

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

With respect to the under mentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

<b>AHEV</b>	-	<b>Area of High Ecological Value</b>
<b>AONB</b>	-	<b>Area of Outstanding Natural Beauty</b>
<b>CA</b>	-	<b>Conservation Area</b>
<b>CLA</b>	-	<b>County Land Agent</b>
<b>EHO</b>	-	<b>Environmental Health Officer</b>
<b>HDS</b>	-	<b>Head of Development Services</b>
<b>HPB</b>	-	<b>Housing Policy Boundary</b>
<b>HRA</b>	-	<b>Housing Restraint Area</b>
<b>LPA</b>	-	<b>Local Planning Authority</b>
<b>LB</b>	-	<b>Listed Building</b>
<b>NFHA</b>	-	<b>New Forest Heritage Area</b>
<b>NPLP</b>	-	<b>Northern Parishes Local Plan</b>
<b>PC</b>	-	<b>Parish Council</b>
<b>PPG</b>	-	<b>Planning Policy Guidance</b>
<b>SDLP</b>	-	<b>Salisbury District Local Plan</b>
<b>SEPLP</b>	-	<b>South Eastern Parishes Local Plan</b>
<b>SLA</b>	-	<b>Special Landscape Area</b>
<b>SRA</b>	-	<b>Special Restraint Area</b>
<b>SWSP</b>	-	<b>South Wiltshire Structure Plan</b>
<b>TPO</b>	-	<b>Tree Preservation Order</b>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE  
WESTERN AREA 19/02/09

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

<b>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2008/2053	SWALLOWCLIFFE
Page 4 – 9	Mr O Marigold	APPROVE WITH CONDITIONS
Site Visit  15:15	JOHN HORSFALL DEAN MEAD SWALLOWCLIFFE SALISBURY SP3 5PG  ERECTION OF NEW DWELLING	TISBURY & FOVANT WARD Councillor Beattie Councillor Mrs Green
2	S/2008/2066	KILMINGTON
Page 10 - 11	Mr B Hatt	APPROVE WITH CONDITIONS
	SALISBURY DISTRICT COUNCIL 5-12 THE STREET KILMINGTON WARMINSTER BA126RG  REMOVAL OF PARAPET ROOFING & REPLACEMENT TILING TO MATCH EXISTING	WESTON & MERE WARDS Councillor Jeans Councillor Mrs Spencer
3	S/2008/1744	WILTON
Page 12 - 15	Mr O Marigold	APPROVE WITH CONDITIONS
	NEP PROPERTIES LTD 24 NORTH STREET WILTON SALISBURY SP2 OHE  CONVERSION OF STORE AREA AT REAR TO ONE BEDROOM FLAT AND SINGLE STOREY EXTENSION	WILTON WARD Councillor Edge Councillor Holt
4	S/2008/1698	CHILMARK
Page 16 - 26	Mr A Bidwell	APPROVE WITH CONDITIONS
	MISS CAMILLA NORDGREEN ROCK COTTAGE CHILMARK SALISBURY SP3 5BW  REPLACEMENT DWELLING	FONTILL & NADDER WARD Councillor Parker

5	S/2008/0779	TISBURY
Page 27 - 28	Mr O Marigold	APPROVE SUBJECT TO S106
	<p>MR DAVID LOHFINK  LAND OF HINDON LANE  TISBURY  SALISBURY  SP3 6PU</p> <p>MIXED USE DEVELOPMENT OF LAND TO  COMPRISE AROUND 90 DWELLINGS AND  3800 SQUARE METRES OF B1 BUSINESS</p>	<p>TISBURY &amp; FOVANT WARD  Councillor Beattie  Councillor Mrs Green</p>

## Part 2

### Applications recommended for Approval

1

Application Number:	S/2008/2053		
Applicant/ Agent:	JOHN HORSFALL		
Location:	DEAN MEAD SWALLOWCLIFFE SALISBURY SP3 5PG		
Proposal:	ERECTION OF NEW DWELLING		
Parish/ Ward	SWALLOWCLIFFE		
Conservation Area:		LB Grade:	
Date Valid:	10 December 2008	Expiry Date	4 February 2009
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

#### REASON FOR REPORT TO MEMBERS

The application would be a material departure from policies H23, C2 and R2 of the Adopted Salisbury District Local Plan and policy DP14 of the Adopted Structure Plan.

#### SITE AND ITS SURROUNDINGS

The site consists of the garden curtilage of Dean Mead, on Loder's Lane, Swallowcliffe. The land slopes up relatively steeply away from Loder's Lane towards the countryside to the east. There is currently a domestic garage and store, together with domestic 'terraced' land, on the site.

In planning terms, the site is outside of a Housing Policy Boundary or similar designation, and therefore is considered to be countryside. The land also forms part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

#### THE PROPOSAL

The application proposes the erection of a two storey dwelling. The building would contain four bedrooms and would be constructed of local natural stone, with treated timber cladding at first floor level, under a natural slate roof.

The dwelling would be 'set into' the slope, and would have a height of 6.8m (measured from the front), with a width of around 17m (at its greatest) and a depth of 14.5m. The existing garage would be demolished, with a garage already approved under application S/2008/1680 being built to serve the existing dwelling at Dean Mead. Two spaces would be provided for the new dwelling.

#### RELEVANT PLANNING HISTORY

- S/1981/0778 Erection of dwelling and garage (outline) approved with conditions on 12<sup>th</sup> August 1981
- S/1984/0488 Reserved Matters for erection of detached dwelling and garage, approved on 10<sup>th</sup> May 1984
- S/2008/1680 Proposed replacement garage and wood store with access alterations, approved with conditions on 12<sup>th</sup> November 2008.

## CONSULTATIONS

### Highway Authority

On the basis that the S/1984/0488 planning permission remains extant as per your letter to Brimble, Lea & Partners dated 6/10/08 would not wish to raise a highways objection to the current application subject to the following:

(1) Before the commencement of the development hereby approved the replacement garage approved under s/2008/1680 shall be completed and available for occupation.

Reason: In the interests of highway safety.

(2) The widened access/hardstanding area should be properly consolidated and surfaced (not loose stone or gravel) in accordance with details to be agreed.

Reason: In the interests of highway safety.

(3) Provision shall be made within the site in order to prevent the discharge of surface water onto the highway in accordance with details to be agreed.

Reason: In the interests of highway safety.

### Environmental Health

I have no objection in principle to this proposal however if permission is granted I would recommend the following conditions are attached to any approval:

(1) No delivery of plant, equipment, materials; demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 to 18:00 weekdays and 08:00 to 13:00 Saturdays;

During the construction of the building, no bonfires or burning of surplus building materials or other waste shall take place on the site.

## REPRESENTATIONS

Advertisement	yes – expired 08/01/09
Site Notice displayed	yes – expired 08/01/09
Departure Planning and Regulatory Panel	yes – if approved the application would need to be heard by the
Neighbour notification	yes – expired 01/01/09
Third Party responses	no

Parish Council yes – Swallowcliffe Parish Council make the following comment:

We were somewhat surprised by the view expressed in your department's letter S/1984/0488 dated 6th October 2008 that no Certificate of Lawfulness supporting the earlier approval was required, given that this was granted some 24 years ago, and the new dwelling proposed is both in a different position and of larger size. Our preference would be for this proposal to stand in isolation on its own merits.

Although these merits are considerable, we have some reservations with the size of the dwelling proposed. Its frontage is wide and leaves

little space between the building and its north and south boundaries. Notwithstanding a relatively low roofline we believe that there is a risk that it will overpower the site to an extent that is out of keeping with its surroundings especially when viewed from the north and west.

In sum, although we are not opposed to the application, we have some reservations with it as it stands.

## **MAIN ISSUES**

The principle of development  
The impact on the character and appearance of the countryside and AONB  
Public Recreational Open Space  
Highway safety, Impact on nearby dwellings, protected species

## **POLICY CONTEXT**

### Adopted Salisbury District Local Plan (saved policies)

H23	Erection of new dwellings in the countryside
C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development Criteria
R2	Public Recreational Open Space

### Adopted Wiltshire Structure Plan

DP14	Development in the countryside
C8	Development in AONBs

## **PLANNING CONSIDERATIONS**

### ***The principle of development***

The starting point for the determination of all planning applications is the Adopted Development Plan – principally in this case the Salisbury District Local Plan and the Wiltshire Structure Plan.

The site lies outside of any Housing Policy Boundary and is therefore in the countryside, in terms of planning policy. Policy H23 of the Local Plan is clear in saying that the erection of new dwellings in the countryside should only be permitted where there is a special justification – for example for affordable housing or for agricultural workers dwellings.

