

CASE OFFICER'S REPORT

Application Reference:	PL/2025/09031
Application Type:	Full planning permission
Consultation Ends:	28/01/2026
Case Officer:	Joe Richardson

Site Address:	Leaside, 40 Longland, Salisbury, SP2 7ET
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Proposal:	Sub-division of existing dwelling to form a separate dwellinghouse
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Recommendation:	Planning permission be GRANTED
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Site Description/Proposal:

The application site known as Leaside was previously large, detached dwelling situated on a no-through road called Longland which is located off the A36 Wilton Road. The building benefits from a variety of planning permissions that include 19/11194/FUL that retrospectively granted consent for a two storey side extension. This approved extension is shown in Photo A below. This scheme was subsequently altered under consent 20/08149/FUL to allow two dormer windows to be inserted into the rear roofslope of the property. It recently benefits from planning consent PL/2025/06425 to sub-divide the property to form a separate residence/planning unit.



Photo A above

The building also benefits from a two storey extension under planning consent 17/05883/FUL that has also been built out. This extension has also been implemented and is shown in Photo B below.



Photo B above

The submission of this application seeks planning permission for the permitted two storey side extension under consent 17/05883/FUL to be sub-divided into a dwellinghouse forming a separate planning unit to that of the dwellinghouse known as Leaside.

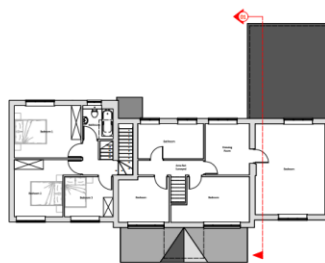
The application site is within the residential city of Salisbury, within Flood Zone 1 (the lowest level of groundwater flooding), the River Avon SAC catchment and within the 13.8km zone of influence of the New Forest SPA.

Extracts of the existing and proposed layout of the building subject to this scheme are shown below for comparative purposes:

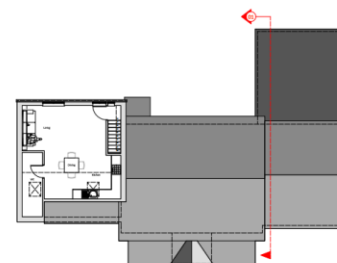
Existing floor layouts of the building (below):



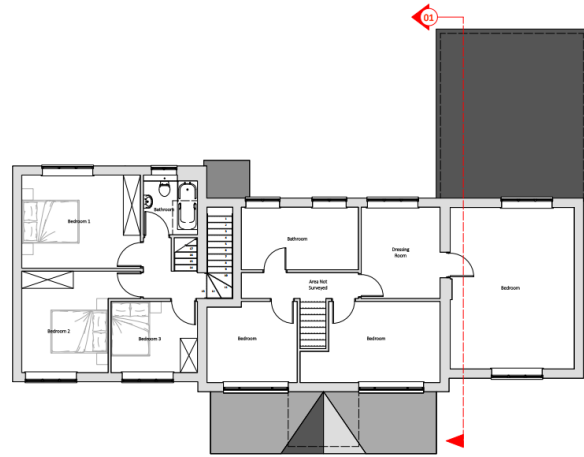
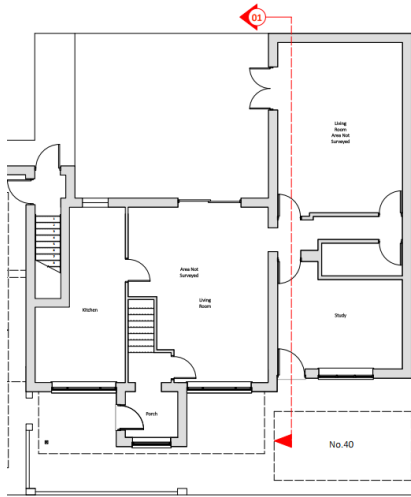
PLN 01 Existing GF Plan
1:100



