

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 26 January 2012  
**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 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 5 January 2012 (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 no later than 5pm on Thursday 19 January 2012. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Appeals** (*Pages 17 - 18*)

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

7. **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **S/2011/1395 - The Lime Yard, Crockford, Crockford Corner, West Grimstead** (*Pages 19 - 30*)

7b **S/2011/1606 - 8 The Poplars, Barford St. Martin** (*Pages 31 - 44*)

7c **S/2011/1734 - Downsway, Brook Street, Fovant** (*Pages 45 - 56*)

7d **S/2011/1746 - The Heathers, Southampton Road, Alderbury** (*Pages 57 - 74*)

7e **S/2011/1782 - Boot Inn, High Street, Tisbury** (*Pages 75 - 84*)

7f **S/2011/1790 - Bowles Barn and Yard, The Portway, Winterbourne Gunner** (*Pages 85 - 100*)

7g **S/2011/1791 - Access to Bowles Cottage and Winterbourne Cricket Field, The Portway, Winterbourne Gunner** (*Pages 101 - 112*)

8. **Urgent Items**

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

**Part II**

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



## **SOUTHERN AREA PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING  
HELD ON 5 JANUARY 2012 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE  
LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Mike Hewitt, Cllr Bill Moss (Substitute), Cllr Christopher Newbury (Substitute), Cllr Ricky Rogers (Substitute), Cllr Ian West and Cllr Fred Westmoreland (Chairman)

**Also Present:**

Cllr Tony Deane and Cllr Julian Johnson

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**1. Apologies for Absence**

Apologies were received from Cllrs Mary Douglas, George Jeans and Ian McLennan. Cllr Christopher Newbury substituted for Cllr Jeans, Cllr Bill Moss for Cllr Douglas and Cllr Ricky Rogers for Cllr McLennan

**2. Minutes**

The minutes of the meeting held on 20 October 2011 were presented.

**Resolved:**

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

**3. Declarations of Interest**

S/2011/1639 - Sarum Academy, Bemerton Heath – Cllr Britton and Cllr Moss declared a personal interest in this item as they are both members of the Further Education in Salisbury Task Group.

**4. Chairman's Announcements**

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

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

The committee noted the rules on public participation.

6. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2011/0073 - Lions Head, The Common, Winterslow – Delegated -Dismissed

S/2010/1409 - 132 Castle Street, Salisbury – Delegated –Dismissed

S/2009/1943 - North, west & south Bishopdown Farm, Salisbury – Committee – Allowed

S/2010/1410 - 132 Castle Street, Salisbury – Delegated –Dismissed

S/2011/0340 - Adj.Pippins, Lights Lane, Alderbury - Delegated –Dismissed

S/2010/0566 - Land between 6 JamesStreet /36 SidneyStreet, Salisbury - Delegated –Dismissed

S/2010/1083 & S/2011/0694 - Adj Lime Cottage, Flower Lane, Amesbury - Delegated –Dismissed

S/2011/0679 - Wayside Cottage, Burcombe Lane, Burcombe, Salisbury - Delegated –Dismissed

S/2011/0166 – Maddington Manor Cottage, The Common, Shrewton - Delegated –Dismissed

And forthcoming appeals as follows:

S/2011/1287 - Crockford, West Grimstead

S/2011/0708 – Hillbilly Acre, Southampton Rd, Clarendon

S/2011/0132 - The Boot Inn, High Street, Tisbury

S/2011/0679 – Wayside Cottage, Burcombe

S/2011/0728 – Mawarden Court, Stratford Road, Stratford Sub Castle

S/2011/1206 - 14 Tyndales Meadows, Dinton

S/2011/0868 - Earl of Normanton Pub, Idmiston

S/2011/0181 - Ferndale, Ware Farm, Benn Lane, Farley

S/2011/0914 - The Heathers, Southampton Road, Alderbury

## 7. **Planning Applications**

### 7a **S/2011/1280 - Court Hay, Lower Road, Charlton All Saints**

Public participation

Ms Sally Lacey, Chair of Downton Society spoke in objection to the application.

Mr Roger Yeates on behalf of Downton Parish Council, spoke in objection to the application

Cllr Julian Johnson, local member, spoke in objection to the application.

The Planning Officer introduced the report which was recommended for approval. Following a debate, during which members raised several issues regarding the development including the roof line and the size of the proposed extension, it was

#### **RESOLVED**

**That the application be refused for the following reasons:**

**The proposed two storey side extension by reason of it's design, size, bulk and roof form is considered to be an intrusive and over dominant form of development out of character with the host property and the surrounding area. As such it is considered the proposal is contrary to policy G2, H16 and D3 of the Saved policies of the adopted local plan and policies of the draft south Wiltshire core strategy. The proposal would also be contrary to objective 21 of the councils adopted design guide creating places.**

### 7b **S/2010/1494 - Lower Mere Park Farm, Mere Park, Mere**

Public participation

Mr Armishaw spoke in support of the application

Mr J Rainey spoke in support of the application

Cllr Tony Deane, representing the local member, spoke in support of the

application

The Planning Officer introduced the report which was recommended for refusal. He added that the principle concern of the planners was that the proposed dwelling was significantly larger than the existing one. A debate ensued during which members discussed the scale of the development, the employment potential and the provision of two affordable cottages, following which it was

## **RESOLVED**

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

The replacement dwelling would be acceptable in principle, being of a high quality design and not having a significantly greater impact than the farmhouse and annexe it would replace. Although the proposals to subdivide Dairy Cottage would create a new dwelling within a countryside location, it is material that there would be no net increase in the total number of dwelling units on the overall site, and that the new dwelling would be created through the conversion of an existing building. Consequently there would be no significant additional impact upon the character of the countryside or increase in unsustainable travel movements. An archaeological investigation has been undertaken which concludes that the development would not impact upon significant archaeology. Subject to conditions, the development would be acceptable in ecological and flood risk terms. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, H30, H31, D3, CN5, C2, C6, C12, and PPS1, PPS3, PPS5, PPS7, PPS9, PPG13, PPS25.

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

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

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....11/1648/H/100F (Site Plan)...	Date
Received....28.12.11....	
Plan Ref....11/1648/H/101D (Ground Floor Plan 1)...	Date
Received....18.11.11....	
Plan Ref....11/1648/H/102D (Ground Floor Plan 2)...	Date
Received....18.11.11....	



Plan Ref....11/1648/H/103D (First Floor Plan)...	Date
Received....18.11.11....	
Plan Ref....11/1648/H/104D (Second Floor Plan)...	Date
Received....18.11.11....	
Plan Ref....11/1648/105E (Roof Plan)...	Date
Received....28.12.11....	
Plan Ref....11/1648/106D (N & S Elevations)...	Date
Received....28.12.11....	
Plan Ref....11/1648/107D (E & W Elevations)...	Date
Received....28.12.11....	
Plan Ref....11/1648/108C (Section A-A)...	Date
Received....03.01.11....	
Plan Ref....11/1648/109B (Section B-B)...	Date
Received....03.01.11....	
Plan Ref....11/1648/110D (Section C-C)...	Date
Received....04.01.11....	
Plan Ref....11/1648/111A (Garaging N & S Elevations)...	Date
Received....23.09.11....	
Plan Ref....11/1648/112A (Garaging E & W Elevations)...	Date
Received....23.09.11....	
Plan Ref....11/1648/113A (Car Barn S & E Elevations)...	Date
Received....23.09.11....	
Plan Ref....11/1648/114A (Car Barn N & W Elevations)...	Date
Received....23.09.11....	
Plan Ref....11/1648/115B (Walled Garden)...	Date
Received....01.12....	
Plan Ref....10/1648/C/101 (Cottage Floor Plans)...	Date
Received....22.11.11....	
Plan Ref....10/1648/C/102 (Cottage Elevations)...	Date
Received....22.11.11....	
Plan Ref....10/1648/C/103 (Cottage Roof Plan)...	Date
Received....22.11.11....	

Reason: For the avoidance of doubt.

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

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

Policy: G2, C6, H30

- 4) 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) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development where necessary;
- (c) details of new planting including species;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. refuse and other storage units, signs, lighting etc);

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

Policy: G2, C6

- 5) 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. 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, C6

- 6) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (ref: PM 10.8.11) and the flood mitigation measures detailed within this document.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

Policy: PPS25

- 7) 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: G1, PPS1

- 8) No works shall commence on site until details have been submitted to and approved in writing by the local planning authority demonstrating how the loft space in drawing 11/1648/110D will be designed to accommodate bats, including details of access points and design of the roof void. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling, and the loft space and access points shall thereafter be permanently maintained for the purposes of a bat roost.

Reason: In the interests of biodiversity.

Policy: PPS9

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), other than those hereby permitted, no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans, unless otherwise agreed through a new planning permission.

Reason: To safeguard the character and appearance of the area.

Policy: C6

## **INFORMATIVES:-**

### Flood Defence Consent

All works offering an obstruction to flow within an Ordinary Watercourse, such as the adjacent channel, will require prior Flood Defence Consent from the Environment Agency in addition to planning permission. Such consent is required in accordance with s23 of the Water Resources Act. Further guidance is available from their Development & Flood Risk Officer - Daniel Griffin (01258 483351). Should you require any further clarification of the position on flood risk, please contact their Development & Flood Risk Engineer, Gary Cleaver on 01258 483434.

### Water efficiencies measures

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a

minimum). Greywater recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Manufacturer's specifications should not be submitted. Applicants are advised to refer to the following for further guidance:

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

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

7c **S/2011/1639 - Sarum Academy, Bemerton Heath**

Public participation

Mr David Brown spoke in objection to the application

Ms Jane Lock-Smith spoke in support of the application

The Planning Officer introduced the report which was recommended for approval. A debate ensued during which issues of car parking were raised.

**RESOLVED**

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

The Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the Development Plan and that there are no material considerations that indicate that the decision should be made otherwise. The development is part of the Government's Building Schools for the Future – Academy Grant Programme and the development of new Academy buildings at Sarum Academy represents an opportunity to provide education, training and recreation to all members of the local community, with no significant adverse impact on the surrounding environment subject to the imposition of the following conditions.

- The decision to grant planning permission has been taken having regard to policies C1, C3, Dp1, DP3, RLT1 and T5 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006) and policies G1,G2,CN23,CN16,C1,C6,R6,PS4 and PS8 of the saved policies of the Salisbury district council local plan and policies G1,G2,CN23,CN16,C1,C6,R6,PS4,PS8,CP2,CP6,CP10,CP19 of the Draft South Wiltshire Core strategy.

**Subject to the following conditions:**

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

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. No development shall take place on site until samples of materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenity of surrounding properties and the wider landscape

4. No development shall commence on site until details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details

Reason: In the interests of the amenity of the wider landscape

5. The measures detailed in the approved Phase 1 habitat Survey (Clark Webb Ecology Ltd document dated 12<sup>th</sup> April 2010 – 17<sup>th</sup> September 2010) shall be carried out in full and in accordance with timescale/programme.

Reason: In the interests of wildlife conservation.

6. Prior to commencement of development an air quality assessment shall be submitted to and agreed in writing with the local planning authority. Such recommendations as are made in the document shall be implemented prior to first occupation of the development.

Reason: In order to ensure continued monitoring of the Salisbury Air quality management area

7 No development shall commence until a drainage strategy to address pollution prevention (with particular attention paid to the car parking area) 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 details shall include specification of how the scheme will be maintained and managed after completion.

Reason: To protect controlled waters from pollution

8 All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on site, in accordance with the details submitted in the letter and enclosures from Kier Group to Wiltshire Council dated 29 June 2009, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10 Development shall be halted and the Local Planning Authority informed should any unexpected grounds conditions, including made ground or potentially contaminated land, be discovered during the course of development. No further development shall be carried out until the applicant has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how the unsuspected contamination will be dealt with.

Reason: To prevent pollution of groundwater and to safeguard the amenity of the site.

11 A construction traffic management plan shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the plan as approved.

Reason: In order to ensure the safety of pupils accessing the site during construction works.

12 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 and prudent use of natural resources.

13 No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment.

14 Prior to the commencement of the development a Community Use Agreement for the indoor and outdoor sports facilities at the school shall be submitted to and approved in writing by the local planning authority. The agreement shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The agreement shall be implemented upon commencement of use of the development.

Reason: To secure well managed and safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Sport England/LDF Policy.

15 Prior to the commencement of development, a scheme setting out the proposed layout and specification of the existing and proposed playing fields on the site shall be submitted to and approved in writing by the local planning authority, in consultation with sport England. The layout and specification of the playing fields shall comply with Sport England Technical Design Guidance Note 'Natural Turf for Sport'. The scheme shall include a timetable for provision. The playing fields shall be provided in accordance with the approved scheme.

Reason: To ensure the replacement areas of playing field are fit for purpose, and to accord with Sport England/LDF Policy

16 No development shall commence on site until an ecological landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The ecological landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity and wildlife interests.

17 No development shall commence on site until an ecological construction method statement, has been submitted to and approved in writing by the Local Planning Authority. The ecological construction method statement shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of wildlife during construction.

18 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

a) the parking of vehicles of site operatives and visitors; including measures to avoid obstruction of Oak Drive

b) loading and unloading of plant and materials; including measures to avoid obstruction of Oak Drive

c) storage of plant and materials used in constructing the development; including measures to avoid obstruction of Oak Drive

d) wheel washing facilities for lorries and other vehicles leaving the site; and

e) measures to control the emission of dust and dirt during construction

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.



19 The construction of the development hereby permitted (including deliveries to and from the site) shall only take place between the hours of 8.00hours in the morning and 18.00hours in the evening from Mondays to Fridays and between 9.00 hours in the morning and 13.00 hours in the afternoon on Saturdays. Construction shall not take place at any time on Sundays and Bank or Public Holidays.

### **Informative**

A revised Green Travel Plan should be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

In light of the size of the proposed development and its proximity to the Salisbury City Air Quality Management Area we will need to see an Air Quality Assessment to consider the impact of the development upon the AQMA. An informative should be added to advise the applicant that we have standard documents available for developers to assist in completing this work if required. Please ask for either Rachel Kent or Peter Nobes.

### **Note to Applicant:**

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.

### **Plan References:**

1178 P02 Buildings to be retained and demolished.  
1178 P01 Sarum Academy location plan  
1178 P003 Proposed Site Plan  
1178 P006 Reception and learning resource plan.  
1178 P007 6<sup>th</sup> Form Ground Floor Plan  
1178 P008 Sports Hall as existing  
1178 P09 Sports Hall as proposed  
1178 P010 Ground Floor Plan  
SKM001 Incoming Services  
Arup P05 Proposed Drainage Strategy  
IY 013-Rev A Tracking Diagram

SKBE01 External Lighting Strategy Issue A  
 1178 P027 Ground floor setting out  
 1178 P026 Proposed North/South Site section  
 1178 P016 Proposed Material Board  
 1178 P015 Proposed South and East elevation  
 1178 P014 Proposed North and West elevations  
 1178 P011 First Floor Plan  
 1178 P012 Roof plan  
 1178 P013 Proposed Building sections  
 IY 007 Rev B Sports Pitch provision 2013 -2014  
 IY 001- Rev C Colour landscape masterplan  
 IY006 Rev A Sports facilities during construction  
 IY 005-Rev B Detail area Entrance  
 IY 004-Rev A Detailed area-Petals  
 IY 003-Rev B Proposed Sports pitch and outdoor play provision  
 IY 002-Rev C Security Fencing Parking and Access  
 IY 010 Rev E General arrangement North  
 IY 009 Rev C Tree mitigation and planting strategy  
 IY 008 Rev C Future Proofing diagram  
 IY 012 Rev D Planting strategy  
 IY 011 Rev E General arrangement South  
 Arup P01 Refuse Vehicle tracking  
 Arup P02 Fire Tender tracking  
 Arup P04 Existing drainage  
 Arup P03 Coach tracking  
 Sarum Academy Design and access statement dated 17.10.2011  
 Charlie Noton Tree survey and constraints plan dated June 2010  
 Cotswold archaeology assessment dated May 2010  
 Wiltshire Council Asbestos register and survey dated 15/9/2010  
 Condition survey dated 1<sup>st</sup> September 2010  
 Environmental Noise Survey dated July 2010  
 Clarke Webb Ecology Limited Extended Phase 1 habitat survey dated 12<sup>th</sup>  
 April 2010  
 PFA consulting flood risk assessment dated 16/9/2011  
 WYG Ground Conditions assessment Report June 2011  
 Sitesafe UXO Desk Study dated 28<sup>th</sup> July 2010

7d **S/2011/1611 - Stonehenge Campsite, Berwick St. James**

Public participation

Mr M Gairdner spoke in objection to the application

Mr Douse spoke in objection to the application

Mr William Grant spoke in support of the application

Mr Tony Allen spoke in support of the application

Mr Richard Brasher, on behalf of Berwick St James Parish Council, spoke in support of the application, with conditions.

The Planning Officer introduced the report which recommended approval and drew attention to the late correspondence. A debate ensued during which issue of the location of the fire pits and the terms of occupancy of the log pods and the wording of the conditions were discussed.

**RESOLVED**

**To defer the item for advice in relation to the proposed conditions.**

**8. Urgent Items**

It was agreed to hold a site visit to Downsway, Brook Street, Fovant prior to the application being considered at the next meeting.

