

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 7 March 2013  
**Time:** 6.00 pm

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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](mailto:pam.denton@wiltshire.gov.uk)

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

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### Membership:

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

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### 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	

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# AGENDA

## Part I

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

1 **Apologies for Absence**

2 **Minutes** (*Pages 1 - 36*)

To approve and sign as a correct record the minutes of the meeting held on 14 February (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 28 February 2013**. 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** (*Pages 37 - 38*)

To receive details of completed and pending appeals (copy herewith).

### 7 **Planning Applications** (*Pages 39 - 40*)

To consider and determine planning applications in the attached schedule.

7a **S/2012/1777/S73 - Stonehenge Campsite, Berwick St. James, Salisbury** (*Pages 41 - 70*)

7b **S/2012/1555/Full - Stonehenge Campsite, Berwick St. James, Salisbury** (*Pages 71 - 90*)

7c **S/2013/0056/Full - Stonehenge Campsite, Berwick St. James, Salisbury** (*Pages 91 - 106*)

7d **S/2012/1642/Full - Site to rear of Bell House, Berwick Lane, Steeple Langford, Salisbury** (*Pages 107 - 124*)

7e **S/2012/1743/Full - 137 Netherhampton Road, Salisbury** (*Pages 125 - 134*)

7f **S/2013/0020/Full - 37 York Road, Salisbury** (*Pages 135 - 142*)

7g **S/2012/1809/Full - Rose Cottage, Berwick Road, Stapleford, Salisbury** (*Pages 143 - 150*)

### 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

## SOUTHERN AREA PLANNING COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 FEBRUARY 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale, Cllr Fred Westmoreland (Chairman), Cllr Ian West and Cllr Graham Wright

**Also Present:**

Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Bill Moss and Cllr Ricky Rogers

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12 **Apologies for Absence**

There were no apologies or substitutions.

13 **Minutes**

The minutes of the meeting held on **24 January 2013** were presented for consideration.

It was,

**Resolved:**

**To APPROVE as a correct record and sign the minutes.**

14 **Declarations of Interest**

Councillor Brian Dalton declared a non-pecuniary interest in Minute 19c – *S/2012/0815/Full* – by virtue of being a member of the city council. He declared he had had no prior involvement with the application and would consider it on its merits.

Councillor Jose Green declared a non-pecuniary interest in Minutes 19b and 19c - *S/2012/0814/Full and S/2012/0815/Full* – by virtue of past employment with the Wilton Estate. She stated this was as a tourist guide, not in connection with any form of development, and would therefore contribute to the debate.

Councillor Graham Wright declared a non-pecuniary interest in Minute 19d - *S/2012/1751/Full* - by virtue of the extent of his involvement with the application. He stated he would abstain from voting on the application as a result.

15 **Chairman's Announcements**

The Chairman announced four Stonehenge campsite applications would be appearing before the Committee at its next meeting. It was agreed that a site visit be held for the four Stonehenge campsite applications, numbered as follows:

S/2012/1555  
S/2012/1603  
S/2012/0132  
S/2013/0056

16 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

There were no questions or statements submitted.

17 **Planning Appeals**

The committee received details of appeal decisions and forthcoming appeals as detailed in the agenda.

18 **Village Design Statements**

The Planning Officer introduced the report which requested that members endorse the village design statements so that they can be used as material planning considerations in future.

The Committee welcomed the design statements, and praised their high quality and professionalism. The significance of the design statements as material considerations was also discussed.

It was,

**Resolved:**

**That the Village Design Statements for:**

- (i) Durrington**
- (ii) Winterslow**
- (iii) Swallowcliffe**

**be approved as a material planning consideration for the purposes of development management.**

## 19 Planning Applications

The Committee determined the following applications.

### 19 a) S/2012/1282/Full - Former Highbury and Fisherton Manor School Sites, Highbury Avenue, Salisbury. SP2 7EX

#### Public Participation

Sandra Jenkins, spoke in objection to the application.

Duncan Briggs spoke in objection to the application.

Michael Walker spoke in objection to the application.

Andy Barron spoke in support of the application.

John Drewitt spoke in support of the application.

Cllr Joe Rooney, Salisbury City Council, spoke in objection to the application.

The Planning Officer presented a report which recommended approval. Key issues were detailed as contained in the agenda. Attention was drawn to the late list of observations provided at the meeting, and which are attached to these minutes.

The Committee then had the opportunity to ask technical questions of the officers. Details were sought regarding the gate access at the north end of the site, along with information regarding the footpath to the nearby school, the materials to be used on the site, fence lines and play area.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Councillor Richard Clewer, then stated he supported the principle of the development, but that various details of the scheme still required additional work for it to be suitable for approval.

A debate followed, where access to the neighbouring school was discussed, along with problems with parking in Highbury road to the north, and whether the northern gate could be removed to prevent further congestion in that area. The route of the path to the south of the site was debated, and the distance from the path to the houses, and from the proposed houses to existing properties, was raised.

At the conclusion of debate, it was,

#### **Resolved:**

**To delegate for officers to approve pending negotiation to secure amendments as follows with agreement of the Chair and the two ward councillors. Those amendments being –**

- 1) A safe and secure access to the primary school/nursery**

- 2) A ramp to be provided at the southern end of the site in addition to/instead of the steps
- 3) A separate pedestrian route from the development to Highbury Avenue at the Southern end of the site.
- 4) Bricking/blocking up the Northern pedestrian entrance

**And subject to the following reasons and conditions subject to the applicant entering into a legal agreement in respect of the following matters:**

- 1) Education: a contribution towards additional primary school places that will be required as a result of the development;
- 2) Affordable Housing: provision of 40% on-site affordable housing through a registered provider (amounting to 24 units);
- 3) Open space/play space:  
Youth and adult off site open space contribution;  
Public open space maintenance sum;  
LAP and Trim Trail Maintenance Sum;
- 4) Bins/Waste Storage: contribution;
- 5) Wessex Stone Curlew Project: contribution;
- 6) Public art: contribution;
- 7) Highways: core strategy contribution:

**For the following reasons:**

The redevelopment of this 'brownfield', former school site which has been unused for a number of years will result in 60 residential units including 24 affordable units which will contribute to both the private and affordable housing stock in Salisbury and help to meet the Council's key housing targets as set out in core policies 3 and 6 of the South Wiltshire Core strategy.

The development provides for both on and off site open space, play areas, public art and highways contributions in line with policies R2, D8 and G9 of the Salisbury District Local Plan which are saved policies of the South Wiltshire Core Strategy. The development is not considered to have a significant adverse effect on the amenities of surrounding residents and as such is considered to be a complimentary development to the existing housing stock in the area.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

**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) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:
- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
  - Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
  - Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

**REASON:** To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

Policy G2 (vii)

- 3) The construction of the development hereby permitted (including deliveries to and from the site) shall only take place between the hours of 7.30 in the morning and 18.00 hours in the evening from Mondays to Fridays and between 8.00 in the morning and 13.00 hours in the afternoon on Saturdays. Construction shall not take place at any time on Sundays and Bank or Public Holidays.

**REASON:** To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 4) No development shall commence on site until a scheme for the amelioration of the effects of road traffic noise on the future occupants of the proposed development has been submitted to and approved in writing by the local planning authority. Such scheme as approved shall be implemented prior to the habitation of any part of the development.

**REASON:** In order to ensure that houses facing Highbury Avenue are properly insulated against noise.

**Policy G2 (vi)**

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

A written programme of phased archaeological investigation and mitigation as outlined in paragraphs 6.4 and 6.5 of the desk based assessment produced by CGMS and dated November 2011, 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;

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**

- 6) No development shall commence until a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development as set out in the FRA prepared by Hydrock Final Report dated May 2012, has been submitted to and approved in writing by the local planning authority. The scheme shall include pollution prevention measures. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall also include specification of how the scheme shall be maintained and managed after completion.

**REASON:** To prevent the increased risk of flooding, ensure future maintenance of the surface water drainage system, and prevent pollution of controlled waters.

**Policy:** NPPF and the NPPF Technical guidance

- 7) **Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

**REASON:** To ensure the protection of controlled waters, in particular groundwater beneath the site, given the site's proximity to a potable ground water abstraction.

**Policy:** NPPF and the NPPF Technical guidance.

- 8) **No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.**

**REASON:** To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

**Policy:** NPPF and the NPPF Technical guidance

- 9) **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

**REASON:** To ensure that any previously unidentified contamination which is subsequently found on site is dealt with appropriately to ensure the protection of controlled waters.

**Policy G2 (viii)**

- 10) **No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

**REASON:** In the interests of sustainable development and prudent use of natural resources.

**Policy G3**

- 11) **No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

**REASON:** To prevent pollution of the water environment

**Policy G2 (Viii)**  
**Policy- G2 General Policies**

- 12) The details of all lighting proposed including street lighting, lighting for footpaths, communal parking areas and the employment land including the intensity of the lighting and design for light column shall be submitted to and approved in writing by the Local Planning Authority prior to the development of each phase of development, and the works shall subsequently accord with the approved scheme.

**REASON:** To ensure that the lighting scheme respects the overall design qualities from the development.

**Policy G2 (Viii)**

- 13) No development within each subsequent reserved matters submission shall take place until full details of the requirements of that reserved matters submission site in terms of both hard and soft landscape works, to include the phasing of implementation, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle or pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units signs, lighting etc); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals for restoration where relevant).

**REASON:** To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

**Policy G2 (iv)**

- 14) No development within each subsequent reserved matters submission shall take place until details of the requirements of that reserved matters submission site in terms of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

**REASON:** To enable the Local Planning Authority to ensure that the proposed earthworks will relate satisfactorily to existing features within the site and its surroundings in the interests of visual amenity.

**Policy G2 (iv)**

- 15) No works or development within each subsequent reserved matters submission shall take place until full details of the requirements of that reserved matters submission in terms of all proposed tree planting and the proposed times of planting, have been approved in writing by the

**Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.**

**REASON: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.**

**Policy G2 (iv)**

- 16) Before any development commences on site including site works of any description, all the existing trees to be retained shall be protected by a fence of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (60mm) or more shall be left unsevered.**

**REASON: In the interest of the amenity and the environment of the development.**

**Policy G2 (iv)**

- 17) No development shall commence until full construction details of the internal road layout, including footways, drainage, visibility splays, parking, carriageway and driveway gradients have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details within 12 months of the occupation of the last dwelling.**

**REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.**

**Policy G2 (ii)**

- 18) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

**REASON: To ensure that the development is served by an adequate means of access.**

**Policy G2 (ii)**

- 19) Notwithstanding the provisions of Classes A-C inclusive 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 within the curtilage 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 ensure that sufficient space is retained around the dwellings in the interests of neighbourliness and amenity.

**Policy D3**

- 20) Prior to the first occupation of the dwellings hereby permitted details of the key pad gate into the development from the school footpath shall be provided to the local planning authority to show how access will be restricted to those who only live on the development. Such details as have been approved shall be implemented prior to the completion of the 50<sup>th</sup> dwelling.

**REASON:** To ensure the safety of children travelling to and from school to Highbury Avenue

- 21) The development hereby approved shall be carried out in accordance with the following plans and documents:

**Site Location Plan**

600-02 Site Layout rev AA

600-03 Materials Distribution Layout rev A

600-04 Affordable Housing Distribution Plan revC

600-05 Storey Heights Plan rev C

600-06 Street Scenes (Sheets 1 to 4) rev C

600-07 Boundaries & Enclosures Plan rev C

600-08 Boundaries & Enclosures Details

600-09 Section across POS between proposed & existing flats rev A

600-10 Proposed Site Location Plan rev A

600-11 Sections through site

650-01 Dwelling Design Pack rev B

698-01 Flats 33-38 Elevations rev A

698-02 Flats 33-38 Floor Plans rev A

699-01 Flats 39-47 Elevations rev A

699-02 Flats 39-47 Floor Plans

Supporting Planning Statement prepared by Woolf Bond Planning dated June 2012

Dwelling Design Pack design proposals August 2012 rev B

RPS Ecology report May 2012

Phase 1 Habitat survey 22<sup>nd</sup> December 2011

Hydrock Flood Risk Assessment May 2012

Energy Statement Energist UK May 2012

DCA Salisbury Housing Mix Core Policy 6

ACD Arboricultural Implications Assessment 20/6/12

ACD Landscape Specification May 2012

ACD Landscape Management and Maintenance Plan May 2012

ACD Tree report 3<sup>rd</sup> October 2011

RPS Highbury Avenue Design and Access statement June 2012

Transport statement prepared by Odyssey consulting engineers. May 2012

Archaeological Desk Based Assessment prepared by CGMS and dated November 2011

Reconomy Site Waste Management Plan Dated 25<sup>th</sup> July 2012

Statement of community involvement by Woolf Bond Planning dated May 2012

**REASON:** For the avoidance of doubt and in accordance with national guidance in the interests of proper planning.

- 22) Prior to the first occupation of the dwellings hereby permitted details of the key pad gate into the development from the school footpath shall be provided to the council to show how access will be restricted to those who only live on the development. Such details as have been approved shall be implemented prior to the completion of the 50<sup>th</sup> dwelling.

**REASON:** To ensure the safety of children travelling to and from school to Highbury Avenue

**Informative**

Retention of native trees on site is strongly advised particularly for the higher value specimens. Where removal of trees and scrub is necessary the replanting of replacement native species in appropriate places should be included in the plans. This will maintain, and potentially increase (if additional trees are planted) the biodiversity of the site.

**Informative**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a usage level of 105 litres per person per day.

**Informative**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

19 b) **S/2012/0814/Full - Land to the North West of Fugglestone Red and Bermerton Heath, Salisbury**

**Public Participation**

Nicola Lipscombe, Salisbury Civic Society, spoke in objection to the application.

Glen Godwin, agent, spoke in support of the application.



The Planning Officer introduced the report which recommended approval. The key issues were detailed as contained in the agenda, and the creation of a new roundabout and other access arrangements were highlighted, along with outline details of the school, employment and open space aspects of the development. It was noted that the permission was for outline permission regarding the principle of development, and that specific details on designs and other aspects would follow at a later date.

The Committee then had the opportunity to ask technical questions of the officers. Details on footpath and cycle routes, open space and access were sought.

Members of the public then had the opportunity to present their views to the public, as detailed above.

The Local Member, Councillor Ricky Rogers, then spoke in support of the application.

A discussion followed, where the level of affordable housing was raised, along with the need to ensure all necessary contributions from the developer are delivered. The level of landscaping that would be required was also debated, in addition to details of matters to be covered by a legal agreement.

At the conclusion of discussion, it was,

**Resolved:**

**That Planning Permission be GRANTED subject to the completion of a legal agreement in respect of the following matters:**

- 1) Education: a contribution towards secondary school places and the funding of a primary school that will be required as a result of this development;**
- 2) Affordable housing: a 40% on-site affordable housing provision through a registered provider;**
- 3) Open space: a contribution towards maintenance of open space on site;**
- 4) Bins/waste storage: a contribution towards bins/waste storage;**
- 5) Ecology: Wessex stone curlew project contribution**
- 6) Public art: a contribution to public art, including towards gates and walls at the new cemetery**
- 7) Highways: a core strategy contribution**
- 8) Pedestrian link to UKLF**



- 9) **Provision of a cemetery**
- 10) **The provision of a vehicular link to Westwood Road, Salisbury**
- 11) **Submission of a travel plan for the residential and employment aspects of the development for a period of 10 years**

**For the following reason:**

**It is considered that the comprehensive redevelopment of this site and the provision of 1250 dwellings and 8 hectares of employment along with other services and ancillary development will contribute to the economic prosperity of Salisbury by providing much needed housing and long term employment facilities for the local population. The provision of 40% affordable housing achieves the councils target as set out in core policy six of the South Wiltshire Core Strategy to bring affordable housing to those in need in the South Wiltshire area. It is further considered that the proposed development with it's accesses to both Bemerton Heath, the existing Fugglestone Red development and via pedestrian footpath to the former UKLF site. will provide greater permeability and integration between existing developments and those proposed in the future.**

**It is further considered that the development provides a comprehensive approach to redevelopment of the site providing as it does for a new primary school. Contributions to secondary school education, a new neighbourhood centre with shops as well as various play areas, areas of open space and allotments. The development will by link to a further application also provide for a cemetery for the City of Salisbury.**

**In view of this it is considered that the application complies with the development template for Fugglestone Red as contained within the South Wiltshire Core Strategy and with policies G1, G2, G9, D8, CN21, C13, and C12 of the South Wiltshire Core Strategy which are saved policies of the Salisbury District Local Plan**

**In reaching its decision the local planning authority has taken into account the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The Environmental Statement meets the requirements of these regulations, and sufficient information has been provided to enable the authority to assess the environmental impact of the development.**

**Subject to the following conditions:**

- 1) **Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the**

local planning authority before any development begins and the development shall be carried out as approved.

**REASON:** This is an outline application submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

2) Application for the approval of the reserved matters shall be made to the local planning authority not later than twelve years from the date of this permission.

**REASON:** This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**REASON:** This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4) The development hereby approved shall accord with the design principles set out within the Design and Access Statement submitted with the application.

**REASON:** To ensure that a development of this scale appropriately reflects the traditional scale, design and appearance of it's landscape context in the interests of landscape and visual amenity.

**Policy D1 Design of extensive development**

**INFORMATIVE:**

It should be noted that the local planning authority considers that the lack of chimneys shown on properties located within residential areas A,C and D within the Design and access statement is not appropriate and will seek to include more chimneys on any detailed design agreed for this area

5).Prior to the submission of the first reserved matters applications the applicant shall submit to and have approved in writing by the Local Planning authority a phasing plan for the overall development approved in principle by this planning permission which shall include details of the number of dwellings in each phase and the phasing shall subsequently accord with the approved scheme unless subsequently agreed in writing by the Local Planning Authority.

**REASON:** To ensure that a comprehensive approach is taken to the co ordination of the overall development.

**Policy G2 (ii) General policies**

6) Each subsequent reserved matters application shall be accompanied by a

statement that addresses how the reserved matters application reflects the design qualities established by the Design and Access Statement or if at variance with the design and access statement principles how the application improves upon the Design and Access Statement.

**REASON:** To ensure that the development is capable of meeting the design standards established as being necessary to protect the built environment.

**Policy D1 extensive development**

7) The details of all lighting proposed including street lighting, lighting for footpaths, communal parking areas and the employment land including the intensity of the lighting and design for light column shall be submitted to and approved in writing by the Local Planning Authority prior to the development of each phase of development, and the works shall subsequently accord with the approved scheme.

**REASON:** To ensure that the lighting scheme respects the overall design qualities from the development and to minimise impact of the lighting scheme upon both Old Sarum and residential units where they adjoin the employment land, school playing fields and the Local centre.

**Policy G2 (viii) General detrimental effects**

8) Prior to the commencement of development in each phase, a schedule of external facing materials relating to that reserved matters application shall be submitted and where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on site 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 D1 extensive development**

9) No development shall take place in any particular phase of the development 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 for the phase (as referred to in the programme of phasing (condition 5)). The approved boundary treatments for each phase shall be completed in accordance with the plan prior to the first occupation of the first building in that phase.

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

**Policy D1 design extensive development**

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

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

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

**REASON:** To inform any further planning applications for this site and to ensure the protection or enable the recording of any matters of archaeological interest.

#### **Policy CN21 Archaeology**

##### **INFORMATIVE**

The work should be conducted by a professional recognised archaeological contractor and there will be a financial implication for the applicant.

11) No development within each subsequent reserved matters submission shall take place until full details of the requirements of that reserved matters submission site in terms of both hard and soft landscape works, to include the phasing of implementation, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle or pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units signs, lighting etc); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals for restoration where relevant).

**REASON:** To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

#### **Policy G2**

12) No development within each subsequent reserved matters submission shall take place until details of the requirements of that reserved matters submission site in terms of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

**REASON:** To enable the Local Planning Authority to ensure that the proposed earthworks will relate satisfactorily to existing features within the site and its surroundings in the interests of visual amenity.

#### **Policy G2**

13) No works or development within each subsequent reserved matters submission shall take place until full details of the requirements of that reserved matters submission in terms of all proposed tree planting and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance

with those details and at those times.

**REASON:** To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

**Policy G2 (v)**

14) Before any development commences on site including site works of any description, all the existing trees to be retained shall be protected by a fence of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (60mm) or more shall be left unsevered.

**REASON:** In the interest of the amenity and the environment of the development.

**Policy G2 (V)**

**INFORMATIVE**

Retention of native trees on site is strongly advised particularly for the higher value specimens. Where removal of trees and scrub is necessary the replanting of replacement native species in appropriate places should be included in the plans. This will maintain, and potentially increase (if additional trees are planted) the biodiversity of the site.

Removal of the invasive Japanese knotweed would be beneficial and avoidance of spreading this during the development should be ensured. Japanese Knotweed is renowned for causing structural damage to buildings from the root system.

15) The development shall strictly accord with the Approved Code of Construction management. Additional details will be submitted to and approved in writing prior to the commencement of each reserved matter application setting out the provision for staff car parking away from adopted roads, together with precise location of stored materials, the provision of noise attenuation measures, dust management and wheel washing facilities where necessary and the construction process shall subsequently accord with the approved working practices.

**REASON:** In order to protect the residential amenity of future and adjoining residents.

**Policy G2 (Viii)**

16) No construction work (excluding the internal fitting out of dwellings) nor the movement of spoil from the site shall take place outside the hours of 0700 – 2000 Monday to Thursday, 0700 – 1800 on Friday, 0800 – 1300 on Saturday and at no time on Sundays and Bank holidays.

**REASON:** In order to protect the residential amenity of future and adjoining

residents.

#### **Policy G2 (Viii)**

17) Prior to the commencement of development in each phase approved under Condition 5, a scheme shall be submitted to and approved by the LPA setting out how each public open space within that phase will be purposely designed to be attractive to dog walkers. Such a scheme as is approved shall be implemented prior to first occupation of the dwellings.

**REASON:** The development has the potential to have an effect on Camp Down SSSI, Bemerton Heath Local Nature Reserve, and Camp down County Wildlife Site from dog walkers from the new development. As such it is considered important to make open space within this development attractive to dog walkers in order to minimise this effect.

#### **Policy C10 ecology**

18) Prior to the commencement of development of any of the dwellings in any one of the proposed phases hereby approved a scheme to demonstrate how biodiversity loss from the site will be offset by specific biodiversity gains shall be submitted to and approved by the Local Planning Authority. Such a scheme as is approved shall be implemented prior to first occupation of the dwellings.

**Reason:** The development is likely to result in the loss of some biodiversity from the site such as Brown Hares and farmland birds and such biodiversity loss needs to be compensated for through biodiversity gains.

#### **INFORMATIVE**

With respect to specific measures for biodiversity gains, these may include but should not be limited to measures such as –

- All casual open space to be seeded with a low maintenance species rich grass mix that is suited to the chalk geology. In suitable locations this should also be rich in wildflowers to encourage a diversity of pollinating species.
- Eastern boundary of the site is currently a hedgerow. This should be enhanced as necessary and incorporated into the GI for the scheme (Not currently shown on the GI plan for the site).
- Design of lights to avoid light spill on to areas of value for bats
- Bat roosting and bird nesting features incorporated into the built environment (integral to the buildings).
- A proportion of the semi-natural grassland to be managed for reptiles and enhanced for hibernation etc

#### **Policy C10**

19) No development shall commence until full details of the main access junction as shown in outline on drawing number 10152HL02A have been submitted and approved in writing by the Local Planning Authority; and the junction shall be constructed in accordance with the approved details before any further development (other than that required in order to construct the junction) takes place within the development.

**REASON:** to ensure that the development is served by a safe and adequate road, footway and cycle network in the interests of highway safety.

**Policy G2 (ii)**

**20) No development shall commence until full details of the northerly access junction as shown in outline on drawing number 10152HL01A have been submitted and approved in writing by the Local Planning Authority; and the junction shall be constructed in accordance with the approved details before the occupation of 100 dwellings within the development.**

**REASON:** to ensure that the development is served by a safe and adequate road, footway and cycle network in the interests of highway safety.

**Policy G2(ii)**

**21) No development shall commence on any phase of the development until full detailed engineering drawings for the internal road layout and construction specification have been submitted and approved in writing by the LPA; and the internal road layout shall be constructed in accordance with the approved details within one year of completion of housing within each phase of the development.**

**REASON:** to ensure that the development is served by a safe and adequate road, footway and cycle network in the interests of highway safety.

**Policy G2 (ii)**

**22) The internal road layout shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footway and carriageway to at least binder course level between the dwelling and the existing public highway.**

**REASON:** to ensure that the development is served by a safe and adequate road, footway and cycle network in the interests of highway safety.

**Policy G2 (ii)**

**23) No building hereby permitted shall be first occupied until the access, turning area and parking spaces serving that building have been completed in accordance with the details shown on the approved plans. The access turning area and parking spaces shall be retained for those purposes thereafter.**

**REASON:** In the interests of highway safety

**Policy TR11**

**24) The development hereby permitted shall not be commenced until such time as a full water feature survey and a detailed scheme to protect identified water features has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

**REASON:** To protect controlled waters by ensuring that all present water



features, such as wells, boreholes etc, are identified and considered.

25) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

**REASON:** To protect controlled waters from pollution by the mobilisation of unidentified ground contaminants.

**Policy G2 (viii)**

26) No development approved by this permission shall be commenced until a Construction Environmental Management Plan for proposed development, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

**REASON:** To prevent pollution of the water environment.

**Policy G2 (viii)**

### **INFORMATIVE**

Safeguards should be implemented during the construction phase to minimise the risks

of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines

at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

### **INFORMATIVE**

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care. Further information can be found at <http://www.netregs.co.uk>

27) No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable



agreed.

**REASON:** To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

28) Prior to any reserved matters approval, details of a surface water drainage strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall be in accordance with the Flood Risk Assessment (prepared by Brookbanks Consulting, Ref: 10152/FRA/01, dated 27/04/12, Appendix 13.1 of the Environmental Statement) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

**REASON:** To prevent the increased risk of flooding as a result of the development, in accordance with NPPF.

29) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

**REASON:** To prevent the increased risk of flooding as a result of the development in accordance with NPPF and to protect and improve the quality of controlled waters.

30) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

**REASON:** In the interests of sustainable development and prudent use of natural resources.

### **INFORMATIVE**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Manufacturer's specifications should not be submitted. Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>  
<http://www.savewatersavemoney.co.uk/>

31) The development shall not be commenced until; a foul water drainage strategy is submitted and approved in writing by the local Planning Authority and Wessex Water. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning

authority.

**Reason:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

**32) The development hereby approved shall make provision for the following:**

- 1. At least 8.1 ha of Employment Land (Class B1 and B2 uses);**
- 2. A Local Centre supporting:**
  - (i) a convenience/food shop (Class A1 use) of up to 550 sq m;**
  - (ii) further shops and services (Class A1-A5 uses) totalling 600 sq m;**
  - (iii) a public house (Class A4 use);**
  - (iv) a doctor's surgery or similar (Class D1 use); and**
  - (v) A proportion of residential units amounting to no more than 40% of the overall floor space of the other District Centre uses approved in this condition;**

**At least 21.7 ha of open space as set out in the table on page 59 of the design and access statement (comprising at least 1 NEAP, 3 LEAPs, 1LLAP and 1 LAP), and to include Natural and semi-natural open space, including amenity open space and structural planting of 16.62 Hectares and 0.5 Hectares of allotment space.**

- 3. Up to 1250 residential units.**

**REASON:** To clarify the terms of the planning permission.

**33) The employment area hereby approved shall consist only of B1 and B2 uses. Where the employment area abuts neighbouring residential properties, the uses shall only be those falling within the B1 use class order.**

**Reason:** In the interests of the amenity of neighbouring residential properties.

**Policy G2 (viii)**

**34) The development hereby approved shall be carried out in accordance with the following plans and documents**

**Dwg P0747\_01-1H Site location Plan @ scale 1:2500**  
**Dwg P0747\_15-1D Land Use Parameters Plan**  
**Dwg P0747\_17-1D Building Heights Parameters Plan**  
**Dwg P0747\_18-1F Green Infrastructure Parameters Plan**  
**P0747\_38-1B Access & Movement Parameters Plan**  
**Dwg 10152HL02A Highway Proposals Site Access (South)**  
**Dwg 10152HL01A Highway Proposals Site Access (North)**

**Supporting Documentation As submitted to the Local Planning Authority on the 8<sup>th</sup> June 2012**

**Dwg P0747\_11-1J Indicative Master Plan  
Design & Access Statement  
Environmental Statement as required by the 2011 Town & Country Planning  
(Environmental Impact Assessment) Regulations 2011, comprising:  
Volume 1 – main text  
Volume 2 – Technical appendices  
Volume 3 – Non-technical summary  
Transport Assessment  
Statement of Pre-Application Consultation  
Planning Statement, including Affordable housing and planning obligations  
Waste Management Statement  
Arboricultural Impact Assessment**

**REASON:** For the avoidance of doubt and in accordance with national guidance in the interests of proper planning.

**35) The open market dwellings hereby approved shall achieve an overall mix across the development site of the following bedroom numbers in each unit 5% 1 bedroom, 20% 2 bedroom, 40% 3 bedroom and 35% 4 bedroom and larger.**

**REASON:** In order to ensure that the mix of house sizes across the site meets the identified demand within the South Wiltshire area.

**Policy:** Core policy 6

**36) No development shall commence on site in any particular phase of the development as referred to in the approved programme of phasing of the development until details of the proposed ground floor slab levels of all buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON:** In the interests of visual amenity.

**37) No development shall take place until full details of how on-site renewable energy will be provided for the development to reduce CO2 emissions from energy use by owners/occupiers of the buildings by 10% 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 order to ensure that the development complies with the principles of sustainable development.

**38) Prior to commencement of development on any part of any phase of the development hereby approved in which the overground 132kv electricity cables and pylons situated towards the north of the site are located, those electricity cables shall be placed underground and the pylons removed from the site.**

**Reason:** The existing electricity pylons and cables have a negative impact on the surrounding landscape and therefore in the interests of visual amenity should be removed.

**39) Prior to first occupation of the development hereby approved a**

programme for the phasing of the development shall be submitted to the local planning authority for approval in writing. In particular, the programme shall state that the Employment Land will be fully serviced, fully accessible and fully available prior to the occupation of the 300<sup>th</sup> dwelling on the site; and the District Centre shall be completed and ready for occupation prior to the occupation of the 400<sup>th</sup> dwelling on the site. The development shall be carried out strictly in accordance with the approved programme for the phasing of the development.

**REASON:** To ensure the proper planning and phasing of the development in accordance with an appropriate scheme.

40) The submission of details relating to that phase of development adjacent the new pedestrian entrance way between Ramleaze Drive and this development shall include details of that pedestrian link which shall be approved in writing by the local planning authority prior to commencement of development of that phase. The pedestrian link shall be developed in accordance with the details approved and prior to first occupation of the 50<sup>th</sup> dwelling in that phase.

**Reason:** In order to ensure that permeability of the site is achieved and a link is created between the existing development and the old.

41) Prior to the submission of the reserved matters applications relating to the Northern and Southern Villages. The applicants shall submit to and have approved in writing from the local planning authority a noise assessment report which assess the impact of the traffic on the Devizes road upon those properties closest to that road. Any recommendations or mitigation measures proposed in the submitted assessment shall be incorporated in the design of the details of the proposed new dwellings.

**REASON:** In order to ensure that residents of those properties closest to the busy Devizes road do not suffer undue noise and disturbance from vehicular traffic on Devizes road

**Policy G2(viii)**

**19 c) S/2012/0815/Full - Land North West of the Avenue, Salisbury. SP2 9PS**

Public Participation

Cllr Phil Matthews, Wilton Town Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, and gave details of the key issues as contained in the agenda.

The Committee then had the opportunity to ask technical questions of the officers. Details were sought about footpath access to the proposed site, and which parish the site was contained within.

Members of the public then had the opportunity to address the Committee

with their views, as detailed above.

A debate followed, where the location of the proposed cemetery away from the centre was raised, and issues of public transport discussed. The siting away from the proposed major development to the south, into the countryside, was also raised.

At the end of discussion,

**Resolved:**

**That planning permission be REFUSED for the following reasons:**

- 1) The proposed cemetery, by reason of its prominent siting in open countryside and the inevitable high visibility of associated development (such as gravestones, the car park and associated storage), would detract from the amenities of the countryside contrary to saved policy C2 of the South Wiltshire Core strategy.**
- 2) The proposed cemetery by reason of its siting outside of the Fugglestone Red development template area and outside the development limits of Salisbury is considered to be too remote from the city and limited primarily to servicing by private motor vehicles. It would therefore be an unsustainable form of development contrary to saved policy G1 of the south Wiltshire Core strategy**

**19 d) S/2012/1751/Full - Avon Valley College, Recreation Road, Durrington, Salisbury. SP4 8HH**

Public Participation

David Maytun spoke in objection to the application.

Graham Amos spoke in objection to the application.

Naomi Defriend, applicant (Wiltshire Council) spoke in support of the application.

Arthur Williams spoke in support of the application.

The Planning Officer presented a report which recommended approval. It was noted that the application had previously come to Committee in October 2012, and additional details in the report regarding signage were noted.

The Committee then had the opportunity to ask technical questions of the officer. Details were sought about the entrance to the site and drop off locations, as well as the enforceability of restricting the drop off sites through signs. In response to queries regarding the felling of trees on the site, it was stated that none of the trees on the site had Tree Protection Orders.

Members of the public then had the opportunity to address the committee

with their views, as detailed above.

The Local Member, Councillor Graham Wright, then detailed the positives and negatives of the application, but stated that he felt he had been heavily involved with the application as it progressed, and so would abstain from voting given his closeness to the issues.

A debate followed, where the need for a nursery was raised, along with the effectiveness of the proposed changes to the reservations that led to refusal of the Committee previously. The enforceability of a travel plan or contract with parents at the nursery was discussed, and the suitability of drop off points was also raised.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be REFUSED for the following reason:**

**The proposed nursery would be sited in a location which would encourage excessive vehicular movements on inappropriate roads, and it has not been satisfactorily demonstrated that there would be adequate parking and dropping-off facilities, to the detriment of highways safety. The proposal would therefore be contrary to Local Plan policies G2(i&ii) and PS6 (i&ii) as saved within the adopted South Wiltshire Core Strategy.**

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 10.15 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](mailto:pam.denton@wiltshire.gov.uk)

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

## SOUTHERN AREA PLANNING COMMITTEE 14<sup>TH</sup> FEBRUARY 2013 SCHEDULE OF ADDITIONAL CORRESPONDENCE

### Agenda Item 8

**Plan List Item 1     S/2012/1282 /Full – Erection of 60 dwellings together with public open space provision and new vehicle and pedestrian access from Highbury Avenue  
At Former Highbury and Fisherton Manor School Sites,  
Highbury Avenue, Salisbury. SP2 7EX**

### **Amendments to officer report**

Reference at paragraphs 9.3 and 9.6 to the Oak tree should be to the Monterey Cypress tree.

### **Conditions**

Officers recommend an amendment to the proposed conditions in the officers report to remove reference to reserved matters.

12) The details of all lighting proposed including street lighting, lighting for footpaths, communal parking areas including the intensity of the lighting and design for light column shall be submitted to and approved in writing by the Local Planning Authority prior to the development of each phase of development, and the works shall subsequently accord with the approved scheme.

REASON: To ensure that the lighting scheme respects the overall design qualities from the development.

Policy G2 (Viii)

13) No development shall take place until full details in terms of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle or pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units signs, lighting etc); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals for restoration where relevant).

REASON: To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

Policy G2 (iv)



14) No development shall take place until details in terms of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to ensure that the proposed earthworks will relate satisfactorily to existing features within the site and its surroundings in the interests of visual amenity.

Policy G2 (iv)

15) No works or development shall take place until full details in terms of all proposed tree planting and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

REASON: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

Policy G2 (iv)

### **Officer Comments and further representation**

Since the officer report was written objections have been received from the householder at 34 Highfield Road which sides on to the application site. In response to this the applicants have reviewed the effect on this property of the proposed new properties and removed a Juliet balcony from plot 7 to prevent the feeling of being overlooked from this particular plot. They have also provided a cross section to show the impact on this property of the proposed development. The occupier of this property whilst welcoming the changes still considers the changes unacceptable as they still feel their property will be dominated by units 6 and 7. They wish to urge the committee to require the contractor to amend his plans. Officers have considered this further letter from the owner of this property and considered the applicants amendment consider the relationship between the properties to be acceptable.

The applicant has also stated that the reason for Trim Trail equipment being provided at the Southern end of the site is that there is a gas main and mains easement that runs down this side of the site and a soakaway at this end of the site which prevents substantial foundations being put in this area.

### **One further late representation stating**

It is most regrettable that better use has not been made of this site at the master planning stage in terms of creating significantly better access routes for pedestrians and cyclists in this part of Salisbury. The site is within easy walking & cycling distance of all amenities and within close proximity to the worst air quality blackspot in Salisbury on the Wilton Road, so a development which did more to encourage walking and cycling would have been preferable to a car-dependent housing estate



with poor pedestrian and cycling linkages which will only add to the traffic congestion and air quality problems in the neighbourhood.

Leaving these past mistakes to one side, I would like to raise the issue as to why the needs of disabled people, parents with buggies, and those with shopping trolleys have been ignored in this planning application. The existing steps on the pedestrian link to the north are to be retained – despite the fact that there are only a small number and it would have been easy to remove them. To the south of the site, the pedestrian route to the public open space and play area has been designed with steps only.

There is no mention of disabled access in the Design & Access Statement which accompanied this planning application, and the officer's report, and the comments from WC Highways, do not comment on disabled access, despite the statement in Wiltshire Council's Local Transport Plan Strategy that "The needs of disabled people are important in designing pedestrian access". The Department for Transport's guide to best practice on access to pedestrian and transport infrastructure 'Inclusive Mobility' states that "Even a single step will prevent access for the great majority of wheelchair users (and be a trip hazard for others), so alternatives must be provided".

Highway and planning authorities must comply with the Disability Equality Duty under the Disability Discrimination Act 2005 and need to be proactive in ensuring disabled people are treated fairly. It seems that in this case the needs of disabled people – or indeed those parents with buggies who might wish to accompany their children to the school or the play area in the public open space – are being ignored.

I would ask the planning committee to consider their obligations under current disability discrimination legislation and ask why the developer of this site has not been required to take account of the access needs of all, including those with disabilities, when designing this development.

**One further representation letter** – Please see Appendix 1

### **Officer's comment**

Members should note that officers have considered the needs of those with disabilities and pushchairs but because of the driveways and parking and the gradient of the site adjacent Highfield Road it is not practically possible to build a ramp in this location. Similarly because of the very significant slope at the bottom part of the site it is also not practical to put a ramp in this position either. Therefore the development either has accesses with these steps or the accesses would need to be deleted from the scheme and officers considered that the steps providing at least some permeability through the site were preferable to the only other realistic alternative of removing these accesses.

**Plan List Item 2 S/2012/0814/OL – Outline application for access only for proposed mixed use development comprising residential (up to 1250 dwellings), employment, local centre, community uses, primary school, public open space, landscaping and associated access works including demolition of existing house and farm buildings At Land to the North West of Fugglestone Red and Bemerton Heath, Salisbury.**

Officers have made some minor changes to the wording of the conditions proposed in the officer report such that it is now recommended that the following changes are made to the conditions previously proposed.

17) Prior to the commencement of 50% of the dwellings in each phase approved under Condition 5, a scheme shall be submitted to and approved by the LPA setting out how each public open space within that phase will be purposely designed to be attractive to dog walkers. Such a scheme as is approved shall be implemented prior to first occupation of the dwellings.

**REASON:** The development has the potential to have an effect on Camp Down SSSI, Bemerton Heath Local Nature Reserve, and Camp down County Wildlife Site from dog walkers from the new development. As such it is considered important to make open space within this development attractive to dog walkers in order to minimise this effect.

Policy C10 ecology

18) Prior to the commencement of development hereby approved a scheme to demonstrate how biodiversity loss from the site will be offset by specific biodiversity gains shall be submitted to and approved by the Local Planning Authority. Such a scheme as is approved shall be implemented prior to first occupation of the dwellings.

**Reason:** The development is likely to result in the loss of some biodiversity from the site such as Brown Hares and farmland birds and such biodiversity loss needs to be compensated for through biodiversity gains.

**Informative:** With respect to specific measures for biodiversity gains, these may include but should not be limited to measures such as –

- All casual open space to be seeded with a low maintenance species rich grass mix that is suited to the chalk geology. In suitable locations this should also be rich in wildflowers to encourage a diversity of pollinating species.
- Eastern boundary of the site is currently a hedgerow. This should be enhanced as necessary and incorporated into the GI for the scheme (Not currently shown on the GI plan for the site).
- Design of lights to avoid light spill on to areas of value for bats
- Bat roosting and bird nesting features incorporated into the built environment (integral to the buildings).

- A proportion of the semi-natural grassland to be managed for reptiles and enhanced for hibernation etc

#### Policy C10

37) No development shall take place until full details of how on site renewable energy and/or energy efficiency will be provided for the development to reduce CO2 emissions from energy use by owners/occupiers of the buildings by 10% 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 order to ensure that the development complies with the principles of sustainable development.

39) Prior to first occupation of the development hereby approved a programme for the phasing of the development shall be submitted to the local planning authority for approval in writing. In particular, the programme shall state that the Employment Land will be provided with all necessary services to the site boundary, fully accessible and fully available prior to the occupation of the 300<sup>th</sup> dwelling on the site; and the District Centre shall be completed and ready for occupation prior to the occupation of the 400<sup>th</sup> dwelling on the site. The development shall be carried out strictly in accordance with the approved programme for the phasing of the development.

REASON: To ensure the proper planning and phasing of the development in accordance with an appropriate scheme.

Members will have noted that at the time of writing the Education contributions were being finalised and the education departments comments have now been received.

#### **Primary Education**

Agreement has been reached with the developer to provide a new primary school as shown on the masterplan to serve the development.

Agreement has been reached between the developer and the local education authority to provide a financial contribution for 162 secondary school places. Negotiation is ongoing on the sum of money to be provided in this respect but the Education authority consider that an agreement can be reached. If it cannot the application would be brought back before members for reconsideration on this point.

Officers consider that the provision of a new primary school and the relevant contribution towards secondary provision are sufficient to meet the needs of the site and meet the requirements in the development template.

**Wiltshire Councils Tree Officer** – No objections

## **Further representations**

Further representations have been received from The Bemerton Heath surgery who are concerned that there will be no vehicular access between the new development and the existing development at Bemerton Heath.

## **Further additional representation**

I would like to make the point that the officer's report has failed to adequately summarise many of the points made in my original representation on this scheme. For instance I pointed out there was quite a challenging climb to reach the site from Salisbury which would be a deterrent for cyclists, so I suggested that a pool of electric bikes to serve the residential dwellings, or the businesses, or both, could encourage people to try this option. I pointed out that this emission-free mode of travelling would have significant advantages over using the car for accessing Salisbury. Unfortunately the word 'electric' has been omitted in the officer's report where the proposal has been paraphrased as "cycle use through perhaps a pool of bikes should be encouraged" – which of course rather misses the whole point of the suggestion!

It is very disappointing that the officer's report on this planning application recommends only a pedestrian link to the UKLF site when many of the representations requested that the link be provided for both pedestrians and cyclists. For example the Natural England response indicates that "As a functional transport link we would like to see the link being suitable for cycling, with some form of unlit surfaced track, in keeping with a rural character".

It would be very short-sighted not to design the UKLF-Fugglestone Red path with the needs of cyclists and wheelchair users in mind as well as pedestrians. This will be a key link between two important residential developments, and will serve as a route to school for pupils living on the UKLF site who are attending Sarum Academy. This should therefore be designed from the outset with the extra width necessary for a shared use path, rather than having to come back to widen this link in years to come.

## **One other letter relating to landscape issues**

Considers that the landscape measures proposed should be part of a well thought through landscape strategy for the site and is an essential part of the master planning process and needs to lead not follow development. Such a strategy should include details of the size, extent, typical species and planting densities.

For the planted buffer Zones, off site planting, mitigating planting and new planting required to enhance and extend the existing shelterbelts and woodlands in a northwest – southeast direction to create a proper structural landscape framework. A long term management plan would also be an essential requirement.

It is essential that all new structure planting should be carried out in advance in the early stages of development this will ensure that the site's green infrastructure will begin to establish at the earliest opportunity.

**Plan List Item 3    S/2012/0815/ OL – Outline application for proposed new cemetery with vehicular access from The Avenue  
At Land North West of the Avenue, Salisbury. SP2 9PS**

Members should note that this site falls within the ward of Cllr Richard Beattie and not Cllr Ricky Rogers as shown in the committee report.

South Newton Parish Council have stated that they were not consulted initially on this application. Records show that the parish council was consulted but they have stated that they did not receive this consultation.

The letters were subsequently sent out by e-mail and received by the parish council  
A further letter was sent out notifying them of the committee date.

No response has been received.

## Appendix 1

Dear Councillor

I would like to draw your attention to the 27 people in Highfield Road who signed a petition expressing concerns about the disused access being opened up for pedestrians between our road and the new development on the proposed 60-home development on the former Highbury and Fisherton Manor Schools (S/2012/1282/FULL), which is due to be discussed at the southern area planning committee on Thursday 14 February.

This was discussed at Salisbury City Council's planning committee which also objected to the link proposal as part of its opposition to the whole development. Unfortunately, these objections were not included in its response to Wiltshire Council.

I want to make it clear that I am not opposed the development as such – indeed I think it is an important development that should go ahead, although I acknowledge that others have their own objections which you will need to consider.

A number of residents are concerned that Highfield Road, which is effectively a cul-de-sac because the gate is currently locked and has been since the old school closed, will become a pedestrian short cut for the new estate residents to and from the city centre. I should point out that this was only ever an access to and from the old school, was locked at all other times and was never a general access.

This could cause noise and disturbance in this quiet cul-de-sac and change the nature of the road for ever while increasing security concerns. Notwithstanding the comments of the planning officer, I would reiterate concerns about conflict between new pedestrians and vehicles using Highfield Road. This is a very narrow and congested street with poorly maintained pavements. Cars often have to mount one pavement to avoid vans parked in the street and delivery vans have to do the same thing. Pedestrians often walk in the road because it is, frankly, easier to do so only to be forced back on to a pavement if a vehicle approaches.

I agree with the planning officer Mr Adam Madge that this issue does not warrant refusing the entire application but I have confirmed with him this week

that it would be possible for you to approve the application while inserting a condition that the link is not opened up.

I would also like to draw to your attention to the fact that the Highways Department is not prepared to adopt the access because the estate designer has been unable to remove the steps within the curtilage of the new development. I suspect that one of the reasons for this is that Wiltshire Council does not wish to be liable for any injuries that might arise from people using the access. The access would, therefore, be privately owned and controlled. I have received the following in response to a question about this issue to the developers:

“This area of un-adopted land, as well as other elements of driveways and roads on the site that will remain un-adopted, will be placed in to a residents’ management company. Residents will be contractually bound to contribute towards the maintenance and insurance of such areas, including cover for 3<sup>rd</sup> party claims, should injuries occur on any aspect of the development. This practice is common on most of our developments and is accepted by all local authorities.”

The steps are in a parlous condition and, contrary to comments previously made by the developer, there does not now appear to be any plans to enhance the link, merely for residents to ‘contribute towards the maintenance’. I think this should be a matter of real concern for the committee and for anyone moving into this new estate. I hope that on this occasion you will err on the side of caution and in favour of existing residents rather than potential residents, bearing in mind that the highways officers does not consider that the link is essential for the development.

I therefore request that you carefully consider placing a condition on the application that this link is not opened up, if you are minded to approve the development.

Kind regards,  
Dick Bellringer,  
21 Highfield Road,  
Salisbury.

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
S/2012/1725	SpringMeadows NewtonLane Whiteparish	WR	ENF	Withdrawn	No	No
S/2012/1366	Quercus, Newbridge Road Salisbury	HH		Allowed	No	No

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?

- WR**    Written Representations
- HH**    Fastrack Householder Appeal
- H**      Hearing
- LI**    Local Inquiry
- ENF**   Enforcement Appeal

25<sup>th</sup> February 2013

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## INDEX OF APPLICATIONS ON 07<sup>th</sup> MARCH 2013

### 1 SITE VISIT 1600

**Application No:** S/2012/1777/S73  
**Site Location:** Stonehenge Campsite, Berwick St. James, Salisbury. SP3 4TQ  
**Development:** Development of land without compliance with Condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application  
**Recommendation:** Approve with Conditions **Division** Cllr Ian West

### 2 SITE VISIT 1600

**Application No:** S/2012/1555/Full  
**Site Location:** Stonehenge Campsite, Berwick St. James, Salisbury. SP3 4TQ  
**Development:** Retention of concrete base, construction of further concrete base and siting of two purpose built "Wessington" portakabin type shower blocks to be used as toilet/wash blocks in association with the existing campsite  
**Recommendation:** Approve with Conditions **Division** Cllr Ian West

### 3 SITE VISIT 1600

**Application No:** S/2013/0056/Full  
**Site Location:** Stonehenge Campsite, Berwick St. James, Salisbury. SP3 4TQ  
**Development:** Change of use of land to touring caravan and camping site (amended proposal to planning permission S/2010/0007/FULL incorporating use of pitch 6 as either a caravan pitch or the stationing of a motor home/caravan/pod for occupation by the senior site warden and use of pitch 7 (between 1st April -30th September in any year) as either a caravan pitch or the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite)  
**Recommendation:** Approve with Conditions **Division** Cllr Ian West

### 4 SITE VISIT 1515

**Application No:** S/2012/1642/Full  
**Site Location:** Site to rear of Bell House, Berwick Lane, Steeple Langford, Salisbury. SP3 4NB  
**Development:** Replacement of existing prefabricated lock-up garage with hobby garage/workshop and studio residential accommodation  
**Recommendation:** Approve with Conditions **Division** Cllr Ian West

5

**Application No:** S/2012/1743/Full  
**Site Location:** 137 Netherhampton Road, Salisbury. SP2 8NB  
**Development:** Erection of a 2 bedroom dwelling and alteration to existing access, demolition of part of existing bungalow  
**Recommendation:** Refuse with Reasons **Division** Cllr Brian Dalton

6

**Application No:** S/2013/0020/Full  
**Site Location:** 37 York Road, Salisbury. SP2 7AT  
**Development:** Convert 3 bed dwelling to 1 bed ground floor flat and 2 bed first floor flat  
**Recommendation:** Approve with Conditions **Division** Cllr Richard Clewer

7

**Application No:** S/2012/1809/Full  
**Site Location:** Rose Cottage, Berwick Road, Stapleford, Salisbury. SP3 4LJ  
**Development:** Partial demolition, alterations and construction of two storey extension, together with demolition and replacement of existing single garage  
**Recommendation:** Refuse with Reasons **Division** Cllr Ian West

## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	7 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2012/1777/S73		
<b>Site Address:</b>	Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ		
<b>Proposal:</b>	Development of land without compliance with condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application		
<b>Applicant / Agent:</b>	Mr Grant/Mr Allen		
<b>City/Town/Parish Council</b>	Winterbourne Stoke		
<b>Electoral Division</b>	Till & Wylve Valley	<b>Unitary Member</b>	Councillor Ian West
<b>Grid Reference:</b>	Easting: 407378 Northing: 140538		
<b>Type of Application:</b>	Small Scale Major		
<b>Conservation Area:</b>	NA	LB Grade: NA	
<b>Case Officer:</b>	Mrs Lucy Minting	Contact Number: 01722 434 377	

### Reason for the application being considered by Committee

There are a number of planning applications relating to this site before the Council at this time. For this reason the Area Development Manager considers it appropriate for them all to be considered by the South Area Planning Committee.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

#### 2. Report summary

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

1. Planning appeal decision;
2. Whether the proposed landscaping scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity;
3. Archaeological considerations;
4. Conditions.

The application has generated comments from 2 parish councils and 4 letters of objection from third parties.

