

Report to the Area Hub Planning Committee

Date of Meeting	05 th September 2013
Application Number	S/2013/0406
Site Address	Shrewton Steam Laundries Ltd High Street Shrewton Salisbury SP3 4BZ
Proposal	Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works
Applicant	Rattue & Griffiths Ltd
Town/Parish Council	Orcheston
Grid Ref	Eastings: 406969 Northings: 144452
Type of application	Full Planning
Case Officer	Mrs Lucy Minting

SITE VISIT REQUESTED BY CLLR WEST

Reason for the application being considered by Committee

Councillor West has called in the application due to:

The visual impact upon the surrounding area

Environmental/highway impact

Members should consider the two competing issues of trying to build new houses on Brownfield land but also trying not to increase the risk of flooding.

1. Purpose of Report

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

2. Report Summary

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

1. Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF
2. Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure
3. Loss of employment
4. Scale, design, residential amenity/living conditions
5. Impact to SSSI/SAC/SPA
6. Contaminated land
7. Protected species
8. Highway safety

9. S016 Contributions (Affordable Housing – SWCS Core Policy 3, Recreational open space – saved policy R2 of Salisbury District Local Plan)
10. Archaeology

The application has generated observations from Shrewton Parish Council; 1 representation of support and 4 representation of objection.

3. Site Description

The site is located within the village of Shrewton. The site is designated as an Area of Special Archaeological Significance, Housing Policy Boundary and special landscape area.

The site is vacant having previously been used as Shrewton Steam Laundry business. The buildings are in a state of disrepair and one of the cob buildings on the corner of the site between High Street and Elston Lane has collapsed.

The area is surrounded by residential dwellings to the south, west and north and The George Inn to the east.

4. Planning History

Application number	Proposal	Decision
S/2012/1297	Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works	Refused 07/11/2012
S/2011/1620	Demolition of existing laundry buildings, erection of 8 x dwellings (3 x 2 bed and 5 x 3 bed), alterations to access, landscaping and associated parking	Refused 30/01/2012

5. The Proposal

To demolish the existing buildings and redevelop the site with three detached dwellings.

This application is submitted following 2 previous refused applications for residential redevelopment of the site. The delegated reports are attached at appendices A and B.

6. Planning Policy

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:

- G1 – Sustainable development
- G2 – General Criteria for development
- D2 – Infill development
- H16 – Housing Policy Boundaries
- R2 – Open space provision
- TR11 – Off street parking spaces
- TR14 – Cycle parking
- C6 – Special landscape area
- C18 – Development sites bounded by watercourses
- CN21 – Archaeology
- C12 – Protected species

Adopted South Wiltshire Core Strategy:

Core Policy 1 – The Settlement Strategy and distribution of growth in south Wiltshire
Core Policy 2 – Strategic Allocations
Core Policy 3 – Meeting Local Needs for Affordable Housing
Core Policy 5 – Employment Land

Emerging Wiltshire Core Strategy:

Core Policy 2 – Delivery Strategy

Government Guidance:

National Planning Policy Framework (NPPF) March 2012
Technical Guidance to the National Planning Policy Framework

Planning guidance:

Salisbury District Council Design Guide - Creating Places Design Guide

7. Consultations

Highways

No Objections subject to conditions

Shrewton Parish Council

Observations made by Councillors and members of the public:

1. These houses were the wrong kind of development for the village/area, with only small changes made from the previous plan.
2. The Plans were a resubmission without acknowledging the rise of River Till in the village this winter with the consequence of a protected species, Water Voles, using the river.
3. The Plans were designed prior the any flooding of the river and had not made allowance for the climate change.
4. Time wise, the Plans were out-of-date.
5. Low rise, low cost flats or homes were needed in the village not executive housing.
6. Aesthetically, villagers required housing that they could afford.

The concerns highlighted previously still remain and had not been addressed:
Were developers aware of the well on the site which had previously been used by the Laundry and had this water source been taken into account when planning the houses?
Width between the existing building of The Old Bakery and the new buildings (Plot 2) needed to be sufficient for owners of the property to be able to repair and maintain their premises.

Had consideration been given to the fact that the Old Bakery building was a cob wall and could be adversely affected by building works?
Councillors had not objected to the previous plan for smaller houses to be built on the site; There was a greater need for homes for local people. The three large properties would be more likely to attract people from outside the village.

The design of the entrance, with portico and columns, was thought to be 'over the top' for a modern village dwelling.

There was also a further observation submitted by a villager, that was for the realignment of the access road from its current position as shown on the plan to be realigned coming in and out Elston Lane.

Wiltshire Fire & Rescue Service

Comments relating to fire safety measures which could be included as an informative. Reference to developer contributions for hydrants and water supplied for fire fighting and additional or amended fire and rescue service infrastructure - which is not an adopted policy.

Environment Agency

Object. We note Mr Young's assertion that certain works within the floodplain can be controlled under the Water Resources Act and Land Drainage Byelaws. However it is important to note that we are not responsible for and do not monitor privately owned flood alleviation works or indeed general garden activities within the floodplain. To do so would be impracticable and an unacceptable burden on the public purse. We therefore cannot ensure the maintenance of the flow path.

It has been established that the types of minor garden works and alterations etc. that could be reasonably expected by the owners in the enjoyment and use of their gardens as granted under a planning approval could cause detriment to the flow path. You have confirmed the permitted development rights that you control would not include such works and that the maintenance of the flow route to the scale required cannot be controlled by planning condition. On this basis we have questioned the principle and sustainability of placing a privately owned flood alleviation scheme (the flow path) within privately owned gardens.

Since maintenance of the flow path would be important to both the development and the surrounding area over the lifetime of the development, we therefore have no option but to maintain our objection.

Public Protection

No objections subject to conditions (contaminated land investigation; limiting demolition and construction hours and informative advising no burning of waste should take place on site)

Wessex Water

No objections. New water supply and waste water connections will be required from Wessex Water.

Archaeology

The site is of archaeological interest lying on the edge of the medieval settlement. Recommend condition for a programme of archaeological works to be carried out as part of any development (recording of existing buildings and archaeological watching brief).

Ecology

No objections subject to condition (construction method statement)
S106 contributions towards the S106 contributions towards the Wessex Stone Curlew project are not required (there is a minimum threshold of ten dwellings)

Natural England

No objections, recommend Habitats Regulations Assessment and conditions (construction method statement and mitigation measures outlined in section 7 of the ecological report)

New Housing Team

No objection - a viability assessment has shown that it would not be viable to take an affordable housing contribution as a condition of any planning consent granted.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

1 representation of support, summarised as follows:

- Consideration to be taken with regard to traffic flow and speed of traffic approaching proposed entrance

4 representations of objection, summarised as follows:

- Pedestrian safety – no pavement with potentially 6 vehicles entering and exiting site
- Substantial sized dwellings are not required/not in keeping with outlook of village. Smaller, affordable units are required to serve needs of local residents
- Overdevelopment of site increasing traffic on overloaded village road
- Historic cob buildings should be reused
- Maintaining site as a building of local employment would be beneficial
- Revised application has not overcome previous concerns
- Contrary to rules in place preventing building within flood plains
- Site has been neglected/allowed to fall into disrepair
- Loss of employment land to residential. Shrewton residents have few employment opportunities and local businesses are nominal and approx 1000 residents are forced to commute to work. The objector has been seeking business premises for past 5 years and the hairdressing salon on High Street has had to diver floor space with another local business.
- Shrewton has limited bus services limiting employment to non-driving Shrewton residents
- Question accuracy/disagree with 2010 marketing report
- Precedents in the statement from Myddelton & Major are not comparable to Shrewton
- Employment opportunities in Shrewton have been reduced by 14 since closure of the business
- Flood Risk assessment based on guesswork as there is no gauged flow data for the River Till which is also unpredictable.
- There is a flood marker at the boundary of the proposed development which shows a flood height roughly equal to the ceiling height of the ground floor of the adjacent property.
- Pictures of water course show it empty but reference to Jan 2013 when river burst banks and Elston Lane was filled over a metre of flood water and impassable to vehicles.
- Overlooking from windows/openings to Winterbourne House
- Concern over potential damage and inconvenience to adjacent properties/gardens during demolition and construction stages
- Query height of boundary fences (design statement refers to 2.4m high fence, plans show 1.8m high fence)

CPRE – given the amount of residential development in the village, affordable housing would have been preferred

9. Planning Considerations

9.1 Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF

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



The deterioration of the buildings is giving cause for concern to residents in the village; however planning policy on flooding is clear that this is not a material consideration that overrides the fact that the site is in flood zones 2 and 3.

The National Planning Policy Framework and the adopted South Wiltshire Core Strategy (SWCS) are clear that sites within flood zones 2 and 3 should not be developed with residential schemes ahead of all other sites in flood zone 1 (which has to be demonstrated through a Sequential Test).

Paragraph 101 of the NPPF makes it clear that the 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

The NPPF is clear that the sequential test must be given significant weight and applied first and does not allow for flexibility or pragmatism on this issue.

Only if the sequential test concludes that this is the only available site, then and only then can the Exception Test be applied (including considerations of wider sustainability benefits to the community that outweigh flood risk, the re-use of a brownfield site and mitigation proposals). The Environment Agency has advised concern at the prospect of legal challenge and the precedent non application of the sequential test would set.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

'The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas.'

All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.'

The NPPF requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% (paragraph 47). The NPPF also states that there must be a presumption in favour of sustainable development if a local planning authority cannot demonstrate a 5 year housing supply (paragraphs 15 and 49).

The South Wiltshire Core Strategy provides for 8621 deliverable houses (completions, commitments and deliverable allocations) that provides some 17.5 years of available housing land supply during the plan period (2006-2026) across South Wiltshire and allocates 5250 dwellings that provides over 10 years deliverable housing land supply.

As the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1, there is no need consider sites outside of Flood Zone 1. This stance has been supported at appeal (a recent appeal decision has been included at appendix D) where the Planning Inspector concluded that there are sufficient alternative sites within Flood Zone 1 to accommodate residential development and as such 'it is not necessary for it (the council) to consider sites for housing outside of Flood Zone 1.'

Notwithstanding this, a sequential test has been submitted with the application but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Assessment (SHLAA) and not the whole of the local planning authority area with no special justification to reduce the geographical area of search.

The fact that the site is previously developed and the existing buildings are in a state of disrepair would weigh in favour of the site at a NPPF Exception Test but as the scheme fails the initial Sequential Test; the Exception Test is not under consideration.

9.2 Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure.

In addition to needing to pass the Sequential Test, the NPPF (paragraph 102) also requires a site specific flood risk assessment to demonstrate that the development will be safe for its

lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall.

The previous refusal reasons also included that insufficient information had been submitted to demonstrate that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure.

The application documentation includes a detailed hydraulic modelling study which proposes to raise the land where the dwellings will be placed to 80.9mAOD (above the 1 in 100 year plus 20% for climate change flood level) and proposes to lower an area adjacent to the River Till to reinstate a naturally occurring flow path and floodplain storage area (shown by the dashed blue line on the plan below within the gardens of plot 1 and 3).



Subject to the flow path and floodplain storage area being maintained; the modelling confirms that the development will reduce flood risk to the site and local area without a detrimental effect on third party properties.

However, the Environment Agency has stated that the mitigation measures involve maintenance of this area of the site exactly as designed over the lifetime of the development which will require absolutely no ground raising, close boarded fencing, walls, sheds, greenhouses, flower borders, excessive planting/hedging or other obstruction placed within the flow path. This would also require the proposed landscaping (trees and hedging) and bin stores shown on the extract of the site plan to be removed. The agent has suggested he could provide a revised layout plan removing any planting/structures from the flood flow path.

Structures including fencing and outbuildings could be dealt with by conditions removing permitted development allowances, but flower borders, planting and other obstructions (including for example garden furniture, and plant pots) and de minimis alterations of levels etc are not 'development' so are outside of the local planning authority's control.

