

## SOUTHERN AREA PLANNING COMMITTEE

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 APRIL 2013 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.**

**Present:**

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Bill Moss (Substitute), Cllr Fred Westmoreland (Chairman) and Cllr Ian West

**Also Present:**

Cllr Richard Clewer

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**29 Apologies for Absence**

Apologies were received from Cllrs George Jeans, John Smale and Graham Wright. Cllr Bill Moss substituted for Cllr Smale.

**30 Minutes**

The minutes of the meeting held on 7 March 2013 were presented.

**Resolved:**

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

**31 Declarations of Interest**

Cllr Ian West declared a non-prejudicial interest in S/2012/0521/Full as he had a relative who is a resident in one of the homes managed by the Orders of St John Care Trust.

**32 Chairman's Announcements**

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

**33 Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

34 **Highways Act 1980 - Section 119 and Wildlife and Countryside Act 1981 - Section 53 The Wiltshire Council (West Tisbury No. 21) Public Path Diversion Order 2012 and Definitive Map and Statement Modification Order 2012**

Public Participation

Mr Roger Little spoke in support of the Order

Mrs Jean Watson spoke in support of the Order

Cllr Platt, on behalf of Tisbury Parish Council, spoke in objection to the Order.

The Rights of Way Officer introduced the report which asked the Committee to consider the objections to the public path diversion Order and recommend that the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for confirmation.

It was explained that the proposal to divert the bridleway would improve the privacy and security of the property that the bridleway currently passed alongside, also the proposed alternative route would remove the bridleway from the track presently used by vehicles. In addition it would benefit the public by locating the route away from properties and create a more open and enjoyable route with improved views of the countryside.

The Committee questioned the surfacing of the diverted path and considered the safety issues.

**Resolved:**

**That "The Wiltshire Council (West Tisbury No. 21) Public Path Diversion Order 2012 and Definitive Map and Statement Modification Order 2012", be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the order be confirmed without modification.**

35 **Planning Appeals**

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

36 **Planning Applications**

36a **S/2013/0056/Full - Stonehenge Campsite, Berwick St. James, Salisbury**

Public participation:

Mrs Douse spoke in objection to the application.  
Mr J Coleman spoke in objection to the application  
Mr M Gairdner spoke in objection to the application  
Mr T Allen, agent, spoke in support of the application  
Mrs E Lovelcok, warden, spoke in support of the application  
Mr W Grant, land owner, spoke in support of the application

The Planning Officer introduced the report which recommended approval, subject to conditions. He explained that the report referred to Annex A of PPS7. PPS7 had, in fact, been replaced by the NPPF. However, in the absence of other guidance the tests it sets out relating to the need for accommodation at rural enterprises remained, taking into account all matters, an appropriate way to consider evidence to arrive at a decision.

He explained that this application was deferred at the last meeting for officers to investigate ways of controlling the type of caravan that may be stationed on the site.

Further legal advice had been obtained which had changed the position previously reported. Specifically, as the development was described as a "touring caravan site", this was the use to which it was limited. It followed that a material change from this use to another use would require planning permission.

A material change would include replacing any of the touring caravans with mobile homes regardless of the nature of their occupation, this in view of their size and appearance, their permanence and their resulting impact on the character of the area which is materially different to that of a touring caravan. However, campervans and the two holiday pods as currently on site do not require planning permission, these having sufficiently similar impacts to a touring caravan to not materially alter the nature of the underlying permitted use which remains primarily a touring caravan site.

Therefore, in response to the Committee's question, control over what type of caravan could be stationed was provided by the narrow description of the development – that is, a touring caravan site – and this encompassed touring caravan and campervans. A limited number of pods which are similar in terms of their size, occupation and impact to a touring caravan, as currently on site, would equally not be considered a material change of the use of the land but further pods may require planning. But, other types of caravan – such as, mobile homes or lodges – would present a material change to the use, and so could not be stationed on the site without further planning permission.

The current application was for a material change to the original planning permission in that it proposed change of use of the site to a touring caravan site but now with two pitches to be used to station a touring caravan or campervan or pod for longer term occupation by wardens. In view of the

explanation just given, in the event of planning permission being given the narrow description of the development would continue to limit the type of caravan to these types. Other caravan types such as mobile homes would not be permitted. The control was provided by the description and condition no. 2 of the report, and was explained in the informative at the end of the report.

Regarding the merits of this application, Policy T7 resists proposals for static holiday caravans and permanent holiday accommodation in the open countryside, but does not resist proposals for non-permanent holiday touring caravans or impermanent holiday accommodation. It follows that the overall proposal in this case for a touring caravan site is acceptable under Policy T7. The incidental wardens' accommodation now also proposed is not holiday accommodation but rather is accommodation associated with the touring caravan site enterprise. It follows that the tests for its acceptability are those set out in Annex A of PPS7. The Policy HC27 tests for rural workers accommodation are also material, notwithstanding that they relate to agricultural workers dwellings.

In particular, if an applicant can demonstrate a functional need for accommodation to support a rural enterprise and if the business is financially sound with every prospect of remaining so, then there is policy support. This is also subject to the accommodation satisfying other normal planning considerations such as safeguarding amenity.

The proposal was to allow two of the pitches in the caravan site to be used for the stationing of a campervan or caravan or pod by a senior warden all year round, and by an assistant warden between 19 March and 30 September which is the permitted camping season.

The officers were satisfied that there was a demonstrated functional need for these – specifically to have wardens on hand day and night to deal with customers and manage activities, and to provide security. The applicant had also demonstrated that the business was viable and able to sustain this employment.

In relation to other planning issues, the existing planning permission has established that having caravans in the caravan site is not detrimental to amenity, and in this context two more permanently sited caravans centred amongst the other transitional caravans would have no measurably harmful impact.

The Legal Officer advised the Committee in relation to whether the permission granted use of the land for touring caravans or caravans within the statutory sense of the word. She stated that the Council interpreted a permission drafted by the Secretary of State taking into account what it thought what was intended by the Inspector and what the Court would be likely to decide should the matter come before it. The drafting in this case was not clear and interpretation by its nature could be argued more than one way. In this matter the Council initially interpreted the permission as allowing caravans within the statutory meaning based upon various issues

and legal points. Subsequently the Council received correspondence from an interested party stating that it had obtained Counsel's opinion which stated the permission should be interpreted otherwise. The Council sought its own Counsel's opinion. Based upon the information now before it the Council reassessed the probability of successfully defending its interpretation before the Courts and balanced the risks to the Council. The fundamental point that the condition can not enlarge a permission as described means that the Council consider that the permission is interpreted as permitting use of the land for touring caravans, not caravans within the statutory meaning.