(Duration of meeting: 6.00 - 9.25 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/2011/1206	14 Tyndales Meadow Dinton	HH	Delegated	Allowed	No	No
S/2011/0955	37 High Street, Amesbury	WR	Delegated	Allowed	No	No

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2011/1304	Hazelhead, Robin Hill Lane, Durrington	HH	Delegated		No	No
S/2011/1471	Co-Op Salisbury Street Amesbury	WR	Delegated		No	No
S/2011/1570	Shergolds, Swallowcliffe	WR	Delegated		No	No
S/2011/1489	Shawmeare, Coombe Road, Salisbury	Tree (Fast track)	Delegated		No	No
S/2011/1378	14 Bourne Avenue, Salisbury	WR	Delegated		No	No

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

**16<sup>th</sup> January 2012**

# Agenda Item 7a

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1395 FULL		
<b>Site Address</b>	The Lime Yard, Crockford, Crockford Corner, West Grimstead, Salisbury. SP5 3RH		
<b>Proposal</b>	Change of use of land form Lime Yard to B2/B8 mixed use with B2 use constrained to the existing crushing plant area.		
<b>Applicant/ Agent</b>	Mr Tony Allen		
<b>City/Town/Parish Council</b>	Grimstead Parish Council		
<b>Electoral Division</b>	Alderbury & Whiteparish	<b>Unitary Member</b>	Cllr Richard Britton
<b>Grid Reference</b>	420277 126562		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	<b>LB Grade:</b>	NA
<b>Case Officer:</b>	Case Officer Mr Warren Simmonds	<b>Contact Number:</b>	01722 434553

### Reason for the application being considered by Committee

The application is a resubmission of an application called to Committee by Councillor Britton on grounds of environmental/highway impact concerns and concerns raised by the parish council.

### 1. Purpose of report

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

### 2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity
- Ecological impacts

The application has generated objections from Grimstead Parish Council; no comment from Alderbury Parish Council; and ten written representations of objection from third parties.

### 3. Site Description

The application site consists of an area of land of approximately 1.6 hectares to the east of the settlement of West Grimstead. The principal access to the site is via a gated access driveway from the north (off Grimstead Road). The site has been used for a number of years for the storage, grading and crushing of lime, before being distributed for re-sale. At the western end of the site are a row of substantial steel framed, open-sided sheds used for the storage and drying of delivered limestone. The site is very well screened on all sides by existing mature trees and woodland, the surrounding land principally consists of countryside and is designated as Special Landscape Area. The closest neighbouring residential properties are approximately 100m to the north east and 140m to the east.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
S/90/0161	Change of use from agricultural to storage of agricultural machinery used in connection with established agricultural lime business	28.03.1990
S/91/1347	Construct building for storage of agricultural lime	AC 03.10.91
S/92/1450	Extension to building to be used for agricultural lime storage	AC 24.11.92
S/96/0549	Extension to lime storage building	AC 03.08.96
S/00/1242	To not comply with Condition 4 (occupancy and restoration) of planning permission S/90/0161	Variation approved 02.11.2000
S/11/0678	Change of use of land from lime yard to a B2/B8 mixed use with B2 use constrained to the existing crushing plant area	REF 09.08.11

#### 5. Proposal

The application proposes the change of use of the land from an agricultural lime yard to a B2/B8 mixed use with B2 use constrained to the existing crushing plant area. The proposed B2 (general industry) use would be restricted to the western end of the site and would incorporate the existing steel framed buildings. The remainder of the site would be used for B8 storage and distribution (no new buildings or structures proposed). The access remains the same as existing.

#### 6. Planning Policy

Local Plan: policies G2, C2, C6, E16, C11, CN21 & South Wilts Core Strategy; Core Policy 5

The site lies within the designated Special Landscape Area and is an Area of Special Archaeological Significance

Central government planning policy: PPS4, PPS9

Ministerial Statement (23 March 2011) by the Right Hon Greg Clark 'Planning for Growth'



## **7. Consultations**

### **Wiltshire Highways**

No Highway objections

### **Highways Agency**

No objections to the application

### **District Ecologist**

No objection subject to Conditions

### **WC Archaeology**

No objection

### **Environmental Health**

Concern re potential impact of B2 activities on amenity of nearby dwellings

### **Environment Agency**

No objection subject to Condition and Informative

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

Ten third party representations objecting to the proposal were received. Grimstead Parish Council also maintained their objection to the proposal.

Summary of key relevant points raised:

- The original planning consent was temporary and the land should revert to agriculture
- Impact on neighbour amenity
- Ecological impacts
- Traffic generation and highway safety

## **9. Planning Considerations**

### **9.1 Principle, policy and recent planning history**

The application site constitutes an area of previously developed land in the countryside. The site is particularly well screened within the immediate and wider surrounding landscape by reason of extensive tree screening. The site also has

good highway links to the nearby A36. Whilst the previously authorised use of the land was limited by Condition to revert to agriculture, consideration should be given to the potential economic implications of the loss of the site as a more intensive and economic use.

PPS4 is a national planning policy document which sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas. Policy EC6.2c in particular states that local planning authorities 'should support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development'.

The recent Ministerial Statement (23 March 2011) by the Right Hon Greg Clark 'Planning for Growth' publishes 'an ambitious set of proposals to help rebuild Britain's economy'. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible, and the statement sets out the steps the Government expects local planning authorities to take with immediate effect. The Statement directs that, in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations, should ensure that appropriate weight is given to the need to support economic recovery, and that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4).

The Statement is a material planning consideration in the determination of planning applications.

Also relevant in terms of policy context to the application are local plan policy E16 which seeks to retain employment opportunities on land used for employment purposes, and South Wiltshire Core Strategy Core Policy 5 which also seeks to retain employment land in employment use unless the retention of the employment use of the land would be otherwise unacceptable in amenity or environmental terms.

Taking into consideration the existing condition of the site, being set out for commercial scale activities with large existing industrial scale buildings in good condition, and the well screened nature of the site having no undue adverse impact on the surrounding landscape, and the location of the site with good vehicular access and highway links to the A36, it is considered desirable, on balance, that the site remains available for economic and employment use.

The reasons for refusal of the previous scheme (under planning reference S/2011/0678) centered on the unrestricted nature of the proposed B2/B8 use of the site and its implications for the amenity of nearby residents, together with the vehicular traffic movements generated from the proposed use of the site being detrimental to highway safety and the amenity of local settlements.

In addressing the previous reasons for refusal it is proposed that the nature of the use of the site, and the hours of operation and use of external lighting are controlled by Condition, together with other Conditions relating to the management of traffic movements and the safeguarding of nature conservation interests (discussed below).

## **9.2 Impact on Highway safety**

Following concerns expressed during the determination of the previous application, the applicant has provided a Transport Statement (produced by Scott White and Hookins transport consultants) to assess the traffic and transport impact of the proposals.

The Transport Statement provides a comparison between the anticipated trip generation for the proposed development, and compares this against the fall back position for the site as a lime crushing facility. The report concludes that the existing vehicular access onto Grimstead Road exceeds the requirements in respect of visibility splays and manoeuvring space for large vehicles to turn in and out safely, and the traffic generated from the proposed use would not have an adverse highway safety impact.

The Transport Statement proposes mitigation measures to dissuade large vehicles from using village roads. These include:

- the modification of the access with Grimstead Road to prevent large vehicles from turning right (out of the site)
- the imposition of a Traffic Management Plan to confine lorries to suitable routes via the A36 rather than via village roads
- measures within the site to remind drivers of the appropriate exist route before they leave
- measures to inform prospective site users with the same advice on which routes to use

The Highways agency has assessed the proposal and raises no objections to the application.

Wiltshire Highways has provided an updated consultation response raising no Highway objection to the proposal.

Taking into consideration the suitable access and highway links to the site, that the proposal would not raise highway safety implications, the mitigation proposed in the submitted Transport Statement, and taking into consideration the desirability of maintaining the site in use as an operational site in the interests of employment and economic development, it is considered the proposed development would be acceptable in Highway and transport terms, subject to a Condition requiring the submission and agreement of a Traffic Management Plan to impose measures to ensure large vehicles associated with activities on the site are routed via the A36 rather than local village roads.

## **9.3 Impact on visual amenity/landscape character**

The site is very well screened on all sides by existing mature trees and woodland, the surrounding land principally consists of countryside and is designated as Special Landscape Area. By reason of the high level of existing boundary and wider

screening around the site it is considered the proposed development would not adversely affect visual amenity within, or the existing character of, the surrounding landscape.

#### **9.4 Impact on neighbour amenity**

In the previous reason for refusal the authorised use of the site was referred to as being *sui generis*, however it could be argued that the authorised use falls within Class B2 of the Use Classes Order, being either a 'Lime (agricultural) processing and manufacturing place', a 'Lime works', 'Limestone breaking up place' or a 'Limestone crushing place', all of which would be considered as B2 uses according to the Land Use Gazetteer (3<sup>rd</sup> ed.).

The site is very well screened on all sides by existing mature trees and woodland, the surrounding land principally consists of countryside and is designated as Special Landscape Area. The closest neighbouring residential properties are approximately 50m to the north east and east.

The proposal constitutes a mix (split into two defined areas) of B8 open storage and B2 general industry. The B2 area is located to the westernmost end of the site, and the furthest away (approximately 180m to the north east and 220m to the east) from the closest residential properties.

The Environmental Health officer has assessed concerns in respect of the B2 element of the proposed use, and its potential to have noise impacts on the nearest dwellings. However, the proposed B2 (general industry) use would be restricted to the western end of the site (that being the furthest area of the site from the closest dwellings) and would be incorporated within the existing steel framed buildings. The remainder of the site would be used for B8 storage and distribution (no new buildings or structures proposed).

It remains a material consideration that the existing authorised use of the whole site (as a 'Lime (agricultural) processing and manufacturing place') falls within Use Class B2 and is uncontrolled in terms of hours/days of use and vehicular movements.

By reason of the distance and relationship between the proposed B2 area of the application site and the nearest residential properties, it is considered the proposed development would not unduly disturb, interfere, conflict with dwellings or uses to the detriment of existing occupiers.

#### **9.5 Ecological impacts**

The application site is within a predominantly rural area and adjoins the Oakridge Wood County Wildlife Site along its southern boundary. The surrounding habitat therefore is suitable for a variety of protected species, including badgers, bats, breeding birds, reptiles and great crested newts, all of which are recorded in the vicinity of the site.

The site itself consists mostly of bare ground, roadways, steel structures and mounds of limestone – habitats which in themselves have little potential for protected

species. The applicant has submitted an Extended Phase 1 Habitat Survey (Ahern Ecology, November 2011) for the site which has been assessed by the Council's District Ecologist. On the basis of the additional information submitted, the District Ecologist now raises no objection to the proposed development, subject to Conditions.

## **10. Conclusion**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C2 (Development in the Countryside), C6 (Landscape Conservation), E16 (Employment), C11 (Nature Conservation) & CN21 (Archaeology) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy), and the aims and objectives of PPS4 (Planning for Sustainable Economic Growth), PPS9 (Biodiversity and Geological Conservation) and the Ministerial Statement by the Rt Hon Greg Clark (23.03.2011) 'Planning for Growth', insofar as the proposed development is considered an appropriate re-use of a previously developed site that would retain employment opportunities and promote economic development without undue detriment to the character and appearance of the surrounding Special Landscape Area and without undue detriment to Highway safety of the amenity of nearby residential occupiers. The proposed development would not adversely affect nature conservation interests.

## **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), C2 (Development in the Countryside), C6 (Landscape Conservation), E16 (Employment), C11 (Nature Conservation) & CN21 (Archaeology) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy), and the aims and objectives of PPS4 (Planning for Sustainable Economic Growth), PPS9 (Biodiversity and Geological Conservation) and the Ministerial Statement by the Rt Hon Greg Clark (23.03.2011) 'Planning for Growth', insofar as the proposed development is considered an appropriate re-use of a previously developed site that would retain employment opportunities and promote economic development without undue detriment to the character and appearance of the surrounding Special Landscape Area and without undue detriment to Highway safety of the amenity of nearby residential occupiers. The proposed development would not adversely affect nature conservation interests.

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

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

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

2) This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 16.09.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

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

REASON: To protect controlled waters.

Policy: G2

4) No development shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Management Plan shall include details of:

- the modification of the access with Grimstead Road to prevent large vehicles from turning right (out of the site)
- the imposition of a Traffic Management Plan to confine lorries to suitable routes via the A36 rather than via village roads
- measures within the site to remind drivers of the appropriate exist route before they leave
- measures to inform prospective site users with the same advice on which routes to use

Development shall be carried out in accordance with the mitigation measures within the agreed Traffic management Plan.

REASON: In the interests of road safety and reducing the impact of vehicular traffic on local roads in the vicinity of the development.

POLICY: G2

5) No development shall commence on site until a scheme for the protection of protected species and the management of the habitat of protected species has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(i) Details of the position and type of fencing which will be erected to protect habitats and species from site operations. All habitats likely to support reptiles including vegetation and rubble piles will be fenced off from the operational part of the site

(ii) Details of ongoing management and maintenance work that will be undertaken to ensure protected species are not harmed during long term operation of the site, including timing/frequency of specific operations and persons who will be responsible for these works.

If there is doubt / disagreement with the planning authority about what parts of the site should be fenced, a detailed reptile survey will be undertaken by an independent expert as described in the approved Extended Phase 1 habitat Survey report by Ahern Ecology dated November 2011. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use, and maintained as such thereafter unless otherwise agreed in writing by the local planning authority.

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

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

6) The measures in relation to badgers, birds and great crested newts detailed in the approved Extended Phase 1 Habitat Survey report by Ahern Ecology dated November 2011 shall be carried out in full prior to the first bring into use/ occupation of the development (Recommendations - Section 4, page 12).

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

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

7) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels, specification of timing switches and light spillage data have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

POLICY: G2, Planning Policy Statement 9: Biodiversity and Geological Conservation

8) The B2 use shall be limited to the area(s) within the footprint of the existing building(s) only, and shall not take place outside of the footprint of the existing buildings or in any other area within the site. The area outside of the footprint of the existing buildings (within the defined B2 use area) shall be used for ancillary storage to the B2 use only.

REASON: In order to control the extent of the site under B2 use, in the interests of amenity.

POLICY: G2

9) The use(s) hereby permitted shall only take place between the hours of 0700 hours and 1900 hours from Mondays to Saturdays. The use(s) shall not take place at any time on 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 amenity of the area.

POLICY: G2

10) The maximum height to which any materials, goods, containers etc. stored in the open on any part of the site shall not exceed 5 metres above ground level.

