

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 20 October 2011  
**Time:** 6.00 pm

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

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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### 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	

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### 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

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# AGENDA

## Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 29 September 2011 (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 13 October 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. **Planning Appeals** (*Pages 13 - 14*)

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

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

To consider and determine planning applications in the attached schedule.

7a **S/2011/0914 - The Heather, Southampton Road, Alderbury, Salisbury.**  
**SP5 3AF** (*Pages 17 - 32*)

7b **S/2010/1128 - Travelling Show Peoples site adjoining Dormers,**  
**Southampton Road, Petersfinger. SP5 3DB** (*Pages 33 - 42*)

8. **Urgent Items**

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

9. **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 10 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 7 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**

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

10. **Copper Beech at Arundell, Alderbury, Wiltshire** (*Pages 43 - 46*)

## **SOUTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 SEPTEMBER 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

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

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**118. Apologies for Absence**

There were no apologies for absence

**119. Minutes**

The minutes of the meeting held on 8 September 2011 were presented.

**Resolved:**

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

**120. Declarations of Interest**

Councillor Britton declared a personal interest in S/2011/0914 - The Heather, Southampton Road, Alderbury, as the applicant was a friend of a close family member and he had met him on several occasions.

**121. Chairman's Announcements**

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

**122. Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

**123. Update on Planning application no. S/2011/476/FULL Wylye Maintenance Depot, Dyer Lane, Wylye**

The committee received a report requested at the previous meeting on the proposed lighting scheme for the above premises which was agreed at its meeting on 16 June 2011.

**Resolved**

**To note the report**

**124. Planning Appeals**

The committee received details of the following forthcoming appeals:

S/2011/0797 - 12 HighView Close, Tisbury

S/2011/0955 - 37 High Street, Amesbury

**125. Planning Applications**

**125a S-2011-1024 Avon Approach, Salisbury. SP1 3SL**

Public participation:

Mr John Stevenson spoke in objection to the application  
Mr Nicholas Arnold spoke in support of the application

The Planning Officer introduced the report. During the debate issues of the access road and the relationship of the proposed building to neighbouring properties were discussed

**Resolved:**

**That 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](http://www.environment-agency.gov.uk)

**125b S-2011-1057- Landford Manor, Stock Lane, Landford, Salisbury. SP5 2EW**

Public participation:

Mrs Carol Hewson spoke in objection to the application

Mrs Christine Hewson spoke in support of the application

Mr Richard Hewson spoke in support of the application

Mr Tony Reynolds, on behalf of Landford Parish Council, spoke in objection to the application

The Planning Officer introduced the report and drew attention to paragraph 9.1 of the report which detailed the differences between the current scheme and the previous application. A debate ensued during which issues such as fire safety, noise from the premises and the business that occupied the top floor.

Resolved:

**That 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 statement 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 July 2011.

REASON: For the avoidance of doubt.

2. When the use of the 2nd floor of Unit 1 Landford Manor as offices by Innovative Consultancy UK Ltd., hereby approved, ceases or within 1 year of the date of this consent, whichever shall first occur, the business use by Innovative Consultancy UK Ltd. 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 an 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 this business a generous period to seek and relocate to alternative premises.

POLICY: E17 (Employment)

3 The offices 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.

4. Within two months of the date of this planning permission a drawing shall be submitted to the local planning authority for approval in writing indicating an area to be used within the site for the parking of vehicles by staff and visitors in connection with the offices use. The drawing shall include details

of the intended method of setting out this area on the ground to make clear its intended use. Within one month of approval of this drawing by the local planning authority use of the agreed area for parking of vehicles by staff and visitors shall commence and the setting out shall be completed. Thereafter the parking of vehicles by staff and visitors in connection with the offices use shall only take place within the agreed area and there shall be no parking of vehicles by staff and visitors in connection with the offices use on any other part of the site. Furthermore, there shall be no works carried out to staff and visitors' vehicles (including repairs and valeting) parked within the agreed area outside the hours of 0800hrs and 17.00hrs.