Circular 11/1995 (Use of Conditions in Planning Permission) explains that Section 70(l)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit".

This power is not, however, as wide as it appears, and has to be interpreted in the light of court decisions.

On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

A condition should not be imposed if it cannot be enforced. The Circular explains that sometimes a condition will be unenforceable because it is in practice impossible or impracticable to monitor and detect a contravention.

A condition may be unreasonable because it is unduly restrictive. Although a condition may in principle impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. If it appears that a permission could be given only subject to conditions that would be likely to be held unreasonable by the courts then it will be necessary to refuse permission altogether.

An unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms. The condition will normally run with the land, and may therefore still be operative long after the applicant has moved on; it must always be justified on its planning merits.

The effect of a condition would also be that the occupiers of plots 1 and plot 3 in particular would not be able to undertake the normal activities associated with a domestic garden—thus taking away part of the benefit of the permission. A breach would only ever come to light if there was a flooding incident, a neighbour dispute, or both.

The Planning Agent considers that the flood flow path could be maintained via a combination of planning conditions and the Environment Agency's own legal powers. In his opinion the elements of concerns that could not be controlled via planning conditions; planting/garden furniture/changes in levels/creation of flower beds etc. could be controlled via S109 of the Water Resources Act as any operational works 8m from the bank of the River Till (a Main river) require land drainage consent and where the flood flow path occupies more space than 8m, the planning agent considers that this area would be covered by any land raising within a floodplain requiring Flood Defence Consent from the EA under Land Drainage Byelaws.

The Environment Agency have specifically been asked to consider this and have advised that they are not responsible for and do not monitor privately owned flood alleviation works or indeed general gardening activities within the floodplain as this would be impracticable and an unacceptable impact on the public purse. They have advised that they cannot ensure the maintenance of the flood flow path and have objected to the application on the grounds that the proposed flood flow path cannot be maintained over the lifetime of the development.

The Environment Agency has explained that if the flood flow path was not maintained as a clear flow path it could result in a reduction of any intended gains shown by the flood

modelling and in the worst case scenario flood risk could be increased to the site and elsewhere compared to the existing scenario.

Notwithstanding the sequential test failure, losing plot 3 completely and having the flow path swath of land as an undeveloped amenity area (not private garden land) would seem to be the only acceptable solution in terms of resolving refusal reason 2.

9.3 Loss of employment

Core Policy 5 states that it must be shown that the site no longer viable for its present or any other employment uses with evidence that it has remained unsold for a substantial period of time.

Loss of employment remains an issue whilst the principle of residential use in a flood zone is unacceptable. As the site is unsuitable for residential use then the local planning authority would expect continued use for employment purposes unless it is fully demonstrated through marketing that there is no demand.

The site has not been marketed since it was sold in November 2010 and as such there is no up to date marketing evidence to demonstrate that the site is no longer viable for employment uses.

9.4 Scale, design, residential amenity/living conditions

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers. The NPPF paragraph 17 states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Residential amenity refers to the quality of residential areas and the value to local residents. 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 development in relation to neighbouring properties, gardens and window positions.

Residential amenity is also affected by noise, disturbance and light pollution, and these issues need to be considered. In assessing impact to residential amenity, the existing use of the site must be taken into consideration including potential disturbance from use. The assessment of impact to amenity also needs to take into account the impact on occupiers of the proposed and existing dwellings in the area.

The proposed layout has a central driveway between plots 1 and 2 to access the parking areas and plot 3 to the rear of the site. Plots 1 and 2 have been designed with limited windows on the north and south elevations to limit potential disturbance.

With regard to impact to Mill House to the west of the site, plot 3 is shown to be 14.029m from the west boundary of the site and separated by the river and close boarded fencing to the garden of Mill House.

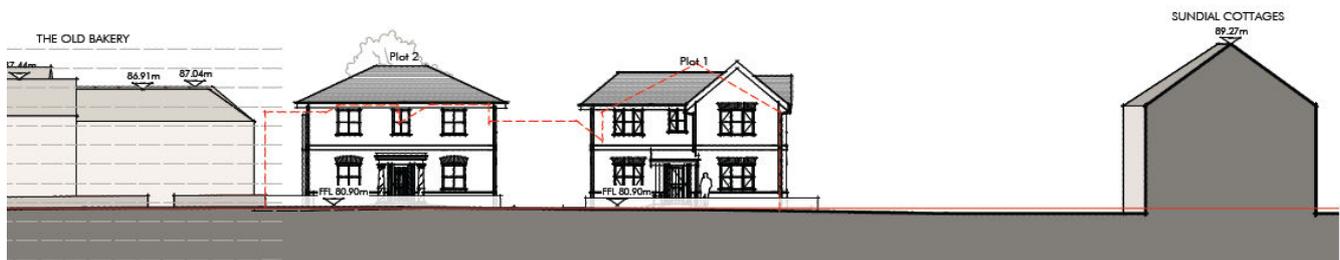
2-8 Hindes Meadow to the north are single storey bungalows separated from the site by the road and high wall.

Plot 2 will not project further westwards than the existing rear building line of The Old Bakery to the south.

It is not considered that the scheme will unduly impact upon neighbouring residential amenity in accordance with policy G2.

Concerns have been raised to the design and scale of the proposed dwellings and the column porches in particular are not in keeping with development in the area. The general design of the proposed dwellings with plots 1 and 2 having hipped roofs and double fronted with central entrances are considered to reflect the characteristic vernacular along the principal routes through Shrewton.

The application also includes street scene elevations with the outline of the existing buildings to be demolished:



This illustrates that the scale of the proposed dwellings are comparable to the previous corner building and neighbouring dwellings.

Notwithstanding the “in principle” objection to residential redevelopment on flooding grounds, it is considered that overall the development will not significantly unduly impact upon neighbouring dwellings and will be appropriate to the character and appearance of the area.

9.5 Impact to SSSI/SAC

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site has potential under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994. There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

9.6 Contaminated Land

The council’s contaminated land officer has raised no objections to the application. A phase 1 desk study and Report on a Ground Investigation have been submitted as part of the application documentation which includes recommendations for additional work which could be conditioned.

9.7 Protected species

The ecological assessment submitted with the application found no presence of protected species on site although the buildings were considered to have the potential to support bats and nesting birds and mitigation measures in relation to these could be conditioned. Following concerns raised by the parish council that water voles may be using the river; the council’s ecologist has advised that as the riverbanks on either side of the river both up and

down stream of the road bridge next to the development are about 1m tall and built of brick/concrete blocks; there is no fringing vegetation and stream water occupies the entire width of the channel there is no chance of water voles either burrowing or feeding near or being affected by the proposed development.

9.8 Highway safety

The highways department has raised no objections subject to conditions including that details of the boundary treatments need to be agreed to avoid conflict with visibility.

9.9 S106 Contributions (Affordable Housing – SWCS Core Policy 3, Recreational open space – saved policy R2 of Salisbury District Local Plan)

The proposals trigger the requirement for an affordable housing contribution under Core Policy 3 of the South Wiltshire Core Strategy of £45,465 and recreational open space contribution of £6,706.35.

Core Policy 3 states ‘the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the development’. The applicant has provided an open book financial viability appraisal to the New Housing Team. The Housing Officer has used this to complete a financial appraisal of the development

This has shown that it will not be viable to take either an affordable housing or recreational open space contribution.

9.10 Archaeology

The site is in an area of archaeological interest and already there is made ground across much of the site, there may well be an earlier top and subsoil which may seal archaeological remains and as such there is potential for archaeological remains to be on site. The council’s archaeologist has advised that the buildings appear older but have been in use as a laundry since the earlier part of the 20th century and there appears to be some machinery that was associated with that use still present within the buildings.

The council’s archaeologist has recommended that if the application was approved a written programme of archaeological investigation would need to be agreed. This would need to take the form of a recording of the existing buildings prior to demolition and an archaeological watching brief.

10. Conclusion

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

The proposed flood alleviation scheme includes a flood flow path within privately owned gardens which cannot be maintained over the lifetime of the development and as such it has also not been demonstrated that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

RECOMMENDATION

Recommendation: REFUSE

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

The applicant has undertaken a 'Sequential Test', but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Statement (SHLAA). The SHLAA and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that there is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, within the Local Planning Authority area to meet the housing development needs of the area. An 'Exception Test' (which would include considerations of wider sustainability benefits to the community including for example re-use of a brownfield site, that could outweigh flood risk) should only be applied where such development could not reasonably be sited in Flood Zone 1 and is therefore not applicable. The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and technical guidance to the NPPF.

(2) The proposed flood alleviation scheme includes a flood flow path within privately owned gardens which cannot be maintained over the lifetime of the development and as such it has not been demonstrated that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

(3) Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

Appendix A – Delegated Report to S/2012/1297

Application Reference:	S/2012/1297
Date of Inspection:	21/09/2012
Date site notice posted:	21/09/2012 – expiry date
Date of press notice:	n/a

POLICIES

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:

G1 – Sustainable development
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TR11 – Off street parking spaces
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Adopted South Wiltshire Core Strategy:
Core Policy 3 – Meeting Local Needs for Affordable Housing
Core Policy 5 – Employment Land

Government Guidance:
National Planning Policy Framework (NPPF) March 2012
Technical Guidance to the National Planning Policy Framework

Planning guidance:
Salisbury District Council Design Guide - Creating Places Design Guide

ISSUES

- Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF
- Loss of employment
- Scale, design, residential amenity/living conditions
- Impact to SSSI/SAC/SPA
- Contaminated land
- Protected species
- Highway safety
- Affordable Housing – SWCS Core Policy 3
- Recreational open space – saved policy R2 of Salisbury District Local Plan
- Archaeology

REPRESENTATIONS

Parish Council – Observations made by Councillors and members of the public:
Were developers aware of the well on the site which had previously been used by the Laundry and had this water source been taken into account when planning the houses?
Width between the existing building of The Old Bakery and the new buildings (Plot 2) needed to be sufficient for owners of the property to be able to repair and maintain their premises.

Had consideration been given to the fact that the Old Bakery building was a cob wall and could be adversely affected by building works? Councillors had not objected to the previous plan for smaller houses to be built on the site; there was a greater need for homes for local people. The three large properties would be more likely to attract people from outside the village.

The design of the entrance, with portico and columns was thought to be „over the top“ for a modern village dwelling.

Highways Department – Whilst I have no highway objection in principle to the residential redevelopment of this site, the proposed layout is objectionable on highway grounds as submitted, for the following reasons:

For new development such as this, the „x“ distance at the shared access junction should be 2.4 metres not 2.0m as shown. The width of the new paved footway should be 2.0m in order to provide better general usage and in particular for use by the disabled, and should run along the whole length of The Hollow site frontage.

In respect of the internal layout, the width of the access „throat“ should be at least 4.5m for the first 7 metres of its length and there is insufficient turning space within the site for service vehicles, casual visitors and the allocated space 1c.

I therefore recommend that as submitted, this application be refused on highway grounds for the following reasons:

Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles and pedestrians would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety. Adequate provision has not been made within the site for the parking and turning of vehicles which would lead to vehicles parking or reversing within the highway with consequent risk of additional hazards to all users of the road.

The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with additional hazards to all users of the road.

New Housing - The application does not appear to address the requirement for an affordable housing contribution under Core Policy 3 of the South Wiltshire Core Strategy. In this instance the total contribution required will be £45,465 (3 x 4 bed house at £15,155 per dwelling). This would need to be secured through a S106 agreement, with payment being due on commencement of development.

Environment Agency- Object

We object as we require further work to be undertaken on the flood modelling before we can make an informed decision on the appropriateness of the application:

Flood Modelling

We have reviewed the hydraulic model and hydrology contained within the Flood Risk and Drainage Assessment prepared by RPS (Revision July 4 2012). There is some further work required before we can accept the results and subsequently review the rest of the development proposal detail.

