

## REPORT FOR SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	20 <sup>th</sup> February 2025
<b>Application Number</b>	PL/2024/07489
<b>Site Address</b>	High View and Bonakers Farm, Idmiston Road, Porton, Salisbury, SP4 0LD
<b>Proposal</b>	Demolition of existing dwelling and annex and construction of 4 dwellings (Resubmission of PL/2023/08067)
<b>Applicant</b>	Mr James Armstrong
<b>Town/Parish Council</b>	Idmiston
<b>Electoral Division</b>	Winterslow & Upper Bourne Valley ED - Cllr Rich Rogers
<b>Type of application</b>	Full planning permission
<b>Case Officer</b>	Jonathan Maidman

### 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 –

*‘Environmental/highway impact – It is acknowledged that the scale of development has now been reduced (i.e. the proposed dwellings are now 2 and 3 bed) however concerns remain about the highway impacts in particular the increase in traffic in and around Porton and Idmiston.*

#### 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 GRANTED subject to planning conditions.

#### 2. MAIN ISSUES

- Principle of development
- Landscape/visual impacts
- Residential amenity
- Highways
- Archaeology
- Ecology/River Avon SAC catchment

#### 3. SITE DESCRIPTION

The application site comprises a substantial plot which currently accommodates an existing dwelling, annexe and until relatively recently, a detached double garage. There is an existing

vehicular access to the south-west of the site from Idmiston Road. The following image from Google Street View shows the access into the site and its frontage:



The existing dwelling is subject to an occupancy condition for an agricultural worker. The following photograph taken by the case officer shows the view into the site from the entranceway:



As shown in the first image above, the front boundary of the site adjacent to Idmiston Road is formed by established trees. The extent of the site and associated farmland to the north and east is shown in the location plan extract below.



The application site is located in the village of Porton, which is defined as a Large Village by the Wiltshire Core Strategy and has a defined settlement boundary to identify the limits of 'the existing built area'. The full extent of the application site (outlined in red above) is included within the settlement boundary. Residential development lies on the opposite side of Idmiston Road. A Memorial Hall is located to the south of the site, separated from the boundary by an unmade access track leading to farm buildings to the east. There are residential properties which form part of the settlement further to the north as shown in the excerpt below from the Council's mapping system and the case officer has identified the application site with a red star:



The site is located in flood zone 1 (i.e. at the lowest risk of flooding from rivers and the sea) and is not identified as being within an area at high risk of flooding from other sources, ground water or surface water.

#### 4. RELEVANT PLANNING HISTORY

PL/2023/08067 - Demolition of existing dwelling and annexe and construction of 4 dwellings – **Refused**. The application was refused by the Planning Committee in June 2024 contrary to the recommendation of officers. It was refused for the following reason:

*“The proposed redevelopment of the site would provide three additional 4-bedroom dwellings together with a smaller replacement 2-bedroom dwelling to replace the existing agricultural workers’ dwelling on the site. Whilst the site is located within the defined settlement boundary of a large village, as set out in the Wiltshire Core Strategy (Core Policies 2 and 4), the proposed increase in the number of dwellings would generate additional traffic in the centre of Porton and the application fails to demonstrate how this traffic will be managed in terms of congestion and highway safety, particularly given the road is heavily trafficked at school drop off and pick up times from St Nicholas Primary School in the same road and with traffic from the nearby Porton Down campus, as such the proposal is contrary to the Idmiston Neighbourhood Plan Policies 9 and 10. The development would lead to an oversupply of larger dwellings in the settlement in excess of the number of homes planned in the Idmiston Parish in the Neighbourhood Plan period 2015-2026, contrary to the Policy 19 of the Neighbourhood Plan. Consequently, the increase and type of dwellings would be contrary to the aims of WCS Core Policy 1 which requires that development at large villages is limited to that needed to help meet the housing needs of the settlement, WCS Core Policy 45 which requires that the size and type of new housing is well designed to address local housing need of the community in which the site is located and WCS Core Policy 60 which requires mitigation of the impact of developments on transport users, local communities and the environment”.*

A planning appeal and costs application has been submitted by the applicant against the above decision (the start date for this was 07/10/2024) however to date, no decision has been received from the Planning Inspectorate.

PL/2023/03232 - Relocation of existing agricultural dwelling & construction of 3 new dwellings – **Refused**

S/2006/8008 - Change of use of agricultural barn used for storage of farm machinery, hay and straw to include a maximum of half the area storage and baling of farm waste plastic before transportation for recycling – **Approved**

S/2003/0354 - Agricultural building open sided barn for the storage of farm machinery, straw and hay (replacement building) – **Approved**

S/1987/1716 - Extension to be used as granny annexe and erection of garage – **Approved**

S/1985/0194 - O/L application - Agricultural Bungalow – **Refused**

S/1983/1079 - Outline application - Residential bungalow for use by working farmers (owner) - **Refused**

73/337 - Erection of bungalow for farm worker – **Approved**

The following condition was imposed on this permission: *“The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in Forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.”*

#### 5. PROPOSAL

The application is a full application for the demolition of the existing dwelling and annexe and construction of 4 detached, two-storey dwellings. It is essentially a revised scheme to the most recently refused application which is now currently at appeal.

The following from the applicant's supporting Design and Access Statement provides further information:

#### The Proposal

The proposal is for the demolition of the two existing dwellings, known as High View and Bonakers, the construction of four new houses within the Porton Settlement Boundary.

The existing bungalow is nearing the end of its design life. It is in a very poor state of repair with damp ingress, inadequate insulation and does not conform to current regulations or expectations for modern living conditions. There is no realistic prospect of updating the bungalow to current standards or efficiencies.