REASON: To control the numbers and locations of staff and visitor vehicles connected with the offices use in the interests of amenity.

POLICY: G2 General criteria for development.

5. The use by ICUK Ltd., hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet the following requirement:-

Within two months of the date of this planning permission a Fire Strategy Plan setting out fire warning/prevention measures and a means of escape strategy shall be submitted to the local planning authority for approval in writing. The measures and means of escape strategy shall be entirely implemented within four months of the date of approval of the Fire Strategy Plan by the local planning authority and thereafter retained whilst ICUK Ltd., occupy the 2<sup>nd</sup> floor of Unit1 Landford Manor.

REASON: To ensure adequate fire warning/prevention measures and means of escape strategy which have regard to the site's designation as a grade II\* listed building.

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 forthcoming.

**125c S-2011- 0914- The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF**

The Planning Officer introduced the report and drew attention to the decision of the Planning Inspectorate. He explained that the tree which had featured in the Inspectors decision now appeared to be dying.

Members expressed concerns regarding the alleged damage to the tree and it was decided that the application be deferred for a site visit.

**Resolved**

**To defer for a site visit to be held prior to the next committee meeting.**

**125d S-2011-0900- Bridge Woodland, Britmore Lane, Gutch Common, Shaftesbury. SP7 9BB**

Public participation

Mr Robert Paley spoke in support of the application

Mrs Jeane Barnes, on behalf of Donhead St Mary Parish Council, spoke in objection to the application

The Planning Officer introduced the report which was recommended for approval. A debate ensued during which concerns were expressed regarding the size of the premises and its suitability as a dwelling.

**Resolved**

**To refuse the application for the following reasons**

The application site lies within a remote part of the countryside, distant from services and facilities. The introduction of a residential use into this remote area, with an inevitable dependency by the owner/occupier on travel by private motor vehicle, would be contrary to the principles of sustainable development. There are no exceptional circumstances, such as an agricultural or forestry need, to override this conclusion. The proposal, therefore, conflicts with Central Government planning policy set out in PPS3 Housing, PPS7 Sustainable Development in Rural Areas and PPG13 Transport, policy DP1 of the Adopted Wiltshire and Swindon Structure Plan 2016 (April 2006) and local policies G1, and H23 of the Salisbury District Local Plan (June 2003).

**126. Urgent Items**

There were no urgent items

**127. 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. 128 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.**

**128. Confidential minutes of the meeting held on 8 September 2011**

The confidential minutes of the meeting held on 8 September 2011 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes subject to the deletion of the word 'short' in the second line of the last sentence.**

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

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

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs
S/2010/1409	132 Castle Street, Salisbury	WR	Delegated	Dismissed	No	No
S/2009/1943	North,west & south Bishopdown Farm Salisbury	LI	Committee	Allowed	No	No
S/2010/1410	132 Castle Street, Salisbury	WR	Delegated	Dismissed	No	No
S/2011/0340	Adj.Pippins, Lights Lane, Alderbury	WR	Delegated	Dismissed	No	No
S/2010/0566	Land between 6 JamesStreet/ 36 SidneyStreet Salisbury	WR	Delegated	Dismissed	No	No

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2011/0708	HillbillyAcre, Southampton Rd Clarendon	Hearing	Committee		Yes	
S/2011/0132	The Boot Inn, High Street, Tisbury	WR.				
S/2011/0679	WaysideCottage, Burcombe	HH				
S/2011/0728	MawardenCourt StratfordRoad, Stratford-Sub-Castle	WR				

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

10<sup>th</sup> October 2011

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**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

## SITE VISIT - 1630

2

**Application No:** S/2010/1128

**Site Location:** Travelling Showpeoples site adjoining Dormers, Southampton Road, Petersfinger. SP5 3DB

**Development:** Erection of one 2 bedroom bungalow.

**Recommendation:** Approve With Conditions

**Division** Cllr Christopher Devine

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# Agenda Item 7a

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**



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## 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

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**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.

