

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 29 September 2011
Time: 6.00 pm

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

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

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

Membership:

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

Substitutes:

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

AGENDA

Part I

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

1. **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 8 September (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial 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 (acting on behalf of the Director of Resources) no later than 5pm on Thursday 22 September 2011. 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. **Update on Planning application no. S/2011/476/FULL Wylie Maintenance Depot, Dyer Lane, Wylie** (*Pages 11 - 12*)

7. **Planning Appeals** (*Pages 13 - 14*)

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

8. **Planning Applications** (*Pages 15 - 16*)

To consider and determine planning applications in the attached schedule.

8a **S-2011-1024 Avon Approach, Salisbury. SP1 3SL** (*Pages 17 - 28*)

8b **S-2011-1057- Landford Manor, Stock Lane, Landford, Salisbury. SP5 2EW** (*Pages 29 - 40*)

8c **S-2011- 0914- The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF** (*Pages 41 - 56*)

8d **S-2011-0900- Bridge Woodland, Britmore Lane, Gutch Common, Shaftesbury. SP7 9BB** (*Pages 57 - 66*)

9. **Urgent Items**

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

10. **Exclusion of the Press and Public**

To consider passing the following resolution:

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 Item Number 11 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.

Part II

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

11. **Confidential minutes of the meeting held on 8 September 2011 (Pages 67 - 68)**

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 SEPTEMBER 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Paul Sample, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Ricky Rogers and Cllr John Thomson

107. Apologies for Absence

There were no apologies

108. Minutes

The minutes of the meeting held on 18 August 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

109. Declarations of Interest

There were no declarations of interest

110. Chairman's Announcements

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

111. Public Participation and Councillors' Questions

The committee noted the rules on public participation.

Councillor Ian West requested an update report on application S/2011/0476 - Wylie Maintenance Depot to be brought to the next meeting.

112. Planning application no. S/2011/708/FULL - Hillbilly Acre, Southampton Road, Clarendon, Salisbury, SP5 3DG

The committee received a report from the Area Development Manager which had been requested at a previous meeting. The report sought to clarify site selection criteria based on current policy against which applications for gypsy sites are assessed, including the Hillbilly Acre application.

Members requested clarification on several issues including the relationship between sites and listed buildings.

RESOLVED

To note the report

113. Planning Appeals

The committee received details of the following appeal decisions, it was noted that for applications S/2010/1233 and S/2010/1235 the word 'delegated' should replace 'hearing':

S/2010/1350 - 29 Holders Road, Amesbury delegated – dismissed

S/2011/0102 - 29 Holders Road, Amesbury delegated – dismissed

S/2010/1233 - Old Manor Hospital, Wilton Road, Salisbury- delegated - part allow/ dismissed

S/2010/1235 – Old Manor Hospital, Wilton Road, Salisbury- delegated - dismissed

S/2010/1903 - 8 The Poplars, Barford St Martin – delegated – dismissed

S/2011/0218 - 57 New Canal, Salisbury - delegated – dismissed

S/2011/0015 - Hampton Inn, Bishopdown, Salisbury – delegated – allowed

S/2011/0527 - 19 Southbourne Way, Porton – delegated - allowed

114. Planning Applications

114a. S/2011/1046 - Former Pembroke Park School, Penruddock Close, SP2 9HH

Public participation:

Mr D Ezard spoke in objection to the application

Mr N Rogers, on behalf of the contractor, spoke in support of the application

Ms J O'Brien, on behalf of Wiltshire Council, spoke in support of the application

Councillor J Thomson, Deputy Leader and Cabinet member for Adult Care, Communities and Housing, spoke in support of the application.

Councillor J Rooney, representing Salisbury City Council, expressed some concerns regarding the application.

Councillor R Rogers, local member, addressed 3 issues of concern regarding the application.

The Planning Officer introduced the application which had been deferred for a site visit. A debate ensued during which the issues of the access road, the re-positioning of plots 4-7 and 28-43 and the removal of the trees were discussed.

RESOLVED:

- 1. That the Planning Committee's disappointment that this is a retrospective application be recorded. The Planning Committee considers that Wiltshire Council, which has a significant interest in this application, should be setting an example to other developers and not contravening planning regulations by carrying out development without first gaining planning permission.**
- 2. That planning permission be GRANTED for the following reasons:**

It is considered that the proposed changes to the positioning of the new units are acceptable in planning terms. It is not considered that there will be overlooking from units 4-7 sufficient to warrant refusal of planning permission and it is considered that the movement of units 28-43 away from properties in Jubilee Close will be a positive improvement to neighbours in these properties. The introduction of solar panels to the roofs of properties will enable achievement of code level four for sustainable homes. As such it is considered that the proposal complies with policies G1 and G2 of the saved policies of the adopted local plan.

The use of Penruddock Close as an access to the site is considered acceptable on a temporary basis subject to it being closed off for emergency use and cyclists and pedestrians when the rest of the site is completed as such it is considered that the proposal complies with policy

G2 (i) of the saved policies of the adopted local plan.

and subject to an additional condition relating to the access as follows:

21) None of the dwellings shall be occupied until satisfactory arrangements have been agreed in writing with the local planning authority to ensure that if the Penruddock Close access should need to be used permanently for the benefit of the affordable dwellings hereby approved it shall be constructed and maintained to adoptable standards to the satisfaction of the local planning authority.

Reason: In the interests of highway safety

and subject to the following conditions:

1) Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the open market dwellings and where so required by the Local Planning Authority sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The affordable housing shall be completed in accordance with details already agreed.

REASON: To secure a harmonious form of development.

2) Prior to first occupation of the development details/a plan indicating the positions, design, height, materials and type of boundary treatments to be erected shall be submitted to, and approved in writing by, the Local Planning Authority in respect of the open market housing. The development shall be carried out in accordance with the approved details and the boundary treatments shall be erected prior to the first occupation of the dwellings hereby approved and shall thereafter be maintained for a period of five years and thereafter retained. The affordable housing shall be completed in accordance with the details already agreed.

REASON: In the interests of neighbouring residential amenity and the environment of the development.

POLICY G2

3) The approved details of the ecological management plan shall be implemented in accordance with the timescale set out in the approved plan.

REASON: In the interests of protecting wildlife on the site

POLICY G2

4) The development approved shall be carried out in accordance with the details approved in the badger protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

5) The development approved shall be carried out in accordance with the details in the reptile protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

6) Prior to commencement of development any works shall be carried out in accordance with the details in the tree protection report submitted and approved.

REASON: In the interests of protecting wildlife on the site.

7) The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

d) the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity and the environment of the development and to ensure that the approved landscaping scheme is carried out at the proper times.

POLICY G2

8) Prior to commencement details for the hard landscaping of the open market part of the site, including full details of the surfacing materials and colours of all hard surfaces and kerbing, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the site and to secure a well planned development.

9) Prior to the commencement of development on the open market housing full details of the road layout and construction shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until that part of the access road which serves it has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of highway safety and to ensure that an adequate means of access is available when the dwellings are occupied.

POLICY G2

10) Prior to the first occupation of any of the dwellings, hereby approved, the garaging/parking, cycle parking and turning space indicated on the approved plan shall be constructed, laid out and made available for use and shall thereafter be retained and kept available for those purposes at all times.

REASON: In the interests of highway safety and to ensure an adequate level of parking provision to serve the development.

POLICY G2

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

REASON: In the interests of the conservation of water resources and to protect the Hampshire Avon River and its habitats.

POLICY G3

12) No development shall take place on the open market part of the site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme is to be maintained and managed after completion.

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

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A, B, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the visual amenity.

14) The development hereby approved shall be undertaken in full accordance with the following approved plans:

3360-P-12D Proposed Site Layout
3360-P-13 Site extract- Reposition
3360-P-14 Site Overlay and Extract
3360-W-10B Proposed site Layout Extract Parking
Location Plan dwg no 0064 -0_101
Topographical survey plan 011-D1 –A
Topographical survey plan 011-D2 – A
Topographical survey plan 011-D3 – A
Affordable housing plan 0064 -2-203
Slab levels and drainage plan 0064-2-206
Street lighting plan 0064 – 5-531
Site sections 0064-2-208-A
Materials Plan 0064-2-300
Street scene elevations 0064-2-301-B
House type A – rev A
House Type B – rev A
House Type C – rev A
House Type D – rev A
House Type E – rev B
House Type F – rev B
House Type F1 – rev A

House Type G
House Type H –rev A
House Type H1 – rev A
House Type H2
House Type J – rev B
House Type J1
House Type K – rev A
Landscape Proposals dwg no 0064-3001 –rev A

REASON: For the avoidance of doubt.

15) Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday No work on Sundays and Public Holidays.

This condition does not apply to the internal fitting out of the buildings

REASON: In order to limit the noise and disruption to adjacent neighbours during antisocial hours.

16) Before development commences on the open market housing, further details of the emergency link to Penruddock Close shall be submitted and approved in writing by the Local Planning Authority. Such details shall show a 3m width of maintainable public highway for use for pedestrians and cyclists, with suitable measures to prevent access by vehicular traffic other than emergency vehicles.

REASON: In order to limit the use of the northern access by non emergency vehicles in order to reduce the level of traffic using the access to an acceptable level in the interests of amenity.

POLICY G2

17) The road link to Penruddock close hereby approved shall only be used until such time as the first occupation of the open market housing or the construction of the vehicular access to Pembroke Road, whichever is the sooner. Upon the opening of the vehicular access to Pembroke road the Penruddock entrance to the site shall be closed and used only for emergency vehicles and pedestrian and cyclists traffic in accordance with the submitted scheme the subject of condition 16 of this planning permission

REASON: In the interests of highway safety

18) The internal access road shall be constructed in accordance with full details which shall be submitted for further approval and shall thereafter be constructed in accordance with the full details before full occupation of the development and in any event shall be constructed to base course level (binder course) before occupation of each dwelling between, and

including, the dwelling frontage and the access point to where the development meets the existing access leading from Penruddock Close.

REASON: In the interests of Highway safety Local plan policy G2.

19) Before first occupation of the development, the former school access leading from Penruddock Close to the development shall be improved in accordance with a scheme which shall be submitted to and approved by the LPA.

REASON: In the interests of highway safety.

POLICY G2

20) Notwithstanding the landscaping details shown on plans hereby approved, a scheme showing retained and proposed planting along the Western boundary adjacent houses in Jubilee Close shall be agreed with the local planning authority prior to first occupation of the development hereby approved. Such a scheme as is agreed shall be implemented, and retained thereafter for a period of at least five years and should any tree or plant die during this period it shall be replaced with a suitable alternative of a size and type to match the original planting.

REASON: In order to ensure adequate future screening of those properties in Jubilee Close which presently have screening along the boundary with Pembroke Park.

POLICY G2

Informatives:

1) Wiltshire Council as owners of the application site will require prospective purchasers to enter into a legal agreement to secure 4 affordable housing units and the remaining obligations as set out in the Resolution dated 18th November 2010.

2) The applicant's attention is drawn to the comments of Wessex Water, a copy of which is attached to this decision notice. In this respect, Wessex Water has advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3.0 metre easement width on either side of its apparatus for the purposes of maintenance and repair and therefore diversion or protection works may need to be agreed.

3) In conjunction with Condition No's 13 and 14 above, the applicant's attention is drawn to the comments of the Environment Agency, a copy of which is attached to this decision notice. For any further advice regarding any of the issues covered by these conditions the applicant is advised to contact the Environment Agency, RiversHouse, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset, DT11 8ST. Tel: 01258 483390 / Fax: 01258 455998.

115. **Urgent Items**

116. **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. 117 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.

117. **The Old Coach House, East Grimstead**

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

RESOLVED:

To note the report.

(Duration of meeting: 6.00 - 8.25 pm)

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

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

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

29 September 2011

Planning application no. S/2011/476/FULL – Erection of new salt store, bunded loading area and a permanent roof over the existing salt storage area within the depot at Wylve Maintenance Depot, Dyer Lane, Wylve

Purpose of Report

1. Following a 'Question' asked by Cllr West at the 8 September meeting, to update the Committee on the lighting situation at this site.

Background

2. The Committee will recall that it resolved to grant planning permission for this development on 16 June 2011 subject to an amended condition requiring a lighting scheme to be submitted to, and approved in writing, by the local planning authority; and subject to a report for information being presented to the Committee on the lighting scheme agreed, and the agreed scheme itself being copied to the Parish Council.

3. The Committee minute states the following:

The Planning Officer presented the report which recommended approval. A debate ensued regarding the light pollution issues and it was requested that this needed to be conditioned. It was requested that Officers bring a report for information to the committee on the lighting scheme agreed and this to be copied to the Parish Council.

4. The amended planning condition states the following:

No development shall commence on site until a scheme of external lighting for the whole site has been submitted to and agreed in writing by the local planning authority. The scheme shall provide a net reduction in light spillage from the site in relation to existing lighting. Details shall include plans showing the type of light appliance, the height and position of fitting, illumination levels, light spillage, and hours of operation. The lighting approved shall be installed and shall be maintained in accordance with the approved details, and no additional external lighting shall then be installed at the site.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Current position

5. There is no requirement for the applicant to submit the lighting scheme within a particular timeframe other than it must be prior to the commencement of development. The 'life' of the planning permission is three years. There is no requirement for the applicant to advise the local planning authority when he intends to submit the scheme and/or implement the planning permission.

6. The scheme for the salt dept has not yet been implemented by the applicant. Officers have contacted the applicant and been informed that it is likely that the earliest the scheme will take place is January 2012, However due to funding issues it may well not take place until the new financial year. To date the local planning authority has not received a lighting scheme in accordance with the condition. For these reasons the follow-up report for information has not as yet been prepared or presented to the planning committee.

