CASE OFFICER'S REPORT

Application Reference:	PL/2023/10100
Site:	Oak Tree Farm, Crawlboys Lane, Ludgershall, Andover, SP11 9PL
Date site notice posted:	N/A
Publicity Expired:	19.06.2024
Extended Target Date:	30.08.2024

SITE DESCRIPTION:
The site is situated outside of but on the edge of the defined settlement boundary for the Market Town of Ludgershall, as determined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area). To the south the site abuts a short run of properties, which front onto Crawlboys Lane to the east and are within the defined settlement boundary. To the north the site abuts a chalet bungalow known as Oak Tree Farm, which is in designated countryside but is also within the applicant's ownership and is therefore in the blue land. Otherwise the site is surrounded by fields and paddock land with some agricultural buildings present in the landscape. Crawlboys Lane defines the eastern boundary of the site.

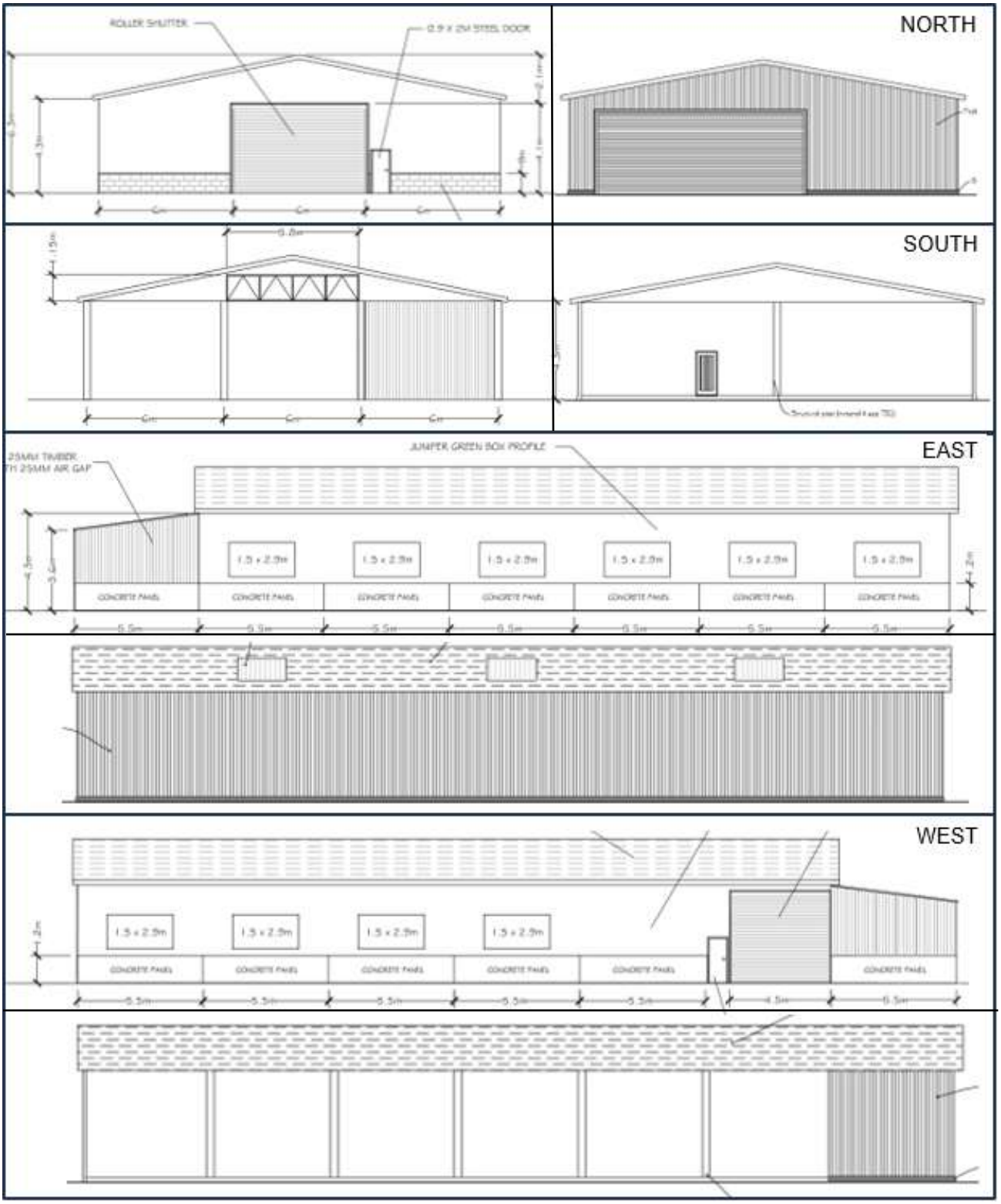
The site is in flood zone 1 and is not in the vicinity of any river, but is situated in an area at high risk of Ground Water flooding. It is also within the catchment of the River Test and thus feeds into the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, and the Solent and Southampton Water SPA and Ramsar site. The site is also within 6.4 kilometres of the Salisbury Plain SPA.

