

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 15 November 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton	Cllr Ian McLennan
Cllr Brian Dalton	Cllr Paul Sample
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	Cllr Fred Westmoreland
Cllr Mike Hewitt	Cllr Ian West
Cllr George Jeans	

Substitutes:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Mary Douglas	Cllr Stephen Petty
Cllr Russell Hawker	Cllr Leo Randall
Cllr David Jenkins	Cllr Ricky Rogers
Cllr Bill Moss	Cllr Graham Wright

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on (copy herewith).

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 8 November 2012. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals**

There are no appeal decisions to report

7 **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

7a **S/2012/1307 - Paddock Brickworth Road Whiteparish Salisbury SP5 2QG** (*Pages 13 - 34*)

7b **S/2012/1240 - Land off St Margarets Close To the rear of 37 Fowlers Road Salisbury SP1 2QP** (*Pages 35 - 48*)

7c **S/2012/0562 - Land at Woodland Drive Winterslow Salisbury SP5 1SZ** (*Pages 49 - 58*)

7d **S/2012/1217 - Barn Orchard High Road Broad Chalke Salisbury SP5 5EH** (*Pages 59 - 66*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 25 OCTOBER 2012 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE
LANE, SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Mike Hewitt,
Cllr George Jeans, Cllr Ian McLennan, Cllr Leo Randall (Substitute), Cllr John Smale,
Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Tony Deane

72 Apologies for Absence

Apologies were received from Cllrs Jose Green and Paul Sample. Cllr Leo Randall substituted for Cllr Green.

73 Minutes

The minutes of the meeting held on 4 October 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes.

74 Declarations of Interest

There were no declarations of interest

75 Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

Members of the committee were asked if they required any site visits. It was agreed that site visits could be held for the following if required:

Woodland Drive, Winterslow and Steeple Langford affordable housing site

76 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

77 **Planning Appeals**

There were no appeal decisions

78 **Planning Applications**

78a **S/2012/1120 - 45 Ladysmith Gomeldon Salisbury SP4 6LE**

Public participation:

Mr Robert Andrews spoke in objection to the application
Mr Carlo Castiglione spoke in objection to the application
Mrs Emma Bravery, the applicant, spoke in support of the application
Mr James Bravery, the applicant, spoke in support of the application

The Planning Officer introduced the report, which was recommended for refusal, outlined the application and explained that a site visit had been held prior to the meeting.

Members requested clarification on how the application differed from the previous application which had been refused. During the debate issues such as the impact on the streetscene and the effect on neighbouring properties were discussed, following which

It was

RESOLVED

That the application be GRANTED for the following reasons:

It was

RESOLVED

That the application be GRANTED for the following reasons:

Subject to the completion of a legal agreement securing a financial contribution towards recreational open space facilities and affordable housing, it is considered that the development would be acceptable in principle, would have no significant impact in design terms, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties. The development would therefore accord with the aims and objectives of the

development plan, having regard in particular to Local Plan policies G2, D2, and H16, which are 'saved' policies of the South Wiltshire Core Strategy.

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.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 5(1) of the Planning and Compulsory Purchase Act 2004

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), there shall be no additions, extensions or enlargements of the development hereby permitted and no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes or side elevations 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- Policy G2

3. No delivery of plant, equipment, materials, demolition or construction works or other building activity shall take place on Sundays or public holidays or outside the hours of 07:30 & 18:00, weekdays and 08:00 & 13:00 Saturdays.

Reason: In the interests of residential amenity- Policy G2

4. This development shall be in accordance with the submitted drawings

- Site Block Plan 0712/P002, dated July 2012 and received to this office on 03/08/12
- Proposed elevations 0712/PQ05, dated July 2012 and received to this office on 06/08/12
- Proposed floor plans 0712/P004, dated July 2012 and received to this office on 06/08/12
- Proposed site layout (amended parking layout) 0712/P003 dated Sep 12 and received to this office on 12/09/12

unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

5. Before the development hereby permitted is first occupied the en-suite windows in the first-floor side elevations shall be glazed with obscure glass only and shall be of a top-opening vent design, and the windows shall be permanently maintained with obscure glazing at all times thereafter.

Reason: In the interests of residential amenity and privacy- Policy G2

6. No development shall commence within the proposed development site until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

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

7. The development hereby permitted shall not be first occupied until the two parking areas and access thereto, have been consolidated and surfaced (not loose stone or gravel). The access and parking spaces shall be maintained as such thereafter.

Reason: In the interests of highway safety- Policy G2

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained- Policy G2

9. No development shall commence on site until details of the bricks and tiles to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

INFORMATIVE: Section 106 Agreement (Open Space/Affordable Housing)

This permission shall be read in conjunction with the S106 Agreement in relation to the Public Open Space/Affordable Housing contribution.

INFORMATIVE: Water Efficiencies

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

INFORMATIVE: Protected Species

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.

78b **S/2012/1112 - 19 Southbourne Way Porton Salisbury SP4 0NN**

Public participation:

Ms Ann Ryder spoke in objection to the application
Mr Keith Elmer spoke in objection to the application
Mr Bob Fischen spoke in objection to the application
Mr Nigel Crouch spoke in support of the application
Ms Ira Blake spoke in support of the application

The Planning Officer introduced the report and drew attention to the late correspondence.

A debate ensued during which concerns over the actual height of the property were discussed in some depth following which

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The increase in the ridge height of the dwelling, by 150mm above the 600mm increase approved under planning permission S/2011/0527/FULL, is considered to have no significant impact on the residential amenities of the occupiers of nearby properties, the character and appearance of the dwelling and the character and appearance of the area surrounding the proposal site. The proposal is therefore considered to be in accordance with the aims and objectives of the saved policies G2, D3, C6 and H16 of The Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

And subject to the following conditions:

This approval relates only to the following drawings:

Proposed elevations: Drawing number: 11027/2 A Date received by Wiltshire Council: 03/08/2012

Proposed cross section, proposed roof plan and proposed floor plans: Drawing number: 11027/1 Date received by Wiltshire Council: 03/08/2012

Reason: For the avoidance of doubt.

INFORMATIVE

In granting the approval of this application members were concerned that the built height of the completed development may exceed the 750mm allowed for in this application. As such members wished officers to revisit the site and measure the completed development with the ward member prior to reporting to the following planning committee meeting.

78c S/2012/0616 - Land adjacent to Church Cottage Portnells Lane Zeals Warminster BA126PG

Public participation:

Mr D Carpendale, the agent, spoke in support of the application
Cllr John Wigg, representing Zeals Parish Council, spoke in objection to the application

The Planning Officer introduced the report, which was recommended for approval, and drew attention to the late correspondence.

During the debate members expressed concerns at the proximity to the churchyard and the impact on the conservation area.

It was

RESOLVED

That Planning Permission be REFUSED for the following reasons:

1. The proposed detached dwelling would be positioned on a site where it would result in the loss of a view and open space or, gap between buildings and gardens that would detract from the special character of the Conservation Area.

The proposal would also result in the loss of an open area which makes a positive contribution towards the character of the settlement whilst the impact on the view of the church from Portnells Lane and Zeals Rise, would fail to preserve and enhance the setting of the listed building and the overall character of this part of the Conservation Area.

As such the proposal is considered to be contrary to saved policies CN10, H16 - criteria (ii), CN8 and CN5 of the adopted Salisbury District Local Plan which, are saved policies in appendix C of the adopted South Wiltshire Core Strategy.

2.The proposal, in so far as the applicants have not entered into a Section 106 agreement for the provision of commuted sums for, off-site outdoor adult recreation and affordable housing, is contrary to saved policy R2 of the adopted Salisbury District Local Plan which, is a saved policy in appendix C of the adopted South Wiltshire Core Strategy, and Core Policy 3 (CP3) of the adopted South Wiltshire Core Strategy.

78d **S/2012/1189 - The Old Chapel Tuckingmill Tisbury Salisbury SP3 6JB**

Public participation:

Mr Jonathan Amos spoke in objection to the application

Cllr Richard Platts, representing West Tisbury Parish Council, spoke in objection to the application

Cllr Tony Deane, local member, spoke in objection to the application

The Planning Officer introduced the report and it was underlined that the committee should only consider the planning considerations such as neighbour and visual amenity of the application as set out in the officers report – the issue of the effects of the smoke from the chimney would be dealt with through statutory processes in environmental law.

A debate ensued during which members confirmed that there would be a cowl fitted to the chimney and that both that and the chimney would be painted black.

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The proposed retrospective installation of an black (painted) stainless steel flue serving a wood burning stove is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities or the AONB/Conservation Area and is therefore compliant with adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy and paragraph 28 of the National Planning Policy Framework.

And subject to the following conditions:

(1) The retrospective black coloured steel flue hereby approved shall be maintained in the existing black finish in perpetuity.

REASON: In the interest of the preserving the visual character of the Conservation Area and the AONB.

POLICY: D3 (Design) CN8 (Conservation Area) C4 & C5 (AONB)

(2) Within 1 month from the date of this permission, a scheme for a black coloured accelerator chimney cowl shall be submitted to and be approved by the Local Planning Authority. Such an approved scheme shall then be carried out within 1 month of the date of the Local Planning Authority's approval letter.

REASON: In the interest of neighbouring amenity.

POLICY: G2 (General)

78e S/2012/1205 - 15 Bishops Drive East Harnham Salisbury SP2 8NZ

Public participation:

Mrs Pauline Kennedy spoke in objection to the application
Mr Geoff Kennedy spoke in objection to the application
Mr Robert Burrows, the applicant, spoke in support of the application

The Planning Officer introduced the report, drew attention to the late correspondence and explained that a site visit had been held prior to the meeting.

During the debate issues such as light pollution affecting the neighbours and the possibility of non reflective and obscure material being used on the roof were discussed.

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The proposed first floor rear conservatory extension is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities and is therefore compliant with adopted policies; G2, D3, H19 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

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.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY- D3 (Design)

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY- G2 (General)

(4) Before development commences a scheme demonstrating an obscure glazed and non reflective glass roof shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before occupation of the development hereby permitted and shall be maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

POLICY- G2 (General)

(5) The development shall be carried out in complete accordance with the following drawing:
DRG No. 04412 1 Rev B (Aug 2012) 09/10/2012

REASON: For the avoidance of doubt

83 Urgent Items

There were no urgent items

(Duration of meeting: 6.00 - 9.00 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

1.

Application No: S/2012/1307**Site Location:** Trickeys Paddock Brickworth Road Whiteparish Salisbury SP5 2QG**Development:** Vary condition 1 & 3 and remove condition 2 of permission S/2008/708 to allow permanent occupation of the site, to remove the personal occupation restriction, and to allow an additional touring caravan on site**Recommendation:** Approved With Conditions**Division** Alderbury and Whiteparish ED

2.

Application No: S/2012/1240**Site Location:** Land off St Margarets Close To the rear of 37 Fowlers Road Salisbury SP1 2QP**Development:** Erection of one dwelling including access, car parking and landscaping**Recommendation:** Approved With Conditions**Division** Salisbury St. Martin's and Cathedral ED

3.

Application No: S/2012/0562**Site Location:** Land at Woodland Drive Winterslow Salisbury SP5 1SZ**Development:** Three new dwellings and associated works**Recommendation:** Approved With Conditions**Division** Winterslow ED

4

Application No: S/2012/1217**Site Location:** Barn Orchard High Road Broad Chalke Salisbury SP5 5EH**Development:** Erection of new dwelling and detached garage and alterations to access**Recommendation:** Approved With Conditions**Division** Fovant and Chalke Valley ED

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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	15.11.2012		
Application Number:	S/2012/1307/S73		
Site Address:	Trickey's Paddock, Brickworth Road, Whiteparish, Salisbury, Wiltshire SP5 2QG		
Proposal:	Vary Condition 1 & 3 and remove Condition 2 of permission S/2008/708 to allow permanent occupation of the site, to remove personal occupation restriction, and to allow an additional touring caravan on the site.		
Applicant / Agent:	Mr W Clarke/Miss Sarah Green		
Parish Council	Whiteparish		
Electoral Division	Alderbury and Whiteparish	Unitary Member	Cllr Britton
Grid Reference:	Eastings: 423089 Northings: 123525		
Type of Application:	Minor		
Conservation Area:	No		
Case Officer:	Mr W Simmonds	Contact Number: 01722 434553	

Reason for the application being considered by Committee

The application has been called to Committee by the local Division Member, Cllr Britton, on grounds of (i) visual impact on the surrounding area, (ii) environmental/highway impact and (iii) public concern.

1. Purpose of report

To consider the application and the recommendation of the Area Development Manager that Conditions 1 and 2 of the permission previously granted under S/2008/708 are varied (to allow an extension to the time limit previously imposed), condition no. 3 (which limits the number of caravans stationed on the site to one) is retained, and all other conditions are retained.

2. Report summary

The application proposes the variation of Condition nos. 1 & 3 and the removal of Condition no. 2 of permission S/2008/0708. The effect of the proposal would be to allow permanent occupation of the site (the original permission is temporary), to allow occupation by any gypsy/traveller family (the original permission is personal to a specific family), and to allow an additional touring caravan to be stationed/stored (the original permission limits the number of caravans to one).

The Area Development Manager's recommendation is that Condition nos. 1 and 2 of the permission previously granted under S/2008/0708 are varied to allow an extension to the time limit previously imposed (that is, to extend the temporary permission), whilst retaining the personal restrictions and all other conditions imposed on the original permission.

The application has generated an objection from Whiteparish Parish Council and 98 objections from third parties.

3. Site Description

This application relates to approximately 0.8ha of land lying on the southern side of Brickworth Road (A27), about 0.5km from its junction with the A36 Salisbury to Southampton trunk road and about 1km west of the village of Whiteparish.

The site is roughly rectangular in shape, consisting of the northern part of a field which has a road frontage alongside the A27 of approximately 90 metres. The surrounding land is generally open in character being mainly grazing land and the site is very open and fairly level, though it rises gradually from the Brickworth Road towards stables and agricultural buildings (in other ownerships).

The vehicular access to the site is from an established agricultural track which serves the adjacent fields and some stable buildings.