As agreed with the LPA, one of the proposed houses will be subject to an Agricultural Occupancy condition to continue the principle of the existing tied bungalow. It is proposed that plot 1 will be subject to the condition to allow the occupier to continue the enterprise at Bonakers Farm going forwards.

In addition to the 2 bedroom tied house, the proposal is now for 3 smaller 3 bedroom houses (rather than the 3 x 4 bedroom houses previously proposed). This amendment is in direct response to comments received and the general consensus that there is a local need for this type and size of dwelling.

The submitted Statement also clearly explains how this application seeks to overcome the refusal reasons from the two recent applications (PL/2023/03232 and most recently, PL/2023/08067):

How the current proposal addresses the previous reason for refusal

Application PL/2003/03232:

Reason 1.

The proposal includes the relocation of the tied dwelling within the settlement boundary.

Reason 2.

The proposal now forms planned residential development and is therefore covered by the Council's current mitigation strategy so there would be no adverse impact on the integrity of the European Site. However, given that the Council is currently consulting on its ongoing strategy, mitigation will be provided on land within the blue line. This was agreed with the County Ecologist and will be subject to an appropriate legal agreement, which the applicant is happy to enter into.

Application PL/2003/08067:

Highways.

As set out in the IDP Policy 9 a Transport Statement is required to be "*appropriate to the scale of development*". WCC have had no objection to the previous applications which would suggest that a Transport Statement is not required to assess the impact of the development. However, as this formed a last minute reason for refusal a Transport Statement is now included in support of the application. The statement sets out how any additional traffic will be managed in terms of congestion and highway safety.

Type of dwellings.

There is no definition of "Larger Homes" anywhere in the IDP so it is impossible to determine that the previous application would have resulted in an over supply of this type of dwelling. Notwithstanding this, the proposal is now for 1 x 2 bedroom house and 3 x 3 bedroom houses. This is in direct response to comments received and the general consensus that there is a local desire for this type and size of dwelling.

As set out above this proposal addresses all reasons for refusal.

## 6. CONSULTATIONS

### WC Archaeology: No objection subject to condition

*"Thank you for consulting Wiltshire Council's Archaeology Service regarding this planning application. Please note that my comments relate solely to the buried archaeological heritage and not to the historic built environment, which is a matter for your Conservation Officer.*

*As I understand it, this is an iteration of two previous applications (PL/2023/03232; PL/2023/08067) for the development of this property. The archaeological implications of the current proposal are the same as for the previous applications and so I can re-iterate my previous advice as follows.*

*The site of these proposed new dwellings lies on the outskirts of the historic village of Porton*

*that has its origins in the medieval period. The site appears to lie outside of the presumed extent of the medieval settlement but lies close to the line of The Portway, the Roman road running from Calleva Atrebatum (Silchester) to Sorviodunum (Old Sarum). The projected line of the Roman road is shown on historic mapping as running just to the south-east of High View. However, exploratory archaeological investigation in 2016 (Wessex Archaeology, 2016) in the field immediately to the south of High View and to the west of Idmiston Memorial Parish Hall failed to locate the Roman road. The excavators concluded that the route of the Roman road probably lies a little to the north-west, i.e. within the plot containing High View.*

*The property of High View therefore has an archaeological interest. The proposed development comprises the construction of four new dwellings within the property of High View, partly off the footprint of the existing buildings, which are proposed for demolition. On this basis, it is recommended that the proposal is subject to a programme of archaeological work should this application be permitted. It is likely that a number of trenches would be appropriate to establish the presence or absence of the Roman road and any other related deposits that may survive and that will be harmed by the proposed development. This programme of archaeological work can be secured by a suitably worded condition”.*

#### **WC Ecology: No objection subject to conditions**

##### ***“Protected Species/Habitats***

*No ecological information has been submitted in support of this applications. As stated previously, the existing bungalow is of a relatively modern construction type, with negligible potential roosting opportunities. From the site photographs it is apparent that the building could support small numbers or individual crevice-dwelling bats only, not those species that need to fly into the building and hang up. It is therefore most unlikely that the building could support Annex II bat species. Given this information, and since there has already been a delay to this application through the necessity to address the phosphates issue, I will not insist that bat surveys of the building are undertaken prior to any permission being given this application. However, the applicant should have regard to the informative added to this response.*

*There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year.*

*Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England’s Batline through the internet.*

##### ***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 (AA) 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.*

*A revised nutrient calculator has been submitted and approved by Wiltshire council which has a total phosphorus budget of 0.34 Kg TP/Yr.*

*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*

<b>Ecology officer approval</b>	Document reviewed – 19/12/2024
Approval of Nutrient Budget	Pre 2030 budget -0.34 kg TP/year
	Budget approved - Yes
	Date - 19/12/2024

*A strategic Appropriate Assessment (AA) has been prepared for qualifying planning applications for residential and non-residential development, within sewered and non-sewered 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.*

**Biodiversity Net Gain**

*Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.*

*A completed statutory metric calculation (Small Sites Metric. September 2024. Joe Li) confirming the pre- and predicted post- intervention biodiversity value of Site has been submitted (including the condition assessment sheets and maps).*

*Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted.*

*The Biodiversity Gain Plan condition will require the submission of a Biodiversity Gain Plan demonstrating how the biodiversity objective (10% biodiversity net gain) will be met. The development can only legally commence once the Biodiversity Gain Plan condition has been discharged.*

*A total of 5 conditions are recommended to be added to any permission and several informative notes.*

**WC Highways: No objection subject to conditions**

*"I refer to the above proposal for the demolition of the two existing bungalows known as High View and Bonakers and the construction of four new dwellings, one of which will be subject to an Agricultural Occupancy condition in connection with Bonakers Farm. The new dwellings will be served by an existing private track off a junction onto Idmiston Road which currently serves High View and Bonakers Farm.*

*I am aware there is a history of planning applications for similar development at this site. I also note that the most recent planning application was refused at the Southern Area Planning Committee which included a highway reason that had not been recommended by the Highway Authority. Whilst I acknowledge the recent highway related refusal reason, I wish to adhere to my previous highway observations and support the proposal".*

As before 3 conditions are recommended to be added to any permission relating to visibility splays, consolidating the access track and submission and agreement of a construction management statement. An informative is also requested to be added.