During the debate concerns such as functional need and impact on the countryside were discussed.

**Resolved:**

REFUSED against officer recommendation for the following reason:

- 1 Policy C2 of the South Wiltshire Core Strategy (which is "saved" policy of the Salisbury District Local Plan 2011) states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment. Policy H23 (which is also a "saved" policy) states that undeveloped land outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area and not identified for development in the Local Plan will be considered to be countryside where the erection of new dwellings will be permitted only where provided for by policies H26 or H27 of the Local Plan. Policy H26 is an exceptions policy for affordable housing and so is not relevant to this case. Policy H27 relates to housing for rural workers. The policy sets out criteria against which such developments will be assessed, and although the policy specifically refers to accommodation for agricultural and forestry workers, the criteria is equally applicable to accommodation for other types of rural enterprise. The National Planning Policy Framework has replaced Annex A of Planning Policy Statement no. 7 (PPS7). However, in the void of other advice the tests Annex A set out relating to the need for workers' accommodation at rural enterprises also remain an appropriate way to consider evidence to arrive at a decision. In this particular case, and having regard to the Policy H27 criteria and Annex A tests, the local planning authority is not satisfied that the applicant has provided adequate evidence to demonstrate that there is a functional need for two wardens (that is, one full time warden for the entire year and one full time warden for the camping season only) to be permanently based in accommodation (that is, a touring caravan, campervan or "pod") at the site. Specifically, the local planning authority considers that the functional need stated by the applicant -

namely, to manage the administrative functions (including meeting and greeting all site visitors, marketing of the campsite, managing bookings, the website, and social network media, and accounts) and physical functions (including cleaning, maintenance and landscape management, and on-site management providing security, enforcing campsite rules and compliance with health and safety regulations) required to operate the site - does not require 24 hour or year round on-site presence of a live-in warden or wardens. There are other means of providing these services and functions without a permanent on-site presence.

The proposal is, therefore, contrary to policies C2 and H23 of the Salisbury District Local Plan 2011, contrary to the relevant criteria relating to functional need set out in Policy H27 of the Salisbury District Local Plan 2011, and contrary to the test relating to functional need set out in Annex A to PPS7. The proposal is also unacceptable in terms of the National Planning Policy Framework (paragraph 55).

**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 or 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.**

Cllrs Devine, Hewitt and Westmoreland requested that their votes against the motion be recorded.

36b **S/2012/0521/Full - Old Sarum House, Portway, Old Sarum, Salisbury**

Public participation:

Mr P Holcroft spoke in support of the application  
Ms Karen Jones spoke in support of the application  
Mr A Marshall spoke in support of the application

The Planning Officer introduced the report which recommended approval, subject to conditions. Attention was drawn to the late correspondence.

During the debate members raised issues relating to the departure from the allocated employment use of the site and lack of detailed plans.

Members expressed dissatisfaction with the quality of the presentation which was felt to be inadequate for the subject.

**Resolved:**

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

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 saved Salisbury District Local Plan policies G1, G2, D1, D2, D7, H2D, H24, E1B, CN11, CN20, CN21, CN22, CN23, R3, PS2, T11, T12 and T14, South Wiltshire Core Strategy policies CP5, CP19, CP20 & CP22, Wiltshire & Swindon Waste Core Strategy DPD WCS6 and the NPPF (particularly paragraphs 22 and 134).

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.

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

**REASON:**

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

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

FS323-120-02	Submitted on 17/04/12
FS323/120-03A	Submitted on 17/04/12
FS323-120-04A	Submitted on 17/04/12
FS323-120-05A	Submitted on 17/04/12
FS323-120-06A	Submitted on 17/04/12
FS323-120-08	Submitted on 17/04/12
FS323-120-07	Submitted on 17/04/12
FS323-120-09	Submitted on 17/04/12
FS323-120-10	Submitted on 17/04/12
FS323-120-11	Submitted on 17/04/12
FS323-120-12	Submitted on 17/04/12
FS323-120-13	Submitted on 17/04/12
FS323-120-14	Submitted on 17/04/12
FS323-120-15	Submitted on 17/04/12

FS323-120-16	Submitted on 17/04/12
FS323-120-17	Submitted on 17/04/12
FS323-120-18	Submitted on 17/04/12
FS323-120-19	Submitted on 17/04/12
FS323-120-20	Submitted on 17/04/12
FS323-120-21	Submitted on 17/04/12
FS323-120-22	Submitted on 17/04/12

No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

REASON: For the avoidance of doubt.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 including the setting of the heritage assets.

POLICY- G2 (General Development Guidance), D1 (General Design Guidance), G2 (General Design Guidance), C6 (Development within a Special Landscape Area), C7 (Development within the Landscape Setting of Salisbury & Wilton), CN8 (Development affecting a Conservation Area), CN9 (Development affecting a Conservation Area), CN11 (Development affecting a Conservation Area), CN20 (Development affecting a Scheduled Ancient Monument)

- 4 No development shall commence until a scheme for water efficiency has been submitted to, and approved in write 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: G2 (General Development Guidance)

- 5 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the



measures that will be taken to reduce and manage the emission of noise and dust during the construction phase of the development and shall specifically address the following:

- i. The movement of construction vehicles
- ii. Wheel washing and vehicle wash down facilities
- iii. The storage, transport and management of waste materials and building materials.
- iv. The recycling of waste materials
- v. The loading and unloading of plant and materials
- vi. The location and use of generators and temporary site accommodation

The development shall not be carried out otherwise than in accordance with the approved construction management plan without the prior written permission of the Local Planning Authority.

REASON: To prevent pollution of the water environment

POLICY: G2 (General Development Guidance)

- 6 Notwithstanding the layout shown on the approved site layout drawing FS323-120-13, no development shall commence until a swept path analysis to demonstrate access for a 10.8 metre refuse vehicle. Where the provision of these details may require adjustments to parking layout, any such adjustments shall also be shown on the revised layout drawing. The development shall be carried out in accordance with the approved revised site layout drawing.

REASON: To ensure sufficient turning provision throughout the site

POLICY - G2 (General Design Guidance)

- 7 No development shall commence until the detailed design of the surface water drainage scheme for the application site has been submitted to, and approved in writing by, the Local Planning Authority. The relevant scheme shall be based on sustainable drainage principles, have due consideration of the hydrological and hydro geological context of the site and be in accordance with the design criteria set out within the approved Flood Risk Assessment (reference 80139-FRA). It shall also include details of how it is to be maintained and managed after completion, and is to be implemented in accordance with the approved details, before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to ensure future maintenance of the surface

water drainage scheme.