We have forward to the applicant's agent a full review document for their use. A brief summary of what further modelling work is required:

The model will be suitable for assessing flood risk if the following additional work is undertaken

1. Due to the high permeability of the catchment, a precautionary approach should be used for flood estimation. The peak flows should be based on the 95% upper confidence limits from WINFAP-FEH. The RPS report does not state these, but our estimate is that the 100-year peak flow should be in the order of 11 cubic metres per second to adequately represent the uncertainty.
2. The hydraulic model should have the deck and soffit levels of the structure at model chainage 1,192.7m corrected to match the survey (the current deck level is too low).

The corrected model should be re-run with the updated hydrology and the Flood Risk Assessment report also updated.

Contaminated Land

The following information can be sought through a standard contaminated land condition: We have reviewed the Report on a Phase 1 Desk Study J12026/DS and Report on A Ground Investigation J12026 and wish to see clarification on the following points:

- The desk study refers to a “former underground storage tank located in the front yard”. Is this tank still in situ or has it been removed and the remaining soil validated?
- The desk study refers to containers on site. Two stores are referenced outside the main steam laundry building. Were there further stores inside the main steam laundry building? Were empty containers kept near HP1 only or other locations on site?
- Where is the on-site well situated?
- The ground investigation report refers to a historical oil spill. When did it happen, how much oil was lost and was this remediated?
- Was WS1 a targeted or non-targeted sample location? If it was targeted what was the reason?
- The ground investigation report states that a groundwater sample was collected from a tap. Is it possible to sample from the well directly?

The ground investigation report recommends additional work with regards to further testing to establish whether the groundwater has been impacted by the site operations, investigation of existing drainage routes and potential soakaways, and investigating seasonal variation in groundwater. We recommend that this work is undertaken. It should be ensured that the drilling technique chosen does not create a pathway to a lower point in the aquifer.

The report also recommends a “more detailed investigation of the abstraction well and the water treatment process”. We recommend this is done if the tap is to be used to sample groundwater. The ground investigation report states that additional works would be best undertaken following demolition of the buildings. We acknowledge that it may be necessary to demolish the building to allow intrusive investigation of the site. We also note in the report that the well was decommissioning redundant boreholes and wells can be found at:

<https://publications.environment-agency.gov.uk/PDF/GEHO0112BWAU-E-E.pdf>

Natural England – recommend Habitat Regulations Assessment is required for the River Avon SSSI/SAC (to determine whether there is a likely significant effect due to sedimentation impacts during the construction phase and it may be necessary to require the applicant to produce and implement a suitable construction method statement) and the Salisbury Plain SPA to determine whether there is a likely significant effect due to

recreational disturbance impacts on stone curlew. Wiltshire Council has recently started collecting contributions towards a stone curlew mitigation project which will obviate the need for a HRA with respect to the impact of the application on stone curlew. Also recommend that the measures required and recommended to mitigate against the effects of the proposed development set out in section 7 of the ecological report are secured.

Archaeology –The site is in an area of archaeological interest and it lies on the edge of the medieval settlement. The ground investigations demonstrate that there is made ground across much of the site. The latest elements of this are clearly modern, but the lower elements may well be an earlier top and subsoil, which may seal archaeological remains. However, the proposed footprint is similar to the footprint of the existing buildings, which may have had an impact on the potential remains. In addition, trenched evaluation of the site before determination would be problematic due to the existing buildings and the depth of the made ground.

It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out during construction. The applicant should be aware that, if human remains are encountered during the works, they cannot be removed without the appropriate permissions and licences and that this may have an effect upon their programme of works.

Therefore in line with the National Planning Policy Framework (NPPF) and the earlier PPS5 (2010) and PPG16 and Planning (DoE1990) recommend the following condition:

No development shall commence within the area indicated (proposed development site) until A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Further recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

Environmental Health – Contaminated land: The applicants have submitted a soils limited ground investigation and note the content including the recommendations for further investigations at the site. Recommend condition:

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 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 for at least the last 100 years and a description of the current condition of the site 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.

Step (ii) If the above report indicates that contamination may be present on or under the site, 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 have been 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: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

Wessex Water – New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk/developerservices

Please note that from new regulations will require all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for water supply and 01225 526 33 for waste water.

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105A sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of premises in addition to the existing public sewers shown on our record plans. More information relating to this transfer can be found on our website.

It is important to undertake a full survey of the site and surrounding land to determine the local drainage requirements and to contact our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

Wiltshire Fire & Rescue Service – Comments relating to fire safety measures which can be included as an informative.

Reference to developer contributions for hydrants and water supplied for fire fighting and additional or amended fire and rescue service infrastructure - which is not an adopted policy.

Ecologist – Salisbury Plain SAC – Habitat Regulation Assessments for both the South Wiltshire Core Strategy and the draft Wiltshire Core Strategy recognise that housing development in combination with other plans and projects could lead to recreational impact on stone curlew which are a feature of the SPA. Wiltshire Council has prepared a draft paper summarising an agreed approach to address these impacts, which is being used as part of the evidence base to support the Infrastructure Delivery Plan which is due to be examined at EIP this Autumn. Under this scheme contributions will be sought for new dwellings within a certain distance of the SPA towards the Wessex Stone Curlew Project which monitors changes in breeding success of stone curlew and liaises with land managers to modify management regimes to ensure the population at Salisbury Plain continues to thrive.

Until the IDP is approved, contributions are being collected under S106 agreements. However, a minimum threshold of ten dwellings has been agreed before S106 payments are due and therefore this application at the current time is not required to pay a contribution. The total loss of income of all developments of less than 10 dwellings that will be approved before the Community Infrastructure Level has been adopted is not expected to lead to any reduction in capacity of the Wessex Stone Curlew Project. Therefore it can be concluded that this scheme, in combination with other plans and projects, is unlikely to lead to significant impacts on the SPA.

Protected species – the ecological report demonstrates that risks to protected species are low provided some basic precautions are taken and recommend informative to cover these issues.

Biodiversity enhancement – the ecologist report gives recommendations for suitable biodiversity enhancements for this site including bat boxes, artificial swallow nests, areas of amenity grassland and recommend condition to agree these details.

River Avon SAC – the development site is contiguous with the SAC and is therefore at risk during the duration of the construction works. In addition the contaminated ground investigation found the site was contaminated with a number of contaminants, within 2 metres of the river and that further work is required before construction work can begin. The presence of water in the River Till this autumn demonstrates that groundwater levels are currently high enough to be encountered during construction and therefore there is a potential pathway linking contamination with the SAC.

The protection of the SAC is not mentioned in any of the supporting documentation to support the application there is insufficient information to be able to conclude no likely significant effects on the River Avon. Suggest that a construction method statement is submitted which identifies all of the risks to the River Avon and identifies the measures that will be taken to avoid these during the demolition, decontamination, and construction stages of development. This can then be conditioned.

In addition the further contamination land studies and remediation will need to be covered by condition.

5 Third party representations summarised as follows:

- Development will enhance the area which has become an eyesore and improve the aesthetics of this part of the village
- Will reduce the small risk of flooding to surrounding properties.
- Will provide high quality housing for surrounding businesses.

- Plot 3 will directly overlook the garden and patio areas of Mill House and the height will block out sunlight during the morning. Suggest position is altered to be closer to the road to reduce intrusion on privacy.
- Reduction in number of dwellings to 3 will reduce vehicular traffic to and from the site and ensure that all related parking is accommodated
- Photographs included in the application show the stream at its lowest water level; the atypical water pattern of the recent summer may present a very different scenario for winter water levels as the base level is much higher and query if this unusual situation has been factored into calculations
- Query whether the discontinuation of the laundry drawing large volumes of water for on-site use from the well has been factored into the calculations of flood risk.
- Columns featured on the porches of plots 2 and 3 are out of keeping for this village location where only a couple of grander houses in the village include columns.
- Welcome proposed pedestrian footpaths along the northern and eastern edges easing progress for pedestrians and improving visibility for turning traffic.
- Concern about surface water drainage which needs to take into account flow that collects along eastern boundary of site including means of collecting this flow, in addition to the porous surface of the parking area
- Query if sufficient space is left between the southern wall of plot 2 and the north wall of The Old Bakery to carry out on-going maintenance and repairs and new provision will be need to be agreed for water from the roof of The Old Bakery which currently flows down a pipe onto the roof of the laundry building.
- Concern over potential damage and inconvenience to adjacent properties/gardens during demolition and construction stages.
- The south elevation of the Laundry building and a low wall topped with panel fencing 2.4m high forms the boundary between Winterbourne House and the site. Only a 1.8m high replacement fence is proposed.
- Windows/openings on the north and NW elevations to Winterbourne House need to be considered. Overlooking from first floor window from plot 3 and new properties. Previous design and access statement referred to need for any elevation facing Winterbourne House to be 20m away and should windows be proposed above 1st floor these should be rooflights.
- Loss of employment land to residential. Shrewton residents have few employment opportunities and local businesses (mostly offered by local amenities) are nominal and approx 1000 residents are forced to commute to work from Shrewton. The objector has been seeking business premises for past 5 years and the hairdressing salon on High Street has had to divide floor space within another local business.
- Employment opportunities in Shrewton have been reduced by 14 since the closure of the business (application form only states 3 full time employees).
- Shrewton has limited bus services limiting employment to non-driving Shrewton residents.
- Precedents in the statement from Myddelton & Major are not comparable to Shrewton.

- Premises are not suitable for employment use in their current state, but there is a clear requirement for more employment opportunities in the village.
- Dwellings are imposing luxury houses not in keeping with the outlook of the village or serve the needs of local people.
- Application makes no contributions towards affordable housing.
- Flood risk assessment is flawed as it is based on guesswork there is no gauged flow data for the River Till in the vicinity of the site or within the catchment□.
- There is a flood marker at the boundary of the proposed development which shows a flood height roughly equal to the ceiling height of the ground floor of the adjacent property.

ASSESSMENT:

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

Planning permission was refused for the erection of 8 dwellings on the site under S/2011/1620. The delegated report is attached at appendix A. The reasons for refusal included that the proposal was contrary to guidance in PPS25 (now replaced by the National Planning Policy Framework).

The residential nature of the proposal is classified as a „more vulnerable□ form of development by table 2 of the technical guidance to the NPPF. Paragraph 5 of the Technical Guidance to the National Planning Policy Framework confirms the earlier guidance from PPS25 that only if there are no reasonably available sites in flood zone 1 can you then consider the flood vulnerability of the proposed development in locating development in flood zone 2 and then flood zone 3. An Exception Test□ should only be applied where such development could not reasonably be sited in Flood Zone 1.

With the exception of a small section of the site adjacent to the road which is in flood zone 2, the rest of the site is located within flood zone 3 and therefore residential development should not normally be permitted on the site as a matter of principle. Only where the Sequential Test has shown that there is no reasonable alternative site that could be developed should a site in a higher risk zone be permitted.

On the 14th October 2011, the Council's South Wiltshire Core Strategy (SWCS) was found “sound” by the Inspectorate and was formally adopted on 7th February 2012 and now forms part of the development plan for South Wiltshire.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

“The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas.

All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.

The applicant has undertaken a sequential test, but this has only considered sites put forward in the Parish of Shrewton in the SHLAA and not the whole of the local planning authority area with no special justification to reduce the geographical area of search. The applicant's consultants have considered this site against all of these SHLAA sites in Shrewton and have concluded that *„of those sites within the parish potentially able to deliver the required level of development, none are more preferential in flood risk terms.*

However, as the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1 within the Local Planning Authority area; there is no need consider sites outside of flood zone 1 and the "Exception Test" is therefore not applicable. This stance has been supported at appeal in Middleton Road (planning application reference S/2009/1291) where the Planning Inspector concluded that there were sufficient alternative sites within Flood Zone 1 to accommodate residential development.