The site is located within the Special Landscape Area and is outside of any village Housing Policy Boundary being in an area designated as open countryside.

4. Relevant Planning History

Application number	Proposal	Decision
S/2008/0708	Change of use of land to site a Mobile Home for a gypsy family Tricky's Paddock Brickworth Road, Whiteparish	Refused 30.07.08 Appeal allowed 14.09.09
96/0782	To site a mobile home for agricultural use	R
96/0032	To site one caravan to house one gypsy family for a temporary period of 10 years, subject to personal and family occupancy	Decline to determine
93/1703	To site one caravan to house one gypsy family	R 09.03.94 App dismissed 17.03.95
93/1090	Change of use of land to accommodate one Gypsy family for 3 years, including new access at Highfield	Not determined
93/0400	Change of use of land to accommodate one gypsy family, including construction of vehicular access	Not determined
92/20ENF	Enforcement notice against the construction of new vehicular access from the land on to the A27 road & the layout of gravel hardstanding for 15 caravans	Effective 30.07.92 Appeal dismissed 29.10.92
92/19ENF	Enforcement notice against the change of use of the land from open land to use for the stationing of residential caravans	Effective 30.07.92
91/1413	Use of land for & laying out of 15 pitch gypsy caravan site + construction of vehicular access at Highfield	R 24.09.92 App dismissed 29.10.92
91/0386	Appeal against enforcement notice in relation to siting of a mobile home for use in connection with a proposed market garden	App dismissed 22.10.91
90/56/ENF	Unauthorised access	Withdrawn
90/21ENF	Enforcement Notice issued against removal of unauthorised stationing of a mobile home	Complied with
90/1349	Mobile home for agricultural use at Highfield	R 25.10.90

5. Proposal

The proposal is to vary condition nos. 1 & 3 and remove condition no. 2 of permission S/2008/0708. The applicant's proposed wording of conditions 1 & 3 is as follows:

1. The use hereby permitted shall be carried on only by gypsies or travellers.
3. No more than two caravans of which no more than one shall be static.

The application is supported by a detailed statement which addresses planning policy issues, the visual impact issue, sustainability and highway issues, the need for sites and lack of alternative sites, the applicant's personal circumstances, and the prospect of a further temporary planning permission. The entire statement is relevant, but several key paragraphs follow:

“The Appeal Site – Character & Appearance

Planning policy for Traveller sites encourages private site provision as the way forward to meet the identified need and granting a permanent permission would assist the Council in meeting need in their district.

The difficulty in finding suitable land for sites is a national problem but a particular problem in Salisbury as well as the surrounding authorities for the following reasons:

1. The lack of any available land in Salisbury and the surrounding area.
2. The lack of suitable locations. The Gypsy, ideally, needs to be in the countryside, but near to a settlement. They need to be able to have the facilities to provide for their living style, and enough land for the children to enjoy the benefit of ‘caravan living’.
3. The prohibitive costs which arise because of the massive unmet need for housing and other development land and thus any land which is suitable for development will be sold at a price beyond the Gypsy and indeed beyond a sum that many people can afford.
4. The prejudice against Gypsies.

In South Wiltshire much of the area is designated as an AONB or other national designations and as such it will be difficult to find the sites which will not have some impact on these areas. The appeal site, however, is not within any nationally designated area and would have no adverse impact on these areas.

The harm to the character and appearance has been significantly reduced and the applicant submits that this should not be a reason for refusal of this application. Any remaining impact on the character and appearance of the area could be further mitigated by additional landscaping and the Applicant would be happy to accept any reasonable landscaping condition. ...

Need for sites

.... the need for sites in Salisbury has been assessed and accepted by the Council, as a need for 10 residential and 5 transit pitches in Salisbury by 2011. This has been confirmed and adopted in the South Wiltshire Core Strategy at Policy 4. As these pitches are yet to be provided, the Council is already in breach of this policy.

The need for sites post 2011 has been assessed in relation to preparation of the Wiltshire Core Strategy and confirms a need of 33 residential pitches in South Wiltshire from 2011 plus a need for 8 transit pitches. This is a substantial level of need.

Granting a permanent permission for the application site would assist the council in meeting this identified need, at no cost to the Local Government, and it is considered that it would be difficult for the Council to find a more suitable alternative site in the surrounding area for this purpose.

Lack of Alternative Land

For many years the Applicant has sought to find an alternative site or alternative land that would be more suitable than the application site, which he could afford, but he has been unable to find any. ...

Temporary Permission

In 2009 the Inspector granted a 3 year temporary permission under the impression that a DPD allocating sites would be adopted in December 2012 and sites developed and allocated to families, such as the applicants, by September 2012. This has not happened. As evidenced by the slippage to the timetable for adoption in 2010, there is simply no guarantee of when a site might be available for this family through the DPD.

The grant of a further temporary permission will result in ongoing uncertainty for the Applicant and his family of their future living arrangements. They are unable to plan for the future and live

under constant fear that eventually they will be evicted with nowhere else to go. The grant of a temporary permission has already caused the family a significant amount of stress and worry and has had a seriously adverse affect on their health, particularly the Applicant. To allow this to continue is an unreasonable burden to place on him, when considering his need for a site within the district and the suitability of the site. It would also cause uncertainty for neighbours and other local residents.”

The full statement is available to view on the Council’s website.

The effect of the proposal would be to allow permanent occupation of the site (the existing permission is temporary), to remove the existing personal occupation restriction, and to allow an additional caravan to be stationed on the site.

Condition nos. 1-3 presently state the following:

1. The use hereby permitted shall be carried on only by Mr William Clarke, Ms Tammy Beswick and their resident dependants and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
2. When the premises cease to be occupied by Mr William Clarke, Ms Tammy Beswick and their resident dependants or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the site premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
3. No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

6. Planning Policy

Adopted South Wiltshire Core Strategy (SWCS) Core Policy 4 (Making adequate provision for gypsies and travellers), and saved policies G1, G2, H23, H27, H28, C2, & C6.

Also of relevance is the government’s National Planning Policy Framework (NPPF) and the Department for Communities and Local Government publication “Planning policy for traveller sites”, both published in March 2012.

7. Consultations

Whiteparish Parish Council – Object, contrary to local plan policy.

WC Highways – No objection.

WC Environmental Health – No response received

WC Spatial Planning – The Gypsy and Travellers Site Allocation DPD has been delayed pending consideration and adoption of the Wiltshire Core Strategy. It remains the intention of the Council to produce this DPD which is critical to the delivery of suitable, affordable and acceptable sites.

Environment Agency – No objection; comment regarding access and egress during a flood.

Wessex Water – No response received.

Southern Water – No comments.

CPRE – Object, proposals are not justified and the site is not an appropriate location for a gypsy and traveller site.

8. Publicity

The application was advertised by site notice and neighbour notification letters.

Objections from 98 third parties have been received. Grounds of objection include:

- Insufficient facilities in local area to support a Gypsy and Traveller site
- Adverse visual impact on the surrounding landscape
- Highway safety considerations
- Site is outside of housing policy boundary of the village
- Flood risk
- Lack of provision for the disposal of sewage from the site
- Sustainability and public transport grounds
- Impact on the character of the area
- Poorly served by education and health facilities
- No safe pedestrian access to local facilities and amenities
- No justification for proposed variation of conditions
- There is no longer a shop at the garage at Brickworth Corner
- Out of keeping with the character of the surrounding area
- Inappropriate use of agricultural land
- Proposal contravenes the local planning policy

9. Planning Considerations

In considering the original appeal the inspector defined the main planning considerations as follows:

- The principle of the proposal;
- The effect of the proposal on patterns of travel;
- The effect of the proposal on the character and appearance of the surrounding area;
- Whether any conflict with policy or other harm would be outweighed by other material considerations.

These considerations remain relevant to the current application. In addition it also relevant to consider any material changes in circumstances since the original appeal was allowed.

9.1 Principle of the Proposal

In terms of the current adopted South Wiltshire Core Strategy (SWCS), the application site remains outside of any recognised settlement (that is, within open countryside) where new development will be strictly controlled and will not be permitted unless beneficial to the local economy and positive to the environment (saved Policy C2).

Residential development is only permitted in such areas if it is for locally needed affordable housing or is required for agricultural/forestry workers. Moreover, within the Special Landscape Area any new development should not have an adverse effect on the quality of the landscape (saved Policy C6). Saved Policy G1(i) of the SWCS also requires development to observe the principles of sustainability by reducing the need to travel in accordance with the NPPF.

The SWCS contains a specific policy (CP4) about making adequate provision for gypsies and travellers. This states:-

“The following considerations will be taken into account in the determination of relevant planning applications as well as for the identification for new Gypsy and Traveller pitches prior to the DPD being adopted:

- *Preferably the site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy*

- *The site will be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity as well as any commercial activity that is required*
- *Adequate levels of privacy should be provided for occupiers.*
- *Development of the site should be appropriate to the scale and character of its surroundings and the existing settlement.*
- *The site does not compromise a nationally recognised designation*
- *The site should not be constrained by flooding nor have the potential for adverse effects on river quality, biodiversity or archaeology”.*

The Wiltshire Core Strategy also contains a policy (Policy 47) which states the following:

“..... Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists.

New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Proposals must satisfy the following general criteria:

- i. no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*
- ii. it is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users*
- iii. the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas*
- iv. it is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services. This will be defined in detail in the methodology outlined in the Site Allocations DPD, and*
- v. it will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings”.*

Both the SWCS and WCS recognise the need to make adequate site provision for gypsies and travellers. The policies specify that a Gypsy and Site Allocations DPD will be produced to meet the need. To date this DPD has not been produced in view of the desire to ‘tie’ it in with the timing of the WCS.

In March 2012 Central Government published new guidance in respect of planning policies for traveller sites, this replacing the former advice provided by Circular 01/06 ‘Planning for gypsy sites and traveller caravan sites’. The new document sets out the Government’s planning policy for traveller sites and should be read in conjunction with the NPPF. The document forms a material consideration in both the preparation of development plans and the making of planning decisions.

The previous appeal under planning application reference S/2008/0708

A significant material consideration in this case is the previous appeal decision (dated 14.09.2009) relevant to planning application reference S/2008/0708, on which the current Section 73 application is based. The full decision letter is attached as an annex to this report. The appeal related to the refusal by Salisbury District Council for the change of use of the land for the siting of a mobile home for use by a gypsy family.

The Inspector concluded that the use of the land to site a mobile home would be intrusive in the countryside and cause harm to the character and appearance of the area. He did not, however,

consider that the site would be so poorly related to local services and facilities as to be unacceptable, and it would not result in harm to patterns of travel.

Notwithstanding the conclusion in respect of the visual impact, the Inspector allowed the appeal on a temporary basis in view of the combined general and personal needs of the applicant for a site, the lack of a suitable alternative site within the locality and the likelihood of alternative sites becoming available within the next few years through the local development framework (LDF) process. The Inspector justified his decision as follows:

“Circular 01/2006 advises that, where there is an unmet need and no alternative gypsy and traveller site provision in an area but there is a realistic expectation that new sites are likely to become available at the end of a temporary period, consideration should be given to granting temporary permission; such a situation may arise where a LPA is preparing its site allocations DPD.

The LPA has a firm intention to prepare such a DPD and is taking steps to achieve its target for adoption of December 2010. As a result, there is likely to be a material change in circumstances, leading to a realistic likelihood of suitable, affordable and acceptable accommodation. Intended adoption of the DPD is in a little over one year's time but there is a risk of slippage and then a need to bring forward the resulting sites.

The harm to the area's character and appearance should not be perpetuated longer than is necessary and I consider that a temporary planning permission for a period of three years is appropriate and reasonable in the circumstances. The protection of the public interest cannot be achieved by means which are less interfering of the appellant's rights. They are proportionate and necessary in the circumstances and would not result in a violation of his rights under Article 8 of the European Convention on Human Rights”.

The permission was, therefore, made personal and temporary, and restricted in terms of the number of caravans on the site (conditions 1-3). Further conditions required measures to be put in place to minimise the impacts on visual amenity and highway safety.

The variation of Condition no. 1 and removal of Condition no. 2

The effect of existing condition nos. 1 and 2 is to make the planning consent temporary for a three year period, and personal to the applicant, his partner and any resident dependants, and to ensure the land is restored to its former condition when the temporary period ends.

Under the current local and national planning policy context the application site continues to be an exposed location within open countryside where the visual impact of a mobile home, associated vehicles and paraphernalia is harmful to amenity. It follows that the current proposal, to remove the conditions which limit the life of the permission and make it personal to the applicant, remains unacceptable as contrary to the development plan.

That said, the circumstances surrounding the gypsy and travellers' sites DPD remains largely unchanged since the Inspector drew his conclusions. The LPA is still preparing this document but now in parallel with the Wiltshire Core Strategy. It follows that the DPD should be in place within the next three years (alongside the WCS), and on this basis it is considered appropriate to again grant a personal and temporary planning permission in line with the approach adopted by the appeal inspector. This would ensure that the general and personal needs of the applicant are still being taken into account during the period prior to adoption of the gypsy and travellers' site DPD, but with continued regard to the acknowledged harmful impact of a permanent development in amenity terms. This approach remains “proportionate and necessary in the circumstances”, and does not conflict with the more recent Central Government guidance set out in ‘Planning policy for traveller sites’.

The variation of Condition 3 to allow an additional touring caravan to be stationed on the site

By reason of the generally exposed location of the application site within the countryside, the introduction of an additional touring caravan would have a harmful impact on its character and the visual quality of the surrounding landscape. Further mitigation of the visual impact of an additional

touring caravan would be difficult to achieve in view of the elevated position of the existing mobile home and the slow growing nature of indigenous species. The proposal to vary condition no. 3 is, therefore, considered unacceptable by reason of the detrimental impact on visual amenity of a further caravan.

9.2 Highway considerations

The current application has been considered by the Council's Highways Officer who, on the basis of the appeal decision on S/2008/0708 does not wish to raise a highway objection to the application.

10. Conclusion

The applicant's proposal to vary Condition 1 and remove Condition 2 to allow permanent and unrestricted use of the site by gypsies and travellers is considered to be unjustified and contrary to local and national policy guidance.

