. It is considered that any archaeological activity preserved on the Project Site will be of local and regional significance only and is unlikely to be of such significance as to preclude development. Any further archaeological investigation could be secured by way of a suitably wording condition of planning. This should involve below ground investigation and potentially the recording of the historic boundary wall.' Heritage Planning Services' desk-based assessment useful summarises the archaeological potential of the site of the proposed new dwelling. I agree with the report's conclusions and therefore consider that it would be precautionary to provide for archaeological monitoring and recording during construction should this application be permitted. This can be secured by an appropriately worded condition and the following is recommended:

No development shall commence within the area indicated by the red line boundary on Markstone Architectural Services' Location Plan Drawing No. 3098 – 105, dated March 2024, until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details as evidenced by the submission to the Local Planning Authority of a satisfactory report on the results within six months of the conclusion of archaeological monitoring on site.

REASON: To record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible.

This is in accordance with Paragraph 211 of the NPPF which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. The archaeological monitoring and recording will be undertaken on all groundworks that have the potential to impact on buried archaeological remains. The programme of archaeological work will conclude with a report that will be commensurate with the significance of the archaeological results.

Environment Agency – No objection subject to conditions with the following comments:

1. Agent's response to Environment Agency and Drainage Comments, dated 1st July 2024, Rappor

Environment Agency position

We withdraw our objection to the proposal provided the following conditions and informatives are included in any planning permission. The LPA must be satisfied that the Sequential Test has been passed.

Flood Risk

Please include the below condition in any permission granted.

CONDITION

Finished Floor Levels shall be set no lower than 58.81mAOD.

REASON

Necessary flood risk mitigation.

Sequential Test

Whilst we deem that the mitigation provided is acceptable due to an appropriate assessment of climate change and freeboard being provided, this does not remove the need for the LPA to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

Pollution prevention during construction

8. Publicity

The application has been advertised by way of letters to near neighbours of the site and by the displaying of a site notice at the site subject to this proposal.

The publicity has generated ten letters of support in total with comments received summarised as the following:

- Makes good use of existing space;
- Enhancement to the area;
- Provide an additional dwelling within the village;
- In line with the emerging Neighbourhood Plan

9. Planning Considerations

9.1 Principle of development

Planning permission is required for the development. 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. The Wiltshire Core Strategy was adopted in January 2015.

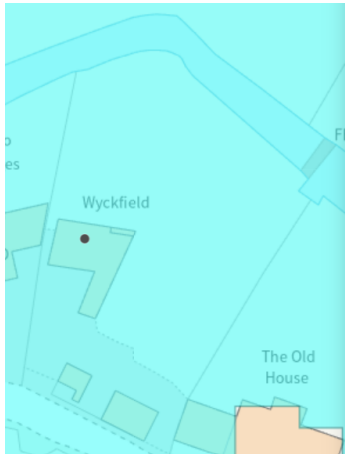
The Settlement Strategy (Core Policy 1) identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Core Policy 23 identifies Coombe Bissett as a large village within the South Wiltshire Community Area. The Delivery Strategy set out in Core Policy 2 specifically states

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

Therefore, whilst new residential development in this location is acceptable in principle under CP2 of the Wiltshire Core Strategy, it is however necessary to assess the implications of the proposals in detailed terms. The implications of the development in respect of flooding, the design, neighbouring amenities, heritage, archaeology, ecological constraints and highway safety will therefore be considered in more detail below.

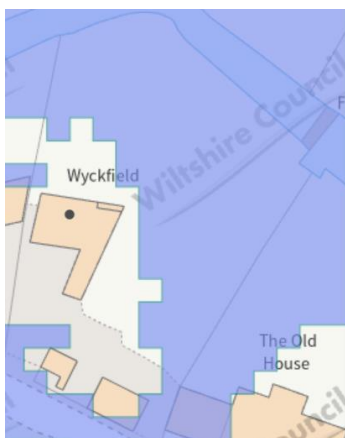
9.2 Flood Zones and Sequential/Exception Tests

Core Policy CP67 of the WCS states: Development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the Sequential Test in line with the requirements of national policy and established best practice. The location of the new dwellinghouse and associated development is sited within Flood Zones 2 and 3 as shown below.