The site previously consisted of a number of former poultry sheds and an agricultural store. Planning permission was granted in 2021 for the demolition of the poultry sheds and agricultural store and their replacement with 5 detached dwellings and a new agricultural building (considered under ref: 20/007754/FUL). This agreed that the 5 dwellings are to be served by two new accesses off Crawlboys Lane to the east and are to be positioned in the southern half of the site, adjacent to the existing settlement boundary. The new agricultural building is to be positioned on the northern half of the site adjacent to the existing farmhouse.

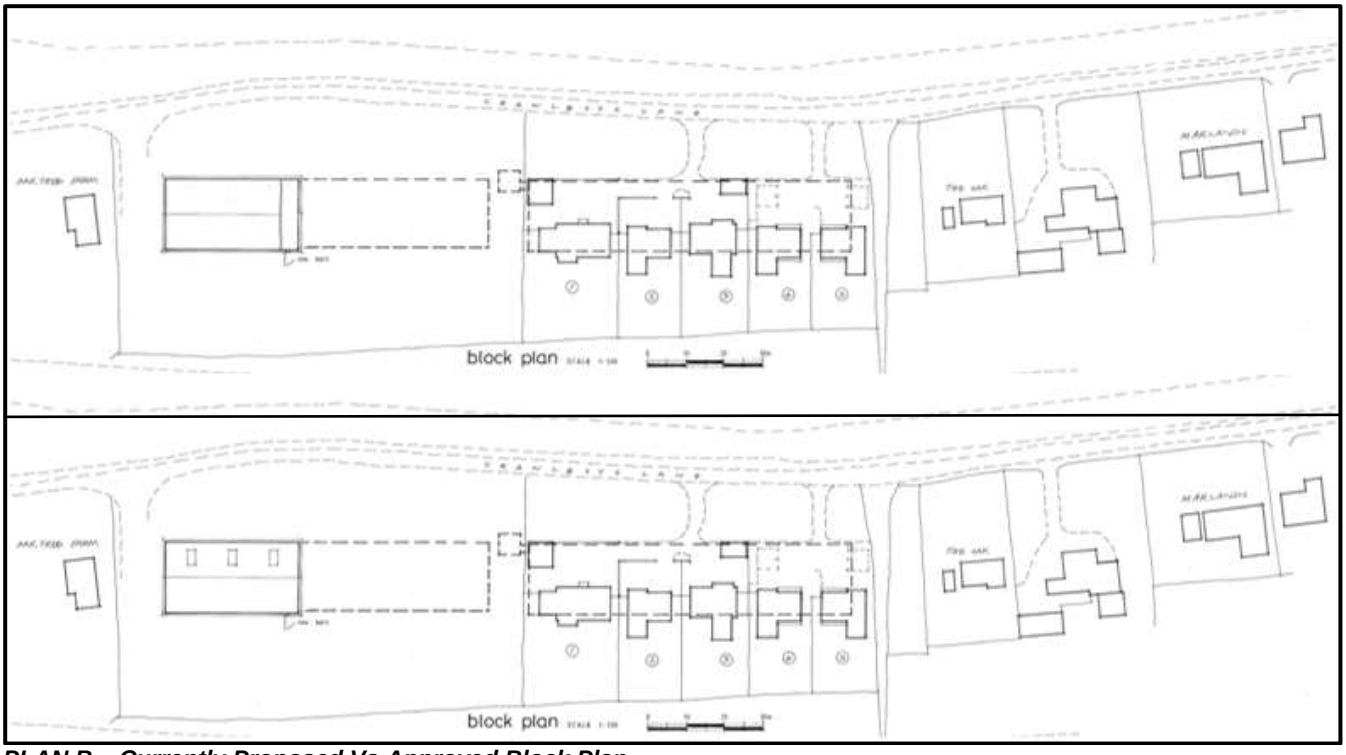
Since approval, the poultry sheds and buildings on the site have now been demolished, thereby commencing the permission and this permission thus remains extant. A new agricultural building has also been erected on the northern part of the site but this has not been built in full accordance with the approved plans agreed as part of the extant permission and is therefore currently unlawful.