Because of the relatively elevated position of the mobile home and the generally slow growing nature of indigenous species, further mitigation of the visual impact of an additional touring caravan on the character and appearance of the surrounding countryside would be difficult to achieve and would result in harm to the character and appearance of the surrounding area. The proposal to vary condition 3 of planning approval S/2008/0708 is therefore considered unacceptable by reason of the detrimental impact of caravans on visual amenity within the surrounding landscape.

Taking into consideration the ongoing hiatus in respect of the adoption by Wiltshire Council of the provision of a Development Plan Document (DPD) to allocate gypsy and traveller sites, and the Council's firm intention to prepare and adopt such a DPD concurrently with the adoption of the emerging Wiltshire Core Strategy, leading to a realistic likelihood of suitable, affordable and acceptable accommodation, it is considered reasonable to vary the time limit imposed under the S/2008/0708 permission for a further period of three years whilst retaining the personal restrictions and all other conditions imposed on the original permission.

11. Recommendation

That planning permission be APPROVED subject to condition nos. 1 and 2 of the permission previously granted under S/2008/708 being varied to allow an extension to the time limit previously imposed, whilst retaining the personal restrictions and all other conditions (including condition no. 3) imposed on the original permission.

Reasons for recommendation:

1. The existing temporary planning consent under planning reference S/2008/0708 was granted only on the basis of the applicant's personal circumstances and need and related to a site that was otherwise inappropriate for a permanent gypsy and traveller site. The applicant's current proposal to vary condition no. 1 and remove condition no. 2 to allow permanent and unrestricted use of the site by gypsies and travellers is considered to be unjustified and contrary to local and national policy guidance, and would result in undue visual harm to the character and appearance of the surrounding countryside. The proposed variation of conditions would therefore be contrary to adopted South Wiltshire Core Strategy (SWCS) Core Policy 4 (making adequate provision for gypsies and travellers), saved policies G1, G2, H23, H27, H28, C2, & C6 and the guidance contained within the government's National Planning Policy Framework (NPPF) and DCLG publication "Planning policy for traveller sites".
2. By reason of the relatively open and exposed nature of the application site, the proposed variation of condition no. 3 to planning approval S/2008/0708 to allow an additional caravan on the site would result in harmful impact to visual amenity to the detriment of the character and appearance of the area, contrary to saved policies G1, G2, C2 & C6 of the adopted South Wiltshire Core Strategy and the guidance contained within the government's National Planning Policy Framework (NPPF) and DCLG publication "Planning policy for traveller sites".

Conditions:

1. The use hereby permitted shall be carried on only by Mr William Clarke, Ms Tammy Beswick and their resident dependants and shall continue for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

Reason: To allow time for the Council's gypsy and Traveller DPD to be adopted and suitable and appropriate sites brought forward, and on the basis of the personal circumstances of the applicant.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

2. When the premises cease to be occupied by Mr William Clarke, Ms Tammy Beswick and their resident dependants or at the end of three years from the date of this decision, whichever shall first occur, the continuing use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and the character and appearance of the surrounding landscape to ensure the land is suitably restored to its former condition upon the cessation of the temporary use of the land hereby approved.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

3. No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In the interests of visual amenity and the character and appearance of the surrounding landscape.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To safeguard visual and residential amenity.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: To safeguard visual and residential amenity.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

6. No structure or erection or planting exceeding 1 metre in height shall be placed between the A27 carriageway and 122m by 2.4m visibility splay as shown on the 1:1,1250 drawing accompanying the highway authority letter (ref. JEH/JCF/S/08/0708) dated 15 December 2008.

Reason: In the interests of highway safety.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.

7. The approved parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety.

Policy: G1, G2, C2, C6, CP4, NPPF chapters 6 & 11 and DCLG guidance 'Planning policy for traveller sites'.



Appeal Decision

Hearing held on 26 August 2009

Site visit made on 26 August 2009

by **G M Hollington MA, BPhil, MRTPI**

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

The Planning Inspectorate
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Decision date:
14 September 2009

Appeal Ref: APP/T3915/A/09/2096174

Tricky's Paddock, Brickworth Road, Whiteparish, Salisbury, SP5 2QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr W Clarke against the decision of Salisbury District Council.
- The application Ref. S/2008/708, dated 4 April 2008, was refused by notice dated 30 July 2008.
- The development proposed is change of use of land to site a mobile home for use by a gypsy family.

Application for Costs

1. At the Hearing, an application for costs was made by Mr Clarke against Wiltshire Council. This application is the subject of a separate Decision.

Procedural Matter

2. The appellant has submitted an amended plan, Ref. 06/TRICKY/01 Rev. A. I shall determine the appeal on the basis of this, as it differs so little from its predecessor that no parties' interests would be prejudiced. The local planning authority (LPA) has no objection to this.

Decision

3. I allow the appeal, and grant planning permission for change of use of land to site a mobile home for use by a gypsy family at Tricky's Paddock, Brickworth Road, Whiteparish, Salisbury, SP5 2QG in accordance with the terms of the application, Ref. S/2008/708, dated 4 April 2008, and the amended plan, Ref. 06/TRICKY/01 Rev. A, subject to the following conditions:
 - 1) The use hereby permitted shall be carried on only by Mr William Clarke, Ms Tammy Beswick and their resident dependants and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
 - 2) When the premises cease to be occupied by Mr William Clarke, Ms Tammy Beswick and their resident dependants or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

- 3) No more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for: boundary treatment, tree, hedge and shrub planting, including details of species, plant sizes and proposed numbers and densities (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) if within 11 months of the date of this decision the site development scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) No structure or erection or planting exceeding one metre in height shall be placed between the A27 carriageway and the 122m by 2.4m visibility splay as shown on the 1:1,250 drawing accompanying the highway authority letter (Ref. JEH/JCF/S/08/0708) dated 15 December 2008.
- 8) The approved parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Main Issues

4. I consider the main issues in this appeal to be:
 - (a) the effect of the proposed development on the character and appearance of the surrounding area;
 - (b) the effect of the proposed development on patterns of travel, particularly car use;
 - (c) the effect of the proposed development on highway safety; and
 - (d) whether any conflict with policy or other harm would be outweighed by other material considerations, including the need generally for gypsy caravan sites and the intended occupiers' personal and family circumstances.

Reasons

(a) Character & Appearance

5. The appeal site is a field set in pleasant, undulating countryside alongside the A27 road. A mobile home is already on the site and the proposed mobile home would be similarly positioned in the south-east corner, away from the road. The mobile home can be seen from the A36 road to the south and a public footpath to the north but the main impact of the development would be in views from the A27 itself, as the field is exposed to view from the road (without any boundary hedge) and the ground rises away from this.
6. The mobile home is and would be partly screened as one approaches from the east, from where it would also be seen against the backdrop of a dwelling and large buildings of agricultural appearance. No such screening is available to ameliorate the view when approaching from the west and passing close to the site.
7. The main parties agree that, as advised by Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites*, rural settings not the subject of special planning constraints are acceptable in principle for gypsy and traveller caravan sites. The LPA acknowledges that, notwithstanding its reference in the reasons for refusal, the area's Special Landscape Area designation should not, in itself, be used to refuse planning permission for such sites. Furthermore, much of south Wiltshire is a designated Area of Outstanding Natural Beauty and one would not expect to find gypsy and traveller sites within an urban area, thus limiting the opportunities to find such sites.
8. Nevertheless, the appeal site is exposed to view, in open countryside. The proposed mobile home and inevitable associated items such as a vehicle and domestic paraphernalia would be intrusive in the countryside. Because of the relatively elevated position of the mobile home and the generally slow growing nature of indigenous species, mitigation of the impact by landscaping would be difficult to achieve.
9. I therefore conclude on this issue that the proposed development would harm the character and appearance of the surrounding area. It would conflict with the relevant aims of policies DP1 and C9 of the Wiltshire and Swindon Structure Plan 2016 and policies G1, G2, C2, C6 and H34 of the Salisbury District Local Plan.

(b) Patterns of Travel

10. The appeal site is approximately 1.5km from Whiteparish, with its good range of village services and facilities, and about 700m from the petrol filling station and shop at the A27/A36 junction; bus services stop in both places. These distances are well within those suggested by Planning Policy Guidance note (PPG) 13: *Transport* as offering the potential to replace short car trips.
11. Nevertheless, to get to both locations requires using the A27 road, which lacks footways, cycleways and street lighting. In my view, the road is not conducive to either walking or cycling. It is probable, therefore, that most, if not all, trips to/from the appeal site would be by private motor vehicle. The main parties agree that, when occupied, the site would be likely to generate 7-10 vehicle

movements per day. This is somewhat greater than might expected from agricultural use of the same access.

12. It is an objective of PPG13 to reduce the need to travel, especially by car, and this is reflected by Structure Plan policy DP1 and Local Plan policy G1. Circular 01/2006, *Designing Gypsy and Traveller Sites: A Good Practice Guide* and Local Plan policy H34 each encourage the provision of gypsy and traveller sites in or near existing settlements.
13. However, while referring to the needs for access to services and facilities, Structure Plan policy DP15 does not rule out countryside locations and Circular 01/2006 urges realism about the availability, or likely availability, of alternatives to the car in accessing local services. It also points out there are other issues of sustainability, including the benefits of easier access to education and health services.
14. In the case of the appeal proposal, only modest additional daily vehicle movements would be likely to arise and the car distances to the nearest services and facilities are not great. There would also be wider benefits in terms of sustainability from enabling access to health services and providing a settled base that reduces the need for longer-distance travel and the potential environmental damage elsewhere of unauthorised encampments.
15. My conclusion on this issue, therefore, is that the proposed development would not be so poorly related to local services and facilities as to be unacceptable and it would result in little harm to patterns of travel, particularly car use. The conflict with the aims of national guidance and Local Plan policies G1 and H34 would be minimal.

(c) Highway Safety

16. The A27 is a well used road but there have been no recorded personal injury accidents in the vicinity of the proposed access in recent years, apart from one caused by a deer. Visibility to the east from the access would be some 160m but the highway authority has doubts about the effects of vegetation growth, on land outside the appellant's control. I would expect some variation in visibility with the seasons (the highway authority trims hedges twice a year) but not sufficiently to reduce visibility in this direction to an unacceptable degree.
17. There is unobstructed visibility to the west across the appellant's land of about 122m; if the neighbour's land is also taken into account, this rises to some 160m. A speed survey has found the 85th percentile wet weather speeds in each direction to be around 50mph (81kph). The *Design Manual for Roads and Bridges* (DMRB), TD 42/95, advises that, for design speeds of 85kph and 100kph, the "y" distances for visibility should be 160m and 215m, respectively. The road is subject to the national speed limit of 60mph but, as actual speeds are known, I consider it appropriate to apply the 85kph distance.
18. The appellant suggests that the more recent *Manual for Streets* (MfS) should be taken into consideration, as the research on which it is based has a more general application. However, MfS explicitly states that it applies or may be applicable to lightly-trafficked residential streets or high streets and lightly-trafficked lanes in rural areas. It provides stopping sight distances only for 85th

percentile speeds up to 60kph and suggests DMRB may be more appropriate for higher speeds. The A27 is not the type of road envisaged for the application of MfS and, in my view, DMRB is more appropriate for assessment of the appeal proposal.

19. The available visibility to the west across the appeal site itself falls short of the recommended 160m, but not so seriously that I consider road safety would be significantly jeopardised. Furthermore, it is in the neighbour's own interest to maintain unobstructed visibility for the access to the land to the west and so it would not be unreasonable to rely on the likelihood of the full 160m normally being available.
20. I note that the Inspectors in the 1991 and 1992 appeals regarding the development of land at the appeal site considered the highway visibility to be inadequate, but the former does not appear to have had the benefit of any speed survey and the latter was dealing with a much larger proposal (15 pitches) with significantly less visibility (80m and 40m). On the other hand, the 1995 appeal Inspector regarded visibility as deficient but considered the level of traffic generated (by one caravan for one gypsy family) need not be so great as to warrant refusal of planning permission on this ground alone.
21. The current proposal is of the same scale as that considered in 1995, and Circular 01/2006 advises that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. The appeal proposal would generate only a small number of additional movements.
22. Consequently, I conclude on this issue that the proposed development would not result in unacceptable harm to highway safety. It would not conflict materially with the aims of Local Plan policy G2.

(d) Other Material Considerations

23. The appellant is a Romany Gypsy and the LPA does not dispute that he satisfies the definition of "gypsies and travellers" set out in Circular 01/2006. Nor does it dispute that there is a need to provide additional gypsy accommodation in its area. The *Wiltshire and Swindon Gypsy & Traveller Study - 2006* recommended provision of new permanent pitches in Salisbury by 2011 for nine households, but this was criticised in a benchmarking report. The recommendation of the draft revised Regional Spatial Strategy for the South West is a requirement to 2011 for 18 residential pitches in the Salisbury District housing market area; at its advanced stage of preparation, I give this significant weight.
24. There are substantial numbers of caravans on unauthorised sites both regionally and nationally, with seven such caravans in the Salisbury area. All three permanent residential sites run by Wiltshire Council in this area are fully occupied, with 29 families on waiting lists but some turnover of plots. There is, therefore, a general need for sites which weighs in favour of the appeal proposal.
25. Structure Plan policy DP15 and Local Plan policy H34 pre-date Circular 01/2006 and are not based on a quantitative assessment of need. A Development Plan Document (DPD) to allocate gypsy and traveller caravan sites is not expected

to be adopted until December 2010. These policy failings add weight to the general needs.