The agent has raised concern that *„the Council may be overlooking the fact that the site is a vacant site in the centre of a village that is fast becoming derelict. It is therefore a brownfield site; one which we are aware is likely to become an eyesore to the local community..*

The Flood Risk and Drainage Assessment submitted with the application concludes: *“the site is considered to successfully apply and pass the exception test”* but as previously stated the exception test is not applicable.

The NPPF and the recently adopted SWCS are the most up-to-date policies on flooding and in particular application of the sequential test. These are clear that sites in flood zones 2 and 3 should not be developed ahead of all the other sites in flood zone 1.

Notwithstanding the „in principle" objection to housing on the site; the previous application was also refused on insufficient information grounds:

(6) Insufficient information has been provided to demonstrate that the proposal won't exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in PPS25.

The environment agency have objected to this application on the same flood risk grounds as they require further work to be undertaken on the flood modelling before they can make an informed decision on the appropriateness of the application and the same reason for refusal should be included (updated to refer to the NPPF).

Loss of employment land

The previous use as a laundry business (B1/B2 use) has relocated to Old Sarum Industrial Park. The design and access statement explains that the business provided employment to 7 residents of Shrewton (of which 4 relocated) and 7 employees from outside Shrewton.

Policy E16 of the Salisbury District local plan has been replaced by Core Policy 5 of the South Wiltshire Core Strategy.

The supporting text to the policy states *„achieving the economic objectives for South Wiltshire depends on protecting and enhancing existing employment sites. The Core Strategy seeks to protect south Wiltshire's most sustainable and valued employment*

areas by applying policies to favour employment on these sites. It does recognise that on some of these employment areas there are strong redevelopment pressures for other uses, notably residential and retail.

Core Policy 5 includes that it must be shown that the site is no longer viable for its present or any other employment use with evidence that it has remained unsold for a substantial period of time.

The design and access statement refers to an assessment of the suitability of the site for alternative uses which concludes that

“within the context of the immediate locality, the wider market within the Community Area and the former Salisbury District Council’s 2007 Employment Land Review and that the site is strategically unimportant and that the current level of business space is the highest since records began in the early 1990s. The marketing of the site has continued since July 2010 with no success.”

The design and access statement summarises that „it is considered that the redevelopment of the site for non-employment uses would accord with the requirements of core policy 5 for the following reasons:

- Continued B2 uses would be unneighbourly given the high number of residential properties in the vicinity;
- B8 uses would not be appropriate for the site in terms of operational requirements, accessibility and neighbourliness;
- The existing demand for employment premises, including office use, is being adequately provided for by new large development, particularly Solstice Park;
- The existing premises are no longer viable for reuse as a laundry and conversion or redevelopment costs for other uses would be unduly prohibitive.

Whilst it is accepted that the site is in a residential area, where considerations of impact to neighbours from alternative employment uses on the site would be particularly important, that isn’t to say an alternative employment use would have adverse impact.

The design and access statement refers to a more detailed assessment by Myddelton & Major chartered surveyors and estate agents. This provides details of marketing of the site explaining that in 2010 the steam laundry was put into voluntary liquidation and marketing was undertaken including circulation of marketing particulars in June 2010; marketing boards on the High Street frontage; an advertisement in the local press on 22nd July 2010; and web marketing. The property remained on the market until it was sold in November 2010 and that

“during the marketing period there was one enquiry from a quasi retail showroom/employment user who was considering relocation within South Wiltshire, but rejected the property due to its physical condition. All other enquiries and viewings were undertaken by residential property developers”

The planning department normally advises that marketing should be for a period of 6-9 months and involve:

- Offer of the site for sale on a freehold basis or for the lease of the site without restrictive clauses.

- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals, websites and appropriate advertising boards.
- Clear recording of the marketing undertaken and details of the respondents, which are capable of verification if required.

The site has not been marketed since it was sold in November 2010 and whilst Myddelton & Major state “

“in the intervening period since the property was sold 18 months ago, market conditions have deteriorated and there are no new factors which alter our conclusion that this property is no longer viable for business/industrial use” there is no up-to-date marketing evidence to support this and third party representations suggest that there is a demand for employment use of the site. It is considered that insufficient information has been provided to demonstrate that the site is no longer viable for employment uses.

Scale, design, impact to residential amenity/living conditions

Local planning authorities are expected to give preference to the development of brownfield as opposed to greenfield sites and policy G1 promotes the efficient use of land.

Policy H16 will apply, where the principle of new small-scale development and redevelopment is established as acceptable subject to various criteria and policies contained within the development plan.

Policy D2 in particular states that proposals for street and infill development will be permitted where the proposals respect or enhance the character or appearance of an area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Objective 16 of the Council's Design Guide states (page 67) also refers to the need for new development proposals to exhibit *„How the new dwelling(s) will relate to the context and to each other to create a particular place”*.

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers.

The NPPF's Core Planning Principles (para 17) includes that planning should *„always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

The design and access statement refers to „

“the removal of the industrial buildings and their replacement with residential units would be expected to result in a net benefit to the character and appearance of the local townscape and to the amenities of existing neighbouring residential properties” and recognises *„it is nevertheless important to consider the physical form of the surrounding properties in relation to the proposed development to ensure that the resulting scheme has at least a neutral effect, or preferably, a net improvement to residential amenities.”*

Residential amenity refers to the quality of residential areas and the value to local residents and 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.

There are two parts to the assessment of this scheme on residential amenity. Firstly, the likely impacts on occupiers of the new dwellings, and the likely impacts on adjacent amenities surrounding the site.

The proposed layout has a central driveway between plots 1 and 2 to access parking areas and plot 3 to the rear of the site. As the vehicular access is between plots 1 and 2, noise and disturbance from use of the shared driveway must be considered; although these plots have been designed with limited windows on the north and south elevations to limit potential disturbance.

Objections have been raised to overlooking and overshadowing from the proposed dwellings to Winterbourne House and Mill House, with particular concern regarding plot 3 to the rear. Plot 3 has bedroom windows at first floor on the west elevation and an en-suite bathroom window at first floor on the south elevation. It is possible to condition that the en-suite bathroom window is obscured glazed and to restrict any additional windows being added to the south elevation, such that it is not considered that Winterbourne House would be unduly affected.

With regard to the impact to Mill House, plot 3 is marked on the layout plan to be 14.029m from the west boundary of the site. Mill House is also separated from the site by the river and there is close boarded fencing to the east boundary of the garden of Mill House. Taking into account this separation, it is not considered that the proposed development will unduly affect Mill House.

2- 8 Hindes Meadow are single storey bungalows opposite the site with south facing gardens and approximately 2m high wall to the road. Nos 3 and 4 sundial cottages to the north of the site are two storey with front gardens/driveways to the south. Subject to restricting additional windows being added to the north elevation of plot 1 it is not considered that these dwellings will be unduly impacted upon.

Concerns have also been raised with regard to the impact to The Old Bakery due to the proximity of the existing buildings and proposed plot 2 to the boundary and in particular the discharge of surface water which currently discharges into the site from The Old Bakery and potential impact to the cob walls of The Old Bakery; these are civil issues although they may be covered under the Party Wall Act and Building Regulations.

Objections also refer to the south boundary treatments which vary between a 1.8m high close boarded fence (replacing the existing elevation of the laundry building) and 2.4m high fence above a low wall and possible damage to adjoining gardens during demolition/construction works. Again potential damage is a civil issue - although the grant of planning permission does not override any private property rights.

With regard to the boundary treatments, the 1.8m high fence will screen the ground floor of plot 3 from Winterbourne House and subject to conditioning that the first floor en-suite bathroom window is obscured glazed and restricting any additional windows being added to the south elevation; it is not considered that Winterbourne House would be significantly impacted upon by the resultant development.

The site occupies a corner position which is particularly prominent within the street scene. Concerns have also been raised to the design of the proposed dwellings including that they are not in keeping with the more modest character of dwellings in the area and the columned porches to plots 2 and 3 in particular are out of keeping.

The general design of the proposed buildings with plots 1 and 2 having hipped roofs and double fronted with central entrances are considered to reflect the characteristic vernacular along the principal routes through Shrewton.

The application includes street scene elevations with the outline of the existing buildings shown including that of the corner building which has been demolished. This illustrates that the scale of the proposed dwellings are comparable to the previous corner building and Sundial Cottages opposite.

It is proposed to construct the dwellings with brick walls under clay tile roofs. Whilst the majority of dwellings are of render elevations under slate roofs; there are examples of brick/painted brick and clay tile in the area.

Notwithstanding the „in principle“ objection on flooding grounds to residential redevelopment of this site; it is considered that overall, the development will not significantly unduly impact upon neighbouring properties and will be appropriate to the character and appearance of the area.

Impact to SSSI/SAC and SPA

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest and Special Area of Conservation. This site has protection under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994 require that the significance of any potential effect on the qualifying interest of the SAC is fully assessed before an application can be determined.

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England's advice, other consultation responses and any other information available, the local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSIs, including the River Avon system SSSI. The Site is designated because of the 6 habitats and species it contains (floating vegetation, sea and brook lamprey (fish), atlantic salmon, bullhead (fish), and Desmoulins whorl snail).

The Habitats Directive applies the precautionary principle to SACs. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question.

Natural England had advised that a Habitats Regulation Assessment is required to determine whether there is a likely significant effect on the SAC from possible sedimentation impacts during the construction phase and that it may be necessary to require the applicant to produce and implement a suitable construction method statement.

An ecological assessment was submitted as part of the application documentation which recommends that the river should be protected from disturbance during the construction works on site through the addition of appropriate fencing along the site boundary to create a buffer zone to minimise disturbance. However, this doesn't provide specific details to demonstrate that the SAC will be protected from access, litter and liquid sources of pollution during the entire construction period.

There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

Reference has also been made to the Salisbury Plain Special Protection Area and stone curlew; although the council's ecologist has confirmed that the scale of the development proposal under 10 dwellings is unlikely to lead to significant impacts on the SPA.

Contaminated Land

A phase 1 desk study and Report on a Ground Investigation have been submitted as part of the application documentation. The council's contaminated land officer has raised no objections subject to conditioning the recommended additional work outlined in the report. The Environment Agency has also raised a number of queries but have confirmed that these could be addressed in a similar condition.

Protected Species

The ecological assessment includes details of a survey for protected species, which confirms no protected mammal, plant or invertebrate species were found to be present on site. No evidence was found for use of any of the buildings by bats; although the buildings were considered to have the potential to support bats and the site contains habitats with the potential to support nesting birds. The council's ecologist supports the recommended mitigation measures which could be conditioned.

Highway Safety

The Highways Officer has advised that the „x“ distance at the shared access junction should be 2.4 metres not 2.0m as shown. The width of the new paved footway should be 2.0m in order to provide better general usage and in particular for use by the disabled, and should run along the whole length of The Hollow site frontage.

In respect of the internal layout, the width of the access „throat“ should be at least 4.5m for the first 7 metres of its length and there is insufficient turning space within the site for service vehicles, casual visitors and the allocated space 1c. The highways officer has recommended the application for refusal.

Affordable Housing

Paragraph 50 of the NPPF states:

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

●● *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*

●● *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*

●● *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.*

The application will trigger an affordable housing contribution of £12,882 as per Core Policy 3 of the South Wiltshire Core Strategy. This policy requirement is noted in the design and access statement accompanying the planning application.

The Council's Affordable Housing Economic Viability Study 2009 formed part of the evidence base for the formulation of Core Policy 3 and consequently has been subject to public scrutiny as part of the core strategy adoption process.

It will be necessary to include a reason for refusal relating to Core Policy 3 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a S106 agreement to make the relevant contribution.