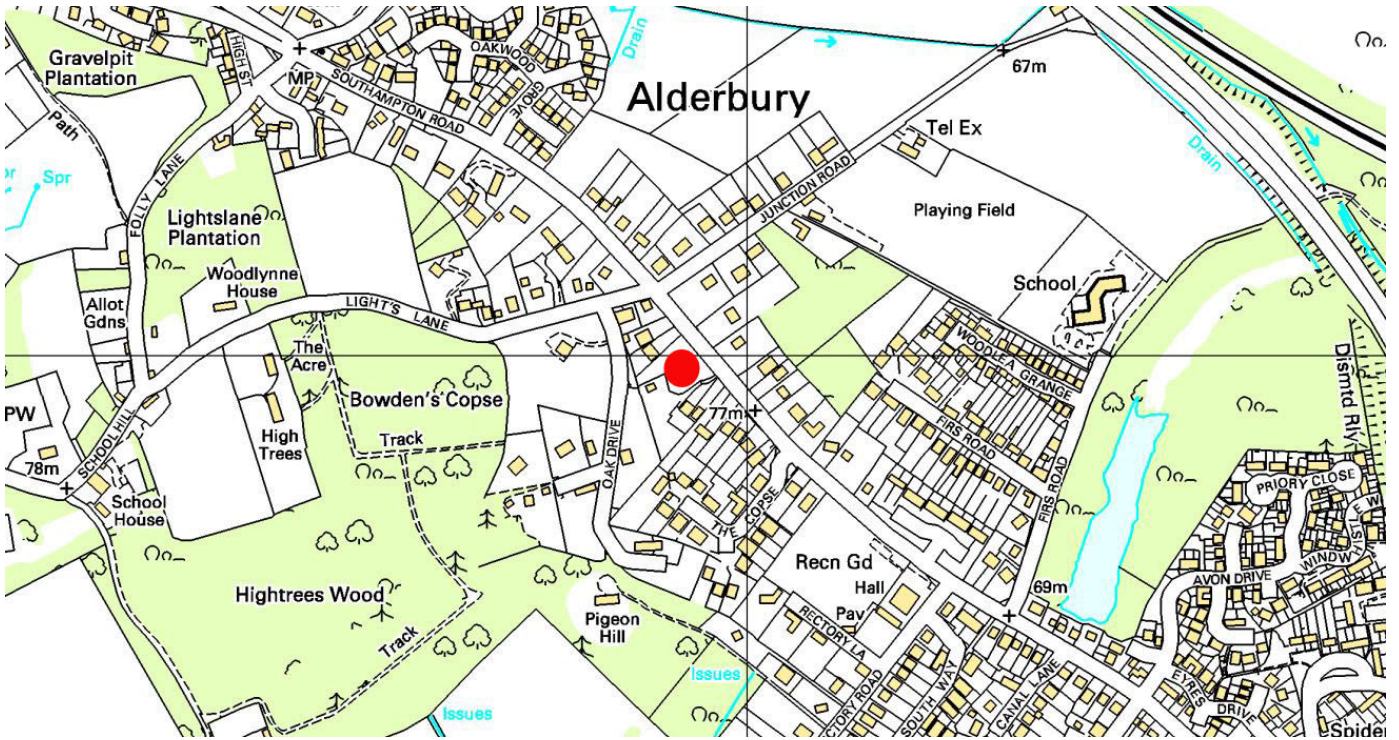
(b) Financial Contribution

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 7b

Date of Meeting	20 <sup>th</sup> October 2011		
Application Number:	S/2010/1128 FULL		
Site Address:	Travelling show peoples site adjoining Dormers, Southampton Road, Petersfinger, Salisbury. SP5 3DB		
Proposal:	Deposition of hardcore to create extension to travelling showpeoples site (part retrospective)		
Applicant/ Agent:	Mrs Janet Montgomery, Brimble Lea and Partners		
Parish:	Clarendon Park		
Grid Reference:	Easting 416570.39687109 Northings 129003.324960232		
Type of Application:	Minor		
Conservation Area:	Cons Area	LB Grade:	Grade
Case Officer:	Case Officer Mr W Simmonds	Contact Number	Case Officer Number 01722 434553

## Reason for the application being considered by Committee

Councillor Devine has requested that this item be determined by Committee due to:

- Scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Environmental/highway impact

## 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:

- Principle of proposed development as set out under local plan policies and other relevant local and national planning guidance
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon nature conservation interests including the adjacent Petersfinger Farm Meadows County Wildlife Site (CWS)
- Impact upon neighbour amenity

The application has generated objections from one parish council. There were no letters or other representations received from the public.