In this case, however, planning permission was granted in outline in 1981 for the erection of a new dwelling with a reserved matters application being granted in 1984. This was at a time when different planning policies applied.

Subsequently officers confirmed in a letter dated 26<sup>th</sup> November 1985 that the conditions attached to the permission had been complied with, and that development has lawfully commenced. More recently officers confirmed in October 2008 that the 1984 permission remains extant and could be continued to completion.

While there is no Lawful Development Certificate to say that that the 1984 consent remains in force, it is clear that were such an application made it could not be refused, particularly given the clear advice given by officers, (in October 2008) that an application for a Certificate would not be necessary. It is also clear that, were development of the 1984 permission to commence, the Authority would not be in a position to enforce against such development.

It is therefore considered that the erection of a dwelling on this site cannot be refused in principle (because a dwelling could be erected regardless of refusing this application) and that the extant consent is a 'fallback' against which the new proposal should be judged.

### ***The impact on the character and appearance of the countryside and AONB***

The extent permission allows a dwelling that would be positioned some 8m further back within the site than the dwelling proposed now. The result of this is that the dwelling already approved would be much higher than the revised proposal, because of the difference in ground levels. Indeed the extent dwelling would have a ridge height some 3.2m above that of the dwelling now proposed.

Given that a dwelling can be built on this site anyway, it is considered that a dwelling with a lower ridge line preferable, to minimise the landscape impact of any building. This would help the dwelling to assimilate into the landscape better than the extant dwelling. For comparison purposes, the height of the proposed dwelling would be similar to the height of the existing garage (which is to be demolished).

It is recognised that the dwelling now proposed would be wider than the extent dwelling and the Parish Council have expressed concern that the dwelling's width would fill the plot and be overpowering. However, the width increase would only be around 3m - the extant dwelling's width of 12.5m compares to the proposed dwelling's width of 15.5m (plus a 2m wide plant room, set much further back). However, it is considered that, though relatively wide, the proposed dwelling would not have an unacceptable appearance or result in excessive over-development because of its width.

The applicants have argued that though there would be a 40 sqm increase in floorspace, in comparing building volumes above natural ground level, the proposed dwelling's volume of 500 sqm would be less than the extant dwelling's 550sqm (and 760sqm including the garage). A further consideration is that the extant dwelling, if built, could utilise permitted development rights as these were not withdrawn when consent was granted in 1981. While this would not result in a potential increase in width or height (because of AONB restrictions) the extant dwelling could be extended to the rear.

In terms of design the proposed dwelling would be more modern than the somewhat suburban design of the extent scheme. Although the proposed dwelling includes a balcony to the front, it is considered that the design is not unacceptable, particularly when compared to the extant dwelling. Both would use natural materials.

Overall, on balance it is considered that the proposed dwelling would be preferable in terms of its impact on the landscape and the AONB, particularly because of its preferable siting and position in terms of ground levels.

### ***Public Recreational Open Space***

In accordance with policy R2, proposals for new residential accommodation would normally be required to make a financial contribution towards the provision of public recreational open space facilities.

In this case, however, the number of bedrooms in the extent scheme is the same as those proposed now. It would not be reasonable to require a contribution in relation to the new dwelling, given that there would be no greater level of impact on public recreation facilities as a result of the proposed scheme than would be the case with the extant proposal. Therefore no contribution has been sought.

### ***Highway safety, impact on nearby dwellings, protected species***

The Highway Authority have not expressed concerns regarding the proposed access or car parking arrangements and it is therefore considered that the proposal would not be unacceptable in highway safety terms.

Consideration has been given to the impact on nearby dwellings, in particular the impact on Green Close (to the south) and Dean Mead itself (to the north). An assessment has been made in relation to the potential impact from overlooking, loss of light or over-dominance.

In relation to overlooking, no windows other than a narrow 'arrow slit' window would face northwards. To the south a number of windows would face in this direction, but all (other than one bedroom window) would be 'high level' secondary windows. The one 'full' bedroom window would be screened from Green Close by its lower position in relation to the level of the adjacent land.

It is not considered that the proposed fenestration arrangement would result in unacceptable overlooking but, even if it did, regard would have to be given to the extant consent, and the fact that this proposal included three full windows on the side elevation and the potential ability to install others under 'permitted development'. Although positioned higher up the slope, these windows could still result in a degree of overlooking.

On balance, it is considered that the dwelling now proposed would not result in unacceptable overlooking to neighbouring dwellings, and would be preferable to the already-approved dwelling. In relation to loss of light or over-dominance, the proposed dwelling would not have an unacceptable impact on either nearby properties.

In relation to protected species, the applicants have stated in the application documentation that they do not believe that there is a reasonable likelihood of the site being inhabited by important protected species. Given that the existing use is as a domestic garden, it is considered that there is no reason to disagree with that assessment. In any case, given that development can take place on the site without the need for planning permission, consent could not now be withheld on protected species grounds. It is also recognised that other legislation (for example the Wildlife and Countryside Act) prevents harm to protected species and their habitats in any case.

**RECOMMENDATION: APPROVE**

**REASON FOR APPROVAL:**

The site lies in the countryside where the saved policies of the Adopted Salisbury District Local Plan only permit the erection of new dwellings in exceptional circumstances. In this case, however, bearing in mind the extant consent for a dwelling at this site from 1984, the proposed dwelling would be preferable in terms of its impact on the character and appearance of the countryside and the Area of Outstanding Natural Beauty, and would not harm the interests of highway safety, the living conditions of nearby properties, or any other material planning consideration.

**Subject to the following conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004

- (2) The materials used in the development hereby approved shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development, samples of the stone and slate shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of the character and appearance of the area

- (3) The development shall be undertaken in accordance with the Energy Assessment set out in the Design and Access Statement unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development, details of water efficiency measures shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.



Reason: in the interests of encouraging sustainable development and water and energy efficiency

- (4) Notwithstanding the provisions of Classes A to G of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling, nor the insertion of additional or enlarged windows on the north or south elevations of the dwelling (other than those hereby approved), nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: In the interests of the amenities of nearby properties (in relation to additional windows) and because the site lies in the countryside and AONB where local and national planning policies require that new development is strictly controlled.

- (5) Prior to the commencement of development, details of the surfacing and consolidation of the widened access/hardstanding, and of the means of preventing the discharge of surface water onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of highway safety

- (6) Before the commencement of the development hereby approved, the replacement garage approved under planning permission S/2008/1680 dated 12th November 2008 shall be completed and available for occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of highway safety

- (7) No building works nor the delivery of plant, equipment or materials, shall take place outside of the hours of 8am to 6pm on Mondays to Fridays and 8am to 1pm on Saturdays. There shall be no bonfires or burning of surplus building materials on the site during construction.

Reason : in the interests of the living conditions of nearby properties

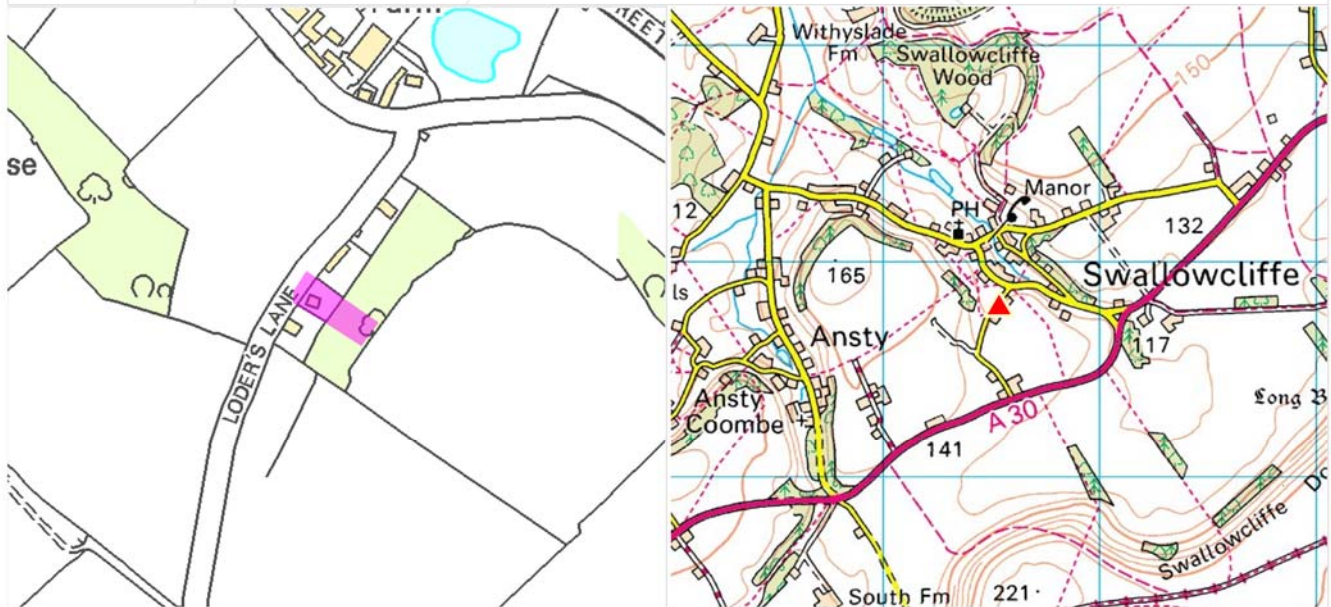
This decision has been taken having regard to the following policies of the Adopted Salisbury District Local Plan:

