

REPORT FOR SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	20th March 2025
Application Number	PL/2024/03203
Site Address	Construction of three dwellings with associated access, parking and landscaping
Proposal	Land to the rear of the Porton Hotel, Winterslow Road, Porton, SP4 0JU
Applicant	Mr. K Hartland
Town/Parish Council	Idmiston
Electoral Division	Winterslow & Upper Bourne Valley ED – Cllr R. Rogers
Type of application	Full
Case Officer	Mrs. Becky Jones

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

The application is before the Planning Committee at the request of the Local Division Member for the following reason(s) –

- Scale of Development
- Relationship to Adjoining Properties
- Environmental/highway impact

1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having considered these, the report recommends that planning permission be **APPROVED** and subject to planning conditions.

2. MAIN ISSUES

1. Principle of development
2. Scale, design and impact on character of the area
3. Impact on neighbouring and future amenities
4. Ecology, Protected Sites and Biodiversity Net Gain
5. Highway safety
6. Trees and Landscaping
7. Drainage

3. SITE DESCRIPTION

The site is located towards the southern end of the village of Porton, within the parish of Idmiston. The land forms part of the curtilage of the Porton Hotel, known as the Old Railway

Hotel, and lies between the hotel building and Winterslow Road. The remainder of the curtilage has been historically subdivided to form the adjacent Telephone Exchange. The site slopes steeply upwards from the road frontage to the back of the site. It is mostly laid to grass, with hedges and trees on the southeast and northwest site boundaries. To the northwest of the application site is the Telephone Exchange building, which is sited away from the boundary with the application site, and to the southeast are two detached houses set back from the road, Nos 73 and 75 Winterslow Road. The railway line and bridge lie to the south east.

This part of Winterslow Road is characterised by residential dwellings of various styles, predominately detached houses and bungalows in red brick, timber cladding and light coloured render, that front onto the highway with spacious driveways and front gardens.



The site is also affected by the following policy constraints:

- Within Settlement boundary of Porton
- River Avon Hampshire catchment SAC and SPA
- 15km buffer for New Forest protected sites Recreation Zone of Influence
- Salisbury Plain SPA - 6400m Buffer
- Winterslow Road is a Class C highway
- Special Landscape Area
- Flood Zone 1, Winterslow Road identified as being at risk of surface water flooding

4. RELEVANT PLANNING HISTORY

PL/2023/06362 Construction of three detached houses with access Withdrawn

BR/2021/10837 Demolition of Former Function Room

19/07039/OUT Outline application with some matters reserved for residential development of 10 affordable dwellings and 10 self build plots (access only) **Refused, for reasons including:**

The site for 20 dwellings lies outside the settlement boundary for the large village of Porton.

The site is identified in 'Figure 1 - Table of Preferred Sites' on page 42 of the Neighbourhood Plan and comprises site P1A and P1B. However, policy 19 of the Neighbourhood Plan encourages/facilitates the provision of 'no more than' 'approximately 32 dwellings' through the plan period (2015-2026). The housing requirement has been met so the development is contrary to policy 19 of the Neighbourhood Plan.

In the absence of the site being allocated or included within the revised settlement boundary of the draft Wiltshire Housing Site Allocations Plan, the proposal conflicts with the

sustainable development principles of the Settlement and Delivery Strategies in Core Policy 1, Core Policy 2 and Core Policy 4 of the Wiltshire Core Strategy. The NPPF requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there are no material considerations or significant public benefits that would outweigh the policy presumption against the development.....

The conflict with the development plan is not outweighed by other considerations, including the Framework. The development would therefore conflict with Paragraphs 2, 11, 14, 170 and 213 of the National Planning Policy Framework which set out a presumption in favour of sustainable, plan-led development in relation to housing supply and would be contrary to saved Policy C6 of the Salisbury District Local Plan (annex D of the Wiltshire Core Strategy), Core Policies 1, 2, 4, 51, 57 of the Wiltshire Core Strategy and Policy 19 of the Neighbourhood Plan.

5. PROPOSAL

The proposal is a resubmission of PL/2023/06362 for three, two storey dwellings with hipped roofs and integral garages, fronting onto Winterslow Road and amended with revised parking arrangements for plots 1 and 2. The previously shown yellow brick proposed for Plot 2 is now shown as red brick, to be more sympathetic with the existing local vernacular and hotel itself:



The application is accompanied by a preliminary ecological appraisal, a landscaping / planting scheme, a tree protection plan and a surface water drainage strategy. An updated noise report and lighting report are included.

6. CONSULTATIONS

Ecology – no objection subject to conditions

Highways – no objection subject to conditions

Public Protection - no objection subject to conditions

Wessex Water – no objections, connections to be agreed by WW

Parish Council: Objection

Idmiston Parish Council continues to object to this proposed development and will request Wilts Cllr Rich Rogers to call this application into the Southern Planning Committee for determination should the Planning Officer be minded to approve the application. The proposal was still considered to be an overdevelopment of the suit, suitable for only one or two dwellings, and the concerns previously raised by Highways had not been addressed ie

the drives do not comply with the dimensions required. The site is not included in the Neighbourhood Plan, and concerns were also raised about the proposed treatment of the boundary trees, the impact of increased car movements onto Winterslow Road, and the impact on the utility supplies in that area.

Idmiston Parish Council continues to object to this application, and notes that Wilts Cllr Rich Rogers has been requested to call this application into the Southern Planning Committee for determination should the Planning Officer be minded to approve the application. The proposal was still considered to be an overdevelopment of the site, suitable for only one or two dwellings. The site is not included in the Neighbourhood Plan, and the application does not comply with the following policies:

Saved Policy C6, which requires development to be sited and scaled in sympathy with the landscape.

Core Policy 57, which requires the development to respond positively to the existing townscape and landscape features in terms of building layouts, build form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and roof lines to effectively integrate the buildings into their setting.

The application does not address the issue of residential amenity and does not have regard to the compatibility with adjoining buildings, the impact on the amenities of the existing occupants, and by not complying with the requirements of the Wiltshire Council Design guide, does not ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution. There is no land contamination report, nor one from Wessex Water.