**WC Public Protection (First response): No objection subject to conditions**

*"From looking at the information supplied, it appears that the proposed site boundary is approximately 22m from the nearest noise sensitive receptor.*

*To ensure that the demolition and construction phases of this proposal do not have a direct impact on existing residential amenity, I recommend that the following condition is attached".*

A condition is proposed relating to the submission and agreement of a construction and environmental management plan, similar to that proposed by the Highway Officer.

Comments are also made about the proximity to the Memorial Hall.

**WC Public Protection (Second response): No objection subject to conditions**

*"I've spoken with our licensing team and Brett Warren (Principal EHO) regarding this case.*

*The current Premises Licence LC/22258 allows for regulated entertainment to take place indoors only. As there is no alcohol on that licence, deregulation (which allows regulated entertainment outside) does not apply.*

*There are no specific conditions on Annex 2B of the premises licence relating to the prevention of a public nuisance. This means that if we receive noise complaints from current or proposed residents, we can only investigate under statutory nuisance legislation (unless the premises was operating outside of hours).*

*It is also worth noting that a Temporary Event Notice (TEN) could be submitted for the Memorial Hall. This could allow the hall to be used for a wide range of licensable activities including alcohol sales and regulated entertainment inside and outside. A single premises can have up to 15 TENs per year to a max duration of 21 days. Only the police and Public Protection team are consulted on TENs and they have a short time period in which to consult (72 hours). The threshold for refusing a TEN is extremely high and therefore most are approved (conditions cannot be imposed on a TEN).*

*Having said this, our records indicate that we have never received a noise complaint about the Memorial Hall.*



Whilst we would normally ask for a noise assessment when a new residential development is proposed next to an entertainment premises, given the nature of the Memorial Hall and the history of the premises, we think the following should be sufficient in addressing any potential noise impacts:

1. Remove all bedroom windows on the SW elevation. The applicant may wish to relocate these windows to the SE and NW elevations or make the existing windows larger so that the residents of plot 1 have enough natural light.
2. Prior to the development commencing, full details of a glazing strategy for bedrooms shall be submitted to and approved in writing by the local planning authority. The glazing specification shall meet the requirements of the table below. The approved glazing strategy must be implemented in full and retained for the lifetime of the development.

The glazing specification for bedrooms must meet the following minimum specification:

Acoustic performance of windows (including glazed elements and frame)		
Location	Acoustic rating	Example construction
Bedrooms	32 dB Rw	4/6-16/6

Idmiston Parish Council: “Idmiston Parish Council continues to **object** to this application, as the site is not one of the designated sites for development identified by the Idmiston Neighbourhood Plan. However, councillors were pleased to note the changes incorporated in this application, following the refusal of the previous submission”.

## 1. REPRESENTATIONS

The application was publicised by letters posted to near neighbours and the erection of a site notice.

No representations have been received.

## 2. PLANNING POLICY

### National Context:

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 National Design Guide  
 Habitats Regulations 2017

### Local Context:

Wiltshire Core Strategy (WCS) adopted 2015:  
 Core Policy 1: Settlement Strategy  
 Core Policy 2: Delivery Strategy  
 Core Policy 4: Spatial Strategy for Amesbury Community Area  
 Core Policy 41: Sustainable Construction & Low Carbon Energy  
 Core Policy 48: Supporting rural life

Core Policy 50: Biodiversity and geodiversity  
Core Policy 51: Landscape  
Core Policy 57: Ensuring high quality design and place shaping  
Core Policy 60: Sustainable Transport  
Core Policy 61: Transport and New Development  
Core Policy 64: Demand Management  
Core Policy 67: Flood Risk  
Core Policy 69: Protection of the River Avon SAC

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)  
Housing Land Supply Statement Published April 2022

Salisbury District Local Plan (2003):  
Saved policy C6 – Special Landscape Area

Idmiston Parish Council Neighbourhood Plan 2015-2026

Wiltshire Local Transport Plan 2011-2026:  
Car Parking Strategy (Policy PS6 - Residential parking standards)  
Cycling Strategy

Waste Core Strategy 2006-2026

### **3. PLANNING CONSIDERATIONS**

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

#### **9.1 Principle of development**

Core Policy 1 of the Wiltshire Core Strategy (WCS) sets out the 'Settlement Strategy' for the county and identifies four tiers of settlement - Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages; only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Core Policy 2 of the WCS sets out the 'Delivery Strategy' and identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Core Policy 4 of the WCS sets out the 'Spatial Strategy' for the Amesbury Community Area and confirms that development in this area should be in accordance with the Settlement Strategy set out in Core Policy 1 and that growth over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2. At the settlements identified as villages, a limited level of development will be supported in order to help retain the vitality of these communities.