- ▶ Flood Zone 2 (EA)
- ▶ Flood Zone 3 (EA)
- ▶ Risk of Surface Water Floodin
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- ▶ Flood Alert Areas (EA)
- ▶ Flood Warning Areas (EA)

Flood Zone 2 above



- ▶ Flood Zone 3 (EA)
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- ▶ Flood Alert Areas (EA)
- ▶ Flood Warning Areas (Ej

Flood Zone 3 above

The application is accompanied by a Flood Risk Assessment undertaken by Rappor that has been assessed by the Council’s Drainage Team who have objected to this proposal (detailed in full within the consultee response section of this report). The site is in Flood Zone 3a/3b and officers note that the Environment Agency (EA), following additional information now have no objection to this scheme but, request that the Council apply the need for a sequential test and to consider whether this has been satisfied. In terms of the sequential test and exceptions tests, the NPPF states the following:

Paragraph 165 of the NPPF states: *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

In respect of the sequential test, Paragraph 167 of the NPPF states:

All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a. *applying the sequential test and then, if necessary, the exception test as set out below;*

- b. safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c. using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and*
- d. where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.*

In regard to the exceptions test, paragraph 170 of the NPPF states:

The application of the exception test should be informed by a strategic or site- specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- i. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- ii. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

The application states that this scheme is a self-build and whilst it is acknowledged that Wiltshire Council do not have an up to date record of Self Build properties, the applicant has absolved the responsibility to undertake a sequential test on this basis and considers that this site is the only available option. In regard to the exceptions test, whilst this is a matter of officer judgement, no evidence is submitted in the submission of this application to demonstrate the wider sustainability of benefits of the scheme in accordance with paragraph 170 of the NPPF. Whilst a FRA has been provided within the submission of this application that does show the finished floor levels of the dwellinghouse will be above a certain flood level (as confirmed in the comments of the Environment Agency), and whilst it could be considered unlikely that this scheme would pose a risk to an increase in flooding elsewhere should it be permitted, no evidence has been provided to confirm this, thus failing the requirements of the exception test.

Annex 3 of the NPPF classifies development into essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible development. Buildings used for dwellinghouses are classed as 'more vulnerable' uses. Only water compatible development is acceptable in the functional flood plain (FZ3b) regardless of a sequential test as set out in Table 2 of PPG 'Flood risk' vulnerability and flood zone 'incompatibility'. The Strategic Flood Risk Assessment (SFRA) states in the absence of FZ3b mapping (there is no FZ3b mapping for the Salisbury District Council Area), Wiltshire Council considers all sites in FZ3 to be functional flood plain (3b). Table 2 of the PPG 'Flood risk' vulnerability and flood zone 'incompatibility' is shown on the following page of this report.

Table 2: Flood risk vulnerability and flood zone ‘incompatibility’

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

“†” In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

“*” In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:

So, whilst the Environment Agency recommend that the Local Planning Authority consider the sequential test for this site, these comments in officer opinion, are misguided as the onus is on the applicant to carry out this and provide appropriate evidence to the LPA of the sequential test being undertaken. The applicant has not undertaken this test for the reasons as previously alluded to.

As no evidence has been provided to confirm whether or not the proposal can pass the exceptions test, Officers consider the precautionary approach to flooding as shown in Table 2 above is appropriate because this scheme is not classed as a ‘water compatible’ development. This is because the site is partially within Flood Zone 3 where in such areas, new development is not acceptable regardless of a sequential test being undertaken/applied or any mitigation proposed as is shown within this application like for example, raising floor levels/flood protection measures as demonstrated within the submitted FRA.

The Wiltshire Council Strategic Flood Risk Assessment (SFRA) has identified the site to be within Flood Zones 2 and 3. Whilst the application is accompanied by a site specific Flood Risk Assessment, no details have been provided to demonstrate this scheme can pass the exceptions test and the applicant due to the proposal being a self-build dwelling, absolves the

responsibility to undertake a sequential test due to Wiltshire Council not having an up-to date self-build register. As only water compatible development is acceptable in Flood Zone 3, of which this scheme is not, the proposal is considered to be contrary to CP67 of the Wiltshire Core Strategy and NPPF guidance.