7. REPRESENTATIONS

The application was publicised by letters posted to nearby neighbours

Objections summary – 13 households represented

- Unsuitable plot size, gradient and location, overdevelopment, small gardens. Smaller houses would be better
- Village met its target of 38 houses, no further requirement for extra housing to 2038. Extra development is not needed in the village.
- Out of keeping with character, loss of scenery and open space in village, loss of gap
- Loss of privacy and overlooking to properties on the opposite side of Winterslow road Nos 78-80. Overlooking, loss of privacy and light to property to the east side of site.
- No privacy for new occupiers from overlooking, disturbance from hotel/pub, noise, smells, extractors
- Traffic and safety impact during construction, soil subsidence to neighbouring properties
- Measures for pollution safety during construction
- Impact on road safety and congestion from lack of parking. Reversing into highway. Lack of visitor parking. Who will monitor highways conditions? People won't use garages
- Unaffordable, unsold houses available
- Not identified in neighbourhood plan sites, quantity and location not required
- Impact on drainage and increase risk of surface water flooding and foul drainage
- Loss of function room/barn for hotel
- Impact on wildlife and bats, no surveys undertaken
- What is in the tank? What prevents cars falling from hotel site onto the houses? Structural integrity of hotel site compromised.

- The Old Railway Hotel, the mainline railway and a very busy Winterslow Rd make it a very noisy, unhealthy location
- boundary trees are jointly owned, no permission for these trees to be removed as these trees currently safeguard the privacy and amenity to property, whilst supporting the local wildlife and habitats.
- Loss of path to the Railway Hotel, negative impact on its viability and loss of facility. Would land lock the pub.
- Easements with electricity company may exist across site – no mention on plans.

Support summary – 15 households represented

- Great use of waste land as infill, to the betterment of the area. Beautiful houses. Adds to community
- Sympathetic development to meet local housing need
- Highways concerns can be addressed, 3 dwellings will not have significant impact. Porton Down causes congestion, not residents
- Close to local services and employment
- Submitted by local community
- No official walkway to the hotel
- Boundary trees included in the application

Telephone Exchange – no response received

Salisbury and Wilton Swifts – comments regarding the need for ecological mitigation and enhancements such as integrated universal bird bricks, bat bricks, bee bricks and hedgehog highways should be included as standard.

8. PLANNING POLICY

National Planning Policy Framework 2024 and PPG

Idmiston Neighbourhood Plan 2015-2026 made April 2017 Housing Policies 16 - 19

Wiltshire Core Strategy 2015

Core Policy 2 Delivery Strategy

Core Policy 24 New Forest Nation Park

Core Policy 49 Protection of rural services and community facilities

Core Policy 41 Sustainable Construction and Low Carbon Energy

Core Policy 42 Standalone Renewable Energy Installations

Core Policy 48 Supporting Rural Life

Core Policy 50 Biodiversity and Geodiversity

Core Policy 52: Green Infrastructure

Core Policy 51 Landscape

Core Policy 56 Contaminated Land

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 58 Conservation of the Historic Environment

Core Policy 69 Protection of the River Avon SAC

Supplementary Planning Documents:

Wiltshire Local Transport Plan 2015-2026: Car Parking and Cycling Strategy

Creating Places Design Guide SPD (April 2006)

National Design Guide 2021

Wiltshire Design Guide 2024

Wiltshire Housing Sites Allocations Plan adopted February 2020

Emerging Wiltshire Local Plan – Reg 19 stage

9. PLANNING CONSIDERATIONS

9.1 Principle for Development

Planning permission is required for the development. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF 2024 confirms in para 11 that plans and decisions should apply a presumption in favour of sustainable. For decision making, that means approving development proposals that accord with an up-to-date development plan without delay.

Wiltshire Core Strategy 2015

At the heart of the NPPF is a presumption in favour of sustainable development and the adopted Wiltshire Core Strategy 2015 (WCS) seeks to build resilient communities and support rural communities in a sustainable manner. The Settlement and Delivery Strategies of the Core Strategy are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth required. Settlement boundaries support the active management of sustainable patterns of development and resist inappropriate development in locations where it might cause harm to the local area.

Core Policies 1 and 2 of the Wiltshire Core Strategy provide the overarching policy basis for the use of settlement boundaries. In line with NPPF, this directs development (including housing) towards the more sustainable settlements and locations. The strategy identifies four tiers of settlement – Principle Settlements, Market Towns, Local Service Centres, Large and Small Villages. Porton is identified as a Large Village.

Paragraph 4.15 of Core Policy 1 (Settlement Strategy) confirms that '*At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites **within the settlement boundaries***'.

New residential development within the settlement boundary is therefore considered to be sustainable and complies with Core Policies 1 and 2 in principle.

Idmiston Neighbourhood Plan 2015-2026

Following an independent examination and a positive referendum result, Wiltshire Council decided to formally 'make' the plan in April 2017. The Idmiston Neighbourhood Plan (NP) now forms part of the Development Plan for Wiltshire and the policies in the plan should normally be given full weight when assessing planning applications that affect land covered by the plan. The NP provides detailed policies for new residential development in the plan area and as part of the neighbourhood plan process, the settlement boundary for Porton was reviewed. The application site remains within the settlement boundary.

NP Policy 16 considers new builds on old plots and states:

Any development using the gardens and grounds of older properties in the villages will need to:

- *Avoid compromising the setting of the existing dwelling-house and the contribution of both house and garden to the character and appearance of the villages*
- *Conserve the green aspect of the area by the retention of as many viable trees and hedgerows as is practicable, including any original cob and brick and/or flint boundary walls*
- *Demonstrate how the proposed scheme will positively enhance the appearance and character of the villages and their Conservation Areas, where these exist*

The site forms part of the Old Railway Hotel site, and the change of use of the land for residential purposes is implicit in the application. Other parts of the site have been previously subdivided to form The Telephone Exchange. Therefore, subject to the detailed criteria above, the development of the former sloping grounds for the hotel (ie *grounds of an older property*) within the settlement is acceptable in *principle* under Policy 16.

Policy 17 provides further detailed criteria which are examined below in the design section. Policy 18 considers limits to expansion of existing dwelling footprints to prevent overcrowding, so it is not relevant to this scheme.