POLICY: G2 (General Development Guidance)

- 8 No development shall take place within the application 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 in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To safeguard the identification and recording of features of archaeological interest.

POLICY - CN21 (Impact on Archaeology), CN22 (Impact on Archaeology), CN23 (Impact on Archaeology)

- 9 Development shall be carried out in accordance with the "Waste Minimisation Statement" submitted dated March 2012.

REASON: To ensure the minimisation of waste during construction

POLICY: WCS 6 (Waste Guidance)

- 10 Development shall be carried out in accordance with the Travel Plan (Appendix C) submitted on 10th April 2012.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY- G2 (General Development Guidance)

- 11 No construction work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

POLICY: G2 (General Design Guidance)

- 12 No deliveries shall be taken at or collections made from the development except between the hours of 08:00 and 20:00 Monday to Saturday and 08:00 and 18:00 on Sundays and public holidays.

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

POLICY: G2 (General Development Guidance)

- 13 No development shall commence on site until a scheme of noise control measures has been submitted to and approved by the Local Planning Authority specifying the measures that will be taken for the purposes of preventing and controlling the emission of noise from externally mounted plant or equipment and ventilation systems. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

POLICY- G2

- 14 No development shall commence on site until a scheme for the discharge and control of fumes, gasses and odours from the ground floor kitchen and second floor laundry has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use shall be maintained at all times thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY- G2 (General Development Guidance)

- 15 No development shall commence on site until a scheme specifying the measures that will be taken for the purposes of controlling and mitigating against noise and vibration caused by Equinox International Ltd has been submitted to and approved by the Local Planning Authority. The written scheme shall include construction details including the use of elastomeric bearings and sound masking systems and shall be in accordance with the submitted "Report On The Effects of Noise and Vibration on the Proposed Residential Care Development Portway, Old Sarum for the Order of St John Care Trust Addendum Number 3", Revision "C", dated 25 March 2013. The

approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY- G2 (General Development Guidance)

- 16 Notwithstanding the generality of condition 15 above, no development shall commence on site until a scheme of post-completion noise measurements has been submitted to and approved by the Local Planning Authority. The written scheme shall include details of the times over which the noise measurements will be undertaken, the locations from which the measurements will be taken, and the equipment and noise descriptors to be used for the purposes of measuring the residual levels of noise caused by the operation of Equinox International Ltd. The written scheme shall also describe how the post-completion noise measurements will be undertaken in the event that Equinox International Ltd do not co-operate with the developer in undertaking the post-completion noise measurements. Where the post-completion noise measurements identify that the levels of noise caused by the operation of Equinox International Ltd are in excess of those predicted in the "Report On The Effects of Noise and Vibration on the Proposed Residential Care Development Portway, Old Sarum for the Order of St John Care Trust Addendum Number 3", Revision "C", dated 25 March 2013 a written scheme of additional measures required to control and mitigate against the noise caused by the operation of Equinox International Ltd together with a timetable for the implementation of those measures shall be submitted to and approved in writing by the Local Planning Authority.

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

POLICY: G2 (General Development Guidance)

- 17 The development shall not be first brought into use until the post-completion noise measurements have been undertaken in accordance with the approved scheme pursuant to condition 16 and the written results submitted to the local planning authority and, where required by virtue of condition 16, the written scheme of additional measures required to control and mitigate against the noise caused by the operation of Equinox International Ltd has been submitted to and approved by the Local Planning Authority. The

additional measures required to control and mitigate against the noise caused by the operation of Equinox International Ltd shall be implemented in full in accordance with the approved scheme and timetable for implementation pursuant to condition 16. The approved scheme shall be maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: G2 (General Development Guidance)

#### 18 INFOMATIVE - ENVIRONMENT AGENCY

With regard to condition four above, 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: [www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx](http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx)  
[www.savewatersavemoney.co.uk](http://www.savewatersavemoney.co.uk)

#### 19 INFORMATIVE - ENVIRONMENT AGENCY

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".

#### 20 INFORMATIVE - ENVIRONMENT AGENCY

With regard to condition five above, safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

1. The use of plant and machinery, oils/chemicals and materials
2. The use and routing of heavy plant and vehicles
3. The location and form of work and storage areas and compounds

#### 4. The control and removal of spoil and wastes

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

[www.environment-agency.gov.uk/business/topics/pollution/39083.aspx](http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx)

#### 21 INFORMATIVE - ARCHAEOLOGY

With regard to condition eight above the work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this the County Archaeologist and there will be a financial implication for the applicant.

#### 22 INFORMATIVE - WILTSHIRE FIRE & RESCUE SERVICE

The scale of the project and the complex approach to the fire safety will necessitate the need for joint consultation by the Building Regulations Authority, designer and Fire Authority.

Cllrs Dalton, Devine and McLennan asked for their votes against the motion to be recorded.

#### 36c S/2013/0020/Full - 37 York Road, Salisbury. SP2 7AT

Public participation:

Mr J Smith spoke in objection to the application

Cllr Lindley representing, Salisbury City Council, spoke in objection to the application

Cllr Richard Clewer, local member, spoke in objection to the application on parking issues.

The Planning Officer introduced the report which recommended approval, subject to conditions.

The Committee were reminded that the application was deferred at the meeting on 7 March due to concerns raised by third parties about the parking permit schemes.

During the debate members discussed the issue of parking and it was

**Resolved:**

**That planning permission be GRANTED** subject to the applicant entering

into a S106 agreement covering the following matters:

1. A financial contribution towards off-site recreation provision; and
2. A financial contribution towards off-site affordable housing provision, ... unless it is demonstrated to the satisfaction of the Area Development Manager that this would undermine the viability of the development;

Subject to the following reason for approval:

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

36d **S/2013/0279/Full - 12 Burford Avenue, Salisbury. SP2 8AG**

Public participation:

Mrs J Sage spoke in support of the application

The Planning Officer introduced the report which recommended approval,

subject to conditions.

It was

**Resolved:**

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

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, D3, H16

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. 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the (south east) elevation or roofslope of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY- G2

3. This development shall be in accordance with the submitted drawing[s] sage20-01, sage20-02 deposited with the Local Planning Authority on 22/2/13, unless otherwise agreed in writing by the Local Planning Authority.



REASON: for the avoidance of doubt.

**37 Urgent Items**

There were no urgent items.

**38 Exclusion of the Press and Public**

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute no. 39 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

**39 The Old Coach House East Grimstead - update**

The Head of Legal Services introduced a report which updated the committee on future enforcement at the site.