REASON: In the interests of visual amenity

POLICY: G2, C6

INFORMATIVE

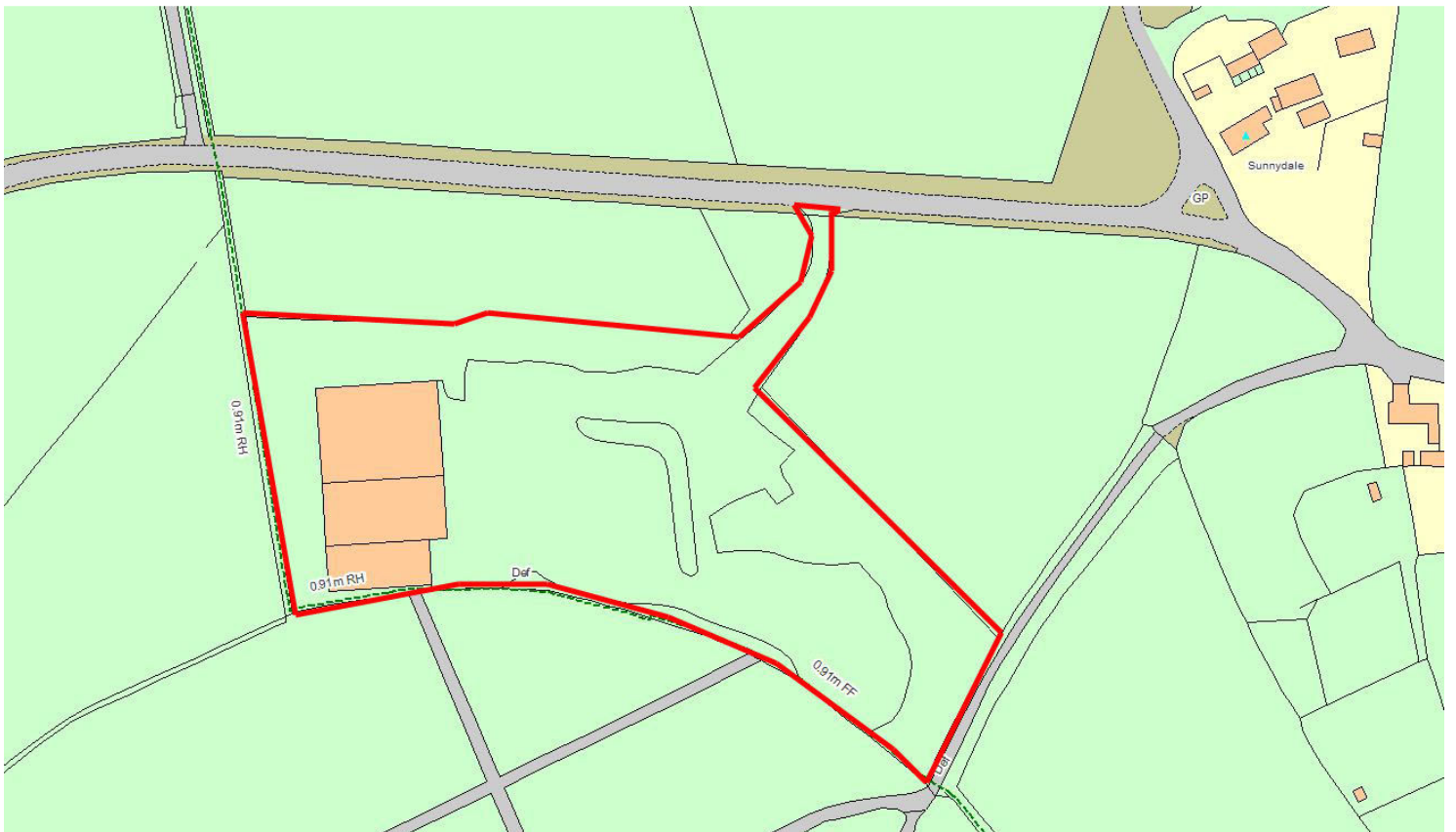
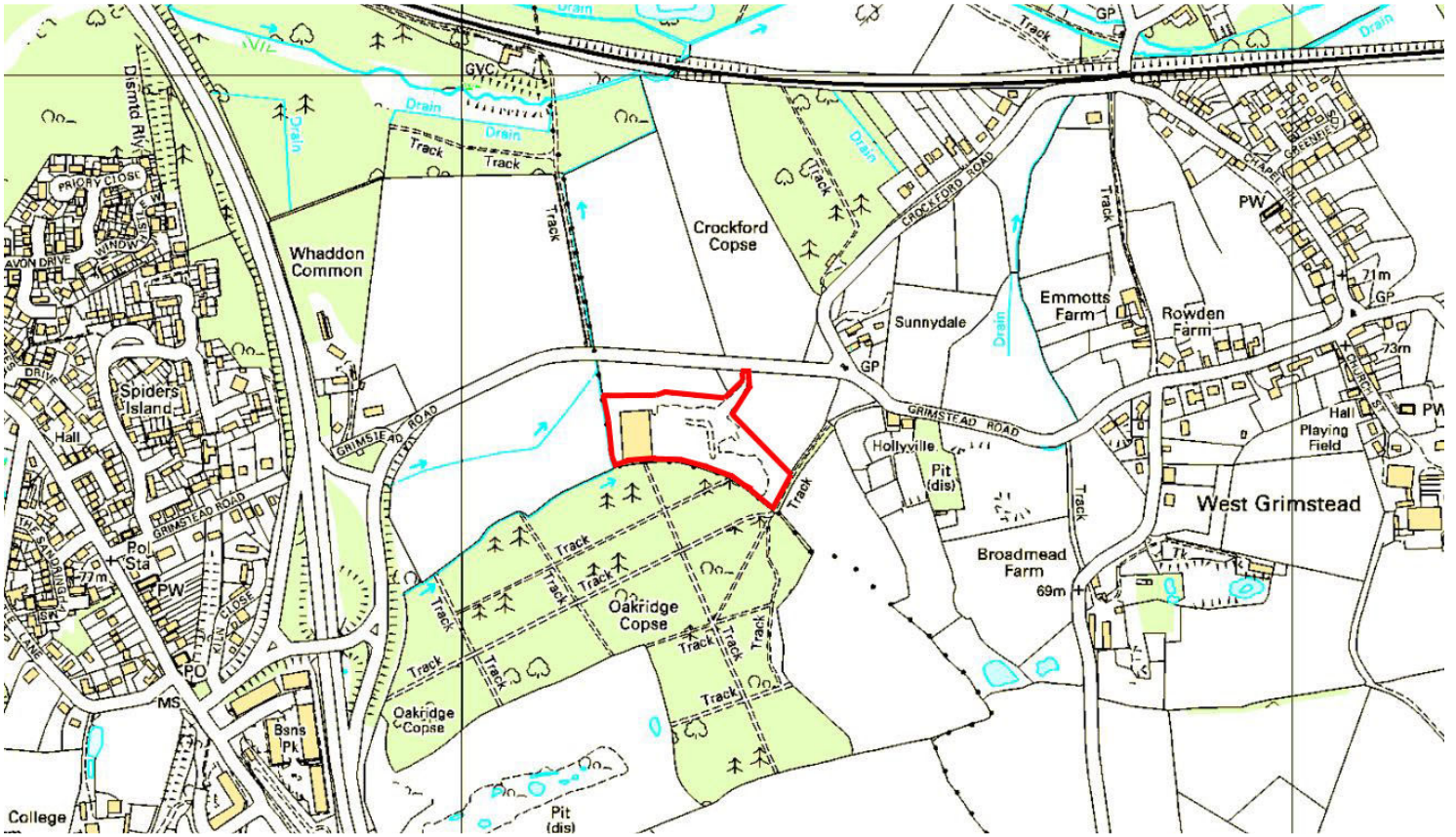
If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any 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 03708 506 506 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.





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# Agenda Item 7b

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 <sup>th</sup> January 2012		
<b>Application Number:</b>	S/2011/1606		
<b>Site Address:</b>	No 8 The Poplars, Barford St. Martin, Salisbury, SP3 4AR		
<b>Proposal:</b>	New Dwelling adjacent to and alterations and extensions to No 8 The Poplars		
<b>Applicant/ Agent:</b>	Ayleswood Development		
<b>City/Town/Parish Council</b>	Barford St. Martin Parish Council		
<b>Grid Reference:</b>	405234.818		
<b>Electoral Division</b>	Nadder & East Knoyle	<b>Unitary Member</b>	Cll Bridget Wayman
<b>Type of Application:</b>	FULL		
<b>Conservation Area:</b>	Cons Area NA	LB Grade: NA	Grade
<b>Case Officer:</b>	Case Officer Andrew Bidwell	Contact Number:	01722 434 381

### Reason for the application being considered by Committee

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

- Scale, Visual Impact on surrounding area, Relationship to adjoining properties

### 1. Purpose of report

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

### 2. Report summary

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

1. Principle of development;
2. Character and appearance of the area
3. Amenities of adjoining and nearby property;
4. Living environment of proposed dwelling;
5. Highway safety;
6. Public recreational open space.
7. Previous appeal decision;

The application has generated objections from Barford St. Martin Parish Council; **no indications of support and 1 letter of objection from the public.**

### 3. Site Description

The site relates to 8 The Poplars, a two storey semi detached dwelling situated on the corner of West Street (B3089) and Dairy Road within the village of Barford St. Martin. The rear curtilage of the dwelling fronts onto Dairy Road, and comprises a tarmac parking area and raised garden area beyond. The dwelling has single storey rear and side extensions. The site is within the Housing Policy Boundary and AONB.

### 4. Relevant Planning History

S/2010/1903 New Dwelling on land to rear and alterations and extensions to existing dwelling. This application was refused and was subsequently dismissed at appeal on 23<sup>rd</sup> August 2011.

## **5. Proposal**

The erection of a new dwelling on land adjacent to No 8 The Poplars, and alterations to the existing dwelling at No.8, The Poplars, Barford St Martin.

## **6. Planning Policy**

The following saved policies of the Salisbury District Local Plan are considered relevant to this proposal:-

Local Plan: policies G1, G2, C5, D2, H16, R2, TR11, TR14 and;  
South Wiltshire Core Strategy Appendix C: saved policies from the Salisbury District Local Plan.

Central Government planning policy: PPS1, PPS3, PPG13

## **7. Consultations**

### **Parish Council**

Object to the proposal for the following reasons:

- The new dwelling will be over development of the site
- Increased noise and invasion of privacy
- Proposal is a departure from the traditional paired dwellings characteristic of the area otherwise unchanged
- The limited amount of parking available in Dairy Road will be further restricted
- The size of the site is the same as that on which the previous proposal was turned down on appeal
- The Parish Council supports views strongly expressed by residence that the proposal will spoil the area of housing, traditionally built, within the village

### **Highways Officer**

It is considered that the proposed development will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to it subject to conditions.

### **Wessex Water**

No objections, site is situated within a foul sewerage area. The applicant should agree matters of connection at the detailed design stage.

### **Archaeology**

Although there are significant archaeological remains in the area of the application site, the proposal does not have any impact upon them. In addition, there is a large overlap between the existing and proposed footprint of impact, further reducing the likelihood of impact on previously unknown and undisturbed archaeological remains. As a consequence, I have no further observations to make with regard to this

application.

## **Wiltshire Fire & Rescue**

Standard advice is given regarding Fire Appliance/Firefighting Access, Water supplies for Firefighting, Domestic Sprinkler Protection

### **8. Publicity**

The application was advertised by site notice and neighbour consultation.

8 letters of letters of objection were received, and 1 supporting the proposal.

Summary of key relevant points raised:

- New dwelling is an overdevelopment of site;
- New dwelling would be of a poor design, out of character with the surrounding dwellings;
- There would be inadequate and unsafe parking facilities, and existing off-street parking spaces used by other dwellings would be lost.
- Increased congestion on Dairy Road;
- The new dwelling would have poor levels of natural light;
- Number 7 would become a mid terraced property which is out of keeping
- The appeal decision should be adhered to.
- Garden is too small and windows would overlook
- Any further extensions to rear of the properties should be blocked
- Proposal is contrary to national and local policy
- Increased pressure on sewerage system.
- Support the development as it would provide affordable homes for first time buyers.
- Existing employers have employees that commute into the village for work.
- This proposal may be an attractive option for employees to locate to new quality affordable housing in our village.

### **9. Planning Considerations**

#### **9.1 Principle of development**

The site lies within the Housing Policy Boundary of Barford St. Martin. As such, Local Plan policy H16 permits the development of infilling and small-scale re-development in principle, provided that it does not constitute tandem or inappropriate back land development; does not result in the loss of an important area of open space and does not conflict with the Local Plan's design policies, as well as meeting other Local Plan requirements.

PPS3 seeks to direct new housing development towards sustainable locations and to provide quality housing that positively contributes to the local environment and needs of communities. Recent changes to the PPS have removed minimum density requirements and excluded residential gardens from the definition of previously developed land. This change, which places less emphasis on developing land such as the application site, needs to be judged in relation to the fact that the site still falls within land designated as within a Housing Policy Boundary.

#### **9.2 Character and appearance of the area**

In regard to the previous refused proposal, It was considered that the site is insufficient in size to accommodate a dwelling without it appearing cramped and out of keeping with established development in the locality.

The main objective of this proposal is to mitigate as far as possible the concerns raised with the previous application for a detached new dwelling (both by the case officer and the appeal inspector). The proposal has thus not attempted to improve upon the previous application but, has instead adopted a different design approach resulting in a dwelling formed as an extension to the existing property.

These proposals have been the subject of the Council's formal pre-application procedure and officers advise that: -

*“based on the above comments and information it is considered that officer’s would recommend approval for a planning application for this development”*

Having had regard to the advice, the applicants have provided the justification and rationale for the design approach adopted in this case within their Design & Access Statement. The statement describes the proposal as follows:

Character of the Surrounding Area;

The area is characterised wholly by residential development with a wide variety of dwelling sizes and styles including cottages with relatively small gardens and larger dwellings such as that to the north of the site.

The immediate context of the property features numerous architectural styles and use of materials, namely:

- Eclectic mix of dwelling size and design
- Pitched roofs of varying style and “pitch” on main dwellings;
- Flat roof extensions and garages;
- A cluster of development around the crossroads
- Access and car parking to Dairy Road
- Built form is set back from West Street
- Undefined building line along Dairy Road
- Different orientation of dwellings to Dairy Road, consistent orientation to West Street
- Garden sizes vary considerably

The railway bridge forms a visual “stop” within the street scene creating in visual terms a cluster of mixed development between the West Street junction and the railway. Although there is only a small group of dwellings within this visual context they display considerable diversity of style, size, height, mass, orientation to the street and overall plot size.

The predominant character of West Street is of pairs of dwelling in close proximity to each other creating a “terracing effect” in narrow angle perspective.

The proposed dwelling would reinforce this characteristic of the locality.

## The Proposal;

The proposal effectively seeks permission for the demolition of some poor quality extensions to the main dwelling and their replacement with a new dwelling between No8 and Dairy Road.

## The Existing Dwelling;

The existing dwelling on the site has limited architectural merit and it is set back from West Street providing a large front curtilage. The house has a large rear garden which is effectively “split in half” by its existing garage and car parking area. This whole of this rear curtilage has limited privacy as a result of overlooking from neighbouring properties and an open access to Dairy Road.

The existing building contains a number of substandard extensions to the original dwelling and it is proposed to remove these.

The existing car parking for the site is located to the rear of the dwelling and effectively splits the rear curtilage in half. It is proposed to create new car spaces at the northern end of the site adjacent to No.1 Dairy Road.

It is proposed as part of this application to create an additional bedroom in the roof space of number eight providing a small dormer in its front elevation to obtain countryside views across West Street.

There are a number of small dormers contained within properties fronting West Street and given the open nature of the land opposite there would be no loss of residential amenity to any property. No dormers are proposed in the rear elevation with only develops rooflights included to prevent overlooking of neighbouring properties.

It is also proposed to create a 2.7m deep single storey “glass roofed” extension on the rear of the existing building to create a small dining room.

Given the height of this proposed extension and its limited depth it is submitted that there would be no adverse impact upon the residential amenities of neighbouring property at number seven or indeed the additional property proposed in this application.

## The Proposed Dwelling

It is proposed to create a modest three bedroom dwelling on land adjacent to No.8 with its own car parking, access and private garden area.

The size of the proposed dwelling, its height and the subsequent plot accords with the general character of the area and would retain sufficient amenity space for both the existing and proposed dwellings.

The design and orientation of fenestration within the proposed dwelling has been carefully designed to avoid any undue overlooking of neighbouring properties.

The proposed materials used in the construction of the new dwelling seek to sympathise with and respect those of adjoining dwellings.

### **9.3 Amenities of adjoining and nearby property**

As with the previous application the occupants of dwellings in the immediate surrounds including the adjoined neighbours have raised concern that the formation of the new dwelling would adversely affect their amenity. In particular the concerns relate to the inadequacy of the size of the plot to accommodate the new dwelling, the possibility of problems being caused relating to what is considered as inadequate parking, overlooking and the proposal is out of keeping with character of this neighbourhood.

In relation to No 7 The Poplars, (The adjoining neighbour most affected by the proposal) the concerns also relate to the ability of the proposal to be implemented from a building structure / regulations point of view. Whilst this concern does raise a number of important issues for the application for example, possible noise disturbance from the kitchen due to its location in relation to the neighbours party wall, there is no evidence to suggest that the proposal cannot be constructed to accord with building regulations. However, whilst these building regulations matters are not normally relevant at planning application / permission stage, the issues have nevertheless been raised by the neighbour most affected. As such the plans have been past for consultation to the councils building control team for an opinion on the matter. An oral update will be given as to the outcome of the consultation at the meeting.

With regards to other concerns including overlooking and loss of privacy, due to the positioning of the proposal on the end of the existing building, the fact that the rear elevation does not have first floor windows and as the rear elements- that extend beyond the line of the adjoined property - are minimal are single storey, and do not have openings in the side facing the neighbour, It is considered that the proposal would not result in an unreasonable loss of privacy light or overshadowing that would result in demonstrable harm to neighbour amenity.

However, the comment suggesting that permitted development rights are removed thus preventing any further extensions without permission, is considered reasonable. A suitable planning condition will be imposed in this regard.

### **9.4 Highway considerations**

The development would provide off street car parking spaces for the new three bed dwelling and 2 spaces for the extended four bed dwelling. This level of off-street parking provision is considered to accord with the advice contained within Local Plan policies G2 and TR11 and PPG13, and the Highways Officer raises no objection to this provision.

However, it is noted that the parking situation has raised significant concern amongst neighbours and the Parish Council. Existing properties within the vicinity of the site have limited or no off-street parking facilities, and therefore the section of road fronting the development site is used by local residents for on street parking. The concern of local residents is that the new dwelling would both increase demand for on-street parking and reduce supply by virtue of the formation of a new access (amongst other things). However, limited weight can be given to the loss of potential parking spaces on a public highway as there is no right to park on the highway, and as in this case the Highways Officer raises no objection to the level of off-street parking proposed for the development. Whilst third parties cite that the development will force people to park their cars in



dangerous or inappropriate location, such as a nearby bus stop, it is the duty of the local highways authority to prohibit or enforce against such unacceptable parking.

In terms of safe access and egress from the proposed parking spaces, the neighbour comments relating to the fact that the parking spaces are laid out such that cars in the back inside spaces would be blocked-in by cars parked in the front spaces, are noted. However, whilst this is not ideal, it is nevertheless an arrangement that the highways officer has not opposed. And as the access to the parking is not within the first 10 metres from the West Street junction, and that in all other highway safety respects the proposal is acceptable, the Highways Officer raises no objection.

Consequently, whilst the strong local opposition to the proposed parking arrangements continue to be apparent and are acknowledged, given the comments from the Council's Highways Officer it is not considered that the local planning authority could reasonably object to the application on highways safety grounds.

## **9.5 Design / Living environment of proposed and extended dwelling**

### **Outside Space**

Unlike the previous scheme it is considered that the garden areas in the form now proposed for both the existing dwelling and the new, would be adequate to provide a reasonable amount of outside living / garden space for future occupiers. Furthermore, the linear form of garden area is a traditional way of separating gardens and is not unusual in this area. The combination of the proposed linear garden layout, the 2 metre high (900 mm at the front) wooden fencing between the gardens and the proposed hedgerow planting alongside the boundary with the road and across the rear (separating the garden from the parking area), will result in a well designed quality solution to the provision of outside garden space for the proposal. As such this design approach would not result in detriment to the existing character and quality of this site within the AONB.