PLN 02 Existing 1st Plan
1:100

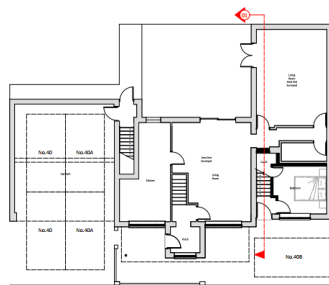


PLN 03 Existing 2nd Plan
1:100

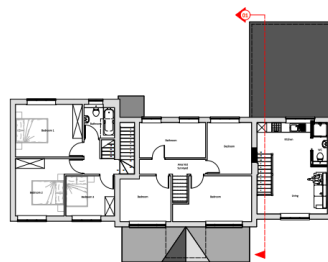


Enlarged above to show area to be sub-divided (Existing)

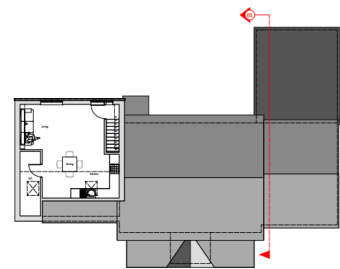
Proposed floor layouts (below):



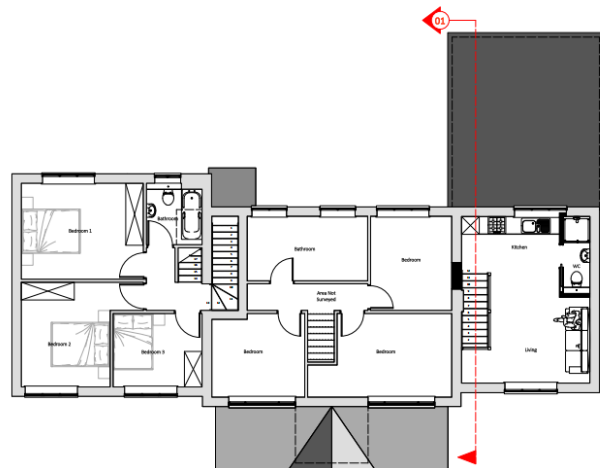
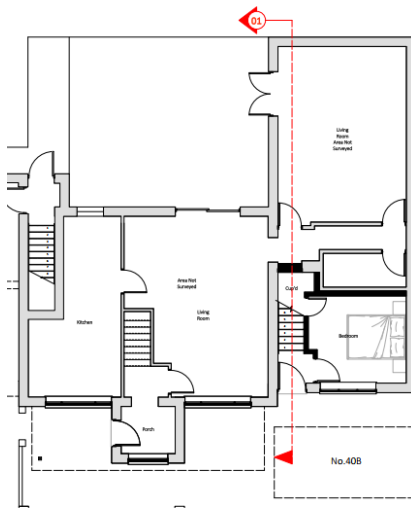
PLN 01 Proposed GF Plan
1:100



PLN 02 Proposed 1st Plan
1:100



PLN 03 Proposed SF Plan
1:100



Enlarged above to show area to be sub-divided (Proposed)

Relevant Planning History:

PL/2025/06425 - Subdivision of existing dwelling to form a separate residence A.C 29.09.25

PL/2025/04615 – Creation of an annexe (retrospective) WTD on officer advice 16.07.25

PL/2024/04116 - Two storey side extension to form an annex (retrospective) WTD on officer advice 21.06.24

20/08149/FUL - Insertion of dormer window into rear roofslope (amendment to planning permission 19/11194/FUL) A.C 04.11.20

19/11194/FUL – Two storey side extension (retrospective) A.C 29.01.20

17/05883/FUL – Proposed two storey side extension and demolition of two garages A.C 17.09.18

16/00599/FUL - Proposed two storey and single storey side extension A.C 13.04.16

POLICIES

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 20 Salisbury Community Area

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 61 Transport and Development