(Duration of meeting: 6.00 - 9.50 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

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**SOUTHERN AREA PLANNING COMMITTEE 18<sup>th</sup> APRIL 2013  
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

**Agenda Item 8a**

**Plan List Item 1      S/2013/0056/Full – 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)  
At Stonehenge Campsite, Berwick St. James, Salisbury. SP3 4TQ**

**4 additional third party representations:**

**Included in full as Appendix 1**

## Appendix 1

**From:** Wayne Sanders  
**Sent:** 10 April 2013 13:31  
**To:** Minting, Lucy  
**Cc:** Development Management South  
**Subject:** S/2013/0056 Stonehenge Campsite

Dear Mrs Minting,

Further to my recent letter to you in regard to the above planning application.

It would appear to me that the only justification for permitting planning permission is the fact that the site will be creating employment. I find this to be a strange reason as the site already employs a full time warden that has not, and does not, require a pod, or caravan as a work station. The case could be made that the site will be adding a second warden; however this position is only on a seasonal, part time basis. I would ask does this position merit some form of office to work from. My answer to that would be no.

Also why does the site require two pods/caravans? Surely the two wardens can share the workstation.

I have already stated in a previous letter to you that some form of heated shed could be used as a mini office to serve the purpose for the wardens. If this were to be adopted by the owners it could be placed anyway on the site, and not require planning approval. Also this would alleviate the need for Mr and Mrs Grant to forgo two pitches which are at present a venue stream in these times of austerity.

I would ask if Committee are minded to pass this application (I hope they are not) they impose a condition that at the end of every financial year the owners must submit all evidence that wages earned by the wardens have been paid, and that all the P.A.Y.E, and National Insurance payments have been met in full.

If you require any further assistance in regard to this matter please do not hesitate to contact me.

Yours Sincerely

Mr Wayne Sanders

Keepers Cottage,  
Berwick Road,  
Berwick St. James,  
Wilts. SP3 4TQ.

Mr Andrew Guest  
Area Development Manager,  
Development Services  
Planning Department  
Wiltshire Council PO Box 2281,  
Salisbury SP2 2HX

7 April 2013  
By email

Dear Mr Guest

**Stonehenge Campsite – application S/2013/0056/FULL**

Following our meeting the other day, at which Lucy Minting was also present, we thought we should write concerning the above application (for permanent residential accommodation for wardens). You told us that the Council has finally accepted our contention that the Inspector granted permission only for touring caravans; not for pods, mobile homes or “caravans” as more widely defined. There has, therefore, been a significant change in circumstances.

The planning application now effectively has two (related) elements:

- Is the Council prepared to allow further non-touring caravans on site? (There are already two pods which you said the Council is unlikely to enforce against, but you felt it might balk at more).
- Is the Council prepared to sanction the change of use of part of the land to full residential status?

Under the Council's original interpretation of the Inspector's Decision, the first element did not arise. It is now of fundamental importance. We consider it vital that the Planning Committee is made fully aware of this and the arguments that follow.

**Non-touring caravans**

We are advised that:

1. Proper weight must be given to the Inspector's Decision. This did not permit non-touring caravans. Moreover, even touring caravans were allowed only after balancing the pros and cons. Amongst these the Inspector noted that activity is of a transient nature, which would not be the case once permanent structures are allowed.

2. The policy dealing with non-touring caravans is T7. That policy states that "Proposals for static holiday caravans and permanent holiday accommodation will not be permitted in the open countryside (which this is) unrelated to existing settlements (which the campsite is). Elsewhere..... (which does not apply here)." In the earlier report Officers state that the application meets the requirements of T7. In the changed circumstances it clearly does not. "Will not be permitted" is quite clear.

On this basis, we do not consider that the Application can be recommended for approval. This is a touring caravan site and must remain so. In any event, we are advised that, should the Committee wish to grant approval, it would not be able to limit this by condition to touring caravans only, as a condition that fundamentally changes what is applied for would not be valid and could be challenged. To restrict any permission by condition to touring caravans only, when caravans of all sorts, including pods, had been applied for (as is presently the case) would be a fundamental change. The last thing the Council wants is to find its decision challenged.

#### **Residential status**

This has been considered in the earlier Officers' report. When we met, we suggested that the arguments put forward by objectors had been summarised in a list, but little more. The report simply accepted (last 4 paragraphs of 9.2) what the applicant's management report had stated. No evidence had been provided to the Committee that the applicant's assertions had been challenged.

We do not challenge the need for the site to be properly supervised, and we accept that there will be times when someone (call him/her a warden or whatever) will need to be present 24 hours a day. That presence does not require permanent 365 days' residential status for one unit, let alone two in summer; there is plenty of scope within existing permissions for wardens to come and go and to stay onsite as required. It is for the applicant to demonstrate that existing permissions are inadequate. He has not done so and has made statements about other sites having wardens, when all the private ones listed are managed by owners living adjacent to the sites, as does the Applicant. (We note the extensive references on the campsite's website to Mr Grant being the Site Manager). He has signally failed to provide evidence that wardens are required on site on a permanent residential basis. Despite significant objections and direct evidence given to Planning Officers that the above statements supporting this application are factually incorrect, they have not been challenged or even questioned by your Department. Indeed they have been reproduced in the Officers' report.

We pointed out that the present wardens arrived as a homeless couple many months ago and so far as we are aware still are. Mr Hudson seems to have recognised this fact by recommending (Officers' report para 7) that any warden should "have their principal home elsewhere". This is consistent with Paragraph 16 of the Varied Site Licence which states that "No caravan shall

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be occupied as the person(s) sole or main residence". This crucial recommendation has been ignored without explanation. We are advised that it would be a fundamental breach of planning procedure to grant permanent residential status to all wardens (present and future) on the basis of the personal circumstances of a particular person (s) whom it would be convenient for the applicant to allow to reside permanently on the site for the time being.

Several objectors have challenged the need for a full-time resident warden. Their arguments have been ignored. The point has been made that the site is not heavily used throughout much of the year. Even the Management Report refers to 90-100 pitch bookings per month; that is an average of 3 a day. For nearly half the year, only the bottom part of the site can be used and then only up to 15 touring caravans are allowed. As neighbours, we have observed that, apart from a few holiday weekends (New Year and the like) there is generally no more than a handful of caravans present in winter. Even in summer, when camping is allowed on the rest of the site, mid-week occupancy is often relatively light. (However much Mr Grant may assert that we know nothing about his business (which he has), we do not need to do so in order to be able to count.) Indeed, the Inspector limited the site to a maximum of 20 tents (in addition to the caravans) for all but 24 of the 196 days between 19 March and 30 September. Does a warden need to be permanently resident for so relatively few visitors; we think not. Clearly from the permissions granted and from the use made of the site there is no justification for a permanent resident site warden(s), let alone permanent accommodation for a second one in summer.