Adopted Salisbury District Local Plan (saved policies)

H23	Erection of new dwellings in the countryside
C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development Criteria
R2	Public Recreational Open Space

Adopted Wiltshire Structure Plan

DP14	Development in the countryside
C8	Development in AONBs



## DEAN MEAD SWALLOWCLIFFE

SCALE: NTS

DATE: 09/02/2009 15:06:42

DEPARTMENT: Planning

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Application Number:	S/2008/2066		
Applicant/ Agent:	SALISBURY DISTRICT COUNCIL		
Location:	5-12 THE STREET KILMINGTON WARMINSTER BA126RG		
Proposal:	REMOVAL OF PARAPET ROOFING & REPLACEMENT TILING TO MATCH EXISTING		
Parish/ Ward	KILMINGTON		
Conservation Area:	LB Grade:		
Date Valid:	12 December 2008	Expiry Date	6 February 2009
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

### REASON FOR REPORT TO MEMBERS:

Council application

### SITE AND ITS SURROUNDINGS

5-12 The Street are Council owned properties located within an Area of Outstanding Natural Beauty

### THE PROPOSAL

The proposal is for removal of existing parapet roofing and replacement tiling to match the existing roof

### PLANNING HISTORY

No relevant planning history

### CONSULTATIONS

No consultations

### REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	19/01/2009
Departure	No	
Neighbour notification	Yes	05/01/2009
Third Party responses	No	

### MAIN ISSUES

Impact on amenities, scale and design

### POLICY CONTEXT

G2	General Criteria for development
D3	Good design
H16	Housing policy boundary for Kilmington
C4	Landscape Conservation

### PLANNING CONSIDERATIONS

#### Impact on amenities

Whilst there will be a minimal impact on the surrounding area as a result of this proposal, the removal of the parapets is not considered to have a detrimental impact on the Area of Western Area Committee 19/02/2009

Outstanding Beauty due to the small scale of the proposal. The loss of the parapets is not considered to have a detrimental impact on the street scene as the resultant roof will match the surrounding roofs in the immediate surrounding area and as such will merge well.

### **Scale and design**

The scale is considered to be minimal resulting in the loss of a small section of walling protruding above the plane of the existing roof. In design terms the loss of the walling/parapet will not detract from the street scene but will arguably result in a roof design that reflects the characteristic roof forms of the immediately surrounding residential area. As such the design is considered to be acceptable.

### **RECOMMENDATION: APPROVAL**

#### **REASONS FOR APPROVAL:**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), C4 (Landscape Conservation), and H16 (Housing policy Boundary for Kilmington) of the adopted Salisbury District Local Plan.

#### **and subject to the following conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

- G2 General Criteria for development
- D3 Good design
- H16 Housing policy boundary for Kilmington
- C4 Landscape Conservation

Site Visit:



### 5-12 THE STREET KILMINGTON

SCALE: NTS  
DATE: 09/02/2009 15:09:15  
DEPARTMENT: Planning

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Application Number:	S/2008/1744		
Applicant/ Agent:	NEP PROPERTIES LTD		
Location:	24 NORTH STREET WILTON SALISBURY SP2 0HE		
Proposal:	CONVERSION OF STORE AREA AT REAR TO ONE BEDROOM FLAT AND SINGLE STOREY EXTENSION		
Parish/ Ward	WILTON		
Conservation Area:	WILTON	LB Grade:	
Date Valid:	15 October 2008	Expiry Date	10 December 2008
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Edge has asked that the application be heard at Western Area committee on the grounds of the importance of the site.

### SITE AND ITS SURROUNDINGS

The site consists of a three storey building in North Street, Wilton. At present its use consists of a ground floor shop unit, together with three residential units at first/second floor.

In planning terms the site lies within the Wilton Conservation Area, the Area of Archaeological Significance, Flood Zones 2 and 3, and within Wilton's Housing Policy Boundary. The site immediately adjoins a channel of the River Wylye.

### THE PROPOSAL

The application proposes the conversion of the rear storage area of the shop into a one bedroom residential dwelling. A flat roof single storey extension is proposed to the rear of the building to accommodate a living area. The shop unit itself would remain, as would the other flats at first and second floors.

### PLANNING HISTORY

83/533	Change of Use to Chinese Takeaway	WD	29/04/83
04/1169	Change of Use ground floor from retail to residential ground floor extension and alterations to fenestration including balconies and erection of pitched roof over flat roof	WD	29/07/04
04/1671	Change of Use ground floor retail to residential. New pitched roof ground floor extension various alterations to fenestration	AC	30/09/04
05/330	change of use from a1 to a3	R	13/04/05
05/1198	change of use from retail (a1) to take-away (a5)	R	03/08/05
05/1611	Convert store area on ground floor to a one bedroom flat. Convert on 1 <sup>st</sup> and 2 <sup>nd</sup> floors into two on bedroom flats	R	25/11/05
06/0073	Conversion of store area at rear to one bedroom flat and single storey extension	AC	09/03/06
06/2424	Convert ground floor store area at rear to one bedroom flat with rear extension	R	19/01/07
			Appeal dismissed

## CONSULTATIONS

**Conservation** No comments

**WCC Archaeology** No comments to make.

**Environment Agency** The Environment Agency initially objected on the grounds that the site is within Flood Zone 3. Government guidance in Planning Policy Statement 25 requires that development vulnerable to flooding (including new residential uses) should only take place in high risk zones where the development could not take place in a lower flood zone (this is known as the 'sequential test'). As development could take place elsewhere (ie they could convert other buildings instead) the EA expressed concerns that the proposal would be contrary to Government advice.

The Agency also expressed concern at the applicant's Flood Risk Assessment, which they said was inaccurate both in its classification of the development and its allowance for climate change.

Subsequently, it has been pointed out that there are already extant consents for the conversion and extension of the building which could be implemented, although they both expire in 2009. The Agency have now said that they do not object on 'sequential test' grounds but that the FRA is still insufficient. A revised FRA has been submitted and the EA's comments on this are awaited.

## REPRESENTATIONS

Advertisement	yes – expired 13/11/08
Site Notice displayed	yes – expired 17/11/08
Departure	no
Neighbour notification	yes – expired 06/11/08
Third Party responses	no
Parish Council	yes - support

## MAIN ISSUES

Impact on character and appearance of the Conservation Area  
Impact on flooding and flood risk  
Other factors

## POLICY CONTEXT

G1, G2	General Development Criteria
R2	Recreational Open Space
H16	Housing Policy Boundaries
CN8	Development in Conservation Areas
D3	Extensions

Government guidance in PPG15 (Conservation) and PPS25 (flooding)

## PLANNING CONSIDERATIONS

### ***Impact on character and appearance of the Conservation Area***

The proposed development would differ little from the extant 2006 scheme (S/2006/0073) which already grants permission for the conversion of the rear storage area to a one bedroom flat, and a single storey rear flat-roofed extension. The only difference is that the rear extension would be 3.7m in length rather than the approved 2.7m.



It is recognised that a further application was made in 2006 (S/2006/2424) for the conversion of the rear storage area, including a three storey extension. This was refused on the grounds of the impact on the Conservation Area and this stance was upheld at appeal. The Inspector considered that that proposal was not appropriate to its context, did not take the opportunity to improve the building's appearance, and that the 2004 scheme (which did include improvements to the building as a whole, and also remains extant until September 2009) was preferable.

However, while it is accepted that the 2004 scheme remains preferable and implementable, the fact remains that the earlier 2006 scheme is also implementable (and steps are being taken by the applicant to commence development of this scheme, so that the permission does not expire). The differences between the scheme now being proposed, and the earlier 2006, are minimal and would not harm the character or appearance of the Conservation Area in any meaningful way.