Core Policy 64 Demand Management

Core Policy 69 Protection of the River Avon SAC

Supplementary Planning Documents:

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

Creating Places Design Guide SPD (April 2006)

National Design Guide 2021

Wiltshire Design Guide 2024

Emerging Local Plan

ISSUES

- Principle of development including design and scale;
- Amenity impacts;
- Highway safety/parking;
- Ecological Impact including the River Avon SAC, New Forest SPA and BNG;
- Flood Risk/Drainage

CONSULTATIONS/REPRESENTATIONS

Salisbury City Council – Object with comments received stating:

SCC object in support of highway's comments.

WC Highways – Objection with comments received stating:

I feel this proposal description is misleading. A previous application was approved (PL/2025/06425) with the same description. That application was to form 2 dwellings, this application will form 3 dwellings. Application 06425 provided 2 dwellings each with 3 bedrooms, this application is proposing 1 x 3 bed, 1 x 3 bed, with 2 downstairs living rooms one with an adjacent bathroom that could be used as a 4th bedroom and 1 x 1 bed. There also seems to be an enlargement of the porch rendering the parallel parking space to the front more difficult to access, a swept path analysis is required to ascertain if this space would still be usable. I am aware that there is a Section 106 Agreement on this site for the provision of 4 car parking spaces, however this was for when there was only 1 dwelling on the site. There have been so many applications and over development of this site, I am in the mind that the S106 agreement needs to be clarified so it can be ascertained how the parking should be arranged and if there is adequate space for sufficient parking. As the application stands I offer a holding objection due to lack of information.

UPDATE:

Objection with comments received stating:

I maintain that the application description should be amended to make it clear that this application will result in 3 properties on the site, I'm not sure but this may then need a reconsult, I don't know. I note that the porch is to remain as existing. Sufficient parking is provided to meet current standards, however I am still unclear with regards to the S106 agreement as that agreement was for 4 parking spaces to be provided for the single dwelling on the site. I maintain my holding objection until the status of the S106 agreement has been confirmed.

WC Ecology – No objection subject to conditions with suggested conditions to be imposed:

Compliance with the New Forest SPA
Compliance with the River Avon SAC
Water Usage

Natural England – No objection

WC Drainage – No objection with comments received stating:

The proposed works are minor in nature and will not result in an increase in impermeable area or corresponding flood risk when compared to the existing baseline scenario. As such, we have no objections to this application.

Third party representations – None received

ASSESSMENT

Principle of development including design and scale

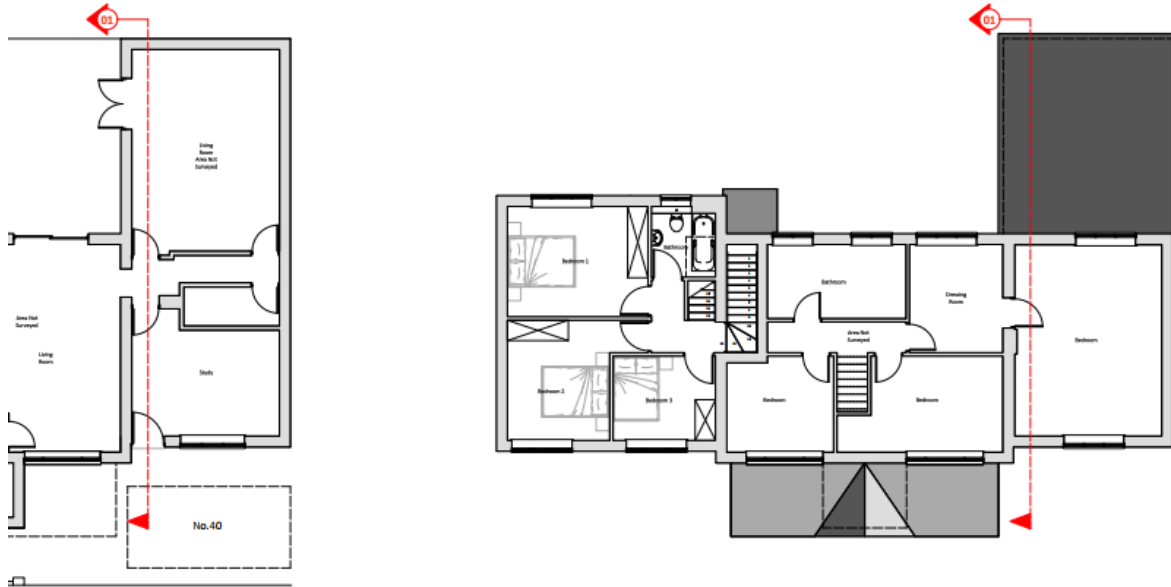
The Wiltshire Core Strategy (WCS) sets out a Settlement Strategy and a Delivery Strategy for the sustainable delivery of new development within the County. Applying the normal principle that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise; proposed new development which does not comply with the Settlement and Delivery Strategies will be unsustainable, and so unacceptable as a matter of principle, in this overarching context. The WCS for the area was adopted by Wiltshire Council in January 2015.