Policy 19 sets out the allocated sites where expansion is accepted within and adjacent to the settlement. Policy 19 states (officer bold):

*The Neighbourhood Plan will facilitate the delivery of approximately 32 homes across the Plan period. The delivery of new homes will be monitored, in the event that the development of new homes through existing commitments or proposals will not achieve the figure of approximately 32 dwellings, consideration will then be given for the development of the sites shown in Figure 1 of the plan. **Subject to other policies in this Plan new residential development proposals will be supported to achieve the housing requirement where they deliver infill development or at the large village of Porton small scale development of no more than 11 homes within and immediately adjacent to the settlement boundary of Porton, as established in the Core Strategy. Residential development elsewhere in the Plan area will be resisted.***



P1A	Land on north side of Winterslow Rd, east of rail bridge, Porton.	10 dwellings
P1B	Land on north side of Winterslow Rd, adjoining P1A to the east.	10 dwellings
P4B	Land off Buller Park, opposite Porton Hotel, Porton.	5 dwellings

Policy 19 of the NP encourages & facilitates the provision of ‘no more than’ ‘approximately 32 dwellings’ through the plan period (2015-2026). The spatial planning response to the

proposal for 19/07039/OUT explained that in 2019, the housing requirement for Porton had already been met and therefore, there is no requirement for further housing provision in Porton under H19 of the Neighbourhood Plan. The proposal is contrary to the NP policy 19 in this respect.

5 Year Housing Land Supply

Members will be aware from the December Briefing Note that on **12 December 2024**, the Government issued a revised National Planning Policy Framework, an accompanying Planning Practice Guidance (including the Local Housing Need calculation) and 2023 Housing Delivery Test results. This has implications for the Council's housing land supply position. Of note:

- The provisions in the revised NPPF apply immediately for decision-taking.
- The requisite five-year housing land supply cannot currently be demonstrated. A **2.03 years' housing land supply** can be demonstrated
- The presumption in favour of sustainable development ('tilted balance') set out in paragraph 11 (d) continues to apply for Wiltshire. This paragraph has been amended to adjust the circumstances under which protection policies set out in footnote 7 apply, and when particular regard must be had to certain policies set out in footnote 9.
- The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise. Following the December 2024 changes, the extent of the housing land supply shortfall has changed significantly, and **the council currently has a substantial shortfall in its housing land supply position. This should be taken into account in the balancing exercise.**
- The presumption in favour of sustainable development does not mean that all applications for housing should be permitted. However, it does mean that the most important policies (which are likely to include Core Policy 2 of the Wiltshire Core Strategy in relation to settlement boundaries and housing requirements, and the relevant Community Area Strategy policy in Core Policies 4 - 33) **should not have full weight applied to them in the decision-making exercise.** The weight to be attributed to such policies is a matter of judgement for the case officer or planning committee. Applications where adverse impacts would significantly and demonstrably outweigh the benefits can, and should, still be refused. The shortage of a sufficient housing land supply is a material consideration in the decision-taking exercise but this, in itself, does not indicate that all housing applications should be granted permission.

Paragraph 11 (d) and footnote 8 of the NPPF 2024 states that where a 5 year housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered **out-of-date**. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits. The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The weight to be attributed to such policies is a matter of judgment for the decision-taker. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise.

Therefore, whilst the *principle* of residential development would be contrary to NP Policy 19 as Porton has met the required housing target set out in the plan, a 2.03 year housing land supply can be demonstrated and the tilted balance is engaged. Planning permission should be granted unless protection policies set out in footnote 7 of para 11 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this case, the application seeks consent for three dwellings within the settlement boundary for the large village of Porton, within the Salisbury Plains SPA and the River Avon Hampshire SAC catchment. These are protected sites under footnote 7 and the tilted balance would not automatically apply under para 11 footnote 7 if harm is identified to these protected sites. Comments from consultees and suggested conditions to mitigate any harm are set out below.

Protecting the Local Community Facility

Core Policy 49 seeks to protect rural services and community facilities in larger settlements. Rural facilities and services are those that benefit the local community such as local shops and public houses. This proposal seeks to make use of part of the curtilage for the Old Railway Hotel, which is currently underused. CP49 does not address the loss of part of the land serving a community facility, but in this case, the loss of this land is unlikely to threaten the viability of the hotel. It does not affect the existing car parking or remove an area of garden that supports the facility (such as a play area for the hotel). The public protection officer has taken care to ensure that the hotel is unlikely to harm the future amenities of occupiers of the new dwellings (see amenity section below) and therefore, it can be concluded that subject to conditions to provide adequate safeguards for potential noise disturbance, the development is unlikely to pose a threat to the ongoing viability of the local community facility.

Policy Principle Conclusion

The proposal is contrary to NP Policy 19. However, given the 2.03 years housing land supply for Wiltshire, the policies which are most important for determining the application should be considered out-of-date and the tilted balance would apply to the proposal. This is considered in the planning balance & conclusion section at the end of the report.

9.2 Scale, design and impact on the character of the area

The NPPF 2024 para 187 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is located within a Special Landscape Area (SLA). Saved Policy C6 seeks to protect landscape character in the *countryside*. The site is within the settlement boundary and so Policy C6 is not directly applicable, although it seeks to ensure that suitable materials are

used that are appropriate to the locality. 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 ensuring residential amenity is safeguarded). Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character and development 'must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.'

The Wiltshire Design Guide comprises three "golden threads" namely Health, Well Being & Community, Sustainability & Climate Resilience and the Right Homes in the Right Places. It also discusses the efficient use of land and references NPPF 2024 para 129 on this matter.

Idmiston NP Policy 17 is also considered in this section and it states:

Any developments in villages will need to meet all of the following criteria:

- *Be well related to the existing village envelope*
- *Be of modest scale and not generally exceed ten dwellings, in order to protect the rural nature of the village*
- *Reflect the character and variety of the existing pattern of development in the village*
- *Follow the lines of the contours on sloping sites to ensure a better fit with the existing land form*

The proposal seeks consent for 3 two storey brick fronted units with integral garages and hipped roofs. The development seeks to make efficient use of underused land within the settlement boundary. The land is steep but the design and layout for the dwellings is considered to respect the landform and the siting is considered to be acceptable.



Whilst the rear gardens are small by comparison with other nearby properties, the detached dwellings do not appear cramped within the streetscene. They are set back from the road verge with off street parking available for each unit. Two trees are shown to be retained along with new native tree and hedge planting. The use of retaining walls has been kept to a minimum, at the lower levels of the site, to reduce their visual impact and maintain the sloping contours of the site to the rear, as seen above in the streetscene drawing. The proposal meets NP Policy 17 in this respect.