It is noted that the Conservation Officer has not commented, and it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the Conservation Area.

### ***Impact on flooding and flood risk***

The site is immediately adjacent to a Channel of a Main River, and lies in Flood Zone 3. The application proposes the creation of a one-bedroom unit of accommodation at ground floor (in the store area for the shop). However the additional accommodation now proposed in the lengthier extension is a larger dining room.

As has been identified above, the Environment Agency initially expressed concerns regarding the potential impact of the development on flooding and flood risk. While it appears that the Agency now accept that permission could not be refused on the 'sequential test' (given the permissions already in place) their objection remains in relation to the Flood Risk Assessment (FRA).

It is anticipated that the Agency's comments on a revised FRA will be available in time for this committee. Assuming that the Agency removes their objection, it is not considered that permission should be refused on the grounds of flood risk.

### ***Other factors***

There would be no additional bedrooms over and above those already approved in the earlier 2006 scheme as a result of the proposal, and so no additional R2 money is required (the earlier amount can be 'carried over'). The proposal would have no materially greater impact in terms of highway safety, archaeology, the impact on nearby properties, the retention of the existing shop unit or protected species than the extant scheme.

## **RECOMMENDATION**

Subject to the submission of an acceptable Flood Risk Assessment, it is recommended that planning permission is granted, subject to conditions

### **RECOMMENDATION: APPROVE**

### **REASON FOR APPROVAL:**

The proposed development would not harm the character or appearance of the Conservation Area, highway safety, the amenities of nearby properties or any other material planning consideration, or result in flood risk. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

### **Subject to the following conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)



Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004

- (2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: in the interests of the character and appearance of the area

- (3) Development shall be undertaken in accordance with the Flood Risk Assessment dated 23rd January 2008.

Reason: in the interests of preventing flood risk

- (4) Prior to the commencement of development, details of the means of encouraging energy and water efficiency in the proposed development shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: in the interests of sustainable development.

#### INFORMATIVE:

This decision has been taken in accordance with the following saved policies of the Adopted Salisbury District Local Plan:

G1, G2	General Development Criteria
R2	Recreational Open Space
H16	Housing Policy Boundaries
CN8	Development in Conservation Areas
D3	Extensions



# 24 North Street, Wilton, SP2 0HE



SCALE: 1:1250

DATE: 11th February 2009

Dwg No.:

DRAWN BY:

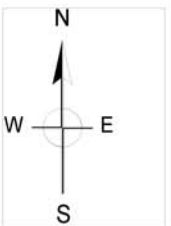
DEPARTMENT:

PROJECT:

REF:

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Application Number:	S/2008/1698		
Applicant/ Agent:	MISS CAMILLA NORDGREEN		
Location:	ROCK COTTAGE CHILMARK SALISBURY SP3 5BW		
Proposal:	REPLACEMENT DWELLING		
Parish/ Ward	CHILMARK		
Conservation Area:		LB Grade:	
Date Valid:	3 October 2008	Expiry Date	28 November 2008
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

### REASON FOR REPORT TO MEMBERS

Councillor Parker has asked that the application be heard at WAC on the grounds of the controversial nature of the site in the past and the interest shown by the public.

### SITE AND ITS SURROUNDINGS

The site consists of Rock Cottage, a small two storey dwelling lying in the open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### THE PROPOSAL

The application proposes the erection of a replacement dwelling incorporating vehicular access approved under S/2007/1735 and minimal variations to the layout of the stable building.

### PLANNING HISTORY

New stabling and associated access, refused on 11<sup>th</sup> July 2006 (S/2006/1144) on the grounds of the size, height, scale and positioning of the stable building.

Construction of new access and driveway, refused on 11<sup>th</sup> July 2006 (S/2006/1145) - this application proposed an access serving the stable and dwelling, accessing the site from the south west. It was refused on the grounds of the incursion into the countryside, and its domesticating impact (as well as protected species).

Replacement dwelling and new vehicular access and pedestrian access, refused on 11 July 2006 (S/2006/1146) on the grounds of its design and size, the impact on the countryside and AONB and protected species.

An application for a replacement dwelling and new vehicular and pedestrian access at Rock Cottage (2006/1848) was approved at WAC on 27/10/2006.

An application was submitted for a stable block a tractor store and hay store (reference S/2006/1849). Refused 30/10/2006

Erection of 2 stables, hay store and garage and creation of new access and field gate (2006/2440). Refused 27/02/2007.

Erection of, two stables, hay store, garage and creation of new access (2007/1735). Approved 23/10/2007.

Change of use of agricultural land to the recreational keeping of horses (2007/1734). Approved 23/10/2007

## CONSULTATIONS

**Highway Authority** I have no highway objection to a replacement dwelling subject to the site access being fully formed in accordance with that approved under application S/2007/1735 before the commencement of development.

**Tree Officer** I have no objections to the application.

**South Wiltshire CPRE** Supports the radical approach to matters of sustainability, (carbon emissions, rainwater, solar energy) and the novel approach to design that is made possible by the isolated position of the property.

**Wessex Water** The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to a sustainable drainage system. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site a connection onto Wessex Water infrastructure

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within or very near to the site. If any such apparatus exists applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not where apparatus will be affected change Wessex Water's ability to seek agreement as to the carrying out of diversionary and or conditioned protection works at the applicant's expense or in default of such agreement the right to prevent the carrying out of any such development proposals as may affect its apparatus.

**Environmental Health** I have no objection in principle to this proposal. The existing dwelling is unfit for habitation and in an unstable structural condition.

If approval is granted I would recommend the following condition is applied.

Due to the proximity of existing residential uses no delivery of plant equipment or materials demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08 00 - 18 00 weekdays and 08 00 - 13 00 Saturdays.

For the applicant's information I would advise that there are numerous springs in the Chilmark area and the proposed excavated basement and outside space may cut into spring lines that could result in a minor risk of flooding to the basement unless adequate surface water drainage and disposal is provided.

**Wiltshire Fire & Rescue** Having studied the proposals the following comment relating to necessary and appropriate fire safety measures is forwarded to you for consideration and inclusion within the proposed development.

#### Fire Appliance Firefighting Access

Consideration is to be given to ensure that access to the site for the purpose of firefighting is adequate for the size of the development and the nature of the proposed use.

Reference should be sought from guidance given in Building Regulation Approved Document B. B5 - Access and facilities for the Fire Service.

#### Water supplies for firefighting

Adequate consultation is to be undertaken between the Fire Authority and the developer to ensure that the site is provided with adequate water supplies for use by the fire service in the event of an outbreak of fire. Such arrangements may include a water supply infrastructure, suitable siting of hydrants and / or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for Firefighting and specific advice of the Fire Authority on location of fire Hydrants.

#### Domestic Sprinkler Protection

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon.

As you may well be aware residential sprinklers are not new though a British invention the development has been pioneered in the United States ,Australia and New Zealand to name but three. In these countries there are whole communities which enjoy such installations and can boast a zero fatality rate from domestic fires.

I would like to present to you these following short points for your consideration

- Residential sprinklers work from the standard water mains. Usually a house does require a 32mm connection rather than the industry standard 25mm.
- They are surprisingly inexpensive to install particularly in a new building.
- They do not activate by accident causing unwanted damage
- Only activated sprinkler heads will operate. Not the whole system as is often believed
- They are not unsightly as they sit flush to the ceiling behind a flat cover
- They cause less water damage in a fire than normal firefighting operations plus drastically reduce fire and smoke damage.

If you would like more information on these systems then please contact this Authority.

The above mentioned recommendations are made without prejudice to the requirements or other standards proposed by the Planning or Building Regulations Authority.

## **WCC Ecology**

I've looked through the ecological surveys submitted in support of this application (ID Wildlife, January 2006 and The Badger Consultancy Sept 2006). The first report found a few (No. 8) bat droppings from at least one species (serotine and possibly pipistrelle), all older than six months. It concluded that the building offers potential for hibernating bats (particularly under the ridge tiles) but is unlikely to be used as a maternity roost. Although the report does not state so, it appears from the lack of droppings on the floor that the site is not used as a hang up by horseshoe bats which hibernate at the nearby Chilmark Quarries SAC.

Although the surveys were conducted three years ago, I consider it would be acceptable to grant permission for this application subject to conditions/informative to achieve the following:

### **CONDITIONS**

Demolition work, including removal of the roof and dismantling of walls down to at least 1m above ground level, to be undertaken and completed within the period 1st April to 31st August.