Core Policies CP1 (Settlement Strategy) and CP2 (Delivery Strategy) form the settlement strategy for the Wiltshire Core Strategy (WCS). The application site is within the defined settlement boundary of the residential city of Salisbury. There is no limitation in national planning policy or the local development plan on proposals that seek to provide, alter or extend facilities at existing residential units when the facilities proposed are to serve an ancillary or incidental purpose. Given its position in a Principal Settlement, Officers are of the view that the principle of an additional residential unit on this site is acceptable in line with this policy context.

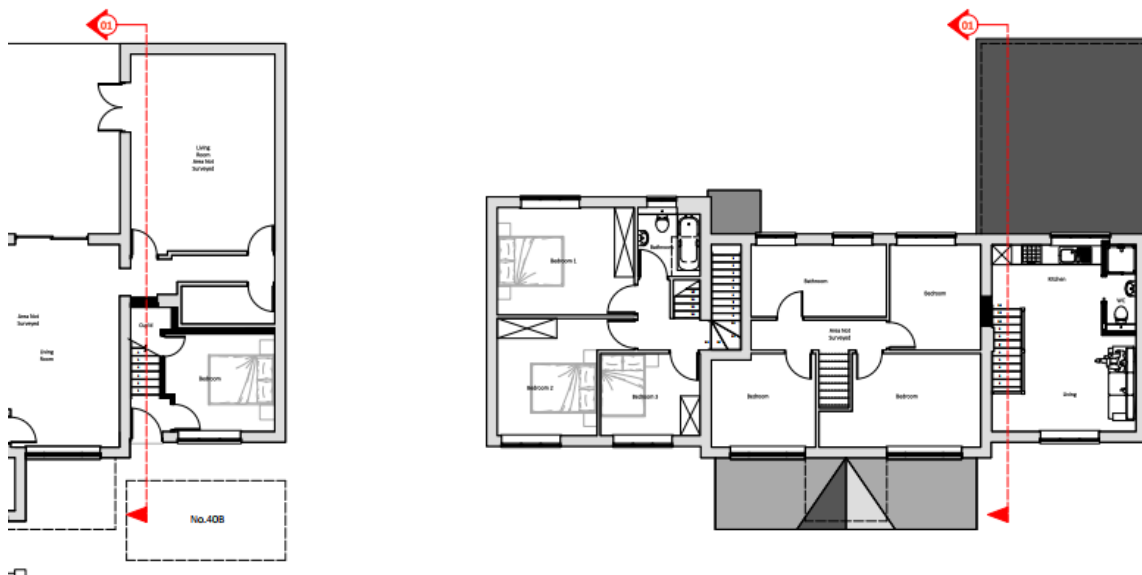
At a local level, WCS policy CP57 (Ensuring High Quality Design & Place Shaping), further requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness; retaining and enhancing existing important landscaping and natural features; being sympathetic to and conserving historic buildings and landscapes in terms of layouts, massing, building heights and plot sizes; and making efficient use of land whilst taking into account the local context and surrounding uses.