Has the Council inspected attendance records? Should not the Committee be told what these show? There are busy periods, such as the Solstice, when wardens will need to stay overnight for several nights; but certainly not 365 days a year.

Several objectors have challenged the need for wardens to be full-time resident in order to carry out the various duties set down in the management report. It is clear to us that, on any proper consideration, many of these can be carried out by contractors, staff who live off-site or by daily visits. The need for meeting and greeting is limited at quiet times when only the odd caravan, or a few campers, arrives. In any event, the Site Licence provides that visitors arriving between 9.30 pm and 8.30 am should be accommodated in a location separate from the main camping area. In the winter months, caravans rarely arrive after dark. If necessary, a small shed (with lighting etc.) could be located at the entrance for this purpose. It should also be noted that the owners live adjacent to the site and can and indeed always have, provide additional cover.

The establishment of permanent accommodation would be a fundamental change to the use of the site. Under planning law, the establishment of permanent accommodation of any sort attached to any use in the countryside requires a full and comprehensive justification. The applicant has not provided this justification – most particularly why existing permissions are inadequate –

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nor has your report challenged what has been put forward. This process needs to be all the more rigorous in considering a Special Landscape Area.

We make the point again: the site needs to be properly managed and we do not object to wardens. The management report (1.0) makes it clear that the Inspector imposed no restrictions on either the occupation of touring caravans or the time on site. Therefore, provided occupation does not amount to permanent residence, there is plenty of scope in existing permissions for the site to be adequately supervised. Surely it is up to Officers to defend the public from unwarranted and wholly undesirable change of use and to challenge the applicant's arguments that, by implication, existing permissions are inadequate?

We would also suggest that the setting of precedents is a planning issue. To approve this application would set a most dangerous precedent, especially given the location in a Special Landscape Area, which could be exploited by this and other campsites, and by other uses. We say again, this is a touring caravan site and must remain so.

In summary, we believe Council Officers would be open to criticism (a) if their report did not make it clear that the decision is between whether existing permissions are adequate to enable the site to be properly managed, or whether full residential status is needed, (b) if it did not fully and comprehensively test the claims made by Stonehenge Campsite and (c) if it did not address the points objectors have made.

We apologise for the length of this letter, but we believe it is essential that, in the changed circumstances, the Committee is fully briefed on these most important issues. We further believe that Officers' report should recommend refusal.

Yours sincerely

Martin and Rosemary Gairdner

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**From:** m.gairdner  
**Sent:** 16 April 2013 13:11  
**To:** Minting, Lucy  
**Cc:** Guest, Andrew  
**Subject:** Stonehenge Campsite.

Dear Mrs. Minting,

Should Committee be minded to Grant Approval for this application it is my view that the wording of the application will lead to further development that the Council will have inadvertently sanctioned and will not be in accordance with the intentions of your recommendations.

Officers have stated that the wording of the application is consistent with the Appeal Decision. I cannot see that this is correct. The wording of this application includes the words caravan and pod. The Appeal Decision specifically used the words touring caravan and only used the word caravan in a condition. The result has been legal challenges on the consequence of that condition and the siting of pods on the site against the specific approval for the use of the site. With the benefit of the experience that Wiltshire Council has with applications pertaining to this site, it is imperative that the application is clear in its intention and that there is absolutely no room for any variation in interpretation of the approval. In that regard the use of the word caravan and pod in the application description is unacceptable.

It is clear from the legal advice received both by yourselves and me that attempting to limit the use of the site by conditioning of the Application, and adding informative notes is fraught with difficulties and is bound to result in disagreements over interpretation. The matter should therefore be refused or at the very least deferred.

In the circumstances I feel strongly that the Committee should be aware of this correspondence between us and I should be very grateful if you would e-mail it to all of the Committee. Thank you for having already sent on our letter of 7<sup>th</sup> April.

With best wishes,

Martin Gairdner.

# JOHN COLEMAN RIBA

RIVERMEAD, BERWICK ST JAMES, SALISBURY SP3 4TS

14 April 2013

Mr A Guest Mrs L. Minting  
Area Development Manager  
Wiltshire Council

Dear Mr Guest & Mrs Minting:

Ref: Application S/2013/56 Stonehenge Campsite, Berwick St James, Salisbury SP3 4TQ

I note the wording of the application and would note the following points:

- a) The planning approval for the use as a touring caravan and campsite already exists. This application will therefore supersede the Appeal Decision. (Wording of the application as amended: *Change of Use of Land to Touring Caravan and Camping site..etc*)
- b) This application is therefore significant, and must therefore amount to a change of use: see the wording of the application: *Change of Use of etc etc*. How can it not be considered a material
- c) change of use (see Lucy Minting's e mail to me dated 11 April 2013).
- d) The wording of the application uses the words, caravan and pod. Granting approval for this application will serve to alter the Appeal Decision Approval for Touring Caravans only. This will allow the use of caravans and pods as their definitions provide.

The entire premise of your report and the stance you have taken in dealing with it is therefore flawed and should be reconsidered.

However assuming that you will not heed the above, I wish to comment on your Report prepared for Southern Area Planning Committee at their meeting of 18 April 2013 and request that these comments are distributed to the Committee Members in time for them to properly considered the points raised.

I find that your recommendation for approval for this application to be incorrect in that it ignores Policy, incorrectly interprets Planning Policies and fails to respond the requirements of Policies, both at Local and National level.

The application does not comply with the South Wiltshire Core Strategy and its saved policies. Also it does not comply with the requirement of an application to give dimensions for the location of relevant structures proposed in an application. There is no such definition of Pitches 6 and 7. In this regard the application should not have been accepted and registered. I reiterate the point above that this is a Material Change of Use.

Your report is does not apply the required consideration of your Planning Policies in respect of this application or of the consequences of it's approval as follows:

1. Reasons for the application being deferred. You omit the main reason for deferral: the legal status of your interpretation of the legal status of the Appeal Decision.
2. The main issues (2 Report summary) omits the obvious element of the Policies which require consideration in determining this application.
3. 5.1 should be read 'shall only be used to accommodate a maximum of 15 *touring* caravans on any *day* of the calendar year.'
4. What is the relevance of the paragraph describing the maximum size of caravan that can be towed by a car? There is further reference to this in the report and it only serves to imply but does not state that this is what is what should be (or indeed should not be) approved in determining the application. This is misleading. You have made no mention of this in your proposed conditions.