R2

The scheme relates to the creation of new residential development and in order to comply with the requirements of saved policy R2 of the local plan, applicants are required to enter into a S106 agreement and provide a commuted financial payment towards recreational facilities.

Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The R2 financial payment consists of a capital sum, which is used to purchase new recreational equipment or improve an existing facility, and a 5% administration charge.

A financial payment is required per dwelling and also varies depending upon the number of bedrooms in each dwelling.

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, it will be necessary to include a reason for refusal relating to policy R2 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a S106 agreement to make the relevant contribution.

Archaeology

The council's archaeologist has advised that the site is in an area of archaeological interest and lies on the edge of the medieval settlement of Shrewton. The existing development on the site may have had impact on potential remains, but may also seal lower archaeological remains that could be disturbed by the proposed development.

Whilst saved policy CN21 of the local plan states that where an application may affect a potential site of archaeological interest, the local planning authority will request an archaeological evaluation to be carried out before the planning application is determined, the council's archaeologist has advised that trenched evaluation of the site before determination is problematic due to the existing buildings and depth of made ground on the site. As such the archaeologist has recommended a condition if the application were approved to require a written programme of archaeological investigation to be agreed.

Other issues

The agent is aware of the objections to the application and has requested that the application exceeds the 8 week statutory determination period aiming to overcome these.

Once planning applications are formally submitted the local planning authority has very little scope to negotiate amendments due to the statutory deadlines for the applications; which is why the local planning authority recommends that applicants/agents use the pre-application advice procedure which identifies issues with proposals which may be addressed before the submission of a formal application.

Whilst it may be possible to resolve some of the objections with amended plans/further information; the proposal will still be unacceptable in principle as the site is located within flood zones 2 and 3. Therefore the local planning authority sees no reason to exceed the 8 week statutory handling deadline.

RECOMMENDATION: REFUSE

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

The applicant has undertaken a sequential test, but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Statement (SHLAA). The SHLAA and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that there is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, within the Local Planning Authority area to meet the housing development needs of the area. An 'Exception Test' should only be applied where such development could not reasonably be sited in Flood Zone 1 and is therefore not applicable.

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

(2) Insufficient information has been provided to demonstrate that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

(3) Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

(4) Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(5) Adequate provision has not been made on the site for the parking and turning of vehicles in a satisfactory manner, which would lead to vehicles parking or reversing within the highway with consequent risk of additional hazards to all users of the road, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(6) The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with additional hazards to all users of the road, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(7) The proposed development does not make provision for off -site affordable housing and is contrary to Core Policy 3 of the Adopted South Wiltshire Core Strategy.

(8) The proposed development does not make provision for off-site public recreational open space facilities and is contrary to saved policy R2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

INFORMATIVE

1. It should be noted that the reason given above relating to saved policy R2 and Core Policy 3 of the Adopted South Wiltshire Core Strategy could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to recreational open space provision and affordable housing.

Application Reference: S/2011/1620
Date of Inspection: 11/1/2012
Date site notice posted: 11/11/11 – expiry date
Date of press notice: n/a

POLICIES

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy:

G1 – Sustainable development
 G2 – General Criteria for development
 D2 – Infill development
 H16 – Housing Policy Boundaries
 R2 – Open space provision
 E16 – Employment
 TR11 – Off street parking spaces
 TR14 – Cycle parking
 C6 – Special landscape area
 C18 – Development sites bounded by watercourses
 CN21 – Archaeology
 C12 – Protected species

Draft South Wiltshire Core Strategy:
 Core Policy 3 – Meeting Local Needs for Affordable Housing
 Core Policy 5 – Employment Land

Government Guidance:
 PPS25 – Development and Flood Risk
 PPS25 Development and Flood Risk - Practice Guide
 PPS23 – Planning and Pollution Control
 PPS3 – Provision of affordable homes
 PPS1 – Sustainable development
 PPS9 – Biodiversity & Geological Conservation
 Circular 06/2005 – Biodiversity and Geological Conservation

Planning guidance: Salisbury District Council Design Guide - Creating Places Design Guide

ISSUES

- Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of Planning Policy Statement 25 „Development and Flood Risk“ (PPS25)
- Loss of employment
- Scale, design, residential amenity/living conditions
- Impact to SSSI/SAC
- Protected species
- Highway safety
- Recreational open space – saved policy R2 of Salisbury District Local Plan
- Affordable Housing – SWCS Core Policy 3
- Archaeology
- Contaminated land

REPRESENTATIONS

Orcheston Parish Council – No comment

Shrewton Parish Council –

- The new development has not made full use of improving the visibility on the corner.
- In general appreciate the improvement to the area but the plans must reach their full potential to improve the location for the benefit of all the villagers.
- Queries over design and access statement:
- Is River Till a SSSI
- There is no direct bus link to Amesbury from Shrewton
- Vehicle movements may not reduce. Consider that traffic levels have increased
- Concern about visibility sightlines at the corner- property on the corner may need realignment
- Unclear about exact location of railings
- Concern access will be used as a shortcut, request for pavements and road to be adopted by highways
- Query if street lighting is proposed
- Shrewton also has a social club
- Query if there are any plans for social housing
- Query if footway will be publicly accessible
- Suggest ramps at each end of footpath
- Question if wall by the river has been assessed for strength to carry the weight of the development

Archaeology –

The site is in an area of archaeological interest and it lies on the edge of the medieval settlement. The ground investigations demonstrate that there is made ground across much of the site. The latest elements of this are clearly modern, but the lower elements may well be an earlier top and subsoil, which may seal archaeological remains. However, the proposed footprint is similar to the footprint of the existing buildings, which may have had an impact on the potential remains. In addition, trenched evaluation of the site before determination would be problematic due to the existing buildings and the depth of the made ground.

It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out during construction. The applicant should be aware that, if human remains are encountered during the works, they cannot be removed without the appropriate permissions and licences and that this may have an effect upon their programme of works.

Therefore in line with PPS5 (2010) and the earlier PPG16 and Planning (DoE1990) the following recommendations are made: Recommendation Full condition.

No development shall commence within the area indicated (proposed development site) until A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Further recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

Wiltshire Fire & Rescue Service – comments relating to fire safety measures which could be added as an informative

Environment Agency- We are responding to emailed correspondence of 28 November, 01 and 05

December 2011, as received from Stephen Young of Pro Vision Planning & Design. The supply of this correspondence and the supplementary modelling data that is attached is regarded as additional information, submitted in response to our original consultation (ref: WX/2011/119924/01) and objection to this proposal.

Flood Risk

Whilst we acknowledge that further information and discussion has been supplied in respect of the relevant functional floodplain (flood zone 3b) and estimated increases in flood depths, we wish to **maintain our objection** to this proposal.

We reiterate our concerns in respect of the proposed bypass culvert and confirm that a blockage scenario should be modelled and presented for our consideration. In addition we confirm that all responsibility for the maintenance and operation of such third party assets as the proposed culvert and associated inlet structure would remain with the developer and / or any management company that may be established for this development.

We would not support a development proposal that exacerbates flood risk or is supported by modelling outputs that indicate a worsening of flood depths or flooding to property or infrastructure. Whilst we note that the estimated increases in water depths are said to range between 20-30mm, such worsening cannot be offset by the sensitivities of the modelling work.

Modelling

We have the following detailed comments to make with regard to the supporting Flood Risk Assessment (FRA) and hydraulic modelling that has been supplied.

The FRA contains no discussion regarding the absence of flow gauges within the relevant catchment area. Equally the generation of the necessary Qmed value and growth factors is only briefly discussed.

We note that the pooling group has been reduced from a record length of 1200 years to 500 years without any outline as to why certain stations have been removed.

The details provided do not explain how the relevant hydrograph has been established. This would usually be through the use of the ReFH method. Additionally this method could have been used as a further check of the 1000 year flood estimate.

It is understood that MIKE model files and relevant sensitivity test results have been submitted within Appendix H of the FRA supplied. However we have been unable to access this data, and are unable to verify the 'delta' value of 0.85 or the wave approximation setting. We note that the building footprints have been raised to 99mAOD within the FRA. An alternative to this approach would have been to use an approximate wall height of 200m/300m, to represent notional threshold levels. Any flood level above this value would enter the properties and give a better indication of actual flooding. Raising walls to an arbitrarily high value means there will not be property flooding while flood levels continue to rise elsewhere on the site. Showing the pure model outputs on a map in this way, rather than mapping the extents, can indicate that properties are not flooding.

The attached guidance documents offer guidance to assist the applicant in respect of the relevant modelling and flood flow estimation. Document 379_05 relates to the development of hydraulic models, whilst document 197_08 relates to hydrological analysis.

For further clarification of our comments in respect of the relevant modelling work, we suggest that the applicant liaise directly with Richard Coombes of our Data Management team, on 01258 483389.

However, for more general guidance in respect of the flood risk implications of this proposal the applicant should refer to our Development & Flood Risk Engineer in this matter: Gary Cleaver on 01258 483434.

Flood Defence Consent

In addition to the above we highlight that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Till, designated main river. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact our Development & Flood Risk Officer, Daniel Griffin on 01258 483351.

Environmental Health

Contaminated land: Happy with the methodology employed and the conclusions made in the Ground investigation report. Will require further information in lieu of the conclusions made in section 6.9 of the report.

Recommend Environment Agency are consulted and in particular groundwater protection team

Public protection

No adverse comments

Wessex Water

New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk/developerservices

Please note that from 1st April 2012 all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for water supply and 01225 526 33 for waste water. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105A sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of premises in addition to the existing public sewers shown on our record plans.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage requirements and to contact our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

Highways Department

The layout of the proposed development would perpetuate the existing sub-standard layout in terms of its access arrangements, restricted visibility and restricted turning radius at the High Street/The Hollow road junction.

In Section 5.22 of the submitted Design and Access Statement, details are given of the eye height of a seated car driver together with ground levels and raised footpath levels in order to demonstrate that sufficient forward visibility is provided for emerging vehicles. This doesn't, in my view, take into account the proposed railing on top of the footway, which would seriously restrict visibility from and of drivers at the site exit. The junction is also sub-standard in terms of its minimum kerb radii and restricted visibility at the north-western corner of Plot H1, particularly in respect of its use by pedestrians.

Section 3.10 of the Transport Statement refers to Drawing No. 3821.001 which shows the swept path of a refuse vehicle leaving the site in an easterly direction only. This movement would not be possible for a large vehicle wishing to turn left out of the site and could lead to excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the road.

At the eastern end of the site access, it is considered that the use of the proposed visitor parking space is impracticable and potentially hazardous. The doors of a car parked in this space would open directly onto the High Street carriageway and furthermore, in my view, drivers would be unlikely to follow the „one way“ arrangement when leaving the site. A car parked in this space would also obstruct visibility for users of the proposed footway immediately to the north of it, against the interests of highway safety.

In my view the presence of parked vehicles as proposed would inhibit access to the rear of the proposed dwellings, including access to the refuse and cycle storage sheds. This could lead to vehicles parking away from the parking spaces shown and thereby restrict the available vehicle manoeuvring area.

For the above reasons I recommend that this application be refused and would summarise the grounds of refusal as follows:

1. Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety.
2. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.
3. The horizontal alignment of the proposed access layout is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the public highway.

Ecologist

Salisbury Plain SAC - Natural England has confirmed that it does not expect increased recreational visits arising from the core strategies to lead to significant effects on the Salisbury Plain SAC features.

River Avon SAC – A judgement of likely significant effects for the SAC has been completed. Whilst conditions could be added to require the developer to provide a surface water drainage scheme and details of water conservation measure; the application should be refused as there is insufficient information provided to be able to conclude there will be no likely significant effects. The developer needs to provide a more detailed construction method statement to provide some assurance that the SAC will be protected from access, litter, liquid sources of pollution during the entire construction period.