This property has been extended on both sides via two storey extensions under consents 16/00599/FUL, 17/05883/FUL, 19/11194/FUL and subsequently under 20/08149/FUL. The works permitted have largely been carried out in accordance with the approved plans with the exception of internal works associated with consent 20/08149/FUL. Recently, planning consent PL/2025/06425 was granted for the sub-division of the building forming the two-storey extension granted under consent 20/08149/FUL to form a separate planning unit.

This proposal seeks to convert the two storey side extension approved under 17/05883/FUL to a separate residential unit to form a one bedroom dwellinghouse. Internal works are proposed to form an additional bedroom at ground floor level. An existing internal access door on the ground floor that leads through to the living room area serving the dwellinghouse known as 40, Leaside will be closed off. This existing ground floor living room will remain within the planning unit of 40, Leaside. A new internal staircase is to be inserted at ground floor level that would lead to the kitchen/living room area at first floor level. The existing and proposed first floors plans of the building are shown below.



Existing ground and first floor arrangement (above)



PLN	Proposed FF Plan
02	1:100

Proposed ground and first floor arrangement (above)

By sub-dividing the existing residential unit, the proposal if considered acceptable will result in three dwellinghouses. For the purposes of the application, the three dwellings are referred to as No 40, No 40A and No 40B. Each dwelling will have the following number of bedrooms:

No 40 – 3 bedrooms – The original dwellinghouse known as Leaside;
 No 40A - 3 bedrooms following the sub-division approved under planning consent PL/2025/06425;

No 40B – 1 bedroom – this being the scheme subject of this planning application.

The current arrangement is that the dwellinghouse known as No 40 Leaside, is a four bedroom dwellinghouse.

Officers note that the sub-divided property would have its own separate access obtained via an existing doorway at the front of the property. Other than the works as outlined above, no other alterations/works are proposed by this application. In terms of scheme itself, the existing property is a C3 dwellinghouse in planning terms and the sub-division of this property would not result in any change of use. The works proposed/required to facilitate the sub-division of the planning unit are minor in over scale and internal. Officers are of the opinion that this scheme having regard for the design and scale of the works proposed are acceptable in planning terms and therefore, adhere with the requirements of Core Policy CP57 of the WCS.

Amenity impacts

Core Policy 57 also requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The existing property is located in a close-knit residential area where a degree of overlooking and inter-relationship already exists and is considered acceptable in planning terms. Views from the existing casement windows at first floor level (these being the two existing front and rear elevation casement windows serving the living area and kitchen area) to be used as the new residential unit are of primarily the garage areas of the surrounding properties and of No's 4A/B/C/D and E Ashfield Road. No additional windows or openings are proposed by way of this subdivision.

There is a small residential area to the rear of the existing building. Officers note the requirements of a suitable provision of amenity space to serve all new residential development as outlined within the Wiltshire Design Guide that was adopted in March 2024 after the granting of the original planning consents for the additions to the building. It is also important to note that this property is already an existing C3 residential dwellinghouse. Therefore, given the existing arrangement of the residential building, officers are of the opinion that the refusal of planning permission based on the existing amenity space not adhering with the requirements of the Wiltshire Design Guide would be difficult to justify.

Highway safety/parking

The application site following the approved extensions to the property and subsequent sub-division of the dwellinghouse approved under consent PL/2024/06425 is currently a four bedroomed dwellinghouse and benefits from three parking spaces. The submitted proposed block/parking plan as shown below shows 2 parking spaces for No40, 2 parking spaces for No40A (sub-division approved under PL/2024/06425) and the 1 parking space proposed for the application subject to this proposal, shown as No 40B, so 5 spaces in total to serve the whole development.