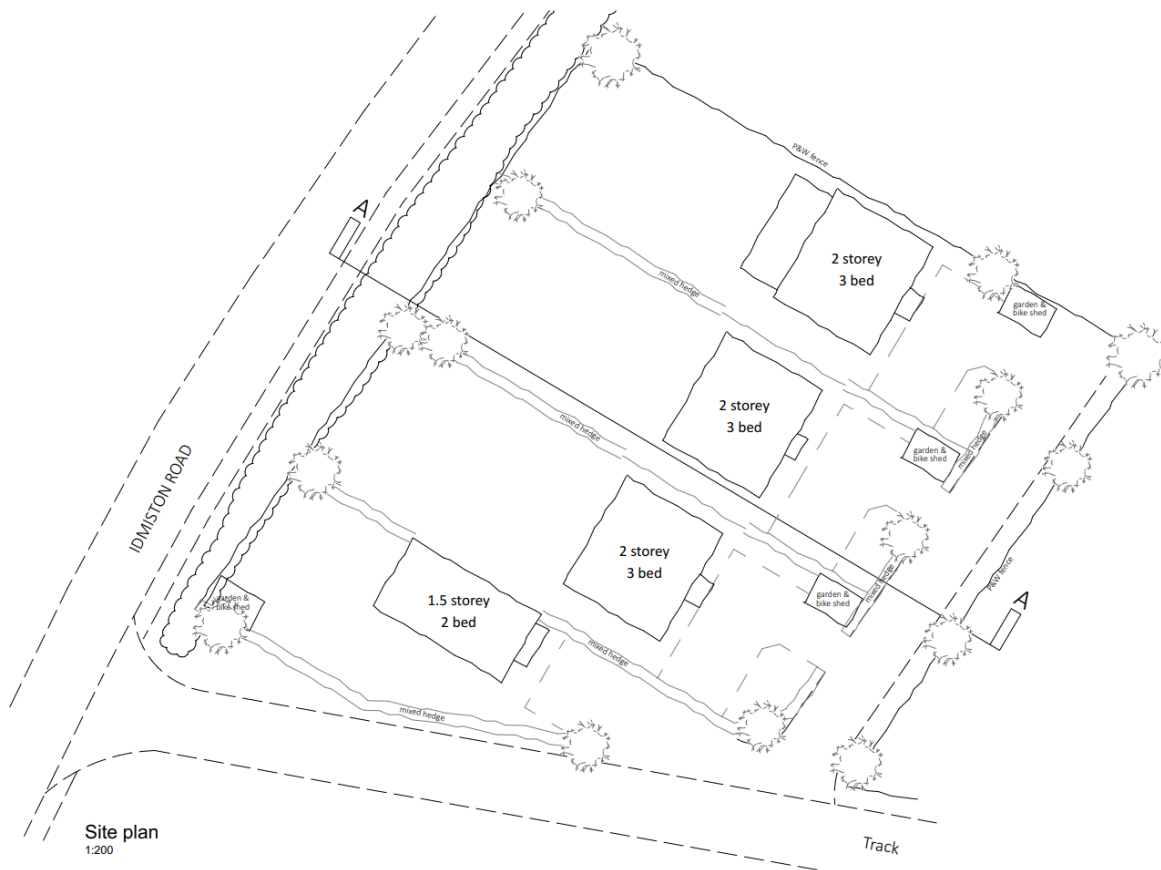
Porton is defined as a Large Village by the WCS and has a defined settlement boundary to identify the limits of 'the existing built area'. The current application site comprises only the site of the existing bungalow and annexe which lies within the settlement boundary. The location plan showing the extent of the site and proximity to other built form within the settlement is shown below:



The mapping extract below shows the extent of the settlement boundary which envelops the existing agricultural worker's dwelling and its annexe, High View:



As with the recently refused application (PL/2023/08067), the proposal is to demolish the existing agricultural workers dwelling and annexe and construct 4 new dwellings on the site. The site plan below shows how it is proposed to redevelop the site, with the smallest of the proposed dwellings (i.e. the 2-bed), proposed to be a replacement agricultural workers dwelling:



The site is located within the designated area covered by the Idmiston Parish Council Neighbourhood Plan 2015-2026 (NP), which was adopted following referendum in April 2017. NP Policy 17 sets out the Development Criteria for new housing within the neighbourhood plan area and states that “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”.*

NP Policy 19 also sets out that “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.”

The NPPF is also a material consideration in the determination of the application and at paragraph 83 states that: “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially

*where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.*

The existing dwelling was constructed following permission granted in 1973 subject to an agricultural occupancy condition. The annexe was added later following permission granted in 1987. The dwelling has therefore served the agricultural holding in its current location for almost 50 years. The agricultural occupancy condition allows for an agricultural worker and their dependents to continue to reside in the dwelling whilst employed in agriculture and through their retirement.

As with recently refused application (PL/2023/08067), the current application again proposes the demolition of the agricultural workers' dwelling and is shown to comprise 3 detached open market dwellings. The remaining dwelling is nominated to be subject to an agricultural tie as a replacement of the existing tied dwelling. This can be secured by condition and is necessary to retain the provision for agricultural workers in the absence of evidence that there is no ongoing need for such a dwelling.

The application site has been included within the defined settlement boundary for the large village of Porton, adopted as part of the Wiltshire Core Strategy in 2015 and subject to review in the Wiltshire Housing Sites Allocations Plan 2022. As such, the demolition of the existing occupancy restricted buildings and construction of new open market dwellings can be supported in principle on the basis that it is within the settlement boundary within the adopted Core Strategy.