Recommendation

This report is for information only.

Report author: Andrew Guest, Area Development Manager (South)

Date of report: 9 September 2011-09-09

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2011/0797	12 HighView Close, Tisbury	HH	Delegated			
S/2011/0955	37 High Street, Amesbury	WR				

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

19th September 2011

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1

Application No: S/2011/1024

Site Location: Avon Approach, Salisbury. SP1 3SL

Development: Construction of new medical centre, pharmacy, complementary healthcare suite, B1 office accommodation and associated car parking

Recommendation: Approve With Conditions

Division Cllr Paul Sample

2

Application No: S/2011/1057

Site Location: Landford Manor, Stock Lane, Landford, Salisbury. SP5 2EW

Development: Retrospective application for change of use of second floor to offices

Recommendation: Approve With Conditions

Division Cllr Leo Randall

3

Application No: S/2011/0914

Site Location: The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF

Development: Erection of one 2 bedroom bungalow.

Recommendation: Approve With Conditions

Division Cllr Richard Britton

4

Application No: S/2011/0900

Site Location: Bridge Woodland, Britmore Lane, Gutch Common, Shaftesbury. SP7 9BB

Development: Change of use of existing building to a dwelling and modify existing vehicular access and construct turning space and parking area.

Recommendation: Approve With Conditions and S106 agreement

Division Cllr Tony Deane

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Agenda Item 8a

Date of Meeting	29/09/2011		
Application Number:	S/2011/1024		
Site Address:	Avon Approach, Salisbury, SP1 3SL		
Proposal:	Construction of new medical centre, pharmacy, complementary healthcare suite, B1 office accommodation and associated car parking		
Applicant/ Agent:	Primary Secondary Design Ltd		
Parish:	City		
Grid Reference:	Easting 414273.516 Northing 130288.348		
Type of Application:	FULL		
Conservation Area:	Salisbury	LB Grade:	NA
Case Officer:	Mr Matthew Legge	Contact Number:	01722 434398

Reason for the application being considered by Committee

Cllr Sample concerned that this matter needed to be determined by Committee due to the concern expressed from Salisbury residents:

- 1. That the overall size of the building is too large;*
- 2. That the access is poor, particularly for large vehicles i.e ambulances;*
- 3. That it is premature to agree a development like this ahead of the vision project for the Maltings and the car park being finalised, and;*
- 4. There is a perfectly good building already on the site, which could be modernised to house both the surgery and the walk in for a fraction of the cost of building a new surgery, and it seems short sighted of the PCT in these times of economic hardship to be securing funding for such a large amount of money.*

1. Purpose of report

To consider the above application and to recommend that planning permission be **APPROVED** subject to conditions

2. Report summary

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

- Principle of development
- Design, scale and siting
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon protected species
- Impact upon neighbour amenity
- Flooding
- Archaeology

The application has generated an objection from Salisbury City Council.

Neighbourhood Responses

0 letters received objecting to the proposal.

3 letters of support received.

1 letter of observation has been received.

1 petition containing 117 signatures from patients expressing their support has been received.

3. Site Description

The application site is located within the city central area on land between the River Avon and Mill Stream. The application site is located in between the Wiltshire Probation Service building and the Salisbury Walk in Health Centre. The site is currently used as a car park. The adjacent river system is a SSSI & SAC.

4. Relevant Planning History

Application Number	Proposal	Decision
S/1979/0993	Extension to existing child clinic	AC
S/1989/1910	Deemed application - retention of the extension	A
S/1995/0742	Retention of extension to child & family guidance clinic	AC
S/2003/1940	Installation of temporary portacabin structure adjacent to current office building	AC
S/2011/0640	Construction of new medical centre, pharmacy, B1 office and associated car parking	WD

5. Proposal

Construction of new medical centre, pharmacy, B1 office and associated car parking

6. Planning Policy

Local Plan: policies D2, D6, G1, G2, G4, G5, TR6, PS1, E16, CN21, C12

Central government planning policy:

PPS1: Delivering Sustainable Development

PPS4: Industrial Commercial Development and Small Firms

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPS25: Development and Flood Risk

Salisbury Vision – Maltings and Central Car Park scheme

7. Consultations

Salisbury City Council – Object. *“Due to serious concerns over the restricted nature of the access road, a lack of onsite parking, visitor parking generally and that the project will be premature bearing in mind the imminent development associated with the redevelopment of the Malting/Central Car Park Salisbury Vision Project”*

Wiltshire Council (WC) Highways – Wiltshire Council Highways have reiterated their previous comments as submitted within previous application (S/2011/640). *“There is no highway objection in principle to the development, nor to the level of proposed parking and/or general arrangements for pedestrians and drivers.*

The site is, however, located in an area that is likely to be the subject of significant change, and where there is an existing and future doubt over the adequacy of the access road.”

WC Conservation – *“My view is that the amended scheme does not represent a significant improvement over the previous scheme and therefore I object to the proposals....”*

WC Archaeology – No objection. Watching Brief condition recommended.

WC Urban Design – *“I confirm that I now have no objection to this application on the basis of the applicant’s amended proposals; applicant’s drawings dated 30th August 2011 including Elevation drawing numbers 48-P.06-Rev F, 48-P.07-Rev F & 48-P.013-Rev C which incorporate in principle my suggested amendments to the appearance of the proposed building.”*

“I understand that the external finishes & colours indicated, and key building elements shown on these drawings can be subject to appropriate planning conditions as the quality of the external facings, hard landscaping and secondary detailing is crucial to the overall aesthetic success of a development as recognised in the ‘Creating Places’ Supplementary Planning Document.”

WC Ecology – I note the changes made to this development since it was submitted under application number S/11/0640. My comments remain the same as those made for the previous application. *“The application should only be approved subject to further clarification in the construction method statement of the status of the river and the measures that will be taken to ensure that the conditions listed in Natural England’s response dated 27 May 2011 will be implemented. (S/11/640)”*

WC Environmental Health – No objection subject to a condition *“If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary....”*

WC Spatial Planning – None received

Wessex Water – The development is located within a foul sewered area. The connection point can be agreed at the detailed design stage. There are no surface water sewers within the vicinity. The LPA should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

Natural England – No objection subject to the inclusion of conditions aimed at preventing pollution of the SSSI/SAC.

Environment Agency – 2 responses

1st response

Object. The FRA and plans should be revised to include the following:

- Predicted flood levels should be stated, with an acknowledgement to the applicant by the EA.
- Finished floor levels should be shown and raised to 300mm above the predicted flood level for the adjacent River Avon channel.
- The vulnerability Classification of the existing land use class and proposed land use class should be established.
- Attention should be given to a flood evacuation plan.
- A safe access / egress route should be identified.
- Surface point’s management should be addressed.

Amended response (following amended information being received)

- “We wish to **withdraw our objection** to the application subject to the inclusion of specific planning conditions...”

8. Publicity

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

1 letter of observation has been received:

- Concern over the continued use of the existing Salisbury Walk in Health Centre.
- *“The restricted site like the existing clinic has serious problems of access”*
- *“The proposed redevelopment of the Maltings would be a major problem for any development here when most of the plans visualise a suitable redevelopment of the Millstream Path...”*

3 Letters of support have been received:

- *“The existing Health Centre Building would have been a good option but I understand that it is no longer fit for purpose. So the close proximity of the new site to the old surgery is exactly what the patients want”*
- The proposed design will add the riverside landscape setting
- The Maltings redevelopment is not published in any detail and may be some years before funding is obtained. The PCT is to be abolished in the next 18 month and the promised medical centre should not be put on hold.
- The modern facilities proposed will be welcomed by the large number of patients.
- *“We can no longer afford to ‘gold plate’ our public buildings”*

A petition which contains:

- 117 signatures from patients expressing their support for the proposed new Medical Centre at Avon Approach has been received.

9. Planning Considerations

9.1 Principle of development

The current application site is an empty plot that is used for the parking of a large number of vehicles. The planning history to the site reveals that the site has over the past 30 years or so been used for the provision of medical services and several buildings were only removed in recent years. This proposed medical centre with B1 (office) use above would continue the historic use of the land which is considered to be acceptable. The Draft National Planning Policy Framework (DNPPF) together with PPS1 promotes the development of appropriately sited and sustainable development. This city centre application site is well serviced by public transport and numerous council parking. This development is considered to be well situated to meet the needs of its patient base in terms of its ease of access to community infrastructure. PPS4 also promotes the mixed use of city centre sites to ensure the promotion of vibrant places.

9.2 Design and Impact on Adjacent Conservation Area

This application has been submitted following the withdrawal of a previous application (S/2011/640: *Construction of new medical centre, pharmacy, B1 office and associated car parking*). The design of the previous application received objections from the consultees and the design was considered by this Officer to be more appropriate within the setting of a science or business park. As a result the design of this application is starkly different from the previous proposal. Nevertheless this application’s design has received a strong objection from Conservation and also the Salisbury Civic Society. A common argument

presented within both objections is that the site is prominent and that there is potential to raise the design standard within the area with the creation of an architectural rich/iconic building.

This proposed medical centre/pharmacy with upper floor office space has aimed to borrow design detailing and massing from buildings within the surrounding area. The design is considered to have some resemblance of residential development along Castle Street. The maximum height of the building is at 12.180m which is below the 12.2m height limit for development within the Salisbury Central Area. The height of the building therefore accords with Local Plan policy D6. The proposed two storey rendered pharmacy extension is considered to be appropriate. The pharmacy extension is designed in contrast to the main brick faced building. Such a contrast does help to break up the massing of the building and in the opinion of this Officer helps to add some interest and variety within the front elevation.

This application proposes to use Michelmersh brickwork for the facing brick and machine made clay plain tiles for the roofing tiles and for the hanging tiles. The windows and doors will be constructed in Polyester Powder Coated Aluminium that is finished in a heritage green colour. Also proposed are reconstituted stone headers and cills. It is considered that the palette of materials proposed for the application building is acceptable within the setting and such a range of materials could additionally be controlled via condition.

Wiltshire Council Urban Design (WCUD) has had involvement with this application. As a result of WCUDs concern there have been a number of amendments to the detailing of the building. Following these amendments it is considered that the scheme is of a good quality albeit not to the approval of Conservation. The site is sited along a primary pedestrian route into and out of Salisbury. In terms of visual impact to the area as a result of the proposed development, it is considered that the scheme would have traditional features and would not altogether detract from the character of the area. It is considered that the buildings either side of the application site are not of any rich architectural character and indeed it is the opinion of this Officer that the design of the proposed building would help to lift the character of the area. Whilst there is some divided opinion expressed over the design of the building it is considered that the proposed design would not significantly detract from the character of the area.

There has been a concern raised by the City Council that development on this site is premature ahead of the Salisbury Vision project for the Maltings and the car park being finalised. Whilst the development of the Maltings has not been finalised, this proposed development is on a separate plot outside of the Maltings site (albeit adjacent) and as such the Maltings scheme could not reasonably be considered to be a material planning consideration that should be used to formalise a refusal, particularly since the design details of the Malting redevelopment have not been finalised and could therefore be subject to numerous changes.

9.3 Impact upon highway safety

Wiltshire Council Highways have reiterated their previous comments as submitted within previous application (S/2011/640:

“There is no highway objection in principle to the development, nor to the level of proposed parking and/or general arrangements for pedestrians and drivers.

The site is, however, located in an area that is likely to be the subject of significant change, and where there is an existing and future doubt over the adequacy of the access road.”

The footprint and creation of car parking spaces is demonstrable similar to the previous application. WC Highways have reiterated concerns about the existing and future demands on the road. As a result of negotiations between WC Highways and the Applicant, this application has maintained a strip of land to the front of the site which could in the future be used to incorporate a widening of Avon Approach. Nevertheless and notwithstanding the provision of this strip of land, it is noted that WC Highways have raised no objection to the application and have not objected to the levels of parking provision.

It is recognised that Salisbury City Council have objected to the application and within their objection have raised the issue of the restricted access road and lack of onsite parking/visitor parking. The current open site regularly contains an average of 40 parked cars. This application would reduce the number of parked cars using the site to 12 which would actually reduce the current vehicular activity on site and along Avon Approach. WC Highways have not raised an objection to the application and it is noted that this application site has historically been used for medical services which has include the Wiltshire Ambulance Service Training School. The widening of the access road is not the subject of this application and will receive consideration if a future application is submitted. It is judged that the limited on-site parking spaces for both staff and visitors is appropriate given the city centre location of the application site which is also immediately opposite the largest public car park in the city of Salisbury. It is also noted that the Local Plan policy TR6 does aim to restrict non-residential car parks within the Salisbury Central Area. Therefore the limited number of parking spaces is considered to be conducive in terms of the schemes compliance with the aims of Local Plan policies.

9.4 Impact upon protected species & the river system (SSSI & SAC)

Natural England has not objected to this application subject to the imposing of a number of conditions. Natural England (NE) comments "*this proposal would not be likely to have a significant effect on the above site and the permission may be granted under the terms of the Conservation of Habitats and Species Regulations*". Following Natural England's general approval of the scheme it is considered that the suggested conditions could be imposed upon any approval. It is not considered that this application would lead to the harm to any protected species and therefore this application is considered to be compliant with Local Plan policy C12 and PPS9.

9.5 Impact upon neighbour amenity

The application site is primarily surrounded by non residential buildings, although immediately opposite the application site across the Mill Stream is a number of dwellings along Ivy Place. These terraced dwellings are all three storey. Number 11 Ivy Place is considered to be the only dwelling which would have a direct view of the application site through the three western gable end windows. The distance between this dwelling and the application site is about 10m across the river. The application site is to the west of the residential dwelling which is judged to significantly limit the creation of shadows resulting from the proposed development. It is considered that this proposed development would not lead to the significant detriment of neighbouring amenity.