Officers are aware of the s106 agreement associated with consent 17/05883/FUL and the comments of the Highways Officer for the 2020 consent which are repeated below for clarity that required four parking spaces to be provided for the extended dwelling.

The existing site has provision for four parking spaces to the front of the dwelling which is demonstrated in the S106 agreement attached to the previous permission 17/05883/FUL.

Comments received from the Council's Highways Officer have raised no objection to the proposal subject to a condition around the proposed parking spaces remaining in perpetuity. Notwithstanding this, the Highways Officer has provided the following comments further justifying their recommendation and acknowledging the existing S106 agreement:

I note that there is a Section 106 Agreement on this site for the provision of 4 car parking spaces, this application seeks to maintain 4 car parking spaces but alter their positions within the site, I consider this to be acceptable and off street parking of 4 spaces is proposed, two within the new garage and two parallel to the highway, although parallel parking is not ideal, these spaces will not involve a vehicle driving over a footway to access or exit the highway and therefore, in this location, I consider it acceptable.

As per the comments, whilst it is noted that the provision of parallel parking is not ideal, given the location of the existing dwelling, the proposed parking layout of the dwelling adheres to the adopted parking standards of Wiltshire Council. Therefore, subject to the conditions as recommended by the Highways Officer, the proposal would not have any significant detrimental impact to highway users or highway safety that would warrant the refusal of planning permission.

Comments received from the Highways Officer for this application confirm that there is sufficient parking for all three planning units in accordance with the adopted parking standards of Wiltshire Council. However, an objection is maintained on the basis that the status of the s106 agreement associated with the 2017 consent is required to be clarified.

In Officer opinion the s106 agreement associated with planning permission 17/05883/FUL no longer serves any purpose due to the changes that have been undertaken to the building by

way of the planning consents sub-dividing the building into separate planning units. It originally required 4 parking spaces to be retained to serve a single 4 bed property known as No 40 Leaside. By way of the sub-division of the building into separate planning units, five parking spaces are now required and are to be provided which is deemed acceptable from a highway safety perspective.

A s106 agreement effectively becomes a local land charge and runs with the land, meaning that any existing land owner or person(s) who purchases the land is legally bound by its obligations. Whilst it is not clear as to whether the sub-divided unit (subject of this application) will become a separate private market dwelling or whether the applicant will remain as the owner, any owner of the sub-divided property is still required to adhere with the obligations of the s106 agreement. Therefore, as it is considered that the s106 agreement now no longer serves any purpose for the afore-mentioned reasons, it is necessary to advise via the imposition of an informative onto any consent that the applicant should apply separately to discharge the planning obligation from the site. But for the purposes of this application, sufficient onsite parking will be provided to serve the 3 units and this can be secured by planning condition on the consent. The s106 that exists on the land does not alter fact, or create any issues that need to be addressed by this application.

Ecological Impact including the River Avon SAC and New Forest SPA

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

River Avon Hampshire Catchment

The application is accompanied by a Nutrient Calculator for the River Avon SAC that following clarification on what is proposed by way of this planning application, the Council's Ecologist has no objection to this scheme subject to the imposition of several conditions for compliance with the River Avon SAC, the New Forest SPA and water usage. The comments received from the Council's Ecologist state the following:

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. Appropriate Assessment (AA) must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects, and the suitability of any measures proposed to avoid or mitigate those effects. A nutrient budget has been submitted, calculating the nutrient burden of one additional dwelling. However, an email from the agent dated 11th December 2025 states that the proposal results in 2 x three bedroom properties, and 1 x one bedroom property, indicating a net increase of 2 new dwellings. The application form confirms that 3 dwellings are proposed. It is also not clear whether the applicant intends to proceed with the Council-led scheme of phosphorus credits. The calculation must be amended to address this – by including “2” under dwellings/units in the nutrient calculator – or suitable justification provided, and resubmitted to the Council for approval. The calculation must be approved by the council to enable the AA to be undertaken, which must be completed, and the conclusion agreed with Natural England prior to the application being determined. Guidance on completing the phosphorus budget is available on our website (Phosphorus and nitrogen mitigation - Wiltshire Council). This webpage also contains information on the options available for developments to achieve nutrient neutrality.