The character of the area is formed by groups of dwellings set back from Winterslow Road. Whilst some of the front drives are spacious, the dwellings form continuous ribbons on each side of Winterslow Road and the site would be a continuation of this form of development:



Overall, the development is considered unlikely to detract from the existing character and layout of the area and is not considered to be either cramped or harmful. The proposed palette of materials, comprising red brick and tiles with slate for Plot 2, would be in keeping with the traditional appearance of nearby dwellings and are acceptable. In conclusion, no objection is raised to the siting, scale, design and materials for the scheme, in accordance with NP Policy 17, WCS CP57, CP51 and saved Policy C6.

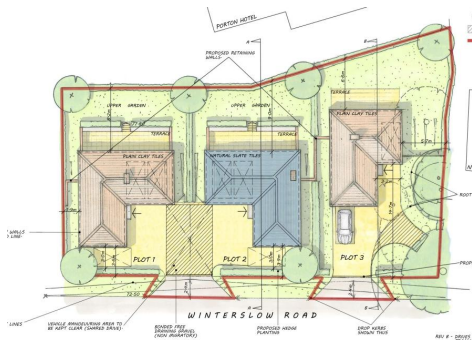
9.3 Impact on neighbouring and future amenities

Core Policy 57 also 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:

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

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

window positions. A right to a view is not a material planning consideration, although consideration of impact on an outlook is.



The proposed dwellings would be sited between the Telephone Exchange and No 73 on the north side of Winterslow Road, and opposite Nos 72-82 on the south side. The Poriton Hotel (Old Railway Hotel) lies to the north at the top of the bank.

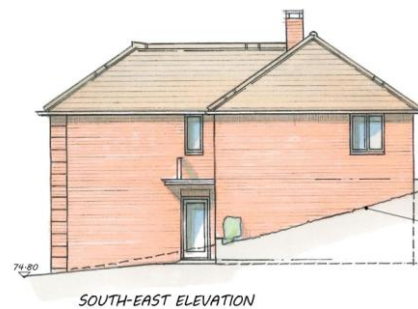
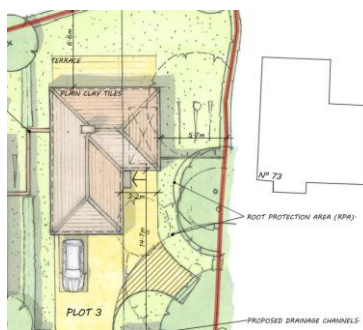
Telephone Exchange



Plot 1 would be sited close to the boundary with the Exchange and separated from it by the existing car park. Existing trees are not affected, given their limited height and distance from the boundary. It is not considered that the amenities of the occupiers of this commercial property would be harmed by the proposal.

No 73 Winterslow Road

Plot 3 would be sited about 5.7m from the boundary with No 73 at the closest point, and separated by two of the existing trees that are to be retained.



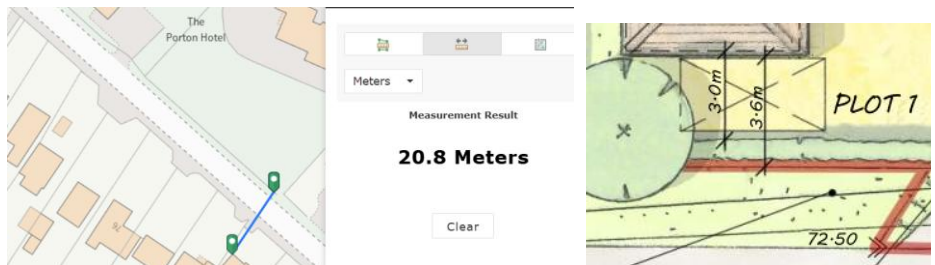
The first floor dining room window would face towards the side elevation of No 73 which has a blank first floor elevation. It is unlikely, given the position of the window in relation to the two storey side elevation, that this window could enable any direct overlooking into the rear

garden area for No 73 or the ground floor side window, due to the angles. The hallway window would not overlook any private amenity areas for No 73. Whilst the side elevation of Plot 3 would be visible obliquely from the front windows and garden of No 73, any views would be screened by the two retained trees and would be at an obtuse angle through the boundary.

No 73 and its garden lie to the east of the site and therefore, light levels reaching No 73 would not be affected by the scheme. Given the orientation, height differences and separation of the two sites, it is not felt that the new dwelling on Plot 3 would appear unduly dominant from No 73. The plans also indicate that Plot 3 is likely to be at a lower level than No 73. Therefore, appropriate levels of amenity are considered to be achievable in compliance with CP57.

Nos 72-82 Winterslow Road

The three plots and the accesses would face towards Nos 72-82. These dwellings are set back from the site frontage by *at least* 20 metres and the new dwellings are set back a further 3m at minimum:



Therefore, given this separation, it would not be possible to support a refusal reason on any amenity grounds under CP57.

The Old Railway Hotel (including land stability)

The Old Railway Hotel is at a higher level than the site, positioned at the top of the bank in a prominent location.



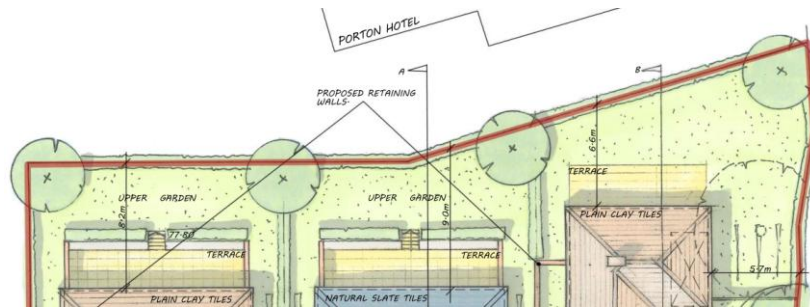
Plot 1



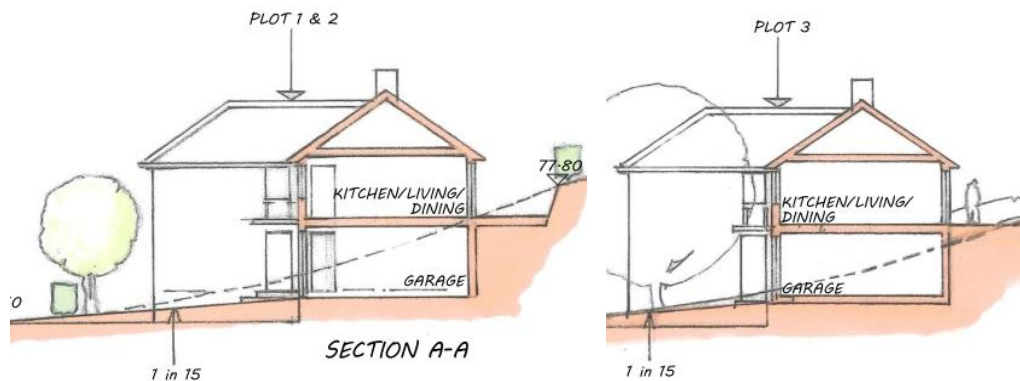
Plot 2



Plot 3



As can be seen from the photos above, there is a metal car park safety barrier for the hotel. The land slopes steeply downwards from the hotel car park and the dwellings would be set into the hillside, with a section of sloping gardens labelled as *Upper Garden* on the plans. A terraced area would be provided at first floor level for each unit, with the remainder of each dwelling being sunk into the ground. Retaining walls have been kept to a minimum by retaining the upper gardens as part of the existing slope:



Land Stability

This matter has been raised by third parties. The PPG states:

The planning system has an important role in considering land stability by:

- *minimising the risk and effects of land stability on property, infrastructure and the public;*
- *helping ensure that development does not occur in unstable locations or without appropriate precautions; and*
- *to bring unstable land, wherever possible, back into productive use.*

When dealing with land that may be unstable, the planning system works alongside a number of other regimes, including...Building Regulations, which seek to ensure that any development is structurally sound;

There are a range of planning mechanisms to mitigate and minimise risks to development proceeding. These include ensuring proper design of buildings and their structures to cope with any movement expected and requiring ground improvement techniques. Building regulations also provide security that structural matters will be addressed. The LPA has no evidence to suspect that ground subsidence is likely for this scheme (eg presence of a mine). However, a suitable pre-commencement condition may be applied to any consent requiring submission of a **Slope Stability Risk Assessment** report along with any mitigation measures.

Noise and Disturbance to Future Occupiers

The NPPF, ProPg on Planning and Noise (2017), Wiltshire Design Guide Section 9.1.13 and the Environmental Protection team's *Advice for developers and planning agents* provide guidance for the considerations of amenity.

The Hotel servicing takes place at the rear of the building, fronting towards the site. Several floors of hotel windows have the potential to overlook the new development. However, the design of the scheme ensures that private spaces on the ground floor such as bedrooms do not have elevations or windows facing the Hotel and this will assist with both ensuring privacy and providing a natural noise barrier. The terraces also face the sloping Upper Gardens which will provide some degree of privacy for the future occupiers.

The public protection officer summarised:

In regard to noise there have been no material changes to the layout to overcome the concerns raised with the previous application, but further evidence is provided in the noise assessment. In addition to this The Railway Hotel has varied its premises licence so that the outside areas are not to be used other than for smokers after 22:00. There are also conditions requiring all windows and doors to be kept closed after 23:00 and that regulated entertainment will not be audible outside. This final requirement is only relevant between 23:00 and 08:00 because during the day the Live Music Act relaxations mean conditions relating to music are not enforceable.

This is a site subject to noise from three sources, the railway line, the road and the Railway Hotel. Due to the impact of these sources the dwellings have been designed with improved glazing and Mechanical Ventilation Heat Recovery (MVHR) System to all rooms as described in 10.13 of the acoustic report. Windows would need to be closed for suitable internal noise levels to be achieved and to avoid maximum noise levels that may induce awakening.

Applying the principles of Good Acoustic Design at this relatively small site with noise sources on three sides is a challenge. The hierarchy to Good Acoustic Design starts with mitigation at noise source. The licence for the hotel has been varied so this has been achieved to a certain extent for one of the noise sources. The next stage is the use of measures such as distance attenuation, site layout and barriers. Given the size of the site and location of noise sources there is little scope for these measures to be implemented. That is other than the outside amenity space which appears to be sunk behind a bank and wall which will provide a barrier. I understand internal layouts have been considered and no more can be done, so the final stage is façade treatment. Given the constraints for this site,

in particular the size of plot, number of dwellings proposed and proximity of noise sources, it is unlikely further improvements could be made to the acoustic design scheme and there is therefore a reliance on closed windows and MVHR.

Residents having to keep windows closed most of the time and rely on mechanical ventilation is far from ideal. The Nighttime Noise Guidelines for Europe set out how there is a desire of a large part of the population to sleep with windows slightly open. Keeping windows closed most of the time can have other unintended impacts on amenity such as lack of connection with the environment and community, and lack of access to passive fresh air. However, in regards to anonymous noise from transport sources Government guidance and the industry ProPg do allow for closed windows to be used to mitigate noise from anonymous transport sources in certain circumstances. The use of this strategy for noise mitigation will need to be taken into account in the planning balance decision about whether this site is suitable and or /desirable for residential development. Should this planning application ultimately be approved conditions must be applied requiring the acoustic mitigation measures in the Impact Acoustics report reference IMP7402 are applied.

In my response to the previous application, I raised a query about the 'service' area of the Hotel being directly behind the dwellings. The acoustic consultant's response to this is that the noise survey would have captured these noise levels and they have been taken into account when designing the dwellings to achieve BS8233 levels. This may be the case but noise from the private commercial premises is different to noise from transport sources. People are generally less willing to accept disturbance from commercial premises than they are from transport sources which area community benefit. In addition, the residents may decide to complain to the council should they feel they are unreasonably disturbed by activities at the hotel. The council would then have a duty to investigate whether a statutory noise nuisance was occurring and serve notice on the person or business responsible should evidence of a statutory nuisance be obtained.

A revised Noise Impact Assessment was submitted by the applicant and the public protection officer concluded:

A further revised acoustic assessment has been submitted within which noise from deliveries at night and from staff car journeys after 23:00 have been separated out. According to the evidence supplied in the assessment noise from these activities should not have an adverse impact on amenity. I therefore have no further comment to make on this matter.

Conditions are recommended including provision of acoustic glazing and ventilation, a scheme of Mechanical Ventilation Heat Recovery (MVHR) which would include sound insulation for the equipment, a Construction Management Plan and limits to construction hours.

Lighting

The public protection officer commented: *There is some external lighting associated with the Railway Hotel. This department has investigated complaints from residents living further away than these proposed dwellings. Although that matter was resolved it is understood there is still external lighting used at the hotel which may impact at the proposed dwellings.*

I have now received the DFL Technical note relating to lighting. While the information in the document is fairly limited, given the context of this application and site layout/heights it is accepted. It is anticipated the low level lights will not cause an adverse impact at the bedroom window because the ground levels result in them being higher than the windows. Based on the evidence supplied it is unlikely the soffit lighting will have an adverse impact. No further evidence is required on light at this time.