## Neighbourhood Responses

No letters/representations received from the public.

## 3. Site Description

The existing travelling show people's site constitutes a predominantly open, flat area of land with a consolidated hardstanding on the ground. The site is well-screened to the north east and east by mature trees and very tall conifer hedging (in excess of 10 metres in height). Additionally there are trees and hedging along the south west boundary (to the immediate rear of the storage containers), and commercial garage buildings to the immediate west of

the site. The application site is therefore considered to be relatively well screened from views from the highway to the north and the surrounding countryside on all other sides.

The site is accessed via a driveway of approximately 70 metres length running from the A36 to the north, the first part of the driveway is shared with the neighbouring bungalow known as Dormers.

The application site is within a designated Groundwater Source Protection Area and forms part of the designated Landscape Setting of Salisbury and Wilton.

The adjoining land to the south is designated within the local plan as an Area of High Ecological Value, and is also part of the Petersfinger Farm Meadows Country Wildlife Site (CWS). The application site lies adjacent to the CWS and contains alder, sallow and willow trees which are characteristic of a wet woodland.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
79/0132	Use of land for the permanent winter stationing and occasional summer stationing of Showman's caravans, vehicles etc at land adj The Dormers	AC 04.07.79
81/0515	O/L sports complex and construction of new access at land at Southampton Road	R 05.08.81
84/0932	COU of land for the permanent winter stationing and occasional summer stationing of Showman's caravans at land adj The Dormers	AC 29.08.84
88/0858	Permanent use for Showman's depot and erection of a store and offices at The Dormers	AC 24.08.88
91/1052 ADV	Non-illuminated advertising board at Petersfinger	AC 19.08.91
92/0740 ADV	Advertising boards for South of England Flower Show at Petersfinger	AC 15.07.92
92/0847 ADV	Non-illuminated sign boards at Petersfinger	AC 29.07.92
92/0944 ADV	Non-illuminated advertising board for Wilton House Fairs at Petersfinger	AC 05.08.92
93/0480 ADV	Non-illuminated sign board at Petersfinger	AC 18.05.93
93/0653 ADV	Non-illuminated sign at The Dormers	AC 16.06.93
93/1321 ADV	Non-illuminated advertising board for Wilton House Fairs at Petersfinger	AC 09.11.93
94/0860 ADV	Advertising boards for South of England Flower Show at Petersfinger	AC 27.07.94
99/1071	Application to remove condition 3 (personal restriction to P.C. Symonds) of PP S/88/0858/TP	AC 11.10.99
09/0619	Existing use of land for stationing and occupation of mobile home as self contained unit of living accommodation.	APP 25.06.09
09/1368	Retrospective application for stationing of storage containers for showmen's and non-showmen's storage use.	AC10/11/09

#### 5. Proposal

The application is in part retrospective and relates to the deposition of hardcore over an area of approximately 900 square metres on woodland adjoining the western end of the existing site to provide an extension to the travelling showpeople's site, thereby increasing the provision of the existing area available for use by travelling show people.

The proposal uses the existing access to the site and includes additional boundary screening in the form of tree and hedge planting and the erection of fencing to the immediate north east and south east sides of the proposed site extension.