Whilst objections cite that the housing requirement of the Neighbourhood Plan has been met, Policy 19 indicates development of not more than 11 homes within (or immediately adjacent to) the development boundary will be supported. In addition, and as was clarified at the Planning Committee last year when PL/2023/08067 was refused, the figure of 32 dwellings within the adopted NP was a target to work towards and not a limit which could not be exceeded. The proposed redevelopment of the site is therefore compliant with the development plan when read as a whole.

It is also very important to note that the recent changes to the NPPF are particularly relevant and apply for decision-taking in Wiltshire. The requisite five-year housing land supply cannot currently be demonstrated. The Council can now demonstrate a 2.03 years housing land supply. Therefore, 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 considered 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 considered 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.

## 9.2 Landscape/visual impacts

Core Policy 57 requires a high standard of design in all new developments, by

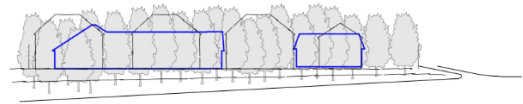
- i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced
- ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development
- iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting
- iv. being sympathetic to and conserving historic buildings and historic landscapes
- v. the maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41 (Sustainable Construction and Low Carbon Energy)
- vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

The site is within a defined Special Landscape Area under saved Policy C6 of the Salisbury District Local Plan and continues to form part of the development plan and lies at the edge of a large village settlement, wholly within the defined boundary but with undeveloped fields surrounding on two sides. The context for the site is therefore rural.

The site plan shows how the site would be developed with 4 houses;



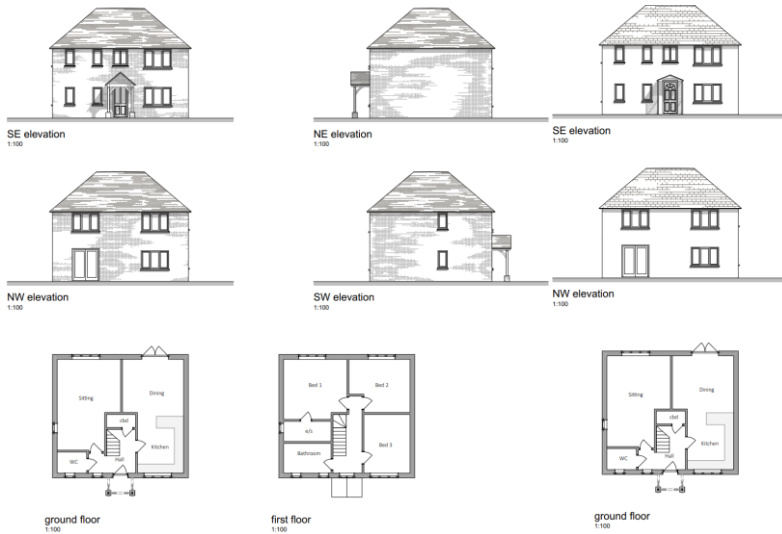
Site Section AA  
1:500



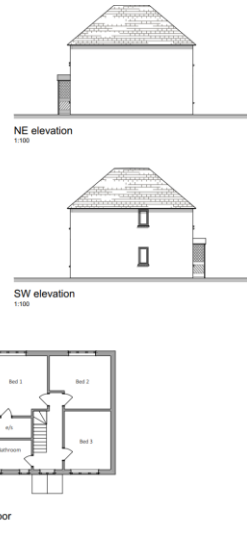
Street Scene  
1:500

The proposed dwellings would be detached, two-storey dwellings. Plots 2, 3 and 4 would market houses. Each comprise 3 bedrooms and would therefore be smaller than the 4 bedroom dwellings previously proposed under PL/2023/08067. The following plan extracts show the elevations and floor plans of Plots 2, 3 and 4:

Plot 2



Plot 3



Plot 4



Plot 1 is a smaller property which comprises 2 bedrooms. The elevations and floor plans are shown in the plan extract below:



The design of the dwellings has a mix of materials and roof designs. The layout is residential in character rather than that of a traditional farmstead, however the variation in design seeks to draw on rural building styles which is considered appropriate for the edge of village location. The visual impact of the proposed new dwellings would be more significant by reason of the increased number of dwellings and increased height, coupled with the fact the land is at a higher level on the eastern side of Idmiston Road. It is noted that the only adjacent building is the single storey Memorial Hall and dwellings immediately opposite are single storey and are sited on lower ground, with two storey dwellings present on the western side of Idmiston Road further south and on the eastern side further towards the centre of the village.

The proposed two-storey dwellings would inevitably be more visually prominent than the existing bungalow/annexe when viewed from the open countryside through which there is a public right of way across land which lies between the 4 new houses and the existing farm building. However, it is not proposed to remove the trees which line the boundary of the site with the highway and the proposed dwellings would not appear out of character given the residential character of the plot and its setting in the village settlement. The existing buildings are of no architectural or historic merit and consequently the demolition of these buildings raises no concerns.



Saved Policy C6 states that *"within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality on the landscape are acceptable, they will be subject to the following criteria; (i) the siting and scale of development to be sympathetic with the landscape; and (ii) high standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area."*

The proposed development would be more visible and prominent from the surrounding landscape; however the site is defined in policy terms as being within a rural settlement rather than in the open countryside. Given the 'in principle' acceptability of residential development within the defined settlement boundary and that the 4 new dwellings would visually form part of the village settlement on land which is previously developed with a dwelling, annexe and garage, it is not considered that the siting of the development is unsympathetic to the landscape in this context. Whilst the visual impact of a single storey development would be less significant than the two storey dwellings proposed, the scale and design of the development is not considered to be uncharacteristic in the context of the locality where there is a range of single and two-storey buildings. It is considered that an adverse effect on the quality of the landscape would not form a sustainable reason for refusal in this instance and conditions in respect of landscaping and materials would be appropriate.