Contaminated Land

The public protection officer stated that no evidence has been supplied regarding contaminated land and a contaminated land condition is recommended.

Amenity Conclusions

The public protection officer has considered the impacts of noise and lighting on future occupiers. The relationship between the hotel and the proposed dwellings is not considered to be ideal. However, an acceptable Noise Impact Assessment and Lighting Impact Assessment have been submitted and the public protection officer does not feel that a reason for refusal can be supported on amenity grounds. Detailed conditions are recommended including the requirement for mechanical ventilation. The hotel has also made adjustments to its license to limit the impacts on future (and existing neighbouring) occupiers. The impacts of the development on existing neighbours have been examined and there are no amenity grounds to support a refusal. Land stability can be appropriately addressed through building regulations and a land stability report. No objection is raised under CP57 subject to conditions.

9.4 Ecology, Protected Sites and Biodiversity Net Gain

CP50 sets out the criteria for biodiversity net gain and new development. The application site sits within the Salisbury Plain SPA and River Avon Hampshire catchment SAC and these are protected sites. This application was submitted prior to Small Sites Biodiversity Net Gain (BNG) becoming mandatory. However, CP50 requires all development to demonstrate no net loss of biodiversity. The NPPF also encourages applications to deliver measurable net gains. A Preliminary Ecological Appraisal report was submitted and the ecologist commented:

Biodiversity

We note the resubmission of the same ecological data as previously submitted for application PL/2023/06362. An updated survey was undertaken by the ecologist in April 2024 and it was noted that there had been no discernible change in the habitat makeup of the site. This 'Technical Report' was limited in its information and no recommendations for retention of habitat, protection measures or enhancement opportunities were included. Due to the low ecological value of the site, biodiversity enhancement measures can be secured by condition in this instance. These measures must be submitted for LPA approval prior to works commencing on site.

Hampshire River Avon Special Area of Conservation (SAC) Catchment

The site lies within the River Avon Hampshire catchment and a nutrient budget has been submitted to address phosphate matters. The ecologist commented:

The submitted phosphorous nutrient calculation calculated a total phosphorus budget of 0.46kg TP/year pre 2030 and 0.20kg TP/year post 2030. The budget has been approved by Wiltshire Council.

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.

The scheme is therefore eligible to apply for the Council's mitigation scheme if Members consider that the scheme is policy principle compliant in approving the scheme. A Grampian condition can be attached to the scheme to secure compliance with the AA.

Salisbury Plain SPA

This application site lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the Habitats Regulations Assessments for the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan, the application is screened into appropriate assessment due to the potential impact of recreational pressure on stone curlew in-combination with other plans and projects. Within this zone, housing allocations from the Core Strategy, Housing Site Allocations Plan, Army Basing Programme and Neighbourhood Plans have the potential to lead to significant effects through their combined recreational pressure.

The Council's housing plans are mitigated through a project funded by the Community Infrastructure Levy (CIL). The project was agreed with Natural England in 2012 and reviewed in 2018 and continues to provide an effective, timely and reliable means of mitigating any additional effects arising from new residential development. For the time being, the current strategy, in combination with mitigation implemented for the Army Basing Programme, appears to be adequate to support housing numbers up until 2026 even if these are above figures in the Wiltshire Core Strategy and Housing Site Allocations Plan.

In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. The Council is therefore able to conclude beyond reasonable scientific doubt, that development proposed under this application would not lead to adverse effects on the integrity of the Salisbury Plain SPA and can be mitigated through CIL.

New Forest Protected sites

The site is outside the 13.8km buffer and therefore there is no mechanism for harm to the protected sites for development of less than 50 units in accordance with CP24.

Biodiversity Net Gain

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG *per se* is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF 2024 also encourages applications to deliver measurable net gains (para 192b). The Landscape Plan demonstrates native planting and hedgehog access and additional measures can be secured by condition.

In conclusion, no objection is raised under CP50, CP24 and CP69, subject to suitable conditions to secure appropriate ecological enhancements for the scheme and to ensure that there is no adverse impact on protected sites.

9.5 Highway Safety

CP57, CP60 and CP61 are relevant to the proposal. There have been numerous objections on highway safety grounds given the proposed access for the development onto Winterslow Road, near the light controls for the railway bridge. The NPPF 2-24 para 116 states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The highways officer initially objected to the scheme and revised plans were submitted. The highways officer concluded:

I note the revised plans received, which show some minor improvements to the car parking and turning areas. The revised submission also includes swept path analysis which is welcomed.

The two driveway spaces for Plots 1 and 2 have been widened as requested and I note that what I previously believed to be a step at the front door is in fact a canopy, which would not obstruct manoeuvring into the garages. The minor improvements and provision of swept paths for each space does show that all spaces for plots 1 and 2 can now enter and leave the highway in a forward gear. The shared turning area remains less than ideal, but I am satisfied that this can be conditioned to be kept clear.

The swept paths for plot 3 show the garage is accessible, noting the canopy and not a step. The frontage space for plot 3 does still remain a concern, as the swept paths show that additional shunt manoeuvres are required to turn in to/out of this space. This is thus, in my view, likely to result in occupants reversing in and out of the access raising highway safety concerns. However, I note that my colleague commented on the previous application that turning was better for plot 3 and that she implied its acceptability in this context. Therefore and on balance, I am prepared to accept the parking and turning layouts for all plots following the revised submissions.

Therefore, I recommend that no Highway objection is raised, subject to the following conditions and informative being attached to any permission granted.

On balance, the proposal is considered to be acceptable and no highway objection is raised subject to conditions relating to access, parking and visibility.