26. I turn now to the personal circumstances of the appellant and his family. The site would be occupied by William Clarke, his partner, Tammy Beswick, and their children, Michael (aged 6 years) and Molly May (now past her first birthday).
27. Mr Clarke travels looking for work and lives in a touring caravan on the side of the road or on other unauthorised sites in the Wiltshire and Hampshire area. Having looked for land, he bought the appeal site in 2007 but has not lived on it – there remains an extant enforcement notice (the subject of the 1991 appeal) requiring the removal of a mobile home. He has not since sought other land and family feuds mean it would be unsafe for him to occupy two of the Council sites.
28. When Ms Beswick became pregnant for the second time, she returned to live with her aunt and her mother as she could not cope with living without access to basic facilities. She and the children continue to live in Southampton but the appellant is unable to join them (except for brief stays) as he has an aversion to “bricks and mortar” accommodation, which goes against his culture and traditions.
29. The family members are each registered with GPs in Southampton. Molly’s birth was difficult and mother and daughter have needed check-ups but are now well. Because of the separation from his family, Mr Clarke suffers at times for depression, for which he takes medication. Circular 01/2006 refers to the link between the lack of good quality sites for gypsies and travellers and poor health, which the LPA also acknowledges.
30. Enabling regular attendance at school is a reason for Ms Beswick’s living in Southampton, where Michael is at primary school. Mr Clarke wishes Michael to be able to both travel and attend school. I consider the family’s health and education needs are factors which add to their need for a settled base. In principle, these benefits cannot only be met by the appeal site, but no alternative for them has been identified.
31. Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his private and family life, his home and his correspondence. Dismissal of the appeal would, in all likelihood, prevent the appellant and his family from living on the site, without any certainty of suitable alternative accommodation being readily available. I recognise that, by perpetuating the separation of the family, this would represent an interference with their home and family life and is a factor in favour of the proposal.

Overall Conclusion

32. I have come to the views that the proposed development would be visually intrusive in open countryside and cause harm to the character and appearance of the surrounding area; it would be difficult to overcome this through landscaping. The relationship to local services and facilities is such that there would be little harm to patterns of travel, particularly car use, and the available visibility for drivers would avoid unacceptable harm to highway safety.

33. It is not disputed that Mr Clarke meets the definition of "gypsies and travellers" and there are general needs, nationally and locally, for additional gypsy and traveller caravan sites. The family's personal circumstances do not dictate that only a site in this location could meet their needs, but the appellant would have no alternative other than to continue to move on to unauthorised sites. A stable site would enable the family to live together and gain access to health and education services, but the LPA has not suggested any satisfactory alternative location.
34. My overall conclusion, therefore, is that the harm which would be caused by the development in terms of its effect upon the economic well-being of the country (because of its harm to the character and appearance of the site and its surroundings) is considerable and a permanent permission would not be appropriate. However, given the combined general and personal needs for a site, the lack of a suitable alternative site within the locality and the likelihood of alternative sites becoming available within the next few years through the Local Development Framework process, I have considered the possibility of a temporary planning permission.
35. Circular 01/2006 advises that, where there is an unmet need and no alternative gypsy and traveller site provision in an area but there is a realistic expectation that new sites are likely to become available at the end of a temporary period, consideration should be given to granting a temporary permission; such a situation may arise where a LPA is preparing its site allocations DPD.
36. The LPA has a firm intention to prepare such a DPD and is taking steps to achieve its target for adoption of December 2010. As a result, there is likely to be a material change in circumstances, leading to a realistic likelihood of suitable, affordable and acceptable accommodation. Intended adoption of the DPD is in a little over one year's time but there is a risk of slippage and then a need to bring forward the resulting sites.
37. The harm to the area's character and appearance should not be perpetuated longer than is necessary and I consider that a temporary planning permission for a period of three years is appropriate and reasonable in the circumstances. The protection of the public interest cannot be achieved by means which are less interfering of the appellant's rights. They are proportionate and necessary in the circumstances and would not result in a violation of his rights under Article 8 of the European Convention on Human Rights.
38. I have also taken into account all the other matters raised at the Hearing and in the written representations, including flooding and local residents' concerns. The latter include that a precedent would be set for additional, similar development, but the number of caravans can be limited by planning condition and Circular 01/2006 points out that the fact that temporary permission has been granted should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
39. Having become aware that the proposed siting of the mobile home is in Flood Zone 1 (low risk) rather than Flood Zone 3 (high risk), the Environment Agency has withdrawn its objection on flood risk grounds but wishes consideration to

be given to safe access/egress during an emergency. A large part of the site's frontage to Brickworth Road lies outside Flood Zone 3 and so I see no difficulty in achieving this.

40. None of the other matters is of such significance as to outweigh the considerations which have led to my overall conclusion.

Conditions

41. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I shall limit the permission to a period of three years (with the site to be restored thereafter), so that the DPD can be adopted and sites brought forward, and to named occupiers, as their personal circumstances have contributed to my decision.
42. To minimise harm to the area's character and appearance and to safeguard local residents' living conditions, it is necessary to prevent commercial activities and the parking of large vehicles, and to restrict the number of caravans. The planning application seeks only one caravan but it is not unusual for gypsies and travellers also to have a tourer-type caravan for travelling. However, because of the exposed nature of the site, I shall limit the number to one – if any tourer were required, this could be stored unoccupied elsewhere when not travelling. No day room is sought.
43. Details of landscaping and boundary treatment are necessary, also to minimise harm to the area's character and appearance. The importance of landscaping for this intrusive site justifies its requirement despite the permission being temporary, although the scope of the scheme will need to reflect the time limitation.
44. In the interest of highway safety, I shall impose conditions to ensure adequate visibility across the site and retention of the parking and turning areas.

G M Hollington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Willers	of Counsel
Mr G Frostick, BTP, DipEnvP, MRTPI, MIHT	Bellamy Roberts LLP
Mr W Clarke	Appellant
Revd R Redding	
Mr S Bees	Community Development Officer, Wiltshire Racial Equality Council
Mr W Sherred	Executive Member, Romany Gypsy Council

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Chambers, BSc(Hons), MA, MRTPI	Director, LPC (Trull) Ltd
Mr R Hannis	Area Development Control Engineer, Wiltshire Council

INTERESTED PERSONS:

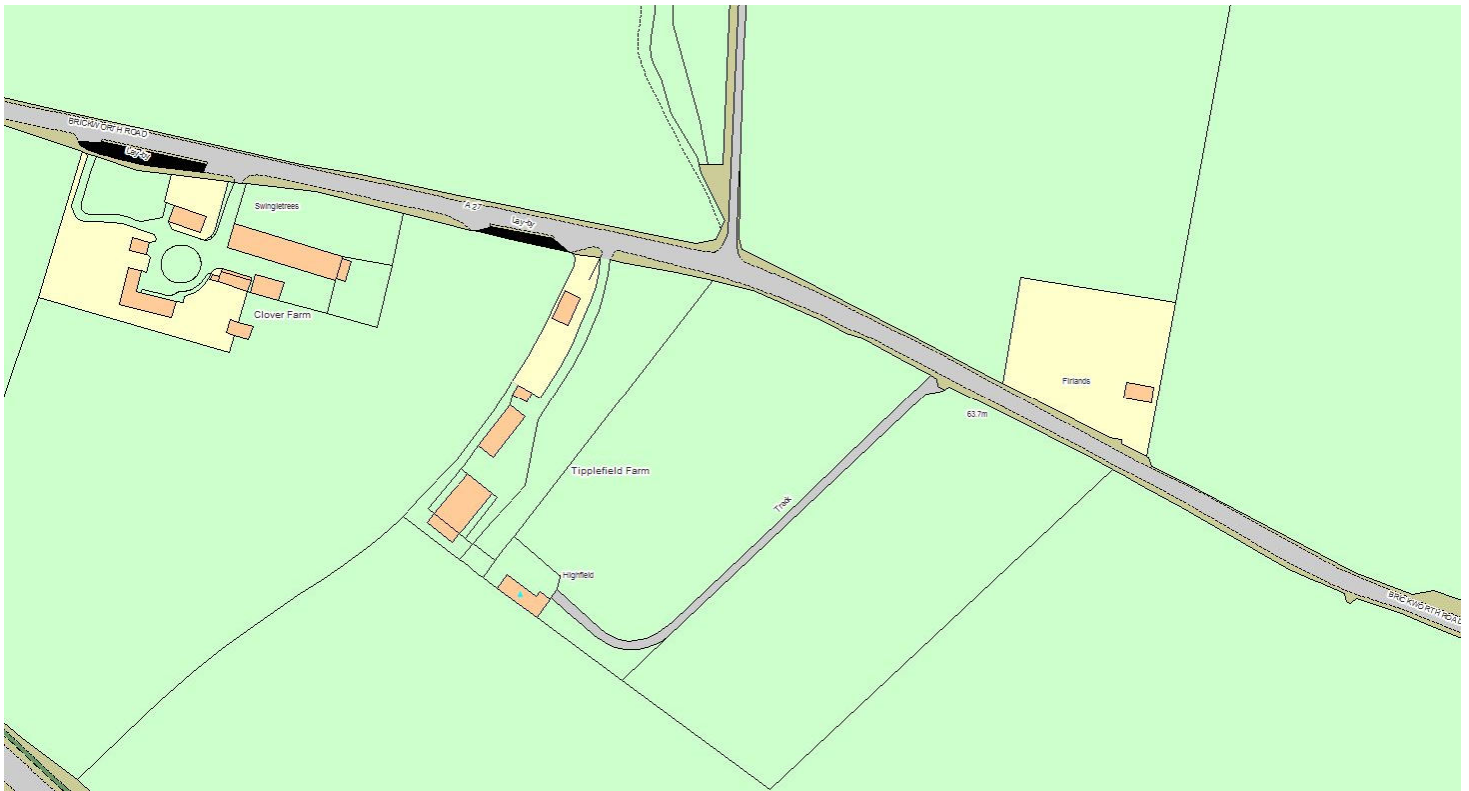
Mr P Hedley	Local resident
Mr R Sherwin	Local resident
Mrs H Parsons	Local resident
Mrs S Campbell	Member, Whiteparish Parish Council
Mr L Randall	Member, Wiltshire Council
Mr R Britton	Member, Wiltshire Council
Mr T Dray	Local resident

DOCUMENTS

- Submitted by the appellant
- 1 Hearing submissions
 - 2 TD 41/95: *Vehicular Access to All Purpose Trunk Roads*
 - 3 Extracts from *Manual for Streets*
 - 4 Appeal decision Ref. APP/P0119/A/07/2045500 (Henfield)
 - 5 Appeal decisions Ref. APP/E2205/C/08/2074129 and
APP/E2205/A/08/2073290 (Biddenden)
 - 6 *South Cambridgeshire v SSCLG & Brown* [2008] EWCA Civ 1010

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Trickeys Paddock, Brickworth Road, Whiteparish, Salisbury SP5 2QG



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	15 th November 2012		
Application Number:	S/2012/1240		
Site Address:	Land off St Margaret's Close, To the rear of 37 Fowlers Road, Salisbury, Sp1 2QP		
Proposal:	Erection of one dwelling including access, car parking and landscaping		
Applicant / Agent:	Mr Sheperd/Allen Planning Ltd		
City/Town/Parish Council	Salisbury City Council		
Electoral Division		Unitary Member	Councillor Brady
Grid Reference:	414730 133378		
Type of Application:	Full		
Conservation Area:	Yes		
Case Officer:	MRS A ILES	Contact Number: 01722 434312	

Reason for the application being considered by Committee:

Councillor Brady requested that it be determined by committee due to the Relationship to adjoining properties and the environmental/highway impact.

1. Purpose of report

To consider the above application and to recommend that planning permission be APPROVED SUBJECT TO A S106.

2. Report summary

The main issues in the consideration of this application are as follows:

1. Principle of Development
2. Scale & Design
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Impact on Archaeology
6. Impact on Trees
7. Contribution towards Open Space Provision
8. Contribution towards Affordable Housing
9. Contribution towards Fire & Rescue Service

3. Site Description

37 Fowlers Road is a detached four storey red brick 19th century property with distinctive tower feature which has been divided into 16 flats. The site itself currently forms part of the rear garden associated with the property and is located within the Conservation Area and Housing Policy Boundary of Salisbury and the Area of Special Archaeological Significance.

4. Relevant Planning History

S/2011/1149	Erection of 3no three-bedroomed detached houses	R	29/09/11
S/2012/0137	Erection of three 3-bedroom houses	R	23/03/12

5. Proposal

Permission is sought for one dwelling with associated access and parking provision.

6. Planning Policy

Salisbury District Local Plan policies G2, D2, H16, CN8, CN10, CN11, CN21, CN23 as saved within the Adopted South Wiltshire Core Strategy

Adopted South Wiltshire Core Strategy core policies 3, 18 & 19

NPPF

Adopted Supplementary Planning Guidance "Creating Places"

Milford Hill Conservation Area Appraisal and Management Plan Consultation Draft

7. Consultations

Salisbury City Council

Object due to the loss of car parking and the application being detrimental to the amenity of residents.

Wiltshire Fire & Rescue

Consideration should be given at building regulations stage to fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection.

Highways Department

No objection subject to conditions (see below)

Archaeology Department

No objection subject to condition (see below)

Environmental Health

No objection subject to conditions (see below)

Wessex Water

New water supply and waste water connections will be required from Wessex Water to serve the proposed development. New regulations will require all sewer connects serving more than a single dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made.

Wessex Water are now responsible for the ownership and maintenance of thousands of kilometres of formally private sewers and lateral drains and many of these are unrecorded on public sewer maps so the site should be surveyed.

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Housing Officer

No objection subject to contribution towards affordable housing provision (see below)

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation which expired on 4th October 2012.