### 9.3 Residential amenity

Core Policy 57 also seek a high quality design in respect of existing and future amenity, 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter). There are no immediately adjacent residential properties to the site, the closest properties are on the opposite side of Idmiston Road (west of the site) and there is sufficient separation and limited inter-visibility due to distance and topography of the site. Open countryside borders the north and east boundaries of the site and the access track to the farm borders the south boundary of the site, with the Memorial Hall located immediately south of the access lane. Therefore, it is not considered that the development would have any material effect on the amenities of neighbouring properties.

Within the site, the dwellings have been sited and designed to achieve adequate separation distances and avoid window to window overlooking. Plots 2, 3 and 4 are served by generous rear gardens and Plot 1 has a smaller garden but which is proportionate to the smaller dwelling. Each has a garden shed and its own parking. It is considered overall that whilst there concerns have been expressed previously that 4 detached dwellings on the site would constitute overdevelopment, the layout indicates that an acceptable standard of amenity can be achieved for future occupiers within the development itself.

During the course of assessing this application, some slight changes were made to the positioning of windows in the plot nearest to the Memorial Hall to address a concern about noise to future occupants, particularly to the bedrooms. Essentially some bedroom windows which were originally proposed in the south-western (side) elevation of the dwelling proposed on plot 1 have now been omitted.

### 9.4 Highways

One of the key concerns which resulted in the refusal of PL/2023/08067 by the Planning Committee related to the increase in traffic and associated highway safety concerns. In an

attempt to address this matter, a Transport Statement accompanies the current application. This has been assessed by the Highway Officer as part of her consideration of the proposals. The Transport Statement provides information as to the expected number of additional movements generated:

The track is currently in residential and agricultural use and has an established degree of vehicle traffic. In order to establish the likely traffic impact from this residential development, the TRICS database v 7.9.1 has been interrogated. Criteria used and TRICS data is shown below.

- Land Use – Houses Privately Owned
- Development Size – 7 to 40
- Units Date Range – 01/01/12 – 06/06/19
- Selected Areas – PPS6 Out of Centre

TRICS Data Private Houses			
	Arrivals	Departures	Two-Way Flows
AM Peak	0.148	0.430	0.578
PM Peak	0.401	0.232	0.633
Daily Total	2.696	2.986	5.682

Additional Trips Based on 2 dwellings (net increase)			
	Arrivals	Departures	Two-Way Flows
AM Peak	0.296 (1)	0.860 (1)	2
PM Peak	0.802 (1)	0.464 (1)	2
Daily Total	5.392 (6)	5.972 (6)	12

From the above it can be seen that the net increase of 2 residential dwellings is likely to generate just over 1 (2) additional traffic movements in both of the AM and PM peak periods, whilst during the course of the day, the development is likely to generate around only 12 additional two-way traffic movements. Given the existing network, it could be reasonably assumed that the vast majority of the vehicle movements to and from the development will be along Idmiston Road to the south away from the school, with very few vehicles expected to and from the north.

Given the connections to the wider road network it is considered that the only Porton Down traffic that would use this section of Idmiston Road would be local residents of Idmiston travelling to Porton Down. The vast majority of the Porton Down traffic uses Winterslow Road to connect to the main trunk roads, either the A338 in the west or the A343 in the east. A survey undertaken for the Idmiston Neighbourhood Plan supports this and identified 142 vehicle movements along Idmiston Road over the 5 hours of the AM and PM peak times (less than 30 vehicles per hour). Even making allowances for the new houses built opposite Horefield, this number is unlikely to exceed 31 movements per hour (approximately 1 vehicle every 2 minutes). During the same period the survey identified 1119 vehicles using Winterslow Road.

In addition, further information has been provided and some improvements are also proposed as part of the overall development:

## Visibility Splays

The application now includes a topographical plan showing survey levels and other relevant features at the junction of the existing access and Idmiston Rd. This further demonstrates that the required visibility splays can be achieved in both directions. The officer has previously confirmed that the visibility splays can be conditioned accordingly.

The proposal is satisfactory in terms of highway safety.