9.6 Trees and Landscaping

Trees

There are several mature trees positioned along the south east boundary of the site with No 73 and smaller trees and shrubs are present on the adjacent site at the Telephone Exchange. There are no protected or heritage trees either on or immediately adjacent to the site and no significant trees that require protection on the Telephone Exchange side of the site. However, a Tree Survey and Impact Assessment have been submitted which concludes:

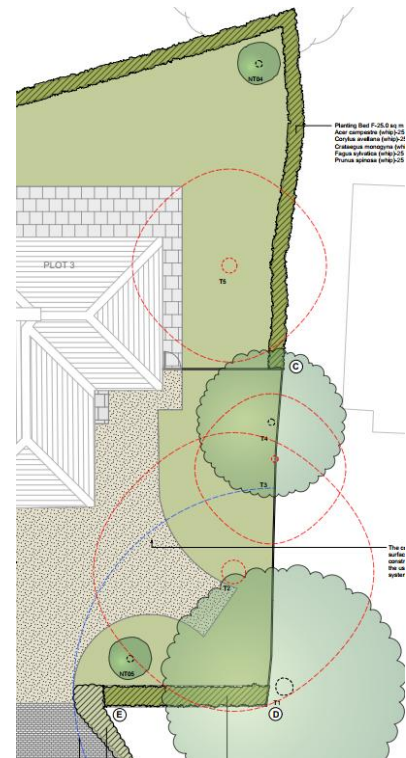


The proposed development requires the **removal of T2 (sycamore), T3 (dead Hawthorn) and T5 (Hawthorn)** as identified within the tree survey and annotated on the tree plan. T2 and T5 are unremarkable trees of limited merit, and their loss will have a minimal impact on the visual amenity of the local area or the wider landscape. Notably there is ample scope for new planting to mitigate the loss of T2 and T5. T1 and T4 should not cause undue apprehension to the occupiers or users of the proposed unit on plot 3.

The proposed units and the associated infrastructure will not encroach within the root protection areas of T1 or T4. The proposed parking space for plot 3 will scuff the root protection area of T1. Additionally, the activity required to construct the proposed development (vehicular movement, storage of materials, soft landscaping etc.) may encroach within the root protection areas of T1 and T4 if they are not properly safeguarded during the construction activity.

It will be necessary, prior to the commencement of any construction activity, to provide Wiltshire Council with an Arboricultural Method Statement, a Tree Protection Plan, and a Schedule of Arboricultural Supervision in order to safeguard the retained trees.

The construction activity should not adversely impact upon any retained trees if the specified precautions to be detailed within an Arboricultural Method Statement and on the Tree Protection Plan are followed.



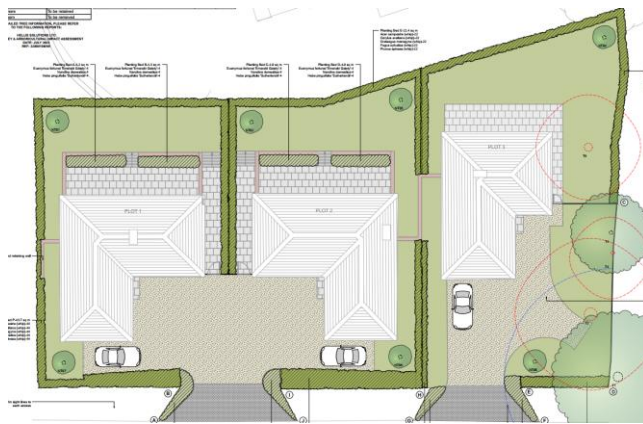
A third party has objected to the loss of the trees on the grounds of ownership and amenity. However, the plan above is clear about the trees in relation to the boundaries and any dispute is considered to be a private matter to be resolved between the parties. T1 and T4 are to be

retained and their root protection areas are shown to be protected on the above plan. Hawthorn T3 is apparently dead and should therefore be removed for safety reasons.

6 new trees of native species are shown on the proposed site plan and their planting can be secured by condition. Therefore, on balance, the removal of a sycamore and two hawthorns and their replacement with 6 new trees is considered to be a reasonable compromise. Trees T1 and T4 would maintain an acceptable level of screening between the site and No 73. No planning objection is raised, subject to conditions to secure retention of the remaining trees and planting of the new trees and landscaping.

Landscaping and Planting

The submitted landscape plan shows new native hedgerow / whip planting (dark green) around the perimeters of the site and between the dwellings:



The new native tree and hedgerow planting for the site is welcomed and should help to increase the biodiversity potential of the site. Much of the planting uses native species and is pollinator friendly, with hedgehog gaps. The trees are proposed as heavy standards and native species including oak, apple and cherry. The removal of two Hawthorn and one Sycamore tree is accepted, subject to the new tree and hedgerow planting being provided before the dwellings are occupied or in the first planting season after completion of the development.

9.7 Drainage

The site itself is not within any areas identified as sources of flood risk but Winterslow Road is at risk of surface water flooding. A surface water drainage report has been submitted. It concludes that *surface water will be discharged to ground through the use of geocellular soakaways. All roof areas are to be collected into a positive drainage network. All hard paved areas are to be constructed from permeable surface to allow runoff to freely drain to ground via infiltration. The network will make use of geocellular soakaways in order to cater for the 1 in 100-year +45% storm. All options for the destination of run-off generated on site have been assessed in line with the SuDS hierarchy as set out in Building Regulations Part H document and DEFRA's Draft National Standards for SuDS. The principles of SuDS (Sustainable Drainage Systems) shall be applied to all components of design and construction regarding surface water management.*

No objection is raised and this is normally considered to be a matter for building regulations. Foul sewage is proposed for disposal to the mains sewer (see River Avon catchment section above). A standard highway surface water condition can ensure that flooding in Winterslow Road is not exacerbated by any hard surfaces for the development.

10. CONCLUSION – the ‘planning balance’

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The development plan includes the adopted Idmiston Neighbourhood Plan.

The application seeks consent for three dwellings on sloping land which forms part of the curtilage of The Old Railway Hotel. The loss of this part of the site is not considered to threaten the viability of the Hotel. The site is within the adopted settlement boundary for the large village of Porton but is contrary to Policy 19 of the NP as the housing quota for the plan has been met. The proposal is contrary to the Neighbourhood Plan housing policy in principle. However, a 5 year housing land supply cannot be demonstrated in Wiltshire as required by the NPPF 2024. Relevant policies are therefore considered to be out of date, the tilted balance set out in para 11 of the NPPF 2024 is therefore engaged and the LPA must undertake a balancing exercise to assess potential harms arising from the scheme.

The proposals seek to provide three additional dwellings within the settlement boundary for Porton, in compliance with CP1 and 2 of the WCS. This weighs strongly in favour of the proposal in policy terms.

The design, layout, siting and scale for the development is acceptable. The proposal respects the existing landform and retaining walls are minimised whilst retaining the sloping contours. There are no perceived negative impacts on the wider Special Landscape Area, in compliance with WCS policies and NP Policy 17.