## **9.6 Design / The dwellings**

Whilst neighbours and the Parish Council have raised concerns regarding the design approach adopted, the proposal overall is considered to be appropriate for this site and the surrounds. The scale of the proposal is not considered to be out of keeping with the neighbouring and the adjoined dwelling. The alterations to the existing dwelling will result in minimal change over the existing with the only notable difference in the street scene being the loss of the existing front porch and the addition of a well proportioned appropriately styled dormer. The new dwelling will have a dormer of the same style and proportions. This together with the fact that the roof will be no higher than existing will ensure that in roof-scape terms the proposal will not appear incongruous. The front and end elevations are well balanced with appropriately designed and proportioned windows. The position of the front door entrance to the existing dwelling is unchanged and the new dwelling is accessed from the end. As a result the visual characteristic of the front overall is such that the new dwelling appears to be part of the existing street scene and not as an additional dwelling. The end elevation has the windows providing natural light for the kitchen on the ground floor and the bathroom and bedroom at first floor. This limited number of windows is expressly designed to avoid the need for first floor windows at the rear where privacy might otherwise be compromised. The window in the bathroom will be frosted glazed and it is not considered likely that the bedroom window will result in any unreasonable levels of overlooking.

However, the application form does not clarify materials indicating that they are to be agreed. It is therefore necessary that a condition be imposed requiring that this important aspect of the proposal is agreed prior to the commencement of the development. This will

apply to all external materials in the interest of ensuring the existing quality of the street scene is not compromised.

A further aspect of this proposal which has caused neighbour concern is the rear conservatory element. This adjoins the boundary of No 7 and the concern relates to possible noise emanating from it particularly as the roof will be glazed. However, as with the building generally this is a building regulations matter and there is no evidence to suggest that it will be a noise source. Noise is nevertheless a material planning consideration and noise therefore must be considered. The consultation being carried out with building regulations mentioned above will include an assessment of noise impact.

Finally the roof of the dwellings will incorporate 4 roof windows. These are small roof windows set high up the roof slope making the possibility of overlooking very unlikely. These windows are shown as being two lights with a vertical central glazing bar. This type are considered to be appropriate in design terms and thus will blend in well with the rear roof – scape.

## **9.6 Public recreational open space**

The applicant has entered into and has completed a legal agreement to provide the appropriate provision towards off-site recreational open space, as required by saved Local Plan policy R2. Consequently the development is in accordance with this policy.

## **9.7 Previous appeal decision**

Several of the comments received in relation to this proposal including those from the Parish Council, relate to the previously refused development, the subsequent appeal and the comments of the appeal inspector.

Mostly the inspectors comment that the site is unable to satisfactorily accommodate an additional dwelling and that, having regard to all other matters raised, the appeal should be dismissed, have been raised.

However, it is important to consider that the inspector made the comments as a direct result of the application details before her. The inspectors states in the decision at Para 4, Line 3 and 4 ... *I find that in this particular case the size of the site makes it inappropriate for what is proposed ...*

The conclusions were reached without the benefit of comparing the appeal proposal with any other scheme for this site and the current scheme is fundamentally different.

The inspectors comments are therefore not considered to have overriding material weight in that they do not rule out other developments on the site where “*what is proposed*” is otherwise acceptable from a planning point of view.

A copy of the appeal decision is attached to this report. (**Appendix 1**)

## **9. Conclusion**

### **10.**

The proposed dwelling and alterations to existing would represent an appropriate form of development that would not demonstrably harm the visual quality and character of the area within the AONB, the residential amenity of neighbouring dwellings or, highway safety.

## 11. Recommendation

### Planning Permission be **APPROVED** for the following reasons:

The proposal is considered to have satisfactorily mitigated the concerns with the previous refused application S/2010/1903/FULL dismissed at appeal ref No: APP/Y3940/A/1/2151382 on 23<sup>rd</sup> August 2011, in that it is a fundamentally different proposal with a form, design scale orientation and position on the site, that is not considered likely to adversely affect visual and residential amenity of this site within the wider AONB or, highways safety. As such the proposal is considered to generally accord with the saved policies G1, G2, C5, D2, H16, R2, TR11, TR14 of the adopted Salisbury District Local Plan, to the policies within 'appendix C of the South Wiltshire Core Strategy and to the advice contained within PPS 1 and 3.

### Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of 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.

Planning Design & Access Statement received 21/10/11  
Additional Letter dated 8<sup>th</sup> December 2011, received on 08/12/11  
Drawing ref.no. Absm/p/10, Plans As Proposed  
Drawing ref.no. Location Plan received on  
Drawing ref.no. Absm/p/01, Block Plan and Sections As Existing, received on 26/10/11  
Drawing ref.no. Absm/p/11, Block Plan and Sections As Proposed, received on 26/10/11

REASON: For the avoidance of doubt.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY- G2 General criteria.

4 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.

5 No development shall commence on site until details of the design, external appearance and decorative finish of all, fences, gates, walls, 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 first occupied.

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

POLICY- G2 General criteria.



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## Appeal Decision

Site visit made on 15 August 2011

by **Jennifer Armstrong JP BA FRTP I**

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

Decision date: 23 August 2011

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**Appeal Ref: APP/Y3940/A/11/2151382**

**8 The Poplars, Barford St Martin, Wiltshire, SP3 4AR**

- 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 Ayleswood Developments Ltd. against the decision of Wiltshire Council.
  - The application ref. S/2010/1903/FULL, dated 20 December 2010, was refused by notice dated 11 April 2011.
  - The development proposed is erection of new dwelling on land to the rear, and extensions and alterations to existing dwellings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue is whether the appeal site can satisfactorily accommodate an additional dwelling, having regard to its size and its relationship to adjoining dwellings.

### Reasons

3. No. 8 is a semi-detached dwelling, and there is another property, 1 Dairy Road, at right angles to it at the end of the rear garden. There are no objections in principle to the proposed alterations and extensions to the existing house. However, the sub-division of the plot would leave that extended, 4-bedroomed property with a private rear garden only about 4m deep. Part of its front garden would also be taken up with parking spaces. The new 3-bedroomed house would have only a narrow fringe of land around it, with a gap of just over 2m between its east wall, which includes the dining room window, and the side boundary with no. 7.
4. The site is within the settlement's Housing Policy Boundary as defined in the Salisbury District Local Plan (2003) where under policy H16 infilling may be acceptable. However, I find that in this particular case the size of the site makes it inappropriate for what is proposed, resulting in a cramped form of development which would provide inadequate and unsatisfactory conditions for future residents. It would also be contrary to paragraph 17 of the government's Planning Policy Statement 3 (PPS 3 - Housing) which states that, particularly where family housing is proposed, it is important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including gardens. This point is strengthened by the deletion in 2010 of

garden land from the definition of previously developed land. While this change does not rule out the development of gardens, it gives increased recognition to the environmental and amenity value of such land and is particularly relevant to this case.

5. I turn now to the relationship of the new house to neighbouring dwellings. It would be sited in front of and, because of the sloping ground, at a lower level than 1 Dairy Road. The angle of the two properties to one another and the arrangement of windows mean that there would be little scope for direct overlooking and I think it unlikely that any over-shadowing would materially affect the main front windows of no. 1. Therefore, while the outlook from parts of that property would clearly change, I do not consider that this would be such as to justify the refusal of planning permission. There would, however, be a direct impact on 7 The Poplars as a result of a two storey wall only 2m from the side boundary fence of its rear garden. Even taking account of the sloping nature of the site, I find that this wall would have an unacceptably overbearing effect, seriously detracting from the level of amenity which the occupants of no. 7 currently enjoy. This would be contrary to criteria (vi) of Local Plan policy G2.

#### **Other Matters**

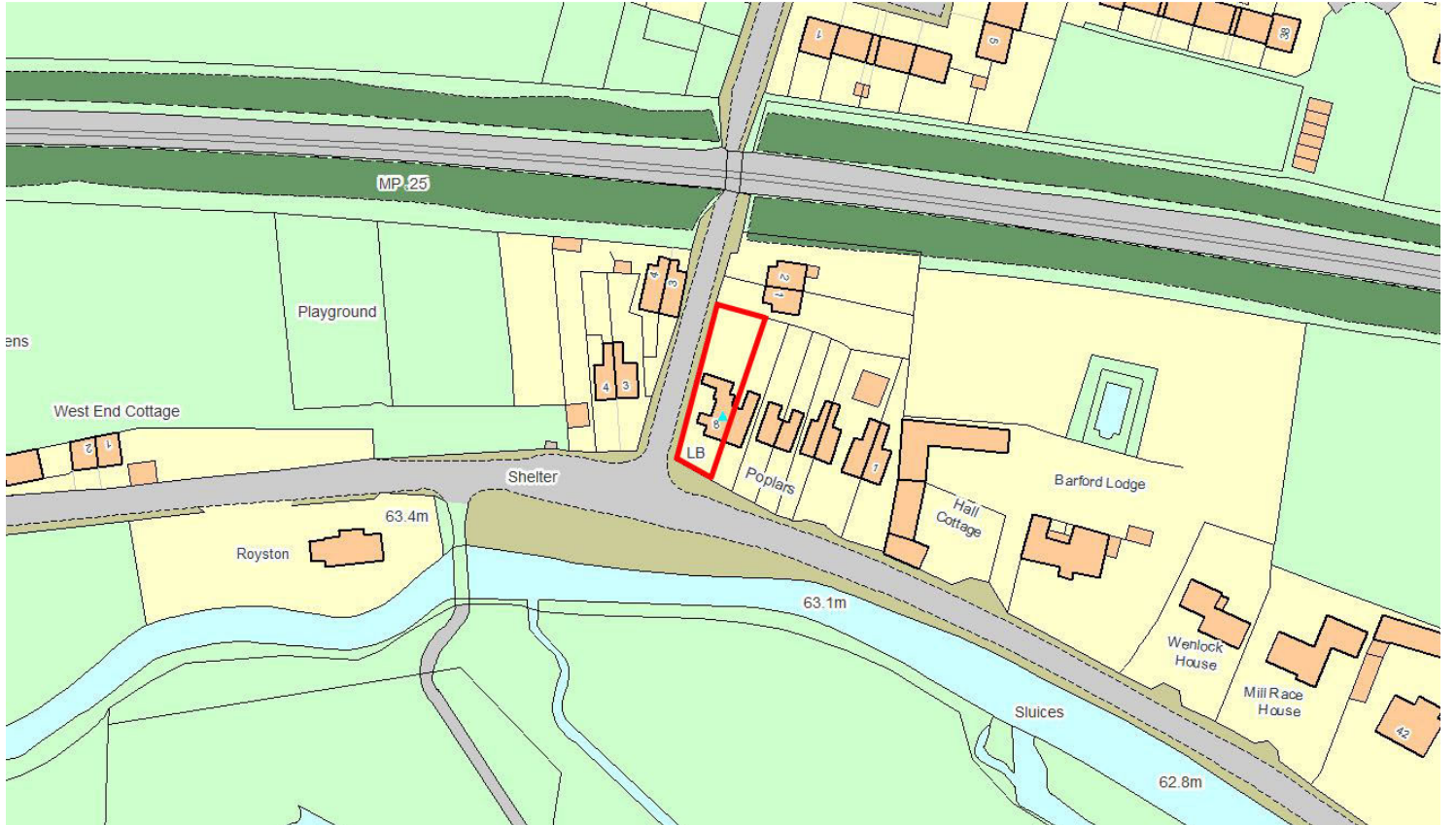
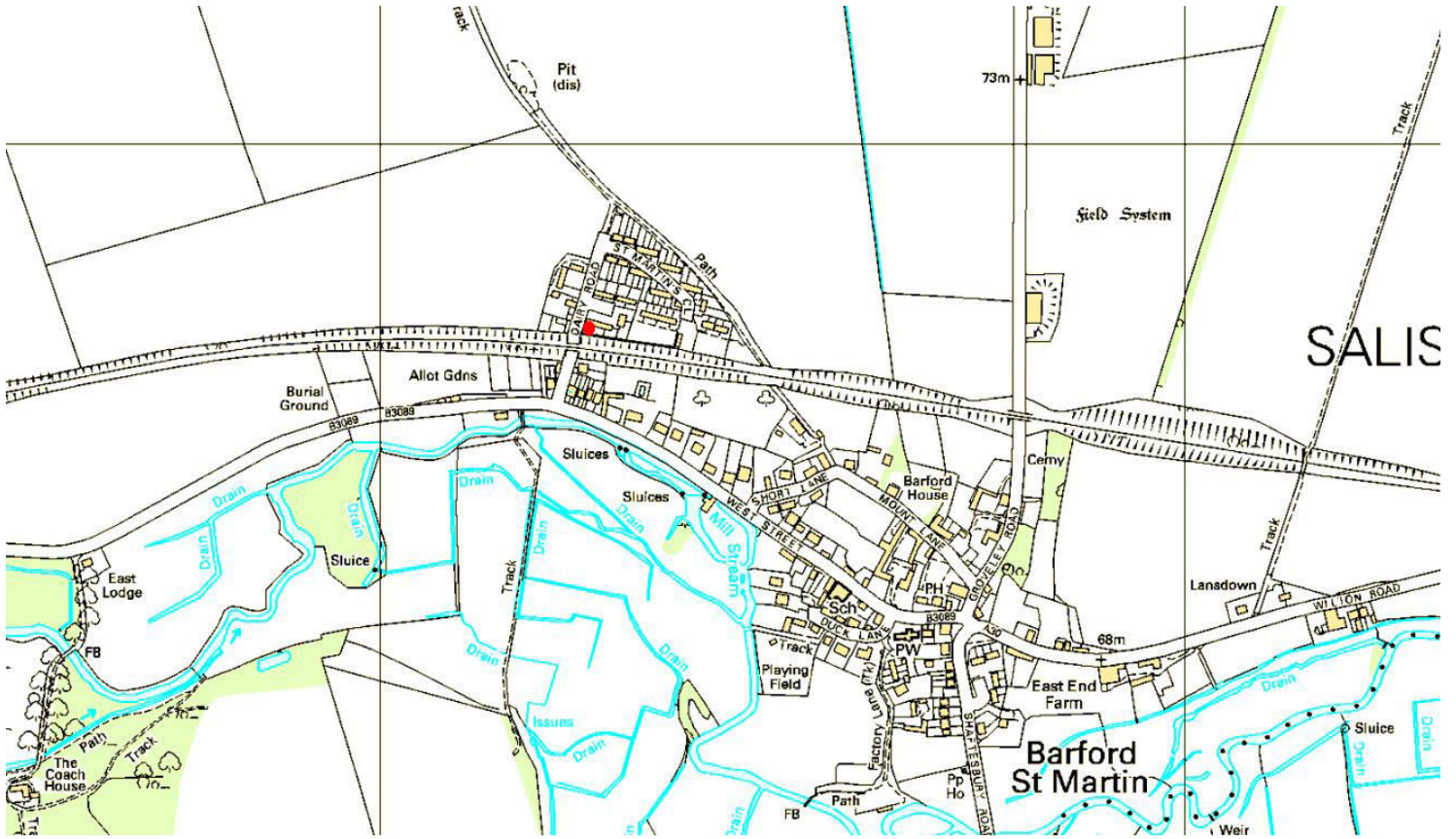
6. Local residents have expressed concern about street parking in Dairy Road. However, as the proposals make provision for on-site parking and the highway authority have no objections, I have not found this to be a reason to withhold permission. A Unilateral Planning Obligation has been submitted relating to the provision of recreational facilities but this does not overcome the fundamental planning objections to the proposed development of the site. I do not consider the overgrown state of the garden and the fact that it is at present unfenced where it abuts the road to be matters which support its development.
7. The appellant has made further comments in relation to the recently published National Planning Policy Framework. This is in draft form, subject to change, and its policies can be accorded little weight. In any event, my findings above indicate that the problems associated with the proposed development significantly outweigh the benefits which would arise from an additional dwelling.

#### **Conclusion**

8. For the reasons given above I conclude that the site is unable to satisfactorily accommodate an additional dwelling and that, having regard to all other matters raised, the appeal should be dismissed.

*J. Armstrong*

INSPECTOR



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# Agenda Item 7c

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1734 Full		
<b>Site Address</b>	Downsway, Brook Street, Fovant, Salisbury. SP3 5JB		
<b>Proposal</b>	Demolition of existing dwelling and erection of two new four bedroom dwellings		
<b>Applicant/ Agent</b>	Michael Lyons Architecture		
<b>City/Town/Parish Council</b>	Fovant Parish Council		
<b>Electoral Division</b>	Fovant & Chalk Valley	<b>Unitary Member</b>	Cllr Jose Green
<b>Grid Reference</b>	400760 128241		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	<b>LB Grade:</b>	NA
<b>Case Officer:</b>	Case Officer Mr Warren Simmonds	<b>Contact Number:</b>	01722 434553

### Reason for the application being considered by Committee

Cllr Green wishes the following issues to be considered:

- Scale of development
- Relationship to adjoining properties
- Environmental or highway impact
- Public interest

### 1. Purpose of report

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

### 2. Report summary

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

Seven letters of objection from third parties have been received. The Parish Council object to the proposal.

### **3. Site description**

The application site consists of a parcel of land of approximately 1800 square metres, being the residential curtilage of the dwellinghouse known as 'Downsway', Brook Street, Fovant. The site is located towards the end of a private track shared with 10 other dwellings, and serves as an access track for East Farm, further to the west.

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

### **4. Planning history**

None relevant to the application

### **5. Proposal**

The proposal is to replace the existing bungalow with 2 detached 4-bed dwellings with double garages and associated external works.