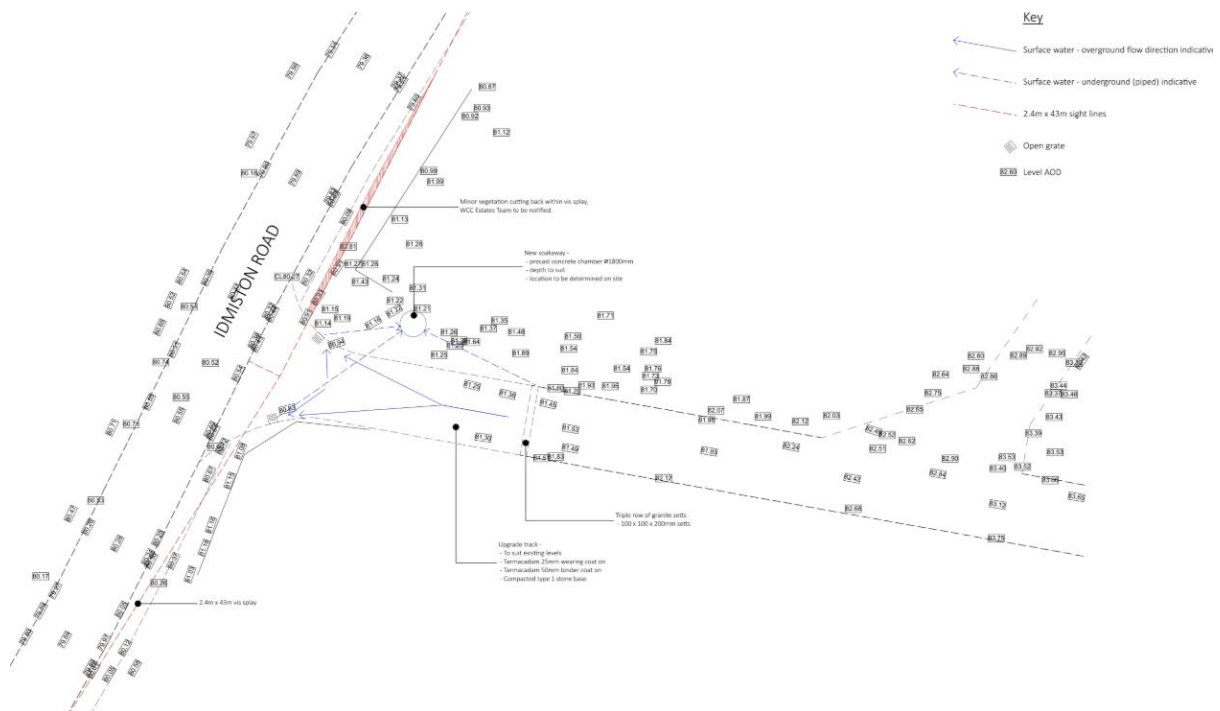
## Other Points

As part of the development the footway at the site entrance will be relaid in accordance with the relevant County Highway standards. This will improve highway safety for pedestrians and other road users, with particular benefit of the footway between the school and the village.

It is also proposed to upgrade the section of the private track that is within the application site in order to reduce the impact of surface water run-off on to the highway. It should be noted that the existing situation is that any surface water from the entire length of the farm track runs unimpeded onto Idmiston Road.

These improvements will have a positive affect on highway safety.

These are clearly shown on one of the submitted plans:



The proposed dwellings will be served by an existing vehicular access onto Idmiston Road which currently serves the dwelling, High View, and its annexe and Bonakers Farm. A new access into the site is proposed off the private track further to the east away from the junction, and the existing access off the track will be closed off.

As per previous comments, the Highways Officer notes that the existing junction falls within the 30mph speed limit and, to accord with the guidance in Manual for Streets, visibility splays of 2.4m by 43m in both directions to the nearside carriageway edge at a height of 600mm are necessary. The highways officer is satisfied that the required visibility can be achieved and can be secured by condition accordingly. The internal layout of the site is also considered acceptable in terms of parking and turning spaces.

In terms of the location of the site and the local highway network which has been raised as a concern, previous comments are reiterated. The concerns raised with regard to the suitability of Idmiston Road to serve the development are noted; however, the Highways Officer does not share the concerns as the width of Idmiston Road is considered to be perfectly adequate to accommodate opposing travelling vehicles. It is acknowledged that a length of Idmiston Road becomes heavily parked on during school drop-off and pick-up times. This is an existing situation which will not be significantly exacerbated by the proposed development. There is an existing footway which links the site to St Nicholas Primary School approximately 300 metres to the north which is considered to be a reasonable walking distance. There are facilities in Porton village centre including a convenience store around 440 metres to the south west on Winterslow Road which can be reached on foot via dedicated footways. There are bus stops on Idmiston Road and Winterslow Road.

Paragraph 116 of the NPPF is abundantly clear that:

116. 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.

Whilst the concerns raised by the Parish Council and local member are fully acknowledged, the Highways Officer has again fully assessed the application and all submissions. She does not consider that any highway refusal reason can be substantiated subject to the imposition of conditions as set out in her formal response.

The Rights of Way Officer has not commented on the current application, but it is noted that no objections were raised to similar previous applications.

#### 9.5 Archaeology

The site of the proposed dwellings lies on the outskirts of the historic village of Porton that has its origins in the medieval period. The site appears to lie outside of the presumed extent of the medieval settlement but lies close to the line of The Portway, the Roman road running from Calleva Atrebatum (Silchester) to Sorviodunum (Old Sarum). The projected line of the Roman road is shown on historic mapping as running just to the south-east of High View. However, exploratory archaeological investigation in 2016 (Wessex Archaeology, 2016) in the field immediately to the south of High View and to the west of Idmiston Memorial Parish Hall failed to locate the Roman road. The excavators concluded that the route of the Roman road probably lies a little to the north-west, i.e. within the plot containing High View. The property of High View therefore has an archaeological interest.

The proposed development comprises the construction of four new dwellings. The Council's Archaeologist recommends that the proposal is subject to a programme of archaeological work and suggests that it is likely that a number of trenches would be appropriate to establish the presence or absence of the Roman road and any other related deposits that may survive and that will be harmed by the proposed development. The Council's archaeologist is satisfied that this programme of archaeological work can be secured by a suitably worded condition to ensure that archaeological interests are investigated and recorded.

#### 9.6 Ecology/River Avon SAC catchment

The application site does not lie within or immediately adjacent to any statutory or non-statutory designated sites for conservation, or any notably sensitive areas for protected

species. The detailed response from the Council's Ecologist is shown in the 'Representations' section of this response.

The application is accompanied by a phosphorous budget given the location of the scheme within the catchment of the River Avon SAC. The applicant has confirmed that they wish to use the Council's credit led mitigation scheme for the phosphorous burden by way of this scheme. If the application is concluded to be acceptable, a credit approval certificate for the phosphorous burden will be issued to the agent for the scheme with the onus for the applicant/agent to apply for the necessary credits. The suggested Grampian condition outlined by the Council's ecologist can be imposed onto any consent thus mitigating against any impact to the River Avon SAC.