#### 3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is *outside of a housing policy boundary and is therefore within 'open countryside' designated as a Special Landscape Area* and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission for the campsite was allowed at appeal for ‘Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.’

The campsite is currently divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

#### 4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012

#### 5. Proposal

The Inspector’s decision to S/2010/0007 is attached at Appendix A.

Conditions 10 and 11 attached to the appeal decision required the applicant to submit and have agreed by the council a lighting and landscaping scheme.

Whilst the applicant submitted details on lighting and landscaping, they were not provided within the required timescale. As a result in May, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

Counsel’s advice is that the permissions have not lapsed although the owner is in breach of the extant lighting and landscaping conditions. The solution to this has been for the owner to submit this application under Section 73 of the 1990 Act for planning permission for the development of land without complying with the extant landscaping and lighting conditions.

This S73 application is to address the ‘missing’ information required by condition 11 (landscaping). The condition states the following:

The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months 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 landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size,

densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the local planning authority, the plan to include a timetable for its implementation;

- (ii) Within 3 months of the date of this decision, if the local planning authority refuses to approve the scheme submitted under (i) above or fails 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) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
- (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.

## 6. Planning Policy

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

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- CN11 – Views in and out of conservation areas
- CN21 - Archaeology
- T9 – Touring caravans and tents

Government Guidance:  
NPPF

Good Practice Guide for Planning & Tourism.

## 7. Consultations

### Wiltshire Council Landscape Officer

The applicant and I strongly agree that the general design principles for the development of a landscape mitigation strategy for the above site are those that were presented in evidence at the public inquiry by Mark Gibbins of Indigo Landscape Ltd as follows:

#### Planting generally

- 5.1 The additional / revised planting proposals for the Stonehenge campsite have been developed as a response to the site itself and to the character and scale of its setting, as well as to its operational requirements.
- 5.2 The approach generally has been to use native trees and hedges in a natural manner to ensure the site 'blends' with the surrounding landscape, is easily maintained, and is therefore successful in the short, medium and long term. **Only native species are to be used around the site boundaries.** Ornamental / non typical species already planted will only be retained within the Caravan Site.

- 5.3 Existing trees have been retained and new tree planting is proposed to provide long term screening / filtering of the views of the Caravan Site and Rally Field as seen from the surrounding properties and landscape.
- 5.4 **Plant species have been chosen to reflect the character of the adjacent landscape.**
- 5.5 The exact details of the planting mixes would be agreed with the local authority, however it is suggested that:
- New hedges be consist primarily of hawthorn, with blackthorn, hazel and the occasional field maple
  - Woodland areas be planted with a high percentage of understory species to give good low level screening, with beech (*Fagus sylvatica*), oak (*Quercus robur*) and ash (*Fraxinus excelsior*)\* forming the dominant canopy species planted as feathered trees to give year 1 impact. Evergreen species yew (*Taxus baccata*), holly (*Ilex aquifolium*) and native privet (*Ligustrum vulgare*)) will form a high percentage of the woodland understory to provide greater all year round screening.

\*Note Ash is now excluded from the scheme due to current Plant Health Order 2012 restricting the movement of ash seeds, plants and trees

The Landscape Management Plan and the landscape plan submitted with this planning application do for the most part reflect the above principles however there are a few inconsistencies to be rectified for the avoidance of doubt and to truly reflect the evidence given at the public inquiry. The following amendments need to be incorporated:

1. Paragraphs 5.4, 5.5 and 5.6 (of the Management Plan) referring to the phased removal of conifer species on site should be altered to reflect the detail of the landscape proposals given in evidence (paragraph 5.7 of Mark Gibbins evidence) as follows:

Planting of woodland planting in gaps created by the removal of conifers on the boundary between Summerfield House and the Rally Field. This planting will be carried out in two phases:

- The first phase will be undertaken at some point between years 2 and 5 when the planting along the northern edge of the Rally Field, and around the entrance of the site is well established and provides some screening of the A303 from Summerfield House. At this point the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt will be removed. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.
  - In the longer term (after 10 years or more), once the broadleaf species planted in the gaps created in phase 1 provide good screening of the A303 from Summerfield House, the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.
2. Paragraph 5.12 (of the Management Plan) refers to the proposed hedge and woodland mix for the boundaries of the site. The native hedgerow species mix generally reflects the mix suggested by Mark Gibbins with the addition of dogwood (*Cornus sanguinea*) which is acceptable.



The native woodland species mix now includes species that are non native and this contradicts the established design principles 5.2 and 5.4 (highlighted above). The following species should therefore be removed from the Management Plan:

Scots pine (was once widespread but now only truly native in parts of Scotland (ref: Planting Native Trees & Shrubs by Kenneth & Gillian Beckett)

Corsican pine

Larch

Thuja

Evergreen oak (*Quercus ilex*)

Although the use of fast growing nurse trees is widespread in forestry practice such small areas of planting do not require a 'nurse crop'. However I note that alder is included within the mix and this is commonly planted as a nurse tree species. Unlike commercial forestry where the nurse crop is harvested as a commercial crop, alder is left in situ and coppiced and this brings great biodiversity benefits.

3. The submitted landscape plan, Drawing no: 390-11 revision A 'Detailed Planting Proposals (2009 – 2014)', illustrates the planting proposals. The planting key on the plan should be amended to reflect the points raised above.

## **Wiltshire Council Archaeology**

The National Planning Policy Framework (NPPF), which has superseded PPS5, contains the following Policy:

"128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

I would note that this application does not include an assessment of the potential for heritage assets to be present on the site, nor does it consider the potential effect of the proposal upon them. This service has not received or approved a Written Scheme of Investigation for these works, or any other works associated with the original permission on appeal. The Inspector noted at para. 65 of his judgement that he would add this as a condition.

However, the proposals that accompany this application do not appear likely to damage the potential archaeological remains which may be present on the site and so I have no further comment to make with regard to this particular application.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

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

- Conditions 10 and 11 of the appeal permission haven't been complied with within the timescales required and the appeal permission has now lapsed and all tents and caravans should be removed
- Landscaping management plan should not be considered as development is in breach of conditions
- Conditions/site is not being enforced
- The site licence should also be revoked
- The site can be seen from public road and footpaths

Berwick St James Parish Council support the application and recommend that the application should be referred to the Southern Area Planning Committee.

## **9. Planning Considerations**

### **9.1 Planning Appeal decision**

Section 73 applications leave the original permission intact but require the granting of a whole new freestanding permission. The original permission, however, may not be re-written.

The Inspector considered that the main issues to consider were:

- The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured, and with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'
- The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for and numbers of tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development would not cause material harm to the living conditions of occupants of nearby dwellings.
- Economic benefits - The inspector considered that the development 'accords with PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'

### **9.2 Whether the proposed landscaping scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity**

The Inspector's report refers to landscaping stating '*the appeal scheme contains proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location.*'

The Inspector considered that landscaping of the site was necessary in order to ensure that the use of the site for camping and caravanning and any related operational development

would be well screened in 5-9 years in order to safeguard the visual amenity of the area. He confirmed that that a condition was necessary to approve the details of landscaping and a landscape management plan.

The Council's landscape officer has advised that the general design principles for the development of a landscape mitigation strategy for the site are those that were presented in evidence at the public inquiry and referred to by the Inspector.

However, amendments are required to reflect the evidence given at the planning inquiry as listed above in the Landscape Officers consultation response. These include the timings of the phased removal of conifers, and the use of native species only.

The evidence presented at the inquiry referred to planting of woodland in the gaps created by the removal of conifers on the boundary between the campsite and Summerfield House, and that this would be undertaken in 2 phases. The first phase would take place between years 2 and 5 with the removal of 9 conifer trees to open up gaps in the existing planting allowing the establishment of broadleaf species. The second phase would be after 10 years when all the remaining conifers would be removed and the gaps planted with broadleaf woodland planting.

The proposed management plan as submitted included the phased removal of conifers on the boundary between the campsite and Summerfield House but on a longer timescale with the first phase between 5 – 10 years and the 2<sup>nd</sup> phase 10-20 years, and that only the 'majority of the remaining conifers will be removed.'

The native woodland species mix also included non native species (Scots Pine, Corsican Pine, Larch, Thuja, Evergreen Oak) which contradicts the design principles established at the planning inquiry which concluded that only native species would be used around the site boundaries and that plant species were chosen to reflect the character of the adjacent landscape.

The differences between the original scheme and that now presented can be corrected via planning condition.

### **9.3 Archaeological considerations**

The council's archaeologist has advised that the site has high archaeological potential with medieval settlement features on either side of the campsite and earthworks extending right up to the eastern boundary, although the proposals do not appear likely to damage the potential archaeological remains which may be present on the site.

### **9.4 Conditions**

Where an application under section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it. The conditions from the appeal permission should be carried forward and amended as necessary.

The details for original condition 12 (alarm system) were approved on 21<sup>st</sup> October 2011, so this can be amended that the approved alarm system shall now be retained and maintained.

Original Condition 14 requiring removal of fencing was the subject of a separate application under reference S/2012/0132/FUL for a 1.1 metre fence along the western boundary. This

application was approved subject to a condition requiring removal of the existing fence. An enforcement officer has verified that the fence at issue has been removed.

## **10. Conclusion**

The landscape management plan (subject to amendments by way of condition) is considered acceptable and is appropriate to the character and appearance of the locality designated as a special landscape area, and the nearby Winterbourne Stoke Conservation Area.

## **11. Recommendation**

### **Planning Permission be GRANTED for the following reason:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely policies:

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- CN11 – Views in and out of conservation areas
- CN21 - Archaeology
- T9 – Touring caravans and tents

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

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

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).

Reason: For the avoidance of doubt.

2. The land notated as “Campsite/Red Land” on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated “Campsite/Red Land” or land notated as “Rally Fields/Blue Land” on drawing WGDP 01.

Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.

Reason: To prevent noise and disturbance to nearby residents of the site at unsociable hours.

Policy: G2

5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.

Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

8. The applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained made available to the local planning authority for inspection at reasonable notice.

Reason: To support the other conditions.

9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).

Reason: To safeguard the living conditions of the occupants of Over the Hill.

Policy: G2

10. Within three months of the date of this decision, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels, details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting and a programme for implementation. Development shall be carried out in accordance with the approved details and programme of implementation and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

Reason: In order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9

11. All landscaping shall be carried out in accordance with the Stonehenge Campsite Landscape Management Plan 2009-2014 (dated 10<sup>th</sup> October 2012, reference WFG/TA/10.10.11) and the Detailed Planting Proposals 2009-2014 (dated 16/11/2012, reference 390-11 Rev A) accompanying the planning application subject to the following amendments:

- a) Paragraphs 5.4, 5.5 and 5.6 are replaced as follows:

The first phase will be undertaken at some point between years 2 and 5 (where year 1 is 2009). The first phase will include removal of the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.

In the longer term (that is, between years 6 and 10), the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.

- b) Paragraph 5.12 which refers to the woodland mix and the associated table is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris*), Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex*).

- c) The planting key on the Detailed Planting Proposals plan is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris*), Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex*).

The approved landscape management plan shall be implemented in full in accordance with the approved timetable.

Reason: To ensure adequate landscaping in order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9

12. The approved alarm system that has been fitted to the cesspit providing warning against overflowing and was agreed in writing by the local planning authority on the 21st October 2011 shall be retained and maintained.

Reason: To help prevent pollution to watercourses.

Policy: G2

13. The visibility splays of 4.5m x 75m across the site frontage measured from the centre line of the access adjacent to the northern site boundary shall be maintained permanently free obstruction above a height of 300mm.

Reason: In the interests of highway safety.

Policy: G2

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### Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

by **K Nield BSc(Econ) DipTP CDipAF MRTPI**

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

Decision date: 11 July 2011

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#### Appeal A Ref: APP/Y3940/C/10/2139334

#### Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2010/1661
- The notice was issued on 24 September 2010.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
  - (a) Remove any tents stationed on the Land in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995; and
  - (b) Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The period for compliance with the requirements is one month from the date the notice takes effect in respect of both (a) and (b) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.**

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#### Appeal B Ref: APP/Y3940/C/10/2142020

#### Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2011/0001.
- The notice was issued on 15 November 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the carrying out of engineering and other operations on the land, including materially altering the landform by excavating and re-profiling the ground to form levelled areas; formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/waste disposal point and enclosing fencing, installing electrical

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<http://www.planning-inspectorate.gov.uk>



hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building.

- The requirements of the notice are:
  - (a) Permanently demolish all the hardstandings, remove the new vehicular access and track surfacing materials, pathway surfacing materials, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points from the Land;
  - (b) Return the excavated and re-profiled parts of the Land to its former landform, levels and profiles prior to development took place, i.e. to match that of the land immediately adjacent;
  - (c) Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place, i.e. to match the levels and profile of the land immediately adjacent;
  - (d) Reduce the height of the earth bunds and associated fencing so that where adjacent to Berwick Road as shown between the approximate points X-X on the plan attached to the Notice, the height of the bunds or the fences or their combined height does not exceed one metre;
  - (e) Permanently remove the partly constructed track formed between the approximate points Y-Y as shown on the plan attached to the Notice and reinstate the Land to its condition to match the levels and profiles that of the land immediately adjacent;
  - (f) Permanently remove all demolition materials arising from steps (a)-(e) from the Land;
  - (g) Re-seed all the reinstated areas with grass.
- The period for compliance with the requirements is 3 months in respect of items (a) – (f) listed above and 3 months or by the end of the next planting season following the date the notice takes effect, whichever date is the later of the two in the case of item (g) listed above. The planting season is stated by the Council to run from 1 November to 31 March the following year.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.**

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**Appeal C Ref: APP/Y3940/A/10/2136994**  
**Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ**

- 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 W F and S R Grant against the decision of Wiltshire Council.
- The application Ref S/2010/7/FULL, dated 24 December 2009, was refused by notice dated 11 May 2010.
- The development proposed is described as the retention of access, driveway, hardstandings and change of use of land to touring caravan site.

**Summary of Decision: The appeal is allowed and planning permission is granted as set out in the Formal Decision below.**

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**Application for costs**

1. At the Inquiry an application for full costs in respect of Appeal B was made by Mr W F Grant against Wiltshire Council and in respect of Appeal C by W F and S R Grant against Wiltshire Council. The application is the subject of a separate Decision.

### **Procedural matters**

2. At the opening of the Inquiry the appellants withdrew the appeals under ground (e) in respect of both Appeal A and Appeal B. No evidence was called in respect of those appeals by either party.
3. In respect of Appeal C the Council had amended the description to "*Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points*". As the appellants have applied this revised description in the appeal documentation and I consider it describes the extent of the development more fully I intend to determine the s78 appeal on that basis.
4. The oral evidence at the Inquiry was taken on oath.

### **The enforcement notices**

5. There are some minor errors in the notice in respect of Appeal B. Within the requirements of the notice under sections (b) and (e) words appear to be omitted which reduce the clarity of the requirements. I can make corrections to the notice without injustice to the parties.

### **Preliminary matters**

6. The parties submitted an agreed Statement of Common Ground (SCG) at the opening of the Inquiry. The SCG agreed relevant planning policy guidance applicable to the development and other matters including some agreed conditions.
7. The SCG also contained Plan WGDG 01 prepared to assist the description and assessment of the parts of the site as a whole. This termed the area to the north of the site comprising the access, track and main caravan site with laid out pitches as "Campsite" (or Red Land) on the Plan. A field area broadly to the south of the access and west of the Red Land is termed "Rally Fields" (or Blue Land) and a further area to the south of the Rally Fields is termed "Parkland and Summerfield" (or Green Land).
8. These descriptive terms are used, with some variation, throughout the evidence by both parties and have relevance to some of the matters agreed by the parties and suggested conditions. As this subdivision of the site assists with the description of the scheme I will apply those terms.
9. The plans attached to the two enforcement notices include all the above listed areas. However, the application site boundary for Appeal C includes all the Campsite area but only (the eastern) part of the Rally Fields.
10. There is a single appellant in respect of both Appeal A and Appeal B but two appellants in respect of Appeal C. For clarity in the overall decisions I shall use the term "appellants" throughout.

### **The appeal under ground (c) (Appeal B)**

11. The appeal under ground (c) is that the matters described in the notice (if they occurred) do not constitute a breach of planning control. I noted at my visit, and it was not in dispute at the Inquiry, that the operational development comprising the alleged breach had occurred.



12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.
13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.
14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".
15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.
16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.
17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.
18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.
19. With regard to the access there is no dispute that until (at least) 2008<sup>1</sup> there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

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<sup>1</sup> Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

the surface and create a base and apply scalplings were undertaken. These works also appear to have widened the track (from its appearance in earlier photographs) and altered the position of its junction with Berwick Road.

20. Taken together those are engineering operations which cumulatively are significant in scale and exceed works that could reasonably be regarded as incidental to the provision of a means of access. As a matter of fact and degree, I find the proposed works beyond that which is permitted by Part 2 Class B, neither are they permitted by any other Class of the GPDO. The proposed works, in my opinion, are such that they fall within the meaning of "development" under s55 of the Act for which an express grant of planning permission is required.
21. In a ground (c) appeal the burden of proof lies with the appellants and since this has not been discharged in respect of the matters in dispute the appeal under ground (c) fails.

### **The appeals under ground (a) (Appeal A and Appeal B) and the s78 appeal (Appeal C)**

#### Background

22. It is not in dispute that the areas termed "Campsite" and "Rally Fields", all formerly comprising agricultural land, have been used for camping and caravanning activities to varying degrees for some 2-3 years<sup>2</sup>. The Campsite area initially contained 5 hard surfaced standings used with various facilities/buildings provided in connection with that use. This area previously contained a number of modest agricultural buildings now mostly demolished. Until December 2010 this area had certification firstly from the Caravan & Camping Club and then the Caravan Club to use that part of the site as a Certified Location.
23. The Rally Fields comprise two paddocks. The upper paddock (nearest Berwick Road) has been used for temporary touring and camping "events" under permitted development rights provided under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO. Use of the lower paddock for camping and caravanning took place when there was high demand such as around the summer solstice.

#### Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.
25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP<sup>3</sup> policy RLT10 and policy EC7 in PPS4<sup>4</sup>. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

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<sup>2</sup> Evidence of Anthony Allen

<sup>3</sup> Wiltshire and Swindon Structure Plan (SP)

<sup>4</sup> Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

planted within and around the site. In addition the policy requires that the use should not be detrimental to the amenities of residents of the area. The site of the appeals lies in close proximity to the A303 and the parties agree that it is a main holiday route as required by policy T9.

26. In the light of the above I consider that the main issues in these appeals are:

- (i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),
- (ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and
- (iii) whether other considerations including economic benefits outweigh any harm that is identified.

### Reasons

#### *Character and appearance*

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5<sup>5</sup>.
28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylde Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.
29. A recent Landscape Character Assessment was undertaken for Salisbury District<sup>6</sup>. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.
30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.
31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

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<sup>5</sup> Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

<sup>6</sup> Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)



look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.

32. In the main the appellants' photographic evidence, assessment, and its conclusions were not disputed by the Council. It was accepted by the Council that the visual envelope of the Campsite and Rally Fields areas is very limited with only a few areas of land in the public domain from which clear views of the site can be gained.
33. In the short to medium term persons using a public right of way alongside the River Till to the east of the site would be able to see (the upper parts of) caravans stationed in the nearest pitches alongside the eastern edge of the Campsite area although a steep embankment serves to restrict views into the site from the path. In the longer term planting within and outside the site would provide screening for much of the year.
34. Views into the proposed development in the Rally Fields would be gained from a section of the public right of way to the south-east of Summerfield House, and from a section of bridleway to the west of the B3083. In the medium term it would be possible to see substantial numbers of tents in the Rally Fields from the bridleway but views into that area would reduce towards the longer term due to growth in the landscaping that has taken place or is further proposed.
35. I agree with the Council that glimpses of tents in the Rally Fields would be gained from the hillside position of a byway to the east (Viewpoint 22). However, that would be at a distance of approximately 1.5 km from the site. At the time of my (spring) visit those views were restricted by vegetation and, as the photographic evidence indicates, they would not be prominent even in the winter time when there would be less leaf growth.
36. Views into the site from the B3083 are currently limited to a section of about 300m leading south from the A303. The site entrance, part of the access track and earth bunds with fencing would be clearly visible from the road. I am satisfied that planting of the earth bunds along the site frontage, some of which has taken place, would provide reasonable short term visual screening which would be enhanced over the medium term by additional planting such that only the top parts of tents in the upper paddock area of the Rally Fields would be visible. Over the longer term those views into the site would diminish further.
37. The parties agree that the fence along the bunds is prominent in some views and I do not differ in that respect. I consider that its removal, secured by a planning condition if all other matters are acceptable, would be in the interest of the visual amenity of the area.
38. Planting alongside the northern boundary would also provide substantial screening of the site from the B3083. The Council expressed doubts at the Inquiry that there was sufficient space between the access track and the site boundary to allow for sufficient plant growth. Although I saw on my visit that the width of the planting strip varied I consider that there is adequate space to allow planting which would provide a screen over a period of between 5 – 10 years. Planting has taken place alongside the boundary outside the appellants' land but no scheme is before me that would allow for the management of that area which reduces the weight I have attached to it in contributing to a screen.

39. The A303 is in an elevated position to the north-west of the appeal site where there is an exposed section following the removal of trees and vegetation by the Highways Agency and which allows views towards the site from passing vehicles. However, traffic on that road is reasonably heavy and moving at considerable speed so such views as there are from that position are likely to be fleeting in the short term but would reduce with screening from the existing and proposed landscaping .
40. There are a number of residential properties within the visual envelope of both the caravan site and the Rally Fields. In the short term views of the Rally Fields from Scotland Lodge, which is at a slightly elevated position above the A303 can be gained. These views would significantly reduce in the medium term as the landscaping matures. Views from the other dwellings are limited. However, I noted that parts of the site can be seen presently from Over the Hill to the south and parts of the gardens of Till Cottage and Keepers Cottage.
41. In all these cases the limited views that exist at present would reduce in the medium to long term as the existing and proposed landscaping at the edges of the site matures. Control of the extent of the camping and caravanning to minimise the visual impact and to ensure adequate landscaping can be secured through planning conditions, if all other matters are acceptable. Consequently, both the use of the site for camping and caravanning together with the related operational development would be well screened in the medium to long term (5-9 years).
42. Overall, I found the appellants' assessment of visual impact persuasive in indicating that there would be very limited visual impact of the appeal schemes on both the local and wider areas of the landscape. It is, in any event, based on a worst-case scenario of all the proposed caravan pitches being occupied and tents present in both paddocks of the Rally Fields. However, I agree with the appellants that the situation for most of the period being considered would be less than that further reducing the likely visual impact.
43. I note the Council's concern that the assessment does not fully consider the visual effect of vehicles at the site entrance (either entering or leaving) or on the access track. I accept that vehicles and caravans in those positions could be visible particularly from some of the elevated viewpoints. Such activity is likely in most cases to be of a transient nature and even at the busiest times is not likely to be harmful to the landscape character for anything other than a short time. Consequently, I have not attached significant weight to that concern.
44. Taking all the above factors into account I consider that there would be limited conflict with SP policy RLT10 and LP policy T9. I do not consider that the harm to the character and appearance of the locality including the SLA from the appeal proposals would be material and it would not of itself lead me to dismiss the appeals.

*Living conditions*

45. The Council has raised objections in this regard only in respect of the enforcement notice issued in respect of the alleged change of use (Appeal A) and not the scheme comprising the s78 appeal (Appeal C). Notwithstanding that, compelling evidence was given at the Inquiry by a number of the interested parties who live near the site (and others) to indicate that at various times the use of parts of the site for camping and caravanning had led to noise

and disturbance to their living conditions at unsocial hours. The evidence provided indicated that this was primarily from music (both amplified and non-amplified) played late at night particularly from those parts of the Rally Fields and Summerfield House closest to the dwellings. Some of the interested parties indicated that the music and other noises could be heard over a wide area.

46. I have no doubt that much of the problem in this regard stemmed from the fairly uncontrolled use of the site at that time. Suggested planning conditions discussed at the Inquiry to limit the area for camping and caravanning (and the numbers of caravans and tents) together with limitations on amplified and non-amplified music and greater visual screening would, in my opinion, go a very considerable way to resolving the concerns that were aired. Such conditions can be attached to a planning permission, if all other matters are acceptable.
47. Subject to the imposition of planning conditions as discussed above attached to any permissions granted in respect of these appeals I conclude on this issue that the development proposed in Appeal A and Appeal C would not be materially harmful to the living conditions of occupants of nearby dwellings and would accord with the overall aims of LP policy T9(iv).

*Economic benefits*

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE<sup>7</sup> job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.
49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs<sup>8</sup>.

*Fallback position*

50. The appellants have permitted development rights which enable them to make use of the site for camping<sup>9</sup> and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

*Other matters*

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI<sup>10</sup> along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

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<sup>7</sup> Full time equivalent (FTE)

<sup>8</sup> Ministerial Statement dated 23 March 2011 by Greg Clark, Minister of State for Decentralisation

<sup>9</sup> Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO

<sup>10</sup> Site of Special Scientific Interest (SSSI)



52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council<sup>11</sup> did not raise objections in this respect, however shortly before the Inquiry an objection was received<sup>12</sup> indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.
53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

*Conditions*

54. The parties have both suggested<sup>13</sup> a number of conditions in the event that the appeal is successful. A number of the suggested conditions are common to the individual appeals, notwithstanding differences in site boundaries. Conditions relevant to the individual appeals are set out in the Annexes to this decision.
55. A number of conditions are suggested mainly to safeguard the visual amenity of the area. For this reason a condition is required for details of any existing and proposed landscaping to be submitted to the Local Planning Authority and approved in writing. In connection with Appeals B and C I will attach a condition requiring the removal of the mesh fence. I also agree that a number of conditions should be attached in respect of all the appeals for the provision and maintenance of landscaping including a requirement for a landscape management plan. These landscape conditions require the permitted use to cease and all tents and other incidental development to be removed in the event that the conditions are not satisfied.
56. I agree that a condition is required to put a restriction on the siting and number of caravan pitches. Whilst the parties agreed in principle that they should only be within the area notated as "Campsite/Red Land" on Drawing WGDP 01 contained in the SCG to the easternmost part of the site, to protect the visual amenity and character of the area and also help to safeguard the living conditions of occupants of nearby dwellings, they differed as to the number of pitches and caravans that would be appropriate in that area.
57. The appellants have suggested that that part of the site could accommodate 15 caravans laid out as illustrated on Drawing: Landscape Plan 2010. The Council considers that the area should be restricted to the northern part of that area such that it would accommodate 11 pitches and caravans (Plots 1-8 and 13-15 on Drawing: Landscape Plan 2010). The disputed area is well contained by earth embankments following the excavation and re-profiling of the ground in that area and it is reasonably well screened by existing vegetation. It is the nearest area to the garden of Keepers Cottage across the public right of way but a considerable distance from the house and the most private part of the

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<sup>11</sup> Evidence of Charlie Bruce-White

<sup>12</sup> Document 13 to the Inquiry

<sup>13</sup> Contained in the Statement of Common Ground

garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing WGDP 01) but the number of tents and number of days that would be available for camping are in dispute.
59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.
60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.
61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.
62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95<sup>14</sup> advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

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<sup>14</sup> Circular 11/95: The Use of Conditions in Planning Permissions

64. A condition to restrict access to and egress from the land used for tented camping from the southernmost access to the site will safeguard the living conditions of the occupants of Over the Hill. A condition requiring the provision of an alarm system installed to the cesspit will help to prevent pollution to water courses.
65. Finally I will attach a condition to require a written scheme of investigation of archaeological remains and to implement a programme of work based on the findings prior to any ground works being undertaken.