Before any works are undertaken on site, the applicant should submit a report for LPA approval to include results of a dawn and dusk survey undertaken between 1st April and 31st August and measures that will be put in place to mitigate and/or enhance the opportunities for roosting bats. The agreed measures will be retained for use by bats for the lifetime of the development.

### **INFORMATIVE**

You are at risk of prosecution if you harm or disturb bats during the course of this development. If bats are discovered at any stage, you are advised to seek advice from an ecologist before proceeding further.

The application form states that no trees or scrub will be removed and hence I have not recommended a condition restricting the timing of such work. The risk of reptiles being harmed by the works is also relatively low and does not justify a condition.

### **REPRESENTATIONS**

Advertisement	Yes	expires 06/11/08
Site Notice displayed	Yes	expired 06/11/08
Departure	No	
Neighbour notification	Yes	expired 28/10/08
Third Party responses	Yes	3 letters in support of the proposal have been received

raising the following points:

- It is important to try new things.
- Proposal will enable designers, planners, councils and potential residents of similar dwellings to review their dwellings to improve upon them in design terms.
- It is a much better approach than having a whole village built on a new site only to discover there are serious problems with the concept and design.
- Overall concept seems good and it sits well with its surroundings.
- The building will not be obtrusive to others in any way.
- Approve of the scheme.
- The current building is hardly visible from the road and thus makes a perfect position for a replacement dwelling in the style submitted.



- Approve of the applicants design and concern for the environment and willingness to produce a building that is sustainable in so many ways.
- This is the way forward for all new residential homes.
- This application will be a flag ship for the future.
- Global concerns are being addressed with this application albeit in a small way.
- A responsible approach to building Rock Cottage is being adopted.
- Everything from the use / reuse of building materials and the harvesting of rain water is to be applauded and encouraged.
- The Green credentials of this proposal will be something that Chilmark can be proud of.

### **Parish Council response**

- (1) Whilst the sustainable design approach within the application is to be commended the replacement building as proposed is not reflective of nearby properties and is felt to be inappropriate to its rural surroundings.
- (2) The Proposal would be significantly larger than the existing building An increase in size from 100 sqm internal floor area to 227sqm.
- (3) The proposal is not sympathetic with the landscape of the Cranborne Chase and West Wiltshire AONB is not appropriate to the locality and does not reflect the character of the Area.

As such the application is considered to be in contravention of Policies H30, C2, C4 and C5 of the adopted local plan and should be refused.

### **MAIN ISSUES**

Principle of development and impact on countryside and AONB  
 Design Materials / Green Credentials  
 Impact on AONB  
 Impact on highway safety  
 Impact on protected species  
 Other material planning considerations

### **POLICY CONTEXT**

C2	Development in the countryside
C4, C5	Development in the AONB
C12	Protected species
H30	Replacement dwellings in the countryside

### **PLANNING CONSIDERATIONS**

#### **Principle of development and impact on countryside and AONB**

The site lies in the open countryside and within the AONB, where new development should be strictly controlled in accordance with the advice in PPS7 and policies C2, C4, and C5. However, policy H30 does permit replacement dwellings where they comply with criteria relating to the size and impact, appropriate design, suitable siting, parking and access and where the existing dwelling has not been 'abandoned' [the dwelling was occupied until 2005 and cannot, therefore be considered to be 'abandoned'].

A previous proposal (S/2006/1146) was for a dwelling some 135% larger than the existing dwelling – 235 square metres compared to the existing 100 square metres. It also has a ridge  
 Western Area Committee 19/02/2009

height of some 9.4m (compared with 5.2m), a greater depth and length and a design that was not considered to be reflective of nearby properties. Permission was refused under delegated powers for the above reasons, and on the grounds of the lack of a protected species survey.

The approved proposal for a replacement dwelling S/2006/1848, is of a much smaller two-bedroom dwelling, with a floorspace of 169 square metres and a height of 6.8m. Although the increase in floorspace would still be some 69% larger (which could be considered to be 'significantly' larger), a weighty material planning consideration in this case was the small size of the current dwelling and the very poor facilities contained within. To bring the dwelling up to modern standards some increase in the size of the dwelling was considered to be inevitable and it was considered that the size of this dwelling was acceptable in principle in terms of policy H30.

It is clear from the plans that the current proposal will represent a further increase in terms of floor space than the approved scheme (as above). However, the amount of above ground building proposed (the massing) will be less than the approved scheme. The approved scheme is 169 sqm gross and the proposal is 148 sqm gross above ground. The proposal would have a further subterranean floor of 79 sqm. This floor will have no impact on the visual massing of the building and will not be visible from the surrounding area and the road.

With regard to the minimal alterations to the approved stable building, these will result in the approved hat store section providing a room for a pallet store, a buffer vessel, a woodchip boiler and a heat bank, all of which are required for the sustainable heat source for the dwelling. The approved garage section will incorporate a bike store, at the other end of the stable building. The two stables forming the central sections of the stable building will remain unaltered.

It is considered that whilst no objections are raised to these variations to the approved stable building, the section required for the heat source equipment and for the garage and bike store, shall be ancillary to the residential use of the property as a whole (as was previously the case). The remainder of the building will thus remain in equestrian use. A condition will be imposed to restrict the remaining stable buildings to be used only for equestrian purposes, in association with and ancillary to, the dwelling known as Rock Cottage.

### **Design Materials / Green Credentials**

The design approach adopted for this proposal is considered to be highly innovative and sustainable. The design statement submitted with the application sets out the approach adopted to these issues as follows:

The proposal is to transform an old workers dwelling into a new high quality designed building that employs sustainable materials and technologies, addresses the local vernacular and provides a sensitive solution to provide a home of modern standards. Sited on to the existing building footprint the project aims to minimise the impact on the land. Existing trees and vegetation are to be retained where possible.

Preserving the serenity of the site, the proposal seeks to minimise any visual impact the building may have from the public view by integrating the proposed building into the landscape. By means of applying a subterranean floor set in to the landscape the impact of the mass of the new dwelling will be preserved as that of a two storey building, not exceeding the building height of the from previous planning approval.

The overall land usage is to incorporate working examples of viable and practical alternative technologies; these will include the use of solar panels, biomass boiler and rainwater harvesting, local materials and craftsmen and an all encompassing, low energy, low impact construction.

In the context of the existing building and the rural character, the response to the building has taken two distinct and independent approaches. The building has been designed to apply two identities, one public and one private. The public side elevations facing the road is designed to incorporate locally distinctive vernacular characteristics whilst being very modern. The north and east elevation are to be clad in local Chilmark stone, recycled from the existing building in combination with locally sourced stone from Chilmark Quarry. The stone will be coursed with dressed quoins, timber windows and a natural reclaimed slate roof to match the stable block approval S/2007/1735, as above.



The south and west elevations will be built utilising a green oak timber structure glazed to maximise the view of the valley and to provide the solar gain needed for the sustainability of the property. For solar control and solar shading the glazed panels have horizontal louvers providing the building with manageable levels of natural light, limiting the need for artificial light and thus, minimising the overall energy demand.

Dense block work walls will provide the building with thermal mass that in combination with the glazed south elevation will provide a building that will maximise passive solar energy.

In terms of building height, the proposal will not exceed the approved scheme setting the ridge at 6.8 metres at its highest point and also reducing it to 6.3 at its lowest point.

Whilst as stated above, this proposal will result in a further increase in footprint size, it is considered that given the fact that the elements of the proposal above ground, will amount to less footprint than the approved application, and as the objective behind policies which seek to prevent 'significant' increase in size are aimed at controlling visual impact through restricting bulk and massing that can be seen, it is considered reasonable to conclude that this proposal will not result in an unacceptably large replacement dwelling in this case.

It is further considered that the approved scheme represents a fall back position which cannot be ignored. This assessment is thus of the planning merits of the approved dwelling scheme and the proposal now submitted in combination with the impact of the proposal on the immediate surrounding area.

In terms of impact on the immediate surrounding area, the site is well screened and the proposal will add to and improve upon this screening through the implementation of further planting and the enhancement of existing. This fact, in combination with the proposed use of appropriate materials namely Chilmark stone and reclaimed slate for elevations facing the road will ensure that the proposal now presented will have no greater visual impact on the immediate surrounding area than the approved scheme.

However, it should be noted, that any further extension of the dwelling in the future, or the erection of a larger replacement dwelling, should be resisted, given policy H30's stance that the size of such dwellings should be restricted in principle. As such it is considered necessary and reasonable that permitted development rights for future enlargements of the dwelling should be revoked and a suitable planning condition will be imposed to secure this.

The design now proposed is considered to be acceptable and is representative of a well thought through approach to design from a sustainability point of view. The dwelling has been designed to include characteristics of the original cottage whilst re-using the existing stone as far as is possible.