10 letters of objection (received from 9 different addresses) and were received regarding:

1. The site is to the rear of 37 Fowlers Road, not off St Margaret's Close
2. St Margaret's Close will no longer be considered a close
3. The dwellings are ill-matched to the existing buildings in the surrounding area
4. The access to the site is unsuitable
5. St Margaret's Close will be more congested with traffic
6. The proposal will have an overbearing impact on adjacent properties
7. The garden area is not derelict as described and until recently was well tended
8. St Margaret's Close was designed to fit within the environment
9. The proposal will result in the loss of a hedgerow and tree behind which is visually attractive
10. Visitor parking was specifically added to St Margaret's Close when it was originally developed and this will now be lost
11. An area of garden used by residents of number 37 (approximately 30 people) for recreation and hanging out washing will be lost
12. The proposal does not respect the character of the Conservation Area
13. The Draft Conservation Area Appraisal states that the previous redevelopment of large plots into dwellings has "damaged the coherence of this area" and the same mistake should not be repeated
14. The dwellings will result in overlooking of several properties
15. The remaining garden of the flats would be in shadow for most of the day
16. The dwelling will overshadow the adjacent properties
17. There will be more noise, disturbance, light and pollution from additional traffic movements
18. The loss of the garden will impact on wildlife including birds, and bats often fly overhead
19. No additional visitor parking will be provided on the application site
20. There is the potential for up to six cars to be associated with the property
21. Section 106 agreements should not be used to "buy" development in a Conservation Area
22. Visitors will park in St Margaret's Close and surrounding roads
23. Contrary to comments made previously by the Conservation Officer not all the properties in Fowlers Road are grand houses and the majority of properties are residential
24. Byways Close and St Margaret's Close do not create a precedent as they were developed prior to the designation as a Conservation Area.
25. Gaps between buildings should be retained and the garden provides an important green area
26. Occupiers of the proposed development may reverse up the ramp and this cannot be regulated.
27. The previous reasons for refusal have not been overcome
28. The vehicular access is not wide enough for large vehicles

With regard to point 1 the address still allows the site to be identified, points 2 and 7 are not material planning considerations and with regard to point 21 this is not the case, each application is dealt with on its individual merits with contributions towards affordable housing and public open space required for all new residential development.

All remaining points will be dealt with below.

9. Planning Considerations

9.1 Principle of Development

The site is located within the Housing Policy Boundary of Salisbury where the principle of further development is acceptable. While the NPPF excludes private residential gardens from the definition of 'previously developed land' this does not completely prevent further residential development within development boundaries and instead should ensure that each application is weighed up on its individual merits.

While 31-37 Fowlers Road still retain large gardens with the same boundary line St Margaret's Close was partially built on the garden of 37 Fowlers Road and Byways Close was built on the site of a large dwelling and its gardens. Therefore it is very difficult to resist residential development within the garden of the existing property, particularly as the NPPF establishes a presumption in favour of sustainable development, the site can be accessed from an adopted road and therefore it is not considered backland development and it is not considered an important gap within the Conservation Area.

With regard to the suggested loss of wildlife habitat by third parties, many of the species stated as being seen are not protected and with no loss of buildings, and a minimal area of vegetation removed it is considered that there is very little chance of the habitat of bats or barn owls being damaged.

9.2 Scale & Design

Fowler's Road is a road of predominantly late 19th century grand detached houses of individual style and detailing set in generous gardens. Some of the houses are now in business use but have nevertheless retained in the main part, their residential character. Bounding the site to the north-east is St Margaret's Close and to the south-east, Byways Close which are developments of the 1970s and 1980s which are considered not to harm the character of the wider conservation area in view of their contained layout and effacing character. The main materials within this part of the Conservation Area are red brick with a mix of natural Welsh slate and some clay tile roofs and tile hanging.

The "Milford Hill Conservation Area Appraisal and Management Plan Consultation Draft October 2011" is pertinent to this application although it is awaiting formal adoption. This states in section 7.3.8 that "the historic houses to Fowler's Road, despite their diversity, combine as a reasonably cohesive group which share common design principles; materials, the way in which they address the street, their use and handling of what are significant changes in level, and their eclectic individual architectural styles". The same document also lists number 37 as a building of local importance (linked with 31, 33 and 35).

Although the Draft Conservation Area Appraisal states that the previous redevelopment of large plots into dwellings (such as St Margaret's Close and Byways Close) has "damaged the coherence of this area" and the same mistake should not be repeated, the plot associated with number 37 is considered sufficiently generous to accommodate some development without compromising the setting and amenity space of the original property and the surrounding area.

The previous application was refused for the following reason:

The proposed development would be located on, and involve the severance of, an existing garden area, serving a block of flats at 37 Fowlers Road, itself identified as a building of local importance in the Draft Conservation Area Appraisal and the proposal would also be located within close proximity to other existing dwellings. Therefore, based on the information provided, it is considered that due to a combination of the awkward orientation, overall design, and juxtaposition of the proposed dwellings in relation to surrounding existing properties, the proposal would fail to enhance the setting of the existing building and surrounding Conservation Area, and would have a detrimental impact on the level of residential amenity enjoyed by occupiers of both the planned properties, and the existing surrounding

properties (35 & 37 Fowlers Road, 16 St Margaret's Close and 1, 2, 3 and 5 Byways Close), due to the inter-relationships, overlooking and loss of privacy that will result. As such the proposal is judged to be contrary to Salisbury District Local Plan policies G2, D2, CN8, CN10 & CN11 as 'saved' within the Adopted South Wiltshire Core Strategy, the NPPF, the Adopted SPG "Creating Places", and the "Milford Hill Conservation Area Appraisal and Management Plan Consultation Draft."

The Conservation Officer previously raised concern regarding the proportion of garden given over to the proposed development considering that it would be at odds with the character of the Conservation Area. With only one dwelling now proposed, and a smaller area of garden used, despite the concerns raised by third parties, it would be difficult to refuse due to loss of amenity area, as being a city centre location it is unusual for flats to have garden space and the land retained will enable residents to dry washing and have some recreational space.

The surrounding area contains a mix of dwelling styles and designs, requiring an imaginative approach to the appearance of any new development. The proposed design of the dwelling is considered to preserve the surrounding Conservation Area with chimney, brick string course and exposed rafter feet, and a material palette of facing brickwork, natural slate and lead. Although it is two-storey, the dwelling has been designed in a manner which minimises its height. The Conservation Officer does not object to the design but has requested that conditions regarding detailing be added to any approval in addition to a requirement for the boundary between 37 and the site to be comprised of a brick wall and a landscaping plan to be submitted, all to ensure that the dwelling respects the character of the surrounding Conservation Area.

Therefore, as the site area has been reduced and only one dwelling is proposed, in conjunction with traditional design of the dwelling, it is considered that on balance the proposal will not be detrimental to the wider Conservation Area.

With regard to the concern raised by third parties about the visual impact of the creation of the access from St Margaret's Close, this in itself is not considered to be significantly visually detrimental to the wider Conservation Area.

9.3 Impact on Residential Amenity

The NPPF paragraph 17 states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" and as detailed above the application was previously refused as this was not judged to have been achieved.

The proposed dwelling will be located close to the boundary with 16 St Margaret's Close and it would be preferable if there was a larger separation distance. However, as the proposed dwelling does not extend beyond the rear of this property, and it is lower in height, it is considered that it would be difficult to refuse on the grounds of overshadowing or overbearing impact.

The design of the dwelling features a high level window on the rear elevation which is considered to only offer oblique views over the garden of number 16 with the rooflights on the rear roofslope being screened by the roof. The ground floor window serving the utility room will be screened by the existing boundary fence. Therefore it is considered that the proposed development will have minimal impact on number 16 in terms of overlooking.

With regard to properties in Byways Close (1, 2, 3 & 5) the limited height of the proposed dwelling, in connection with the separation distance is considered to minimise overshadowing and the high level rooflights are not considered to result in overlooking, largely offering views across the garages. In addition the proposed dwelling is not considered to result in overshadowing or overlooking to 6 St Margaret's Close or the garden of 35 Fowlers Road, again due to the limited height and separation distance.

With regard to the flats at 37 Fowlers Road the proposed dwelling itself is not considered to result in any additional overshadowing and although some oblique views may be offered by the first floor front windows these are not considered sufficiently detrimental to warrant refusal.

Notwithstanding the above it is considered prudent to add a condition preventing additional windows and rooflights, in addition to further extensions and additions, to preserve residential amenity.

Third parties have raised concern with regard to increased noise, disturbance, light and pollution from additional car movements but given the urban location this is not considered to be significantly detrimental to residential amenity to warrant refusal.

The Environmental Health department have no objections to the proposal subject to the addition of a condition preventing the burning of any waste materials on the site or to clear the land so as not to cause a nuisance to neighbouring properties from smoke. Given the urban nature of the site it is also considered prudent to add a condition limiting hours of construction.

9.4 Impact on Highway Safety

The proposed development will need to gain access via St Margaret's Close which currently has on-street residential permit parking places where the access will be created (one space will now be retained and one removed). Despite the concerns of third parties the proposal has been fully considered by the Highways Department. The Highways Officer has checked with the Salisbury Transportation Team, who deal with parking permits and on-street parking in Salisbury. They have confirmed that the loss of a parking space would not raise a particular concern as all properties have their own off-street parking. Therefore, it is considered that this parking space, whilst desirable, is not essential despite the concerns raised by third parties and it would not be reasonable to deny access to the site based on the loss of an on-street parking space. The additional vehicle movements generated from the proposed dwelling can be readily accommodated by the existing layout of St Margaret's Close and it is therefore considered the proposal will not be detrimental to highway safety. Therefore it would be very difficult to refuse on these grounds particularly as the proximity to the city centre means it is a sustainable location.

With regard to the development itself, as two car parking spaces will be provided for the dwelling, and the site is in a sustainable location within walking distance of the city centre and associated transport links it is considered that the parking provision is adequate. Concern has been raised by third parties that up to six cars could be associated with the property but this is very unlikely in a three bedroom property. While the provision of further visitor parking on the site would be advantageous it is not a requirement and the land required may result in the further loss of amenity area from the flats.

The previous application was refused on highway grounds for the following reason:

The proposed layout does not include adequate turning facilities to enable the vehicles associated with plot 1 to turn and enter the highway in forward gear, which is essential to highway safety, without the need for excessive manoeuvres. Therefore the proposal is judged to be contrary to Salisbury District Local Plan policy G2 as saved within the Adopted South Wiltshire Core Strategy.

The scheme has now been amended to one dwelling with two parking spaces and an adequate turning space and access. Therefore the Highways Department have no objection subject to addition of conditions relating to the provision of the turning and parking spaces and the consolidation of the access way. An informative is also added regarding the changes to the Traffic Regulation Order required.

With regard to the issue of occupiers reversing up the access ramp referred to by third parties sufficient turning space is provided to enable users to leave in forward gear.

9.5 Impact on Archaeology

There have been over one hundred Palaeolithic implements found within 250 metres of the site recorded on the Heritage Environmental Record (HER). Remains of this period are rare and

extremely significant, as this period yields evidence of the earliest human presence in the area. As such on the advice of the County Archaeologist an archaeological field evaluation was carried out.

This showed that part of the site does contain deposits which have the potential to contain both artefacts and environmental evidence from the Palaeolithic period – any remains from this period would be considered to be significant heritage assets. Given this the County Archaeologist has requested that a condition be added to any approval requiring a written programme of phased archaeological investigation and mitigation to be submitted, but has no objections to the principle of the application.

9.6 Impact on Trees

There is a large birch tree close to the original building at 37 Fowlers Road but this is considered to be sufficient distance from the site of the dwellings so as not to be detrimentally affected by the proposal. Concern has also been raised by third parties regarding the loss of a tree to the rear of the site in order to create the access. The tree officer has assessed the matter and considers that this tree is not worthy of protection by a Tree Preservation Order.

9.7 Contribution towards Open Space Provision

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan (saved within the South Wiltshire Core Strategy), applicants are required to enter into a unilateral undertaking and provide a commuted financial payment for full or reserved matters applications. Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The Councils Open Space Study, published in 2007 (which is not only a current document but also forms part of the evidence base for the South Wiltshire Core Strategy), sets out the requirement of government planning guidance and investigates whether the current level of open space provision is sufficient in terms of quality, quantity and accessibility to meet the needs of residents now, and in the future.

The study recommends that the Council develops a strategy for the provision of new open space, sport and recreation as required, ensuring contributions are maximised in areas which are known to have a quantitative shortfall and where housing growth is expected.

The Design & Access Statement accompanying this application states that the applicant is willing to pay this contribution via a Section 106 agreement.

9.8 Contribution towards Affordable Housing

Under Core Policy 3 of the South Wiltshire Core Strategy an affordable housing contribution is required for all new residential development in order to help address the need for affordable housing in Salisbury and Wiltshire as a whole.

The Design & Access Statement accompanying this application states that the applicant is willing to pay this contribution via a Section 106 agreement.

9.9 Contribution towards Fire & Rescue Service

Wiltshire Fire & Rescue have asked that a contribution be made via S106 towards hydrants and water supplied for fire-fighting and additional or enhanced fire and rescue service. However, it is considered that this does not meet the tests of CIL (Community Infrastructure Levy) and therefore it is not required.

10. Conclusion

On balance it is considered that design and siting of the dwelling will be in keeping with the surrounding area (designated a Conservation Area) while also not prejudicing highway safety, residential amenity or archaeology. Therefore the proposal is considered to conform with Salisbury

District Local Plan saved policies G2, D2, H16, CN8, CN10, CN11, CN21, CN23 as saved within the Adopted South Wiltshire Core Strategy and Adopted South Wiltshire Core Strategy core policies 3, 18 & 19.

11. Recommendation subject to a s106 agreement in respect of off site open space and affordable housing

Approve for the following reason

On balance it is considered that design and siting of the dwelling will be in keeping with the surrounding area (designated a Conservation Area) while also not prejudicing highway safety, residential amenity or archaeology. Therefore the proposal is considered to conform with Salisbury District Local Plan saved policies G2, D2, H16, CN8, CN10, CN11, CN21, CN23 as saved within the Adopted South Wiltshire Core Strategy and Adopted South Wiltshire Core Strategy core policies 3, 18 & 19.

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.

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) Development shall be carried out in accordance with the following plans:

S/P/10	Submitted on 30/08/12
SS/P/11	Submitted on 30/08/12

No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

REASON: For the avoidance of doubt

(3) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the buildings have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: G2 (General Development), D2 (Infill Development), CN8 (Development within a Conservation Area), CN9 (Development within a Conservation Area), CN11 (Development within a Conservation Area)

(4) No development shall commence on site until details of all eaves, windows (which shall be timber painted flush framed casements set back in the wall by half a brick), doors (which shall be timber), dormers (at a scale of 1:10) and the proposed brick string course have been submitted to and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: G2 (General Development), D2 (Infill Development), CN8 (Development within a Conservation Area), CN9 (Development within a Conservation Area), CN11 (Development within a Conservation Area)

(5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: G2 (General Development), D2 (Infill Development), CN8 (Development within a Conservation Area), CN9 (Development within a Conservation Area), CN11 (Development within a Conservation Area)

(6) The boundary treatment between 37 Fowlers Road and the application site shall be a brick wall, details of which (including a sample of the materials) shall be submitted to, and approved in writing by the Local Planning Authority.