9.6 Flooding

The application site is located between the River Avon and Mill Stream. The site is capable of flooding and as such the issue of flooding has been a significant issue in the determination of this application. The Environment Agency (EA) did strongly object to the application. As a result of amendments to the application the EA have withdrawn their

original objection although a number of conditions aimed at control and reassurance have been recommended to be imposed upon any approval.

9.7 Archaeology

WC Archaeology has raised no objection to this application subject to the imposing of a condition upon any approval which would require a watching brief.

10. Conclusion

The proposed medical centre with attached pharmacy and upper floor (B1) office use would maintain the historic medical use of the site. The proposed mixed use medical and office building is judged to have no significant detrimental impact to highway safety, archaeology, protected species or neighbouring amenity. The design and siting of the building aims to limit adverse harm to its occupancy as a result of known flood risk levels. The design of the proposal is considered to be acceptable with limited harm to the character of the adjacent Conservation Area and of a visual appearance that will not detract from the existing character of the immediate area. This application is considered to be compliant with adopted and saved Salisbury District Local Plan policies: D2, D6, G1, G2, G4, G5, TR6, PS1, E16, CN21, and C12 together with PPS1, PPS4, PPS5, PPS9 & PPS25.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed medical centre with attached pharmacy and upper floor (B1) office use would maintain the historic medical use of the site. The proposed mixed use medical and office building is judged to have no significant detrimental impact to highway safety, archaeology, protected species or neighbouring amenity. The design and siting of the building aims to limit adverse harm to its occupancy as a result of known flood risk levels. The design of the proposal is considered to be acceptable with limited harm to the character of the adjacent Conservation Area and of a visual appearance that will not detract from the existing character of the immediate area. This application is considered to be compliant with adopted and saved Salisbury District Local Plan policies: D2, D6, G1, G2, G4, G5, TR6, PS1, E16, CN21, and C12 together with PPS1, PPS4, PPS5, PPS9 & PPS25.

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 of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use

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

POLICY- D2 (Design) G2 (General)

(3) No development shall commence on site until details of the:

- Brickwork
- Polyester Powder Coated Aluminium window and gutter section (finished in a heritage green colour)
- Machine made clay plain tiles

Have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY- D2 (Design)

(4) No development shall commence on site until a sample panel of the render to be used on the external walls of the pharmacy not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY- D2 (Design)

(5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

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

POLICY- D2 (Design) G2 (General)

(6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY- G2 (General)

(7) No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the

details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY- G2 (General)

(8) No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

(9) The development permitted by this planning permission shall only be carried out in accordance with the details and drawings provided and the following mitigation measure:

- Finished floor levels shall be set no lower than 47.64m above Ordnance Datum

REASON: To reduce the risk of flooding to the proposed development and future occupiers.

POLICY: G2 (General)

(10) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall offer a betterment over the existing arrangement and shall include details of maintenance and management after completion. The scheme shall be fully implemented in accordance with the approved details.

REASON: To prevent increase risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

POLICY: G4 (Flooding)

(11) 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: PPS25 (Flooding)

(12) 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 enable the recording of any matters of archaeological interest.

POLICY: CN21 (Archaeology)

(13) Before any works commence, a revised construction method statement will be submitted to the Local Planning Authority for its approval. The revised statement will be updated to reflect the European status of the River Avon and demonstrate additional measures to ensure it is protected during the construction period. The works will be carried out in complete accordance with the revised statement as approved in writing by the Local Planning Authority.

REASON: To protect the adjacent SSSI / SAC river system from pollution during the construction phase.

POLICY- PPS9 (Biodiversity and Geological Conservation)

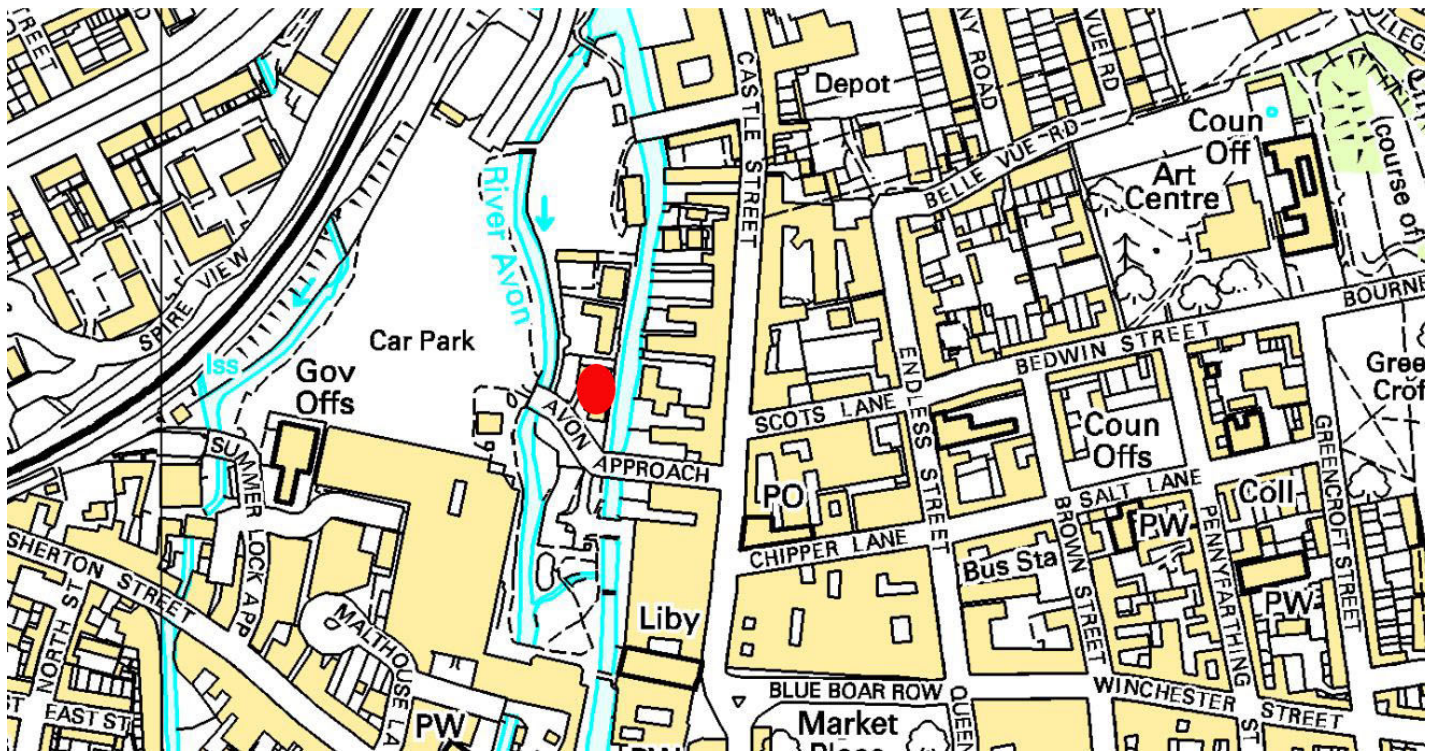
(14) The development shall be carried out in complete accordance with the following drawings:

DRG No. 48-P.02 REV E	30/08/2011
DRG No. 48-P.05 REV D (1st floor)	30/08/2011
DRG No. 48-P.05 REV D (Ground)	30/08/2011
DRG No. 48-P.06 REV F (Proposed Elevations: River Avon)	30/08/2011
DRG No. 48-P.07 REV F (Proposed Elevations: Mill Stream)	30/08/2011
DRG No. 48-P.10 REV A (2nd floor)	30/08/2011
DRG No. 48-P.13 REV C (Side Elevations)	30/08/2011

REASON: For the avoidance of doubt

INFORMATIVE

1. All works in, under, over or within 8 metres of a Main River channel, such as the River Avon and Mill Stream, will require prior Flood Defence Consent from the Environment Agency in addition to planning permission. Such consent is required in accordance with the Water Resources Act 1991 & Byelaws legislation. Further guidance is available from the Environment Agency's Development & Flood Risk Officer - on 01258 483351.
2. Flood proofing measures should be incorporated into the design and construction of this development. These include removable barriers on building apertures (e.g. doors and air bricks), elevated electrics, using waterproofing materials and techniques (e.g. no plasterboard, solid tiled floors). Additional guidance, including information on kite marked flood protection products, can be found at: www.environment-agency.gov.uk



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Agenda Item 8b

Date of Meeting	29/09/2011		
Application Number:	S/2011/1057 CU		
Site Address:	Landford Manor, Stock Lane, Landford, Salisbury. SP5 2EW		
Proposal:	Retrospective application for change of use of second floor to offices		
Applicant/ Agent:	Barclay & Phillips Ltd		
Parish:	Landford		
Grid Reference:	Easting 426180.733 Northing 120140.556		
Type of Application:	FULL		
Conservation Area:	NA	LB Grade:	II*
Case Officer:	Mr Janet Wallace	Contact Number:	01722 434398

Reason for the application being considered by Committee

The Director of DNP does not consider it prudent to exercise delegated powers, in view of the history of this proposal

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

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

- Summary of differences between current scheme and previously refused scheme
- Compliance with Policy Considerations
- Impact upon listed building
- Impact upon amenities
- Impact upon highway safety

The application has generated objections from Landford Parish Council; 14 letters of support and 3 letters of objection from the public.

Neighbourhood Responses

3 letters received objecting to the proposal

14 letters of support received

No letters commenting on the application received

3. Site Description.

Landford Manor House is a seventeenth century building, with later extensions, listed grade II*. The Manor House was formerly in a commercial use, but has been restored and sub-divided into 3 residential units. It is on a prominent site, adjacent to the church and is visible from the A36 to the south and also from within the New Forest National Park.

The site is accessed from the A36 trunk road, via Stock Lane, and then through a formal entrance into a hard surfaced front yard. This yard is used solely by Unit1. Access to the other two units of Landford Manor and the five dwellings approved as 'enabling development' is through an archway adjacent to Cauldron House, the former stables and coach house for the Manor. This is in use as a detached house.

4. Relevant Planning History

Application Number	Proposal	Decision
375	Conversion of stable buildings into living accommodation	A 02.11.50
440	Conversion of Landford Manor into tenements	A 22.02.51
523	Change of use of Landford Manor from flats to school	A 09.08.51
1869	Use of house for residential purposes & erection of single storey building to house 15 persons engaged in experimental & production work relating to naval instruments	A 20.12.56
1978	Erection of one storey building to house 15 persons engaged in experimental work	A 23.05.57
3444	Extension of existing permission to use the factory for experimental & production work	R 27.04.61
4104	CoU from experimental work to drawing & photometric work chiefly in connection with aerial survey for Local Authorities & other public bodies	A 27.09.62
98/0548	Erection of 6 detached dwellings	R 22.12.98
99/1966	Restoration and conversion of Manor House into four dwellings, restoration and conversion of brewery outbuilding into one dwelling, construction of four new dwellings	AC 20.08.02
99/1967 LB	Conversion and change of use of Manor into four dwellings, conversion of former brewery outbuilding into one dwelling, construction of 4 new dwellings on adjoining land (former chicken farm)	AC 08.01.01
04/0737	Restoration and conversion of Manor House into 3 apartments, restoration and conversion of brewery outbuilding into one dwelling, construction of four dwellings on adjacent land	AC 05.08.05
07/0738 LB	Conversion and change of use of Manor into 3 apartments, conversion of former brewery outbuilding into 1 dwelling	AC 30.11.04
07/1479	Erection of five detached houses as enabling development including access off Stock Lane	R 16.10.07
07/2578	Erection of five detached houses as enabling development with access off Stock Lane.	AC 20.08.08
11/0329	Retrospective application for change of use of second floor to offices	R 11.05.11

11/329 Retrospective consent for change of use of upper floor to offices

REF

Reasons for refusal:-

The proposed continued use of the upper floor of Unit 1 of Landford Manor by Innovative Consultancy UK Ltd, by reason of:

- the scale of the use having resulted in a significantly large number of cars being parked in front of the Manor, which is considered to be visually detrimental to the setting of the listed building,
- the changes that would be required in order to facilitate the provision of adequate fire precautions for such a large office employing up to 12 persons; are likely to be unsympathetic to the historic interest of the building, would have unacceptable long

term implications for the historical integrity of the building being incompatible in terms of its scale and impact upon the listed grade II* Landford Manor, and would adversely affect the amenities of neighbours. As such the proposal is considered to be contrary to the provisions of the Development Plan, and in particular Policies G1 and G2 (General Criteria for Development), CN4 and CN5 (Listed buildings) and E17 (Employment) of the saved policies of the adopted local plan, and PPS4.

5. Proposal

Retrospective consent is sought for the use of the 2nd floor of unit 1 of Landford Manor as offices for a temporary period for ICUK Ltd.

6. Planning Policy

G1 and G2	Aims and criteria for development
CN4 and CN5	Setting of Listed Building
D2	Design Criteria
C6	Special Landscape Area
E17	Employment
HA1	Development in the New Forest Heritage Area
PPS4	Planning for sustainable economic growth
PPS5	Planning for the Historic Environment
Draft National Planning Framework	

7. Consultations

Parish Council

Objects and recommends refusal.

Very similar to S/2011/0329 which was refused by the Southern Area Planning Committee. Whilst more information has been provided for this application the Parish Council still has concerns with the application form:

- Item 3 Use stated as commencing Sept 2010 but the Enforcement team of Wiltshire Council was aware of an IT business being based in the Manor as early as June 2009.
- Item 5 Although pre-advice is stated as having being sought there is nothing regarding the advice received.
- Item 19 Why is no figure provided for proposed employees?
- The ownership certificate A states that nobody but the applicant is the owner of any part of the building to which the application relates. Whilst not claiming to be intimately familiar with the finances relating to the Manor, the building is divided into 3 units so the Parish Council would have expected there to be others who own part of the building. This is relevant in regards to fire safety.