### ***Impact on countryside and AONB***

In terms of the specific impact on the countryside (rather than the principle), much of the dwelling would be screened by the existing boundary planting, part of which would have to be re-sited in the interests of highway safety. The dwelling would be visible through the proposed entrance, but such visibility is inevitable if the site is to be continued for use as a dwelling accessed by domestic vehicles. The roof of the dwelling would project above the boundary hedging but this would not be apparent in views from the adjacent lane. These factors in combination with the simple form of the building and the reuse and local sourcing of materials will ensure that any visible elements seen from the wider area will not appear to be incongruous with the backdrop of the AONB.

### ***Impact on highway safety***

This proposal will not alter the approved means of vehicular access agreed under the previously approved scheme. Members will recall that highway safety and vehicular egress and access was extensively debated when the approved scheme was put before them. Members will also recall that it was resolved to agree to the approval of the previous scheme subject to the imposition of conditions recommended by WCC Highways.

The Highway Authority have confirmed no objections to this proposal subject to the imposition of the previous conditions requiring adequate visibility splays, including requiring that visibility is maintained for 50m to the south (amongst others) agreed under S/2007/1735.

### ***Impact on protected species***

Protected species surveys were submitted during the previous application covering bats and barn owls. Natural England had previously raised concerns regarding the surveys and required further and more comprehensive surveys to be carried out. These were subsequently submitted and Natural England confirmed that they were acceptable. Conditions were imposed under the approved scheme requiring the implementation of the recommendations set out in the surveys.

Due to the time that has passed since the application for the 'replacement dwelling' was approved on 27<sup>th</sup> October 2006, and as protected species surveys are time limited, In the case of this application an additional consultation has been carried out with the WCC Ecologist. It is clear from the comments of the WCC Ecologist (as set out above), that no objections are raised to this proposal on ecology grounds subject to conditions.

### ***Other considerations***

#### **PPS 1**

In addition to the policy context set out above, a further weighty material planning consideration relevant in this case is Planning Policy Statement 1 'Delivering Sustainable Development' and in particular it's Supplement on 'Climate Change'. The supplement on Climate Change significantly widens the scope of planning for renewable energy by requiring local planning authorities to provide a "framework that promotes and encourages renewable and low carbon generation". Whilst this statement is particularly aimed at encouraging large scale developments for energy generation (for example wind generation), this approach applies equally to individual dwellings and other small scale development proposal.

This proposal also achieves a key objective of sustainable development as the green credentials are designed- in as an integral part of the proposal as opposed to being added later i.e. for example by adding solar panels to a roof of a conventional dwelling. Therefore the approach to the design of this proposal can itself be reasonably considered as a weighty material consideration particularly in light of the above government guidance set out in PPS 1.

Furthermore, it is considered that the proposed dwelling would not harm the reasonable living conditions of nearby dwellings (in terms of overlooking, loss of light, over dominance etc), given the distances involved between this property and others. As such and in combination with all the issues set out in this report, it is considered that this proposal is acceptable from a Town & Country Planning standpoint.

### **RECOMMENDATION: APPROVED**

#### **REASON FOR APPROVAL:**

The proposed dwelling would be of an appropriate design and would not, bearing in mind the small size of the existing property and the extant permission for a replacement dwelling on the site, represent an unacceptably large increase in size. It would not harm highway safety, the interests of protected species, or the amenities of neighbouring properties. It would therefore comply with policies C2, C4, C5 and H30 of the Replacement Salisbury District Local Plan.

#### **Subject to the following conditions:**

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

- (2) No development shall commenced until, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development has been submitted to and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the external finish and appearance shall remain as approved in perpetuity.

Reason: In the interests of the character and appearance of the open countryside and AONB

- (3) Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason : The site lies in the open countryside where the size of replacement dwellings is strictly controlled, in the interests of its overall character and appearance. Any further extension or building within the curtilage could result in harm the character and appearance of the countryside and AONB

The site lies in the open countryside where the size of replacement dwellings is strictly controlled, in the interests of its overall character and appearance. Any further extension or building within the curtilage could result in harm the character and appearance of the countryside and AONB

- (4) No development shall commencement of, (including demolition) until a recessed entrance having a minimum width of 2.4m has been constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the adge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details that shall have been submitted to, and approved, in writing by, the Local Planning Authority.

Reason: In the interests of highway safety

- (5) No development shall commence (including the the commencement of the new vehicular access refered to in condition 4 above) until visibility has been provided at the access with nothing over 1m in height above the adjacent carriageway level being planted, erected or maintained in front of a line extending southwards from a point measured 2m back into the centre of the access from the carriageway edge, for a distance of 50 metres measured along the nearest carriageway edge, in accordance with the details agreed under planning reference number S/2007/1735 and as indicated on plan P-08-04-103 A received 03/10/08. The area shall be maintained in this state in perpetuity.

Reason: In the interests of highway safety

- (6) The gradient of the accessway shall not at any point be steeper than 1 in 15 for a distance of 4.5m from its junction with the public highway.

Reason: In the interests of highway safety

- (7) Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order with or without modification, there shall be no gates erected within the area of the site forming the entrance / access and turning area as previously approved under planning application No S/2007/1735 and as illustrated in this application, on Plan No P-08-04-103 A, received 3/10/08.

Reason: In the interest of highway safety and the general amenity of road users

- (8) No development shall commence, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to, and approved in writing by, the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the character and appearance of the area.

- (9) No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason: In the interests of the conservation of energy and water resources.

- (10) Any demolition work, including removal of the roof and dismantling of walls down to at least 1m above ground level, shall be undertaken and completed within the period 1st April to 31st August.

Reason: To avoid any harmful impacts on the ecology of the site and protected species.

- (11) The development hereby approved, shall be undertaken in full accordance with the protected species surveys dated 22nd September 2006 (by the Badger Consultancy) and January 2006 (by ID Wildlife)

Reason: To avoid any harmful impacts on the ecology of the site and protected species.

- (12) No development shall commence on site, until a report to include results of a dawn and dusk survey undertaken between 1st April and 31st August and measures that will be put in place to mitigate and/or enhance the opportunities for roosting bats has been submitted to, and approved in writing by, the LPA. The approved mitigation measures shall permanently retained for use by bats thereafter.

Reason: To avoid any harmful impacts on the ecology of the site and protected species.

- (13) No development shall commence until, details of the post and rail fencing and of the surfacing material of the parking and turning area have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved and shall have been fully implemented prior to the first occupation of the dwelling.

Reason: In the interests of the character and appearance of the area

- (14) Due to the proximity of existing residential uses no delivery of plant equipment or materials, demolition or construction work, or other building activity, shall take place on Sundays or public holidays or outside the hours of 08: 00 - 18:00 weekdays and 08:00 - 13: 00 Saturdays.

Reason: In the interest of amenity

- (15) Other than the heat source room and the garage and bike store, hereby approved, the stable buildings shall be used only for equestrian purposes, in association with, and ancillary to, the dwelling known as Rock Cottage (either as currently built or as replaced) and shall not be used for domestic accommodation, or for commercial equestrian purposes.

Reason: In the interest of the amenity of future occupiers of the dwelling either as existing or as replaced, and in the interest of preventing the unnecessary incursion of domestic, or commercial use in the countryside.

- (16) The heat source room and the garage and bike store, as illustrated on the plan No P-08-04-103 A, shall be used only for the private and domestic use of the occupiers of Rock Cottage and for no other purpose.