5. In Section 5.2 the last sentence confirms the representation made to the Planning Department in November 2012 that the interpretation of the Appeal Inspectors decision made by Wiltshire Council was incorrect. Why has it taken so long for a response to this representation to be made? Clearly it is only the threat of judicial review that motivated the Wiltshire Council to act on this matter.
6. Section 5.3 seeks to minimize the effect of the failure of the Planning and Legal Departments to correctly interpret the Appeal Inspectors decision. It then goes on to state that a mobile home upto 60ft x 20ft as defined by the legal definition of caravan would constitute a change of use. This is what this application has applied for – please note the use of the word caravan in the wording of the amended wording for the application.
7. In section 5.4 the report states that the application is “station caravans on a more permanent basis”. This is clearly wrong. It cannot be more permanent. Either it is, or it isn't permanent. Please again note the use of the definition 'caravan'.
8. The word caravan having been used in the application description and throughout the report, will allow the use of any accommodation which falls within the definition of caravan. (i.e. 60ft x 20ft mobile home.)
9. Pods have also been used in the application description and the use of these will be allowed should the application be granted approval. This again is clearly defined and the legal status of their use on this site is not permitted – as you have belatedly agreed.
10. As you Mr Guest have previously made clear on 7 March that a Planning Application cannot be altered by Condition. The application clearly states that it is for the stationing of .....caravan(s).....to attempt to condition this is clearly, as you have stated, not possible. In addition at the meeting you advised Councillors that the wording of the Application could not be changed.
11. Committee should be aware that an approval of this application will set a precedent. It will allow change of use to residential status of sites in the open countryside in areas of Special Landscape Interest without having to apply the rigorous tests required by the Policies of the NPPF and Wiltshire Council.
12. Pitches 6 and 7 are not defined in terms of size or location, other than being within the area marked red being some 1.3 acres in extent. The pitches could therefore be of any dimension located anywhere within the 1.3 acres of the red line area. This is unacceptable. In addition the site plan should show levels as existing and as proposed at a minimum scale of 1:200. It should also show a site section and show boundary treatments including heights of fences, planting and location of adjoining footpaths roads etc.
13. In Section 7 Consultations; Wiltshire Council Private Sector Housing – Caravan Licensing. The consultation cites the Caravan and Camping Club and the Caravan Clubs generally having site wardens in touring caravans or motor homes. This is because these are generally very small sites, (most with 5 pitches or less) generally only open during the summer months and with no or very few facilities on site. No examples of this type of site has been given of this arrangement in the local area or in Wiltshire. The report completely ignores the fact that Mr Grant lives immediately adjacent to the site, in his original application Mr Grant noted that he would be the principle supervisor of the site and on his web site describes himself as the Site Manager and available to assist visitors to his campsite. He also gives his mobile telephone number and describes the site as being part of a 9 acre smallholding – which includes his own home.
14. The consultation also recommends that any wardens who will utilize any permission granted in this application have permanent accommodation elsewhere and provide proof of this. There is no comment on this in your report or more importantly no condition to this effect in your recommendation to Committee. Why not?
15. In Section 9.2 Principle of development makes it clear that proposed development that is in conflict with an up-to-date local plan should be refused. This application is clearly in conflict with the local plan.
16. Policy requires that the location of a permanent dwelling must satisfy either 5 criteria (NPPF) or 4 criteria (W.C. Policy H27). This requires the presentation of a full and detailed justification for a permanent dwelling. This is clearly not been presented as part of this application.
17. However these policies are directed at permissions for dwellings. This application is not for a dwelling.
18. Policy H27 is for agricultural and forestry workers to be housed in a permanent dwelling. It does not make any provision for any other use. This application cannot and does not comply with this Policy.
19. The NPPF requires that there are “special circumstances ..such as the essential need for a rural worker to live at or near their place of work. What are the special circumstances in this case? Where has the essential need for a permanent residential warden been demonstrated?

20. Financial Assessment. One of the criteria that must be satisfied is a financial one. There is no evidence in the report that any investigation of the financial status of the site and its use has been carried out. It has not been established as would be required by an application for an agricultural dwelling that a proper business case is made for the requirement for a permanent residential status. Simply saying it is financially ok is insufficient.
21. Financial Assessment. No indication that the loss of 2 out of 15 pitches is financially viable. This amounts to a loss of 7% of income through the winter months and 13% through the summer months for this part of the site, plus the expense engendered by the employment of wardens.
22. Financial Assessment: There is for instance a maximum of 15 visitors to the site at any one time for 5 months of the year. For the vast majority of the time during those 5 months there will be considerably less than that number on the site. If this is not the case where are the figures to counter my assessment. How can a full time warden be financially viable during that period? Where are the figures that demonstrate financial viability? What functions would need to be carried out on a permanent residential full time basis during this period, when the grass doesn't grow and there are very few visitors to the site?
23. Permanent residency requirement. The report draws attention to the applicants statement that there is an identifiable need for warden accommodation on site. However the report does not then demonstrate or elucidate how that need is identified, but simply states that there is a need. A full and proper case must be made if the policies referred to in your officer's report are to be complied with.
24. 24 / 7 warden requirement. Again this has not been demonstrated and the only statement made in support of this in the application has been discredited i.e. the employment of full time wardens on privately owned and run campsites of similar standing in the locality. Not one of those comparable campsites employs a full time warden.
25. 24 / 7 warden requirement. Mr Grant lives adjacent to the site and has stated in his website and promotional literature that he manages the site. His website clearly states that he is the site manager and gives his mobile telephone number as a contact point. Wardens can and do supplement Mr Grant's management and there is no objection to this.
26. 24 / 7 warden requirement. Other establishments that serve the tourist industry have staff who work on rotas to provide services to their clients on a 24 hour basis and do not live on site. What are the special circumstances of this application for permanent residence as required by NPPF Policy?
27. Permanent residency requirement. There are 2 villages within walking distance of the site both with a wide variety of accommodation. It is quite possible that a warden could live in either of those villages. Amesbury is 7 miles away which is a large residential centre with considerable accommodation being available. It is clear that any warden employed on the site must be mobile, the location of the site demands it, as does the method of getting the accommodation (touring caravan/motorhome) onto the pitch!
28. There has been no assessment of the usage of the campsite by Wiltshire Council. This must be a prerequisite of any assessment of need to satisfy the compliance with the criteria required for approval.
29. Economic benefits. I would contend these will not be affected by the wardens not being resident on site. The opposite could reasonably be argued to be the case; resident wardens will reduce the number of paying visitors to the campsite and therefore reduce the economic benefit to the community.
30. In the report it is stated that there are no dwellings on the campsite. This is technically correct. However reference to the Stonehenge Campsite Website would lead you to believe that the site extends to 9 acres including Summerfield House and that Mr Grant or his warden are available at all times.
31. This application has also made a false statement in stating that the use as applied for has not commenced on site. It has and has done so for some time. This application should therefore be a retrospective application.
32. There is no objection to the employment of wardens on the site, the objection is only to the residential status being afforded to pitches 6 and 7 – wherever they may be within the 1.3 acre red line area.
33. Should permission be granted under the current wording of the application then to comply with Policy T9 the landscaping condition must be applied and include the provisions of T9: *trees and other landscaping materials are planted among the caravan and tent plots as well as around the edges of the site*. Clearly as this approval will supercede the Appeal Decision this should be applied to the whole site and not just pitches 6 and 7. However there is no landscaping proposal that is attached to this application and therefore the application again does not comply with Policy.