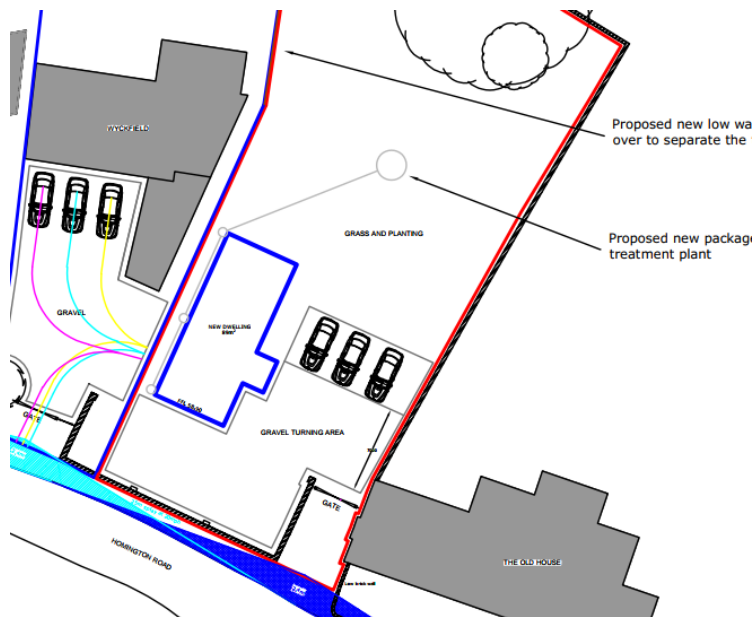
9.3 Design and scale

Core Policy 57 of the Wiltshire Core Strategy (WCS) requires there to be a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

The proposal involves the removal of the existing garage and outbuildings serving Wyckfield and the construction of a three bedroom detached self-build dwellinghouse with an associated parking and turning area for three vehicles to the east. Other works include the erection of a low level wall with fencing above along the boundary separating the dwellinghouse and Wyckfield although no detail of this is provided. The design of the proposed dwellinghouse shown below is a chalet style 1.5 storey building with the narrower elevation (south) facing Homington Road. The application is supported by a streetscene drawing that shows the proposed dwellinghouse would not exceed the ridge height of the neighbouring dwellings Wyckfield and The Old House.



The siting of the dwellinghouse in the position as shown below is to take account of the plot of land being within Flood Zones 2 and 3 as outlined in detail within the previous section of this report.



Whilst officers consider the design and layout of the proposed dwellinghouse is acceptable as outlined above, this does not override the principal objection/concern of this scheme being located within Flood Zones 2 and 3.

9.4 Amenity impacts including heritage, archaeology and wider CCNL landscape

Core 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 (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The application site is within a residential area of the village of Coombe Bissett where a degree of overlooking and inter-relationship is considered acceptable. The nearest properties to the development proposal would be Wyckfield and The Old House. Such is the design of the dwellinghouse, a 1.5 storey chalet style property, the first floor openings other than the large glazing area on the principle front (eastern) façade and the Juliet balcony on the north façade are rooflights. As such limit overlooking of the surrounding properties, primarily The Old House to the east would be obtained from these openings. Furthermore, the application site faces the western gable end of this property that has limited openings at first floor level.

It is therefore considered that the proposal adheres with the criterion requirements of Core Policy CP57 of the WCS in regard to overshadowing and overlooking.

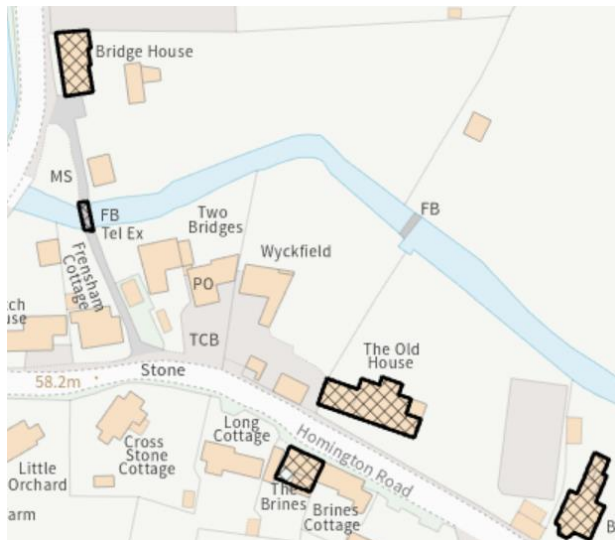
Core Policy 51 of the WCS states - Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

Core Policy 58 of the WCS states development should protect, conserve and where possible enhance the historic environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In the graphic below held on Council records, The Brines, Brookside and the Old House are grade II listed and lie to the southeast of the site. The pack Horse Bridge lies to the northwest of the site and is grade II listed and a scheduled monument. Wyckfield is a modern house in a central location within the Coombe Bissett Conservation Area.



Paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, as per the comments of the Council's Conservation Officer, the application is accompanied by a "Design and Heritage Statement" which provides sufficient information to understand the impact of the proposals and is proportionate to their scope.

The Conservation Officer further states *"The land in question lies within the settlement boundary of Coombe Bissett and the proposal involves the infilling of a gap in the development fronting the north side of Homington Road with a new dwelling. The subject site once formed part of a small farmyard associated with 'Brine's Farmhouse'. A group of agricultural buildings once stood within the associated farmyard. Old photographs indicate that one of the demolished buildings was a substantial thatched threshing barn. At the front of the site there was a structure with a roof covered in slates with half hips at each end. The walls to the front of the site are likely all that remain of the former farm buildings and make a positive contribution to the conservation area. The existing wall is not in good condition with spalling brickwork but could be repaired by cutting in new matching bricks with a lime mortar pointing. To the rear the wall has been added to with a modern outbuilding. The outbuilding is of no architectural importance and could be demolished providing a method statement is received on how the brickwork walls would be supported repaired and with what materials. The proposal sites a house set behind the wall on the western side of the plot, staggered between Wyckfield and the Old House. The plot around Wyckfield is spacious and there are houses that face directly onto Homington Road and some that are gable end onto the road but they do not appear cramped and so are well balanced with space around them in the conservation area. The*

setting of the designated assets above should be considered and it is not considered the assets with the exception of the Old House would be affected by the development. At present the gable of the Old House can be seen from the west and from the Village store car park.

Fig 6 of the planning design and access statement shows the west elevation of The Old House. This is a key view of the designated asset from a central location in the village. The new house would be set forward of Wyckfield but would not block the view of the gable of the Old House and so would not be harmful. The height of the proposed building is appropriate and given the drainage difficulties with the site finished floor levels should be provided so that it is not raised. The impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met and there is therefore no objection to the approval of the application.

Recommended conditions

Prior to the construction of the development, hereby permitted, samples of the materials to be used and method of fixing in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the character and appearance of the proposed building and the existing structure.

On the basis of the comments as outlined above from the Conservation Officer and subject to the imposing of the suggested conditions around the use of materials in the construction of the dwellinghouse, officers consider the scheme accords with the requirements of Core Policies CP51 and CP58 of the WCS. As a result, the character and appearance of the Coombe Bissett Conservation Area and wider CCNL would be upheld.

In terms of an archaeological impact by way of the proposed, the Council's Archaeology Team have assessed the submitted Archaeological Desk Based Assessment undertaken by Heritage Planning Services accompanying this proposal (full comments within the consultee response section of this report) stating "*Heritage Planning Services' desk-based assessment usefully summarises the archaeological potential of the site of the proposed new dwelling. I agree with the report's conclusions and therefore consider that it would be precautionary to provide for archaeological monitoring and recording during construction should this application be permitted. This can be secured by an appropriately worded condition*".

Subject to the imposing of any condition to secure the archaeological monitoring and recording during construction, harm to any buried heritage assets would be mitigated.

9.5 Ecological Impact including the River Avon SAC and New Forest SPA

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The application is accompanied by the following documentation listed below that has been assessed by the Council's Ecologist.

- Preliminary Ecological Assessment (PEA) undertaken by Ellendale;
- Nutrient Calculator River Avon;
- Proposed Site Plan DWG No: 3098-101D

In response to the requirements of Core Policy CP50 for the proposal the Council's ecologist has said the following:

Core Policy CP50

The submitted Preliminary Ecological Assessment (PEA) concludes that the site measures approximately 0.2ha and comprises of built-up areas, dense scrub, amenity grassland and poor semi-improved grassland of limited ecological value. The site does support features for protected and notable species typical of gardens such as reptiles and breeding birds.

The most ecologically important feature is the River Ebble which is designed as a County Wildlife Site and lies at the northern boundary. As well as being intrinsically important this river is likely to support protected and notable species. The development footprint does not extend near the river and existing trees that act as a buffer are shown as retained. Impacts on the river are therefore not predicted.