Protected species - The ecological report demonstrates that risks to protected species are low provided some basic precautions are taken. Recommend informative to cover these issues. Biodiversity enhancement – The ecology report gives recommendations for suitable biodiversity enhancements for the site to meet the policy requirements of PPS9 including incorporating bat boxes into the fabric of some dwellings, artificial swallow nests in bin stores, and sowing areas of amenity grassland with a native wildflower mix. No information is provided to show the location and design of such features. Sheds will be used as bin stores and as these are not open, will not be suitable for swallow nests. The eaves of the side elevations of houses 1,2 and 3 could be suitable for swallow cups, otherwise bird brick for other species could be included here, or bat tubes. These details could be obtained through condition.

Natural England

Recommend Habitat Regulations Assessment is required for the River Avon SSSI/SAC and Porton Down SPA, and a construction method statement

Conservation

The proposals would have a very limited impact on the setting of the nearest listed building, Whiteways, and the others further to the south of the site but concerns raised that development does not turn the corner in built form and leaves the rear and parking areas open and more visible to the High Street. Query why hipped roof used on otherwise symmetrical terrace with gable roofs?

New Housing

The current application is suggesting 8 open market homes. However, in line with Core Policy 3 of the South Wiltshire Core Strategy we will require 25% of the total homes being built to be provided as affordable homes. This equates to 2 units.

There is sufficient housing need in Shrewton to support our request for the affordable housing. There are currently 20 applicants on the housing register who are classed as being in housing need, and who are asking for Shrewton as their first area of choice. In addition there are applicants in housing need who are asking for Orcheston and Tilshead and who are likely to also be interested in Shrewton due to the lack of affordable housing available in either of those villages. This is just the minimum need identified. Based on the needs data we have, I would suggest that the affordable homes provided on site should be 2 x 2 bed house. This could either be 2 x rented homes, or 1 x rent and 1 x shared ownership, although this can be agreed at a later date.

All affordable homes should meet Code for Sustainable Homes Level 3 and there will be minimum size standards to be achieved. I would recommend that the applicant contacts one of our partner housing associations to establish a price that they could pay for the affordable homes and to discuss other requirements. A list of our partner housing associations is attached. Those who are most active in development in South Wiltshire are Spectrum, Synergy, Radian, Raglan and Aster. Wilts Rural HA and Hastoe HA do also specialise in smaller rural schemes, although any of them on the list can be approached.

We will only consider an off-site contribution where there are exceptional circumstances. In this instance we wish to see affordable housing provided on-site as there are no other potential sites coming forward in that area which could deliver affordable housing for the need that has been identified.

I would therefore have to raise an objection to the current application due to the lack of affordable housing provision.

4 Third party representations summarised as follows:

- Overdevelopment of the site (size of land and corner site)
- Insufficient off street parking proposed – will add to traffic congestion (previous developments have lead to increased on street parking/obstruction)
- Road safety - Additional traffic would be highway hazard
- Concern that bats occupy the buildings proposed to be demolished
- Concern about obstruction to traffic during demolition/construction works
- Concern about surface water drainage which needs to take into account flow that collects along eastern boundary of site

Assessment

Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of Planning Policy Statement 25 'Development and Flood Risk' (PPS25)

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to guide development away from areas at high risk and to ensure that the most vulnerable development is located in areas of lowest flood risk.

PPS25 acknowledges climate change and the likelihood that sea levels will continue to rise over forthcoming decades. As a consequence, PPS25 expands on the objective of Planning Policy Statement 1 "Sustainable Development" (PPS1) in relation to how planning should facilitate and promote sustainable patterns of development, avoid flood risk and accommodate climate change.

The precautionary approach adopted by PPS25 is that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should they consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses (the sequential test) and applying the exception test if required.

The residential nature of the proposal is classified as a „more vulnerable“ form of development by Annex D of PPS25 which identifies that an „Exception Test“ should only be applied where such development could not reasonably be sited in lower risk flood zones. The „Exception Test“ is therefore not applicable in this instance.

The site is located within Flood Zones 3 and 2 and therefore residential development should not normally be permitted on the site as a matter of principle. Only where the Sequential Test has shown that there is no reasonable alternative site that could be developed should a site in a higher risk zone be permitted.

Paragraph 4.36 of PPS25 explains that „PPS25 requires the application of the sequential test to all planning applications in flood risk areas, including those on previously developed land, unless the area or site has already been allocated through a sequential test informed by a SFRA.“

Paragraphs 4.25 and 4.27 of PPS25 make it clear that the onus for undertaking the sequential test is on the developer: „it is the responsibility of the developer to assemble to evidence for their application to allow the local planning authority’s planning officer to carry out the sequential test. “The design and access statement states at paragraph 4.34 „ it is important to remember in this respect that the application site lies within the long established settlement boundary for Shrewton. It may therefore be concluded that considerations undertaken by Wiltshire Council (and its predecessor bodies) is such that the site passes the Sequential Test.□

The site is within a Housing Policy Boundary, but housing policy boundaries have not been sequentially tested. The applicant has not undertaken a Sequential Test. Paragraph 4.30 of PPS25 explains that “reasonably available alternative sites can be identified from evidence based documents which feed into the development of the Local Development Documents e.g. Strategic Housing Land Availability Assessments.□

On the 14th October 2011, the Council’s South Wiltshire Core Strategy was found “sound” by the Inspectorate. As a result, from that date, the draft policies within this document now carry significant weight in the determination of planning applications. Shrewton is within the Amesbury Community Area identified in the SWCS. The SWCS (pg 99) refers to the Strategic Housing Land Availability Assessment, stating that at least 2395 new homes will be provided to meet the needs of the Amesbury Community Area over the lifetime of the strategy.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

“The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.□

The applicant has not demonstrated that the site should be brought forward for development ahead of other housing in safer areas. As the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1, there is no need consider sites outside of flood zone 1. This stance has been supported at appeal (an appeal decision is attached at Appendix C where the Planning Inspector concluded that there were sufficient alternative sites within Flood Zone 1 to accommodate residential development which would not undermine the objectives of PPS25 and other policies aimed at minimising flood risk). As a matter of principle, the proposal is in conflict with the provisions of PPS25.

The Environment Agency has also objected that the Flood Risk and Drainage Assessment and modelling outputs fail to demonstrate that the proposal won’t exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure (explained in the Representations section of the report). This should form an additional reason for refusal.

Loss of Employment Land

The previous use as a laundry business (B1/B2 use) has relocated to Old Sarum Industrial Park. The design and access statement explains that the business provided employment to 7 residents of Shrewton (of which 4 relocated) and 7 employees from outside Shrewton.

Saved Policy E16 of the Salisbury District local plan states that on land allocated or currently used for employment purposes, the construction, change of use or redevelopment for other purposes will only be permitted where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities unless the land or premises are no longer viable for an employment generating use and/or where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that outweigh the loss of local jobs.

The South Wiltshire Core Strategy proposes to replace saved policy E16 of the Salisbury District Local Plan by Core Policy 5 – Employment Land. The policy wording of E16 has been amalgamated into Core Policy 5, and expanded:

Core Policy 5 - Employment Land

Permission will not be granted for development of land or buildings previously or currently used for, or allocated for, activities falling within Use Classes B1, B2 or B8, unless it can be demonstrated that:

- i) the proposed development will generate the same number or more jobs than could be expected from the existing use, or any potential employment use; or
- ii) where the proposal concerns loss of employment land of more than 0.25ha within Salisbury city or the settlements of Amesbury, Downton, Mere, Tisbury or Wilton, it is replaced with employment land of similar size elsewhere in that settlement; or
- iii) it can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment use on a greater part of the site, providing the same number or more jobs than on the original whole site; or
- iv) the site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area; or
- v) there is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy, both currently and in the long term; site appraisal criteria, as provided by the Employment Land Review, must be applied and an objective assessment made of the sites potential contribution to the economy, in line with other sites in the area; it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time, following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

The supporting text to the policy states „achieving the economic objectives for South Wiltshire depends on protecting and enhancing existing employment sites. The Core Strategy seeks to protect south Wiltshire’s most sustainable and valued employment areas by applying policies to favour employment on these sites. It does recognise that „on some of these employment areas there are strong redevelopment pressures for other uses, notably residential and retail.“

Core Policy 5 includes that it must be shown that the site is no longer viable for its present or any other employment use with evidence that it has remained unsold for a substantial period of time.

The design and access statement summarises that „it is considered that the redevelopment of the site for non-employment uses would accord with the requirements of policy E16 for the following reasons:

- Continued B2 uses would be unneighbourly given the high number of residential properties in the vicinity;
- B8 uses would not be appropriate for the site in terms of operational requirements, accessibility and neighbourliness;
- The existing demand for employment premises, including office use, is being adequately provided for by new large development, particularly Solstice Park;
- The existing premises are no longer viable for reuse as a laundry and conversion or redevelopment costs for other uses would be unduly prohibitive.

Whilst it is accepted that the site is in a residential area, where considerations of impact to neighbours from alternative employment uses on the site would be particularly important, that isn't to say an alternative employment use would have adverse impact and no evidence has been provided of marketing of the site for alternative employment uses.

The planning department normally advises that marketing should be for a period of 6-9 months and involve:

- Offer of the site for sale on a freehold basis or for the lease of the site without restrictive clauses.
- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals, websites and appropriate advertising boards.
- Clear recording of the marketing undertaken and details of the respondents, which are capable of verification if required.

Insufficient information has been provided to demonstrate that the site is no longer viable for employment uses.

Scale, design, residential amenity/living conditions

Local planning authorities are expected to give preference to the development of brownfield as opposed to greenfield sites and policy G1 of the Adopted Local Plan promotes the efficient use of land. However, PPS3 and PPS1 gives clear guidance that the Government's objective and commitment to promoting the efficient use of land must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality. PPS 3 in particular makes it clear that whilst new development must make the best use of available land this should not compromise the quality of the environment.

Policy D2 states that proposals for street and infill development will be permitted where the proposals respect or enhance the character of appearance of an area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Objective 16 of the Council's Design Guide states (page 67) also refers to the need for new development proposals to exhibit „*How the new dwelling(s) will relate to the context and to each other to create a particular place*“.

The Council's urban designer has provided detailed comments on the application (included in the representation section of the report above).

The proposal includes raising the floor levels of the proposed buildings and gardens to be above the potential flood level. The proposed buildings as a result will be noticeably higher than the existing and surrounding buildings. The site also occupies a corner position which is particularly prominent within the street scene.

Whilst the general design of the proposed buildings is considered to reflect the characteristic vernacular along the principal routes through Shrewton; it is considered that the proposal to raise the floor levels of the development will result in the development appearing over-bearing within the street scene and will have an adverse impact upon the character and appearance of the surrounding area. This will be particularly apparent approaching the site from the east or west. The dwelling on the corner with High Street and The Hollow (plot H8) in a raised position with gable end and 2nd floor accommodation will in particular appear over-bearing within the street scene. At the West end of the site it is also considered that the raised level of the dwelling (plot H1 and H2) in combination with the significantly deeper footprint than the existing building will appear over-bearing within the street scene.

It is considered that the width of the vehicular access to the High Street and parking bays extending to the outer edge of the site will reveal to the street scene a space dominated by cars, rear garden fences and garden sheds.

Paragraph 17 of PPS3 states that matters to consider when assessing design quality include the extent to which the proposed development provides private outdoor space such as residential gardens. It goes on to expand that where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is a good provision of private garden areas which should be well-designed, safe, secure and stimulating. In this case, the Local Planning Authority considers that the development provides insufficient amenity space and would clearly not be providing the high-quality housing that government guidance envisages.