The Parish Council has concerns regarding the safety of the proposals from a fire perspective as the offices are on the second floor and there appears to be only one exit which is via a relatively narrow staircase - the whole structure of which is presumably wood. Whilst an ordinary building could clearly be made satisfactory for fire safety it is not so in this case since the Conservation Officer requires no changes to the fabric.

The figures for existing employees in Item 19 is 5 F/time and 3P/time but no figure is given for the number of "proposed" employees, although car-parking is stated to be for 20 vehicles which is clearly excessive for a *residential* listed building. So many parked vehicles would spoil the appearance (HA5 (iv)) of the listed building and would be likely

to adversely affect nearby dwellings (HA5 (v)) especially as road access is via a single-track lane.

With no figure for the number of “proposed” employees the application, if granted, would put no limit on the number of workers in the future and this could result in significant detriment to neighbours, thus contravening G2 (vi) and HA5 (v).

HA5 (iii) requires that the development is “easily accessible to the local workforce by a range of transport modes”. This location is only accessible by bicycle, motor-bike or car: it has no public transport within a reasonable distance. It is not stated how many of the employees are “local” nor how many normally travel to work by non-car means.

This is not an example of “working from home” as normally envisaged since, as far as the Parish Council can ascertain, none of the employees, nor indeed the owner of ICUK, actually live at Landford Manor. However as this is an IT business they could presumably each work from their own home if the aim was to have a “home working” ethic.

ICUK is not a new start-up business and the statement that it has sought alternative business premises without success because they were unsuitable or unaffordable is a key point: business premises would have to be financed at the market rate and business rates would have to be paid. It is therefore most unlikely that ICUK will ever find such financially attractive premises as those at the parental home of Landford Manor.

Landford Manor was granted “enabling development” permission for 5 new dwellings outside the Housing Policy Area in order to restore the Manor to residential use. Would this have been so generous had it been suggested that part of the Manor might revert to business use? The submitted plans show no residential use of the 2nd floor, contrary to one of the supporting letters.

For all of the above points the Parish Council objects to this application and recommends refusal.

Conservation

No objections providing there are no physical alterations (to the building)

English Heritage

Only require to be consulted if material alteration to fabric or setting of Listed Building involved.

Highways

No objections

Highways Agency

Consider that proposals will not have an adverse impact on the strategic road network and on that basis; no objections

New Forest National Park

Not yet received

Building Control

No application for building regulations approval has been received

Fire and rescue

Further information has been requested by the fire officer, which the applicant has not yet provided.

However, on the basis of the current information; the fire officer advises that the site has an adequate level of fire detection and warning but inadequate means of escape from the 2nd floor. A fire strategy plan has been requested. In principal, progressing towards a satisfactory conclusion however definition of the actual works to be undertaken is still awaited and no timescale for the works to be completed has been proposed.

Additionally, as there is as yet no plan, there has been no consultation with the conservation officer or English Heritage as to the acceptability of any proposals in the fire strategy plan.

8. Publicity

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

3 letters of letters of objection, mainly from neighbours, received
Summary of key relevant points raised:

1. Noise, disturbance and loss of privacy, additional problems caused by decking area created at rear of roof. Staff work long hours 7.30am to midnight
2. Concerns regarding adequacy of fire precautions and safety of office staff
3. Letters of support are from residents of unit 1 and in support of the business not the use of the Manor as offices
4. ICUK was established in 2004, when Director lived in the Manor. Moved out in 2005/6 and only the business moved back in 2009/10. Treating the 2nd floor as de-facto rented office space
5. Will set a precedent for further commercial use of building
6. Landford Manor became dilapidated due to use as offices in the past; sets an unfortunate precedent.
7. Enabling development was permitted to fund conversion to residential
8. Business is web based, not local
9. Charity recently granted permission for new offices in Downton: should re-locate to their
10. Office use is unsympathetic to the character of the building.
11. Front view of Manor spoilt by large no. of cars parked
12. Concerns regarding effects on neighbours.
13. Stock Lane is too narrow to accommodate the extra traffic generated by the use.
14. Concerns regarding conflict between cars and horse riders
15. Highways objected to new housing behind the Manor, why no objections to this use.

14 letters of letters of comment/support received from employees, users of the business and existing residents of unit1. Summary of key relevant points raised:

1. Local business employing local people
2. Offices do not intrude on anyone
3. Ample parking is provided
4. Provides employment
5. Ideal working environment; employees work as a team; need the interaction.
6. Health and safety and Fire safety procedures adhered too
7. Serves local well-known charity
8. Office use is not disruptive to remainder of property

9. Plenty of space to park, does not create traffic congestion
10. Not an excessive level of traffic using Stock Lane
11. No effect on neighbours
12. Should support small businesses in this recession
13. Provides jobs and money to local economy
14. Will not be a precedent for other businesses to start up on the site
15. Government encourages people to work from home
16. Many successful companies started working from home and all small companies should be given time to develop
17. It is a small company providing a useful service for local business community
18. Top floor is used in evenings and weekends for domestic purposes by occupiers of property
19. Using the space in the roof, encourages maintenance of a large listed building
20. Building was in a commercial use in the past
21. Office use is only of top floor of building and 2 members of the family work in business
22. No objections by English Heritage, Highways, Fire Service and apart from one neighbour no complaints from residents

9. Planning Considerations

9.1 Summary of differences between current scheme and previously refused scheme

The previous application S/2011/0329 was refused on the grounds of the impact on the setting of the listed building, likely changes to the building required in order to facilitate the provision of adequate fire precautions and the effect of the development on the amenities of neighbours. The current scheme differs from the previously refused scheme in the following ways

1. A reduction in the number of people working in the premises
2. Fewer vehicle movements
3. Measures to meet the concerns of the fire officer

9.2 Compliance with Policy Considerations

The application site is located in the open countryside within the Special Landscape Area and the New Forest Heritage Area, adjacent to the New Forest National Park. Landford Manor was recently restored to residential, (supported financially by permission for five dwellings as 'enabling development') and converted into three units. The building is listed Grade II*. This is because of the historic importance of the inside of the building.

This application again relates to only the top floor (the roof space) of unit1, within Landford Manor House. The business which occupies the space, is web based. It is run by the applicant's son, who does not live in the property. The applicant's wife is a Director of the Company. Planning permission is not necessarily required to work from home, but is required if the overall character of the dwelling has changed as a result of the business. In very general terms, if the property remains primarily a private residence, then any other use would be ancillary and so would not require planning permission. Only if the character of the dwelling became commercial; such as would be effected if there were a marked rise in traffic or the number of people calling at the property, or disturbance to neighbours at unreasonable hours or other forms of nuisance such as noise or smells; would permission be required. However, this is clearly a matter of fact and degree.

The use of the top floor of unit 1 by ICUK is not in strict terminology 'working from home' as neither Mr B Hewson (the owner of the company) nor his employees are working from their

own homes. However, the building is in the ownership of a close relation and the other floors of the building remain in residential use. In practical terms, the top floor would be unsuitable for use as offices by a company without close/familial links with the occupier of the remainder of the house. This is because the access to the 2nd floor is via the central staircase which provides the main mean access to the upper floor of the private dwelling. In terms of the character of the building not being affected by the development, it is also stated in the supporting documentation, that the office space is used at weekends and evenings by the owner of the property for private business purposes and by other members of his family in connection with their domestic/residential occupation of the building. On this basis it would appear that the character of Unit 1 of the Manor remains residential rather than commercial.

An objective of the Local Plan is to encourage a diverse and healthy economy, in sustainable locations. Landford Manor however, is not a sustainable location as it is in the open countryside, outside of any village. On this basis, Local Plan policy would not support the conversion of the building to an employment provider, particularly if this involved employees travelling to the site. However, the application is not for the conversion of the whole building and is only for a temporary period for a specific occupier with explicit ties to this building. Recent government guidance, as expressed in the draft national framework would support employment creation and PPS4 also supports new working practices. New Government guidance suggests that planning policies should be sufficiently flexible as to support the creation of new jobs in new or innovative sectors of employment, which is particularly relevant in this case, where the business is web design, copy writing, IT and other similar technical services.

When considering this application for the use of the 2nd floor on a temporary basis for an office for a specific user, it is appropriate to consider the proposal against the Local Plan criteria for establishing a new business, even though the application is retrospective and the business has been in operation on the site for a number of years. In policy terms, even if the access to the site via the local highway network were considered adequate; the location is not sustainable. There is no public transport; so the site is not easily accessible by the local workforce and all the employees must use private transport to travel to the site. The use of such a site would not therefore be supported. In this case, the special circumstances of the business being a start-up firm still establishing itself and unable to afford premises are considered, in the light of current government guidance, to warrant special consideration in order to enable to give the business time to fully establish itself and provide employment. In overall terms Unit 1 is a very large property and therefore, the use of the top floor as offices by ICUK, is not judged to be so substantial as to change the overall character of the building.

9.3 Impact upon the Listed building

In historical terms, the Manor House was in a very dilapidated condition after various unsympathetic uses. Because of its status as a grade II* listed building; the Authority supported its restoration. Financial support was provided by granting permission for enabling development on land adjacent to the Manor. This development of five dwellings is still under construction. Because of the historic importance of the Landford Manor, both English Heritage and the Council's Conservation Officer were much involved with the re-construction and restoration work of the listed building. Both agree that provided, there are no changes to the internal fabric or the external appearance of the building, that they have no objections to the use of the upper space in this manner.

But the temporary use of the upper floor as offices, resulted in a very large number of cars being parked in front of the Manor. Visually, this was considered by members to be

detrimental to the setting and appearance of the listed building contrary to policy CN4 and CN5. However, this application differs from that previously considered, in that the number of employees has been reduced to 5 full-time equivalents and the business is considered to only require 6 parking spaces, (in addition there are also four private cars) but overall the reduction in employees and their cars reduces the visual impact on the setting of the building.

The views of the Fire Officer with regard to the adequacy of the fire precautions for an office use in this type of building and in this location are noted. In his view, there are inadequate means of escape from the 2nd floor, and so a fire strategy plan has been requested. In the fire officer's view, they are progressing towards a satisfactory conclusion, but the level and type of alterations to the building which would be required to satisfy the fire regulations are unknown. The requirement will be to provide a scheme to means of escape stair to a standard of ½ hour. This is likely to involve the use of intumescent and fire retarding products on doors, panel walls etc and fitting of surface mounted heat and smoke seals and self closing devices on all doors opening onto the escape route and may not require works for which listed building consent is required. As, compliance with the fire regulations is covered by other legislation it is not appropriate to condition any consent, especially as any fire strategy may require listed building consent.

Undoubtedly, fully utilising a Listed Building encourages the owner to keep the building in good repair, so in principle the everyday use of the upper floor would be supported. However, in the absence of a fully worked out fire strategy which clearly outlines the measures required and a full assessment of the implications for the fabric of the building, it is considered that any office use of the top floor should only be for a strictly limited term.

9.4 Impact upon amenities

Concerns have been expressed that the retrospective approval of the use of this upper floor for business will change the ambiance of the area to commercial. On the face of it, as most of the Manor, Cauldron House and the five properties currently under construction on the adjacent land would still be in a residential use, the general context of the area would not change. As each application, should be determined on its own merits, and this site would not be supported by the Local Plan as an employment area, it seems unlikely that the approval of this proposal on a temporary basis as the result of a special set of circumstances, would act as precedent for the future commercial development of the site.

The change of use of the top floor to offices resulted in a very large number of cars being parked in front of the building. Visually, this was considered by Members to be detrimental to the setting and appearance of the listed building. However, since the earlier refusal, the applicant has addressed this issue, by reducing the work force which operates from the building and consequently the number of vehicles parked in front of the building, thus reducing the visual impact upon the building.

Concerns have also been expressed regarding a loss of privacy due to the presence of non-residents on the site, the creation of an outside sitting area and the long hours of work of the employees. However, during normal office hours, there is much coming and going at present due to the building works and the former stables (Coach House) are separated by some 20m from the front elevation of the Manor House. When previously considering the matter, members did not consider that the office use caused such a detriment to amenities as to warrant refusal of this proposal solely on these grounds. So in this case, where the numbers of employees and cars have been decreased, it is judged that the proposal would not justify refusal on the grounds of the impact on the amenities of neighbours. The issue of

disturbance at other times could be addressed by limiting the hours of operation of the business to 8am to 7pm on Mondays to Fridays as suggested in the application form

9.5 Impact upon highway safety

Concerns have been expressed regarding the likely increase in vehicles using the access from the A36. However, the office users are part-time and Stock Lane is used by farm vehicles as well as construction traffic and domestic vehicles. However, neither the Highways Agency nor the Highway Authority consider that the traffic likely to be generated by the proposed development to be significant and have no objections to a temporary and personal permission.

10. Conclusion

An objective of the Local Plan is to encourage a diverse and healthy economy and recent government guidance supports the provision of employment as well as suggesting that planning policies should be flexible enough to accommodate new sources of employment.

As regards, Landford Manor; it was restored to three residential units with the financial support of enabling development, and the use of the upper floor as offices has so far, had no impact on the building. Whilst the concerns of the fire officer, are not a material consideration, any changes that might be required to the structure and fabric of the Listed Building in order to facilitate the provision of adequate fire precautions; could be unsympathetic to the historic interest of the building and would be unlikely to obtain listed building consent.