PROPOSAL:
This is an application seeking to vary condition 2 (approved plans) on the previous permission for application ref: 20/07754/FUL and seeks to change the plans concerning the new agricultural building only. It also seeks to vary other conditions, in so far as the details have already been agreed by the Local Planning Authority. No changes are proposed to the housing part of the scheme and these have not started to be built out on site yet. As discussed above though, an agricultural building has been erected on the site but as this is not in accordance with the previously approved plans it is therefore currently unlawful. This application therefore retrospectively seeks to regularise the unlawful works that have taken place on site, by varying the previously approved plans to match what *has* been built.

The supporting documentation confirms that works started on site in line with the extant permission on 15th November 2021. It is suggested that in demolishing the previous poultry sheds, the applicant decided to try to reuse as much of the demolished sheds (i.e. materials, windows etc) as possible in the erection of the replacement agricultural building. The design of the approved agricultural building changed accordingly. The comparison of proposed and approved plans are shown in PLANs A and B below:



PLAN A – Currently Proposed Vs Approved Elevations



PLAN B – Currently Proposed Vs Approved Block Plan

In detail, the proposals involve the following:

- Removal of rooflights which are replaced with 4 windows on the western elevation and 6 on the eastern elevation;
- Removal of open sided hay and straw store on the southern elevation. This is replaced with an open sided lean to on the same elevation but only of 6 metres in length and 5.5 metres in depth;
- Removal of open sided alpaca shelter on western elevation;
- Change in location of roller shutters on northern elevation to a more central location;
- A new door on the northern elevation;
- An additional roller shutter door and door on the western elevation.

The position and height of the building otherwise remains unchanged.

During the course of the application, additional clarification has been provided which confirms that the new agricultural building is being used for various agricultural storage uses in connection with the Alpaca Farm Operations that occur on the surrounding paddocks, i.e. for the storage of machinery, fodder and for livestock housing. The use of the building is consistent with the description of the need and use within the Kernon Countryside Consultants report dated October 2019, which was provided and accepted as part of the consideration of the earlier applications. It is confirmed that the needs for the periodic housing of alpaca will continue to be met with the revised design, with an open sided area retained on the southern elevation. It is also confirmed that the proposed windows, have been reused from the former buildings and so are equally appropriate for this proposed agricultural use as they were for the previous poultry/agricultural uses. A revised Block Plan has also been received (as shown in PLAN B above); and a Nutrient Neutrality Statement has been submitted during the course of the application, as the site is situated within the catchment of the River Test.