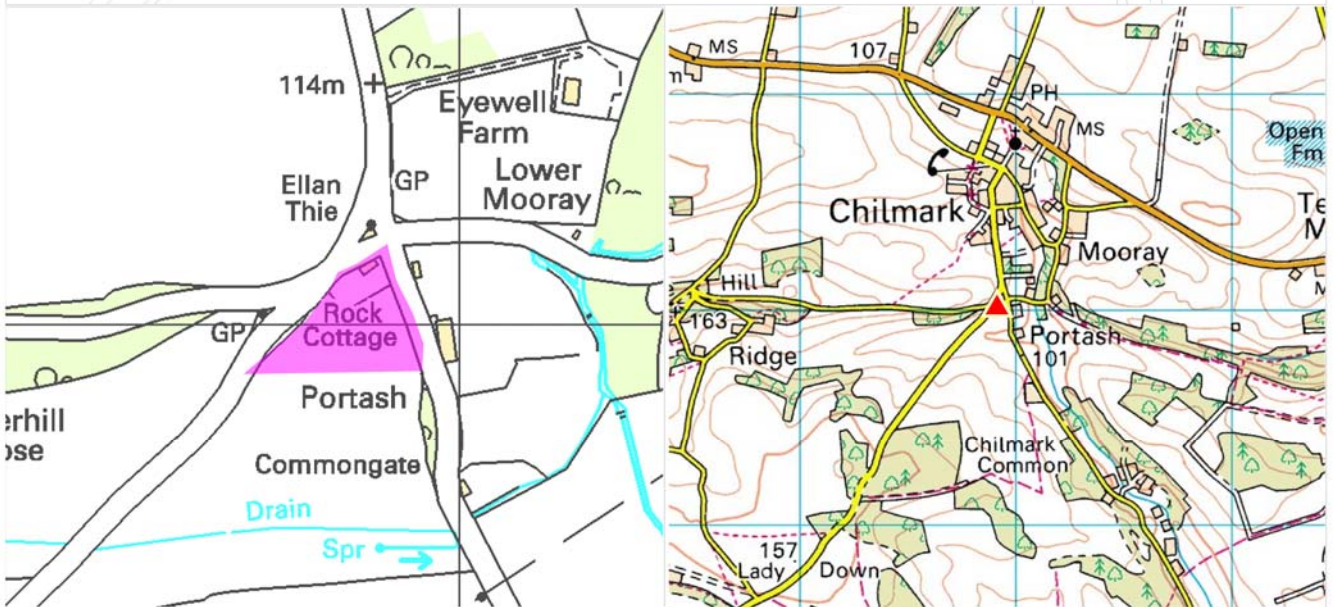
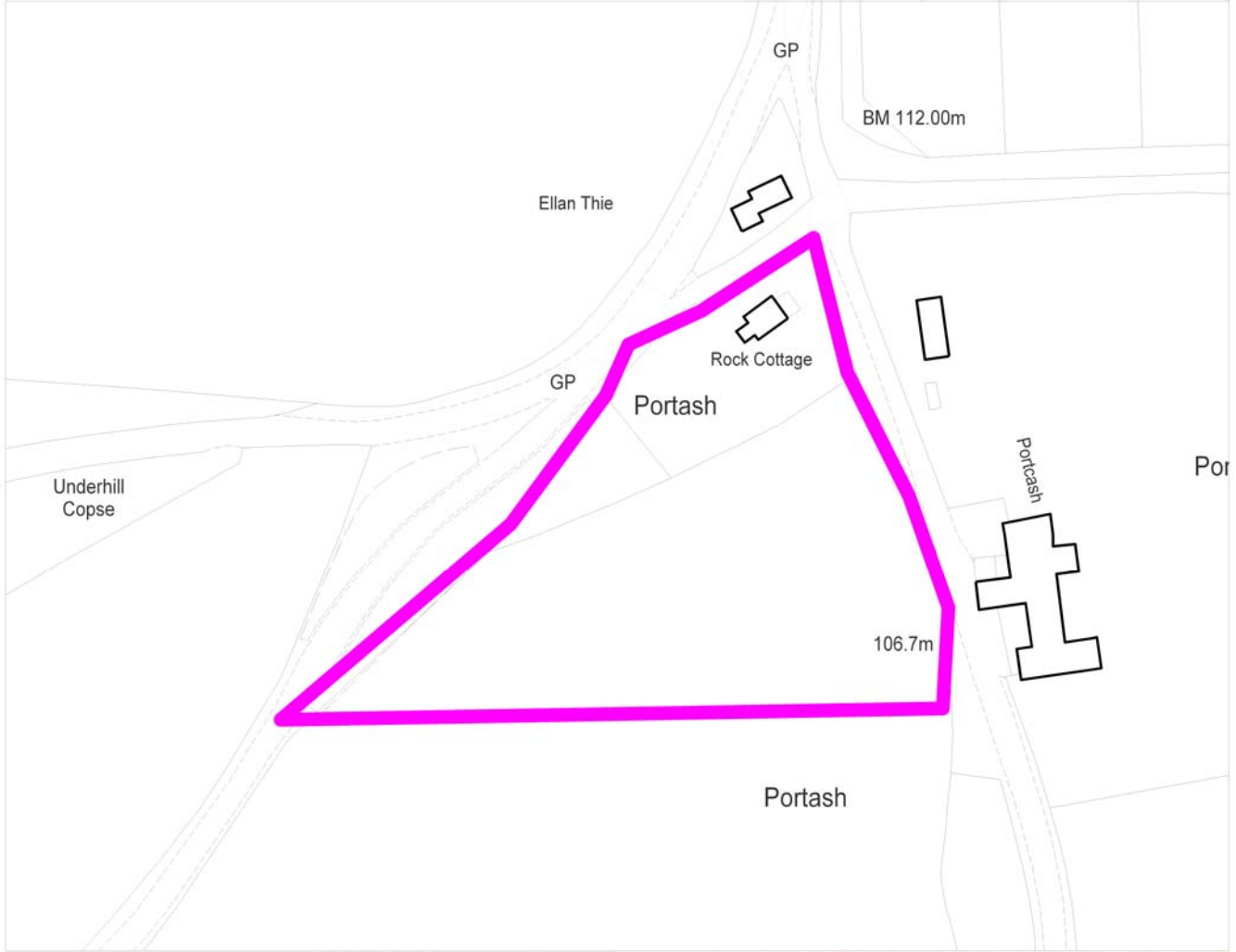
Reason: In the interest of the amenity of the countryside and as the LPA would not wish to see a non domestic use occur within the building in the interest of highway safety.

- (1) The applicants are reminded that they are at risk of prosecution in the event that harm or disturbance to bats during the course of this development occurs. If bats are discovered at any stage, the applicants are advised to seek advice from an ecologist before proceeding further.
- (2) The applicants are advised that there are numerous springs in the Chilmark area and the proposed excavated basement and outside space may cut into spring lines that could result in a minor risk of flooding to the basement unless adequate surface water drainage and disposal is provided.
- (3) The applicants are advised to consider the advice set out in the comments from Wiltshire Fire & Rescue as set out above

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

C2	Development in the countryside
C4, C5	Development in the AONB
C12	Protected species

Site Visit:



# ROCK COTTAGE CHILMARK

SCALE: NTS  
DATE: 09/02/2009 15:11:48  
DEPARTMENT: Planning

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Application Number:	S/2008/0779		
Applicant/ Agent:	MR LOHFINK - C.G. FRY		
Location:	LAND OF HINDON LANE, TISBURY, SP2 6PU		
Proposal:	MIXED USE DEVELOPMENT OF LAND TO COMPRISE AROUND 90 DWELLINGS AND 3800 SQUARE METRES OF B1 BUSINESS FLOORSPACE (INCLUDING ASSOCIATED HIGHWAY INFRASTRUCTURE)		
Parish/ Ward	TISBURY		
Conservation Area:	LB Grade:		
Date Valid:	22 April 2008	Expiry Date	22 July 2008
Case Officer:	Oliver Marigold	Contact Number:	01722 434293

### Report Summary:

That the resolution to grant planning permission, made at the Western Area Committee on 11<sup>th</sup> December 2008, should be varied to allow a greater period of time to complete the legal agreement.

### Considerations:

Members may recall that at Western Area Committee on 11<sup>th</sup> December 2008 they resolved to grant planning permission subject to a legal agreement under s106 of the Town and Country Planning Act 1990 to secure a number of planning requirements.

The requirements and the legal agreement relate to:

- (1) the provision of public recreational open space;
- (2) the provision of affordable housing;
- (3) the phasing of development;
- (4) the sum in relation to policy R4 (the community land) and R2 (public recreation facilities);
- (5) the provision of educational facilities;
- (6) the need for a Travel Plan and the requirements of the Highway Authority;
- (7) Public art;
- (8) the satisfactory long term operation and maintenance of the surface water drainage scheme;
- (9) Landscape Management;
- (10) A contribution in relation to bin storage and kerbside waste management facilities.

A time limit was imposed for the legal agreement to be completed within 3 months of the resolution, ie by 11<sup>th</sup> March 2009.

In the event that an agreement was not reached within the deadline, the resolution gives the Head of Development Services delegated authority to refuse permission on the grounds of loss of public open space (compliance with R2), lack of affordable housing, inadequate travel planning, highway safety, inadequate access, surface water drainage, unsatisfactory phasing of development - ie all those issues that would need to be achieved by means of the legal agreement.

In relation to public recreational open space, the resolution includes the fact that a separate planning application will be required to change the use of the land to be used for public open space, from agricultural use. This application will need to have been submitted and granted by the Local Planning Authority before the agreement can be finally completed.