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

POLICY: G2 (General Development), D2 (Infill Development), CN8 (Development within a Conservation Area), CN9 (Development within a Conservation Area), CN11 (Development within a Conservation Area)

(7) No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 and 18:00 on Monday to Friday and 08:00 and 13:00 on Saturdays.

REASON: In the interests of residential amenity

POLICY: G2 (General Development Guidance)

(8) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: G2 (General Development Guidance)

(9) The development hereby permitted shall not be first brought into occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: G2 (General Development Guidance)

(10) No development shall commence on site until details of the proposed rumble strip has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the access is laid out and constructed in a satisfactory manner.

POLICY: G2 (General Development Guidance)

(11) No development shall commence within the area indicated (proposed development site) until:

- A written programme of phased archaeological investigation and mitigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

POLICY: CN21 (Impact on Archaeology) CN23 (Impact on Archaeology)

(12) No burning of waste materials, or burning to clear the land shall be carried out on the site.

REASON: In the interests of residential amenity

POLICY: G2 (General Development Guidance)

(13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 of any building forming part 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.

POLICY: G2 (General Development Guidance)

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors, rooflights or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

INFORMATIVE – HIGHWAYS

It will be necessary for the applicant to request that the necessary changes to the existing Traffic Regulation Order are undertaken by Wiltshire Council, including the necessary changes to road markings. The total cost will be in the order of £4000 and the applicant should deposit the sum with the Council at the appropriate time in order to ensure that the order and works are implemented to meet the programme of works. It will not be permitted that the new access is constructed until the order is made and the full cost of the order and works have been paid in advance.

INFORMATIVE – ARCHAEOLOGY

With regard to condition 11 above the work should be conducted by a professional archaeological contractor in accordance with a Written Scheme of Investigation and mitigation agreed by the Local Planning Authority. There will be a financial implication for the applicant.

INFORMATIVE – WESSEX WATER

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

Please note that new regulations will require all sewer connections serving more than a single dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made. These new regulations will be confirmed by DEFRA later this year.

Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

INFORMATIVE – WESSEX WATER

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

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

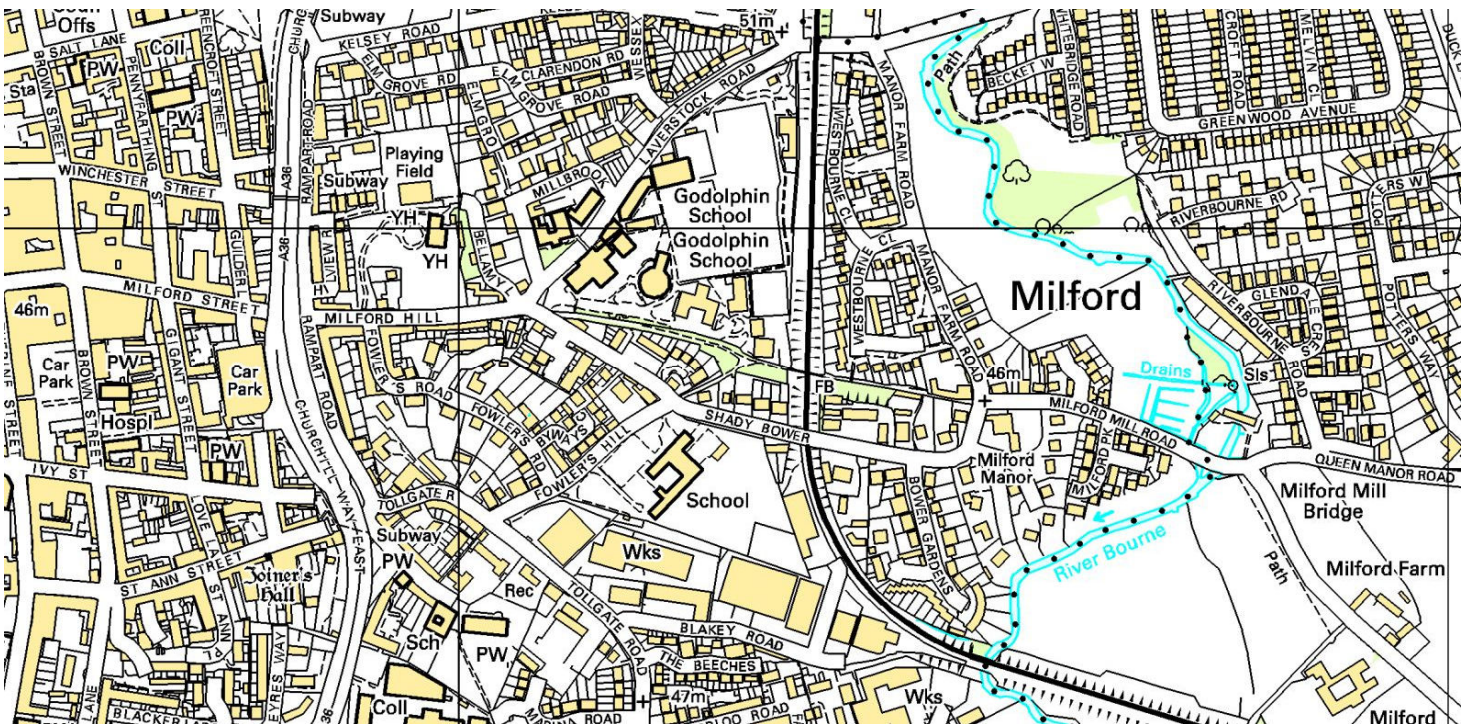
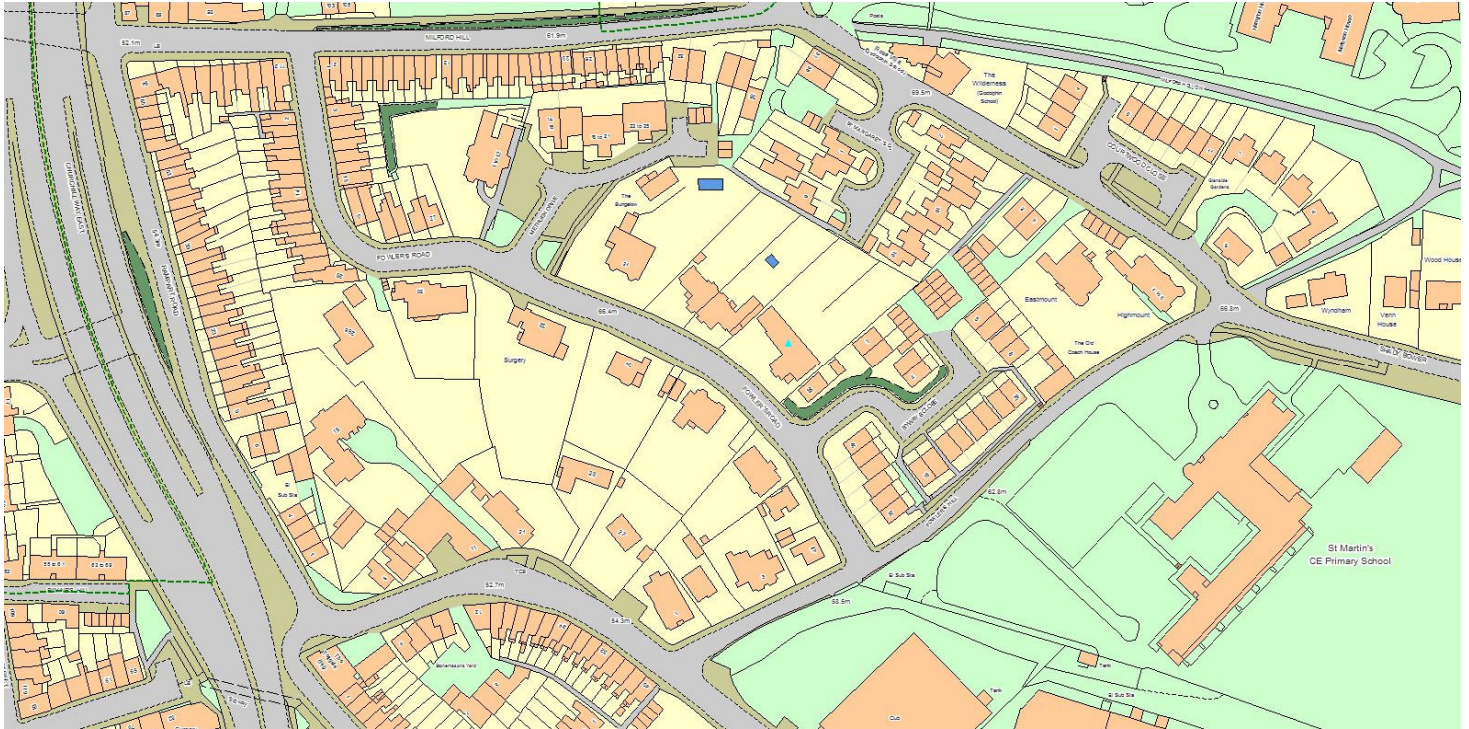
More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact the sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

INFORMATIVE – WESSEX WATER

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

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Land off St Margarets Close, To the rear of 37 Fowlers Road, Salisbury SP1 2QP



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	15 th November 2012		
Application Number:	S/2012/0562		
Site Address:	Land at Woodland Drive, Winterslow, Salisbury, SP5 1SZ		
Proposal:	Erect three new dwellings and associated works		
Applicant / Agent:	Mr James Sharp		
Parish Council	Winterslow Parish Council		
Electoral Division	Winterslow	Unitary Member	Cllr C Devine
Grid Reference:	Easting 423985 Northing 133066		
Type of Application:	Minor		
Conservation Area:	No		
Case Officer:	Mrs J Wallace	Contact Number: 01722 434687	

Reason for the application being considered by Committee

The application was called to committee by Cllr Divine because of the scale of the development, It's Environmental/highway impact and because of widespread public concern in the village of Winterslow in regard to the existing flood risk.

1. Purpose of report

To consider the above application and to recommend that planning permission be **granted** subject to the applicant entering into a legal agreement with regard to the provision of public open space.

2. Report summary

The main issues in the consideration of this application are as follows

1. Policy considerations
2. Scale and design
3. Impact upon amenities of neighbours
4. Drainage and flooding
5. Highway safety

7 letters of objection,
Winterslow Parish Council objects
Support from, Public protection, drainage and highways

3. Site Description

The site is an area of open land at the eastern end of Woodland Drive, adjacent to Middleton Road, close to a bus stop. To the west of the site are an electricity sub-station and an informal parking area for dwellings on Woodland Drive. The southern side of the site is bounded by hedge adjacent to a public footpath. The sub-station and a small strip of land which provides access to it are both excluded from the application. The land, the subject of the application was very overgrown with brambles etc, but was recently cleared.

Under the original planning approval (S/1977/204) for the erection of 24 dwellings on Woodland Drive, this area was intended for use as a play area, as a number of drains and sewers cross it. However, it does not appear that the play space was ever formally laid out or made available as a play area for the adjacent dwellings, contrary to the requirements of Condition 4, which required the space to be laid out and managed and maintained to the satisfaction of the LPA. It appears that the Parish Council did not accept the land and that for maintenance purposes; it was sold on to one of the dwellings on Woodland Drive.

4. Relevant Planning History

1972/0202	Erection of 26 Houses garages and roads	no decision
1977/0204	Erection of 24 Houses garages and roads	Approved with Conditions
2005/2348	Erection of 3 retirement homes	Refused
2011/254	3. No. new dwellings and associated works	Refused

5. Proposal

The proposal is for full planning permission to erect three, two storey two-bedroomed dwellings, with access and parking.

6. Planning Policy

The following saved policies of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) are relevant.

G1 and G2	General criteria for development
D2	Design criteria
H16	Housing Policy Boundary
C6	Special Landscape Area

The following SPG is relevant:-
Salisbury SPG Creating Places

The following policies of the adopted South Wiltshire Core Strategy are relevant
Core Strategy 3 Affordable Housing

Wiltshire Local Transportation Plan 2011-2026

The following national policies are relevant
National Planning Policy Framework

7. Consultations

Winterslow Parish Council

Object. Residents object to multiple houses, overdevelopment, serious issues regarding drainage in an already prominent flooding area. Increased parking/highway issues. Ownership of sewer not known; southern or Wessex water? Potential claims of issue of ownership of land/car parking area Concept is acceptable, however, concerned regarding drainage issues as land forms part of Winterslow Flood Area.

Wessex Water

A public water main lies close to the site. Building within 3 metres will not be permitted. Will require a formal application for connection to the public water supply. Contact Southern Water for foul sewerage disposal.

Southern Water

No response, but previously commented that a 'Public sewer crosses the site, and there should be no development within 3m either side of public sewer. A formal application for connection to the foul sewer will be required'.

Wiltshire Fire & Rescue

Consideration should be given at building regulations stage to fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection.

Environmental Health

No objection subject to condition regarding hours of work, for neighbour amenity

Land Drainage Department

No objections subject to conditions regarding the Flood Risk Assessment (FRA) and Surface Water Management document, submitted with this application, and the implementation of the mitigation measures detailed within the FRA: i.e. no increase in potential surface water runoff and detailed drainage scheme plans and report to be provided for approval along with the deeper percolation test results.

Highways Department

No objection. The proposed development will not adversely affect drainage protection zones. Parking and turning facilities within the site are adequate.