RELEVANT PLANNING HISTORY:

K/86/0310	Six Bungalows. Refused – 05.06.1986 (adj Marlins Farm site)
K/43397	Extension to Bungalow. Permission – 28.06.2002
K/50123/F	Erect sheep pens. Permission – 22.07.2004

K/53083/F	Alterations to dwelling to create accommodation in the roof space to include six dormer windows. Permission – 01.12.2005
E/10/0484/FUL	Extension to existing shed to form new storage/workshop area and animal carcass store ('dead bin store'). Permission – 08.06.2010
18/02100/PNCOU	Notification for prior approval under Class Q for a proposed change of use of agricultural building to three dwellinghouses and associated operational development. Prior Approval Granted – 30.04.2018
18/05663/PNCOU	Notification for Prior Approval under Class Q (a and b) - Change of use of Agricultural Building to Provide 5 Dwellinghouses (Use Class C3) and Associated Building Operations. Prior Approval Granted – 10.08.2018
18/09957/FUL	Demolition of poultry shed and agricultural store and erection of 5 no. dwellings with access and parking. Erection of new agricultural store. Withdrawn
19/05595/FUL	Demolition of poultry shed and erection of 5 no. dwellings with access and parking. Permission – 08.08.2019
19/09902/FUL	Demolition of poultry shed and agricultural store and erection of 5 no. dwellings with access and parking. Erection of new agricultural store (resubmission of 18/09957/FUL). Refused – 10.12.2019
20/07754/FUL	Demolition of poultry shed and agricultural store and erection of 5 no. dwellings with access and parking. Erection of new agricultural store. Permission – 02.03.2021

The latter approval, to which this application relates, was also subject to a Unilateral Undertaking (UU). This set out 4 obligations, as follows:

1. *Not to cause, allow, or permit, the previous permissions to be commenced on the site in the event that the permission is commenced on the application site*
2. *Not to cause, allow, or permit, the Permission to be Commenced on the Application Site in the event that any of the Previous Permissions are Commenced on the site*
3. *Notwithstanding the GPDO, no development consisting of a change of use of the existing building shown edged blue on Plan 2 from Agricultural to C3 shall be carried out*
4. *To demolish the building shown edged blue on Plan 2 within three months of completion of the Barn or not to permit the commencement of the Dwellings until the building is demolished*

However as the previous agricultural buildings have now been demolished on the site (complying with obligation 4), the previous consents (considered under refs: 18/02100/PNCOU and 18/05663/PNCOU) can no longer be implemented, making obligations 1 and 2 redundant. No change of use is now possible as the building no longer exists, making obligation 3 unnecessary. The previous permission granted under ref: 19/05595/FUL has also now lapsed and therefore cannot lawfully be implemented. Therefore, due to the passage of time, and the demolition of the existing buildings on the site, the obligations required by the previous UU have all now been complied with. Consequently, the UU does not need to be varied or reinstated as part of the consideration of this Section 73 application.

POLICIES:
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (January 2021) (NDG)

Kennet Local Plan policies (Saved by Wiltshire Core Strategy) (KLP):
HC35 – Public Open Space Provision (5 Houses+)

Wiltshire Core Strategy (January 2015) (WCS):
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)

CP3 (Infrastructure Requirements)
CP26 (Tidworth Community Area)
CP50 (Biodiversity and Geodiversity)
CP51 (Landscape)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)
CP60 (Sustainable Transport)
CP61 (Transport & Development)
CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)
CP67 (Flood Risk)
CP68 (Water Resources)
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:
Wiltshire Design Guide (March 2024)
Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Wiltshire Climate Strategy 2022-2027
Wiltshire Local Transport Plan – Car Parking Strategy

REPRESENTATIONS:
Ecology – No Objection subject to Appropriate Assessment being agreed by Natural England and conditions
Salisbury Plain Special Protection Area (SPA) 6.4km buffer.

- This application lies within the 6.4km buffer zone of influence of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects.
- That Appropriate Assessment reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.
- In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE.

Habitat Regulations Assessment (HRA): River Test Catchment - Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site.

- WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.
- Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.
- The Solent water environment is one of the most important for wildlife in the United Kingdom.
- It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.
- Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth

of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from waste water from existing housing and other development.

- Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (NE776 Edition 5 Nutrient Neutrality and Nutrient Mitigation.pdf) from the increase in waste water and land use change.
- Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.
- The nutrient officer confirmed that poultry cannot be used as the baseline for the nutrient calculations since the site is not currently a poultry farm.
- The applicant has submitted a bespoke mitigation strategy (*Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm, Date: 03 June 2024 by Condon Drew Associates Ltd*) which is summarised below:
- Impact:
  - The total change of land use encompasses an area of 0.51 ha.
  - The proposed development comprises five residential dwellings that will change the land use from existing lowland grazing to residential urban land.
  - All the residential dwellings will be connected to their own Package Treatment Plant (PTP), see Appendix E of the Technical Note for the drainage strategy.
  - The proposed PTPs are all Bio Easy Flow PTP by HABA which has an effluent TN rate of
  - 5.6 mg/l (the PTP certificate is included in Appendix C).
  - As summarised in Table 3.1, the submitted nutrient budgets (1947-Solent Calcs-Plot 1-5) confirm the total annual nitrogen load to mitigate is 3.94kg/TN/yr
- Mitigation:
  - Outside of the application's redline boundary but within the blue line boundary, an existing residential property is served by a septic tank with unknown specifications.
  - The "N permit" value is "Septic Tank Default" and the submitted nutrient budget (1947-Solent Calcs-Existing House) confirms the existing total annual nitrogen load is 12.16 kg/TN/yr
  - The proposed mitigation includes the replacement of the existing septic tank with a BIO EASY FLOW PTP by HABA.
  - The submitted nutrient budget (1947-Solent Calcs-Existing House - PTP) confirms if this mitigation is implemented the total annual nitrogen load will be 0.46 kg/TN/yr resulting in a net reduction of 11.70 kg/TN/yr.
  - When the net reduction of 11.70 kg/TN/yr resulting from the mitigation is considered with the anticipated burden of 3.94 kg/TN/yr from the operational use of the five proposed dwellings the total annual nitrogen load will be reduced by 7.76 kg/TN/yr.
- In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species.
- If this application is approved, the proposed nutrient strategy will be secured by conditions
- As required by the Habitats Regulations an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (05/07/2024) and the application must not be determined until they have agreed with the LPAs conclusion.

Natural England – No Objection subject to mitigation

- Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations.
- Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

- Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the River Test Catchment - Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site.
- Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England is satisfied and thus we have no objection to the proposals, providing that all mitigation measures are appropriately secured in any permission given.

Ludgershall Town Council – No comments received

Letters – None

ISSUES:
The main considerations which are material to the determination of this application are listed below:
- Principle
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Ecology
- S106/CIL

PLANNING ASSESSMENT:
Principle:
The proposals involve new residential development and a new agricultural building on a site that is not within the defined built up area of the nearby settlement of Ludgershall. The proposals are therefore in countryside, and in line with WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area), the principle of unsustainable new development, particularly of a residential nature, is resisted in such a location.

However as is also identified above, the site was originally a poultry farm and has been subject to a lot of planning history. Through the Prior Notification route and the provisions of Class Q of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO), the principle of the site's redevelopment for housing was previously established in 2018. Then, more recently, a comprehensive scheme was granted full planning permission for the site's redevelopment with 5 detached houses and a replacement agricultural building (under ref: 20/07754/FUL). This permission was subsequently commenced in 2021 by the demolition of the poultry buildings and thus the previous permission remains extant and a legitimate fall back position for the consideration of this scheme. This site history has therefore established the principle of the proposed scheme on this site.

This application involves no changes to the previously agreed housing element of the scheme and instead seeks to regularise what has been built in terms of the agricultural building element of the scheme. It therefore seeks to retrospectively vary the previously approved plans for this building only. The principle acceptability of the scheme is therefore subject to the detail in terms of the implications of the proposed changes for the character of the area; neighbouring amenities; highway safety; and ecology. These matters will therefore be assessed in more detail below.

Character & Design:
As has been discussed above, the principle of 5 dwellings and an agricultural building on this site has already been established by the extant permission. As part of the previous permissions on this site the design, character, number of dwellings and the size of the agricultural unit were all discussed and accepted.