### **6. Planning policy**

Local Plan policies G1, G2, D2, H16, C5, C12, R2 (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy)

National planning guidance PPS3, PPS9

### **7. Consultations**

#### **Wiltshire Highways**

No Highway objection, subject to Conditions

#### **Environment Agency**

No comment

#### **Environmental Health**

No objection, subject to no burning and working hours Conditions

#### **Archaeology**

No observations

#### **Wilts Fire & Rescue**

Standard letter of advice re fire appliance access and water supplies

#### **Tree officer**

No objection

#### **Principal ecologist**

No objection, subject to Conditions

## **8. Publicity**

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

### Third-Party Representations-

Seven letters of objection have been received, with the main points of objection summarised as follows:

- Overdevelopment of the site
- Impact on neighbour amenity/privacy
- Garage design and appearance
- Impact on character of the AONB
- Highway safety/increased traffic on access track
- Agricultural occupancy restriction

Parish Council:

Object for the following reasons:

- Overdevelopment of the site
- Excessive scale/increase in footprint
- Highway issues
- Contrary to govt. policy on 'garden grabbing'

## **9. Planning considerations**

### **9.1 Principle of housing development**

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

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

PPS3 and PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and should not be allowed if it would be out of character or harmful to its locality.

It is recognised that the Government has revised its guidance to make 'garden grabbing' more difficult. It has achieved this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing indicative density levels. This means that the current garden to Downsway, which could have

been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'.

However, it must be stressed that even if none of the site is now 'previously developed land', the proposed dwellings are still within the Housing Policy Boundary and therefore development is acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. It should be noted that Policy H16 is a saved local plan policy within the approved South Wiltshire Core Strategy.

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

An assertion has been made in third party representations that the existing bungalow on the site was occupied as an agricultural worker's dwelling. Whilst the property may have previously been occupied by an agricultural worker, there is no evidence from the planning history that the property has any restriction on its occupancy in this respect. In any case, being located within an H16 Housing Policy Boundary, special justification in terms of agricultural need for the proposed development is not required (as it would otherwise be in areas outside of a Housing Policy Boundary).

In summary, considering the proposal against local plan policy, a proposal for new residential development within the curtilage of Downsway in the form of a larger replacement dwellinghouse and a new dwellinghouse is considered acceptable in principle, provided that it can demonstrate an appropriate scale, design and a minimal impact upon the character of the area, residential amenity, highway safety and other considerations outlined below.

## **9.2 Impact on character and appearance of area**

### **Siting**

It is considered that the plot is sufficient in size to accommodate the proposed two dwellings side-by-side without appearing unduly cramped. The footprint and curtilage surrounding each of the new dwellings will remain comparable to those of existing dwellings in Brook Street.

The site is of sufficient width (approx 36 metres) to allow the subdivision of the garden without resulting in uncharacteristically narrow plot widths when compared to the surrounding properties. The proposed dwellings are sited sufficiently far away from the Conservation Area to the north west to have no adverse impact on its existing character.

### **Scale**

The dwellings in the surrounding area consist of a mixture of styles and sizes, including bungalows, cottages and larger detached dwellings. The proposal to

replace the existing bungalow with two detached two-storey houses would therefore not be unacceptable in principle or out of keeping with the surrounding area.

The scale of the two-storey dwellings would be comparable to the nearby properties such as 'Beech Drive' to the immediate west, and 'Summer Cottage' and 'Two Hoots' to the east. Whilst the proposed new house at plot 1 would be taller than the bungalow to the immediate west ('The Lodge'), it is considered the scheme will not appear oppressive or overbearing in design terms.

## **Design**

The exact design of the proposed dwellings and garages is considered appropriate to the existing character of the immediate and wider surrounding area. The predominantly low eaves heights, plain-tiled catslide roofs with small first floor dormer windows, high quality brick and stone external facing materials of the proposed houses are considered appropriate and complimentary to the character of the area.

The proposed detached garages are of simple design and appropriate, high quality materials (plain tiled roofs, horizontal timber boarding for the walls over a natural stone plinth, with vertical timber boarded doors).

It is therefore considered the proposal would respect and enhance the character and appearance of the area in terms of the building line, scale of the area, heights and massing of adjoining buildings. The architectural characteristics and the type and colour of materials proposed are appropriate to those of adjoining buildings and it is considered the character of the area would be enhanced by the proposals.

### **9.3 Impact on residential amenity**

#### **Overlooking – Plot 1**

The proposed dwellings have been designed to avoid undue overlooking of neighbouring properties on either side of the site. The western side elevation of plot 1 (that adjoining 'The Lodge') has a single casement window at ground floor level which serves a small utility room. There is a single side door to the sitting room which would be set approximately 11 metres from the boundary with 'The Lodge'. There are no other door or window openings within the west facing side elevation of the proposed building for plot 1.

The two storey gable element of the proposed building is set away from the side boundary with 'The Lodge' and the proposed dormer windows and small roof window (serving an en-suite shower room) within the front elevation of plot 1 face forwards towards the access track. Rear first floor windows face the rear boundary of the site. As such the potential for the overlooking of neighbouring gardens is limited to an oblique angle and is not considered likely to be detrimental to amenities of neighbouring occupiers.

The existing boundary treatment between plot 1 and 'The Lodge' consists of a post and rail fence with partial hedging and a few trees within the garden of 'The Lodge'.

Taking into consideration the availability of permitted development rights for occupiers to erect a boundary wall, fence or other means of enclosure up to a height of 2 metres above ground level along this side boundary, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook the adjoining dwelling at 'The Lodge' to the detriment of existing occupiers.

### **Overlooking – Plot 2**

The proposed dwellings have been designed to avoid undue overlooking of neighbouring properties on either side of the site. The eastern side elevation of plot 2 (that adjoining 'Beech Drive') has a single casement window at ground floor level which serves a small WC and two casement windows at first floor level serving bedrooms. There are french doors to the kitchen/dining room facing the eastern side boundary. Each of the window and door openings facing the eastern side boundary are set approximately 10.5 metres away from the side boundary with 'Beech Drive'. There are no other door or window openings within the east facing side elevation of the proposed building for plot 2.

The two storey gable element of the proposed building is set away from the side boundary with 'Beech Drive' and the proposed dormer windows within the front elevation of plot 2 face forwards towards the access track. Rear first floor windows face the rear boundary of the site. As such the potential for the overlooking of neighbouring gardens is limited to an oblique angle and is not considered likely to be detrimental to amenities of neighbouring occupiers.

The existing boundary treatment between plot 2 and 'Beech Drive' consists of a post and rail fence with partial hedging and a few trees within the garden of 'Beech Drive'. The detached timber garage building serving 'Beech Drive, is immediately adjacent to the side boundary with the application site and provides significant screening between the application site and 'Beech Drive'. Taking into consideration the availability of permitted development rights for occupiers to erect a boundary wall, fence or other means of enclosure up to a height of 2 metres above ground level along this side boundary, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook the adjoining dwelling at 'Beech Drive' to the detriment of existing occupiers.

The valid concerns of the local residents about loss of privacy have been carefully considered as part of this application, but overall it is judged that by reason of the distance and relationship between the existing and proposed properties, the orientation of the plots, existing boundary screening and that available under permitted development rights, overlooking will not be harmful.

### **Overshadowing/ Over dominance**

The relationship between the application site and the neighbouring properties has been carefully assessed. It is considered that by reason of the distance and relationship between the existing and proposed properties, the siting, scale and form of the proposed new dwellings is such that the proposed development would not result in the undue overshadowing or over dominance of neighbouring properties.

#### **9.4 Impact on Highway safety**

The site is served by a private unmade track. The scheme includes the creation of a new access for each of the two plots, adequate off-street parking and turning space and a detached double garage for each dwelling. The Highways officer has assessed the proposal and raises no Highway objection, subject to Conditions. The issue of maintenance of the unmade track is a private, civil matter between landowners and does not constitute a material planning consideration in the determination of this application. Therefore the third Condition suggested by the Highways officer in respect of the improvement of the existing surface of Brook Street cannot be imposed by the local planning authority, as the land concerned is outside of the ownership and control of the applicant.

#### **9.5 Loss of trees**

The proposal would result in the loss of a mature Fir tree from within the site. The application site is not within a designated conservation area and there are no Tree Preservation Orders in force within or adjoining the site.

The Council's Tree Officer has assessed the proposal and raises no objection.

#### **9.6 Ecology considerations**

In regard to the impact of the development on protected species, the applicant has submitted a survey report (David Leach Ecological Surveys, October 2011) which concluded the existing building is not presently used as a bat roost and has a low potential for bats. To mitigate against the loss of the potential bat roost within the roof void of the existing bungalow, it is proposed to provide suitable bat access and accommodations voids within the roof of each of the new garage buildings.

The Council's Principal Ecologist has assessed the proposal and raises no objection, subject to the proposed bat mitigation being made a Condition of any planning approval.

#### **9.7 Contributions in respect of affordable housing provision and recreational open space (R2)**

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

### **10. Conclusion**

Subject to the land owner entering into an appropriate legal agreement with Wiltshire Council to make the relevant financial contributions in respect of affordable housing provision (SWCS Core Policy 3) and recreational open space (saved policy R2), it is recommended the application be approved, for the following reason:

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D2 (Design),

H16 (Housing Policy), C5 (Landscape Conservation), C12 (Protected Species) & R2 (Recreational Open Space) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy) and the advice contained within PPS3 and PPS9 insofar as the proposed development is considered acceptable in principle and compatible in terms of the siting, scale, design, materials and character of the immediate and wider surrounding area. The proposed development would not unduly affect the amenity of neighbours, and would not adversely affect the natural beauty of the surrounding AONB. The proposal would not be prejudicial to Highway safety and would not have an adverse impact on nature conservation interests.

## **11. Recommendation**

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

Subject to the land owner entering into an appropriate legal agreement with Wiltshire Council to make the relevant financial contributions in respect of affordable housing provision (SWCS Core Policy 3) and recreational open space (saved policy R2), it is recommended the application be approved, for the following reason:

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), D2 (Design), H16 (Housing Policy), C5 (Landscape Conservation), C12 (Protected Species) & R2 (Recreational Open Space) of the saved policies of the adopted Salisbury District Local Plan (including the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy) and the advice contained within PPS3 and PPS9 insofar as the proposed development is considered acceptable in principle and compatible in terms of the siting, scale, design, materials and character of the immediate and wider surrounding area. The proposed development would not unduly affect the amenity of neighbours, and would not adversely affect the natural beauty of the surrounding AONB. The proposal would not be prejudicial to Highway safety and would not have an adverse impact on nature conservation interests.

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

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

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

2. This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 09.11.2011 & 14.11.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. No development shall commence on site until details of the external materials to be used for the walls and roof(s) on the development have been



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

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

POLICY: D2, C5

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY: G2, D2, C5

5. The access to each plot shall have a minimum width of 3 metres, shall be constructed 4.5m back from the carriageway edge and their sides shall be splayed outwards at an angle of 45 degrees towards the carriageway edge. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open away from the highway only.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

7. No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 7.30am to 6.00pm, weekdays and 08.00am to 1.00pm on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of the amenity of neighbours

Policy: G2

8. No burning of waste shall take place on site during the demolition and construction phase of the development.

Reason: In the interests of the amenity of neighbours

Policy: G2

9. The development hereby approved shall be completed in accordance with the recommendations given in sections 5, 6(iv) and 6(v) of the Bat Survey report (David leach Ecological Surveys, October 2011). The bat roosts and their access points will be maintained solely for use by bats for the lifetime of the development.

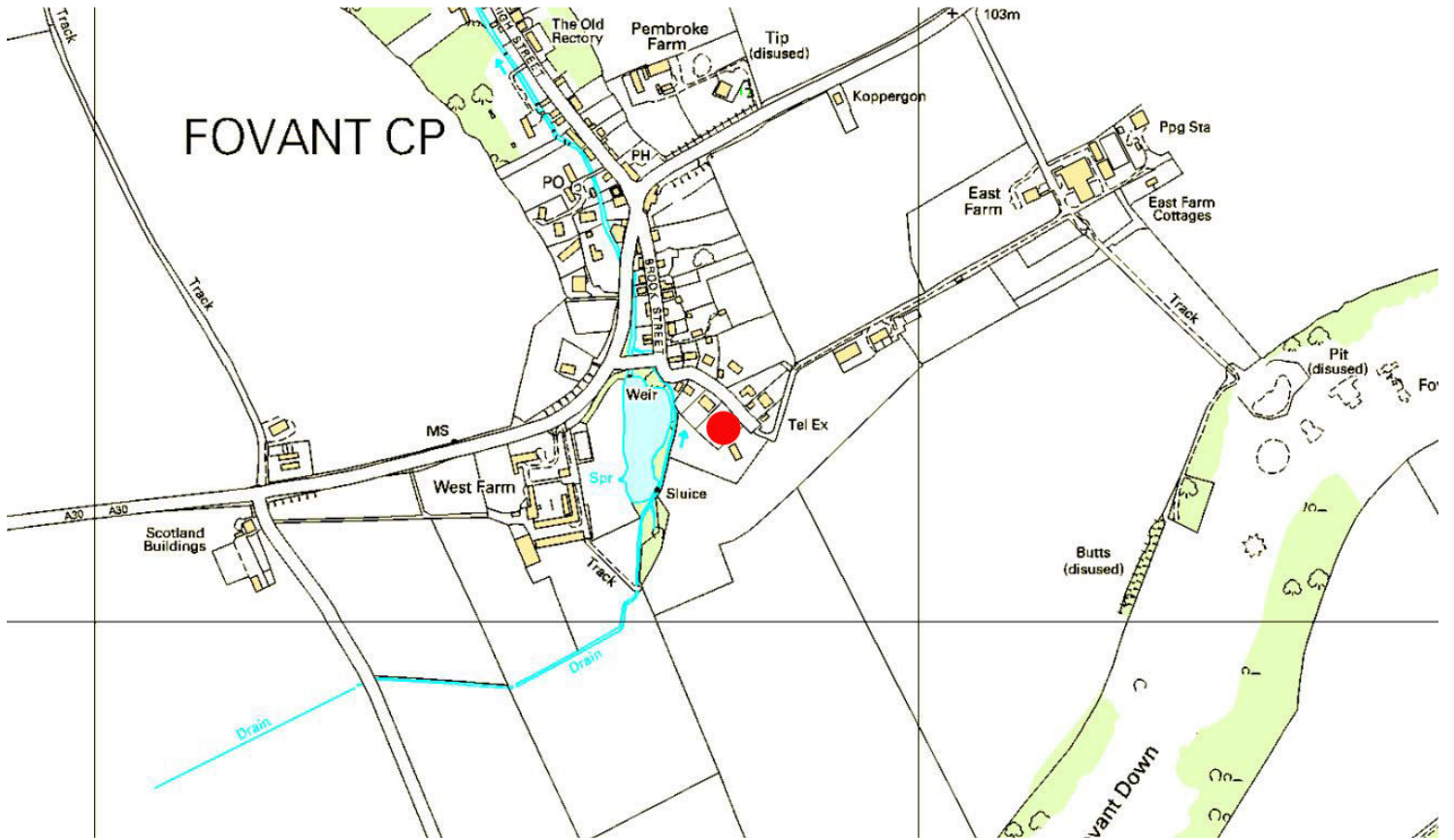
Reason: To mitigate against the potential impact(s) of the proposed development on protected species (bats).

Policy: C12, PPS9

10. Further details of the size of the roof void which is to be made available for occupation/use by brown long-eared bats within the new garages shall be submitted to, and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the details thereby approved.

Reason: To mitigate against the potential impact(s) of the proposed development on protected species (bats).

Policy: C12, PPS9





# Agenda Item 7d

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1746 OL		
<b>Site Address</b>	The Heather, Southampton Road, Alderbury, Salisbury. SP5 3AF		
<b>Proposal</b>	Erection of one 2 bedroom bungalow		
<b>Applicant/ Agent</b>	Mr Harvey Euridge		
<b>City/Town/Parish Council</b>	Alderbury Parish Council		
<b>Electoral Division</b>	Alderbury & Whiteparish	<b>Unitary Member</b>	Cllr Richard Britton
<b>Grid Reference</b>	418920 126975		
<b>Type of Application</b>	Out Line		
<b>Conservation Area:</b>	NA	LB Grade:	NA
<b>Case Officer:</b>	Case Officer Mrs B Jones	Contact Number:	01722 434 388

### Reason for the application being considered by Committee

Councillor Britton has requested that the application be determined by Committee due to the relationship between the proposed development and adjoining properties

### 1. Purpose of report

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

### 2. Report summary

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

- Recent planning history
- Differences between current and refused scheme
- Impact on character of the area and neighbouring amenity
- Highway safety and trees

The application has generated 12 letters of objection/observations from the public. No comments received to date from Parish Council.

### 3. Site Description

The site forms part of the rear portion of land behind a new development of three houses, which recently replaced a bungalow called The Heather. The site lies within the Alderbury Housing Policy Boundary and Special Landscape Area, in an Area of Special Archaeological Significance.

Immediately to the south west of the site is Out of the Way (a vacant dwelling). To the north, south and east of the property are three bungalows, called Arundell, Forest View and Out of the Way. The site is accessed from Southampton Road via a sloping drive situated in the east corner (which also serves Forest View and provided pedestrian access to Out of the Way). Land adjacent to the access onto the highway from the site (within Plot 1) is landscaped with mature trees some of which are the subject of a Tree Preservation Order

(407). To the west is Arundell, and a large copper beech tree protected by a TPO lies in its rear garden, adjacent to the site.

#### 4. Relevant Planning History

Previous applications S/09/676, S/09/1853, S/10/388 and S/10/821 were refused on general grounds relating to the impact on protected trees and their roots, impact on the character of the area and the cramped appearance of the development in a backland location.