## **6. Planning Policy**

- Salisbury adopted (saved) local plan policy G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policy C7 (Landscape Setting of Salisbury & Wilton)
- Salisbury adopted (saved) local plan policy G8 (Groundwater Source Protection Areas)
- Salisbury adopted (saved) local plan policy C11 (Nature Conservation)
- Wiltshire Structure Plan policy DP15 (Accommodation for Gypsies and Travellers)
- PPS9 – Biodiversity and Geological Conservation
- Circular 04/07 – Planning for Travelling Showpeople

## **7. Consultations**

### **WC Highways**

No Highway comments to make

### **Highways Agency**

No objection to the application

### **Environmental Health Officer**

No observations

### **Showmen's Guild of Great Britain**

No response

### **WC Minerals & Waste**

No response

### **Spatial Planning**

Advice provided in respect of relevant policy context

### **WC Ecologist**

No objection provided permission is granted subject to the recommendations of the submitted ecology report being carried out in full

### **Tree Officer**

No objection

### **Environment Agency**

Raises no objection, suggest an informative re private drainage facilities and access tracks

### **Clarendon Park Parish Council**

Object on grounds of residential not showpeople's site, highway safety, permitted land use B8 only, affects residential amenity, flood risk

## 8. Publicity

The application was advertised by site notice and neighbour notification letters  
Expiry date 16.09.10

No third party representations were received

## 9. Planning Considerations

**9.1** Principle of proposed development as set out under local plan policies and other relevant local and national planning guidance

The travelling showpeople's site has been established on the site for many years (planning consent first granted in 1979) and provides a mixed residential and business use to enable the storage and repair of significant amounts of equipment and provision for the stationing of mobile homes.

The existing authorised use of the land for the stationing of Showmen's caravans also allows the temporary residential use of the land, such as by overwintering Showpeople. The DCLG Circular 04/2007 *Planning for Travelling Showpeople* describes the lifestyle of Showpeople as follows:

Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as "winter quarters", with individual pitches generally referred to by showpeople as plots. However, increasingly showpeople's quarters are occupied by some members of the family permanently. Older family members may stay on site for most of the year and there are plainly advantages in children living there all year to benefit from uninterrupted education.

Therefore it is important to consider both the amenity of neighbouring occupiers of dwellings close to the site, as well as existing and future occupiers of mobile homes and caravans, occupied by Showpeople and their families, within the site.

Circular 04/2007 makes clear that Travelling Showpeople are a distinct group and do not in general share the same culture or traditions as Gypsies and Travellers.

The authorised use of the site is principally the storage of Showman's vehicles, trailers and associated equipment, and includes ancillary elements of temporary and in some cases longer-term residential use of caravans and mobile homes.

The Council's Planning Policy Team advises that the current adopted policy relating to Travelling Showpeople's Sites is provided by the guidance at national level through the ODPM Circular 04/07 *Planning for Travelling Showpeople*. The Coalition Government has indicated that guidance contained within this Circular will be replaced with a light-touch guidance outlining the council's statutory obligations, however Circular 04/07 remains pertinent to this particular case until a replacement is issued.



The main intentions of the Circular are to increase the number of travelling showpeople's sites in suitable locations in order to address the current under-provision, and to recognise, protect and facilitate the traditional way of life of travelling showpeople, creating sustainable, respectful and inclusive communities where travelling showpeople have fair access to suitable accommodation and services.

Taking into consideration the sustainable location of the application site (being in relatively close proximity to Salisbury), and considering the supportive stance of the principal policy guidance provided by the government, and the guidance provided in the relevant Structure Plan policies, the principle of the proposed extension to the existing travelling showpeople's site is considered acceptable.

## **9.2 Impact upon Highway safety**

The application site has an existing access from the A36 to the North West. The proposed extension to the travelling showpeople's site would utilise the existing access.

By reason of the increased area of site provided, the proposed development would be likely to lead to an increase in the number of vehicle movements into and out of the site. However, the Highways Agency and Wiltshire Highways have assessed the proposal and neither agency raises any objection. Therefore it is considered the proposed development would not be prejudicial to Highway safety.