This application seeks to regularise changes that have occurred to the design of the agricultural building during construction, only. No changes are proposed to the previously approved housing element and therefore this element does not need to be reassessed in this regard. The changes that have taken place to the agricultural building during the construction process are detailed and shown in PLANs A and B above. It is clear that overall, the position and height of the agricultural building remains unchanged. The Local Planning Authority is also satisfied that the justification and need for the building remains necessary.

The building as built has a more industrial appearance than the previously approved building which incorporated a number of open sided bays on the western elevation. The incorporation of windows on the elevations rather than in the roof; and the fact that all of the sides are now fully enclosed with concrete and metal cladding, adds to this industrial appearance now identified.



PHOTO MONTAGE 1 – Site Photographs Of The Agricultural Building As Built



PHOTO MONTAGE 2 – Site Photographs Of The Agricultural Building As Built

However some of the materials including the windows, were salvaged from the previous poultry buildings and other agricultural buildings that have been demolished from this site and therefore they were previously used for agricultural purposes on this site. In that respect, it is not therefore considered that the design is very different to that, which originally existed on the site. Given that the general size and height of the building remains largely unchanged and the use is still accepted, it is also considered that the design is therefore functional and continues to be appropriate for the site, as can be seen from PHOTO MONTAGE 1 and 2 above. The changes that have occurred to the building are not therefore considered to result in any significantly different or additional implications for the character of the area or the overall appearance of the site and are still considered to be acceptable in this regard accordingly.

Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that new development should be designed to ensure that the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF further confirms 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 is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

Whilst additional windows have been incorporated into the design of the building, these are on the eastern and western elevations facing paddocks and the road. The gable elevations that face any neighbouring properties remain little different to the previously allowed scheme. The height, siting and footprint of the agricultural building also remains similar to what was previously agreed and thus the new building has a similar relationship with neighbouring properties than the building that was previously assessed to be acceptable on this site.

Given that the as built building is more enclosed on all elevations than the approved building, it is also considered that any noise and smells associated with the retained agricultural use of the site are better contained than they would have been with the previously approved building. Overall it is therefore considered that the building that has been built on site has not resulted in any significantly new implications for neighbouring residential amenities than the approved scheme and indeed may actually result in betterment. The changes that have occurred to the design of the approved building are therefore considered to be acceptable in this regard as well.

Highway Safety:
No real change is proposed to the use; quantum of units; or size of the agricultural building. The previously agreed access arrangements also remain unchanged. The changes that have occurred to the design and appearance of the agricultural building have not therefore resulted in any new implications for highway safety.

Ecology:
Solent Maritime Special Area of Conservation, Chichester and Langstone Harbours Special Protection Area, Portsmouth Harbour Special Protection Area, Solent and Southampton Water Special Protection Area:
Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations. The Solent water environment is one of the most important for wildlife in the United Kingdom and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas.

Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development. Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area . Nutrients are generated by the new people in the housing (nutrients enter the water environment via wastewater discharges), and from their activities and pets. Nutrients can move to designated sites by streams, rivers or through the groundwater. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and this land use change is considered within the Appropriate Assessment (AA).

This was not a known constraint when the original application was considered and so was not mitigated as part of the extant permission. However, recent case law has established that the Local Planning Authority's duty towards the Habitat Regulations must occur whenever there is a change in circumstance, at any stage of a 'project'. It is therefore considered to be appropriate to assess this matter for the current scheme, even though the principle of a replacement agricultural building and 5 residential units on this site has already been established.

In line with Natural England's Advice on Nutrient Neutrality a calculation of the likely nitrogen burdens from the new housing element has been completed by the applicant for the proposal and approved by Wiltshire Council. This has confirmed that a nitrogen burden of 3.94kg/TN/yr will result from the approved scheme. In this instance the applicant has proposed to mitigate this by a site specific mitigation scheme rather than via a contribution towards the Council led strategic mitigation scheme.