Communications with the case officer have clarified that this proposal is only for the creation of one new residential unit, following the sub-division of the property. As such, the submitted

budget (referring to a net increase of “1” dwelling) was reviewed on 14/01/2026. After further communication, minor corrections were made to the budget, for re-review on 15/01/2026. The submitted nutrient budget calculated a total phosphorus budget of 0.11 kg TP/year pre 2030 and 0.02 kg TP/year post 2030. The budget has been approved by Wiltshire Council. A Council-led scheme of phosphorus credits will be available for development which meets certain criteria at a fixed cost per kilogram of phosphorus, provided supply of mitigation is available. A completed Hampshire Avon Credit Screening Approval Certificate is required to apply for this scheme. The ecology section of this certificate has been completed by the Council’s ecology team for this application. This certificate can only be issued by the case officer if the application meets the two deliverability tests. Further details of the Council-led scheme, including eligibility criteria, current cost to purchase credits, and details of how to apply, is available on our website.

Ecology officer approval	Document reviewed – Natural England Nutrient Neutrality budget calculator for the River Avon, emailed 14/01/2026
Approval of Nutrient Budget	Pre 2030 budget – 0.11kg TP/year
	Budget approved - Yes
	Date – 15/01/2025

A strategic Appropriate Assessment (AA) has been prepared for qualifying planning applications for residential and non-residential development, within sewered and non-sewered areas of the River Avon SAC catchment. The AA reached a conclusion of no adverse effects on the integrity of the SAC or its qualifying features. These comments assume that this application qualifies for and will be proceeding with the Council-led scheme. The mitigation fee and administration charge for the scheme can be paid by a section 111 agreement.

Officers consider subject to the imposition of the suggested condition for compliance with the River Avon SAC, the proposal adheres with the requirements of Core Policy CP69 of the WCS.

New Forest SPA

The proposed development site lies within the 13.8km zone of influence for the New Forest internationally protected sites, which comprises the New Forest SPA, New Forest SAC and New Forest Ramsar site. Therefore, there is potential to cause adverse effects on the New Forest protected sites through increased recreational pressure which may occur alone and in combination with other plans and projects. Following a Cabinet decision on 7 May 2024, Wiltshire Council’s “Interim recreation mitigation strategy for the New Forest internationally protected sites” (Version 1.1, 21 March 2023) is being revised. Cabinet approved revised mitigation measures to manage recreational pressures on the New Forest protected sites, including the cessation of use of Community Infrastructure Levy (CIL) to fund Strategic Access Management and Monitoring (SAMM) measures for minor residential development (1-49 dwellings) and tourism / visitor accommodation within the 13.8km zone of influence. Instead, SAMM measures are to be funded by developer contributions at a rate of £612 (plus legal fees) per unit of residential or tourism accommodation. This revision applies to all development that will result in a net increase in accommodation units within the 13.8km zone of influence from the New Forest protected sites and therefore applies to this application. It will be necessary to secure developer contributions of £612 per dwelling/tourism unit via a s111 agreement. Securing this contribution per dwelling/tourism unit will therefore not lead to significant adverse effects on the New Forest protected sites.

A condition can be imposed onto any consent requiring the applicant to pay the fee, this being £612 for the new dwelling in order to mitigate any impact to the New Forest SPA.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as the proposal is for retrospective development, and nonetheless would have been below the de minimis threshold, meaning the development:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

The above comments from the Council's Ecologist in relation to BNG refer to the proposal being retrospective. Whilst officers do not believe this to be case, the scheme is still exempt from BNG as the proposal impacts less than 25 square metres of onsite habitat. Therefore, the BNG plan condition is not applicable for this site.