Amongst other things, PPS3 advises that whilst using land efficiently is a key consideration in planning for housing, paragraph 10 lists the delivery of high quality housing as one of the specific outcomes that the planning system should deliver. The PPS is clear in saying that while redevelopment should be encouraged; this should not be at the expense of the standard of accommodation provided for both future and existing occupiers.

The revision to PPS3, which excludes the definition of gardens as brownfield land and removes the requirement upon local authorities to have regard to the national minimum density for housing, is considered to be a clear intention of the government to require local planning authorities to consider local context very carefully in determining planning applications.

The aims of the Saved Salisbury District Local Plan as outlined in paragraph 1.6 of the supporting text includes the promotion of a high quality of life for the people of the District.

The requirements of policy G2 are reinforced by PPS1, which refers to the conditions of surroundings having a direct impact on the quality of life.

It is considered that the development provides insufficient amenity space and would clearly not be providing the high-quality housing that government guidance envisages.

Notwithstanding the „in principle“ objection on flooding grounds to residential redevelopment of this site; it is considered that overall the development also amounts to an overdevelopment of the site, to the detriment of the character and appearance of the area.

Impact to SSSI/SAC and nature conservation interests

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest and Special Area of Conservation. This site has protection under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994 require that the significance of any potential effect on the qualifying interest of the SAC is fully assessed before an application can be determined.

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England's advice, other consultation responses and any other information available, the local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSIs, including the River Avon system SSSI. The Site is designated because of the 6 habitats and species it contains, namely:

- a) floating vegetation,
- b) sea lamprey,(fish)
- c) brook lamprey, (fish)
- d) atlantic salmon, (fish)
- e) bullhead, (fish)
- f) desmoulins whorl snail.

The Habitats Directive applies the precautionary principle to SACs. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question.

Natural England had advised that a Habitats Regulation Assessment is required to determine whether there is a likely significant effect on the SAC from possible sedimentation impacts during the construction phase and that it may be necessary to require the applicant to produce and implement a suitable construction method statement.

An ecological assessment was submitted as part of the application documentation which recommends that the river should be protected from disturbance during the construction works on site through the addition of appropriate fencing along the site boundary to create a buffer zone to minimise disturbance. However, this doesn't provide specific details to demonstrate that the SAC will be protected from access, litter and liquid sources of pollution during the entire construction period.

There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

Protected species

The ecological assessment includes details of a survey for protected species, which confirms no protected mammal, plant or invertebrate species were found to be present on site. No evidence was found for use of any of the buildings by bats; although the buildings were considered to have the potential to support bats (building 4 is identified as having a medium to high bat roosting potential due to the proximity of the building to good foraging habitat and suitable access and roosting points) and bats were recorded foraging nearby.

Mitigation measures are recommended in the form of bat boxes to be located in the fabric of the new dwellings. The site also contains habitats with the potential to support nesting birds and the ecological assessment recommends that the clearance and demolition of buildings should be taken to avoid bird nesting season or not without prior inspection by an ecologist. These could be subject to conditions, so it is not necessary to add a reason for refusal with regard to these aspects.

Highway safety

The highways department has raised objections to the application on the grounds (explained in the representations section) that the development would perpetuate the existing sub-standard layout in terms of its access arrangements, restricted visibility and restricted turning radius at the High Street/The Hollow road junction.

Affordable Housing

PPS3 (paragraph 29) states:

„29. In Local Development Documents, Local Planning Authorities should:

*– Set an overall (ie plan-wide) **target** for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in this PPS.19 It should also reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured. Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment.*

*– **Set separate targets for social-rented and intermediate affordable housing** where appropriate. A sufficient supply of intermediate affordable housing can help address the needs of key workers and those seeking to gain a first step on the housing ladder, reduce the call on social-rented housing, free up existing social-rented homes, provide wider choice for households and ensure that sites have a mix of tenures.*

*– **Specify the size and type of affordable housing** that, in their judgement, is likely to be needed in particular locations and, where appropriate, on specific sites. This will include considering the findings of the Strategic Housing Market Assessment and any specific requirements, such as the provision of amenity and play space for family housing, and,*

where relevant, the need to integrate the affordable housing into the existing immediate neighbourhood and wider surrounding area.

-Set out the range of circumstances in which affordable housing will be required.

The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum thresholds, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site- size thresholds over the plan area. Local Planning Authorities will need to undertake an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed, including their likely impact upon overall levels of housing delivery and creating mixed communities. In particular, as the new definition of affordable housing excludes lowcost market housing, in deciding proportions of affordable housing to be sought in different circumstances, Local Planning Authorities should take account of the need to deliver low cost market housing as part of the overall housing mix.

*– Set out the **approach to seeking developer contributions** to facilitate the provision of affordable housing. In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area.*

The draft policies within the SWCS now carry significant weight in the determination of planning applications. Core Policy 3 (Affordable Housing provision) applies to the development which is a target of providing 25% on-site affordable dwellings (2 of the proposed dwellings would need to be affordable).

The Council's Affordable Housing Economic Viability Study 2009 formed part of the evidence base for the formulation of Core Policy 3 and consequently has been subject to public scrutiny as part of the core strategy adoption process.

The housing department has advised that there is sufficient housing need in Shrewton to support the need to provide on-site affordable housing. There are currently 20 applicants on the housing register who are classed as being in housing need, and who are asking for Shrewton as their first area of choice. In addition there are applicants in housing need who are asking for Orcheston and Tilshead and who are likely to also be interested in Shrewton due to the lack of affordable housing available in either of those villages. This is just the minimum need identified. Based on the needs data, the housing department has suggested that the affordable homes provided on site should be 2 x 2 bed houses. This could either be 2 x rented homes, or 1 x rent and 1 x shared ownership, although this can be agreed at a later date.

The housing department will only consider an off-site contribution where there are exceptional circumstances. In this instance we wish to see affordable housing provided on-site as there are no other potential sites coming forward in that area which could deliver affordable housing for the need that has been identified.

The development does not provide on-site provision of affordable housing and is contrary to Core Policy 3 of the draft South Wiltshire Core Strategy.

R2

The scheme relates to the creation of new residential development and in order to comply with the requirements of saved policy R2 of the local plan, applicants are required to enter

into a unilateral undertaking and provide a commuted financial payment towards recreational facilities.

Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The R2 financial payment consists of a capital sum, which is used to purchase new recreational equipment or improve an existing facility, and a 5% administration charge.

A financial payment is required per dwelling and also varies depending upon the number of bedrooms in each dwelling.

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, it will be necessary to include a reason for refusal relating to policy R2 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a unilateral agreement agreeing to make the relevant contribution.

Archaeology

The council's archaeologist has advised that the site is in an area of archaeological interest and lies on the edge of the medieval settlement of Shrewton. The existing development on the site may have had impact on potential remains, but may also seal lower archaeological remains that could be disturbed by the proposed development.

Whilst saved policy CN21 of the local plan states that where an application may affect a potential site of archaeological interest, the local planning authority will request an archaeological evaluation to be carried out before the planning application is determined, the council's archaeologist has advised that trenched evaluation of the site before determination is problematic due to the existing buildings and depth of made ground on the site. As such the archaeologist has recommended a condition (should the application be approved) to require a written programme of archaeological investigation to be agreed.

Contaminated land

A contaminated land ground investigation report was submitted as part of the application documentation. The council's contaminated land officer has raised no objections subject to conditioning the recommended additional work outlined in section 6.9 of the report.

RECOMMENDATION: REFUSE

- (1) The precautionary approach adopted by PPS25 is that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and a 'Sequential Test' must be undertaken to see whether there are alternative lower risk sites that could accommodate the development. The proposal is for a 'more vulnerable' form of development proposed within Flood Zones 2 and 3. Planning Policy Statement 25 makes clear that such development should be located in Flood Zone 1 unless it can be demonstrated that no such sites are available.

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

location, the flood vulnerability of the residential development and the sequential test of PPS25.

(2) The proposed development by reason of the number of dwellings proposed; the raised floor levels and resultant overall height and scale of the development in relation to existing buildings; the size of the private amenity spaces; the width of the vehicular access road with formal parking spaces extending to the outer edge of the site and formal raised pedestrian walkways constitutes a poor design of development leading to a proposal that amounts to an overdevelopment of the site that is vehicle dominated and will have an adverse visual impact within the street scene; to the detriment of the character and appearance of the area which has a rural context. It will also create a poor living environment to the detriment of the amenities of the future occupants of the site. Overall, the development is contrary to saved policies G1, G2, D2, H16 and C6 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy, and Objective 16 of the Council's design guide "Creating Places".

(3) Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(4) Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(5) The horizontal alignment of the proposed access layout is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the public highway, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(6) Insufficient information has been provided to demonstrate that the proposal won't exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in PPS25.

(7) Insufficient evidence has been submitted to demonstrate that the use of the Land/buildings for business/employment use is no longer viable, contrary to saved policy E16 of the Adopted Salisbury District Local Plan and Core Policy 5 of the draft South Wiltshire Core Strategy.

(8) The proposed development does not make provision for 25% on site affordable housing and is contrary to Core Policy 3 of the draft South Wiltshire Core Strategy and guidance within PPS3.

(9) The proposed development does not make provision for off-site public recreational open space facilities and is contrary to saved policy R2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

INFORMATIVE

1. It should be noted that the reason given above relating to saved policy R2 of the adopted Local Plan could be overcome if all the appropriate parties agree to enter into a Section 106

Agreement contributing to recreational open space provision.



Appeal Decision

Site visit made on 10 August 2010

by **David Hogger** BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Temple Quay House
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Decision date:
9 September 2010

Appeal Ref: APP/Y3940/A/10/2127150
29 Middleton Road, Salisbury SP2 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Molton against the decision of Wiltshire Council.
- The application Ref S/2009/1291/FULL, dated 20 August 2009, was refused by notice dated 27 October 2009.
- The development proposed is 12 apartments (6 studio, 2 one bedroom and 4 two bedrooms) and to demolish disused car parking garages.

Decision

1. I dismiss the appeal.

Preliminary Matter

2. Following the site visit I requested comments from both main parties with regard to the implications for the proposal as a result of the revocation of the Regional Spatial Strategy and the decision of the Council to suspend progress on the South Wiltshire Core Strategy. I have taken into account the responses submitted in my determination of this appeal.

Main Issues

3. The main issues are:
 - the level of risk posed to the occupants of the proposed dwellings by the proximity of the gas holder;
 - whether or not the proposal would undermine policies aimed at minimising flood risk; and
 - whether or not adequate provision has been made for public recreational open space.

Reasons

4. The site, which currently includes some single storey garage buildings, is located in a comparatively sustainable location, within walking distance of the City centre, a number of public transport routes and the nearby retail park. Planning Policy Statement 3: Housing promotes the effective and efficient use of previously developed land. I also note that the Design and Access Statement refers to a number of sustainability initiatives that are proposed
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including a car sharing scheme. It is against this background that I have determined the appeal.