The business (ICUK) has however, received support from the business community and whilst the business has increased the number of vehicles and people visiting the site, it is judged that for a temporary period and provided no alterations are proposed to the fabric of the building, that the advantages of keeping the building being fully utilized, outweighs the visual impact that the large number of cars parked in front of Unit 1, has on setting of the listed building.

Further, it does not appear to have adversely affected the existing character of the surrounding New Forest Heritage Area or to have had highway safety implications. In view of the above factors, in this case, as the use by ICUK, does not appear to have a detrimental impact upon the amenities of the neighbours, it is considered reasonable to grant permission for a temporary period in order to enable the business sufficient time to be transferred to more suitable premises.

RECOMMENDATION

Planning Permission be GRANTED for the following reasons:

The proposed development conditioned so as to be for only a temporary period for the current occupier (Innovative Consultancy UK Ltd) accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), E17 (Employment) and CN4 and CN5 (Listed buildings) of the saved policies of the adopted local plan, and PPS4 insofar as the proposed development is considered compatible in terms of its scale and impact upon the listed grade II* Landford Manor, and would not adversely affect the amenities of neighbours, .

Subject to the following conditions

1.This decision relates to documents/plans listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

Supporting stement by Barclay and Phillips received on 27 July 2011

Drawing ref.no. 1543-01 received on 18 July 2011.

Drawing ref.no. 1543-02 received on 18 July 2011.

Drawing ref.no. 1543-03 received on 18 July 2011.

Drawing ref.no. 1543-04 received on 18 July2011.

REASON: For the avoidance of doubt

2 The use of the 2nd floor of Unit 1 Landford Manor as offices hereby approved shall only be by Innovative Consultancy UK Ltd., and when the 2nd floor of Unit 1 Landford Manor ceases to be occupied by Innovative Consultancy UK Ltd., within 1 year of the date of this consent, whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed and the accommodation restored to its former condition as integral part of the domestic accommodation of Unit 1 Landford Manor.

REASON: The premises are unsuitable for permanent use as offices and permission is therefore only given on the basis that it allows the business a generous period to seek and relocate to alternative premises.

POLICY: E17 (Employment)

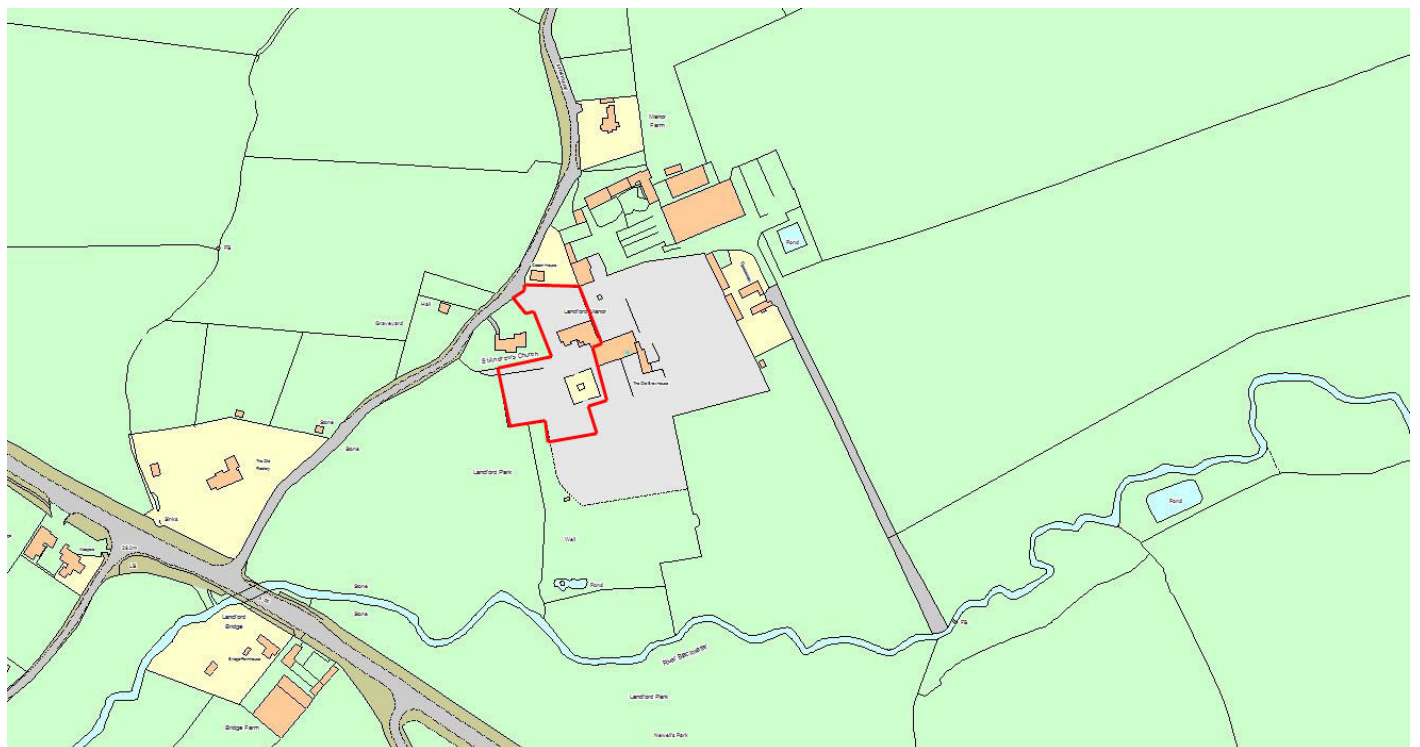
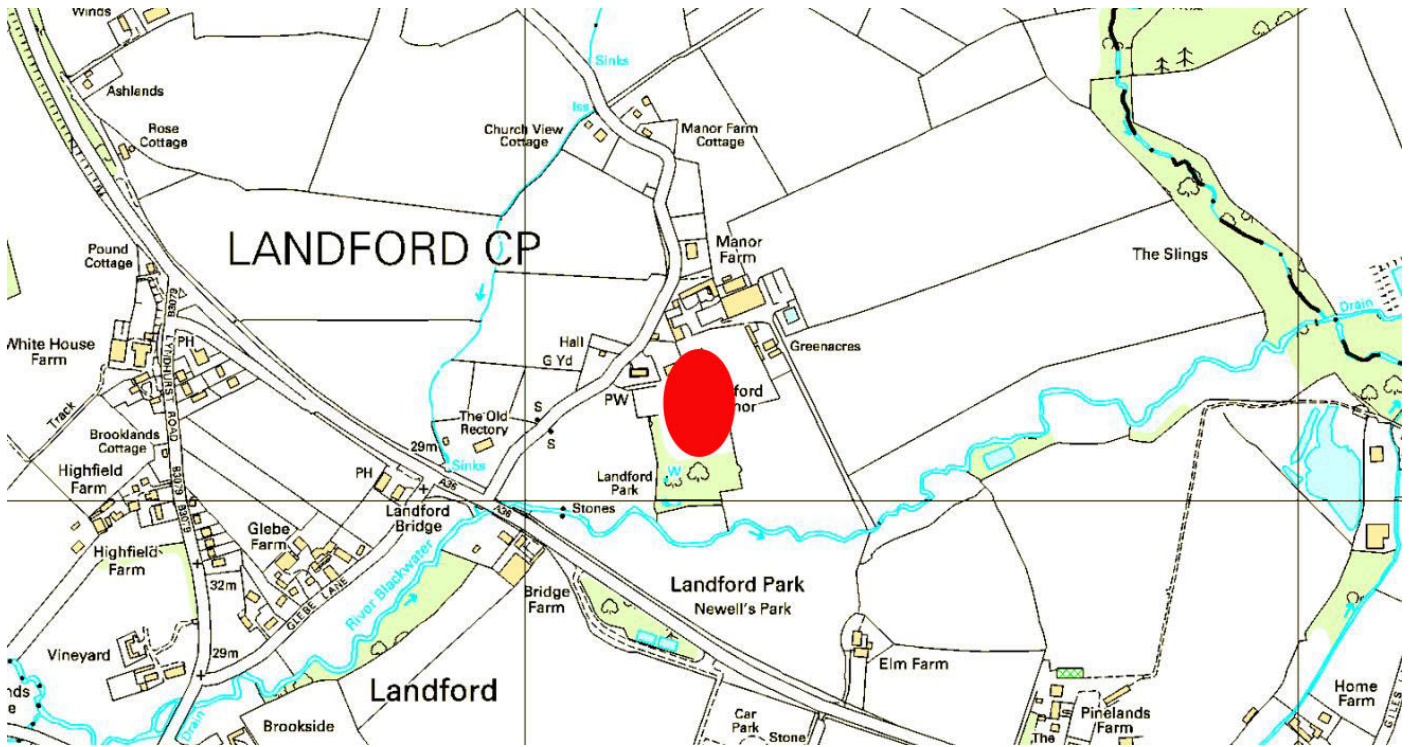
3 The use hereby permitted shall only take place between the hours of 08:00 and 19:00 from Mondays to Fridays and the use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

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

POLICY: G2 General Criteria for development

INFORMATIVE

This permission only grants approval for a change of use. It does not authorise any works to the fabric of the listed building. The works to the building which will be required to provide the ½ hour fire resistance required by the Fire Officer may require Listed Building consent. Due to the importance of the fabric of the building, such consent may not be forth coming.



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Agenda Item 8c

Date of Meeting	29 September 2011		
Application Number:	S/2011/0914		
Site Address:	The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF		
Proposal:	O/L Erection of one 2 bedroom bungalow		
Applicant/ Agent:	Applicant Mr Harvey Euridge		
Parish:	Alderbury		
Grid Reference:	Easting 418920.507 Northing 126975.388		
Type of Application:	Minor		
Conservation Area:	Cons Area NA	LB Grade: NA	Grade NA
Case Officer:	Case Officer Mrs J Wallace	Contact Number:	Case Officer Number 01722 434 687

Reason for the application being considered by Committee

Councillor Britton has requested that the application be determined by Committee due to the Relationship to adjoining properties

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

1. Summary of differences between current scheme and previously refused schemes.
2. Scale, design and impact on character of the area
3. Impact on neighbours
4. Highway Safety
5. Trees
6. Public Open Space

The application has generated objections from the parish council; no indications of support and 3 letters of objection from the public.

Neighbourhood Responses

Three letters received objecting to the proposal

No letters of support

No letters of comment

3. Site Description

The site lies within the Alderbury Housing Policy Boundary and Special Landscape Area, in an Area of Special Archaeological Significance. The gardens of the former dwelling on the site (a bungalow called The Heather now demolished) were landscaped with mature trees and hedges. Some of these have now been removed. The trees along the roadside (Southampton Road) are the subject of a Tree Preservation Order.

To the north of the site, is a single storey dwelling Arundell, in whose rear garden adjacent to the site, is a large copper beech tree protected by a TPO. There is a substantial laurel hedge along the boundary between the site and Arundell.

To the south of the site is a chalet bungalow with rooms in the roof called Out of the Way. The boundary hedge has been partially removed and part of the side garden of Out of the Way has been incorporated into the application site.

To the east of the site, three two-storey dwellings are currently under construction, accessed adjacent to Arundell.

The site of the proposed bungalow will be accessed via a sloping gravel drive from Southampton Road which also serves Forest View and provides pedestrian access to Out of the Way.

4. Relevant Planning History

Application Number	Proposal	Decision
99/0526	Construction of single storey rear extension.	AC
08/1357	Demolition of existing bungalow and erection of 4 no 4 bed houses	REF
08/1942	Demolition of existing bungalow and erection of 3 no dwellings	A
09/0676	Build 1x 2 bed bungalow and alterations to access	REF
09/1853	Build 1x 2 bed bungalow and alterations to access	REF
10/388	Build 1x 2 bed bungalow and alterations to access	REF
10/0821	Build 1 x 2 bed bungalow	REF

10/821 Build 1 x 2 bed bungalow

REF

Reasons for refusal

1 The Local Planning Authority is concerned that due to the proximity of the proposed dwelling to the protected copper beech tree, the tree may cause significant overshadowing as it grows, and give rise to safety fears and maintenance issues, which could ultimately create pressure to prune or fell the tree. Furthermore, the proposed development and submitted information fails to take adequate account of the future growth potential of this tree.

The shape of the dwelling appears contrived, in order to try and accommodate the building on the plot within the constraints set by the tree. Taking the tree and its root protection zone into consideration, and the proximity of the development to both existing and proposed (Plot 3) adjoining boundaries, the development appears cramped and restricted within the site. It is concluded that on the basis of the information submitted, the proposal would result in an undesirable backland development, contrary to Policy G2, D2 and H16 of the adopted Salisbury District Local Plan. Furthermore, PPS3 has removed gardens from the definition of previously developed land, and places greater emphasis on the importance of gardens for wildlife and as amenity spaces within settlements. The proposal would also be contrary to the revised PPS3, given its cramped and contrived appearance in a backland location.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

Dismissed on Appeal on 16 December 2010 (Appeal decision attached)

The Inspector upheld the first reason for refusal in relation to the cramped siting and likely indirect effects on the protected tree resulting in acceptable harm to the character and appearance of the surrounding area, but did not uphold the R2 reason for refusal. The appeal was therefore dismissed only in relation to cramped development and detrimental impact on the protected tree.

5. Proposal

The applicant is seeking to erect a single storey bungalow, with vehicular access provided by the existing track, off Southampton Road, adjacent to Forest View. The application is in outline, with only the layout of the site and the access to be determined. There are only indicative details of the proposed dwelling. It is suggested that it would be a two-bedroomed single storey dwelling with a hipped pitched roof. The laurel hedges boundaries would be partly retained and a partially created, with the remaining boundaries to be close boarded fences.