The submitted Nutrient Neutrality Statement confirms that outside of the site boundary, but within the blue line boundary (and within the applicant's ownership and thus controllable by condition), an existing residential property exists which is served by a septic tank with unknown specifications. It is proposed to replace the existing septic tank with a bio easy package treatment plant. The submitted nutrient budget confirms that if this mitigation strategy is implemented, the total annual nitrogen load will be 0.46 kg/TN/yr resulting in a net reduction of 11.70 kg/TN/yr. When the net reduction of 11.70 kg/TN/yr resulting from the mitigation is considered with the anticipated burden of 3.94 kg/TN/yr from the

operational use of the five proposed dwellings, the total annual nitrogen load will be reduced by 7.76 kg/TN/yr. The Council is therefore satisfied that the scheme will be nutrient neutral and has Appropriately Appraised the scheme accordingly.

Securing this mitigation strategy by condition will enable the Council as competent authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") (as amended) and WCS policy CP50 (Biodiversity and Geodiversity). It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this 'project', and so the Council can therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of this development. Natural England has supported this conclusion and raised no objection accordingly.

Salisbury Plain SPA:
As is identified above, this application site lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan, the application is screened into appropriate assessment due to the potential impact of recreational pressure on stone curlew in-combination with other plans and projects.

The qualifying features for Salisbury Plain SPA are non-breeding hen harrier and breeding populations Eurasian hobby, common quail and stone-curlew. Conservation objectives for the SPA and supplementary advice for implementing them have been published by Natural England (NE). Development coming forward under the Wiltshire Core Strategy is only anticipated to impact one of these species, the stone-curlew. This is a ground nesting bird species which research shows is particularly sensitive to disturbance by people and people with dogs. The unique character of the Plain attracts many visitors and a recent study has demonstrated 75% of these live within 6.4 km. Within this zone housing allocations from the Core Strategy, Housing Site Allocations Plan, Army Basing Programme and Neighbourhood Plans have the potential to lead to significant effects through their combined recreational pressure.

The Council's housing plans are mitigated through a project funded by the Community Infrastructure Levy (CIL) which records where stone-curlews breed and works with farm managers to maximise breeding success. The project was agreed with Natural England in 2012 and reviewed in 2018. In July 2021 Natural England confirmed that they continue to support the project as it continues to provide an effective, timely and reliable means of mitigating any additional effects arising from new residential development.

The Council can therefore conclude that this development will have no adverse effect on the integrity on the conservation objectives of the SPA either.

Biodiversity Net Gain:
As of 2nd April 2024 the requirement for Biodiversity Net Gain (BNG) on *all* new sites came into force. Any small scale (none major)/major scheme will need to demonstrate no net loss and a minimum of 10% net gain in biodiversity on the site, in line with the requirements of the NPPF, WCS policy CP50 (Biodiversity and Geodiversity) and the Environment Act. However this application was received on 22nd November 2023, in advance of the BNG legislation coming into force. There is therefore no requirement for BNG from this proposal.

CIL/S106:
WCS policies CP3 (Infrastructure Requirements) and CP43 (Providing Affordable Housing); and SDLP policy R2 all require contributions towards affordable housing and public open space provision from any net gain in the number of dwellings in the area. However following subsequent ministerial advice and the updated NPPF, these policies now only apply to sites of 10 dwellings or more and therefore there is no longer a requirement for such contributions from this application proposing only 5 new dwelling/s.

However, as of May 2015, Wiltshire Council adopted the Community Infrastructure Levy (CIL). Therefore this proposal may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A note highlighting this requirement to the applicant will therefore be attached to the decision accordingly.

CONCLUSION:
It is considered that the changes that have occurred on the site during the implementation of the original permission, have not resulted in any additional implications from the scheme for the character of the area; neighbouring amenities; or highway safety. The potential nitrate loading in the river system has also been adequately off set by the proposed site specific mitigation which can be secured by condition. The proposed variation of the approved plan condition on the previous permission is therefore recommended for permission accordingly.