Application Number	Proposal	Decision
S/09/676	Build 1 x 2 bed bungalow	Refused
S/09/1853	Build 1 x 2 bed bungalow	Refused
S/10/388	Build 1 x 2 bed bungalow	Refused
S/10/821	Build 1 x 2 bed bungalow	Refused Appeal dismissed
S/11/914/O L	Build 1 x 2 bed bungalow	Refused Appeal awaiting decision

#### 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. Indicative details of the proposed dwelling are provided suggesting a two-bedroomed single storey dwelling with a hipped pitched roof. The laurel hedge boundaries would be partly retained and 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. Certificate B has been completed.

#### 6. Planning Policy

Salisbury District Local Plan (Adopted 30 June 2003). The relevant policies are: G2, H16, D2, C6 & R2.

South Wiltshire Core Strategy. Unadopted but deemed sound by the Inspector on 14<sup>th</sup> October 2011. The above policies have been saved. A new Core Policy 3 relating to affordable housing would now apply to any scheme for one new dwelling or more on this site.

The Swindon & Wiltshire Structure Plan 2016 adopted 2006

National planning policy PPS1: *Delivering Sustainable Development* is also relevant & PPS3: Housing

#### 7. Consultations

##### Highways

I note the history of the site. As the highway aspects of the proposal have not changed significantly, I adhere to my previous recommendations and 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, I recommend that no Highway objection is raised, subject to conditions being attached to any permission granted. **Page 58**

## **Trees**

The dwelling is positioned far enough away from the tree that my earlier objection no longer applies. However, as the garage is located within the root protection area of the tree, I would recommend the use of a condition requiring an Arboricultural Method Statement.

## **EHO**

None received. Previously recommended conditions relating to bonfires and hours of construction.

## **8. Publicity**

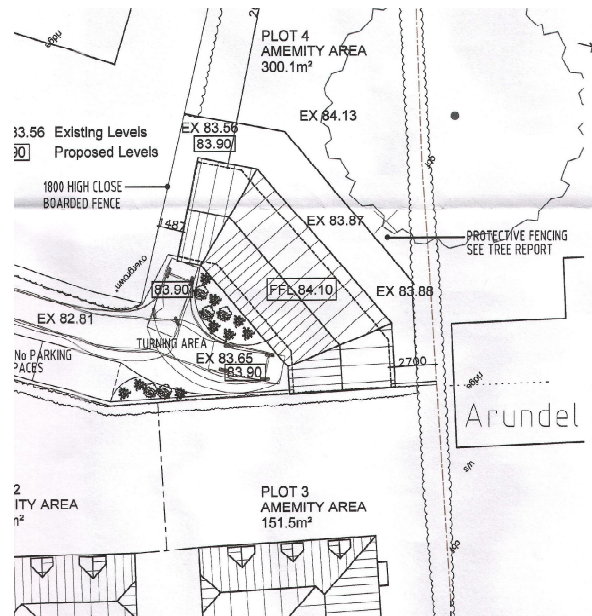
The application was advertised by site notice and neighbour consultation. Expiry 15/12/11. 12 letters of letters of objection/observations received. Summary of key relevant points raised:

- Inappropriate increase in density, backland/garden grabbing development. Cramped and contrived. Over intensification. Out of character. Urbanisation of rural setting in Special Landscape Area. Poor relationship between Mere and Out of the Way. Loss of rural village.
- Loss of trees, hedges, flora & fauna, lack of adequate garden. Pressure to fell the protected Copper Beech tree.
- Loss of privacy, overlooking, noise and disturbance
- Inadequate parking provision and access, will cause obstruction on driveway and Southampton Road.
- Precedent for further development. Out of the Way is not a precedent for backland development. Site history does not create precedent for this scheme to be accepted.

## **9. Planning Considerations**

### **9.1 Recent Planning History**

Two recent decisions provide important considerations for the current scheme. The Appeal Inspector's report for S/2010/821 is included in Appendix 1 and the layout is shown below.



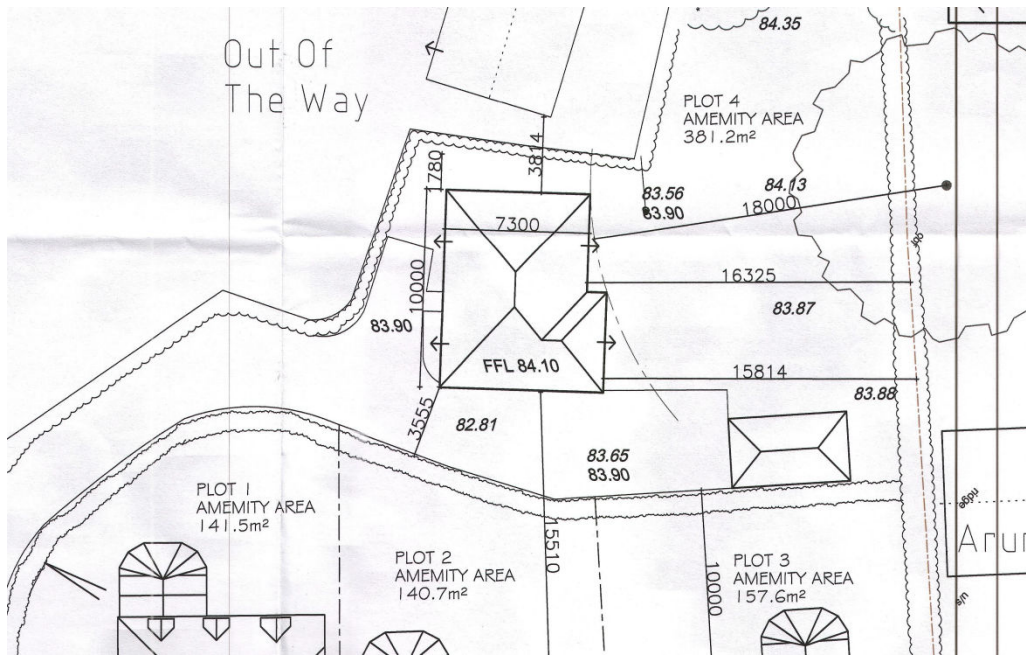
In considering the scheme for a bungalow on the site, he upheld the first reason for refusal in relation to the cramped *siting* and likely indirect effects on the protected tree resulting in acceptable harm to the character and appearance of the surrounding area, but did not uphold the R2 reason for refusal. Para 8 is important and states:

***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.***

***The Inspector further maintained that, "Although it is likely the bungalow would, at most, only be glimpsed from Southampton Road, local residents would be aware of the cramped relationship. The proposal is not similar to the permitted replacement of The Heather by three houses, as they would have more spacious surroundings."***

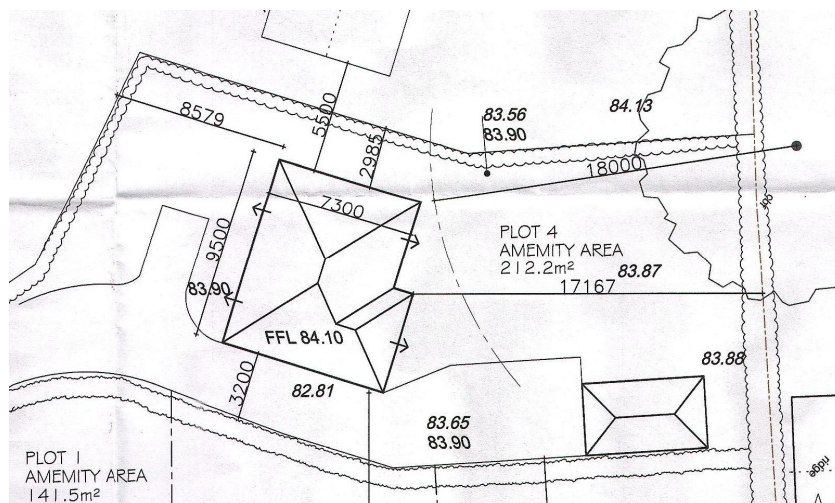
The Committee refused S/2011/914 OL (see below for layout) for the reasons set out:





**The proposal, by reason of the awkward shape of the plot and the awkward relationship between the siting of the proposed dwelling and established development, would result in a cramped and contrived development which would detract from the character and appearance of the surroundings. In particular, the plot has an uncharacteristically small front garden in relation to established development, and the gap between the proposed dwelling and the neighbouring property, 'Out of the Way', is uncharacteristically small. Consequently the proposal comprises an inappropriate form of backland development. This is contrary to saved Policies G2, D2 and H16 of the Salisbury District Local Plan and Central Government planning guidance set out in Planning Policy Statement no. 3.**

**9.2 Differences between current and refused scheme**



The most recently refused outline scheme S/2011/914 OL and the current scheme generally differ from the previously refused schemes in the following ways:

- The applicant has obtained a right of way from Forest View, to enable a passing bay to be constructed without the removal of the protected trees or hedge.

- The applicant, who has obtained Out of the Way, has included a larger part of this garden within the application site. The bungalow is repositioned within the site, maintaining the previous distance of 18000mm from the Copper Beech Tree.
- Previous 2.1m gap between the dwelling and the boundary of the Out of the Way is now 2.9m
- Front garden area provided with turning area for vehicles. Garden area measures approx minimum 8.5m by 9.5m.
- The site has been significantly cleared of trees, hedges and vegetation which previously provided screening and enclosure to Out of the Way and adjacent properties.

### 9.3 Impact on the Character of the Area

The Inspector upheld reasons for refusal relating to the impact of the *cramped siting* of a single storey dwelling on the character of the area and likely indirect impacts on the protected tree (para 17). He did not, however, accept that the plot size or width would be out of keeping with the surroundings (para 8). The scheme for Plots 1-3 (S/2008/1942) 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 16m by 17m. 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 refuse this 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 dismissed 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 still appears to be close to the side elevation of Out of the Way, although the gap has been increased from 3814mm to 5500mm between the proposed bungalow and the side elevation of Out of the Way. The dwelling will though be screened by planting and a separation distance of approximately 5.5m 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 for Plot 3.

The previous Committee reason for refusal and the Inspector's report both referred to the lack of an adequate front garden. The proposed scheme includes an area measuring approx 8.5m by 9.5m, including a parking and turning area. This is a reasonable garden area and would allow for some planting or garden features for example.

### 9.4. Impact on Neighbouring Amenity

In terms of the impact on neighbouring amenity, a single storey dwelling on the site has not been precluded by recent refusal reasons or the Inspector's decision.

Although there are no details for the proposed single storey dwelling, 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 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 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. However, 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 new dwelling would result in more disturbance to the existing occupiers of Out of the Way and Forest View than the fallback scenario. 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. The parking and turning areas are all sited immediately on the boundary of Plots 1, 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. In the vicinity for example, the separation distance between Oakwood and Arundell is less than 3 metres, and just 4 metres separate Moorland from Forest View.

In conclusion, the likely impact on neighbouring amenities did not form part of the previous reasons for refusal or the Inspector's decision. The revised scheme does not raise any new material planning considerations and amenities would not be unduly disturbed, in accordance with Policy G2.

## **9.5. Highway Safety**

Inadequate visibility or impacts on highway safety on Southampton Road have not been reasons for refusal for the dismissed Appeal or the recent refusal S/2011/914. Again no highway objections have been made to this proposal subject to conditions being attached to any permission granted.

### **9.5.1 Proposed visibility splay**

No objection has been raised, and conditions would need to be attached to any permission to ensure that the proposed splays are implemented in accordance with the arboricultural method statement.

## **9.6. Trees**

### **9.6.1 Copper Beech (subject of a TPO)**

This protected tree has significant amenity value. It is growing in Arundell's garden and is approximately 18 metres high with branches that extend 8.5 metres towards the site of the new dwelling. The current application proposes that the dwelling would be sited 18m from the copper beech. The tree officer considers that the dwelling is positioned far enough away from the tree that any earlier objections no longer apply. However, the garage would be within the root protection zone and no objection is raised, subject to a condition requiring an Arboricultural Method Statement. The tree officer's previous comments should also be noted.

*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"*

## 9.7. Public Open Space

Previously, the Heather's Inspector considered that no quantified evidence for the additional demands on recreational facilities in Alderbury 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 had been presented. For this reason, the refusal reason on the full application was not be upheld.

The LPA now has evidence from the Parish Council to support the request for a contribution towards public open space provision in Alderbury. In a more recently dismissed Appeal for an application in Alderbury, the Appeal Inspector considered the evidence submitted and stated:

*“Turning to the second reason for refusal, the Council requests a financial contribution which would be used to improve recreational open space facilities. Four potential schemes have been put forward by the Parish Council which are all local to Alderbury, including upgrades to the skateboard park. The proposed development would lead to an increase in the local population that would benefit from any of the options proposed. I conclude that a financial contribution would be directly related to the proposed development and fairly and reasonably related in scale and kind, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations (2010). The desired contribution to public recreational open space is necessary to make the appeal development acceptable. No section 106 undertaking has been submitted. For this reason, the proposed development fails to comply with policy R2 of the LP.”*

It is therefore recommended that if the Committee are minded to approve the development, a condition relating to Policy R2 should be attached to the outline planning permission, requiring the developer to enter into a Section 106 Agreement at the full planning or reserved matters stage.

## 9.8 Affordable Housing

Core Policy 3 (Affordable Housing provision) of the SW Core Strategy applies to the proposed development and makes a requirement for a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. (On site provision is required for 5 dwellings or more). The financial contribution would be facilitated by way of a planning obligation. Therefore, it is recommended, if Members are minded to approve the application, to place a condition on the permission requiring a S106 Agreement or Unilateral Undertaking to be entered into at the full planning or reserved matters stage. The Agreement will request a financial contribution of £11,367 towards off site affordable housing provision, in addition to the public open space provision above. The applicant has agreed to this scenario in principle.

## 10. Conclusion

The Local Planning Authority previously accepted that the reasons for refusal relating to the copper beech tree had been overcome due to the satisfactory distance between it and the proposed bungalow. However, any pressure to remove or fell it would be strongly resisted. Should it die, a replacement specimen would be sought.

Since the previous appeal and recent committee decision, the plot has been further enlarged and the layout of the site amended to include a front garden area and increase the distance between the bungalow and Out of the Way. The application site has been altered in shape, allowing there to be more space around the proposed dwelling; so that the

development no longer appears cramped and contrived within the site. Therefore, on balance, the 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 previous reasons for refusal. It is considered to have an acceptable means of access and parking and the revised layout includes a front garden. Adequate space between properties has been provided, given the context of the existing built character of the area. Provided a single storey bungalow is constructed, the development would not unduly disturb neighbouring amenities in terms of overlooking or dominance. Subject to conditions relating to the detailed design of the bungalow, appropriate tree protection, suitable boundary landscaping, off site affordable housing and public open space provision, the development would be in accordance with Policies G2 (General Criteria for Development), D2 (Design), H16 (Housing Policy Boundary), C6 (Special Landscape Area) and R2 (Public Open Space) of the saved policies of the adopted Local Plan, Policy CP3 (Affordable Housing) and the saved policies in the South Wiltshire Core Strategy and national policy 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. 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.

3. 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

4. No development shall take place on site, including site clearance, storage of materials or other preparatory work, until an Arboricultural Method Statement, has been submitted to the Local Planning Authority and approved in writing, Thereafter

the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as the Root Protection Area. Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement should specifically include details of how the garage can be constructed within the RPA of the adjacent Beech tree without causing root damage. It should also specifically include details of how the visibility splays shown on the approved plans and required by Condition 5 can be constructed within the RPA of other protected trees without causing root damage.

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

Policy G2 General Principles for Development and D2 Design

5. No part of the development shall be 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 Principles for Development

6. The development hereby permitted shall not be 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 Principles for Development

7. No part of the development hereby permitted shall be 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 Principles for Development

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

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

## Policy G2 General Principles for Development

9. 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: To ensure that the development complies with Local Plan policy R2

## Policy R2 Public Open Space

10. No development shall commence on site until details and samples of the materials to be used for the external walls and roof 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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements (including provision of dormer windows and rooflights) of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

## POLICY G2 General Principles for Development

12. The construction of the development hereby permitted shall only take place between the hours of 07.30am in the morning and 19.00pm in the evening from Mondays to Fridays and between 08.30am in the morning and 13.00pm in the afternoon on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays. There shall be no bonfires on site.

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

## POLICY- G2 General Principles for Development

13. The development hereby approved shall be built in accordance with the following approved drawing: - DRG No. 08/470/P4/05.B. (May 2011)

REASON: For the avoidance of doubt

14. No development shall take place until details of provision for off-site affordable housing in accordance with policy CP3 of the South Wiltshire Core Strategy have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the development complies with Core Policy 3

Core Policy 3 Affordable Housing

## **INFORMATIVES**

1. You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 and CP3 can be discussed.
2. This development is taken in accordance with the following policies of the Adopted Salisbury District Local Plan: G2, D2, H16, R2, C6, the Draft South Wiltshire Core Strategy saved policies and Core Policy 3, PPS1 and PPS3.

**APPENDIX 2: Appeal Decision attached below.**





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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.