## **9.3 Impact upon visual amenity and landscape character**

The site as currently exists constitutes a predominantly open, flat area of land with a consolidated hardstanding on the ground. The site is well-screened to the north east and east by mature trees and very tall conifer hedging (in excess of 10 metres in height). There are trees and hedging along the south west boundary to the immediate rear of the storage containers, and existing commercial garage buildings to the immediate west of the site. The application site is therefore considered to be very well screened from views from the highway to the north and the surrounding countryside on all other sides. The site is accessed via a driveway of approximately 70 metres length running from the A36 to the north, the first part of the driveway is shared with the neighbouring bungalow known as Dormers.

The proposed development includes the planting of approximately 60 metres of new hedging to the north east boundary (along the boundary with the A36), together with approximately 14 metres of conifer tree plantation within the site to extend the existing significant tree screening running approximately east/west along the northern boundary of the site. By reason of the location of the area to be extended (being set back from the A36 by approximately 22 metres), and the high level of existing and proposed screening provided by trees and hedges, it is considered the proposed development would not have an adverse impact on the visual qualities of the surrounding area or the designated Landscape Setting of Salisbury and Wilton.

## **9.4 Impact upon nature conservation interests including the adjacent Petersfinger Farm Meadows County Wildlife Site (CWS)**

The adjoining land to the south is designated within the local plan as an Area of High Ecological Value, and is also part of the Petersfinger Farm Meadows Country Wildlife Site (CWS). The application site lies adjacent to the CWS and contains alder, willow and sallow trees which are characteristic of a wet woodland.

Following concerns expressed by the Council's Principal Ecologist the applicant has submitted an Ecological Mitigation Method Statement and Compensation Strategy to assess and mitigate against potential impacts of the proposed development on nature conservation interests. The Method Statement and Compensation Strategy sets out measures to ensure the development is carried out in accordance with wildlife legislation and to ensure the delivery of ecological compensation measures.

The Principal Ecologist has visited the site and reviewed the submitted Mitigation Method Statement and Compensation Strategy and states that on the basis of the methodology and mitigation proposed she has no objection to the proposed development, provided permission is granted subject to the recommendations of the submitted ecology report being carried out in full.

It is therefore considered the proposed development would not adversely affect nature conservation interests within the site or within the adjoining Area of High Ecological Value and CWS, subject to a Condition requiring development is carried out in accordance with the recommendations of the ecology report.

### **9.5 Impact on neighbour amenity**

The closest neighbouring residential property is the applicant's own property known as 'Dormers' to the west. By reason of the location of the proposed extended area being over 100 metres from the closest unrelated dwellinghouse (Bow Acre House), and by reason of the proposal constituting an extension to a well-established existing use, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

## **10. Conclusion**

The proposed development would increase the level of existing provision for the accommodation of Travelling Showpeople in a sustainable location without detriment to highway safety, landscape quality, nature conservation interests or the amenity of neighbouring residents.

## **11. Recommendation**

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

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C7 (Landscape Setting of Salisbury & Wilton), G8 (Groundwater Source Protection) & C11 (Nature Conservation) of the saved policies of the adopted Salisbury District Local Plan, , and the aims and objectives of PPS9 (Biodiversity and Geological Conservation) and Government Circular 04/2007 (Planning for Travelling Showpeople) insofar as the proposed development would increase the level of existing provision for the accommodation of Travelling Showpeople in a sustainable location without detriment to highway safety, landscape quality, nature conservation interests or the amenity of neighbouring residents.

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

1. This development shall be in accordance with the submitted drawing[s] (reference 08167-2 Revision A) deposited with the Local Planning Authority on 01.08.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

2. The mitigation measures detailed in the approved Mitigation Method Statement and Compensation Strategy (dated July 2011 and produced by J H Ecology) shall be carried out in full prior to the occupation of the development and/or in accordance with the approved timetable detailed in the Mitigation Method Statement and Compensation Strategy.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: G2, C11, PPS9

3. The site shall be used as a site for Travelling Showpeople only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY: G2, C7, , Circular 04/07

## **INFORMATIVES**

### **Private Foul Drainage / Circular 3/99**

The applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area served by a public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