Buildings on Site were found to be unsuitable for use by bats for roosting. Overall, the development is not considered likely to result in a loss of biodiversity and adherence to mitigation and enhancement recommendations in Sections 4.2 and 4.3 of the report could provide enhancement in accordance with CP50.

Biodiversity Net Gain (BNG)

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application

The application is for self and Custom Build Development, meaning development which:

- i. consists of no more than 9 dwellings;*
- ii. is carried out on a site which has an area no larger than 0.5 hectares; and*
- iii. consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).*

Note to case officer: you should be satisfied that the proposals meet the above criteria and act accordingly. Further information will be required from the applicant in the event that the development is considered to be subject to mandatory biodiversity net gain.

Habitat Regulations Assessment – New Forest Protected Sites and River Avon: Hampshire Catchment

New Forest Protected Sites

The proposed development site lies within the 13.8km zone of influence for the New Forest internationally protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, the application is screened into appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) on account of its potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in-combination with other plans and projects. Many of the special features of the New Forest protected sites afforded protection are vulnerable to adverse effects associated with an increase in recreation as demonstrated

in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019.

Following a Cabinet decision on 7 May 2024, Wiltshire Council's "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £600 (plus legal and admin fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. Evidence for the revised approach derives from the New Forest SAMM Report (Footprint Ecology, October 2023) which can be found here: [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk). The New Forest SAMM Report was commissioned by all the local planning authorities with areas lying within the 13.8km zone, in order to identify and implement a consistent strategic approach to mitigation across the zone of influence.

It will therefore be necessary for developer contributions of £600 per dwelling / tourism unit (plus legal and admin fees) to be secured via s111 agreement, unilateral undertaking or s106 agreement for this application to ensure the necessary mitigation is secured. This will enable the Council to conclude, subject to endorsement from Natural England, that the development proposed by means of this application will not lead to significant adverse effects on the New Forest protected sites alone or in-combination with other plans and projects.

The applicant should be directed to the Guidance Note for Completing Agreements Under S.111 of the Local Government Act 1972.

Hampshire River Avon Special Area of Conservation (SAC) Catchment

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The submitted phosphorous nutrient calculation [Nutrient Calculator River Avon submitted 19th September 2024] calculated a total phosphorus budget of 0.13 TP/year. As the type of Package Treatment Plant (PTP) has not been defined in the application The Wastewater Treatment Works row of the calculation must be amended to 'Package Treatment Plant Default' on the 'Nutrients from wastewater' tab. I have amended the budget to reflect this and it does not affect the budget. The budget has therefore been approved by Wiltshire Council, however, please ensure it is corrected when submitted to apply for Council credits.

A Council-led scheme of phosphorus credits will be available for development which meets certain criteria at a fix cost per kilogram of phosphorus, provided supply of mitigation is available. A completed Hampshire Avon Credit Screening Approval Certificate is required to apply for this scheme. The ecology section of this certificate has been completed by the Council's ecology team for this application. This certificate can only be issued by the case officer if the application meets the two deliverability tests. Further details of the Council-led

scheme, including eligibility criteria, current cost to purchase credits, and details of how to apply, is available on our website [Phosphorus and nitrogen mitigation - Wiltshire Council](#).

<p>Ecology officer approval</p> <p>Approval of Nutrient Budget</p>	<p>Document reviewed Nutrient Calculator River Avon submitted 19th September 2024</p> <p>Budget – 0.13 TP/year</p> <p>Budget approved - Yes</p> <p>Date 25/09/2024</p>
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A strategic Appropriate Assessment (AA) has been prepared for qualifying planning applications for residential and non-residential development, within sewerred and non-sewerred areas of the River Avon SAC catchment. The AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features and has been endorsed by Natural England (NE) provided that the council's mitigation strategy continues to be implemented.

The mitigation fee and administration charge for the scheme can be paid by a section 111 agreement. It is also possible to pay the mitigation fee through a section 106 agreement or unilateral undertaking.

Subject to the imposing of the suggested conditions of the Council's ecologist to address the ecological matters raised throughout the consultation of this planning application, officers consider that the proposal accords with the requirements of Core Policy CP50 of the WCS.