An article 6 notice has been served on the owner of Forest View, in respect of land to be used as part of the access for the development and on the owners of Out of the Way, in respect of land to be incorporated within the site if the dwelling. Certificate B has been completed.

6.Planning Policy

G1 and G2	Aims and criteria for development
H16	Housing Policy Boundary
D2	Design Criteria
C6	Special Landscape Area
TR11	Off street parking
R2	Public open space
PPS1	Planning for sustainability
PPS3	Housing

7. Consultations

Parish Council

Object. Proposed bungalow will be overlooked by three new houses on front of plot. Impact on surroundings

Wiltshire fire and rescue

Comments regarding need for adequate access for fire fighting, adequate water supplies and encouragement to provide domestic sprinkler system

Highways

Previously refused similar proposals in this location. But an acceptable scheme, from a highways perspective, was agreed as part of application S/2010/0821. This latest submission also includes a larger site area, which has led to an improved highway layout. Due to this, recommend no Highway objection is raised, subject to conditions on provision of visibility splays, consolidated surfaces of access and a turning area as well as a scheme for the discharge of surface water

Arboricultural Officer

No objections.

8. Publicity

The application was advertised by site notice, and neighbour consultation with an expiry date of 21 July 2011.

Three letters of letters of objection received

Summary of key relevant points raised:

- Plot is too small and development would appear cramped; backland development
- Out of character with surrounding spacious development
- Change in character of area, urbanising
- Density of development would be dangerous precedent
- Too close to neighbours
- Too close to protected copper beech tree; will result in pressure to fell it.
- Will be overlooked by three new houses on front of plot
- Create noise and disturbance

9. Planning Considerations

9.1. Summary of differences between current scheme and previously refused scheme.

Previous applications S/09/676, S/09/1853, S/10/388 and S/10/821 were refused on grounds relating to the impact on protected trees and their roots, and the cramped appearance of the development, in a backland location. The current scheme differs from the previously refused scheme in the following ways:

- a) The applicant has obtained a right of way from Forest View, to enable a passing bay to be constructed alongside the Southampton Road without the removal of the protected trees or hedge.
- b) The applicant has obtained agreement from Out of the Way, to include part of their garden into the application site.
- c) The bungalow is repositioned, amending the previous distance of 11697mm from the Copper Beech tree to 18000mm. This has been achieved by moving the bungalow largely onto land in the ownership of the garden of Out of the Way and 15510mm from the rear elevation of the dwelling on plot 2.
- d) The proposed dwelling would be 3814mm from the side elevation of Out of the Way and 15814mm from the Laurel hedge of Arundell.

9.2. Scale, design and impact on character of the area

Unlike previous applications, the current application is in outline only. It seeks consent for the principle of the erection of a single storey dwelling on the site, with only the proposed layout and access to be considered at this stage.

The site is within the Housing Policy Boundary of Alderbury as defined by the Local Plan. Therefore, in principle residential development is acceptable. Whilst PPS3 has been amended so that its definition of previously developed land excludes private gardens, as the policy H16 does not distinguish between previously developed land and other land, the

change to PPS3 is not significant. Local Plan Policy H16 also does not preclude backland development. The acceptability of such proposals would be judged in relation to access, parking and the amenity of neighbouring properties. These issues were judged acceptable. The reasons for refusal, which were upheld by the Inspector related to the character of the area and the impact of the development on the protected copper beech.

The scheme for Plots 1-3 (S/2008/1942) has been approved and is under construction. This has provided a guideline for the size of the plots that would be acceptable on the site. For example, the rear garden area for plot 2 measures approximately 6.7m by 5.5m. The proposed rear garden area for this proposed bungalow would be about 33m by 16m. The rear garden size is therefore larger than that approved for the other dwellings on the site, and for this reason, it would not be reasonable to continue to refuse the scheme on the grounds that that the plot size would be contrary to the character of the area, in the specific terms of characteristic plot *size*. Policy D2 also specifies that the characteristic plot *width* is an important consideration. The plot *width* compares to other plots in the vicinity, such as Forest View and Moorland to the south.

The shape of the revised dwelling appears more conventional than the appeal scheme (S/10/821), and similar to the other houses and bungalows in the vicinity. By increasing the area of the site, more space has been created around the proposed dwelling and there is a significantly greater separation distance between it and the copper beech. The relocated dwelling appears though to be quite close to the side elevation of Out of the Way, with a gap of only 3814mm between the proposed bungalow and the side elevation of Out of the Way. The dwelling will though be screened by an 1800mm close boarded fence and a laurel hedge and a separation distance of approximately 4m is not unusual in an established residential area. It allows for space for movement around the dwellings, unlike the previous application, where the proposed dwelling was sited directly upon the boundary wall for Plot 3.

9.3. Impact on Neighbours.

One early scheme in 2008 for a two storey dwelling on this site was refused on the grounds of potential and perceived overlooking between the plots and adjoining neighbours. However, the current scheme is for only a single storey dwelling. Though there are no details, there would be no first floor overlooking into adjoining gardens and any consent could be conditioned to have no windows above eaves level. Any ground floor windows in a single storey dwelling would be unlikely to result in any overlooking, given the retention of the laurel hedge on the boundary with Arundell and the proposed boundary treatment on the remaining boundaries.

The proposed layout is though likely to result in some overlooking, from the future occupiers of plots 1 to 3, (by the upper floor windows) of the private amenity space of this new dwelling. The proposed garage could though screen some of the garden area and the future landscaping (a reserved matter) could also be designed to screen the amenity space.

The use of the existing driveway alongside Forest View as well as the proposed parking and garden areas by any new occupiers will result in additional disturbance to the occupiers of Forest View, Out of The Way and Plots 1-3. But, the driveway already exists, and could be used for additional vehicles to access the rear portion of the garden of The Heather. It is difficult to argue that a dwelling would result in more disturbance to the existing occupiers of Out of the Way and Forest View than the fallback scenario.

However, the use of the rear portion of the garden of The Heather for another dwelling would give permanence to this additional usage and activity. The position of the existing drive would be close to the boundaries of Plots 1 and 2, but this relationship is considered to be acceptable. However, the parking and turning areas are all sited immediately on the boundary of Plots 2 and 3, and this is likely to give rise to an undesirable (but not undue) level of disturbance to the future occupiers. Indeed when considering the earlier applications the Planning Authority, did not consider that the location of the dwelling and the proposed access would create such a disturbance to neighbours as to be uncharacteristic of the surrounding area and therefore unacceptable. In the vicinity for example, the separation distance between Oakwood and Arundell is less than 3metres, and just 4m separate Moorland from Forest View.

9.4. Highway Safety

Earlier applications on this part of the site received a refusal on highway grounds due to insufficient width being available at the proposed access point. However, by including an area of land originally part of the neighbouring property Forest View, which improved the visibility splay, the earlier reasons for refusal were overcome. Inadequate visibility was therefore not a reason for refusal for the application dismissed on Appeal and again no highway objections have been made to this proposal subject to conditions being attached to any permission granted.

9.5. Trees

9.5.1 Proposed access

Given the amendments to the proposed visibility splay, the previous reasons for refusal in relation to protected trees and the visibility splays were considered to have been overcome. Conditions would need to be attached to any permission to ensure that the splays are implemented in accordance with the arboricultural method statement.

9.5.2 Copper Beech (subject of a TPO)

Previous applications have been refused because of their likely impact upon this protected tree which has significant amenity value. It is growing in an adjacent garden and is approximately 18 metres high with branches that extend 8.5 metres towards the site of the new dwelling. The quality of the tree was commented on by the Inspector 'in good condition with an estimated life expectancy of 25 to 50+ years'...'it is of considerable amenity value'. In the Inspector's opinion, the 'erection of a bungalow on the appeal site would be likely to lead to pressure to fell the tree'.

The current application proposes that the new dwelling be sited 18m from the copper beech and the tree officer has commented as follows

"I am disappointed at the insistence of the developer to squeeze another dwelling in this small area of land because it has involved the removal of a number of unprotected trees on an adjacent site.

Furthermore, I am also concerned that the protected Beech tree in the rear garden of Arundell appears to have been poisoned. A number of holes have been drilled around the base of the tree which has now become defoliated. It is unclear, at this stage, whether or not it will die? If it does it will need to be replaced by a reasonable sized specimen of a similar species and afforded sufficient space to grow to maturity.

The current planning application proposes to locate the dwelling 18 metres away from the Beech tree, which provides sufficient clearance so that I can no longer formally object. However, the relationship between the position of the dwelling and the location of the tree is such (especially given that it is a single story dwelling), that an unsympathetic future owner/tenant is likely to assert pressure to have it reduced or removed. It should be noted, for the record, that all such attempts will be resisted, where appropriate”

As a result, it is the officers’ opinion that a refusal based on the impact of the proposal on the protected tree would be difficult to defend on appeal

9.6. Public Open Space

The Inspector considered that as no quantified evidence of the additional demands on facilities which would be likely to arise from the proposal had been provided and also no details of the facilities on which the financial contribution would be spent, that this reason for refusal could not be upheld. On the basis that this reason for refusal was not upheld, the applicant has stated that he is not willing to enter into a Section 106 Agreement in accordance with Policy R2 (Public Open Space provision).

However, Members should note that the Inspector appears to have come to that decision at a point in time, simply because he considered that not enough evidence had been provided by the LPA to justify the requested financial contribution. It follows therefore that provided suitable justification is in future provided by the LPA, then it is likely that the Inspectorate may well come to a different conclusion regards this matter, and support the request for a financial contribution.

Whilst it would normally be the case that where an applicant refuses to make a contribution towards public open space, a refusal of planning permission on this policy basis would result, in this particular case, the applicant would only have to commit to pay such a contribution upon submission/approval of a future reserved matter application related to the details of the scheme.

It is therefore considered that in this rather unusual situation, a condition related to a future open space contribution still passes the relevant Circular tests, and it is hoped that the applicant or other future developer would in future agree to such a contribution based on the weight of evidence the Council can provide to justify such a payment.

10. Conclusion

The Local Planning Authority now accepts that, in this application, because of the enlarged size of the plot that the proposed dwelling will be sufficiently distant from the protected copper beech tree, that it is unlikely that the copper beech will create overshadowing of the dwelling or that its presence on the boundary would give rise to safety fears, which could create pressure to fell the protected tree and that therefore this reason for refusal has been overcome.

Since the previous appeal, the plot has been enlarged and the layout of the site amended. The dwelling would be located further from its neighbours. The indicative details suggest that the proposed dwelling would also be much more conventional in design. On the basis that the application site has been substantially increased in size as well, allowing there to be more space around the proposed dwelling; so that the development no longer appears cramped and contrived within the site, it is considered that this previous reason for refusal

has been overcome and subject to suitably restrictive conditions the revised proposal is therefore considered acceptable.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development has overcome the reasons for the dismissal of the appeal and on this basis accords with the provisions of the Development Plan, and in particular Policies G1 and G2 (General Criteria for Development), D2 (Design), H16 (Housing Policy Boundary) and R2 (Public Open Space) of the saved policies of the adopted Local Plan, insofar as the proposed development is considered to have an acceptable access and layout, and conditioned regarding the details of the design and the provision of public open space also would not adversely affect the amenities of the neighbours or the character of the surrounding Housing Policy Boundary and would be in accordance with national policy as expressed in PPS1 and PPS3.

Subject to the following conditions:

1 The development hereby permitted shall be begun either before the expiration of three 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, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing ref. no 08/470/P4/05 A
Arboricultural Impact Assessment and method Statement prepared by Bill Kowalczyk dated 26.05.2010
CellWeb Tree root protection system

REASON: For the avoidance of doubt

3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
 - (b) The external appearance of the development;
 - (c) The landscaping of the site;
- The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

4 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5 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.

POLICY: G2 General criteria for development

6 The building(s) hereby permitted shall be of single storey construction only and no window, dormer window or rooflight shall be inserted above the height of the eaves.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY: G2 General criteria for development

7 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: G2 General criteria for development

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

REASON: In the interests of highway safety

POLICY: G2 General criteria for development

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

REASON: In the interests of highway safety

POLICY: G2 General criteria for development

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

REASON: In the interests of highway safety

POLICY: G2 General criteria for development

11 No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

REASON: In order to comply with policy R2 of the Salisbury District local Plan

POLICY: R2 Public open space

INFORMATIVE: POLICY R2 of the Salisbury District Local Plan

You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed.

APPENDIX

Appeal decision on S/2010/0821



Appeal Decision

Site visit made on 7 December 2010

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

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

Decision date: 16 December 2010

Appeal Ref: APP/Y3940/A/10/2135252

The Heather, Southampton Road, Alderbury, Salisbury, Wiltshire, SP5 3AF

- 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 Probuild Residential Ltd against the decision of Wiltshire Council.
 - The application Ref. S/2010/821/FULL, dated 18 May 2010, was refused by notice dated 24 August 2010.
 - The development proposed is to build one two-bedroom bungalow.
-

Application for Costs

1. An application for costs has been made by Probuild Residential Ltd against Wiltshire Council. This application will be the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the surrounding area; and
 - (b) whether the financial contribution sought by the local planning authority (LPA) in respect of off-site open space provision is reasonable and necessary to make the proposed development acceptable in planning terms.

Reasons

- (a) Character & Appearance
4. The appeal site lies within the Housing Policy Boundary of Alderbury, as defined by policy H16 of the adopted Salisbury District Local Plan (June 2003), where residential development is acceptable in principle. The site forms part of the garden of The Heathers and Planning Policy Statement (PPS) 3: *Housing* has been amended so that its definition of previously-developed land now excludes private residential gardens. Nevertheless, in the Housing Policy Boundary, policy H16 does not distinguish between previously-developed and other land, so the change to PPS3 is not significant.