RECOMMENDATION:
Permission subject to Conditions

1. The development hereby permitted shall be carried out in strict accordance with the following approved plans & documents:

   Application Form & Certificate
   Ref: 179336-10 – Location Plan. Received – 22.11.2023
   Ref: 179336-16 Rev A – Site Plan Revised Drawing B. Received – 11.01.2024
   Ref: 179336-17 – Design Scheme Plot 1. Received – 09.09.2020
   Ref: 179336-18 – Design Scheme Plots 2 & 4. Received – 09.09.2020
   Ref: 179336-19 – Design Scheme Plot 3. Received – 09.09.2020
   Ref: 179336-20 – Design Scheme Plot 5. Received – 09.09.2020
   Ref: 170336 -108 Rev C – Proposed Design Scheme (Barn Plans). Received – 22.11.2023
   Ref: Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm (Condon Drew Associates Ltd, Dated: 03 June 2024). Received – 05.06.2024

   REASON: For the avoidance of doubt and in the interests of proper planning and to ensure compliance with the Habitat Regulations.

2. The development hereby approved shall be implemented in full accordance with the agreed Construction and Environmental Management Plan (CEMP), which was considered and approved by the Council on 27th September 2021 under ref: PL/2021/05634.

   REASON: To protect the local amenity from any adverse effects of noise, dust, smoke and odour.

3 None of the dwellings hereby approved shall commence above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

   REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4 No railings, fences, gates, walls, bollards and other means of enclosure development, other than those agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195, shall be erected in connection with the development hereby permitted.

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

5 The landscaping scheme agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195, shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development.

6 No further demolition, site clearance or development shall continue on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protective fencing agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195 has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

REASON: In the interests of ensuring the construction phase of development does not result in the loss of any trees on the site.

7. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

8 No dwelling hereby approved shall be first occupied until the privacy screen walls and/or fences agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195 have been installed in accordance with the approved details with respect to that dwelling. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter for the lifetime of the development.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

9 No part of the development hereby approved shall be first occupied until the visibility splays shown on the approved plans have been provided. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

REASON: In the interests of highway safety

10 No dwelling hereby approved shall be first occupied until the parking area for that dwelling shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter for the lifetime of the development.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

11 The approved drainage strategy, agreed by the Local Planning Authority on 27th September 2021 under ref: PL/2021/05634, shall be fully implemented in accordance with the approved details. None of the development hereby approved shall be first occupied until the surface water drainage scheme has been constructed in accordance with the approved scheme and as-built drawings, which show the drainage has been constructed in accordance with the approved design, have been submitted to and agreed by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

12 The development hereby approved shall not be first occupied until the bird nesting and bat roosting enhancements, which were agreed by the Local Planning Authority on 31st August 2021 under ref: PL/2021/04504, have been installed in accordance with the approved details. The ecological enhancements shall thereafter be maintained and retained for the lifetime of the development.

REASON: To provide enhancements in line with NPPF (2019) and CP50.

13 No new external artificial lighting shall be installed at the development site unless it accords with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats

14 The development hereby approved shall be carried out in strict accordance with the details and recommendations made within the approved Contaminated Land Intrusive Investigation Report which was considered and agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195

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.

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

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

16. The dwellings hereby approved shall not be first occupied until the existing septic tank, which serves the existing dwelling at Oak Tree Farm, located within the blue line on the approved Location Plan (ref: 179336-10 – Location Plan. Received – 22.11.2023), has been removed and

replaced with the proposed package treatment plant (Bio Easy Flow by HABA) in full accordance with the details outlined in the approved Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm (Condon Drew Associates Ltd, Dated: 03 June 2024). Received – 05.06.2024. Any subsequent replacement package treatment plants shall have an equivalent or improved performance specification. The replacement package treatment plant for the existing dwelling of Oak Tree Farm shall be maintained and operated in accordance with the approved details thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future Package Treatment Plant is of an equivalent or improved standard.

INFORMATIVES

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

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