By way of the scale and type of proposal subject to this planning application and the impacts to the protection zones as outlined above by the Council's Ecologist, officers are of the opinion that any adverse effect or impact to the River Avon SAC/buffer zone and New Forest SPA would be de-minimis.

However, in terms of the River Avon SAC catchment of which this site is located within, the Council's ecologist has provided comments that confirm the impact of the proposal would have no adverse impact on this protection zone subject to the appropriate mitigation being secured. As the scheme is not considered to be policy compliant as outlined within the Flood Zone/Sequential Test section of this report, the credit screening certificate will not be released allowing the applicant to apply for the necessary mitigation credits.

9.6 Parking/Highway Safety

Core Policy CP60 states: *The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.*

Core Policy CP61 states: *New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.*

The proposed dwellinghouse would utilise the existing field gate access via Homington Road and would provide three parking spaces within the curtilage of site in line with the Council's adopted parking strategy.

The Council's Highways Officer has assessed this proposal and did raise concerns around the vehicle access improvements, manoeuvrability within the application site, lack of swept path analysis for the existing dwellinghouse Wyckfield and the proposed site and; visibility in and out of the access/egress for the new dwellinghouse. Amended information has been provided by the agent which has been assessed by the Highways Officer that has enabled the concerns for this scheme to be withdrawn subject to the imposing of the following suggested conditions onto any consent:

The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel).

The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

The proposed development shall not be occupied until means/works have been implemented to avoid surface water from entering the highway.

REASON: To ensure that the highway is not inundated with surface water.

Any gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the access, turning area & parking spaces [3] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

Subject to the imposing of the suggested conditions as outlined above, officers consider any highway safety impacts would be suitably mitigated.

10. Conclusion and Planning Balance

This proposal seeks planning permission for the demolition of outbuildings and the erection of 1 self-build residential dwelling, access, parking, landscaping and associated works. The site is located within Flood Zones 2 and 3.

New residential development in this location is acceptable in principle under CP2 of the Wiltshire Core Strategy. However, whilst the application is accompanied by a Flood Risk Assessment, Members are advised to have consideration for Annex 3 of the NPPF that classifies development into the following five categories - essential infrastructure, highly vulnerable, more vulnerable, less vulnerable and water compatible development. Buildings used for dwellinghouses are classed as 'more vulnerable' uses. Only water compatible development is acceptable in the functional flood plain (FZ3) as set out in Table 2 of PPG 'Flood risk vulnerability and flood zone 'incompatibility' shown within this report.

Furthermore, Members are advised to have regard for paragraphs 165, 167 and 170 of the NPPF that refers to inappropriate development in areas at risk of flooding being avoided and the requirements of applying a sequential and exceptions test. The need for a sequential test has been dismissed by the applicant on the basis that Wiltshire Council does not have an up-

to date register of self-build properties. Whilst this may be the case and the scheme would provide an additional self-build dwelling within Wiltshire, the onus is on the applicant to provide sufficient evidence/information that this proposal takes account of all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. It is also considered that the proposal would fail the requirements of the exception test as no evidence has been provided within the submission of the application to demonstrate this proposal would provide any wider community benefits that outweigh flood risk or that the scheme will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The scheme being for a self-build dwellinghouse does not negate/outweigh the need for evidence of the proposal complying with the requirements of a sequential test or exceptions test.

In officer opinion, this proposal by virtue of the location of the site within Flood Zone 3, and not being 'water compatible' as outlined within Annex 3 of the NPPF, is contrary to the requirements of Core Policy CP67 and NPPF guidance.

11. RECOMMENDATION:

Refuse for the following reason(s):

1. The Wiltshire Council Strategic Flood Risk Assessment (SFRA) identifies the site and its access to be within Flood Zones 2 and 3. Table 2 of Planning Policy Guidance (PPG) 'Flood risk' vulnerability and flood zone 'incompatibility' defines buildings used for dwellinghouses as 'more vulnerable' uses. Only water compatible development is acceptable in the functional flood plain (Flood Zone 3) of which this scheme is not. Whilst the application is accompanied by a site specific Flood Risk Assessment, no details have been provided to demonstrate this proposal would provide any wider community benefits that outweigh flood risk or that the scheme will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. In the absence of such details, and noting the scheme is not defined as water compatible, the development proposal is considered to be contrary to the requirements of CP67 of the Wiltshire Core Strategy and NPPF paragraphs 165 and 170.