*Balance of considerations and conclusion on the ground (a) and s78 appeals*

66. Although I have found some limited conflict with SP policy RLT10 and LP policy T9 in respect of the effect of the schemes I do not consider that the proposed development would have a materially harmful effect on the character and appearance of the locality including the SLA. Any resulting harm would be significantly outweighed by direct and indirect economic and tourism benefits to the locality and the wider area. In addition I found that the scheme would not, subject to conditions, have a harmful effect on the living conditions of occupants of nearby dwellings.
67. I conclude that for the reasons given above and having regard to all other matters raised the appeals under ground (a) and s78 should succeed.

**The appeal on grounds (f) and (g) (Appeal B)**

68. As there is success on ground (a) which leads to the corrected notice being quashed, there is no need to go on to consider the appeals on grounds (f) and (g).

**Formal decisions**

**APP/Y3940/C/10/2139334 (Appeal A)**

69. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex A to this decision.

**APP/Y3940/C/10/2142020 (Appeal B)**

70. I direct that the enforcement notice be corrected by the deletion of "to development took place" and the substitution thereof of the words "to the development taking place" in paragraph 5 requirement (b) and by the deletion of "profiles that" and the substitution thereof of the words "profiles to that" in paragraph 5 requirement (e).
71. Subject to the above corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the carrying out of engineering and other operations on the land, including materially altering



the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing, installation of a cesspool/waste disposal point and enclosing fencing, installing electrical hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex B to this decision.

**APP/Y3940/A/10/2136994 (Appeal C)**

72. I allow the appeal and grant planning permission for a change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points at Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ in accordance with the terms of the application (Ref S/2010/7/FULL, dated 24 December 2009) and the details submitted therewith and thereafter and subject to conditions set out at Annexe C to this decision.

*Kevin Nield*

INSPECTOR

## **ANNEXE C**

### **SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994**

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.
8. Within seven days of the date of implementation of the permission hereby

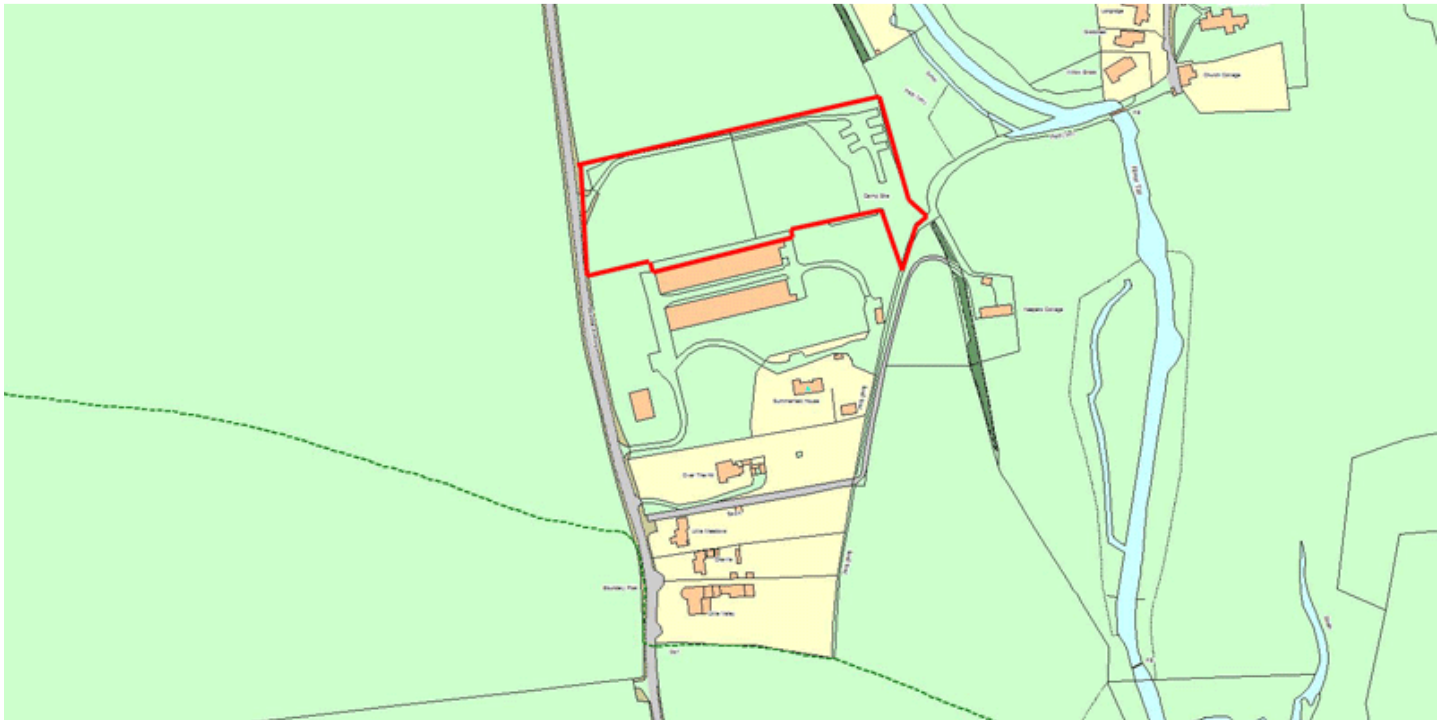
- granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained thereafter and made available to the local planning authority for inspection at reasonable notice.
9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).
  10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
  11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months 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 landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
    - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails 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) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
    - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
  12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cesspit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
  13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.

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Stonehenge Campsite, Berwick St. James SP3 4TQ



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## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	7 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2012/1555/Full		
<b>Site Address:</b>	Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ		
<b>Proposal:</b>	Retention of concrete base, construction of further concrete base and siting of two purpose built "Wessington" portakabin type shower blocks to be used as toilet/wash blocks in association with the existing campsite		
<b>Applicant / Agent:</b>	Mr Grant / Mr Allen		
<b>City/Town/Parish Council</b>	Winterbourne Stoke		
<b>Electoral Division</b>	Till and Wylve Valley	<b>Unitary Member</b>	Councillor Ian West
<b>Grid Reference:</b>	Easting:407378		Northing:140538
<b>Type of Application:</b>	Small Scale Major		
<b>Conservation Area:</b>	Cons Area: N/A		LB Grade: NA
<b>Case Officer:</b>	Mrs Lucy Minting		Contact Number: 01722 434 377

### Reason for the application being considered by Committee

Councillor West has requested that the application be determined by Committee due to

- Scale of development
- Visual impact upon the surrounding area

### 1. Purpose of report

To consider the above application and to recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

### 2. Report summary

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

1. Planning appeal decision
2. The effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located and the nearby Winterbourne Stoke Conservation Area
3. The effect on the living conditions of occupants of nearby dwellings
4. Archaeological considerations
5. Drainage and impact to SSSI/SAC
6. The Equalities Act 2010

The application has generated comments from 2 parish councils; and 8 letters of objection and 3 letters of support from the public.

### 3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is outside of a housing policy boundary and is

therefore within 'open countryside' designated as a Special Landscape Area and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission was allowed at appeal for 'Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.'

The campsite is divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

The lower section has permission for the stationing of 15 caravans and contains hard surfaced standings used as caravan pitches, the stationing of a Fox Pod and an E-Den Pod, as well as various associated facilities in connection with the campsite including an existing shower/toilet block.

#### 4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012

#### 5. Proposal

This application is for the retention of a concrete base, the construction of another and the siting on top of these bases of two purpose built portacabin type shower blocks to be used as separate male and female toilet/wash blocks in association with the campsite.

The proposed portacabins will be located alongside the south boundary of the campsite adjacent to the existing shower/wc block, which will be retained for laundry or additional washing facilities.

#### 6. Planning Policy

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

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- CN11 – Views in and out of conservation areas
- T9 – Touring caravans and tents

CN21 - Archaeology

*Government Guidance:*  
NPPF

Good Practice Guide for Planning & Tourism.

## **7. Consultations**

### **Wiltshire Council Landscape Officer**

At the public inquiry it was established that the above site would, in time, be sufficiently screened by the proposed landscape planting described in the evidence given by Mark Gibbins of Indigo Landscape Ltd.

I therefore conclude that provided the landscape proposals are fully implemented in accordance with that evidence, which is now to be incorporated within the Landscape Management Plan for the site, then the proposed shower blocks should be screened.

Additional screen planting in the form of a native hedge immediately north of the proposed shower blocks, illustrated on *dwg no: 390-11 revision A 'Detailed Planting Proposals (2009 – 2014)'* that was submitted as part of application S/2012/1777, should be retained to ensure the protection of landscape character and local amenity.

### **Natural England**

The application site lies in close proximity River Till SSSI and River Avon SAC.  
Natura 2000 site – No objection

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the River Avon SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

SSSI - No objection

This application is in close proximity to River Till SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England. Natural England notes the comments of the Environment Agency on foul drainage, surface water drainage and pollution prevention measures and has no further comment on this aspect of the application.

### **Wiltshire Council Archaeology**

The National Planning Policy Framework (NPPF) states that an application should describe the significance of heritage assets affected by an application. NPPF policy 128 states that 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require

developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' I am not aware that this application included such an assessment and so I have had to make my recommendations based upon my understanding of the proposed development and the known and potential archaeology of the site.

As I have mentioned before with regard to this site, there are medieval settlement features on either side of the campsite, with earthworks extending right up to the eastern boundary. This means that the site has high potential to contain remains from particularly this period. That is not to say that there is not potential for remains from other periods to be present. As no archaeological works have ever been reported to us within the site boundary, I can only comment on the potential for remains to be present – absence of evidence is not, however, evidence of absence. The nearby remains take the form of both upstanding earthworks and below ground remains, so unless the topsoil is over 1m thick a dig to that depth would have had an impact upon any remains which might be present.

Whilst there is the potential for the development to impact upon archaeological remains, the new footprint of impact is small. I do not, therefore, consider that a pre-determination field evaluation is required in this case. In order to ensure that any remains upon which this development might impact are properly recorded, it is therefore recommended that a programme of works in the form of an archaeological watching brief, is carried out during construction and all associated works which involve a below ground impact.

Archaeological watching brief is the most 'light touch' form of archaeological monitoring that is available to me. I recommended that form of works due to the small footprint of proposed impact as I considered it the most proportionate response.

## **Environment Agency**

No objections to the proposed development subject to the following informatives being included if the application is approved:

### **Foul drainage Informative**

The foul drainage must flow to a suitably designed treatment system. If a discharge is sought this will require an Environmental Permit or a variation to an existing Permit from the Environment Agency. The applicant should contact our Customer Contact centre on 03708 506 506 for further information, or visit [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). A permit (or exemption) must be obtained from us before any discharge occurs and before any development commences.'

If they are proposing to discharge to the existing cess pit this does not require an Environmental Permit. The cess pit levels are already monitored with the use of a flow level alarm which enables emptying when necessary. As the cess pit has an alarm to notify when it needs to be emptied, there will be no issue with the increase in discharge to it. Therefore we do not anticipate any issues.

### **Water Efficiency Informative**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/beinggreen/118941.aspx>  
<http://www.savewatersavemoney.co.uk>

### **Surface Water Drainage Informative**

The applicant proposes to direct all surface water to soakaways. This is the preferred option, providing ground conditions permit and percolation tests demonstrate that they are appropriate.

The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

Only clean, uncontaminated surface water should be discharged to soakaway.

### **Pollution Prevention During Construction Informative**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and waste. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

### **Water Management Informative**

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance if it available on our website

[www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/)

### **Wessex Water**

The site lies within a non sewered area of Wessex Water.

New water supply 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 our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Further information can be obtained from our New Connections Team 01225 526 222 for water supply.

### **Wiltshire Council Ecology**

I don't have any concerns with this application. I have completed a judgement of likely significant effects in relation to the River Avon SAC and have concluded there will be no risk of likely significant effects. The EA is responsible for permitting the discharge and, since it

too is a competent authority, it is reasonable for us to assume that it has taken the Habitats Regulations into account when forming its response below.

I presume the need for adjusting the frequency of emptying the cess pit to accommodate increased flows will be considered by the EA when the applicant submits his application to vary the existing permit. However just to ensure this will be covered, I'll ask by copy of this email for the Environment Agency to confirm this.

### Private Sector Housing - Caravan Licensing

I would confirm that the licence conditions require a minimum level of facilities such as wc's, wash hand basins and showers for the benefit of caravanners and campers visiting the campsite. Improvements in the facilities outlined would provide benefit to the users of the site.

The existing sanitary block contains the following facilities:

Men	Women
1 WC	2 WC
1 wash hand basin	2 wash hand basins
1 shower	1 shower

The minimum numbers of sanitary items required given the licence and planning requirements (this of course does not reflect camper expectations) are as follows:

1. The year round campsite allows for a maximum number of 15 caravans on any day of the year and that the site owner is allowed to rent caravans etc on this area of the site. Following clarification of the letting aspect the licence was necessarily varied to include recommend minimal provision in the case of let caravan with reference to the 1989 Model Standards: Holiday caravan sites.

For the year round caravan site, taking in consideration these requirement given that there are 15 pitches some or all of which could be used for letting would give the following numbers:

Men	Women
1 WC	2 WC
1 urinal (a wc rather than a urinal is acceptable)	2 wash hand basins
2 wash hand basin	1 shower
1 shower	

This is stated in the licence as follows:

Men: 1 WC and 1 urinal per 15 caravans

Women: 2 WCs per 15 caravans

1 wash hand basin for each WC or group of WCs

1 shower or bath (with hot and cold water) for each sex per 20 caravans

Toilet blocks should be sited conveniently so that all site occupants may have reasonable access to one by means of a road or footpath.



2. From 19<sup>th</sup> March to 30<sup>th</sup> September the licence/planning permission allows for an additional 20 pitches. Based on the premise that each tent might be regarded as a pitch then the extra requirement for these would be:

Men	Women
1 WC	2 WCS
1 urinal	2 wash hand basins
2 wash hand basins	1 shower
1 shower	

This relates to the following requirement in the licence:

(a) Sanitary accommodation

Men: 1 WC and 1 urinal per 30 pitches

Women: 2 WCs per 30 pitches

(b) Washing Facilities

Men: 2 wash hand basins with hot and cold water per 30 pitches

1 Shower or bath with hot and cold water per 50 pitches

Women: 2 wash hand basins with hot and cold water per 30 pitches

1 Shower or bath with hot and cold water per 50 pitches.

3. In addition the licence and planning permission allows for additional camping at other times. A maximum of 100 tents for 10 days and a maximum of 40 tents for an additional 14 days. Based on the premise that each tent might be regarded as a pitch then the extra requirement for these would require proportionally more sanitary provision based on the ratios in 2.

The absolute maximum numbers were set out in the planning appeal which was 100 tents plus 15 caravans. From this you should be able to calculate minimum numbers when the site is fully occupied. Note that these are only minimum standards. The standard of the facilities provided do not match the quality of those in nearby sites.

Having viewed the facilities of other commercial sites in the area (Summerlands, Brades Acre, Stonehenge Touring, Coombe Park) I would have to conclude that those currently offered by Stonehenge are of a lesser quality and tired in comparison and they do not rely on portaloos to meet the standard.

Stonehenge Touring Site is mentioned for your comparison. The licence specifies maximum numbers of 30 touring and caravan pitches. The actual numbers of facilities are shown below

Men: 1 WC and 1 urinal per 30 pitches	2 WC's 2 Urinals
Women 2WC pre 30 pitches	3 WC's
Wash Facilities: Men : 2w/h/b with hot and cold water per 30 pitches	2 W/H/B
Wash Facilities: Woman: 2w/h/b with hot and cold water per 30 pitches	3 w/h/b
Men one bath or shower per 50 pitches	2 showers
Woman one bath or shower per 50 pitches	2 showers
Laundry facilities shall be provided in a separate room not entered via the toilet block on a scale of not less than one deep sink with running hot and cold water properly connected to the foul water drainage system for every 30 pitches	2 sinks plus washing machine and drier and spin drier
Facilities for washing, cooking and eating utensils consisting of a sink with hot and cold water and a draining surface to be provided on a scale of 1 set of amenities per 20 pitches	1 sink . Note this condition is not on licence

### Wiltshire Council Public Protection

We have no objection concerning this application. However, the area has very low levels of background noise and is therefore sensitive to the introduction of noise sources. I note that the two "Wessington" portakabins incorporate hair drying and hand drying machines. With the doors to the portakabins closed I am very confident that these sources wouldn't be audible at the nearest neighbours. However, in the event that the doors are left in an open position I am not certain that that would be the case and given that they might be used at any time during the night this is not a desirable situation.

I would therefore recommend that a condition be attached to any approval requiring the doors to the portakabins be fitted with automatic door closing devices and that the doors are kept in a closed position except for access and egress.

### Winterbourne Stoke Parish Council

Support the application subject to the production of a suitable sewage management plan.

### 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

8 letters of objection received (including from CPRE). Summary of key relevant points raised:

- The unspoiled area surrounding Stonehenge attracts visitors to the area.
- The construction of a concrete bases and two purpose built shower blocks will have a detrimental visual effect on the surrounding countryside/special landscape area which will outweigh any benefit and ultimately deter visitors
- Size, shape, colour and shiny finish doesn't enhance the countryside and will not be screened by landscaping (banks or vegetation).
- Suggest another planting scheme is required/high fencing around the perimeter of the site and matt finish to the block avoiding unnecessary reflection
- May impact adversely on drainage and odours in a SSSI location comprising the River Till, water meadows and affect flora and fauna (already in a delicate position through excess water extraction and flooding)
- The Environment Agency need to confirm drainage arrangements are acceptable.

- Space required around a sewage treatment plant may limit the number of pitches possible and reduce the need for facilities (tents are not allowed within 7m)
- Potential for leakages has not been addressed - shower facilities should be set within a bunded floor
- The site and proposed facilities will be seen from public footpaths and the main road
- Cutting bases into bank will not obscure units to any great extent
- Work has already commenced without archaeological watching brief/monitoring
- Facilities are not required as the site licence and tourist board requirements have already been met.
- Facilities are in excess of licence requirements for 15 caravans
- Caravans often have built in showers and toilets. Permanent facilities should only be provided for the 20 tents allowed 19<sup>th</sup> March – 30<sup>th</sup> September not for the 15 caravans or the 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed
- Facilities should be no more than the minimum required for the day to day use of the campsite – or will be more visible than necessary, produce more effluent and potential for further applications to intensify the use as the facilities/concrete hard standings are already in place.
- Temporary facilities have been provided for the times when a greater number of tents are allowed on the site.
- Existing facilities are being retained (for laundry)
- Why not a single block for all facilities
- Improvements in facilities may benefit users but will result in increased charges
- No provision for the disabled
- New sewage disposal arrangements if necessary should be part of the application
- Site is too small to accommodate any further development
- Increased disturbance from increase in movement of visitors between accommodation and shower block
- The site has been in operation in breach of conditions on the appeal permission. Any decision on the showers blocks should be delayed until this issue is resolved.
- CPRE specifically stated 'Although this may improve facilities for site users, it is an increase in the site as a whole, thus detrimental to the SLA, notwithstanding decisions made by the LPA and Planning Inspectorate in the last 2-3 years'

### **3 letters of support received. Summary of key relevant points raised:**

The campsite generates jobs and income back into the area (tourists generate income for other local businesses)

The camping/caravan and 'glamping' market is growing at rapid pace

Campsites make very little impact on their natural surroundings and need facilities such as toilet blocks

Shower block will enhance the facilities and site

Position of shower block will blend into background and will not adversely impact landscape

### **Berwick St James Parish Council supports the application subject to conditions:**

The Village Meeting voted unanimously in support of such improve facilities in principle. However, should the Local Planning Authority be minded to Grant Planning approval in respect of this application then we would request that the application be amended to increase screening to the shower blocks such that they are not visible in either winter or summer from beyond the boundaries of the site. The design should be amended so that these units are appropriate to their location in the countryside as we consider green prefabricated boxes are a poor design solution. The proposals should be limited to the

minimum number of WCs, wash hand basins and showers required for accreditation for the normal summer usage (15+30) and the building size adjusted accordingly.

It is suggested that the Council advises Mr Grant that when he installs his sewage treatment plant, he retained and utilises the existing cesspit as an overflow/emergency use facility, and that he obtains a generator to operate the sewage treatment plant in the vent of power failure. This to ensure that every possible precaution is taken against potential for pollution of the river Till and the surrounding countryside.

Bearing in mind the comments above, we believe that this should be debated and dealt with by the Southern Area Planning Committee, and not under Delegated Powers.

## **9. Planning Considerations**

### **9.1 Planning Appeal decision**

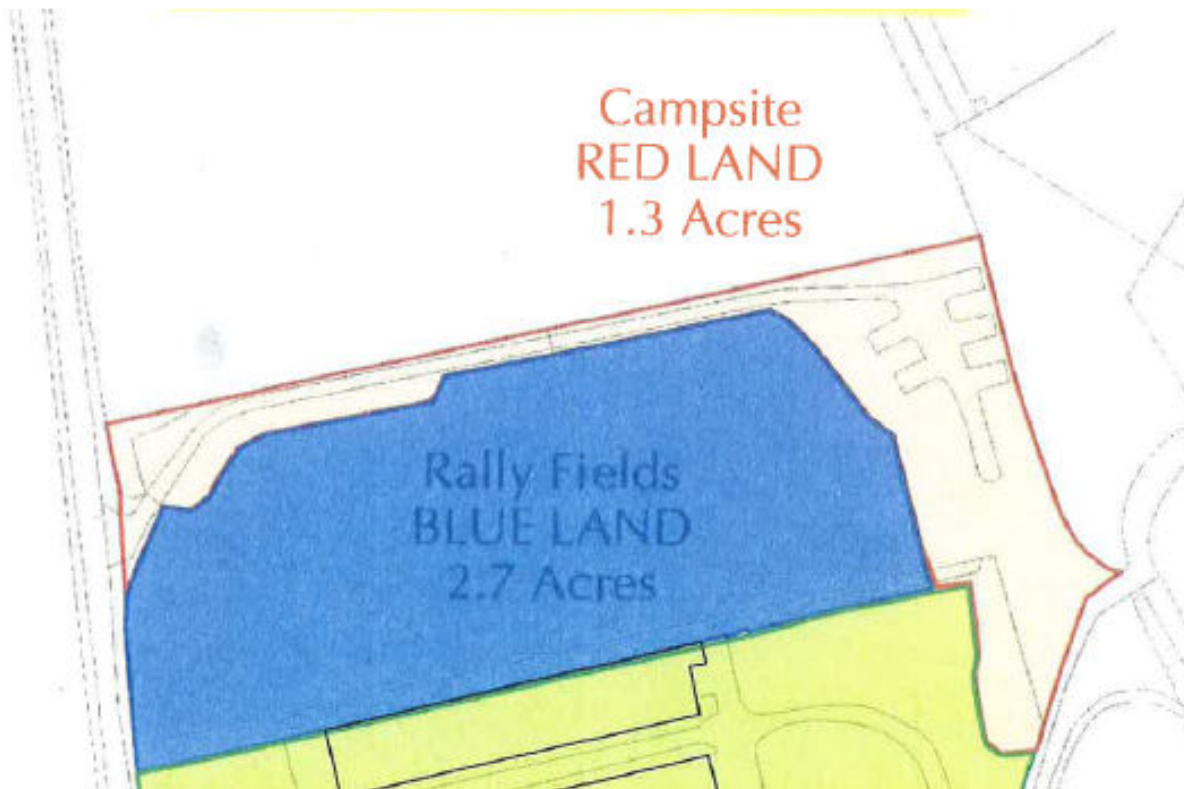
The Inspector's decision to S/2010/0007 is attached at appendix A to the committee report for application reference S/2012/1603.

Condition 5 of the planning permission restricts the number of caravans and tents on the upper and middle paddocks as follows:

5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" (referred to in this report as the upper and middle paddocks) on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.

Condition 2 restricts the number of caravans on the levelled lower section of the campsite as follows:

(2) The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year (please see extract from drawing WGDP 01 attached below for location):



Objections have been raised that the proposed WC and shower provision is excessive for the site and may lead to future applications to intensify the use.