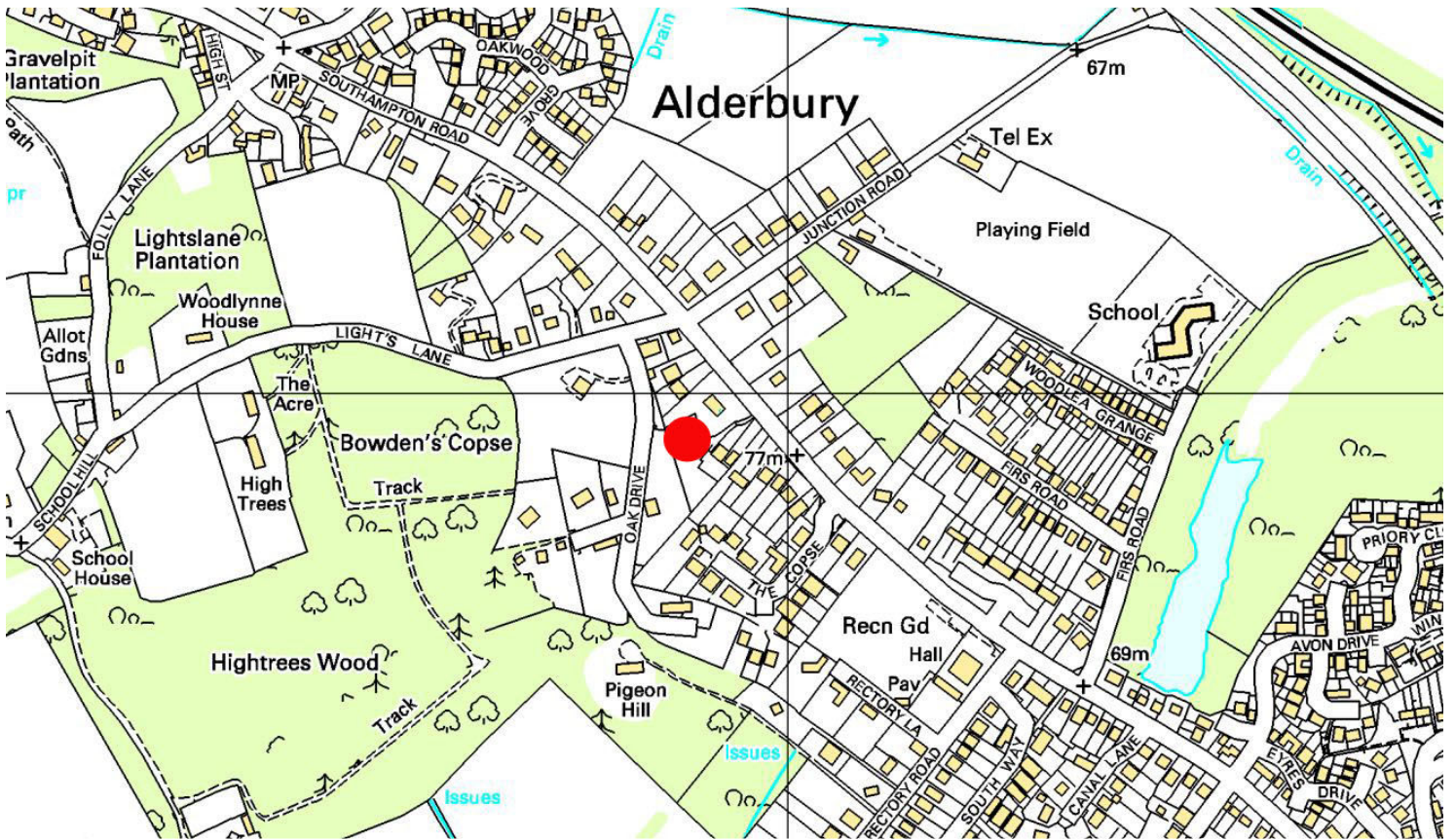
(b) Financial Contribution

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 7e

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1782 Full		
<b>Site Address</b>	Boot Inn, High Street, Tisbury, Salisbury. SP3 6PS		
<b>Proposal</b>	Erection of 1 x 4 bed dwelling and creation of new access		
<b>Applicant/ Agent</b>	Mr and Mrs R Turner		
<b>City/Town/Parish Council</b>	Tisbury Parish Council		
<b>Electoral Division</b>	Tisbury	<b>Unitary Member</b>	Cllr Tony Deane
<b>Grid Reference</b>	394447 129614		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	LB Grade:	NA
<b>Case Officer:</b>	Case Officer Mr Ben Hatt	Contact Number:	01722 434580

### Reason for the application being considered by Committee

Councillor Deane called the application in to committee on the grounds of the scale of development, relationship to adjoining properties, environmental /highway impact, and car parking.

### 1. Purpose of report

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

### 2. Report summary

The main issues to consider are :

Principle of development  
Impact on amenities  
Scale and design, impact on Conservation Area and Listed Building  
Highways

The application has generated an objection from Tisbury Parish Council

### Neighbourhood Responses

2 letters received objecting to the proposal.  
0 letters of support received.  
0 letter of observation has been received.

### 3. Site Description

Boot Inn is a grade 2 listed public House located within the rural settlement of Tisbury. It is within a Conservation Area, and an Area of Outstanding Natural Beauty.

### 4. Relevant Planning History

Application Number	Proposal	Decision
10/0214	Proposed dwelling with parking, new access, and new car park for public house	WD
11/0132	Proposed dwelling with parking, new access and new car park for public house	REF

### 5. Proposal

Permission is sought for erection of a detached 4 bed dwelling at land to the rear of the Boot Inn and includes a new access to the proposed dwelling.

### 6. Planning Policy

G2- General Criteria for development  
D2 – Good Design  
H16 – Housing Policy Boundary  
CN5 – Listed Building  
CN8 – Conservation Areas  
CN21 - Archaeology  
C4 – Landscape Conservation  
R2 – Recreation  
PPS5 – Planning for the historic environment

### 7. Consultations

**Parish Council** – Support

**Conservation** – No Objection

**Arboricultural Officer** – No Objection

**Wiltshire Fire & Rescue** – No Objection

**Highways** – No Objection

**Environment Agency** – No Objection

**Archaeology** – No Objection as a field evaluation undertaken



## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 3/3/11

2 letters of objection on the grounds of impact on amenities, and design.

## **9. Planning Considerations**

### **9.1 Principle of development and previous refusal**

The proposed dwelling is to be located to the rear of the Boot Inn in an area of land currently used as a stables and paddock area. The site itself is surrounded by residential properties to the north, east and south with the boot inn to the west of the site. 'Hendre House' which is immediately adjacent to the site to the north is set at a higher level than the proposal with 'Gaston House' to the east and 'Malthouse Cottage' to the south set at a similar level as the application site.

A previous application (S/2011/0132) was refused for the following reasons:

1. The proposed dwelling with new access and parking for the public house would be sited on an open area of land which forms the setting of the adjacent Grade II listed building, within the Conservation Area. As the proposal would be of a substantial size, the proposal would result in the loss of the open character of the site, and as a result, which would fail to preserve or enhance the character of the heritage assets, contrary to the aims and objectives of policies G2, D2, H16, CN5, CN8 of the adopted Salisbury District Plan and the guidance in PPS5.
2. No evidence of an archaeological field evaluation being carried out has been submitted. Therefore in the absence of such an evaluation, the proposal would be likely to have an impact on hidden heritage assets, contrary to the aims and objectives of policy CN21 of the Salisbury District Local Plan, and the guidance within PPS5.
3. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

The current proposal seeks to overcome these reasons for refusal and shall be considered in the following sections of the report. Refusal reason 2 has been overcome as a field evaluation has been carried the result of which has resulted in no objections from the County archaeologist. Refusal reason 3 has also been addressed as the applicant has entered into a legal agreement. The remaining reason for refusal (1) will be addressed in the following sections.

## **9.2 Impact on amenities**

The site itself is set at a lower level than the surrounding adjoining properties which will reduce the impact the proposed dwelling will have. There are 2 dormer windows at first floor level one of which will face towards the south of the site and towards the rear garden of 'Malthouse Cottage' the other will face the east of the site and towards the rear garden area of 'Gaston House'. However, it is considered that due to the distance to the respective properties and the lower site level that these dormers are acceptable. In addition to the dormers there is one window to the eastern elevation at first floor serving a bedroom which will face 'Gaston House', and one window to the Western elevation which will face the onto the car park of the 'Boot Inn'. Again it is considered that the proposed windows due to their location and distance from the adjoining property are acceptable.

The proposal includes the demolition of a section of wall in order to provide access to the proposed dwelling. Whilst no highways objection has been raised the proposed access will result in an increased traffic flow directly adjacent to the neighbouring property. Whilst this increase in traffic flow will have an impact on the amenities of the property it is not considered to be to a detrimental degree due to the limited traffic flow associated with a single dwelling of this size. The proposed access will be set at a lower ground level than the adjoining neighbouring property which will reduce any vehicular or pedestrian noise and will also ensure no overlooking occurs as a result of the proposal.

## **9.3 Scale and design, impact on Conservation Area and Listed Building**

The site forms a green open space, with quite a rural character and also forms the centre of a block of land which is surrounded by housing on all sides. A previous response from the Conservation Officer raises concerns that housing already exists within this block at Gaston House and Cottage and that further encroachment would have a stifling effect upon the openness of the site, and would thereby have an adverse impact on the character of the Conservation Area and the setting of the listed buildings on the western side. These concerns have been overcome within this submitted scheme which moves the dwelling away from the centre of the site towards the northern boundary of the site leaving a large open area to the south of the proposed property and sites the proposed dwelling closer to existing properties adjoining the north of the site. The proposal has also been supported with a Heritage appraisal which supports the altered location in relation to the Listed Boot Inn and Conservation Area. The proposed dwelling has been re located away from the Listed Building and orientated in a way which reduces the impact to an acceptable degree. It has been recommended that a condition removing permitted development rights on the proposed dwelling to ensure that any future development is controlled to ensure the Listed Building is not impacted upon to a detrimental degree. Given the location and the importance of the adjoining listed building it is considered to be acceptable and is attached as a condition.

The proposed dwelling is of a simple design and is of 2 storeys in height. The proposal is of a scale and design that is considered to be appropriate due to the proximity to the Listed Building. The previously refused scheme was of a reduced height approximately 7.4m and had a length of 15m. The ridge height of the

proposal is approximately 7.7m at its highest point and is approximately 12.4m in length with a depth at its greatest of 11.4 which is of a modestly reduced scale to the previously refused application. Furthermore the re orientation of the property ensures the proposal has a reduced impact on the surrounding area and Listed Building. The scale of the proposal is also similar to that of surrounding properties in the area which ensures that it does not overly dominate any neighbouring properties or the site within which it is to be located.

The conservation officer previously commented over the design of the proposal stating that the design appears to have taken little inspiration from its surroundings which will result in the proposal looking out of place within the setting of the Listed Building and Conservation Area. The current proposal has seen the property be moved away from the Listed Building and is of an altered design that is of a full two storeys and is of a design that is sympathetic to the surrounding area. The location of the proposed dwelling to the north of the site ensures that the openness of the site is retained and does not have an adverse impact on the Listed Building and the Conservation Area. In addition to this the materials proposed which are external walls to be Chilmark Stone with traditional timber casement and board doors and plain clay tiles which will ensure that the proposal will be sympathetic in appearance to the adjoining Listed Building and the surrounding Conservation Area.

The proposed dwelling is to be accessed to the north of the Boot Inn site and requires the demolition of a section of a Listed Wall. It is considered that the wall is of modest significance to the listed building and Conservation Area, being only short and set back from the road, and appears to be of early 20<sup>th</sup> Century origin. No objections have been raised by the Conservation Officer and as such it is considered to be acceptable.

#### **9.4 Highways**

It is accepted that the sight lines onto the High Street are substandard with vehicles currently reversing onto the highway from the public house which is not generally supported. It is considered that the additional dwelling is acceptable providing that the parking to the public house be arranged to reduce the need for vehicles to reverse onto the highway. Whilst the parking arrangements to the front of the public house have not been altered to reduce the need to reverse onto the highway the opening of the access to the rear of the pub enables cars to turn around reducing the number of vehicles reversing onto the highway. The additional parking located to the rear of the existing outbuilding to serve the Boot Inn has been removed and as such any issues regarding a significantly higher traffic flow including turning adjacent to adjoining properties has been removed.

#### **10. Conclusion**

The proposed 4 bed dwelling and creation of new access is considered to be acceptable in terms of principle, impact on amenities, scale and design for the reasons outlined above and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2, D3, H16, CN5, CN8, CN21, C4, R2, of the adopted Salisbury District Local Plan as included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy

## **11. Recommendation**

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

The proposed 4 bed dwelling and creation of new access is considered to be acceptable in terms of principle, impact on amenities, scale and design for the reasons outlined above and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2, D3, H16, CN5, CN8, CN21, C4, R2, of the adopted Salisbury District Local Plan as included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

### **And subject to the following conditions:**

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

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

2. No development shall commence on site until a sample wall panel including pointing, not less than 1 metre square, has been constructed 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- G2**

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

### **POLICY- G2**

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

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

POLICY- G2

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (Ref: 1554/23B). The areas shall be maintained for those purposes at all times thereafter.

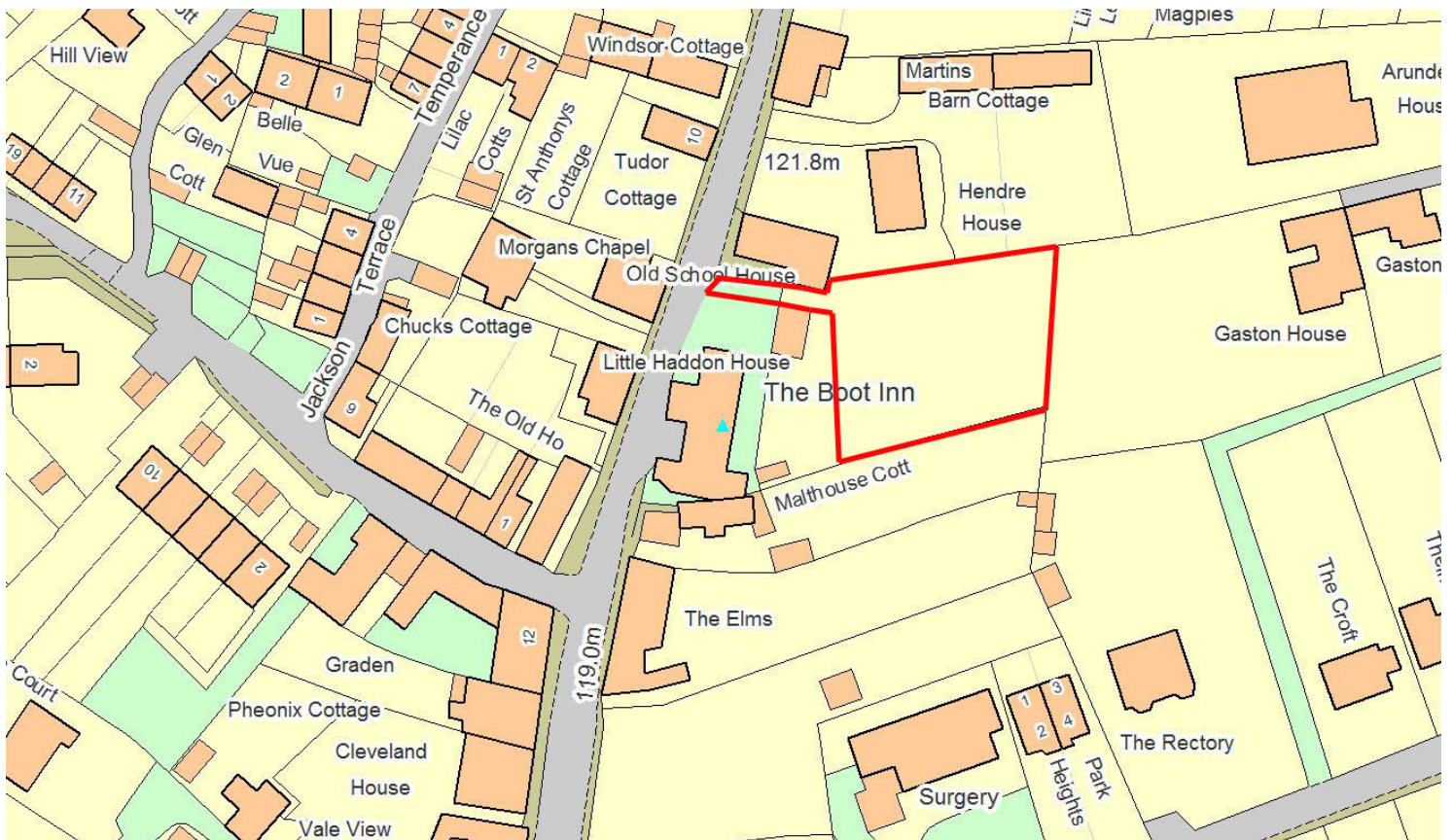
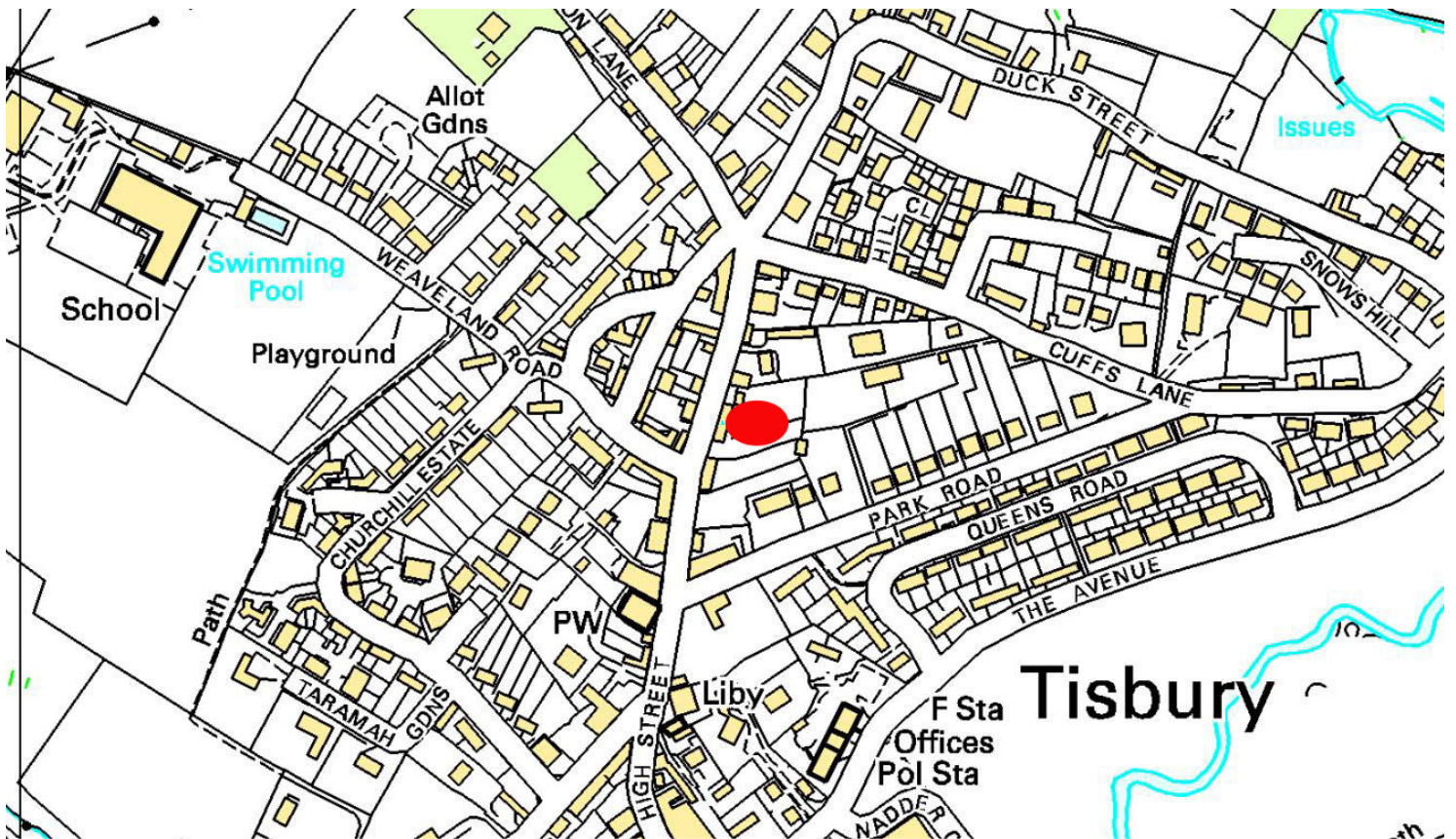
REASON: In the interests of highway safety.