34. Policy T7. This policy states that "permanent holiday accommodation will not be permitted in the open countryside", however it also goes on to state that small scale proposals will be granted permission where it can be demonstrated that there is no adverse effect on the quality of the landscape and the criteria set out in Policy T9 (see above). The adverse effect on the landscape is that there will be a permanent caravan/pod/touring caravan on the site i.e. 365 days a year for evermore. This is an adverse effect upon the landscape. The proposal must therefore be refused.
35. Policy C2. Requires that a proposal will maintain or enhance the environment. This proposal clearly does not in that it allows the permanent location of a caravan/pod/touring caravan anywhere on a 1.3 acre site for ever and for a further caravan/pod/touring caravan for 6 months of the year for ever. I do not call that an enhancement of the environment.
36. Policy C6 has 2 requirements: the siting and scale of the development to be sympathetic with the landscape and the high standards of landscaping and design using materials which are appropriate to the locality and reflect the character of the area. This proposal does not identify the siting of the development except to anywhere within a 1.3 acre field and the materials have not, as they cannot be identified and cannot therefore be appropriate to the locality and reflect the character of the area. To state that this Policy has been complied with is clearly wrong as it does not comply with any aspect of the policy. You cannot control the design, materials or any aspect of the development and it cannot therefore be said to be sympathetic to the landscape.
37. Policy H23 states " Undeveloped land outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area and not identified for development in this Local Plan will be considered to be countryside where the erection of new dwellings will be permitted only where provided for by policies H26 or H27 of this Local Plan." As noted above H27 does not apply to anything other than dwellings for agricultural or forestry workers. These proposals are for neither.

In summary, this application should not have been recommended for approval, it does not supply the information required of it by Policy, it does not comply with those Policies it has to be comply with and it will set a precedent which will be to the detriment of the future of Wiltshire. Your view that the application does not constitute a material change of use, flies in the face of all the facts of the application, from it's title to the implications of its implementation.

Sincerely,

John Coleman  
RIBA

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## Agenda Item 8B

**Plan List Item 2**    **S/2012/0521/Full – Construction of a three storey, 120 bedroom care home (72 specialist nursing beds and 48 dementia beds) including associated site works, landscaping and car parks  
At Old Sarum House, Portway, Old Sarum, Salisbury. SP4 6BY**

### Consultation Response from Public Protection Services

Public Protection Services  
Environmental Protection Team  
Wiltshire Council  
The Council House  
Bourne Hill  
Salisbury  
Wiltshire  
SP1 3UZ

*email:* [publicprotectionsouth@wiltshire.gov.uk](mailto:publicprotectionsouth@wiltshire.gov.uk)

*web:* [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

## Memo

**To:**            **Mrs Amanda Iles, Planning Department**  
**From:**        **Mr Peter McMillan, Environmental Health**  
**Subject:**      **S/2012/521 – Proposed Care Home, Old Sarum, Salisbury**

Dear Mrs Iles,

I write following receipt of Addendum 3 Revision "C" on 25 March 2013 and subsequent consideration by our noise and vibration consultant – Mr Peter Wilson, INVC. A copy of Addendum 3 Revision "C" has since been given to your admin support team.

We have now received a written response from Mr Wilson. Obviously Mr Wilson's comments and our own are based on the investigations and predictions of Mr Rupert Thornley Taylor which form the basis of the various noise assessments, addendums and correspondence which have been received since the planning application was first registered.

In summary with the latest "hybrid" design of the care home (with with southern half of the care home mounted on elastomeric bearings and the remainder on a more typical foundation design) a worst case maximum noise level of 26 dB LAmax from the operation of Equinox has been predicted within the habitable areas. Although this noise level is significantly less than the "worst case" noise levels in the dwellings nearby it is nevertheless above the lowest measured noise levels in the houses on Osmund Walk which were taken a time when the noise caused by Equinox was a justifiable cause of complaint. Notwithstanding this the noise consultants agree that the use of an appropriately designed and operated sound conditioning / masking system

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ADDITIONAL CORRESPONDENCE  
SOUTHERN AREA PLANNING COMMITTEE 18<sup>TH</sup> APRIL 2013

can ensure that the noise caused by the operation of Equinox can be adequately masked so as to ensure it is not the cause of complaints from residents of the care home. In the latest revision of the addendum and in correspondence there is included a commitment to incorporate such a system throughout the habitable areas of the care home. The latest addendum also describes how the frequency content of the sound conditioning system will be specified and how the system will be operated.

The noise consultants are agreed that meticulous attention to detail in the isolation of services crossing the boundary between the two sections of the building is essential to ensure that the vibration isolation is not bridged and its effectiveness reduced. The developers must ensure that the design specifications and details are implemented in practice and that very robust supervision is in place during construction to ensure that this is the case.

On the basis of the technical reports and advice of the consultants involved we withdraw our objection to the application.

We would recommend that the conditions seen below are attached to any approval.

With respect to condition 3 nothing in this condition is intended to restrict or prevent any deliveries or collections which are required in an emergency.

These conditions, and in particular conditions 6, 7 and 8, have been developed in consultation with yourself, the Area Development Manager and the Planning Enforcement Team Leader to ensure they are appropriate and satisfy the six requirements for planning conditions. As you know condition 7 contains a requirement for a scheme of additional measures to control and mitigate against noise caused by Equinox International Ltd where the post-completion noise measurements establish that the levels of internal noise are in excess of those predicted. The wording of this element of the condition has been developed to ensure that there is certainty in the point at which it will come into effect. In the event that this requirement does come into effect we will take a pragmatic approach based on professional advice and the degree to which the predicted noise levels have been exceeded. Depending on the detailed results of the post-completion noise measurements the level of exceedance may be considered trivial in practice.