The council's caravan licencing officer has provided details of the current facilities and the minimum requirements for the caravan site licence. The minimum requirements are listed in the table below for each of the scenarios:

15 caravan pitches year round – campsite/red land (referred to in this report as the levelled lower section)	
Men	Women
1 WC	2 WC
1 urinal (a wc rather than a urinal is acceptable)	2 wash hand basins
2 wash hand basin	1 shower
1 shower	
19 <sup>th</sup> March to 30 <sup>th</sup> September – additional requirements for 20 tent pitches	
Men	Women
1 WC	2 WCS
1 urinal	2 wash hand basins
2 Wash hand basin	1 shower
1 shower	
Total requirements 19 <sup>th</sup> March – 30 <sup>th</sup> September (15 caravan pitches plus 20 tent pitches)	
Men	Women
2WC	4 WC
2 urinal (a wc rather than a urinal is acceptable)	4 wash hand basins
4 wash hand basin	2 shower
2 shower	

Maximum 100 tents for 10 days – Additional requirements to 15 caravan pitches	
Men	Women
5 WC	10 WCS
5 urinal	10 wash hand basins
10 wash hand basins	5 shower
5 shower	
Maximum 40 tents for additional 14 days – Additional requirements to 15 caravan pitches	
Men	Women
2 WC	4 WCS
2 urinal	4 wash hand basins
4 wash hand basins	2 shower
2 shower	
FULLY OCCUPIED SITE 100 tents plus 15 caravan pitches (conditions 5 and 2) for 10 days per year	
Men	Women
6 WCS	12 WCS
6 urinal	12 wash hand basins
12 wash hand basins	6 shower
6 Shower	

Each proposed block contains 2 wet/shower rooms each with wash hand basin, 3 further wash hand basins and 4 WCs.

The proposed facilities will therefore meet the licence requirements between 19<sup>th</sup> March – 30<sup>th</sup> September when the campsite has permission for 15 caravan pitches plus 20 tent pitches. The facilities will not meet the fully occupied site for 10 days per year when the owner will still need to provide additional facilities. On these occasions, planning permission would not be required for additional temporary facilities (e.g. portaloos) which are entirely self contained and are not attached to the ground but sit on top of the existing ground surface.

In assessing the appeal, the Inspector considered that the main issues to consider were:

The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area; and the effect on the living conditions of occupants of nearby dwellings.

It is therefore appropriate for these issues to be examined in light of the current proposals.

## **9.2 The effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located and the nearby Winterbourne Stoke Conservation Area**

The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured and that with conditions to secure the landscaping and control the extent of the camping and caravanning; the *'harm to the character and appearance of the locality including the SLA would not be material.'*

The proposed portacabin units are 7.3m long, 2.8m wide and 2.6m high with flat roofs and it is proposed to site them in the south eastern corner of the campsite field (referred to as "Rally Fields/Blue Land" in the planning appeal decision). The concrete bases are excavated into the ground with wooden retaining walls to the south and west. There is an established hedgerow to the south with Summerfield House and a native hedgerow has been planted to the north of the site of the proposed units.

The council's landscape officer has raised no objections to the application subject to retention of the native hedgerow to the north. Subject to this being conditioned, it is not considered that the units will have a significant impact upon the character or appearance of the locality.

### **9.3 The effect on the living conditions of occupants of nearby dwellings**

The Inspector considered that subject to conditions limiting the area for and numbers of tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development 'would not be material harmful to the living conditions of occupants of nearby dwellings.'

The public protection officer has noted that the area has very low levels of background noise and is therefore sensitive to the introduction of noise sources. He has recommended a condition to require the portacabins to have automatic door closing devices to ensure that the hair drying and hand drying machines within the portacabins are not audible to neighbouring properties. Subject to this condition, it is not considered that the units will have a harmful impact to the living conditions of nearby dwellings.

### **9.4 Archaeological considerations**

The council's archaeologist has advised that the site has high archaeological potential with medieval settlement features on either side of the campsite and earthworks extending right up to the eastern boundary. Although the footprint of the development is small, there is the potential for the development to impact upon archaeological remains and the council's archaeologist has recommending an archaeological watching brief as a condition.

### **9.5 Drainage and impact to SSSI/SAC**

The site is within 80-100m of the River Avon Special Area of Conservation and Site of Special Scientific Interest. Initially the shower blocks will be linked into the existing cess pit which is currently discharged by tanker on a weekly basis. The Environment Agency has advised that the applicant also has a permit to install a new sewage treatment facility. Both foul treatment systems will lead to no significant effects to the River Avon SAC/SSSI.

### **9.6 The Equalities Act 2010**

There are obligations on service providers to make reasonable adjustments to try to provide equality of access for disabled persons under the Equality Act 2010.

It is essentially a matter for the operator of a business to ensure that he or she complies with the relevant requirements of the Equalities Act 2010, in terms of providing equality of access to the services that he/she is providing.

The Council, as a public body, also has a duty to have due regard to the need to promote equality of opportunity for disabled persons when exercising its functions.



The proposal is to provide an amenity facility to members of the public using the site and the council has asked for details on whether the issue of disabled access has been considered by the applicant. The planning agent has confirmed that it is proposed to have a step free access from ground level into the new shower block as part of the development.

The land already has extant permission for use as a touring caravan and camping site which includes the existing shower/wc block which do not have a step free access.

In light of the applicant's proposals to have step free access into the proposed shower block, this is considered to be an improvement on the existing situation and can be conditioned.

## **10. Conclusion**

Subject to conditions, the development will not cause any significant demonstrable harm to interests of acknowledged importance, in this case, the impact on the character and appearance of the area or the living conditions of nearby properties.

## **11. Recommendation**

### **Planning Permission be GRANTED for the following reason:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely policies:

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- CN11 – Views in and out of conservation areas
- T9 – Touring caravans and tents
- CN21 – Archaeology

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

### **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) No further development shall commence until:

- a) 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
- b) 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

(3) No further development shall take place until a scheme for the automatic closing of the external doors to the shower blocks has been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme and prior to the first use of the toilet/wash blocks.

Reason: In the interests of residential amenity.

Policy: G2

(4) No further development shall take place until an external lighting scheme for the toilet/wash blocks has been submitted to and approved in writing by the local planning authority. The scheme shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved scheme and prior to the first use of the units. Other than those agreed, there shall be no further lighting.

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

Policy: G1, G2, C2, C6, CN11

(5) No further development shall commence until a scheme to provide a step free access from ground level to the toilet/wash blocks has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the portacabins.

Reason: To promote equality of opportunity for disabled persons

Policy: G2

(6) The native hedgerow to the north of the toilet/wash blocks shall be retained (as illustrated on drawing no: 390-11 revision A 'Detailed Planting Proposals 2009-2014 that was submitted as part of application S/2012/1777).

All hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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 the protection of landscape character and local amenity.

Policy: G1, G2, C2, C6, CN11

(7) This development hereby permitted shall be carried out in accordance with the following approved plans:

Plan reference Stonehenge Campsite, Berwick St James, Planning Application 25.10.2012 block plan, received by this office 7th November 2012

Plan reference Wash room with showers West End, dated 06/11/2012, received by this office 7th November 2012

Plan reference Wash room with showers South Side, dated 06/11/2012, received by this office 7th November 2012

Plan reference Wash room with showers North Side, dated 06/11/2012, received by this office 7th November 2012

Plan reference Wash room with showers Floor Plan, dated 06/11/2012, received by this office 7th November 2012

Plan reference Wash room with showers East End, dated 06/11/2012, received by this office 7th November 2012

Plan reference Stonehenge Campsite Section B-B West-East, received by this office 7th November 2012

Plan reference Stonehenge Campsite Section A-A South-North, received by this office 7th November 2012

Reason: For the avoidance of doubt and in the interests of proper planning.

### **INFORMATIVE: Environment Agency**

#### **Foul drainage Informative**

The foul drainage must flow to a suitably designed treatment system. If a discharge is sought this will require an Environmental Permit or a variation to an existing Permit from the Environment Agency. The applicant should contact our Customer Contact centre on 03708 506 506 for further information, or visit [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). A permit (or exemption) must be obtained from us before any discharge occurs and before any development commences.'

If they are proposing to discharge to the existing cess pit this does not require an Environmental Permit. The cess pit levels are already monitored with the use of a flow level alarm which enables emptying when necessary. As the cess pit has an alarm to notify when it needs to be emptied, there will be no issue with the increase in discharge to it.

#### **Water Efficiency Informative**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/beinggreen/118941.aspx>

<http://www.savewatersavemoney.co.uk>

### **Surface Water Drainage Informative**

The applicant proposes to direct all surface water to soakaways. This is the preferred option, providing ground conditions permit and percolation tests demonstrate that they are appropriate.

The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

Only clean, uncontaminated surface water should be discharged to soakaway.

### **Pollution Prevention During Construction Informative**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and waste.

We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

### **Water Management Informative**

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant requires more specific guidance if it available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/)

### **INFORMATIVE:- Wessex Water**

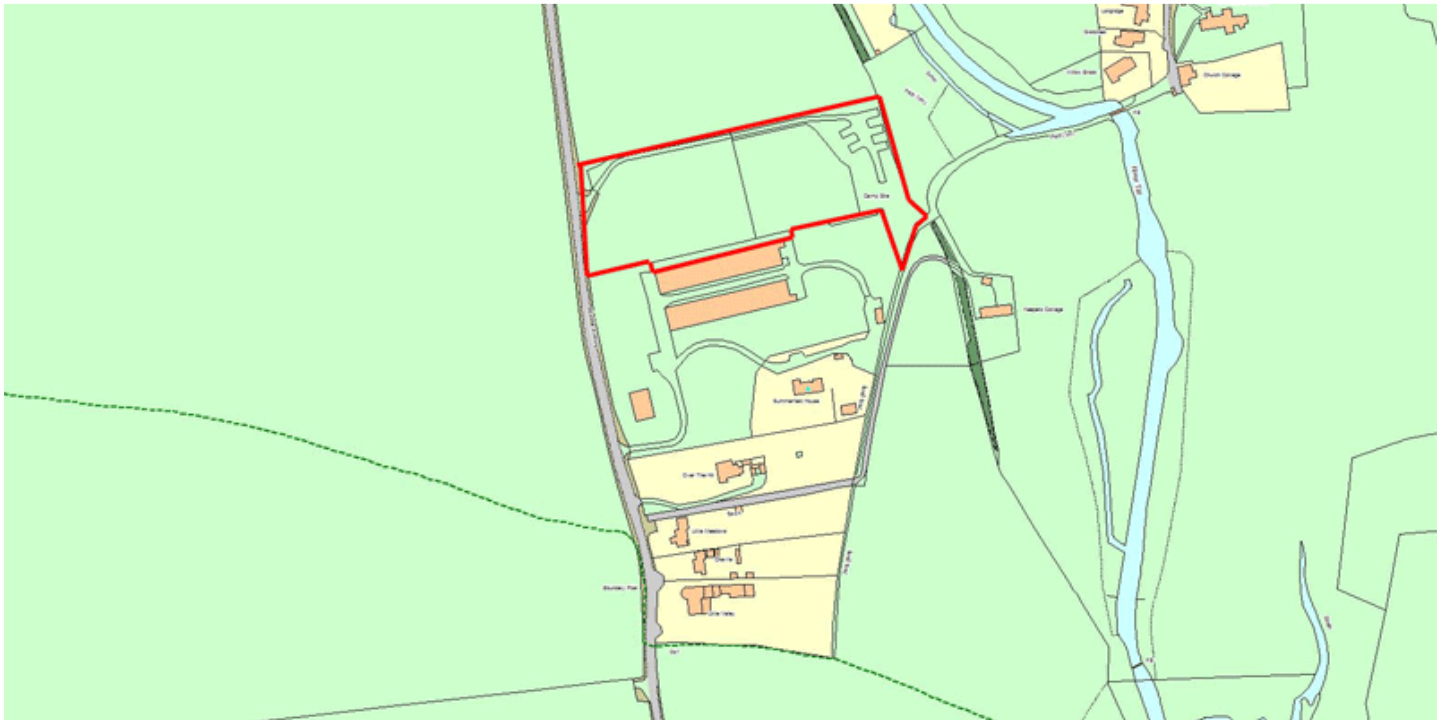
The site lies within a non sewerage area of Wessex Water.

New water supply 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 our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Further information can be obtained from our New Connections Team 01225 526 222 for water supply.

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Stonehenge Campsite, Berwick St. James SP3 4TQ



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## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	7 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2013/0056/Full		
<b>Site Address:</b>	Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ		
<b>Proposal:</b>	Change of use of land to touring caravan and camping site (amended proposal to planning permission S/2010/0007/FULL incorporating use of pitch 6 as either a caravan pitch or the stationing of a motor home/caravan/pod for occupation by the senior site warden and use of pitch 7 (between 1st April -30th September in any year) as either a caravan pitch or the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite)		
<b>Applicant / Agent:</b>	Mr Grant / Mr Allen		
<b>City/Town/Parish Council</b>	Winterbourne Stoke		
<b>Electoral Division</b>	Till & Wylie Valley	<b>Unitary Member</b>	Councillor Ian West
<b>Grid Reference:</b>	Easting: 407378		Northing: 140538
<b>Type of Application:</b>	Small Scale Major		
<b>Conservation Area:</b>	Cons Area: NA		LB Grade: NA
<b>Case Officer:</b>	Mrs Lucy Minting		Contact Number: 01722 434

### Reason for the application being considered by Committee

There are a number of planning applications relating to this site before the Council at this time. For this reason the Area Development Manager considers it appropriate for them all to be considered by the South Area Planning Committee.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

#### 2. Report summary

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

- Planning appeal decision
- Principle - Annex A PPS7
- The effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located and the nearby Winterbourne Stoke Conservation Area
- The effect on the living conditions of occupants of nearby dwellings
- Economic benefits

The application has generated comments from 2 parish councils; 16 letters of objection, 1 letter of comment, and 4 letters of support from the public.

### 3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is *outside of a housing policy boundary and is therefore within 'open countryside' designated as a Special Landscape Area* and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission was allowed at appeal for 'Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.'

The campsite is divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

The lower section has permission for the stationing of 15 caravans all year round and contains hard surfaced standings used as caravan pitches, the stationing of a Fox Pod and an E-Den Pod, as well as various associated facilities in connection with the campsite including an existing shower/toilet block.

### 4. Relevant Planning History

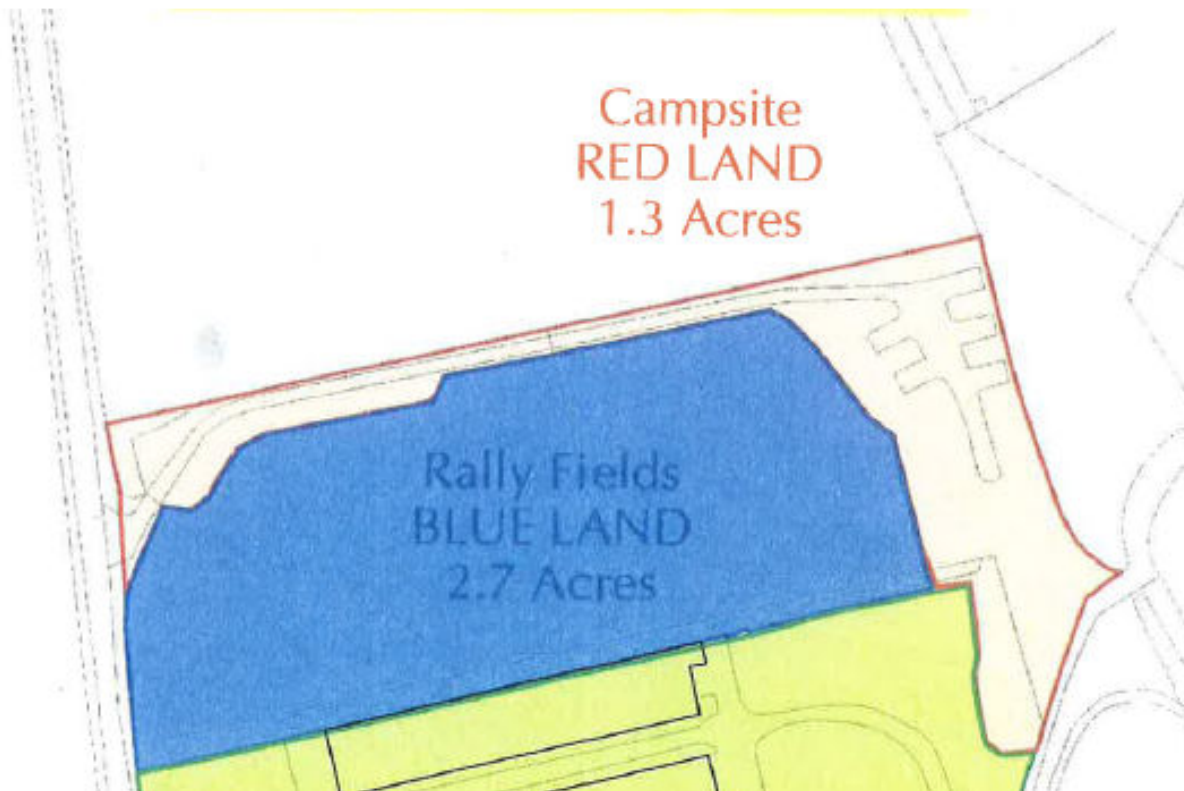
Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012

### 5. Proposal

Condition 2 of the planning permission restricts the number of caravans on the levelled lower section of the campsite as follows:

(2) The land notated as "Campsite/Red Land" on drawing WGDP 01\* shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.

(\* - see extract from drawing WGDP 01 below).



Condition no. 2 refers to 'caravans'. Caravans are defined in the Caravan Sites and Control of Development Act 1960, as supplemented by the Caravan Sites Act 1968, as "any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by being towed or by being transported on a motor vehicle or trailer, and any other motor vehicle so designed or adapted", subject to certain exceptions. Units of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices and not exceeding 60 feet in length, 20 feet in width, and 10 feet in height are included within the definition. Any structure falling outside this definition, or having a sufficient degree of permanence through adaptation to physically attach it to the ground or to connect it to main services, will not be a caravan.

The description of the original planning application referred to 'touring caravans'. In view of the difference between this wording and that in the condition, legal advice has been sought to understand the extent of any limitation on the type of caravan that may be stationed on the land. The legal advice is that the condition allows the land to be used to accommodate 15 caravans, and that 'caravan' in this context has the statutory meaning referred to above. At the time of the appeal the local planning authority suggested conditions to limit the site to a specific number of "touring caravans and/or motor homes", but the Inspector chose not to follow this suggestion and instead granted a more generous planning permission for 'caravans'.

A caravan includes the 'Fox Pod' and 'E-Den Pod' as they satisfy the definition for the following reasons:

- They are under the size threshold;
- They are able to be transported to site in one piece;
- They would not be connected to a water supply or foul drainage (each structure can contain an electric hook-up in a similar fashion to a caravan, and possess their own oil filled heater and lamp);
- Water and shower/WC facilities are provided on site by the existing facilities;
- They 'sit' on top of the ground surface with no physical attachment.

There are no restrictive conditions in the appeal decision to prevent sub-letting of caravans on the site, although IF they are occupied as a sole residence and/or for an extended period they would then become permanent places of residence for which planning permission is required.

This full application is to, therefore, allow pitch 6 to be used as either a caravan pitch or for the stationing of a motor home/caravan/pod for occupation by the senior site warden(s) all year round; and for pitch 7 to be used as either a caravan pitch or for the stationing of a motorhome/caravan/pod for occupation by assistant warden(s) between 19<sup>th</sup> March – 30<sup>th</sup> September in any year in association with the management of the existing campsite.

To ensure any later permissions do not render the earlier permission/conditions ineffective in the area occupied by the warden accommodation units a full application is required.

## **6. Planning Policy**

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

G1 – General principles for development  
G2 – General criteria for development  
C2 – Development in the countryside  
C6 – Special landscape area  
CN11 – Views in and out of conservation areas  
T9 – Touring caravans and tents  
T7 – Tourist accommodation in the countryside  
H23 - Development in the countryside  
H27 - New agricultural worker dwellings

*Government Guidance:*

NPPF

Annex A to PPS7

Good Practice Guide for Planning & Tourism.

## **7. Consultations**

### **Wiltshire Council Landscape Officer**

The issues raised by this application do not have any direct landscape impacts and therefore no objections.

### **Environment Agency**

No objections.

### **Wiltshire Council Highways**

No highway objections - it is considered that the proposed development will not detrimentally affect highway safety.

## **Wiltshire Council Private Sector Housing - Caravan Licensing**

The legislation controlling caravan sites would not preclude the site license from being varied in line with the planning proposal. The presence of a resident warden would not be out of keeping with the objectives of the licensing regime which is made in the interest of the persons staying on the site and the public at large. The advantages of such an arrangement - health and safety, security and controlling activities on sites - is recognised by the Caravan and Camping Club and the Caravan Club where site management of their sites is generally achieved by having site wardens stay in their own touring caravans or motor homes.

It would be recommended that should the planning permission be granted that any site warden would have their principal home elsewhere. This might be evidenced by the provision of a copy of the wardens' council tax demand.

It is noted that the planning permission request is for an assistant site warden between 1st April and 30th September. Given that Easter is a busy time and that the date of this public holiday is variable it may be in keeping to consider varying the date that the assistant warden takes up residence. For example to change the start date to either the weekend before Easter or 19th March which is stated in the Inspector's report for the date that tent camping can begin.

### **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

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

- There is no requirement for full time on site residency – Non residential wardens can provide the services/duties required on a daily basis/shifts.
- Permanently/semi-permanently sited caravans or similar are contrary to the Inspectors report - the Inspectors decision refers to touring caravans and camping (paragraph 72) only. He did not give permission for a part residential site for accommodating site wardens.
- Gradual move to a potential permanent site which will no longer be a site of a temporary nature.
- Residents have challenged the council's decision to allow the stationing of two pods on the site.
- The site can be managed by the owners living on site
- The owners could provide 24 hour site coverage over and above warden duties, and during the off and low season periods
- Owner should limit visitor numbers to avoid need for wardens
- There is no requirement or justification for full time warden during off and low season periods when the site is underused
- Temporary staff can be hired for busy periods/days
- Wardens could live in rental properties locally
- New arrivals access to the site is restricted after 9pm
- The site can be inspected and all management functions can be undertaken remotely using modern technology (on-line booking, website, facebook/twitter sites, accountancy).
- Wardens can live off-site - located close to the villages of Winterbourne Stoke and Berwick St James, regular bus service and a bus stop have been located at the site entrance

- The Management Report submitted with the application refers to other nearby operators who have onsite wardens needs to be verified, is misleading and comparisons can't be drawn
- The owner of Stonehenge Touring Park lives on site and does not have an on-site warden
- Brades Acre, Alderbury, Summerlands, Hillcrest and Coombe Caravan Park all have owners living on site, not residential wardens.
- Brokerswood is a large country park and cannot be compared
- Hudsons Field is a larger site publically owned by the City Council and requires wardens
- The campsite is in breach of the Planning Appeal decision conditions 10 and 11 and permission should be withdrawn.
- Development of the site has reached the strict limitation set out in policy C2
- Site continues to expand the impact of the development on the local environment and rural landscape
- Site is visible from both road and footpaths
- Why is application not retrospective – wardens have been living on the site
- Number of retrospective applications submitted and conditions/site is not being enforced
- Not supported locally
- Permanent warden would enhance the management of the site and would appeal to tourists but
- Contrary to policy C6 - residential status to two pitches and siting a permanent residential caravan or pod will adversely impact on the landscape designated as a special landscape area.
- Impact on landscape will be significant.
- Screening the site admits the effect of the proposals on the landscape.
- Materials of the proposals are poor quality and don't reflect character of area
- Proposals will reduce site capacity and economic viability and financial contribution to the local economy
- Concerns about future development and expansion plans on what used to be agricultural land - policy H32 allows the establishment of permanent dwelling/s. Temporary accommodation may end up as permanent fixtures/open way for permanent caravan park/mobile homes/housing
- Policies H26 and H28 (agricultural dwellings) have no relevance
- Proposal has no support within the Wiltshire Council Core Strategy policies
- Contrary to policy E21 (preventing development for employment purposes in the open countryside)
- Site provides no disabled access – contrary to equalities act 2010
- Campsite is an attractive place to stay but inappropriate in the open countryside
- Any site warden should have his/her principal home elsewhere
- Wardens control people visiting the site but are two sufficient

4 letters of support received. Summary of key relevant points raised:

- It is important to have a 24/7 live-in warden. Campsite users often arrive after dusk and the warden will increase security and control of the campsite
- Campsites need facilities such as warden accommodation
- Local campsites have live in wardens/managers/owners
- The camping/caravan and 'glamping' market is growing at rapid pace
- The campsite generates jobs and income back into the area (tourists generate income for other local businesses)

## **Berwick St James Parish Council**

A village meeting, attended by 17 residents, was held at Berwick St James on 6 February 2013 to discuss the above planning application. The residents were reminded that this application was not about the employment of wardens for the campsite, but about the establishment of permanent accommodation for their use. To this end, the meeting had strong objections to the proposal for a 'Change of Use of Land' to the original planning permission S/2010/0007/FULL, and establish up to two existing caravan pitches and use of a motor home/caravan/pod for permanent accommodation on the site for the following 4 reasons:

1. The application is contrary to policy C2 which states that development in the countryside should be strictly limited and will not be permitted unless it would benefit the local economy and maintain and enhance the countryside.
2. The application is contrary to policy C6 which states that within a 'special landscape area' proposals for development will be considered having regard to the high quality of the landscape. The meeting considered that 'permanent' 'residential' pitches do not achieve this, and were both undesirable and unnecessary.
3. The application is contrary to policy H32. The meeting did not consider that the same criterion as for permanent housing was desirable or necessary on this site.
4. The application is contrary to policy H28. The meeting did not consider that there was a need for accommodation in support of countryside tourism on this site similar to that of agricultural workers, and indeed thought it highly desirable.

The vote, taken to object to this planning proposal for the above reasons for unanimous.

## **9. Planning Considerations**

### **9.1 Planning Appeal decision**

The Inspector's decision to S/2010/0007 is attached at appendix A to the committee report for application reference S/2012/1777.

The Inspector considered that the main issues to consider were:

- The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured and that with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'
- The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for and numbers of tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development 'would not be material harmful to the living conditions of occupants of nearby dwellings.'
- Economic benefits - The inspector considered that the development 'accords with PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'



Objections have been raised that the owner has failed to comply with time-limited conditions attached to the appeal decision concerning lighting and landscaping and that the permission for the campsite has been revoked.