The Proximity of the Gas Holder

5. The proposed building would be about 28m from the gas holder site and about 40m from the holder itself, which is defined as a major hazard site by virtue of the storage of hazardous substances.
 6. The Health and Safety Executive (HSE) advise that the whole site lies within the consultation distance of the gas holder and straddles the inner and middle zones. Using its own methodology (known as 'Planning Advice for Developments near Hazardous Installations') and taking into account the size, nature and other characteristics of the proposal, the HSE refers to the potential risks to the residents of the proposed dwellings and advises against such development.
 7. The HSE confirms that the consultation zones around the gas holder have recently been increased in size and that this occurred after the permission for residential development at 31 Middleton Road had been granted.
 8. The appellant argues that there is a very low risk of an accident occurring and that because the risk appears to be acceptable to the existing residents of nearby dwellings there is no reason to conclude that the residents of the proposed dwellings would assess the risk differently. Reference is also made to planning applications for residential development that have been approved elsewhere in Middleton Road.
 9. I have been given no substantive evidence to demonstrate that existing residents in the area are content with the risk posed by the gas holder. I am also mindful of the views of the Advisory Committee on Major Hazards which argues that the existence of intervening development should not affect the advice the HSE gives with regard to proposed developments which may appear to be less at risk than existing development.
 10. With regard to other developments in Middleton Road I have not been given full details of their planning history although it would appear that circumstances have changed since some of them were approved.
 11. The appellant seeks to draw parallels between this scheme and the proposal for a new stand and hotel at the Brit Oval (Inspector's Report Ref: APP/N5660/V/08/1203001), where there are gas holders adjacent to the site. Although I have not been given all the details of that case and I am bound to determine the appeal before me on its own merits, I have given careful consideration to all the evidence that has been submitted on this matter.
 12. In his Report to the Secretary of State the Inspector concludes that "the identified demand and need for the development, and the sporting and economic benefits that it would bring, together outweigh any non-compliance with the Unitary Development Plan".
 13. I interpret that to mean that the benefits of that scheme were of substantial significance. I do not consider that the benefits of this proposal are close to being of the same scale and therefore, unlike at the Brit Oval, they do not justify an exception to policy being made.
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14. Circular 04/2000 acknowledges the expertise of the HSE in this field and states that the advice that it gives should not be overridden without the most careful consideration. The Circular also advises that where the HSE's evidence is challenged with evidence that is not well supported by technical information or proven superior expertise, the HSE evidence should continue to be given due weight.
 15. I consider that there is insufficient justification for overriding the HSE advice and on the first issue I conclude that the level of risk to the prospective residents of the proposed development would be unacceptable. The requirement of saved policy G2 of the Salisbury District Local Plan (SDLP) which seeks to ensure that development does not occur in locations which are liable to environmental problems due to their proximity to incompatible development, would not be met. My finding on the first issue is sufficient on its own to justify the dismissal of this appeal.

Flood Risk

16. The site lies within Flood Zone 2. Planning Policy Statement 25: Development and Flood Risk (PPS25) advises that the preference is for development to take place in Flood Zone 1. However, if it can be satisfactorily demonstrated by means of a Sequential Test that there are no reasonably available sites in areas with a lower probability of flooding, then in principle consideration can be given to other sites, for example within Flood Zone 2.
17. The Council confirms that its Strategic Housing Land Availability Assessment – May 2009 (SHLAA) concludes that there is potential for almost 15,000 dwellings within Flood Zone 1 in the former Salisbury District Council area. I have been given no evidence to demonstrate that the SHLAA was not produced in accordance with the SHLAA Practice Guidance published by the Department for Communities and Local Government and therefore I attach weight to its conclusions. Even if the four strategic sites in Salisbury (which are identified in the 'suspended' Core Strategy) were not taken into account, the Council state that there would still be a 5 year supply of deliverable housing sites on land within Flood Zone 1.
18. The appellant has undertaken a Flood Risk Sequential Test (FRST) which assesses 104 sites. The FRST concludes that only 4 sites are reasonably available at the present time and that the development of this site is likely to be required in order that the Council's housing target can be met.
19. I am not familiar with all the sites identified in the FRST and I have not been given a detailed explanation of the methodology used. However, the Council state that all the sites in the SHLAA and Core Strategy have been identified as "being acceptable and available for development in the next five years" and on the evidence I have been given I could not confidently dispute this claim.
20. Policy preparation is an iterative process and I acknowledge that there is currently a level of uncertainty regarding housing provision in the area. Nevertheless I am satisfied that there is insufficient justification at this time to consider development on land outside Flood Zone 1. This approach reflects the advice in PPS25 which states that "the overall aim of decision-makers should be to steer new development to Flood Zone 1".

21. Although the Environment Agency did not submit a formal objection to the proposal, I note that it advised that "if there are alternative sites the development will need to be refused" and I have taken that advice into account.
22. I am mindful that the Flood Risk Assessment concludes that in principle the site is developable subject to the incorporation of appropriate design measures to minimise flood risk. Although this adds weight in favour of the proposal, it does not outweigh my conclusion that there is no over-riding justification for allowing development in Flood Zone 2.
23. On the second issue I conclude that there are sufficient alternative sites available within Flood Zone 1 to accommodate residential development which would not undermine the objectives of PPS25 and other policies aimed at minimising flood risk. Even if I had reached a different conclusion on this issue, it would not have outweighed my concerns regarding the proximity of the gas holder.

Open Space Provision

24. The appellant has submitted an executed Unilateral Undertaking which makes it clear that before work on the development could commence the necessary contribution towards public open space would have to be made. I consider that this meets the requirements of Circular 05/2005: Planning Obligations and therefore the requirement of SDLP saved policy R2, which seeks to ensure that provision is made for recreational open space, would be met.

Conclusions

25. I have found that the sustainability credentials of the proposal are sound and that an appropriate approach to the provision of open space has been taken by the appellant. However, neither of these findings outweigh my conclusions that the risk to potential residents posed by the proximity of the gas holder would be unacceptable and that sufficient land for housing has been identified by the Council within Flood Zone 1.
26. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Hogger

Inspector

Appeal Decision

Site visit made on 26 March 2013

by **David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 April 2013

Appeal Ref: APP/Y3940/A/12/2187013

Land adjacent to The Retreat, Ashley Road, Salisbury, SP2 7DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Johnston (JJ Acquisitions Ltd) against the decision of Wiltshire Council.
 - The application Ref S/2012/771/FULL, dated 1 May 2012, was refused by notice dated 17 August 2012.
 - The development proposed is demolition of existing outbuildings and the erection of a single dwelling.
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Decision

1. I dismiss the appeal.

Main issues

2. The main issues are firstly, whether the appeal site represents an appropriate location for the proposed development, with particular reference to flood risk; and secondly, whether the proposal makes adequate provision towards affordable housing and recreational open space requirements.

Reasons

Flood risk

3. The appeal site lies to the north-west of a detached 2-storey residential property known as The Retreat. It contains a number of block and brick-built outbuildings set around a hard-surfaced yard with a grassed area beyond, lying adjacent to a drainage ditch and a branch off the River Avon. It is reached by means of an existing driveway from Ashley Road, which also serves existing detached single-storey residential properties known as The Nook and The Haven. A Flood Risk Assessment (FRA) submitted with the planning application indicates that the site lies within Flood Zones 2 and 3.
4. The appeal proposal seeks to erect a 2-storey, 3-bedroom dwelling on the site but the National Planning Policy Framework ("the Framework") states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Such areas include Flood Zones 2 and 3 which are defined, in the Technical Guidance document which accompanies the Framework, as those which are subject to medium and high probabilities of flooding, respectively.
5. The Framework further indicates that when development is being considered in areas subject to flood risk, a Sequential Test needs to be undertaken with the aim of steering new development to areas with the lowest probability of flooding. It

goes on to explain that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

6. The appellant has not undertaken a Sequential Test but, instead, relies on the fact that the Environment Agency (EA) has raised no objection to the proposed development, subject to the imposition of a condition specifying a finished floor level no lower than 49.20m Above Ordnance Datum (AOD). However, the EA also states that the Sequential Test needs to be demonstrated for this proposal. The appellant appears to pay little regard to this qualifying comment from the EA, arguing instead that the appeal proposal would be at no risk from flooding, would remain safe throughout its lifetime, would not increase the flood risk elsewhere and would only give rise to a technical conflict with the Framework guidance.
7. The appellant goes on to comment that as the appeal site lies within half a mile of the city centre, and within easy walking distance of all major services and facilities, the proposal demonstrates compatibility with wider sustainability objectives set out in the South Wiltshire Core Strategy (SWCS) and would pass the Exception Test set out in the Framework. However, the Framework makes it quite clear that the Exception Test only comes into play once a Sequential Test has first shown that it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. That is not the case here.
8. Moreover, the Council has pointed out that the SWCS is an up to date part of the development plan, having been adopted just over a year ago in February 2012. This document indicates that the Council has identified a readily available and deliverable 5-year supply of housing land in Flood Zone 1 (low probability of flood risk) and that as a result it is not necessary for it to consider sites for housing outside of Flood Zone 1. I see no reason to take a contrary view to the Council on this matter. In taking this position I have had regard to the Framework's reason for directing new development to areas with the lowest probability of flooding, namely so as to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change. There is no certainty that this would be achieved with the appeal proposal.
9. In particular, information in the FRA indicates that the 1:200 year (undefended) flood level for the site should be taken as 48.60m AOD, to include an allowance for climate change over the life of the proposed development. Whilst the finished floor level of the proposed dwelling could be set above this level, road levels on Ashley road itself, in the vicinity of the appeal site, fall below it. Although the EA has indicated that access to and along Ashley Road would be acceptable in such circumstances, it does further comment that the view of the Emergency Services in respect of such proposals, and indeed evacuation from this area during a severe flood event, remains unclear.
10. I have noted the appellant's reference to a 2010 appeal decision¹ to grant planning permission for a dormer bungalow on land subject to risk of flooding in the East Riding of Yorkshire. The appellant maintains that unlike the 2 appeal decisions referred to by the Council^{2,3} this proposal is directly comparable to the appeal proposal and should therefore weigh significantly in the appeal proposal's favour. However, despite the appellant's claims there is nothing in the submitted evidence regarding this East Riding proposal which enables me to establish how

¹ Appeal Ref APP/E2001/A/10/2132827, dated 25 October 2010

² Appeal Ref APP/Y3940/A/10/2127150, dated 9 September 2010

³ Appeal Ref APP/G0908/A/11/2161670, dated 6 December 2011

comparable it was to the current proposal, especially with regard to such matters as the layout of surrounding development and proximity to watercourses.

11. In any case, all the appeal decisions just referred to pre-date the publication of the Framework and were therefore determined in a somewhat different planning policy climate. Although the Framework and its Technical Guidance have retained key elements of the former Planning Policy Statement 25 (PPS25) "Development and Flood Risk", there is now a well-defined presumption in favour of sustainable development. For decision-taking the Framework explains that this means, amongst other matters, that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless specific policies in the Framework indicate that development should be restricted. Locations at risk of flooding are noted as falling into this latter category and in view of this point it is my assessment that the current proposal, which I have assessed on its own merits, does not therefore benefit from this presumption.
12. On this first main issue I therefore conclude that the appeal site does not represent an appropriate location for the proposed development as it would be at odds with the requirements and procedures relating to flood risk as set out in the Framework and its accompanying Technical Guidance.

Affordable housing and recreational open space

13. In addition to its concerns regarding flood risk, the Council refused planning permission for 2 further reasons, relating to the absence of provision for off-site affordable housing and for off-site public recreational open space facilities. For the first of these the Council alleged a conflict with Core Policy 3 ("Meeting Local Needs for Affordable Housing") from the SWCS; whilst for the second, the proposal was held to be in conflict with saved policy R2 ("Open Space Provision") of the Adopted Salisbury District Local Plan.
14. However, the Council made it clear that both of these reasons for refusal could be overcome if the appellant was to enter into an appropriate planning obligation to secure the necessary financial contributions. Subsequent to the Council's refusal the appellant has submitted a unilateral undertaking made under S106 of the Town and Country Planning Act 1990, agreeing to make contributions towards public and amenity open space and affordable housing in accordance with the aforementioned SWCS and Local Plan policies.
15. I understand the Council has seen this unilateral undertaking and has not made any adverse comments on it. I see no reason to doubt that the contributions accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and with paragraph 204 of the Framework. I can therefore take the unilateral undertaking into account, and conclude that it would overcome the concerns expressed in the Council's second and third reasons for refusal.

Conclusion

16. Notwithstanding my favourable findings on the second main issue, my adverse conclusion regarding flood risk means that this proposal is not acceptable. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that the appeal should be dismissed.

David Wildsmith

INSPECTOR