Affordable Housing

The Housing officer has been provided with sufficient information for a financial viability assessment. The outcome is that in this instance it is not viable to take an affordable housing contribution, due to the additional build costs associated with the proposals, i.e. pile foundation work and electricity easement work.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation with an expiry date of 8 June 2012

7 letters of objection received. Summary of key relevant points raised:

- Concerns regarding impact on/access to drains crossing the site
- Concerns regarding possible pollution from building so close/over drains
- Concerns regarding flooding; new buildings will worsen situation
- The spring on the land opposite will flood this site
- Insufficient evidence that would not worsen existing surface water issues. No independent verification of data in report commissioned by developer.
- Concerns regarding parking, access, safety and congestion as Woodland Drive is very narrow
- Land was provided as green space, should not be built upon
- Loss of trees/hedges and refuge for wild life
- Design, appearance and layout of development is out of keeping
- Houses will be dominant, due to site levels.
- Unsuitable site for three houses, over drains etc
- Density too great, appear cramped and congested
- Loss of views
- Loss of light and outlook
- Loss of overflow parking area, increase in congestion
- Dwellings are poorly designed
- Inadequate gardens, no play areas
- Concerns regarding noise
- No assurance from Electricity Board that access to sub-station would be adequate
- No objections to smaller development of 1 or 2 houses/bungalows

9. Planning Considerations

9.1 Policy Considerations

The site lies within the Housing Policy Boundary (HPB) for Winterslow and within the Special Landscape Area. Policy H16 of the Local Plan makes provision for the residential redevelopment of sites within the HPB.

In this case the principle of the residential development of the site has not been previously rejected. Whilst there have been previous proposals for housing on the site, the refusals of the previous proposals were due to the lack of precise information on network of drainage apparatus and sewer pipes and then due to the impact of the network of drainage apparatus and sewer pipes on the

proposed development. The previous scheme also appeared cramped and congested. There were concerns regarding parking.

Therefore when considering this revised proposal to erect three dwellings on the site, the proposal must be judged on the merits of the redesign as well as against the additional information and the impact of the changes to the scheme on the previous reasons for refusal. Policy D2 regarding design, is therefore relevant as it states that infill development should respect or enhance the character of the area. Also relevant is the guidance provided by the Councils Design Guide, Creating Places, which states that poor design, which takes little or no account of the local setting, will be refused. In terms of national guidance, amongst other things, the delivery of more, high quality housing is encouraged, though this should not be at the expense of good design or an area's character.

When considering the first application (S/2005/2348) it was considered that criteria (ii) of policy H16 was relevant. This criterion refers to the loss of an open area that makes a positive contribution to the character of the settlement. However, although the site formed an area of open space at the end of Woodland Drive, it was gated, locked and apparently in private ownership and therefore, whilst it provided an open area with some vegetation, it was not considered to significantly contribute towards the character of the area, other than to provide an open vista at the end of the cul de sac. However, this application has a greater impact, as the three buildings; extend over a greater proportion of the site. A vista is however, still retained. Therefore, given that the site lies within the HPB, and the open space was not laid out formally, adopted, or maintained as a play area, the principle of housing development on the site is still considered to be acceptable under Policy H16, subject to the scheme complying with the criteria of the other policies in the Local Plan.

9.2 Scale and Design

The proposed three dwellings would be detached, two storey, with pitched roofs and pitched porches over the front doors. It is proposed that all three be two bed roomed, but two of these have a small study on the first floor; which could accommodate a child's bed. No garages are proposed, though each dwelling would have two parking spaces and a timber shed for bicycle storage. The proposed materials of the dwellings are brick walls under concrete profiled roof tiles.

The existing dwellings in Woodland Drive are characterized by staggered terraces of two storey houses on each side of the street, with the dwellings facing into the cul de sac. Some have dropped kerbs and integral garages. The buildings, are constructed of brick under shallow sloping tiled roofs, none of which roof spaces appear to have been converted to provide accommodation.

The application site lies at the end of the cul de sac, and the levels are generally lower than that of No 21 Woodland Drive, which lies at the end of the cul de sac. The proposed dwellings would be approximately 7.25m tall from ground level to ridge, 6.6m to the eaves as they are designed with very shallow pitched roofs. Their siting is restricted by the drainage protection areas.

The dwelling on plot no.1, on the western side of the site, would be approx. 3.5m from the side elevation of No 21, and would be set some 2m further forward from the frontage of the existing dwellings. The proposed amenity area is very small, and located to the rear of the proposed dwelling.

Adjacent to the northern boundary of the site, beyond the site's boundary hedge, there is a bus stop. The pavement being on a higher level; the rear of the proposed dwellings on plots 1 and 2, will be likely to be overlooked unless this boundary is enhanced and improved. The rear elevation of the proposed dwelling on plot no 2 would be set very close to this boundary, (approximately one metre) and so, no ground floor windows are proposed. The proposed amenity areas are to the east and west of the dwelling, separating it from the other two proposed dwellings. Without substantial boundaries, these two small garden areas will not be private.

The dwelling on plot no 3 is set in the eastern corner of the site, facing west towards Woodland Drive. The rear garden will extend towards the adjacent public footpath, from which it will be screened by the existing hedge; which it is proposed to retain.

The design of the dwellings, which is of no particular architectural merit, would differ from the terraces in Woodland Drive. However, in itself, this is not considered to adversely affect the character of the area. Given the mix of dwelling designs in the village of Winterslow, it would be difficult to refuse the proposal solely because the design of the dwellings is different from that of the adjacent terraces of dwellings. The proposal is therefore considered to be acceptable in terms of design and Policy D2.

9.3 Neighbouring Amenity

Policy G2 makes general provisions for development, including avoidance of *unduly* disturbing or conflicting with or overlooking adjoining dwellings. The proposed dwelling on plot 1, whilst set forward of no 21 Woodland Drive, has no windows on this western elevation and therefore there will be no change of outlook from the front of this dwelling. The proposed property is however, considered to be sufficiently close to no.21 as to result in an awareness of the change, though it is not considered that this will have such a detrimental impact on this dwelling as to warrant refusal on these grounds alone.

In relation to the proposed dwelling on plot 2, it will be some 16m from the rear of no 21 and no first floor windows are proposed on the relevant elevation. The patio area to the west of the dwelling will have French Doors but these will be largely screened from no.21 by the electricity sub-station and therefore it is not considered that the impact would have such a detrimental effect on amenities as to warrant refusal.

9.4 Drainage and Flooding

There have been a number of objections from third parties with regard to flooding caused by the inadequacy of the surface water drainage in this area. The Parish Council has also expressed concern regarding this issue. The site contains a number of foul and surface water sewers and bore holes, maintained by the Highway Authority and Southern Water. Whilst previously Southern Water were concerned that the exact position of the public sewer had not been determined, the applicant has provided information outlining all the drain runs within the site and whilst this must be confirmed on site prior to the commencement of development, Southern Water considers that it would be possible for the developer to connect satisfactorily to the foul sewer to serve the development, subject to formal application.

There have been flooding problems in this immediate area, caused it is suggested by a spring in the area. There have also been flooding problems in the lower parts of the village, the reason appears to be that over the past 20 years the areas which drained the lower end of the village, and stored the peak flow and run off, have been in-filled with development. This new development prevents the water from reaching the valley to drain away. Flooding therefore occurs near the Lion's Head pub in the lower part of the village.

Wiltshire Council took over the duties of land drainage authority, when the unitary authority was created. The Council installed phase one of a soakaway system. However, phase two which will incorporate a positive outfall is yet to be carried out and the existing system cannot cope with any additional flows. Therefore, prior to any development a scheme would need to be designed which would incorporate deep bored soakaways, modelled to the critical design rainfall event. On the basis of the information submitted, the Council's drainage engineer considers that subject to a condition requiring a detailed drainage scheme so that there was no increase in the potential surface water runoff, there would be no objection to the proposal.

9.5 Highway safety

Whilst concerns have been expressed by third parties regarding parking congestion in this area, the Highway Authority do not object to the scheme, as the proposed parking and turning areas are considered adequate to serve the development

9.6 Financial contributions.

Public open space. A contribution for recreational facilities would be required for the new dwellings and whilst the applicant has not yet signed a section 106 Agreement nor provided the relevant monies, he has indicated his willingness to do so.

Affordable housing. On the 9 February 2012, the Council's South Wiltshire Core Strategy was adopted. Core policy 3 requires all new residential development to make a contribution towards the provision of affordable housing within the District. However, in this case; the Housing Officer has confirmed that no financial contribution towards off-site affordable housing provision is required, as the scheme would not be viable, due to the additional building costs associated with the proposals from pile foundation work and electricity easement work.

10. Conclusion

The site is within the Housing Policy Boundary

The proposed amenity areas of the dwellings are not large, though this is not unusual in established residential areas.

The design of the dwellings is of no particular architectural merit

The siting of the proposed three dwellings is constrained by the presence of the foul and surface water drains.

The proposal is not detrimental to the amenities of the adjacent dwellings.

The Council's Drainage Engineer considers that sufficient information has been provided for him to be reasonably assured and therefore he has no objection to consent subject to a condition to ensure that a detailed drainage scheme is provided

11. RECOMMENDATION

Subject to a S106 agreement relating to

- 1) A commuted sum towards the provision of public open space then

Planning Permission be GRANTED for the following reasons:

The proposed development accords with the provisions of the Development Plan, and in particular G2 (General Criteria for Development), D2 (design criteria), C6 (Landscape Conservation), TR11 (parking) and policy R2 (Public Open space) which are all 'saved' policies of the Salisbury District Plan and Core policy 3 of the South Wiltshire Core Strategy, insofar as the proposed development is considered compatible in terms of the scale, design, materials and would not adversely affect the character of the area; the amenities of the neighbours, drainage or highway safety

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.

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. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council.

Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Location Plan dated 2011 received on 13 April 2012

Drawing no 0529/01 Rev J dated July 2009 received on 13 April 2012

Drawing no 0529/02 Rev E dated July 2009 received on 13 April 2012

Drawing no LDS/9271-TP1, Topographic survey dated 12/03/08 received on 13 April 2012

Flood risk assessment and drainage strategy Rev. A provided by Such, Salinger, Peters consulting engineers dated April 2012 and received on 13 April 2012

Design and access statement, dated April 2012 and received on 13 April 2012

REASON For the avoidance of doubt

3. 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 all 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

REASON: To secure a harmonious form of development

POLICY: G2, H16 and D2

4. Notwithstanding the provisions of Class[es] A To F 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 dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of neighbouring amenities and the character of the area.

POLICY: G2, H16 and D2

5. During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays.

REASON: To minimise the disturbance which noise during construction of the proposed development could otherwise have on the amenities of nearby residential dwellings

POLICY: G2

6. Prior to the commencement of development a detailed drainage scheme, together with deep percolation tests shall be submitted to and approved in writing by the Local Planning Authority. The development shall result in no increase in potential surface water runoff; it shall be carried out in accordance with the approved details and shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, as required by paragraph 9 of the National Planning Policy Framework Technical Guidance.

POLICY: NPPF

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with the plan prior to the first occupation of the first building.

REASON: To ensure proper planning of the development in the interests of amenity.

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Land at Woodland Drive, Winterslow, Salisbury. SP5 1SZ



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	15.11.2012		
Application Number:	S/2012/1217		
Site Address:	Land at Barn Orchard, High Road, Broadchalke, Salisbury SP5 5EH		
Proposal:	Erection of new dwelling and detached garage and alterations to access		
Applicant / Agent:	Mr Andrew Jarvis/Mr I.B.R. & Mrs J.H. Fowler		
Parish Council	Broadchalke		
Electoral Division	Fovant & Chalk Valley	Unitary Member	Cllr J Green
Grid Reference:	Eastings: 404007 Northings: 125599.3		
Type of Application:	Minor		
Conservation Area:	Yes		
Case Officer:	Mr W Simmonds	Contact Number: 01722 434553	

Reason for the application being considered by Committee

The application was called to Committee by Cllr Green in respect of issues of scale, design and in the public interest.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to the applicant entering into a relevant legal agreement to make financial contributions in respect of affordable housing and recreational open space, and subject to conditions.

2. Report summary

The proposed development would provide a suitable form of infill development within the designated Housing Policy area and is considered compatible in terms of its siting, scale, design, materials and character. The proposed development would not adversely affect the amenity of neighbours, the existing character of the conservation area or the natural beauty of the surrounding AONB. The applicants

3. Site Description

The application site consists of a parcel of land at the rear (north western) end of the residential curtilage of the dwellinghouse known as 'Barn Orchard', High Road, Broadchalke. Access to the site is currently provided either from the main entrance/driveway to Barn Orchard, or via an existing five bar gate (rear garden access) from Tank Lane to the north west. Running alongside the western boundary of the site is a public footpath between High Road and Tank Lane. To the west of the footpath is the United Reformed Church.

The application site is within the H16 Housing Policy Boundary and the designated conservation area of Broadchalke, and forms part of the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Relevant Planning History

None relevant

5. Proposal

The application proposes the subdivision of the residential curtilage of Barn Orchard and the erection of a new detached dwellinghouse with detached garage and alterations to form an access to the new dwelling from Tank Lane.

6. Planning Policy

Local Plan policies G1, G2, D2, H16, CN8, C5, C12, R2 (constituting saved policies listed in Appendix C, of the adopted South Wiltshire Core Strategy) and policy CP3 (affordable housing) of the adopted SWCS

National Planning Policy Framework chapters 6, 7 & 12

7. Consultations

Broadchalke parish council – Object on grounds of (i) size of the proposed dwelling, and (ii) non-vernacular style of the proposed design of the building

Tree officer – Response not yet received

Conservation officer – Object on grounds of adverse impact on the existing character of the area, loss of a tree, and the scale, design and materials for the proposed dwelling.

Environment Agency – No objection, subject to Condition in respect of finished floor levels.

Environmental Health – No objection, subject to Conditions

Rights of way officer – No response received

WC Highways – No Highway objection, subject to Conditions

Wilts & Swindon History Centre – No objection

Water Authority – Standard response letter raising no objections

AONB office – No response received

Climate change team – No response received

Wilts Fire & Rescue Service – Standard advice letter re fire appliance/fire fighting access, water supplies for fire fighting and domestic sprinkler protection and request for developer contribution in respect of Wiltshire Fire & Rescue Service's infrastructure and delivery

8. Publicity

The application was advertised by site notice, press notice and neighbour notification letters.

Two third party representations have been received from the owners/occupiers of Tank Cottage and Garden Cottage, each of which are in support of the proposed development.

One third party representation was received, not objecting to the proposed development *per se*, but raising concerns in respect of the impact of construction traffic using Tank Lane.