Whilst the owner submitted details on lighting and landscaping, they were not provided within the required timescale. As a result in May, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

Counsel's advice was that the permissions have not lapsed although the owner is in breach of the lighting and landscaping conditions. It was recommended that the appropriate solution is for the owner to submit an application under Section 73 of the 1990 Act for planning permission for the development of land without complying with the extant landscaping and lighting conditions. These have been received.

## **9.2 Principle of development**

The NPPF makes it clear that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that conflicts with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 55 of the NPPF states that '*local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (inter alia) the essential need for a rural worker to live permanently at or near their place of work in the countryside.*'

Policy H23 of the local plan says that undeveloped land outside of settlement boundaries will be treated as countryside for the application of other housing policies. Policy H27 permits new permanent agriculture and forestry workers dwellings where 4 criteria are met (i) functional need, (ii) full time requirement, (iii) a financial test, and (iv) available other accommodation in the area.

PPS7 gives specific guidance regarding agricultural dwellings in Annex A, which continues to apply. Paragraph 3 deals with agricultural dwellings, which must satisfy 5 criteria – namely, (i) a functional need, (ii) relate to a full-time worker (iii) a financial test, (iv) whether the need could be met by another dwelling on the site and (v) other planning requirements. It is accepted good practice to apply these 'tests' to proposals for residential accommodation to support a rural enterprise in addition to agricultural dwellings.

Paragraph 4 of Annex A defines functional need to be whether it is essential for the proper functioning of the enterprise for a worker to be readily available at most times - for example, if workers are needed to be on hand day and night.

There are no dwellings on the campsite. The owner of the campsite currently lives in Summerfield House adjacent to the campsite. However, there is no requirement in the planning appeal decision for the owner/occupier of this dwelling to also be the site warden.

The application documentation states there is a '*identifiable need for warden accommodation on-site in order that the operation itself runs successfully and efficiently both in terms of administration and more importantly in terms of on-site management.*'

The Council's caravan licencing officer has advised '*that the presence of a resident warden would not be out of keeping with the objectives of the licensing regime which is made in the interest of the persons staying on the site and the public at large. The advantages of such an arrangement, health and safety, security and controlling activities on sites, is recognised by the Caravan and Camping Club and the Caravan Club where site management of their sites is generally achieved by having site wardens stay in their own touring caravans or motor homes.*'

The application documentation also demonstrates that the site is now a '*well established existing tourist accommodation enterprise which operates on a sound financial basis.*'

Subject to conditions limiting occupation and type of accommodation, the proposal for a full time warden and a temporary warden during the tented camping season is considered to be acceptable in principle, satisfying the functional need, the financial need and the full time need tests. This is subject to consideration against the issues the inspector identified.

### **9.3 The effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located and the nearby Winterbourne Stoke Conservation Area**

The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matures; and that with conditions to secure the landscaping and to control the extent of the camping and caravanning, the '*harm to the character and appearance of the locality including the SLA would not be material.*' These circumstances have not changed, and by virtue of the modest scale of the proposed accommodation, it is not considered that harm would be caused to the character and appearance of the locality.

The Wiltshire Council Landscape Officer has raised no objections to the proposal.

### **9.4 The effect on the living conditions of occupants of nearby dwellings**

The Inspector considered that subject to conditions limiting the area for, and numbers of, tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping, the development would not be materially harmful to the living conditions of occupants of nearby dwellings. Again, by virtue of the modest scale of the current proposal and the distances between the sites and the neighbouring properties, it is not considered that any harm would be caused to residential amenity by the provision of wardens' accommodation. This is subject to re-imposition of the conditions required by the Inspector.

### **9.5 Economic benefits**

Paragraph 48 of the inspectors report refers to the economic benefits resulting from the development including the creation of one full time equivalent job and visitor-spend in the area.

The application will provide a full time and part time employment opportunity.

### **9.6 Conditions**

The conditions from the appeal permission should be carried forward and amended as necessary.

The details for condition 12 (alarm system) were approved on 21<sup>st</sup> October 2011, so this can be amended to refer to its retention and maintenance.

Condition 14 on the Inspector's decision requiring removal of fencing was the subject of further consideration under planning application reference S/2012/0132/FUL for a 1.1m high fence along the western boundary. This application was approved subject to a condition requiring removal of the existing fence. An enforcement officer has verified that the fence at issue has been removed.

## **10. Conclusion**

Subject to conditions, the development will not cause any demonstrable harm to interests of acknowledged importance, in particular in terms of the impact on the character and appearance of the area or the living conditions of nearby properties. Residential accommodation for wardens is justified in this case based on demonstrated functional, financial and full time needs. There is no other suitable accommodation available to fulfil the needs.

## **11. Recommendation**

**Planning Permission be GRANTED for the following reason:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely policies:

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- CN11 – Views in and out of conservation areas
- T9 – Touring caravans and tents
- T7 – Tourist accommodation in the countryside
- H23 - Development in the countryside
- H27 - New agricultural worker dwellings

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

**Subject to the following conditions:**

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).

Reason: For the avoidance of doubt.

2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year. Pitch 6

can be used as either a caravan pitch or for the stationing of a motor home/caravan/pod for occupation by the senior site warden; and between 19<sup>th</sup> March – 30<sup>th</sup> September in any year, pitch 7 can be used as either a caravan pitch or for the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.

Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

4. No music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.

Reason: To prevent noise and disturbance to nearby residents of the site at unsociable hours.

Policy: G2

5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19<sup>th</sup> March and the 30<sup>th</sup> September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue

Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

Policy: G1, G2, C6, C2, CN11, T9

7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.

Reason: To prevent noise and disturbance to nearby residents of the site.

Policy: G2

8. The applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained and made available to the local planning authority for inspection at reasonable notice.

Reason: To support the other conditions.

9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).

Reason: To safeguard the living conditions of the occupants of Over the Hill.

Policy: G2

10. Within three months of the date of this decision, a scheme of external lighting shall be submitted to the local planning authority for approval in writing. Details shall include the type of light appliance, the height and position of fitting, illumination levels, details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting and a programme for implementation. Development shall be carried out in accordance with the approved details and programme of implementation and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

Reason: In order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9

11. All landscaping shall be carried out in accordance with the Stonehenge Campsite Landscape Management Plan 2009-2014 (dated 10<sup>th</sup> October 2012, reference WFG/TA/10.10.11) and the Detailed Planting Proposals 2009-2014 (dated 16/11/2012, reference 390-11 Rev A) accompanying planning application S/2012/1777 subject to the following amendments:

- a) Paragraphs 5.4, 5.5 and 5.6 are replaced as follows:

The first phase will be undertaken at some point between years 2 and 5 (where year 1 is 2009). The first phase will include removal of the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.

In the longer term (that is, between years 10 and 12 unless otherwise agreed in writing by the local planning authority), the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.

- b) Paragraph 5.12 which refers to the woodland mix and the associated table is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris*), Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex*).
- c) The planting key on the Detailed Planting Proposals plan is amended to exclude the use of non-native species of Scots Pine (*Pinus sylvestris*), Corsican Pine, Larch, Thuja or Evergreen Oak (*Quercus ilex*).

The approved landscape management plan shall be implemented in full in accordance with the approved timetable.

Reason: To ensure adequate landscaping in order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9

12. The approved alarm system that has been fitted to the cesspit providing warning against overflowing and was agreed in writing by the local planning authority on the 21st October 2011 shall be retained and maintained.

Reason: To help prevent pollution to watercourses.

Policy: G2

13. The visibility splays of 4.5m x 75m across the site frontage measured from the centre line of the access adjacent to the northern site boundary shall be maintained permanently free obstruction above a height of 300mm.

Reason: In the interests of highway safety.

Policy: G2

14. The occupation of the wardens' accommodation units hereby approved shall be limited to persons solely or mainly employed as wardens in the Stonehenge Campsite business occupying the plot edged red on the attached plan.

Reason: The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which staff accommodation is now required and this permission is only granted on the basis of an essential need for residential accommodation in this location having been demonstrated.

Policy: H23, H27

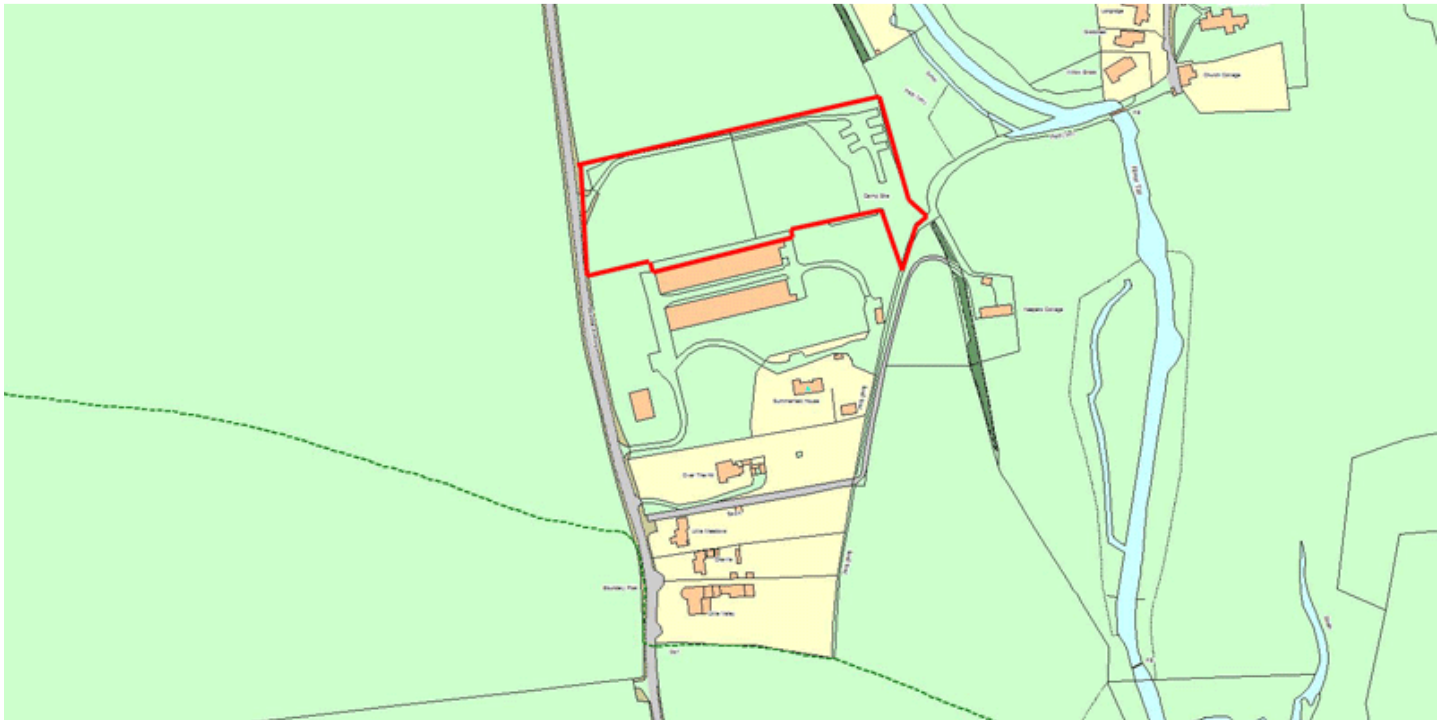
15. The Wardens accommodation units can be either in the form of a motorhome, caravan or pod provided in the case of a pod that they meet the following criteria:
- They are under the size threshold not exceeding 18.9m (60 feet) in length, 6.10m (20 feet) in width and 3.04m (10 feet) in height
  - They are transported to the site in one piece
  - They will not be connected to a water supply or foul drainage (each structure can contain an electric hook up and possess their own oil filled heater and lamp)
  - Water and shower/WC facilities are provided on site by the existing facilities
  - They will sit on top of the ground surface and will not be attached.

Reason: For the avoidance of doubt and in order to safeguard visual amenity.

Policy: G1, G2, C6, C2, CN11, T9



Stonehenge Campsite, Berwick St. James SP3 4TQ



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## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	7 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2012/1642/full		
<b>Site Address:</b>	Site to rear of Bell House, Berwick Lane, Steeple Langford, Salisbury, SP3 4NB		
<b>Proposal:</b>	Replacement of existing prefabricated lock-up garage with hobby garage/workshop and studio residential accommodation.		
<b>Applicant / Agent:</b>	Mr Willingham		
<b>City/Town/Parish Council</b>	Steeple Langford		
<b>Electoral Division</b>	Till and Wylve Valley	<b>Unitary Member</b>	Councillor Ian West
<b>Grid Reference:</b>	Easting: 403888	Northing: 137481	
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	NA	LB Grade: NA	
<b>Case Officer:</b>	Mrs Lucy Minting	Contact Number: 01722 434 377	

### Reason for the application being considered by Committee

Councillor West has requested that the application be determined by Committee due to

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- The amount of Local Public Interest in this application
- Two previous applications have been rejected on this site

### 1. Purpose of report

To consider the above application and to recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

### 2. Report summary

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

1. Principle of development
2. The impact on the character and appearance of the area/conservation area/setting of listed building;
3. The impact on the living conditions of nearby properties;
4. Highway considerations – access/parking;
5. Recreational open space (policy R2) & Affordable Housing (Core policy 3) contributions
6. Protected Species

The application has generated comments from Steeple Langford parish council; and 6 letters of objection from the public.

### 3. Site Description

The site is located within the Housing Policy Boundary of Steeple Langford. The site is excluded from but bordered by the Conservation Area to the north, south and west, with open countryside/fields to the east currently set to pasture, although it is understood that the land has previously been used for allotments. The site is also located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Fern Cottage to the west of the site is Grade II listed. The site is at different levels with a lower level with bank to Berwick Lane with vehicular access, parking space and detached garage; a steep bank to the east of the garage rising to a higher raised level of land at the same level as the adjacent fields.

The garage is constructed of prefabricated concrete imitating brick and a corrugated cement fibre roof.

### 4. Relevant Planning History

Application Number	Proposal	Decision
S/2006/1034	Demolish garage, construct 2 storey dwelling and construction of retaining walls to bank	Refused 13/07/2006
	<p><i>Reasons for refusal:-</i></p> <p><i>(1) The site is within a sensitive location within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjacent to the Conservation Area of Steeple Langford, and Fern Cottage, a Grade II listed building. It is considered that the dwelling as proposed by reason of its design, bulk, materials and relationship to Berwick Lane is unsympathetic and inappropriate to the character and appearance of the area, and will result in an overdevelopment of the site with subsequent adverse impact to the setting of the adjacent listed building, character and appearance of the Conservation Area and landscape, contrary to policies G2, H16, D2, C4, C5, CN5 and CN11 of the Adopted Salisbury District Local Plan.</i></p> <p><i>(2) Berwick Lane by reason of its narrow width, together with its sub-standard junction with Salisbury Road where visibility is restricted, is inadequate and unsuitable to serve the proposed development contrary to policy G2 of the adopted Salisbury District Local Plan.</i></p> <p><i>(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan (June 2003) because appropriate provision towards public recreational open space has not been made.</i></p>	
S/2007/0051	Removal of garage and construction of 2 storey dwelling with adoption of existing access and associated works	Refused 06/03/2008
	<p><i>Reasons for refusal:-</i></p> <p><i>(1) The site is within a sensitive location within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjacent to the Conservation Area of Steeple Langford, and Fern Cottage, a</i></p>	

	<p><i>Grade II listed building. It is considered that the dwelling as proposed by reason of its elevated siting and proximity to Berwick Lane will have an overbearing impact to the rural appearance and character of the lane and will result in an overdevelopment of the site with subsequent adverse impact to the setting of the adjacent listed building, character and appearance of the Conservation Area and landscape, contrary to policies G2, H16, D2, C4, C5, CN5 and CN11 of the Adopted Salisbury District Local Plan and contrary to advice contained in PPG15 (Planning and the Historic Environment) and the Councils adopted Supplementary Planning Guidance "Creating Places".</i></p> <p><i>(2) Berwick Lane by reason of its narrow width, together with its sub-standard junction with Salisbury Road where visibility is restricted, is inadequate and unsuitable to serve the proposed development contrary to policy G2 of the adopted Salisbury District Local Plan.</i></p> <p><i>(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan (June 2003) because appropriate provision towards public recreational open space has not been made</i></p>	
S/2007/2584	Removal of garage and construction of dwelling with adoption of existing access and associated works	Refused 01/05/2008
	<p>Reasons for refusal:-</p> <p><i>(1) The site is within a sensitive location within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjacent to the Conservation Area of Steeple Langford, and Fern Cottage, a Grade II listed building. It is considered that the dwelling as proposed by reason of its elevated siting and proximity to Berwick Lane, and loss of roadside bank and hedge will have an overbearing impact to the rural appearance and character of the lane and will result in an overdevelopment of the site with subsequent adverse impact to the setting of the adjacent listed building, character and appearance of the Conservation Area and landscape, contrary to 'saved' policies G2, H16, D2, C4, C5, CN5 and CN11 of the Salisbury District Local Plan and contrary to advice contained in PPG15 (Planning and the Historic Environment) and the Councils adopted Supplementary Planning Guidance "Creating Places".</i></p> <p><i>(2) The proposed development does not provide an adequate vehicle turning area to enable a vehicle to enter and leave the site in forward gear; resulting in an adverse impact to highway safety, contrary to 'saved' policy G2 of the Salisbury District Local Plan.</i></p> <p><i>(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan (June 2003) because appropriate provision towards public recreational open space has not been made.</i></p> <p><i>INFORMATIVE:- Reason 2 for refusal.</i></p>	

	<p><i>The proposed dwelling will be built on the site of an existing garage that has formed part of the land associated with Bell House (and previously Fern Cottage). The site has now been sold so that it is no longer associated with a dwelling within Berwick Lane. Bell House has forecourt parking to the Salisbury Road frontage, where cars can park parallel to the main road. Whilst objections have been raised that parking to the Salisbury Road frontage restricts visibility at the junction; it is not within the power of the Local Planning Authority to require that the owners of Bell House park on the site, or to prevent land being sold separately. The application site is now unrelated to a dwelling within Berwick Lane, and could be used as garaging/storage not associated with a dwelling in Berwick Lane. However, a judgement has to be made as to whether the proposed development would result in an adverse impact to highway safety. As the proposed development does not provide an adequate vehicle turning area to enable a vehicle to enter and leave the site in forward gear, it is considered that the development will result in an adverse impact to highway safety, contrary to 'saved' policy G2 of the Salisbury District Local Plan.</i></p>	
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## 5. Proposal

This application is for the replacement of the existing garage with a 1 bedroom new dwelling incorporating a hobby garage/workshop on the ground floor.

## 6. Planning Policy

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

G1, G2 – General Development Criteria

C4, C5 – Development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB)

D2 - Design

H16 – Development within Housing Policy Boundary (HPB)

C12 – Protected species

CN11 – Views into and out of conservation areas

CN5 – Impact to setting of listed buildings

R2 - Public open space

Adopted Supplementary Planning Guidance “Creating Places”

Steeple Langford Conservation Area Appraisal and Management Plan Adopted September 2008

*South Wiltshire Core Strategy:*

Core Policy 3

## **7. Consultations**

### **Highways**

Whilst acknowledging the sub-standard layout of the existing site access, particularly in respect of its restricted visibility at its junction with Berwick Lane, having regard to the potential lawful use of the existing double garage/storage building on the site, I would not wish to raise a highway objection to the development now proposed subject to conditions requiring the first 5m of the access to be consolidated and surfaced, the access to remain un gated and a scheme for the discharge of surface water from the site to be approved.

### **Wessex Water**

New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Further details on this process can be included as an informative.

### **Conservation**

No objections. The site is bounded on three sides by the Steeple Langford Conservation Area, and is nearly opposite the grade II listed Fern Cottage. The existing building on the site is of no apparent significance, whilst the scale and ridge of the replacement dwelling are proposed to be modest, low and traditional in appearance. I have no concerns about the impact of the proposal on the setting of the CA or listed building. External materials should be controlled by condition, and it would be a good idea to try to ensure that delivery/construction vehicles do not damage (by contact or vibration) the listed building: perhaps this could be done by agreed method statement.

### **Ecology**

On the basis of the construction and design of the existing garage, the risk of protected species occurring in the building to be demolished is low and a protected species survey isn't required.

With regard to the rest of the site; the area affected by the application is too small to require a specific protected species survey or control measures but it seems entirely reasonable that the hedgerow to the east boundary is retained in order to minimise the effects on biodiversity, including those to the adjacent allotment site.

Recommend condition to ensure the hedgerow is retained and informatives advising the applicant that the protected species legislation applies independently of planning permission and the work hereby granted consent does not override the statutory protection afforded to these species.

### **New Housing**

I have now completed a viability assessment and can confirm that in this instance it will not be viable to take an affordable housing contribution.

### **Steeple Langford Parish Council**

1. The construction would entail additional traffic up and down Berwick Lane, which is already of a substandard quality and subsiding very badly. Despite repeated requests to the



Council, the lane has not been resurfaced for over 30 years. Additional traffic would exacerbate this situation.

2. The applicant has suggested that all the necessary materials for this development will be delivered by 'car and the Residents have expressed the concern that they may be facing the potential of several years of on-going work and disruption.

3. The garage immediately adjacent to the property is an old construction. It is felt that excavation of the site will have a detrimental effect, not only on its foundations but also on surrounding properties.

4. Residents are concerned that the site is unsuitable and far too small for the development proposed. Whereas it is acknowledged that the original design from the applicant has been altered, overdevelopment of such a small plot will have an unacceptably overbearing impact on the small and narrow lane. Also, once planning permission is granted there are no guarantees that planning variations would not revert to the original proposals.

5. Residents adjacent to the proposed site are concerned that there will be severe drainage problems arising from the excavations and building. There is no visible provision for adequate drainage on the plans.

6. The proposed site is opposite Fern Cottage, a Grade 2 Listed Building. It is feared that the construction will have a damaging effect by virtue of additional heavy vehicular access turning and there are also concerns that the foundations of Fern Cottage may suffer damage including incurring structural problems to the house.

7. The site has been the location of a garage for many years. The applicant has chosen now to use this as a workshop; however insisting that it is for personal use only. The suggestion that the site will be required to accommodate up to 5 cars would imply that future use would be exceeding personal use. Furthermore, the request to increase the headroom of the existing structure would appear to support this.

8. There are concerns from the existing residents of the lane regarding the noise levels should this arrangement become a more permanent feature. There is already some dissatisfaction in respect of the noise levels currently when the workshop is in use, it is felt that this will be very invasive for the nearest neighbours.

9. Additional parking would be unavoidable. The applicant occasionally parks in Salisbury Road. The introduction of even more vehicles to the site will increase this requirement. Extra parking on Salisbury Road will make an already unresolved situation issue even more hazardous. Access in and out of Berwick Lane is currently a real problem for residents and service vehicles. Additional vehicles would make the situation far more dangerous.

10. There is also an access lane immediately opposite the entrance to the site, and when all properties are in use, it is difficult for the residents of Salisbury Road, to access their garages which are at the rear of their properties. This provides an issue which is twofold, firstly the restriction of the access to their property and secondly the potential for even more parking on Salisbury Road.

11. There have been three previous applications for this particular site, all of which have been rejected on the basis of Highway Safety in Salisbury Road, impact on the surrounding Conservation Area, unsuitability of the site for expansion – either by footprint or height.

12. These objections echo previous concerns already expressed.

13. Cllr R Bond has requested that this application is called in to committee.

14. The site is adjacent to the Steeple Langford allotments which are a site of ecological interest with an unusually high proportion of protected species, subject of an ecological survey.

## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

**6 letters of objection received.** Summary of key relevant points raised:

- The site is a very small plot in a sensitive location within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.
- Site is adjacent to the Conservation Area of Steeple Langford
- Impact to setting of Fern Cottage opposite (grade II listed)
- Heavy construction traffic will cause further damage to Berwick Lane - a single lane carriageway already in poor state of repair
- Berwick Lane has a sub-standard junction with Salisbury Road with limited visibility. Previous applications have been refused on these grounds
- Contrary to local plan policies G2, H16, D2, C4, C5, CN5, CN11, (and previous local plan policies CN14, CN15 and CN16 as loss of open space)
- Previous applications on the site and in Berwick Lane have been consistently refused and issues remain unresolved/reasons for refusal have not been overcome
- Height of dwelling combined with conspicuous and prominent position and proposed substantial earthworks will diminish and devalue the appearance of the rural fringe and create an obtrusive urbanising effect and adverse visual impact to the character and appearance of the conservation area and landscape.
- Inadequate parking/turning space on site. Concern cars will park on Berwick Lane/Salisbury Road causing obstruction to visibility and highway safety.
- Concerns over use of car workshop on commercial basis – lack of parking and not suitable location
- Loss of natural wildlife habitat (ecological survey of adjoining paddock showed an unusually high proportion of reptiles)
- Concerns development may not be completed in accordance with approved plans
- Loss of light and privacy to neighbours
- Damage to adjacent properties and general environment
- Concern development will not have disabled access
- Excavations of site may cause damage to adjacent properties and concern of collapse
- Inconvenience/disruption/obstruction to highway during construction works

## 9. Planning Considerations

### 9.1 Principle

The site is located within the Housing Policy Boundary, Conservation Area of Hanging Langford and Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjacent to a Grade II listed building. Policy H16 will apply, where the principle of new small-scale development and redevelopment is established as acceptable subject to the general, design, conservation and listed building policies of the local plan.

The site is outside but located adjacent to the Conservation Area. Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of presence or enhancing the character or appearance of the conservation area.

Policy CN11 of the local plan requires that views from and into Conservation Areas should be safeguarded. The listed building policy CN5 requires that development within or outside of the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building. Policy D2 states that proposals for street and infill development will be permitted where the proposals respect or enhance the character of appearance of an area.

## **9.2 The impact on the character and appearance of the area/conservation area/setting of adjacent listed building:**

The Conservation Area Appraisal concludes that Steeple Langford has retained much of its semi-rural charm and character. Berwick Lane in particular is narrow and characterised by mature hedges adding to this rural character. The site has an existing hard surfaced vehicular access accessing the garage. The garage is partly screened behind a hedge set above a bank to the roadside.

Part 8 of the Council's supplementary planning design guide "Creating Places" states that 'in the more rural areas the quality and character of the spaces between the buildings (i.e the hedges, banks, trees, gardens, gates, walls and fences) are as important as the buildings themselves and objective 8 states 'applicants should demonstrate that their proposals for development will not harm but enhance the wider setting within which it is set'.