Whilst the application is exempt from BNG provisions, the potential provision of biodiversity gain enhancements and new native planting for the site is welcomed. Some positive weight can be attached to these considerations. Any land stability and surface water drainage concerns can also be addressed by condition and building regulations, and so this is neutral in the planning balance.

Whilst the proposal is not ideal from a potential noise impact perspective, but it has been demonstrated that the amenities of future occupiers can be adequately addressed by conditions to manage the noise impact from the Hotel on the new dwellings. The impacts of the new dwellings on existing neighbours are also concluded to be acceptable, and there are no grounds to support objections on these amenity grounds, given the siting, orientation and separation of the dwellings from existing properties and conditions to manage any impacts.

Mitigation can be secured for the River Avon catchment SAC and Salisbury Plain SPA protected sites and no objections are raised on this ground. In the absence of identified harm to these sites, (footnote 7 designations) then the balance weights in favour of the development under para 11 of the NPPF in the absence of a 5 year housing land supply. The provision of 3 dwellings would make a modest contribution to supply within the large village.

The presumption in favour of sustainable development and the provision of 3 additional dwellings on the edge of the settlement (in the absence of any identified harm) carries positive weight in the determination. Any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits as required by the NPPF in these circumstances. Therefore, officers consider that overall, the planning balance weighs in favour of the development and planning permission should be granted.

RECOMMENDATION:

That the application be GRANTED planning permission 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 not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69

3. No excavations shall take place on the site (other than any investigative works to comply with Condition 4 – contamination) until a Slope Stability Risk Assessment with any necessary mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure land stability for the development and to safeguard neighbouring properties.

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

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

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be

carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: Core Policy 56, To reduce the risks associated with land contamination

5. No site clearance or removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme (WPES) have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including reptiles and amphibians.

(ii) Quantification of no net loss and biodiversity enhancement including a plan showing the location(s) and type(s) of feature(s) to enhance the site for bats, nesting birds, invertebrates and hedgehog (eg integrated universal bird bricks, bat bricks, bee bricks).

The development shall be implemented in accordance with the WPES. Ecological mitigation and enhancement measures in the agreed scheme shall be provided before the dwellings are occupied. The site and dwellings shall be maintained in that condition for the lifetime of the development.

REASON: To avoid adverse impacts on biodiversity and ensure biodiversity gains for the site.

6. The trees shown to be retained on the Landscape Plan ref 1052 P001 dated 26/3/24 and the Tree Constraints Plan ref TCPPH (in tree report) dated March 2024 version V1.0 hereby approved shall be protected during the site clearance, excavation and construction phases of the development in accordance with a Tree Protection Plan and Arboricultural Method Statement (in compliance with BS5837:2013) to be submitted to and approved in writing before any site clearance or excavation work commences on site.

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

REASON: To ensure that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity of the area.

7. The development hereby approved shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

The development shall be implemented in accordance with the agreed CMP.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

8. Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

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

Location Plan ref 20/3332/LOC1 Rev D dated 4/10/23

Landscape Plan ref 1052 P001 dated 26/3/24

Tree Survey & Arboricultural Impact Assessment by Hellis Solutions Ltd dated March 2023 V 3.0

Tree Constraints Plan ref TCPPH (in tree report) dated March 2024 version V1.0

Proposed Site Plan ref 20/3332/200 Rev B dated 30/5/24

Proposed Plot 1 Floorplans ref 20/3332/201 Rev B dated 30/5/24

Proposed Plot 2 Floorplans ref 20/3332/203 Rev B dated 30/5/24

Proposed Plot 3 Floorplans ref 20/3332/205 Rev B dated 30/5/24

Proposed Section AA and BB ref 20/3332/208 dated July 2023

Proposed Plot 1 Elevations ref 20/3332/202 Rev A dated 30/5/24

Proposed Plot 2 Elevations ref 20/3332/204 Rev B dated 27/1/25

Proposed Plot 3 Elevations ref 20/3332/206 dated July 2023

Context Elevation to Winterslow Road ref 20/3332/207 Rev B dated 27/1/25

Noise Impact Assessment ref IMP7402 -3 by Impact Acoustics dated Jan 2025

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

10. No part of the development shall be first brought into occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

11. The proposed shared vehicle turning area for plots 1 and 2, as shown hatched on the approved Site Plan No. 20/3332/200 Rev B, shall be surfaced and kept clear for the turning of vehicles at all times and remain as such for the lifetime of the development.

REASON: In the interests of highway safety

12. The development hereby permitted shall not be first occupied until the accesses and the parking areas and spaces have been consolidated and surfaced (not loose stone or gravel) in their entirety and completed in accordance with the details shown on the approved plans. The accesses and parking areas shall be maintained as such thereafter.

REASON: In the interests of highway safety

13. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway.

REASON: To ensure that the highway (Winterslow Road) is not inundated with private surface water from the development.

14. The gradient of the access way shall not at any point be no steeper than 1m in 12m from its junction with the public highway. The proposed accesses shall remain un-gated in perpetuity.

REASON: In the interests of highway safety.

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

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

16. No development shall commence above slab level until a scheme of Mechanical Ventilation Heat Recovery (MVHR) has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with the Acoustic Ventilation and Overheating Residential Design Guide, version 1.1 January 2020.

The measures in the agreed scheme shall be implemented before the dwellings are occupied. The dwellings shall be maintained in that condition for the lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

17. The three dwellings shall be provided with acoustic glazing and ventilation as detailed in section 10.8 – 10.13 of the Impact Acoustics Noise Impact Assessment reference IMP7402-3 before they are occupied. The dwellings shall be maintained in that condition for the lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

18. The materials for the development hereby approved shall be in accordance with the details shown on the submitted elevation plans hereby approved, namely a red/orange facing brick for the walls and plain clay tiles or slate for the roofs.

Reason: To secure a harmonious form of development

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

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the walls and roofslopes of the development hereby permitted. There shall be no extensions to the dwellings hereby permitted.

REASON: In the interests of residential amenity and privacy.

21. All soft landscaping and the new tree planting comprised in the approved details of landscaping on the Landscape Plan ref 1052 P001 dated 26/3/24 (or as subsequently amended by the Wildlife Protection and Enhancement Scheme to be submitted) shall be carried out in the first planting and seeding season following the first occupation of any of the three dwellings or the completion of the development whichever is the sooner.

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

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

INFORMATIVES:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Hampshire Avon Phosphorus Mitigation

Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

Highways

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.