5. Local Plan policies G2, D2 and H16 provide criteria against which development proposals are to be considered. They include respecting or enhancing the character or appearance of an area, not constituting inappropriate backland development and avoiding the loss of features such as trees which it is desirable to retain. These are complemented by PPS1: *Delivering Sustainable Development* and PPS3, which seek to achieve high quality development which is appropriate to its context.
6. The proposed bungalow would be sited in the rear part of the existing curtilage, behind three dwellings facing Southampton Road for which there is an extant planning permission. It would be reached by an access between The Heathers and Forest View.
7. Other dwellings in the vicinity are arranged mostly in the form of a ribbon of development along Southampton Road, although the roofs of houses in The Copse can be glimpsed behind the frontage development. Policy H16 does not preclude all backland development and its accompanying text judges the acceptability of such proposals only in relation to access, parking and the amenity of neighbouring houses, none of which here is of concern to the LPA.
8. The plot size and width would not be out of keeping with their surroundings but the proposed dwelling would have a cramped relationship with its site and surroundings. The bungalow would occupy almost the full width of the plot, reaching close to the boundary with Out Of The Way and adjoining the wall proposed on the boundary with the already permitted plots 2 and 3. This would be an uncharacteristically tight relationship in an area where, even though some dwellings' flank walls are relatively close, this is mitigated by their long front and/or back gardens, whereas the proposed bungalow would have no significant front garden.
9. Although it is likely the bungalow would, at most, be only glimpsed from Southampton Road, local residents would be aware of the cramped relationship. The proposal is not similar to the permitted replacement of Heatherfield by three houses, as they would have more spacious surroundings.
10. Standing in the neighbouring garden of Arundell but spreading over part of the appeal site is a copper beech tree. It is substantial in size (at least 15m tall) and in good condition, with an estimated useful life expectancy of 25-50+ years. The tree is the subject of a tree preservation order and it is of considerable amenity value, being visible from Southampton Road, and it supplements the wooded backdrop to the housing.
11. The LPA does not object to the direct effect of the proposal on this tree. Taking into account the advice of BS 5837:2005 *Trees in Relation to Construction - Recommendations*, the bungalow would be sited outside the root protection area, which could be protected during site works.
12. Some pruning of the tree has previously been undertaken, but the lower branches would reach to within about 4m of the proposed bungalow. The tree is not fully mature and can be expected to grow further, even if it is close to its eventual height. Some limited pruning of existing low branches could be acceptable but the tree is of such size that it would have some effect on light to the bungalow, notwithstanding the rooms' orientation.

13. Furthermore, the tree would rise well above the proposed dwelling, in sufficient proximity that it is likely that this would cause inconvenience or fear of danger to future occupiers, as a result of an overbearing presence and leaf or branch fall. Mesh guards for the gutters would be only a partial remedy.
14. It is not unusual for people to be unaware of the full implications of trees until they inhabit a property, so that LPAs are often under pressure from house owners to lop or fell protected trees. *Tree Preservation Orders: A Guide to the Law and Good Practice* stresses the need to avoid layouts where trees cause unreasonable inconvenience, leading inevitably to requests to fell.
15. Erection of the bungalow on the appeal site would be likely to lead to pressure to fell the tree (which might be difficult for the LPA to resist on safety grounds) or to lop it in a way which could harm its appearance and amenity value or represent a significant longer term threat to its survival. This would harm the area's character and appearance. Any conditions regarding best arboricultural practice during construction or landscaping would not adequately mitigate these harmful effects and it would be difficult to secure replacement planting of equivalent amenity value.
16. It is possible pressure to undertake work to the tree could come from the occupiers of Arundell, which is in close proximity and to the north of the tree. However, that is an existing relationship and it would be inadvisable to add to likely pressures by siting an additional dwelling close to the tree.
17. My conclusion on this issue is that, because of its cramped siting and likely indirect effects on a protected tree, the proposal would result in unacceptable harm to the character and appearance of the surrounding area. This would be contrary to the aims of Local Plan policies G2, D2 and H16, PPS1 and PPS3.

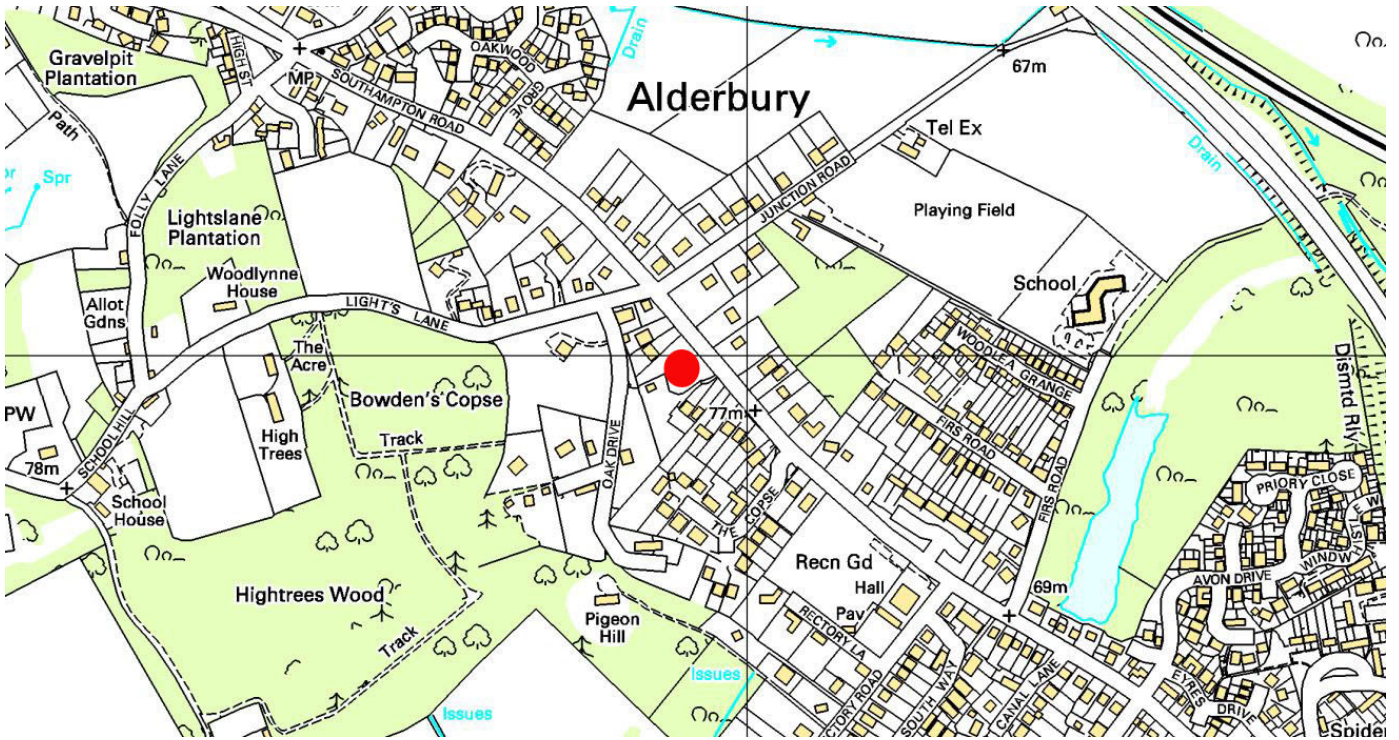
(b) Financial Contribution

18. The appellant has submitted a section 106 planning obligation which would ensure, prior to the commencement of development, payment to the Council of the cost of providing, improving and/or maintaining adult or children's sport, play or recreation facilities or installing and/or maintaining equipment in connection with such facilities.
19. The Local Plan states there is a shortfall of recreational open space within the locality and the wider district, which policy R2 seeks to address. However, there is no quantified evidence of the additional demands on facilities which would be likely to arise from the proposal and no details have been provided of the facilities on which any financial contribution would be spent.
20. In these circumstances, the financial contribution sought by the LPA in respect of off-site open space provision has not been shown to be reasonable and necessary to make the proposed development acceptable in planning terms; it would not accord with the tests in Regulation 122 of the Community Infrastructure Levy Regulations, which also form part of those set out in Circular 05/2005: *Planning Obligations*. This conclusion does not, however, outweigh my conclusion on the first main issue.

G M Hollington

INSPECTOR

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Agenda Item 8d

Date of Meeting	29 September 2011		
Application Number:	S/2011/0900		
Site Address:	Bridge Woodland, Britmore Lane, Gutch Common, Shaftesbury. SP7 9BB		
Proposal:	Change of use of existing building to a dwelling and modify existing vehicular access and construct turning space and parking area		
Applicant/ Agent:	Robert Paley Associates		
Parish:	Donhead St Mary		
Grid Reference:	Easting 389555.061 Northings 125587.849		
Type of Application:	Minor		
Conservation Area:	Cons Area	LB Grade:	Grade
Case Officer:	Case Officer Mrs J Wallace	Contact Number	Case Officer Number 01722 434 687:

Reason for the application being considered by Committee

Councillor Tony Deane has requested that this item be determined by Committee due to Local Concern

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and a S106 agreement.

2. Report summary

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

History of site

Compliance with policy

Impact upon visual amenity and landscape character

Impact upon the ecological value of the County Wildlife Site

Impact upon highway safety

Public open space; compliance with policy R2

The application has generated objections from the Donhead St Mary Parish Council.

Neighbourhood Responses

No letters received objecting to the proposal

One letters of support received

3. Site Description

The land is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and includes an area of woodland, which comprises part of a County Wildlife Site. The land comprises an area previously used for woodland management and recreational pursuits, by charitable organisations and more recently by the previous owners of the site, together with two timber buildings.

4. Relevant Planning History

Application Number	Proposal	Decision
S/1987/0865	Siting of caravan for occasional use when visiting adjacent woodland for study/recreational use	R 22/07/87
S/2005/1371	Retrospective application for the refurbishment and alteration of an existing forestry building to include additional storage and rest facilities and occasional use as a base for recreational/leisure pursuits on the adjoining land and construction of a compost toilet building	AC & S106 09/11/2006

5. Proposal

It is proposed to change of use of the existing timber building, adjacent to the road, to a dwelling, create a domestic curtilage, modify the existing vehicular access to improve the visibility and construct a turning space and parking area within the site, whilst retaining the spirit of the existing S106 Agreement.

6. Planning Policy

G1 and G2	Aims and criteria for development
C2	Development in the countryside
C4 and C5	Development in the Area of Outstanding Natural Beauty
C11 and C13	Areas of ecological value
C22	Change of use of buildings in the countryside
H22	Previously developed land outside Housing Policy Boundaries
H23	Undeveloped land outside Housing Policy Boundary
H27	Housing for rural workers
R1C	Recreation and leisure development in the countryside
PPS1	Delivering sustainable development
PPS4	Planning for sustainable economic growth
PPS7	Sustainable development in rural areas. (The economic development sections of PPS7 were replaced by PPS4 in 2009)
PPS9	Planning and biodiversity
ODPM Circ 06/2005	The Conservation of Habitats and Species Regulations
Draft National Planning Framework	

7. Consultations

Parish Council

Objects for following reasons

1. Outside settlement boundary
2. Use of building under section 106 was only for support of educational, environmental and ecology studies instruction and only to be used for overnight stays for limited times per annum.
3. Building is not suitable as a residential dwelling.
4. Access to and from the site is onto a narrow lane on a bend and is considered dangerous.
5. Vehicular movement would increase

Wiltshire fire and rescue

Comments regarding need for adequate access for fire fighting, adequate water supplies and encouragement to provide sprinkler system

Area of Outstanding Natural Beauty Office

The land was previously in the control of an educational trust with occasional use as a sanctuary. If permission were granted for full residential then a further permission to redevelop the basic accommodation would be difficult to resist. In effect, granting a change of use would open the door to new residential development in the countryside. The AONB is **concerned** about the potential precedent for other locations in the AONB that could be created if this application were to be approved.

However, if you are minded to approve the application the AONB would like to see solar energy incorporated and steps taken to prevent light pollution.

Environmental Health

Following receipt of the requested further information regarding the proposed foul and surface drainage, a response is awaited

Highways

Recommend refusal on the grounds that the proposal is contrary to the advice given in PPG 13 Notwithstanding the above, the Applicant states that the access can be improved by the hedge being partially removed, which appears to be in direct contravention of Condition 5 of the earlier approval S/2005/1371. If 2.4m x 33m visibility splays cannot be achieved in both directions then recommend further refusal reason on highway safety grounds.

Ecology

The application should be approved subject to a condition for tied occupancy and a condition to submit a woodland management plan for planning authority approval. The applicant should maintain and implement a 5 year rolling work programme for the wood.

Building Control

The building appears to be already in use as a dwelling. Building Regulations application will be required, if change of use is successful.

8. Publicity

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

One letter of support received

Summary of key relevant points raised:

1. Applicants are keen conservationists, will maintain the landscape and support the wildlife.
2. The access to the road is on a straight, quiet country lane.
3. The applicants are young and enthusiastic presence in the ageing community a good thing. The houses in this area are holiday homes and homes for the older generation due to their price tags.
4. The cabin hasn't been used for a number of years. Like to see it used as a family home. Uses a structure which is otherwise empty and unused. Recycling an existing structure to make a beautiful home. The planning authority should see this for a common sense and good idea for the cabin.
5. The woodland has been let go over the years and a number of trees now grow wild and out of control. My great grandparents worked and maintained those woods for years.

6. The planning authority should support a young family. Bureaucracy should be put to one side
7. Propose a simple change of use, so that they can live somewhere unique and beautiful. I admire their ambition to be self sufficient and to consider the environment in every action they take.