Three previous applications for residential development on the site have been refused; the most recent being the S/2007/2584 application. The reasons for refusal refer to the elevated siting and proximity of the dwelling that was proposed to Berwick Lane, which in combination with the loss of the roadside hedge and bank was considered to result in an overdevelopment of the site and adverse impact to the rural appearance and character of the lane, the setting of adjacent listed buildings and the character and appearance of the conservation area.

This scheme has been designed to appear as a converted outbuilding/barn. Traditional building materials are proposed (grey slate roof, oak cladding and hardwood windows and doors). The design and access statement explains that the design has been influenced by converted barns in Steeple Langford and Berwick St James which include half hipped roofs, wooden cladding, window shutters, gable window and brick plinths.

One of the main concerns of the conservation officer raised at pre-application stage was that the building should have a very limited impact on the horizon. The eaves and ridge height of the proposal have been minimised and the roadside bank and hedge in this application will be retained.

The conservation officer has advised that the scale and ridge of the replacement dwelling are modest, low and traditional in appearance and it is considered that the design and scale of the proposed dwelling is now appropriate to the character of the rural street scene and adjacent conservation area and will not have an adverse impact to the setting of the listed building opposite.

A landscaping condition is recommended and withdrawal of permitted development rights for alterations, and further extensions/outbuildings.

### 9.3 The impact on the living conditions of nearby properties:

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

Third parties have raised objections on the grounds of loss of light and privacy to adjacent dwellings and gardens.

At ground floor level garage doors are proposed on the north elevation, a ground floor window on the west elevation of the dwelling facing Berwick Lane to the garage/workshop, and 2 ground floor windows to the kitchen on the south elevation. At first floor level, glazing is proposed in the hipped gable to north elevation to the mezzanine level above the garage/workshop. Glazing is also proposed in the south gable but this is to a bathroom/hallway and as such can be obscured glazed. No openings are proposed on the south roofslope of the bedroom.

Subject to conditioning the south gable glazing is obscured glazed and restricting further windows being added without obtained planning permission, it is not considered that the development will unduly impact upon neighbouring dwellings.

### 9.4 Highway considerations – access/parking:

Third parties have referred to a dismissed appeal decision on another site within Berwick Lane (S/2001/1637), which was an application for a new dwelling and garage with alterations to the access on land at The Lynchetts to the north west of the site.

The Inspector noted in his statement (paragraphs 7 and 8):

*‘Berwick Lane is a narrow poorly surfaced lane which varies between 2.4m and 3.8m in width, hence only one motor care at a time is able to negotiate it. Larger service vehicles have greater problems, especially in turning. There are no footways and there are many vehicular accesses to the properties on either side. The turning areas that do exist are within the curtilages of the properties. Therefore because of its restricted width vehicular conflicts occur. A further dwelling in the lane would add to this already unsatisfactory situation and is thus unacceptable on road safety grounds. The turning area proposed would enable vehicles to manoeuvre and turn, but it would not alleviate the problems caused by the restricted width of the lane.*

*Furthermore the junction of the lane with Salisbury Road is substandard, with visibility to the west being some 6m, with that the east being 50m. The required standard is 90m on both sides. There is no way that this standard can be achieved. I must conclude therefore that the proposed development is unacceptable on highway safety grounds.*

Wiltshire County Council Highways Department also previously objected to the principle of development on this site.

The garage did form part of the land associated with Bell House (and previously Fern Cottage), but has now been sold so that it is no longer associated with a dwelling within Berwick Lane. The application site is now unrelated to a dwelling within Berwick Lane, and could be used as garaging/storage not associated with a dwelling in Berwick Lane.

Having regard to the existing use of the double garage/storage building on the site, the highways department have now raised no objections to the proposal subject to conditions (requiring the first 5m of the access to be consolidated and surfaced, the access to remain ungated and a scheme for the discharge of surface water from the site to be approved). The highways department have also agreed to support a condition requiring the parking and turning area to be provided prior to the first occupation of the dwelling. It is also considered reasonable to withdraw permitted development rights to prevent conversion of the garage/workshop to habitable accommodation.

Concerns about obstruction of the highway during construction works and to visibility by cars being parked on the public highway is a matter for the police under the Highways Act and would not be a reasonable reason for refusal.

Concerns have also been raised about additional traffic causing further damage to the already damaged surface of Berwick Lane especially during building works/deliveries. Taking into account the existing garage use and as the proposal is only for a one bedroom dwelling, it is not considered that the development would lead to an increased generation of traffic that would justify the applicant needing to upgrade the surface of the lane.

The council's Customer Lighting And Roads Enquiry Centre (CLARENCE) is the appropriate avenue to report road defects and hazards including any damage caused during building works.

Concerns about potential impacts to neighbouring properties during demolition/construction works are civil matters; although it is considered appropriate to add an informative advising the applicant that the grant of planning permission does not affect any private property rights. An informative can also be added recommending that the applicant consider using smaller delivery vehicles during the works.

### **9.5 Recreational open space (policy R2) & Affordable Housing (Core policy 3) contributions:**

Core Policy 3 of the South Wiltshire Core Strategy requires on all sites of four dwellings or less a financial contribution towards the provision of affordable housing. 'Saved' Policy R2 from the Salisbury District Local Plan requires all new residential developments to make financial contributions towards public open space.

The average open market values for South Wiltshire have been used for the calculation of the affordable housing contributions.

A financial contribution of **£7,578** towards affordable housing provision and a financial contribution of **£846.30** towards open space provision would normally be required for a one bedroom dwelling in accordance with the relevant policies.

However, Core Policy 3 also states '*the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the development' and it is acknowledged that there will be differences in average open market values across the different Community Areas in South Wiltshire.*'

Where applicants consider that the financial contributions would render the development unviable, they are able to provide details of development costs to the New Housing Team to verify the final cost of the development. The details need to include:

- Gross development value (including an independent valuation where necessary)

- Any existing use value or any purchase price already paid for the site
- Details of build costs/quotations
- Details of abnormal costs
- Level of interest assumed
- Any other S106 requirements
- Fees (including legal fees, architects etc)
- Level of profit/return assumed. The Council will accept as the developer's need to make a reasonable rate of return.

The Housing Officer has completed a financial appraisal of the development and as a result it is not viable to seek the affordable housing contribution as the resultant land value will be less than the existing use value of the site.

However, the applicant has advised he is prepared to make the lower contribution towards off-site recreational open space provision.

## **9.6 Protected species**

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation.

The council's ecologist advised at the pre-application stage that on the basis of the construction and design of the existing garage, the risk of protected species occurring in the building to be demolished is low and a protected species survey wasn't required.

Concerns have been raised that the site is adjacent to the Steeple Langford allotments which are a site of ecological interest with an unusually high proportion of protected species.

With regard to the rest of the site; the council's ecologist has advised that the area affected by the application is too small to require a specific protected species survey or control measures but it seems reasonable that the hedgerow to the east boundary is retained in order to minimise the effects on biodiversity, including those to the adjacent allotment site.

Informatives should also be added advising the applicant that the protected species legislation applies independently of planning permission and the work hereby granted consent does not override the statutory protection afforded to these species.

## **10. Conclusion**

Subject to conditions, the development will not cause any significant demonstrable harm to interests of acknowledged importance, in this case, the impact on the character and appearance of the area, the living conditions of nearby properties, highway safety or protected species.

## **11. Recommendation**

Subject to: The applicant entering into a unilateral planning obligation to secure financial contributions toward recreational facilities within the locality

**Planning Permission be GRANTED for the following reason:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely policies:

G1, G2 – General Development Criteria

C4, C5 – Development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB)

D2 - Design

H16 – Development within Housing Policy Boundary (HPB)

C12 – Protected species

CN11 – Views into and out of conservation areas

CN5 – Impact to setting of listed buildings

R2 - Public open space

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development.

**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) No development shall commence on site until details and samples of the materials and finishes 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: G1, G2, C4, C5, D2, H16, CN11, CN5

(3) The established boundary hedge and bank to the west boundary with Berwick Lane shall be retained and enhanced with additional hedge planting.

No development shall take place until the species, planting sizes and densities of the additional hedge planting has been submitted to, and approved in writing by the Local Planning Authority.

All additional hedge planting shall be carried out in the first planting and seeding season following the completion of the development or first occupation of the building, whichever is the sooner. All shrubs, trees, and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

Policy: G1, G2, C4, C5, D2, H16, CN11, CN5

(4) The established boundary hedge to the east boundary of the site with the adjacent fields shall be retained.

Reason: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and to minimise the effects on biodiversity, including those to the adjacent allotment site.

Policy: G1, G2, C4, C5, D2, H16, CN11, CN5, C12

(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 drainage details, has been submitted to and approved 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) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of 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

(7) The development hereby permitted shall not be first occupied until the access, turning and parking area has been completed in accordance with the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

Policy: G2

(8) The access shall remain ungated.

Reason: In the interests of highway safety.

Policy: G2

(9) Before the development hereby permitted is first occupied the first floor windows in the south elevation shall be glazed with obscure glass only 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 (General Development Guidance)



(10) 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)

(11) 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 shall take place on the dwellinghouse hereby permitted or within their 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: G1, G2, C4, C5, D2, H16, CN11, CN5

(12) The garage/workshop hereby permitted shall be used only for storage and maintenance of domestic vehicles incidental to the enjoyment of the associated dwelling and not for any trade, business or commercial purposes whatsoever.

Reason: In order that the Local Planning Authority may retain planning control over the use of the premises in the interests of regulating any alternative kinds of activities/operations which could have adverse effects upon highway safety.

Policy: G2 (General)

(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), the garage/workshop hereby permitted shall not be converted to habitable accommodation.

Reason: To secure the retention of adequate parking provision, in the interests of highway safety.

Policy: G2

(14) This development hereby permitted shall be carried out in accordance with the following approved plans:

Plan reference Location and Site Plan, dated 08/04/2012, received by this office 12th November 2012

Plan reference Site Plan, dated 08/04/2012, received by this office 12th November 2012

Plan reference Ground & First Floor plans, sections, and roof plan dated 08/04/2012, received by this office 12th November 2012

Plan reference Elevations, dated 08/04/2012, received by this office 12th November 2012

Plan reference Plan indicating location of section plans, dated 08/04/2012, received by this office 12th November 2012

Plan reference North-South Sections, dated 08/04/2012, received by this office 12th November 2012

Plan reference East-West Sections, dated 08/04/2012, received by this officer 12th November 2012

Reason: For the avoidance of doubt and in the interests of proper planning.

### **INFORMATIVE:- Protected Species**

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation.

The protected species legislation applies independently of planning permission and the work hereby granted consent does not override the statutory protection afforded to these species. The developer has legal obligations towards any protected species that may be present. Planning permission for development does not provide a defence against prosecution under protected species legislation.

It is expected that slow worms and possibly other reptiles may occur at the application site in low numbers. These species are protected from being harmed under the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution under this act. In order to minimise the risk of these species being harmed, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or a Council Ecologist (01225 713875).

There is a low risk that bats and breeding birds may be disturbed or harmed during the demolition of the existing garage. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist (please see the IEEM Professional Directory - <http://www.ieem.net/members-directory>) and consider the need for a licence from Natural England prior to commencing works.

Please see Natural England's website for further information on protected species. [http://www.naturalengland.org.uk/Images/ProtectedSpeciesLists\\_tcm6-25123.pdf](http://www.naturalengland.org.uk/Images/ProtectedSpeciesLists_tcm6-25123.pdf)

### **INFORMATIVE:- Wessex Water**

#### **Water Supply and Waste Connections**

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 our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526 222 for Water Supply and 01225 526 333 for Waste Water.

### **S105a Public Sewers**

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 kilometers of formerly private sewers and lateral drainage (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 our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

### **INFORMATIVE:- Material samples**

Please note that the planning office does not have the facility to receive material samples. Please deliver materials for approval to site, with a notification to the planning office where they are to be found.

### **INFORMATIVE: - Party Wall Act**

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

### **INFORMATIVE:- Access to the site**

The applicant is advised that due to the narrow nature of the access road leading to the site, companies making deliveries or attending the site to carry out work should be advised to use smaller vehicles that can safely access the site.

Site to rear of Bell House, Steeple Langford SP3 4NB



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## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting:</b>	07 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2012/1743/Full		
<b>Site Address:</b>	137 Netherhampton Road, Salisbury. SP2 8NB		
<b>Proposal:</b>	Erection of a 2 bedroom dwelling and alteration to existing access, demolition of part of existing bungalow.		
<b>Applicant / Agent:</b>	Mr Nigel Lilley		
<b>City/Town/Parish Council</b>	Salisbury City Council		
<b>Electoral Division</b>	Harnham	<b>Unitary Member</b>	Cllr Brian Dalton
<b>Grid Reference:</b>	Easting: 412872		Northing: 129156
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	Cons Area: - NA		LB Grade:- NA
<b>Case Officer:</b>	Mrs. Becky Jones		Contact Number: 01722 434388

### Reason for application being considered by Committee

The application is before the Committee at the request of Cllr Brian Dalton for the following reason(s):

- Design – general appearance

### 1. Purpose of report

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

### 2. Report summary

The main issues to consider are:

- Differences between current scheme and previously refused scheme
- Impact on character of area – characteristic plot sizes
- Neighbour Amenity
- Highway safety and impact on adjacent Bridleway
- Impact on trees
- Planning Obligations
- Personal circumstances presented by the applicant

The application has generated no objection (but concerns) from Salisbury City Council, 3 letters of support and 2 letters raising concerns from third parties.

### 3. Site Description

The application dwelling is a detached bungalow sited on a corner plot with frontage to Netherhampton Road and Carrion Pond Drive. There is an existing garage and shed in the rear garden of the bungalow with access via Carrion Pond Drive.

The application site is located within the Housing Policy Boundary.

#### 4. Relevant Planning History

ApplicationNumber	Proposal	Decision
S/2012/0883	Erection of a 2 bedroom dwelling and alteration to existing access	R
S/2012/0581	Erection of a 2 bedroom dwelling and alteration to existing access	WD
S/2004/0499	Retrospective erection of fence	AC

#### S/2012/0883 Reasons for Refusal:

1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located to the immediate south of the site. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space. In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over development, out of keeping with the general scale and character of existing development in the area. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

#### 5. Proposal

The proposal is to erect a 2 bedroom chalet-style dwelling on part of the rear garden of the existing bungalow, with re-positioned vehicular access from Carrion Pond Drove. The existing garage and shed would be demolished to make way for the new dwelling; an existing addition at the rear of the original bungalow would also be demolished to enlarge its retained garden.

The existing rear garden at the bungalow measures approximately 12.8m in length (behind the existing addition). Subdivision of the garden and demolition of the existing garage would leave the bungalow with a garden measuring 5.5m in length. The new plot would have overall dimensions of 11.7m by 14.5m, with an actual 'rear' garden length of 5m. The 'back to back' separation of the existing bungalow and the new dwelling would be approximately 10.4m.

#### 6. Planning Policy

Adopted policies; G1, G2, D1, D2, R2, H16, CN21 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Adopted South Wiltshire Core Strategy: Core Policy 3

Wiltshire Local Transport Plan 2011-2016

National Planning Policy Framework (paragraph 53)

## **7. Consultations**

### **Salisbury City Council**

No objection, but would like to raise concerns of over development and setting a precedent for the rest of Carrion Pond Drove.”

### **Environment Agency**

The LPA should refer to the Flood Risk Standing Advice.

### **Wiltshire Council Highways**

No objection subject to conditions and informative to applicant to check that they have rights of access over the bridleway.

### **Wiltshire Council Environmental Health**

No observations

### **Wiltshire Council Rights of Way**

None received. Previous application commented: “I would ask whether the applicants could demonstrate a private vehicular right to drive on the Public Bridleway?”

### **Wiltshire Council Archaeology**

No objection. “There are no historic records within the vicinity of the site. I therefore consider it unlikely that the development would disturb significant archaeological remains.”

### **Wiltshire Council Tree Officer**

“The latest report mistakenly identifies the tree as a Beech, which is a further indication it has not been given full consideration by a suitably qualified person.

The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, any future residents of the new dwelling are likely to raise concerns as highlighted in my previous response (safety, overshadowing, leaf fall, damp problems). I therefore feel it is unlikely the tree and the new dwelling will happily continue to co-exist for long in the future if planning permission is granted. At best the tree will need to be significantly pruned on a regular basis, at worst the tree will come under pressure to be removed.”

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.



## **2 letters raising concerns have been received:**

- Too large for the plot and not in keeping with the surrounding area, infilling
- Previously raised issues of use, services and parking problems
- Would like the bridleway stopped up and new highways constructed
- How will rights of way and private rights of access to dwellings be affected? Access for emergency vehicles. Will surface be upgraded?
- Impacts to access during construction

## **3 letters of support have been received:**

- Support from Applicant's Doctor confirming diagnosis of illness of applicant.
- Development would help lessen the undesirable activities in Carrion Pond Drive
- No objection to impacts

## **9. Planning Considerations**

### **9.1 Differences between current scheme proposals and previously refused scheme**

The main differences between the two schemes can be summarised as follows:

- Demolition of rear kitchen section of No 137 Netherhampton Road to increase available garden;
- Increased distance between the proposed dwelling and the boundary with No 137 from 3.6 metres to 5 metres (ie larger garden area for both dwellings);
- Bike shed deleted;
- Proposed dwelling moved north away from boundary with 1 Montague Road from 450mm to 1.2 metres;
- Proposed dwelling is a simple rectangle in shape;
- All other dimensions and car parking provision for 2 cars remains the same.

### **9.2 Impact on character of area**

Policy D2 sets out the design criteria for infill development which will be permitted where proposals:

Respect or enhance the character or appearance of an area in terms of –

- a) The building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. ...

This application proposes to erect a two bedroom dwelling with two parking spaces together with outdoor amenity areas within the rear garden of the application site. The application dwelling is a detached bungalow with a gravelled parking area to the front of the property. The rear garden is the main amenity space for the application dwelling. Despite the amendments to the scheme which includes demolition of the rear kitchen of No 137 to provide a larger garden area, it is still considered that this application's proposed plot size is too small.

The proposed plot would now measure 11.7m by about 14.5m. Other established plots in the vicinity measure approximately:

41m x 8m (1 Montague Road)  
33m x 10m (Err Indoors, Carrion Pond Drove)  
35m x 8m (Pine View, Carrion Pond Drove)  
44m x 13m (129 Netherhampton Road)  
23m x 8m (135 Netherhampton Road)

The characteristic plot width for 'Err Indoors' and 'Pine View' (situated along Carrion Pond Drove) is about 33m and 35m respectively. The proposed plot size is therefore considered to be uncharacteristically small in relation to established plot sizes within the area; and, if permitted, the development would be likely to set a precedent for other small and inappropriate sites for new residential dwellings in the vicinity of the site, and elsewhere along Carrion Pond Drove.

The National Planning Policy Framework (NPPF) states that, "*Local planning authorities should consider the case for setting out policies to restrict inappropriate development of residential gardens...*" The aims of the NPPF are clear – namely that the LPA should not encourage or approve inappropriate development of residential gardens, similar to the aims of policy H16 of the Local Plan as contained within the SW Core Strategy.

### **9.3 Residential Amenity**

The proposed dwelling would now be located 1.2m from the boundary with the southern dwelling (known as no.1 Montague Road) and 0.9m from the western boundary with No.139 Netherhampton Road. The dwelling is considered to be sensitively designed to reduce overlooking into surrounding neighbouring properties. The limited number of windows in the south elevation is unlikely to cause undue overlooking and the single light stair window could be permanently obscured to prevent overlooking. The high level glazed apexes within the gable elevations on the north and west elevations would not enable direct overlooking towards the neighbouring dwellings. The glazing within the front eastern elevation would face towards the garaged/parking area of the dwelling known as 'Err-Indoors'. These views towards 'Err-Indoors' and the rear parking area of the New Gospel Hall (opposite the application site) were previously considered to be acceptable. Any first floor views towards 'Err-Indoors' front elevation would be oblique and indirect. 'Err-Indoors' principal outdoor amenity area to the south of this neighbouring dwelling is considered to remain unaffected by the creation a new dwelling within the application site.

However, the general massing of the proposed new dwelling is significant. Given the restricted nature of the plot, and close proximity to other residential dwellings and garden areas, it was previously considered that the dwelling would be likely to have an overbearing impact on the existing dwelling (No.137), particularly given the restricted amenity space provided for No.137. However, the proposed demolition of the kitchen area has improved this relationship. Therefore, whilst the amenities enjoyed by any future occupants of the proposed dwelling would be limited by the small, shaded garden area available for the planned property, and the available garden for No 137 would be much smaller than at present, this previous reason for refusal is considered to have been overcome by the amendments.

### **9.4 Highway Safety and Impact on adjacent Bridleway**

No objection is raised to the proposed layout of the parking or access for the dwelling, subject to conditions.

The application proposes access onto Carrion Pond Drove which is a Bridleway. The WC Highways Officer has not raised any “in principle” objection to the use of this Bridleway for vehicles, as the Drove already allows access for a small number of vehicles. Whilst Bridleways by definition should not be used for motorised vehicles, this particular Drove is evidently used by motorised vehicles. Officers previously supported the neighbouring comments which sought to ensure that the Drove is free of parked vehicles but did not support the Drove becoming (over a period of time) a classified part of the highway which would thus encourage yet more vehicles to use the Bridleway. Presently it is noted that the Drove is not adopted by Wiltshire Council and it does not have any road markings or lighting. The principle of vehicular use over the Drove appears to be accepted by Highways.

The Highways Officer has raised no objection to the application but is concerned that “*the applicant should ensure that he has vehicular rights over the route of the Bridleway 13*”. Previous neighbour comments related to the perceived narrowing of the Drove entrance way and concern about possible future financial costs relating to the maintenance of the Drove. It was not possible to clarify who owns the Drove and the applicant advertised the proposed development to the satisfaction of the LPA. The issue concerning areas of ownership and possible future financial maintenance costs for the Drove are civil matters.

### **9.5 Trees**

This application has received an objection from the WC Tree Officer. Concern has been expressed that an oak tree within the rear neighbouring garden at No. 1 Montague Road could be detrimentally affected as a result of the construction of the suggested new dwelling. The tree officer has commented as follows:

The latest report mistakenly identifies the tree as a Beech, which is a further indication it has not been given full consideration by a suitably qualified person.

The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, any future residents of the new dwelling are likely to raise concerns as highlighted in my previous response (safety, overshadowing, leaf fall, damp problems). I therefore feel it is unlikely the tree and the new dwelling will happily continue to co-exist for long in the future if planning permission is granted. At best the tree will need to be significantly pruned on a regular basis, at worst the tree will come under pressure to be removed.

### **9.6 Planning Obligations**

Policy R2 (saved within Appendix C of the SWCS) makes it clear that all new residential development should either make provision for onsite public recreational open space facilities or contribute a monetary sum towards off-site provision. Adopted Core Policy 3 (Affordable Housing Provision) also requires a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. Within the Design and Access Statement the applicant has expressed a willingness to enter into relevant S106 agreements for required funding.

However, at this point in time, as no obligation has been provided, it is considered that a reason for refusal must be included as part of any decision, in order that this matter is highlighted as a planning issue.

## **9.7 Personal circumstances presented by the applicant**

The applicant has submitted a letter outlining personal health reasons for the development. The matters in the letter have been supported by a doctor and relate to mobility. The applicant's letter identifies an "essential" need for a "bungalow." However, it is noted that the proposed development is for two levels, with stairs. Regardless of this the personal circumstances of applicants are rarely considered to be sufficiently material to outweigh other land use related and impact planning considerations.

## **10. Conclusion**

The proposal is considered to be unacceptable due to its impact on the wider character of the area, contrary to adopted policies; G2, H16, D1 and D2 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework.

## **11. Recommendation**

**Planning permission be REFUSED for the following reasons:**

1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located immediately south of the site. The proposed sub-division of the existing property would create a new dwelling with limited outdoor amenity space, in close proximity to the adjacent Oak tree. The Oak tree is a young specimen and it has significant growth potential. As it continues to grow, future occupiers of the new dwelling are likely to raise concerns (eg in relation to safety, overshadowing, leaf fall and damp problems) requiring the tree to need regular significant pruning or come under pressure to be removed.

In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot which would create a cramped form of development as a result of its uncharacteristically small plot. The small plot size would be out of keeping with the general scale and character of established plots in the area. The development is likely to set an undesirable precedent for the creation of similarly cramped developments along the Drove and in the surrounding area.

The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

## **INFORMATIVES**

1. In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections and the proposal's failure to comply with the development plan and the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

2. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing. It is noted within the Design and Access Statement that the Applicant has principally agreed to the submission of funds associated with the required planning obligations.



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## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	07 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2013/0020/Full		
<b>Site Address:</b>	37 York Road, Salisbury, SP2 7AT		
<b>Proposal:</b>	Convert 3 bed dwelling to 1 bed ground floor flat and 2 bed first floor flat		
<b>Applicant / Agent:</b>	Mr S Mankin		
<b>City/Town/Parish Council</b>	Salisbury City Council		
<b>Electoral Division</b>	St Pauls	<b>Unitary Member</b>	Cllr Richard Clewer
<b>Grid Reference:</b>	Easting 413896.9	Northing 130492.8	
<b>Type of Application:</b>	Minor		
<b>Conservation Area:</b>	Cons Area: NA	LB Grade: NA	
<b>Case Officer:</b>	Matthew Legge	Contact Number: 01722 434398	

### Reason for the application being considered by Committee

This planning application is before the Planning Committee at the request of Councilor Clewer. Council Clewer has commented:

“There is a history of development both here and in the surrounding roads which local people are strongly opposed to. The main concerns revolve around:

- A) The size of the dwellings which are subdivided to provide very small living spaces.
- B) The issues of parking in the area.

The creation of further sub-divided houses will bring further pressure on the parking situation, particularly when the residents parking Zone is not functioning in the evening.”

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that, subject to the landowner entering into an appropriate legal agreement and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan and Policy CP3 of the South Wiltshire Core Strategy, planning permission be **GRANTED subject to conditions**.