In terms of biodiversity net gain, a completed statutory metric calculation (Small Sites Metric) confirming the pre and predicted post-intervention biodiversity value of the site has been submitted (including the condition assessment sheets and maps). Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted. The Biodiversity Gain Plan condition will require the submission of a Biodiversity Gain Plan demonstrating how the biodiversity objective (10% biodiversity net gain) will be met. The development can only legally commence once the Biodiversity Gain Plan condition has been discharged.

Regarding protected species, the existing bungalow is of a relatively modern construction type and is considered to have negligible potential roosting opportunities. A grant of planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet. A standard informative note attached to any permission can draw attention to this matter and advise of the required steps if for example bats are found.

#### **4. CONCLUSION – the 'planning balance'**

The site lies within the settlement boundary for the large village of Porton and therefore the principle of redevelopment for residential dwellings complies with the policies of the Wiltshire Core Strategy, Idmiston Parish Council Neighbourhood Plan 2015-2026 and the NPPF when read as a whole. There is an intention for ongoing agricultural activities for which agricultural worker's accommodation would be required. Therefore, to prevent the loss of the existing agricultural workers' dwelling and subsequent application for a new dwelling following the demolition of the existing, a condition is imposed to require that one of the dwellings (Plot 1) is subject to the agricultural occupancy condition.

The layout and design of the proposed development is considered to be acceptable in the context of the character and appearance of the site and locality and the amenities of existing and future occupiers and the means of access is considered acceptable by the highways officer subject to conditions.

The suggested Grampian condition outlined by the Council's ecologist can be imposed onto any consent thus mitigating against any impact to the River Avon SAC.

Concerns raised including those of the Parish Council are noted, however the development is acceptable in principle having regard to development plan and national policy guidance. Furthermore, the presumption in favour of sustainable development ('tilted balance') as set out in paragraph 11 d) of the NPPF applies. It is concluded that there are no material considerations which would constitute sustainable reasons for refusal or weigh strongly

against the policy support for residential development within the settlement boundary of a large village.

Planning conditions recommended by various consultees will be reviewed and imposed taking account what was recommended in the previous planning application and in accordance with best practice outlined in the NPPF and planning practice guidance.

## **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 be carried out in accordance with the following approved plans and documents:

PR.01 (Location Plan) dated 08/08/2024

PR.02 (Existing Block Plan) dated 08/08/2024

PR.03 (Proposed Block Plan) dated 08/08/2024

PR.04 (Proposed Site Plan, Site Section and Street Scene) dated 08/08/2024

PR.05 (Survey Plan Including Visibility Splays and Proposed Improvements) dated 08/08/2024

PR.06 Rev.A (Proposed Elevations and Floor Plans - Plot 1) dated 30/10/2024

PR.07 (Proposed Elevations and Floor Plans - Plot 2) dated 08/08/2024

PR.08 (Proposed Elevations and Floor Plans - Plot 3) dated 08/08/2024

PR.09 (Proposed Elevations and Floor Plans - Plot 4) dated 08/08/2024

Revised Nutrient Calculator received 25/11/2024

Transport Statement received 09/08/2024

Design and Access Statement received 09/08/2024

The Statutory Biodiversity Metric -Small Sites Metric received 16/09/2024

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

3. The occupation of the dwelling identified as Plot 1 on the approved site plan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site comprises an existing agricultural workers dwelling for which it has not been demonstrated that there is no ongoing need for agricultural workers accommodation and which, if demolished, would be likely to result in a new dwelling in the countryside to meet that need.

4. All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

5. 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.

6. Each of the dwellings hereby approved shall be designed to ensure they do not exceed 110 litres per person per day water consumption levels (which includes external water usage) and shall not be first occupied until a water efficiency assessment has been undertaken to confirm compliance with the Building Regulations Optional requirement of a maximum water use.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

7. Prior to the first occupation of any of the dwellings, details of the number, design and locations of bat roosts and nesting opportunities for birds (e.g. bat and bird boxes) shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before occupation of the final works and retained thereafter for the lifetime of the development.

REASON: In the interests of enhancing biodiversity and to ensure compliance with Core Policy 50 of the Wiltshire Core Strategy.

8. No development, other than demolition to ground level, shall commence within the red line boundary shown on Location Plan HwW\_2303, Sheet No. PR.01, dated 8 August 2024, until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work, including the assessment, analysis, reporting, publication 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.

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

9. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

- 1) the parking of vehicles of site operatives and visitors;

- 2) loading and unloading of plant and materials;

- 3) storage of plant and materials used in constructing the development;
- 4) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 5) wheel washing facilities;
- 6) measures to control the emission of dust and dirt during construction;
- 7) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- 8) measures for the protection of the natural environment. And
- 9) hours of construction, including deliveries (whilst being mindful of the proximity of the local Primary School).

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the north and 43 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

11. The development hereby permitted shall not be first brought into use until at least the first 10 metres of the access track, measured from the edge of the carriageway has been consolidated surfaced (not loose stone or gravel) and drained as shown on drawing ref: PR.05. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

12. No development shall commence on constructing the new dwellings until precise details of the external materials to be used on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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



- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the 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.

### **Informative notes**

#### **Bats**

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

#### **Lighting**

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the

region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

### 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 River Avon - In relation to Condition 5

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.

### CIL

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

### Alterations to Approved Plans

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

### Permission Not Authorising Work on Land Outside the Applicant's Control & Party Wall Act

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

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

### Highways - Licence Required

The application involves the resurfacing of the existing vehicle access. 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](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

### Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.