9. Planning Considerations

9.1 History of site

The land in the applicants' ownership includes an adjacent area of woodland which it is understood was owned and managed by the Bridge Woodland Syndicate/Educational Trust between 1987 and 2002 and used for teaching woodland management. The current owners purchased the site in 2010.

In 2006, approval was granted for a wider range of activities including recreation and leisure but the associated Section 106 legal agreement very tightly controlled the uses/activities.

On the land there are two timber buildings. One of the buildings which is located in the middle of the woodland, was erected by the Bridge Education Trust some 25 years ago and is still used irregularly as a retreat/sanctuary. The other building, (the subject of this application) which is adjacent to the road, was granted approval, (with the 2006, S106 legal agreement) to be used on an occasional basis for overnight accommodation by educational/recreational/woodland management groups (2 nights a month), forestry groups (4 nights a year) and by the then owners for no more than 40 nights a year. Paintballing and similar activities are specifically excluded.

9.2 Compliance with policy

In the context of the existing adopted Local Plan, the site is within the open countryside, outside of any Housing Policy Boundary, where development is normally strictly controlled as policy H23 in the Local Plan, states that undeveloped land outside a Housing Policy Boundary is excluded from residential development. Policy H22 would only support residential development on previously developed land outside the Housing Policy Boundary of a major settlement; into which category Gutch Common, does not fall. Also previously developed land (as defined by PPS3) would exclude any land used for forestry purposes.

That said, policy C22 permits the change of use of an existing building to residential or live/work, subject to certain criteria. In this case, a building has been on the site for at least 25 years, is not inappropriate in its setting and whilst it is constructed of timber, it is not flimsy and could be used in the manner proposed without substantial reconstruction. Indeed the applicants propose to retain it unaltered. On that basis the change of use of an existing building, in the manner proposed, would appear to be acceptable in principle.

Policy H27 would permit the erection of a new dwelling in relation to forestry or agriculture. In this case, the proposal, for the change of use of an existing building that will be used to support a forestry/recreational/educational purpose and which would be used in conjunction with the management of the adjacent woodland, could gain some support from this policy, depending on the judgement in terms of the specific impact of this building on the AONB, and whether the management/development of the woodland which would provide only a part of the income of the occupiers is sufficient justification for the conversion of a wooden cabin, in the open countryside, into a permanent dwelling. Also of relevance though is the acceptability of the proposed use, bearing in mind the precedent that would be set for other sites. Currently, the use of the adjacent woodland is controlled quite strictly by the S106

agreement which also authorises the use of the building. In combination, the building could be in use for overnight accommodation for approximately 70 nights a year. So long as the accommodation, is used in conjunction with the woodland; it would be difficult to argue that an increase in the number of overnight stays would harm the Area of Outstanding Natural Beauty, particularly as there appears to be no restriction of the level of day time use that can be made of the building.

When considering the acceptability or otherwise, of using the building as a full-time dwelling, the designation of the site as open countryside, is relevant, though, it must be recognised that it is neither remote nor isolated. It is immediately bordering Bluebell Cottages and adjacent to the settlement of Gutch Common. Furthermore the applicants propose to live on the site and carry out maintenance and enhancement of the woodland and organise education and other activities in line with the existing S106 agreement, whilst having a sustainable lifestyle and continuing the existing approved use of the majority of the land. Whilst the Parish Council have objected to the application, partially on the basis that the building is unsuitable for use as a dwelling, the supporting statement accompanying the application includes a petition signed by 17 local people supporting the proposal.

9.3 Impact upon visual amenity and landscape character

The existing building is constructed of timber and stained green, an appropriate colour for its location. It measures only 11m by 5.6m and is approximately 4m high. The cabin consists of one large room with a sleeping platform in one corner. To some extent, externally, it already has a domestic appearance, emphasised by the large veranda. However, there is no mains sewer in the area and the site has no foul drainage. There are only composting toilet facilities available in a separate small building nearby. The applicants consider that this is appropriate for their environmentally friendly life style, as they are able to recycle the waste as an organic fertiliser, but the comments of the Environmental Health Officer on this aspect are awaited

The applicants maintain that if permission were granted that the current building would be unaltered, however, because of the limited size of the building, it appears likely that in the future, an extension, not least to provide a sleeping area suitable for a family would be required. Furthermore, the AONB Office has expressed its concerns that if approved, further permission to redevelop the basic accommodation would be difficult to resist, in effect, that granting a change of use would open the door to new residential development in the countryside.

As built, the cabin is fairly prominent from the adjacent highway and if it were converted to residential and a parking and turning area created, then the site would be urbanised and that combined with the domestic paraphernalia (such as washing lines) which would surround the building, would have a detrimental impact upon the visual amenity of the landscape and would not enhance the surrounding Area of Outstanding Natural Beauty.

The applicants also suggest that the hedge adjacent to the highway, which could partially screen the domestic paraphernalia around the cabin if consent were granted; should either be removed or set back. This is proposed so as to improve the visibility at the access point. But the loss of this hedge would result in a detrimental change to the visual character of the area. Moreover, Members should be aware that when considering the 2005 application, it was considered very important to retain the boundary hedge as it currently exists. It was considered that this hedge was part of the rural character of the area. The improvements to the access could however, be conditioned so that it was limited to the setting back of the hedge, which would retain the vegetative edge to the site. Nevertheless in the short term

particularly there would be a substantial change to the rural character of this stretch of the road.

9.4 Impact upon the ecological value of the County Wildlife Site

Policies in the Local Plan support development which would enhance wildlife habitats in order to increase biodiversity and to support sustainable development. The woodland which the applicants propose to manage is a County Wildlife Site (CWS) because it is believed to have been wooded more or less continuously since the 1600's, though the current woodland crop has been planted at various times over the last 200 years. In ecological terms, the site is currently in good condition, though it is considered that it would benefit from positive management to secure the wildlife value of the woods for the longer term. Woodland management could for instance support the removal of sycamore seedlings (sycamore is a "weed" of Wiltshire woodlands obscuring the diversity of the local flora) and promote the regeneration of hazel, oak and birch. The majority of small woodlands in Wiltshire are unmanaged and this is the single biggest threat to their long term value. The County Ecologist considers, there is no ecological reason to refuse an application for a permanent residence at this site provided residency is tied to the management of the woodland.

9.5 Impact upon highway safety

The site is outside of the Housing Policy Boundary and is designated as open countryside and Highways recommend that this application be refused on the grounds that the proposal is contrary to national advice as given in PPG 13 as it is not located in a sustainable location; but whilst the applicants would have to rely on private transport if this site was used as a private dwelling, it is neither remote nor isolated, being immediately adjoining other dwellings and adjacent to the settlement of Gutch Common.

The Highway Authority is also concerned that the vehicle movements generated by a residential use would be harmful to highway safety. However, the approved use of the land involves small groups of people working to maintain the conservation value of the woodland, together with occasional other leisure/educational uses. It is understood that Salisbury College and other organisations (including disability groups) were previously involved from an educational and training perspective. In terms of movements, it is understood that in the past, small groups of between 10 or 12 persons, used the site for leisure/educational or woodland management purposes, and that the current owners visit the site daily to carry out woodland management operations and check on security. This lawful use would generate similar (or potentially greater) movements to those generated by a residential use of the cabin. A refusal on highway safety grounds might therefore be difficult to defend at appeal. In terms of highway safety, the applicants accept that visibility from the existing access could be improved and suggest variously that the hedge be removed or set back, if members were minded to approve the proposal, this could be conditioned, though Members should be aware that in 2005, when considering the earlier proposal, the retention of the boundary hedge was considered to be important so as to maintain the rural character of the area.

9.6 Public open space; compliance with policy R2

All new residential properties are required to make provision for public recreational open space. On small sites of less than 10 dwellings the Local Planning Authority will accept a financial contribution towards off-site provision. This issue can be resolved by the applicants agreeing to enter into a Unilateral S106 Agreement.

10. Conclusion

As the site is within the open countryside, outside of any Housing Policy Boundary; local and national policies would require that any development be strictly controlled, but as the building is in existence and can be occupied for up to 70 nights in the year, on balance, it is considered that in light of the planning history of the site, and suitably conditioned and with a legal agreement, the change of use of the building to be occupied by persons employed in the management of the adjacent woodland, is justified in this instance as being in compliance with the aims of policies C22 and H27 of the Salisbury District Local Plan.

11. Recommendation

Subject to the applicants agreeing to make provision for public recreational open space and amending the S106 legal agreement to ensure that only whilst the occupants of the building manage the adjacent woodland may the building be permanently occupied as a dwelling.

Planning Permission be GRANTED subject for the following reasons:

As the site is within the open countryside, outside of any Housing Policy Boundary; local and national policies would require that any development be strictly controlled, however, as the building is in existence and can be occupied for up to 70 nights in the year, on balance, it is considered that in light of the planning history of the site, and suitably conditioned and with a legal agreement, the change of use of the building to be occupied by persons employed in the management of the adjacent woodland, is justified in this instance as being in compliance with the aims of policies C22 and H27 of the Salisbury District Local Plan.

Subject to the following conditions

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

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

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

Statement accompanying planning application received on 21 June 2011

Drawing ref. no. PO/05/37; Location plan showing land in ownership of applicant received on 21 June 2011

Drawing ref. no 2011/004 Access Improvement Plan received on 21 June 2011.

Details of proposed digester received on 14 July 2011

Details of proposed composter toilets received on 5 August 2011

Preliminary Conservation Management Plan, prepared for the Bridge Educational Trust received on 21 June 2011

REASON: For the avoidance of doubt.

3 The residential use of the building hereby permitted shall be limited to a person solely or mainly working in the woodland management of the land outlined in blue, on drawing ref. no. PO/05/37, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted

POLICY: C22 and H27

4 Prior to the commencement of the permanent residential use of the building, hereby approved, a woodland management plan, (to include a 5year rolling programme of works), for the land outlined in blue on drawing ref. no. PO/05/37; shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

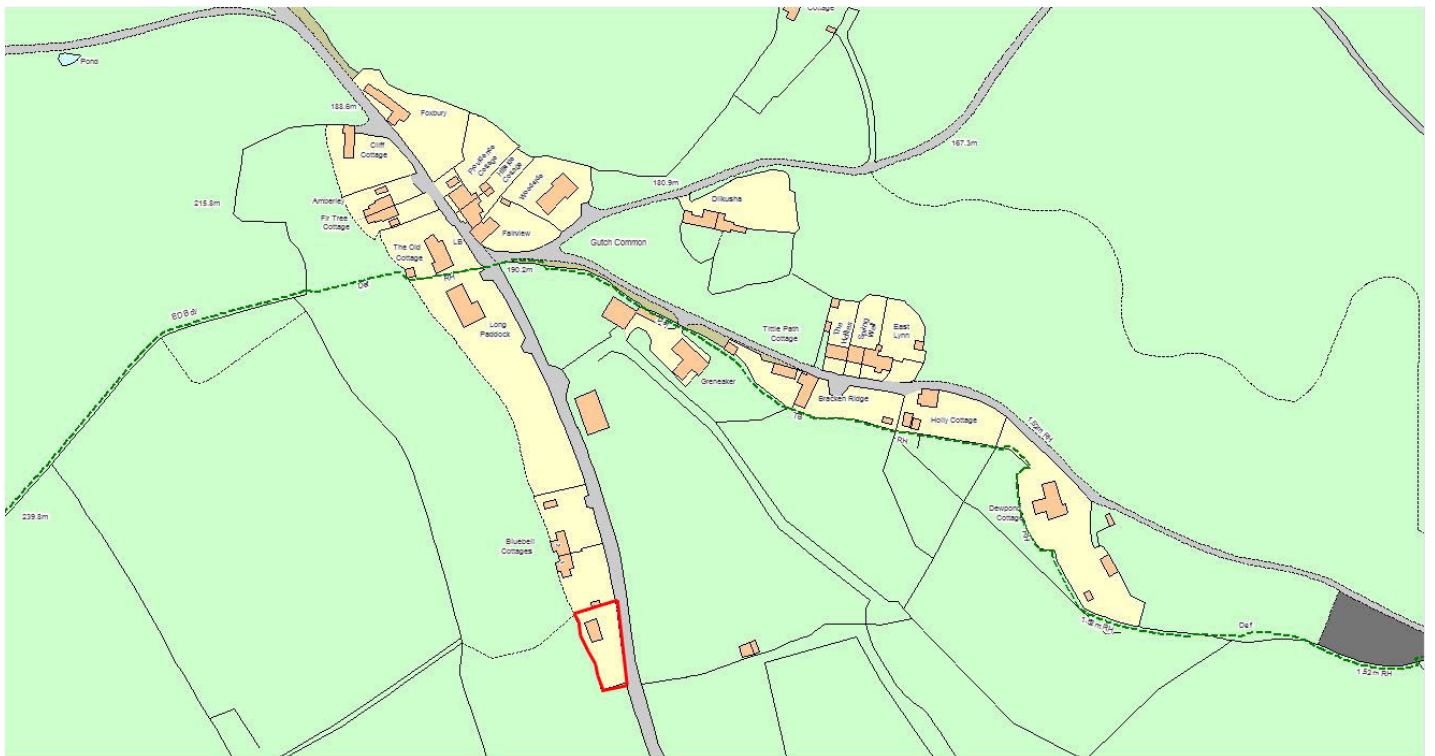
REASON: In the interests of the Donhead Cliff County Wildlife Site, biodiversity and the character and appearance of the area.

POLICY: C11, C13, C4 and C5

5 There shall be no external illumination of the site

REASON In the interests of the AONB

POLICY C4 and C5



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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