### 2. Report summary

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

- Principle of development
- Scale, design and materials
- Impact upon neighbour amenity
- Car parking and impact upon highway safety
- Planning obligations

The application has generated an objection from Salisbury City Council and 2 letters of objection from the public.

Neighbourhood Responses  
2 letters received objecting to the proposal



No letters of support received  
No letter commenting on the application received

### **3. Site Description**

Number 37 York Road is a two storey, three bedroom terraced dwelling house located within a predominantly residential area within close proximity to the city centre. The property has direct street frontage at the front (south east) and an enclosed rear yard at the back (North West) which is accessed via a pedestrian passageway from George Street.

### **4. Relevant Planning History**

**The application site has no relevant planning history.**

The neighbouring properties – no. 35 York Road and no. 40 George Street – have both in the recent past been granted planning permission for conversion to flats. In the case of no. 35, before planning permission was given the Planning Committee requested additional advice from the WC Highways Officer and WC Solicitor on matters relating to parking and parking permits. This advice remains largely relevant to the current application, and so is re-produced again as follows -

#### **Legal advice on the use of Section 106 Agreements:**

Section 106 agreements may not be used to prevent or restrict car ownership per se since this would be an impermissible infringement on the rights of an individual. Such agreements are however used widely to prevent occupiers from applying for or possessing a resident's parking permit in a designated parking bay. Such agreements also commonly exempt holders of a disabled person's badge issued.

#### **Highways advice:**

“The Car Parking Strategy for Wiltshire was approved by Full Council on 22nd February 2011 as part of Local Transport Plan 3 (LTP3) for the period 2011-2026. Most areas of guidance remain unchanged from the original guidance developed for LTP1 in 2001, which set out maximum parking standards for a range of use classes. .... It is considered and evidenced, that car ownership levels are not directly influenced by restrictions in the amount of parking for new development, and of course, by restricting parking provision, other road safety issues can arise. ....For example in town centres where parking demand is reduced through the availability of services, facilities and public transport and where on street and off street parking is strongly restricted and controlled.

Therefore, in recommending on residential development in Wiltshire where the development is within or very close to town centres and Salisbury city centre, the use of minimum standards can be reduced. Dependant on the scale of the development and its specific location, it would be acceptable to recommend approval where no parking is provided or where a level of parking is provided which can be controlled by the developer and/or through on street parking restrictions which only allow existing residents to park. Each site must be viewed on its own merits and may involve further assessment through access statements or transport assessments and residential travel plans may, in some cases, be appropriate.

Planning applications involving property conversions to multiple occupation or new residential development within and close to the city centre are considered on the basis that no new parking permits will be offered to these developments. Parking

Services operate the permit scheme and confirm that this system has operated for some years. An existing property undergoing conversion to multiple occupation will continue to be allowed the previous permit allocation and therefore the property owner would have some control over which occupants could make use of the permit. New development may include some off street parking provision, but no new permits would be offered. Members of the public are free to apply for permits but the above rules will apply and there is no right of appeal to a decision not to provide permits. Informative advice is generally offered to applicants to briefly explain this process. No representations against this system have so far been received.

It would clearly be inappropriate for new development to add to the burden of limited on street parking and developers are normally fully aware of the implications for new residents in these central locations. Quite simply, if a new occupation takes place where there is no car provision, car ownership by the individual occupant would present serious practicable problems and, alongside strong parking controls, the occupant is highly unlikely to even consider car ownership in these locations. Whilst there is no means to prevent car ownership, strong factors which discourage ownership apply in most locations within the city centre and near to centre and, of course, each development has to be considered on its own individual merits.”

## **5. Proposal**

The proposal is to convert an existing 3 bed dwelling to a 1 bed ground floor flat and a 2 bed first floor flat.

## **6. Planning Policy**

Adopted policies; G2, H8, D3, TR14 and R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Policy 3 of the South Wiltshire Core Strategy

National Planning Policy Framework

## **7. Consultations**

### **Salisbury City Council**

Salisbury City Council objects to the application on the grounds of over development and insufficient parking. Should permission be granted can it be considered that no resident parking permits are to be issued.”

### **Wiltshire Council Highways**

Note that there is no off-street parking associated with this property. Any existing property undergoing conversion will continue to be allowed the previous permit allocation and therefore the property owner would have some control over which occupants could make use of the permits. The site is sufficiently close to the town centre facilities and public transport and on-street parking in York Road is strongly controlled. Any car ownership would be discouraged for occupiers where there is no available car parking provision. In view of the above, no highway objection.

## **Wiltshire Council Housing**

Confirm that any planning consent should be subject to the applicant entering into a S106 agreement to pay an affordable housing contribution of £7,578 as per Core Policy 3 of the South Wiltshire Core Strategy. The application does not currently address that policy requirement.

## **Wiltshire Council Environmental Health**

No objection.

## **Wiltshire Fire & Rescue Service**

General comments

## **8. Publicity**

Neighbourhood Responses:

2 letters received objecting to the proposal

No letters of support received

Summary of key relevant points raised:

- Overdevelopment in an already densely populated area
- Insufficient parking provision (especially in the evenings)
- Impact on traffic congestion due to the one way road system egressing along York Road.

## **9. Planning Considerations**

### **9.1 Principle of development**

The nearby properties known as no. 35 and no. 40 York Road have already received approval to convert and extend to form flats. In particular, no.35 received approval in 2011 to convert to four single flats. The current application for no. 37 is for fewer flats and will not result in an increase in the number of bedrooms, and does not propose any physical alterations/extensions to the exterior of the building.

The application site, being a two storey terraced house, is located within the H8 Housing Policy Boundary of Salisbury where, except as provided by the other policies of the local plan, residential development will be permitted. In this respect the principle of the proposed development is considered acceptable.

### **9.2 Scale, design and materials**

The application proposes the conversion of the existing building to facilitate the creation of a 1 x no. 1 bed ground floor flat and 1 x no. 2 bed first floor flat with loft conversion. There are no proposed external physical alterations to the application dwelling.

Each of the flats will have an area of outside space which can be accessed by the rear path leading onto George Street. This application proposes that the outdoor areas will accommodate waste/recycle storage and a shed for the parking/storage of bicycles which is in accordance with the saved Local Plan transportation policy TR14.

### **9.3 Impact on neighbour amenity**

The proposed subdivision of the existing house would not change the use class of the property, but would create two separate residential units within the existing property over three floors.

By reason of the layout of the proposed flats, and the orientation and relationship between the property and surrounding residential properties, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

### **9.4 Highway issues**

Representations from third parties have raised concerns in respect of the impact of the proposed subdivision on the existing on-street parking in the surrounding area.

The application site is within close proximity to the city centre, local amenities, shops, services and transport links. The WC Highway Officer has commented that any existing property undergoing conversion will continue to be allowed the previous permit allocation.

The Highways Officer having assessed the proposed development has raised no highway objection and considers that the existing parking permits allocated to the three bedroom dwelling will not be increased as a consequence of this development, and as such there is unlikely to be an increase in on-street parking within the controlled area.

### **9.5 Planning obligations**

The proposed new residential development would require contributions towards public recreational open space and a financial contribution towards the provision of offsite affordable housing.

## **10 Conclusion**

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with saved Local Plan Policy R2 together with policy CP3 of the South Wiltshire Core Strategy, the proposed development is considered to be acceptable. The subdivision of the application dwelling into two flats is not considered to result in harm to neighbouring amenities and is not perceived to result in harm to users of the highway.

## **11 Recommendation**

**Planning permission be GRANTED for the following reason:**

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely Policies G2, H8, D3, TR14 and R2.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social and environmental conditions of the area.

**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 following submitted drawings:

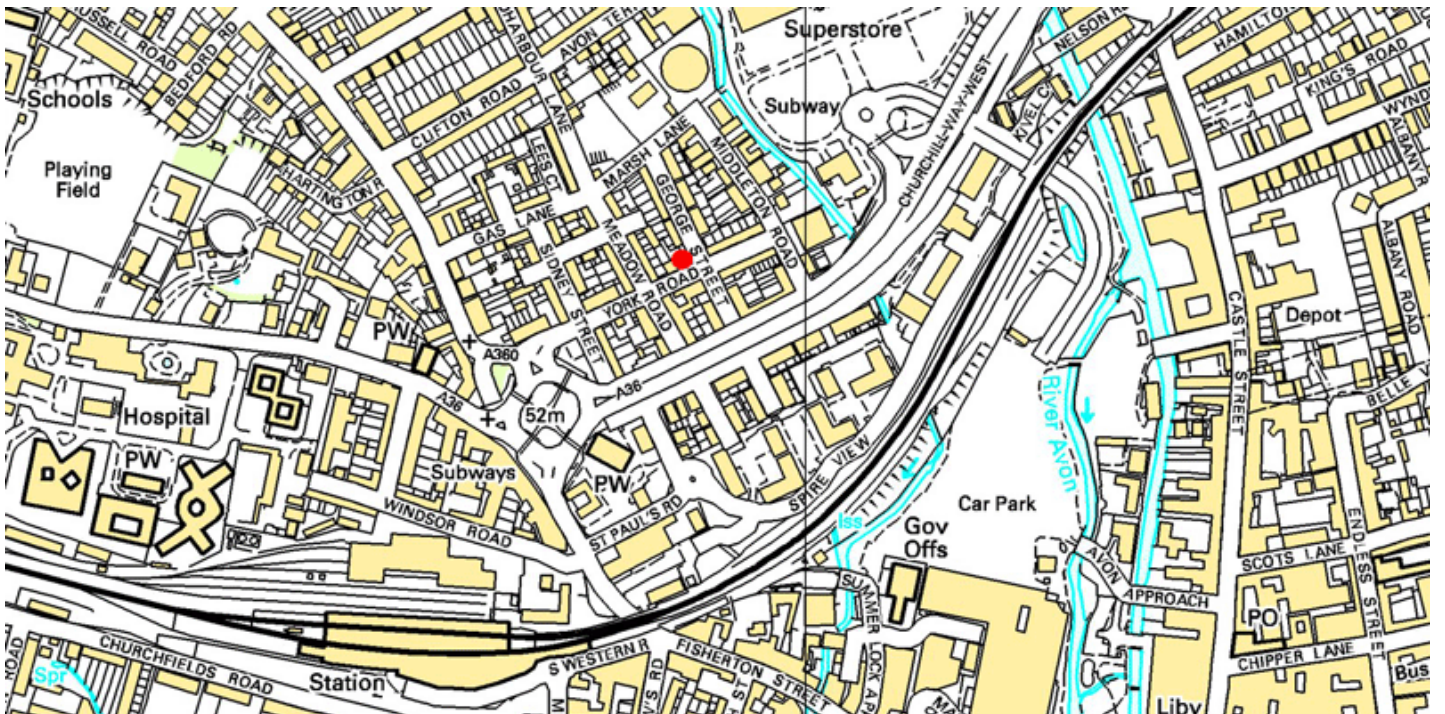
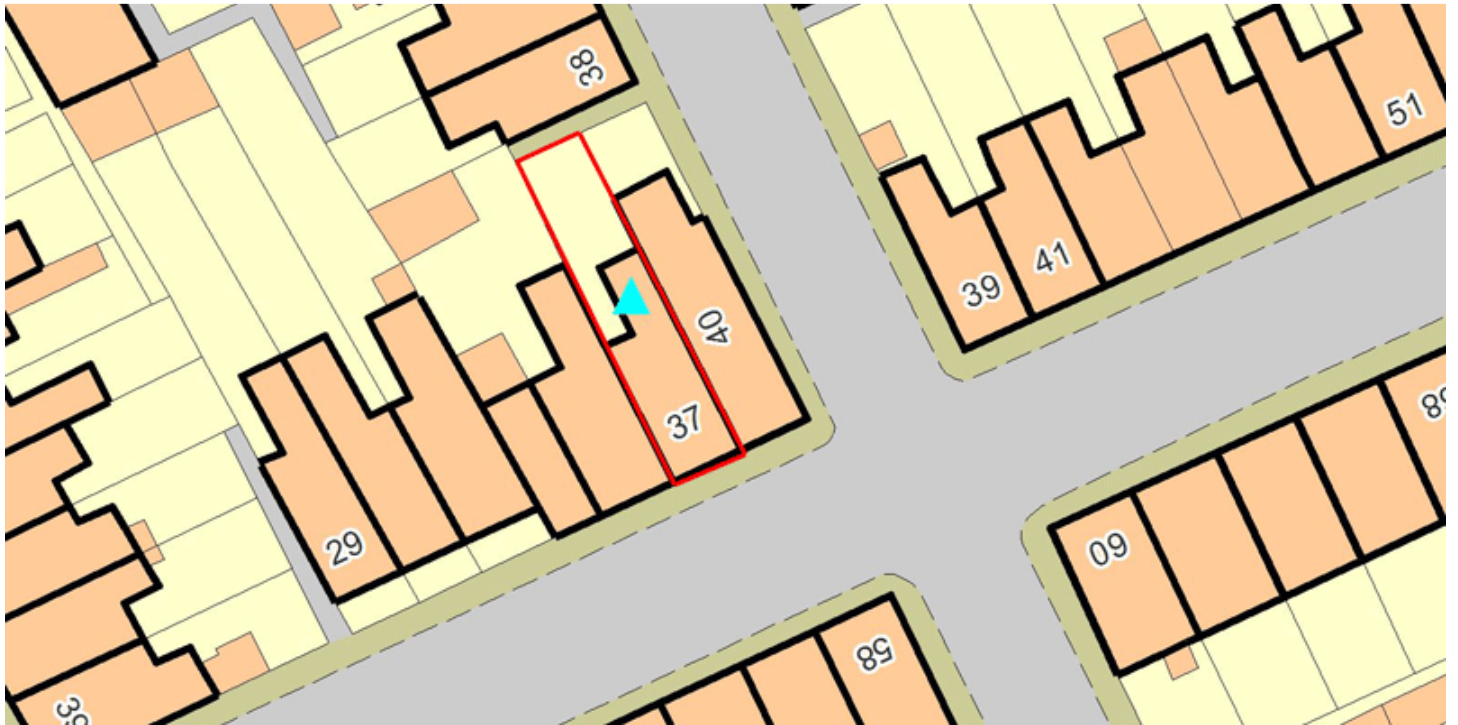
DRG No. 12096 2 (21/12/12)	21/12/2012
Block Plan	21/12/2012

Reason: For the avoidance of doubt

**INFORMATIVE:**

The applicant should note that additional residents parking permits will not be allocated to new developments in restricted parking areas. In this case no more than the two permits to which the existing dwelling is already entitled will be issued.

37 York Road, Salisbury SP2 7AT



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## REPORT TO THE SOUTHERN AREA COMMITTEE

<b>Date of Meeting:</b>	7 <sup>th</sup> March 2013		
<b>Application Number:</b>	S/2012/1809/Full		
<b>Site Address:</b>	Rose Cottage, Berwick Road, Stapleford. SP3 4LJ		
<b>Proposal:</b>	Partial demolition, alterations and construction of two storey extension, together with demolition and replacement of existing single garage.		
<b>Applicant / Agent:</b>	BTA Architects		
<b>City/Town/Parish Council</b>	Stapleford PC		
<b>Electoral Division</b>	Till and Wylve Valley	<b>Unitary Member</b>	Councillor Ian West
<b>Grid Reference:</b>	Easting: 407228.4	Northing: 137076.1	
<b>Type of Application:</b>	Other		
<b>Conservation Area:</b>	Cons Area: Stapleford	LB Grade:- NA	
<b>Case Officer:</b>	Mr Tom Wippell	Contact Number: 01722 434554	

### Reason for the application being considered by Committee

Cllr West has asked that the application be considered at Committee due to the amount of local public interest in this application, and the strong support of the Parish Council.

#### 1. Purpose of report

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

#### 2. Report summary

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

1. Impact on the character and appearance of the dwelling and wider Conservation Area
2. Amenities of adjoining and nearby properties

#### 3. Site Description

Rose Cottage is a brick-fronted cottage at the gateway to the village core, just north of the A36. This location has several historic buildings within close proximity and is part of the Stapleford Conservation Area. Surrounding properties are residential in nature.

#### 4. Relevant Planning History

Application number	Proposal	Decision
<b>S/2012/1122</b>	Partial demolition, alterations and construction of two storey extension, together with demolition and replacement of existing single garage.	Withdrawn

The above application was withdrawn, after the Conservation Officer raised concerns that the scheme would have overwhelmed the historic form of the original dwelling and would have had an adverse impact on the character of the wider Conservation Area. The current



scheme is virtually identical to the previous scheme S/2012/1122, except that the half-hipped gable-ends of the extensions are now full gables.

## **5. Proposal**

The proposal seeks to increase the size of the existing cottage, by creating a two-storey extension to the rear and a first-floor extension towards the side. Materials will be brick and timber cladding, with natural slate for the roof.

An existing detached garage will also be replaced towards the southern boundary.

## **6. Planning Policy**

Local Plan Policies G2, H16, D3, C6, CN8, CN11, Creating Places Design Guide SPG

Central government planning policy: NPPF

## **7. Consultations**

### **Parish Council**

No comments received

### **Highways**

It is considered that the development proposed will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to it.

### **Environmental Health**

No observations to make

### **Conservation**

This is a nearly-identical resubmission of the earlier proposal. The only differences apparently being the loss of the half-hips and the omission of a flue. My principal objections regarding the scale of the proposals remain, however, so please refer to my comments on S/2012/1122 (see previous comments below\*). The photomontage provided of the southeastern view shows a building that clearly suggests its disproportionately large scale, not least because of the visible ridge junction.

Conservation Officer's comments from S/2012/1122:

Rose Cottage is an attractive brick-fronted cottage at the gateway to the village core, just north of the A36. This location has several historic buildings within close proximity and is part of the Stapleford Conservation Area. Policy CN8 seeks to ensure that new development within CAs preserves or enhances the character of the area, reflecting the wording of the 1990 LB&CA Act. In order to assess the proposal, it is clearly necessary to understand something of the specific contribution of the site to the character of the CA. English Heritage provide a list of considerations in assessing whether a building or site contributes positively (CA Appraisal guidance), and it is clear that Rose Cottage meets several of these. Any proposal for its loss or significant harm would therefore be strongly resisted.

This proposal seeks to demolish the existing rear extensions, that are invisible from the public realm, and which are clearly of little architectural or other interest, and replace with a substantial linked two storey building. The existing southern single-storey extension would also have its ridge raised to the same height as the main body of the cottage. Total internal floor space would more than double from 105sqm to 214sqm – is this an entrant in a current tv series?! Our adopted design guidance Creating Places p84 sets out general criteria for extensions, not just in CAs, saying that later extensions should be clearly subordinate, with ridges lower than existing, and not swamp the original. In my view, this application fails on all of these criteria.

Rose Cottage is primarily viewed from the road, and that from the southern approach sees it set low in a rural landscape, surrounded by the steep banks of the hill and very mature and attractive trees and hedging. The proposed rear extension is a substantial increase in scale over the existing; but not only this, it takes no inspiration from the form or character of the host building, or its neighbours. The use of generic faux-agricultural forms with half-hipped roofs offers a contrast to the original building, but introduces such an extent of contrast that the original is overwhelmed. There is nothing to suggest that this building had any former agricultural function; indeed, there is nothing provided about the history and development of the site, which is not in the applicant's favour. Add to this the raising of the roof of the currently subservient extension, so that it matches the main roof, only serves to enhance the perception of enlargement and modern intervention. The changing of the main roofing material to slate would of course be welcomed.

I have no concerns about the garage replacement.

## **8. Publicity**

The application was advertised by newspaper, site notice and neighbour consultation.

2 letters of support were received, commenting that the proposed alterations will substantially improve the appearance of the property which is very run down – the existing extensions being rather ugly, particularly as seen from the road and the field to the East. The enlargement of the current house which is small will preclude any future development involving the building of a second house on the plot.

## **9. Planning Considerations**

### **9.1 Impact on the character and appearance of the dwelling and wider Conservation Area**

Part 20 of the Creating Places Design Guide states that when planning an extension to a dwelling, you should:

‘Avoid large extensions which overwhelm the original dwelling. As a rule they should be subservient, and this may sometimes be best achieved by setting back the extension behind the wall of the main house with a corresponding drop in the roofline. An extension that is too large will not be in balance with the form of the existing dwelling and may destroy the original character. In all circumstances the key principle is that it will still be obvious what part of the building was original, with later extensions being clearly subordinate.’

It is considered that the proposal will overwhelm the historic form and character of the cottage and have an adverse impact on the character of the Conservation Area.

The extensions are not subservient to the main property, with the extension's height and length not respecting the scale of the original building. The footprint of the development would be disproportionate to that of the existing dwelling, and the architectural merits of the small cottage would be lost. Although the rear extensions will be partially obscured by the existing cottage/ new side extension, the development will still be highly noticeable from the wider area when travelling (down the hill), due to the inappropriate height and depth of the extensions when viewed from the side.

Overall, it is considered that an extension to Rose Cottage could be achieved in a more acceptable way that would limit the harm caused to the historic character of the property and the wider Conservation Area.

## **9.2 Amenities of adjoining and nearby properties**

Although the two-storey rear extension is sited within close proximity to the northern boundary, the roof slopes away from the boundary to its highest point and no first-floor windows are proposed on this elevation. As such, it is considered that no harmful overshadowing, over dominance or overlooking will occur.

There will be no impact on highway safety.

No trees worthy of TPO's will be impacted by this development.

## **10. Conclusion**

Rose Cottage is an attractive brick-fronted cottage at the gateway to the village core, and is considered to be a 'heritage asset' on its own merits. There are also several historic buildings within close proximity to the site and the property is located within the Stapleford Conservation Area.

The proposed development, by reason of its siting, scale and overall design, would represent an overdevelopment of the site, and would have an adverse impact on the historic character of the original dwelling and the character of the wider Conservation Area.

## **11. Recommendation**

### **Planning Permission be REFUSED for the following reason:**

Rose Cottage is a brick-fronted cottage at the gateway to the village core, and is considered to be a 'heritage asset' on its own merits. There are also several historic buildings within close proximity to the site and the property is located within the Stapleford Conservation Area.

The proposed development, by reason of its siting, scale, overall design and visibility would have an adverse impact on the historic character of the original dwelling and the character of the wider Conservation Area, contrary to policies G2, D3, H16, C6, CN8 and CN11 of the adopted Salisbury District Local Plan, and the Creating Places Design Guide SPG (part 20), which are 'saved' policies of the South Wiltshire Core Strategy.

### **INFORMATIVE:**

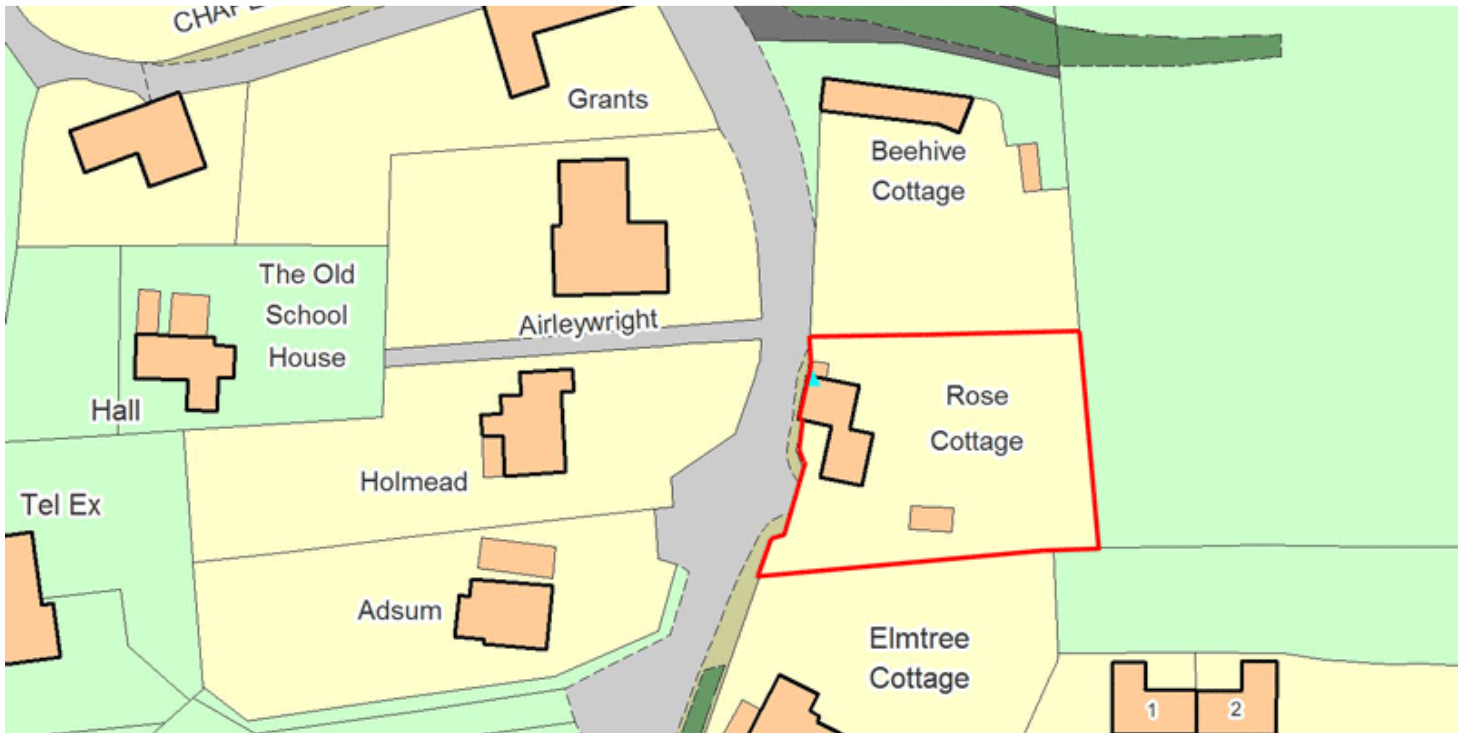
#### **Refusals of planning permission**

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan and/or the NPPF as a matter of

principle, the local planning authority has had no alternative other than to refuse planning permission.

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Rose Cottage, Stapleford SP3 4LJ



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