1. No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
2. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise and dust during the construction phase of the development and shall specifically address the following:
  - i. The movement of construction vehicles
  - ii. Wheel washing and vehicle wash down facilities
  - iii. The storage, transport and management of waste materials and building materials.
  - iv. The recycling of waste materials
  - v. The loading and unloading of plant and materials
  - vi. The location and use of generators and temporary site accommodation

The development shall not be carried out otherwise than in accordance with the approved construction management plan without the prior written permission of the Local Planning Authority.

3. No deliveries shall be taken at or collections made from the development except between the hours of 07:30 and 20:00 Monday to Saturday and 08:00 and 18:00 on Sundays and public holidays.
4. No development shall commence on site until a scheme of noise control measures has been submitted to and approved by the Local Planning Authority specifying the measures that will be taken for the purposes of preventing and controlling the emission of noise from externally mounted plant or equipment and ventilation systems. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
5. No development shall commence on site until a scheme for the discharge and control of fumes, gasses and odours from the ground floor kitchen and second floor laundry has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use shall be maintained at all times thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
6. No development shall commence on site until a scheme specifying the measures that will be taken for the purposes of controlling and mitigating against noise and vibration caused by Equinox International Ltd has been submitted to and approved by the Local Planning Authority. The written scheme shall include construction details including the use of elastomeric bearings and sound masking systems and shall be in accordance with the submitted "Report On The Effects of Noise and Vibration on the Proposed Residential Care Development Portway, Old Sarum for the Order of St John Care Trust Addendum Number 3", Revision "C", dated 25 March 2013. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the generality of condition 6 above, no development shall commence on site until a scheme of post-completion noise measurements has been submitted to and approved by the Local Planning Authority. The written scheme shall include details of the times over which the noise measurements will be undertaken, the locations from which the measurements will be taken, and the equipment and noise descriptors to be used for the purposes of measuring the residual levels of noise caused by the operation of Equinox International Ltd. The written scheme shall also describe how the post-completion noise measurements will be undertaken in the event that Equinox International Ltd do not co-operate with the developer in undertaking the post-completion noise measurements. Where the post-completion noise measurements identify that the levels of noise caused by the operation of Equinox International Ltd are in excess of those predicted in the "Report On The Effects of Noise and Vibration on the Proposed Residential Care Development Portway, Old Sarum for the Order of St John Care Trust Addendum Number 3", Revision "C", dated 25 March 2013 a written scheme of additional measures required to control and mitigate against the noise caused by the operation of



Equinox International Ltd together with a timetable for the implementation of those measures shall be submitted to and approved in writing by the Local Planning Authority.

8. The development shall not be first brought into use until the post-completion noise measurements have been undertaken in accordance with the approved scheme pursuant to condition 7 and the written results submitted to the local planning authority and, where required by virtue of condition 7, the written scheme of additional measures required to control and mitigate against the noise caused by the operation of Equinox International Ltd has been submitted to and approved by the Local Planning Authority. The additional measures required to control and mitigate against the noise caused by the operation of Equinox International Ltd shall be implemented in full in accordance with the approved scheme and timetable for implementation pursuant to condition 7. The approved scheme shall be maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority

If you have any questions or wish to discuss this further please let me know.

Regards

Peter McMillan  
Senior Environmental Health Officer

### **One additional third party response**

I will be unable to attend the meeting and would have liked to speak but work in care and am on shift.

The need for beds is understood, but the submission is misleading – It says that 120 beds will be created and 120 jobs but then reveals that actually only 16 new beds will be provided and no detail on how many new jobs – assuming the 1:1 ratio that's only 16 new jobs. It says "The 120 bed care home will provide at least 120 jobs on the site." But misses out the fact that these are not new jobs.... Since Bemerton and Stratford will be closed.

"It will create jobs, improve the standard of older people's care...." A new building on its own will not improve the standard of older people's care, that is down to staff, managers and owners. OSJCT claim they "provide market-leading care homes", yet one in four of all OSJCT registered homes are failing to meet their legally required duties under the Health and Social Care Act according to CQC's reports on the CQC website. Why would Wiltshire Council want to encourage OSJCT to accommodate more people when they are already failing people in their care? Whilst it may not be a planning obligation it is a moral obligation not to green light a care service for even more vulnerable people. Doesn't planning need to think about operators? The WCC overview briefing for members says OSJCT are unable to meet changing care needs...having an en-suite or otherwise does not excuse a care home from 'meeting changing care demands'. OSJCT should sort out its existing residential homes and not shift its focus on a new nursing development.

The statement says "The development will provide an additional 16 bed spaces to those currently provided and will constitute a significant increase in the standard of older peoples care in Southern Wiltshire." More beds does not increase standards and it will impact on the character of the area if there are poor standards. Councils are under a legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

The design internally looks good, but externally the mass and bulk will dominate and won't blend in with the local housing and offers nothing back to the historical qualities of the site – it will be harmful to the settings of the Scheduled Ancient Monument the character and setting of the conservation area and the character of the neighbourhood. The application claims to have a positive impact on the 'conservation benefits' but doesn't justify this claim, it does not explain and it is certainly not obvious what it will do to enhance or better reveal the significance of the heritage assets. There is nothing 'homely' about the design – it could easily be confused with an industrial estate office building. This development is hardly a "landmark development that positively contributes to the local area."

Persimmon have made no real effort to sell the site and WCC have made no effort to get another Care Provider to submit plans for this site if they really want a Care Home on that site. Agreeing a list of 32 commercial developers is not actively marketing the land. Just because there has been 'no demand' in a recession is not news and doesn't mean this is the planning permission to grant on this site. Should permission be granted just because there's nothing else?

In the Bemerton lodge documentation it says 'any increase in costs to residents supported by the council will be met by the council.' Don't they have to ask first or can they name their price? Bemerton and Stratford are residential isn't the new build nursing and dementia? Bemerton lodge info says 130 beds but the application is for 120 what happened to the other 10? It also says OSJCT own the land – don't they just have an option to purchase subject to planning? Is this a rubber stamp as including these beds in an accommodation strategy may be seen as if it has been prejudged? Is the Council asking other providers to identify and develop sites?

Please think about the people not just the building. The reality of the application is only 16 more beds and a few new jobs, operated by a charity where ¼ of its existing provision is failing to meet its legal duties. The design does nothing to enhance the conservation area it detracts.

Miss Forde