Flood Risk/Drainage

The application site is within the residential city of Salisbury, within Flood Zone 1 (and in an area that has a low risk of groundwater flooding). Comments received from the Council's Drainage Team confirm no objection to this proposal based on the fact there is no increase in impermeable area or corresponding flood risk.

Conclusion

The site subject to this planning application has been extended via planning permissions 17/05883/FUL, 19/11194/FUL and 20/08149/FUL and these works have been implemented. A further recent approval PL/2025/06425 granted consent for the sub-division of the two-storey extension approved by consent 19/11194/FUL to form a separate residential unit.

This scheme proposes to sub-divide the two storey extension permitted under consent 17/05883/FUL to a fully separate self-contained dwellinghouse with one bedroom, one bathroom and a living area and kitchen within the first and second floors of the building obtained via the existing front door within the building. This will result in the existing building supporting a total of 3 separate dwellings on the site. In terms of physical works proposed to facilitate this sub-division, these are considered to be minor in scale and mainly relate to internal works.

Officers also note the comments of the Salisbury City Council and Highways Officer that object to this scheme based on the existence of the s106 agreement associated with planning consent 17/05883/FUL. However, it is evident for the reasoning as outlined above that the obligations of the s106 agreement no longer serves any purpose and therefore, the applicant will need to submit a separate application to discharge this agreement. It is not however a matter that needs resolving as part of this application and would not justify a reason for refusal. The objections received cannot therefore be upheld in this instance.

The site is located within the River Avon SAC catchment area and 13.8Km Zone of Influence of the New Forest SPA. Conditions can be imposed requiring the applicant to pay the required financial contributions to mitigate any impact for ecological designations as outlined within this

report.

For the reasons as outlined within the report, officers are of the opinion that the proposed development conforms with the objectives of Core Policies CP20, CP50, CP57, CP60, CP61 and CP69 of the Wiltshire Core Strategy and the aims of the NPPF. Therefore, planning permission should be granted for the development.

RECOMMENDATION

That planning permission be granted with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

DWG No: 1086A/03 Site Location Plan and Proposed Block Plan with Parking Layout
Date Received 13.11.25

DWG No: 1086A/02 Rev A Proposed Floor, Elevations and Section Plan
Date Received 13.11.25

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to the development hereby permitted or shall there be any window, dormer window or rooflight, other than those shown on the approved plans inserted into the first floor elevations or roofslopes of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements or any other window opening.

4. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017 and Core Policy CP69 of the Wiltshire Core Strategy.

5. The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational Impacts Mitigation Scheme, or an alternative approved mitigation package addressing the recreational pressure arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017.

6. The residential unit hereby approved shall be designed to ensure it does not exceed 110 litre per person per day water consumption levels (which includes external water usage).

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

INFORMATIVE(S) TO APPLICANT(S):

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

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

3. The applicant is advised that a separate S106 legal agreement associated with a previous planning application exists on this site. It is considered that the obligations within the existing s106 agreement relating to this site no longer serves any purpose. However, the s106 agreement remains a legal charge on the land and will continue to be revealed on Local Land Charges searches until it is

formally removed. The applicant is therefore advised, if they wish to clear the title or prevent future purchasers or lenders being affected by the agreement, they will need to make a formal application under section 106A of the Town and Country Planning Act 1990 to modify or discharge the planning obligation. The relevant application form can be found on the planning portal website, www.planningportal.co.uk

4. In regard to condition 4, evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. Any alternative mitigation package must be approved by the Local Planning Authority and Natural England with evidence of allocation to the scheme.
5. In regard to condition 5, evidence of compliance to the Wiltshire Council New Forest Protected Sites Recreational Impacts Mitigation Scheme means confirmation of payment of the financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.
6. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).