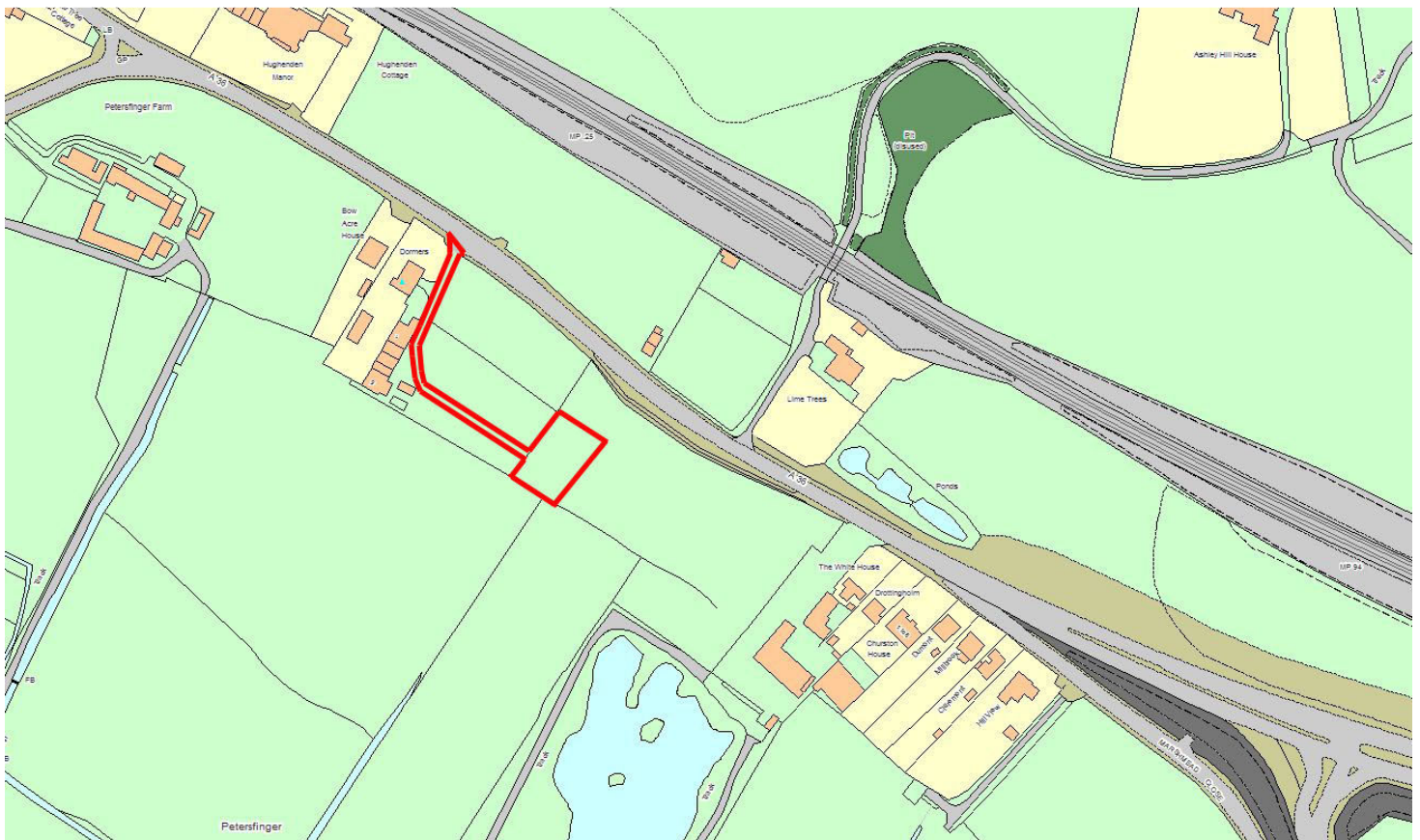
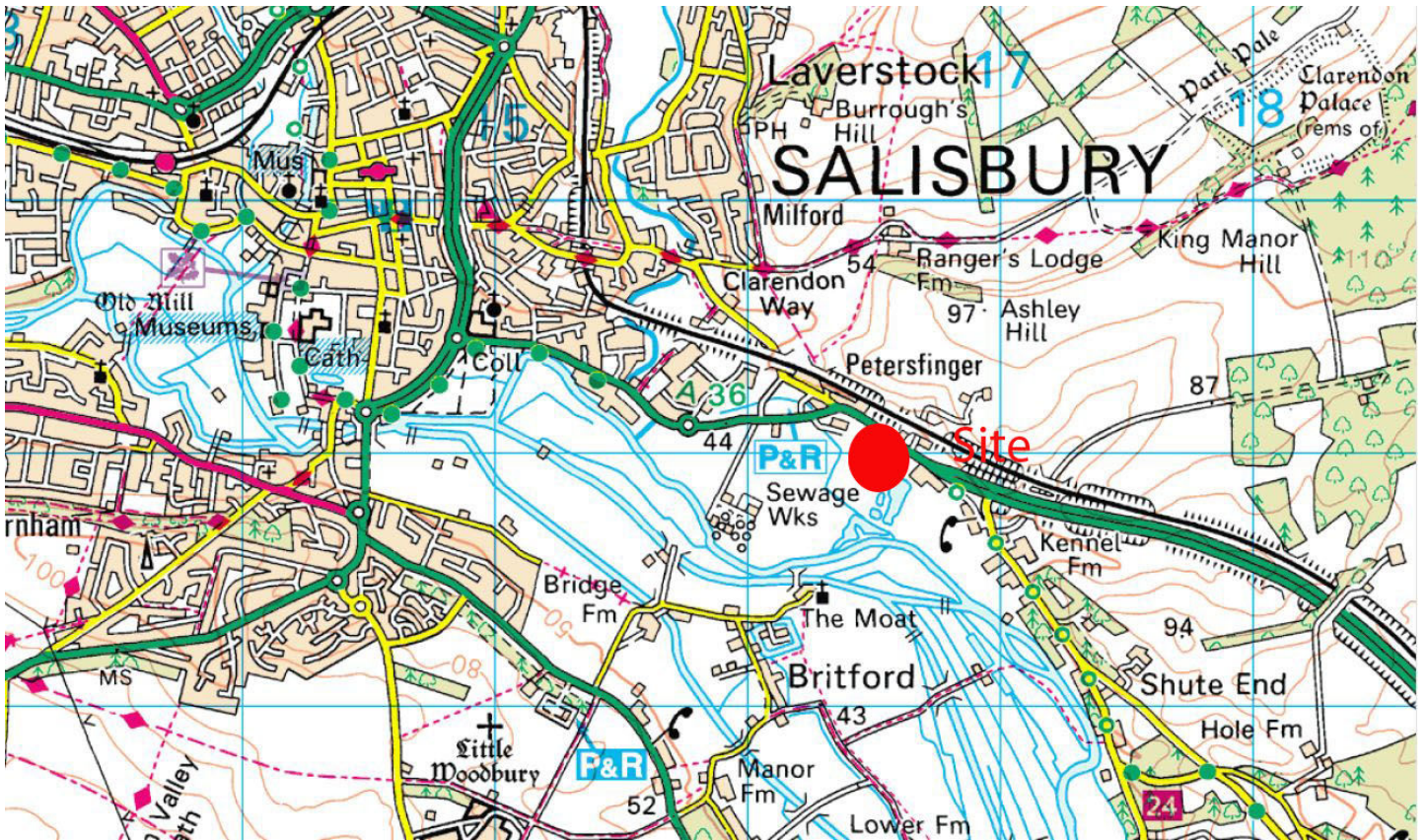
If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

## **NOTE TO APPLICANT**

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent, to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Please note, this Environmental Permit may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a

SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (Eg soakaway) within 250m of a SAC, SPA, Ramsar or SSSI.

TRAVELLING SHOWPEOPLES SITE ADJOINING DORMERS, SOUTHAMPTON ROAD, PETERSFINGER. SP5 3DB



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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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