9. Planning Considerations

- Principle of the proposed development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on Highway safety
- Financial contributions

9.1 Principle of development

The site is within the Housing Policy Boundary (HPB) where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Salisbury District Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open space, which contributes to the character of the area.

Policy D2 states that proposals should respect or enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Local plan policies C5 and CN8 require that proposals for development within conservation areas and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) preserve or enhance the existing character of the conservation area and are sympathetic with the landscape of the AONB in general and in respect of the particular locality.

The National Planning Policy Framework (NPPF) provides clear guidance in respect of the Government's objectives and commitment to promoting the efficient use of land, and the presumption in favour of sustainable development, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality.

Despite recent amendments to the Government's definition of 'previously developed land' (i.e. to exclude gardens), the proposed dwelling remains within the Housing Policy Boundary and therefore in this case development is considered acceptable in principle.

Therefore, given the siting of the proposed dwellings within the designated HPB, there is no policy objection in principle to proposed development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

In summary, considering the proposal against local plan and national planning policy, a proposal for new residential development within the curtilage of Barn Orchard in the form of a new dwellinghouse and ancillary garage building is considered acceptable in principle, provided that it can demonstrated to be of an appropriate scale, design and a minimal impact upon the character of the area, residential amenity, highway safety and other considerations outlined below.

9.2 Impact on the character and appearance of the area

It is considered that the plot is sufficient in size to accommodate the proposed dwellinghouse and ancillary detached garage building without appearing unduly cramped. The footprint and curtilage surrounding the new dwelling will remain comparable to those of existing dwellings in Tank Lane.

The curtilage of Barn Orchard is considered to be of sufficient length and width to allow the subdivision of the garden without resulting in uncharacteristically narrow plot sizes for the existing and new dwellings when compared to the surrounding properties.

The proposed dwelling is sited within the north western end of the garden curtilage in an area that is well-screened in views within the immediate and wider surrounding area by reason of existing mature hedges along the north and western boundaries, and supplemented by a number of significant trees within the site and immediate surrounding area.

The application proposes the planting of a new screen hedge to internally define the subdivision of the garden curtilage, comprising of a mix of native species.

From High Road to the south of Barn Orchard, views towards the site of the proposed dwellinghouse are significantly screened by sizeable mature boundary features along the roadside and by the existing two storey house (Barn Orchard) and its ancillary detached garden annexe.

The dwellings in the surrounding area consist of a mixture of styles, sizes and ages, including bungalows, cottages, terraced rows, semi-detached houses and larger detached dwellings. The proposed dwellinghouse is of a generally low-rise, individual style and design and features single storey and two storey elements under low mono-pitched roofs and comprises of a mix of external facing materials including brickwork, render and timber weatherboarding under pan tiled roofs with solar panels on a single storey roof element. The proposed detached two-bay garage building is of single storey construction, horizontal timber boarded external elevations under a mono-pitched roof.

By reason of the existing variety of styles of dwellinghouses in the surrounding area, and by reason of the relatively well-screened, nature of the application site, it is considered the scale, design and materials of the proposed development would not be unacceptable or out of keeping with the character of the surrounding area.

Notwithstanding the concerns of the conservation area, parish council and third parties, it is considered the proposal would respect and enhance the character and appearance of the area in terms of the scale of the area, heights and massing of adjoining buildings. The architectural characteristics and the type and colour of materials proposed would not be inappropriate or unduly out of keeping in relation to those of adjoining buildings and it is considered the existing character of the area would not be unduly affected by the proposals. It is therefore considered the proposed new dwellinghouse and detached garage would not have an adverse impact on the existing character of the conservation area or the wider landscape of the surrounding AONB.

9.3 Amenities of adjoining and nearby properties

The closest neighbouring properties to the application site are Barn Orchard to the south, Tank Cottage to the north east, and Garden Cottage to the north west. A footpath runs along to western boundary of the application site between High Road and Tank Lane. To the west is the United Reformed Church. Two third party representations have been received from the owners/occupiers of Tank Cottage and Garden Cottage, each of which are in support of the proposed development.

The proposed dwelling is sited within the north western end of the garden curtilage in an area that is well-screened in views within the immediate and wider surrounding area by reason of existing mature hedges along the north and western boundaries, and supplemented by a number of significant trees within the site and immediate surrounding area.

By reason of the distance, orientation, level of existing natural screening and the general relationship between the application site and the closest neighbouring dwellings, it is considered proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.4 Highways and access considerations

The proposal would alter and utilise the existing gated rear access to the application site from Tank Lane. The proposed access would provide a slightly widened, gated access set back from the junction with Tank Lane with a consolidated ground surface with surface water drainage interception/provision.

The council's Highways officer has assessed the proposal and raises no objection, subject to Conditions in respect of the consolidated access (not loose stone or gravel) and surface water drainage.

9.5 Contributions in respect of affordable housing provision and recreational open space

The land owner has agreed to undertake a legal agreement with the Council to make the appropriate financial contributions in respect of affordable housing (SWCS Core Policy 3) and recreational open space (saved policy R2).

10. Conclusion

The proposed development would provide a suitable form of infill development within the designated Housing Policy area and is considered compatible in terms of its siting, scale, design, materials and character. The proposed development would not adversely affect the amenity of neighbours, the existing character of the conservation area or the natural beauty of the surrounding AONB.

11. Recommendation Planning Permission be GRANTED

Subject to the applicant entering into a relevant legal agreement to make financial contributions in respect of affordable housing and recreational open space, **for the following reason:**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), CN8 (Conservation areas) & C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan (constituting saved policies listed in Appendix C, of the adopted South Wiltshire Core Strategy), and the aims and objectives of the National Planning Policy Framework, including chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) & 12 (Conserving and enhancing the historic environment), insofar as the proposed development is considered acceptable in principle and compatible in terms of its siting, scale, design, materials and character, and would not adversely affect the amenity of neighbours, the existing character of the conservation area or the natural beauty of the surrounding AONB.

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.

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. This development shall be in accordance with the submitted drawing[s] as follows:

Drawing number 232/07 dated 08/12 and deposited with the Local Planning Authority on 13.08.12, and
Drawing number 232/04/A dated 07/12 and deposited with the Local Planning Authority on 13.08.12, and
Drawing number 232/03/D dated 04/12 and deposited with the Local Planning Authority on 13.08.12, and
Drawing number 232/02/C dated 04/12 and deposited with the Local Planning Authority on 13.08.12, and
Drawing number 232/08 dated 08/12 and deposited with the Local Planning Authority on 28.08.12.

Reason: For the avoidance of doubt

3. No development shall commence on site until details of the external materials to be used on the walls and roofs of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: D2, CN8, C5

4. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: G2

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

Policy: G2

6. No construction work shall take place on Sundays or public holidays or outside the hours of 7.30am to 6.00pm, weekdays and 8:00am to 1:00pm on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of the amenity of neighbours

Policy: G2

7. No burning of waste shall take place on the site during the construction phase of the development.

Reason: In the interests of the amenity of neighbours

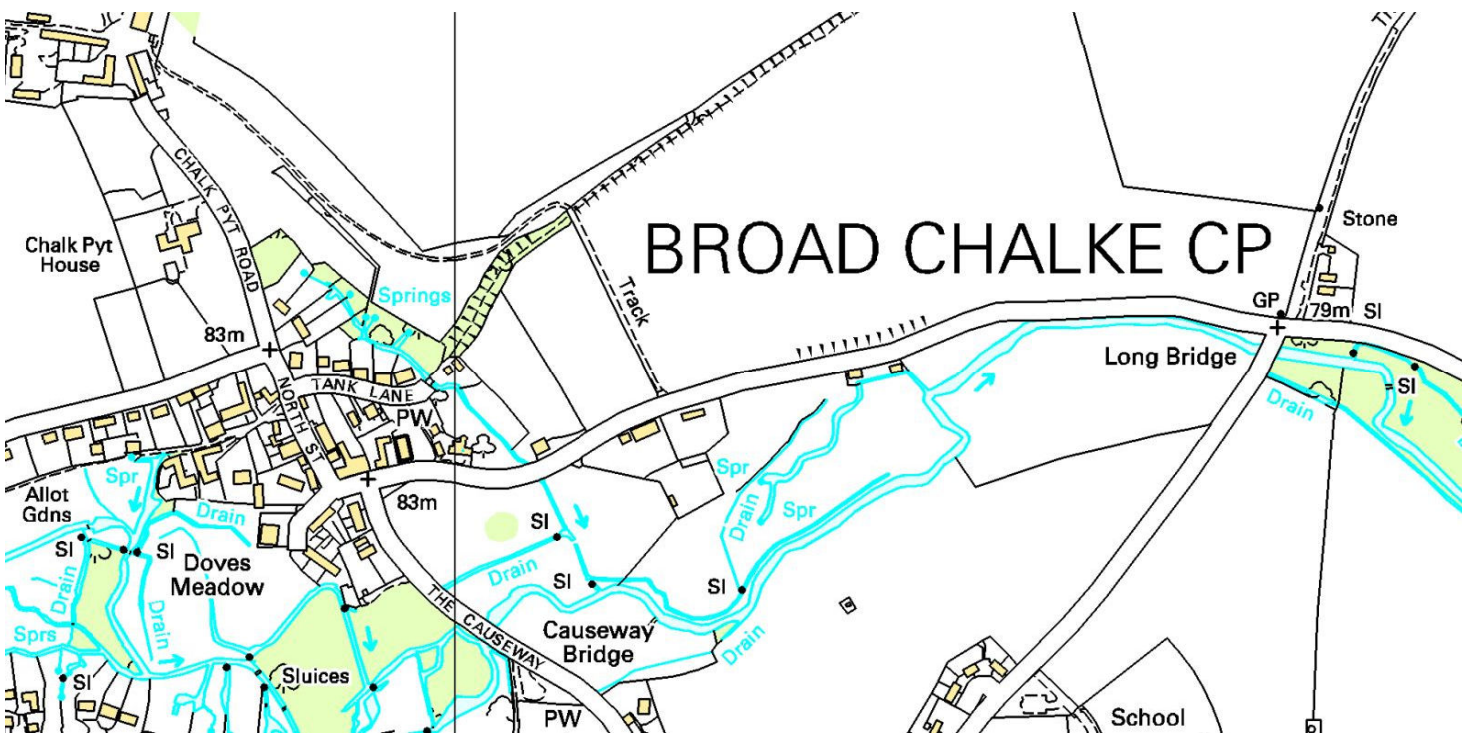
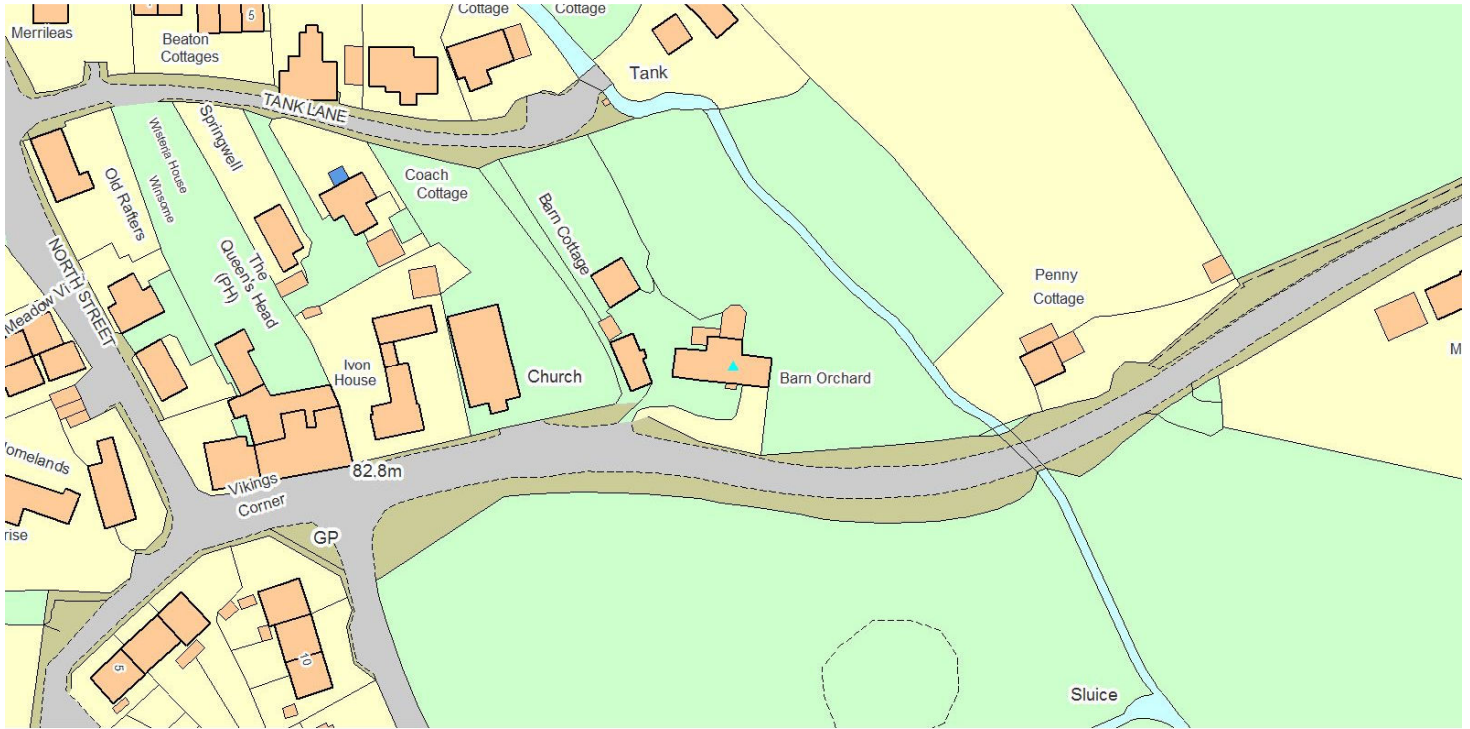
Policy: G2

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E (inclusive) shall take place on the dwellinghouse hereby permitted or within the curtilage.

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.

POLICY: G2, D2, CN8, C5

Barn Orchard High Road Broad Chalke Salisbury SP5 5EH



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