Since the resolution, planning officers have tried on a number of occasions to arrange meetings with the applicants, the two Parish Councils (Tisbury and West Tisbury) and the Council's solicitors.

While the applicants and relevant Parish Council members have made themselves available on the dates suggested, it has proved impossible to arrange a time when a legal representative of the Council has been available. This is because the legal department has been heavily involved in a number of complex public inquiries, and other matters, together with the inevitable delays, leave etc over the Christmas and New Year period.

Furthermore, no planning application has yet been submitted for the public open space land, although officers are in discussion with the applicants over this matter and a submission is expected imminently.

Officers are intending to meet with the Parish Council representatives before the WAC on 22<sup>nd</sup> January. Never-the-less it remains the case that discussion, negotiation and resolution of the legal agreement is unlikely to be concluded within the original three month deadline.

**Options for consideration:**

Members have two options. They could either decide to extend the deadline, or not extend the deadline.

The effect of not extending the deadline would be to refuse permission, on the basis that the agreement cannot be secured in time, and that without the legal agreement a number of key planning requirements would not be met.

However, in the event of this option being taken the applicants would be likely to appeal against the refusal to the Secretary of State. Given that the delays in securing the completion have been largely on the Local Planning Authority's side, the Authority would be at risk of costs if it was judged that refusal was unreasonable.

Alternatively, it would be preferable to extend the deadline to allow the legal agreement to be completed and for the planning application to be submitted and approved. It is considered that a more realistic timeframe is six months from the date of this committee ie 16<sup>th</sup> August 2009.

**Recommendation:**

That the resolution approved on 11<sup>th</sup> December 2008 in respect of this application be varied so that the s106 agreement has to be completed before 16<sup>th</sup> August 2009, but that if no agreement is secured by this time, authority be delegated to the Head of Development Services to refuse for the reasons stated in the original resolution.

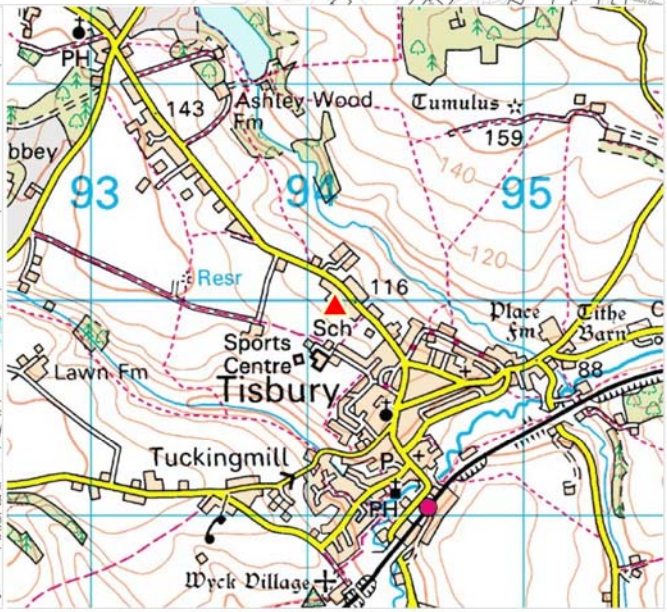
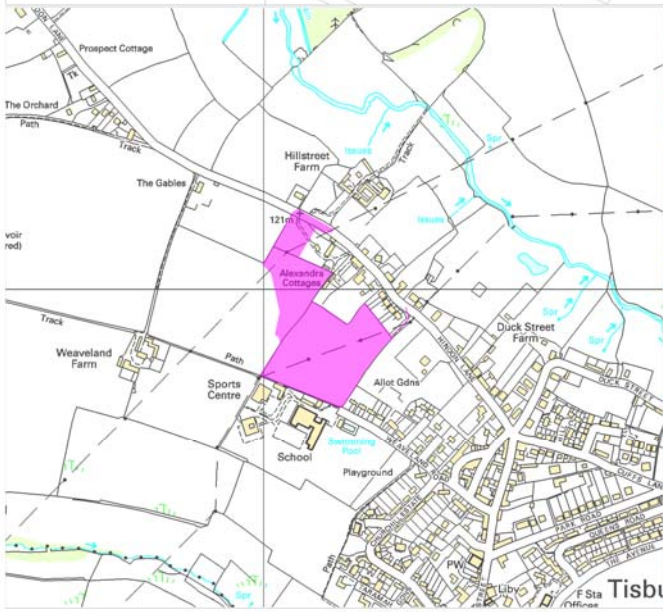
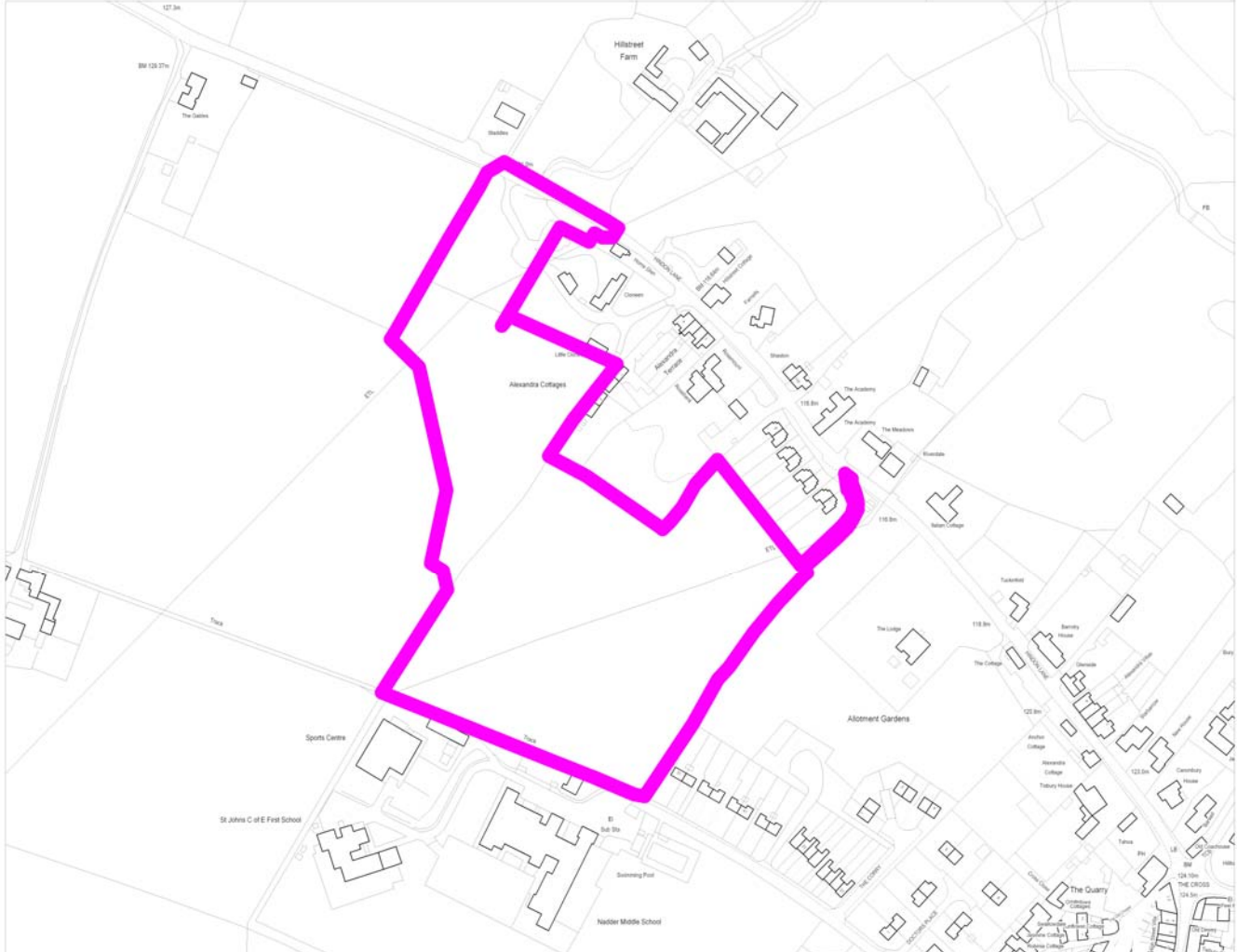
**Background Papers:**

Report to Western Area Committee on 11<sup>th</sup> December 2009 and the minutes of that meeting (which were amended at the meeting on 22<sup>nd</sup> January).



Site Visit:

S/2008/779



# LAND OFF HINDON LANE TISBURY

SCALE: NTS  
 DATE: 09/02/2009 15:02:59  
 DEPARTMENT: Planning

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