POLICY: G2

6. This development shall be in accordance with the submitted drawing[s] 1554/24, 1554/23B, 1554/22A, 1554/21A, 1554/20A, Design & Access Statement, Historic Site Assessment, Archaeological Evaluation, Arboricultural Survey deposited with the Local Planning Authority on 15/11/11, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt.

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# Agenda Item 7f

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/1790 Full		
<b>Site Address</b>	Bowles Barn and Yard, The Portway, Winterbourne Gunner, Salisbury. SP4 6JL		
<b>Proposal</b>	Convert existing cob barn and reinstate former thatched roof covering and attached stores to provide 2 bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area		
<b>Applicant/ Agent</b>	Mr Richard Bruce-White		
<b>City/Town/Parish Council</b>	Winterbourne		
<b>Electoral Division</b>	Bourne & Woodford Valley	<b>Unitary Member</b>	Cllr Mike Hewitt
<b>Grid Reference</b>	417580 135297		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	LB Grade:	NA
<b>Case Officer:</b>	Case Officer Mrs J Wallace	Contact Number:	01722 434687

### Reason for the application being considered by Committee

Councillor Hewitt has requested that the application be determined by Committee as previous applications on this site have come to Committee

### 1. Purpose of report

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

### 2. Report summary

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

1. History of site
2. Policy considerations, principle of residential conversion, scale, design and impact on character of the countryside
3. Neighbouring amenity
4. Protected species
5. Financial contributions towards affordable housing and public open space

The application has generated comments from the parish council; but no comments from the public.

### 3. Site Description

The site consists of a redundant agricultural yard with partially collapsed walls surrounding a small group of former agricultural buildings; some of which have

collapsed. The site is currently accessed by a narrow unmade lane, which is also a public footpath (FP no.19) to Winterbourne Gunner (approx 250 metres to the south east). The track debouches on to The Portway adjacent to two cottages, (nos.1 and 2 Bowles Cottages) not in the applicant's ownership.

The site lies within the designated open countryside, the Special Landscape Area, and Area of Special Archaeological Significance. To the east of the site is a cricket ground and to the west are open fields.

4. Planning History		
Application number	Proposal	Decision
10/0396	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access and form new access with improved visibility	WD 10/05/10
10/1015	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access on to The Portway (C56) and form new access with improved visibility	REF 31/08/10 For the following reasons:- 1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the <i>special justification</i> required by PPS7 to support conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building

<p>11/138</p>	<p>Convert existing cob barn and reinstate former thatched roof covering and attached stores to provide 2 bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access onto The Portway (but retain footpath access) and form new vehicular access with improved visibility and improved parking/turning area to Bowles Cottages</p>	<p>could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.</p> <p>2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.</p> <p>3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.</p> <p>REF 29/03/11 1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial</p>
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		<p>reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the <i>special justification</i> required by PPS7 to support conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.</p> <p>2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.</p> <p>3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.</p>
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11/1791	Block up existing vehicular access onto The Portway (but retain footpath access) and form new vehicular access with improved visibility and improved parking/turning area to Bowles Cottages. Repair existing track up to cricket field to form level hardcore surface	Not yet determined
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## 5. Proposal

The proposal is to change the use of the redundant agricultural buildings to a two bedroom dwelling. The existing main barn building would be repaired, the corrugated iron roof removed and the thatched roof re-instated. The associated cob stores would also be re-instated to create a single storey extension roofed with natural slate.

The collapsed walls around the former yard would be repaired and re-built. The walls would be of mixed character of brick and flint, with chalk cob, lime and rendered blockwork. The former yard would form an enclosed private amenity space for the dwelling. A parking area is proposed adjacent to, but outside the yard area.

The site would continue to be accessed from the narrow, unmade lane which is also a public footpath. (FP no.19)

## 6.Planning Policy

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

G1 and G2	General Principles for Development
R2	Public Open Space
C2, C22, C24	Countryside
C6	Special Landscape Area
H23, H26 and H27	Housing in the countryside
C12	Protected Species
TR11	Off street parking
<i>SPG</i>	The Conversion of Historic Farm Buildings in the Countryside

<i>Draft South Wiltshire Core Strategy</i>	Settlement strategy
Core policy1	Affordable housing
Core policy 3	

National Planning Policy	
PPS7	Sustainable Development in Rural Areas
PPS4	Planning for Sustainable Economic Growth
PPS3	Housing
PPS9:	Biodiversity and Geological Conservation.
PPG13.....	Transport

## **7. Consultations**

### **Parish council**

Support

### **Highways**

Object. Recommend refusal as contrary to Planning Policy Guidance Note 13 which seeks to reduce growth in length and number of motorized journeys.

### **Conservation**

No objection to principle of conversion, subject to provision that if the existing fabric is unsalvageable, the permission is not implementable. Barn is of some interest.

### **Building control**

Likely that extensive structural works required to conserve the existing structure and make it habitable. Concerns regarding thermal performance of structure, resistance to damp and means of escape. To avoid means of escape windows, a protected route may be required.

### **Environmental Health**

No adverse comments.

### **Ecology**

No objections subject to conditions relating to implementation of conclusions of the Environmental Assessment

### **Wessex Water**

There are foul sewers and water mains within the vicinity. A point of connection can be agreed at the detailed design stage

### **Wiltshire Fire and Rescue**

Comments regarding access to site for fire engines and adequate supplies of water for fire fighting as well as the need for domestic sprinklers

## **8. Publicity**

The application was advertised by site notice and neighbour consultation, with an expiry date of 29 December 2011

No third party observations were received

## **9. Planning Considerations**

## **9.1 History**

This revised application seeks to overcome the reasons for refusal of the previous applications (S/2010/1015 and S/2011/0138). These objections related primarily to the creation of new residential development in the open countryside, the limited visibility of the new access and the encouragement of motorized journeys contrary to government guidance.

In seeking to overcome the reasons for refusal of the previous applications, the applicant has sub-divided the proposal into two parts. This application seeks to convert/rebuild an isolated redundant and dilapidated barn to a residential use, whilst a second application (S/2011/1791) seeks to create a new vehicular access to replace the use of the existing narrow lane which is footpath no.19. Therefore this proposal differs from the previous applications in that the improved access is only for the existing two Bowles Cottages, the cricket field and the adjacent agricultural land. All reference to the conversion of Bowles Barn is omitted in that application, though the drawings and plans submitted with the application show the proposed new dwelling. This application refers only to the conversion/rebuilding of the barn and proposes that it continues to use the existing vehicular access

The report below, considers the relevant issues.

## **9.2 Principle of residential conversion, and impact on character of the countryside**

The national policy guidance relating to this proposal has not changed since the previous applications were determined. PPS3 still sets out the government's criteria for housing development and defines previously-developed land as follows: 'land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition excludes gardens and land that is or has been occupied by agricultural or forestry buildings, and therefore, this site is still not considered to be previously developed or brownfield land for policy purposes. PPS7 also gives priority to the development of brownfield land in preference to green field sites. Paragraph 20 of the PPS states: 'The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of the PPS'. Since this guidance was issued, PPG3 has been superseded by PPS3, but the aims and objectives of the guidance are unchanged. Paragraph 10 states that isolated new houses in the countryside will require special justification for planning permission to be granted. Furthermore it states that 'where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A in the PPS'.

In this case, as before, the proposed development is not stated to be either 'affordable', for local needs, or for an agricultural worker. The proposal therefore still fails to comply with this aspect of national guidance.

PPS4 which replaced large parts of PPS7 in relation to sustainable economic growth discusses guidance for the reuse and replacement of rural buildings for tourism or employment use. However, this is not relevant in this case. The proposal is not for an economic, tourist or other commercial use. It is for a residential development. Within that national guidance document policy EC12.1 is relevant as it states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, though residential conversions may be more appropriate in some locations and for some types of building. Planning Authorities are encouraged to approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm. In this case evidence has been provided that the building (in its current dilapidated state) was marketed for a commercial use for at least 6 months. Reference was made to the landlord being willing to undertake conversion works and cover the costs of such works. The level of response was considered disappointing by the Agent, but was considered to be a reflection of the current demand for commercial property. The building was considered to have significant physical constraints when being considered for a commercial use, and there is on the market at the present time, similar accommodation, of good quality has also been available for a considerable time.

The other main issue on which there is government guidance to consider is the historic value of the building and whether because it is worthy of retention; its conversion to residential contrary to the above policies should be supported. PPS5 sets out criteria for consideration of heritage assets and this issue is considered below in section 9.4.

The above government guidance is considered to be the most up to date national policy guidance for the proposed development. The adopted Salisbury District Local Plan policies have been included into the draft Core Strategy and are therefore still material. Additionally two of the Draft Core Strategy policies are also relevant.

Policy H23 of the Local Plan states that undeveloped land (see PPS3 above) outside a Housing Policy Boundary and not identified for development in the Local Plan will be considered to be countryside where the erection of new dwellings will only be permitted where provided for by policies H26 (affordable housing) or H27 (housing for rural workers). Neither policy H26 nor H27 applies in this case, nor the guidance of the current Local Plan policy is totally consistent with current national guidance as expressed in PPS3 and PPS7. The draft core strategy refers to the Winterbournes as a location where limited growth may occur in the future, but the details of this have not yet been considered and in the meantime the site is in an isolated position, outside the Housing Policy Boundary and surrounded by open countryside.

Local Plan policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy or maintain and enhance the environment. The applicant has not suggested that the proposal will benefit the local economy and the enhancement of the local environment apparently relies on the impact of the rebuilding and conversion of the existing dilapidated and partially collapsed structures. Policy C24 sets out the criteria for extensions in the countryside, which must be sympathetic in scale and character with the existing



building and surroundings, and fall within the existing curtilage and this aspect is discussed below. Policy C22 discusses the criteria for the change of use of buildings. It states, "Where the proposal is for full residential use, the council will require the applicant to demonstrate that every reasonable attempt has been made to secure a suitable business or community reuse. This is usually demonstrated through a commercial marketing exercise, and in this case, evidence has been provided to demonstrate that the building has been marketed by a commercial agent for a non-residential use. It would appear from this exercise that in the current economic climate there is no demand to use a dilapidated former agricultural building (with no electricity, water or foul sewage) for an economic enterprise.

In considering the previous applications there was concern that the former agricultural building was not capable of conversion without substantial reconstruction and that there was insufficient information and drawings to demonstrate that the resultant building would actually be a conversion.

The applicant has sought to reassure the Council by providing substantive reports from qualified persons. Accompanying this application, (as for both the S/2010/1015 and S/2011/0138 applications) is a report from Paul Tanner Associated (dated 18 Nov.2008) and a subsequent letter from Geoff Crawford of Witcher Crawford dated 15 June 2010 which states 'whilst the previous assessment regarding the amount of work involved in the project is true' i.e. there is a fair amount of work involved in reinstating and repairing the barn to make sure it is structurally sound and that the fabric of the building is free of decay; *this by no means suggests that the walls cannot be repaired or have to be rebuilt. The careful sequencing and correct methodology will minimise the loss of the building fabric.* The letter then sets out a sequence of work which it is stated, if followed would require only the repair and conservation of the existing structure.

Additionally there is a statement by Robert Nother (Conservation Architect) dated Nov 2010, who also considers that the building is in a 'poor state of repair' but who concludes that it is not currently beyond repair. He suggests that some of the cracking of the cob walls can be resolved by gentle treatment of the plinth, that the outward lean of the south facing wall 'is no more than that seen in many historical vernacular buildings' and that the stability of the wall could be achieved through the addition of wall plates and a modification of the proposed roof structure to take account of the lean. It is also stated that the vertical cracks in the building are not due to differential settling at ground level but due to the inadequate eaves projection of the tin roof (in comparison with the original thatch) and the consequent exposure of the walls to the weather.

It would appear, therefore, that though the building appears in an 'alarmingly poor state of repair' it may currently be repairable rather than require re-construction. However, the architect advised that without the undertaking of a scheme of repairs during the early part of 2011, the structure is at an increased risk of major deterioration and possible collapse.

It would appear that since that previous application in February 2011 that such a scheme of repairs has not been undertaken and that the structure has continued to deteriorate. Therefore, there is still considerable doubt, especially in view of the

applicant's Conservation Architect (Robert Norther)'s conclusions regarding the state of the building, and the concerns of the Council's Building Control officer. The concern is that the building may actually not be capable of conversion and that any proposal to create a new dwelling on this site would be tantamount to being a replacement building in the countryside for residential purposes. On this basis, the proposal is considered to still be contrary to Local Plan policy C22.

### **9.3 Scale and design of proposed building**

The proposal involves the re-instatement and rebuilding of an existing structure and the erection of a new extension. The two bedrooms are to be provided within the taller of the two buildings by the creation of an upper floor, which will provide one bedroom, the other to be on the ground floor. The living accommodation (a kitchen, sitting/dining area and a bathroom) will be provided within the new single storey extension adjacent. The new extension is proposed to be over the footprint of previously existing buildings; though little of these currently remain as the drawing W1198/PO2 and the photographs/plans attached to the Historic Buildings study demonstrate. However as the design and access statement and other information provided indicates; the applicant has sought to replicate a single store building shown in an old photograph.

In overall terms, the scale and design of the proposal, is considered to reflect what was apparently on the site in the past and though the development including the extension still substantially increases the impact of the current building upon the surrounding countryside, the overall design concept is considered acceptable in this location.

### **9.4. Heritage Asset**

PPS 5 sets out the criteria for considering proposals affecting heritage assets, or buildings that have significance because of their historic or architectural interest. The statement covers assets that are not designated but are of heritage interest and thus it is a material planning consideration. Decisions must be based on the nature, extent and level of that interest and the asset must be put to an appropriate and viable use that is consistent with their conservation. Policy HE7 sets out the criteria for consideration of proposals affecting heritage buildings.

A report by Paul Tanner Associates dated November 2008 provides a visual inspection and report on the condition of the building. It states that the building would be repaired and reroofed in appropriate materials. The structural repair requirements section of the report identifies works and repairs that would need to take place to the building. The repairs required would appear to be substantial, including rebuilding some 10% to 20% of the flint work plinth, replacement of missing cob sections, reinstatement of structural connections between the gable and main elevation, possible use of stainless steel corner reinforcement, removal of cement render and replacement with lime, removal of the existing concrete slab and its replacement by a new concrete screed floor on a waterproof membrane and insulation layers over a new re-enforced concrete ground bearing slab, stabilise the walls, addition of new first floor and strengthening of beams with central fitch plates, new embedded tie

timbers for the roof with temporary propping of to the gable ends to maintain stability, and strengthening of the roof structure to support a new roof structure.

It is clear from this report that a substantial amount of repair and replacement work would be required to bring the barn up from agricultural to residential standards. The Building Control Officer also considers that there is likely to be a requirement for extensive structural works to conserve the existing structure and make it habitable. He also has concerns regarding the thermal performance of the existing structure and its resistance to damp and the upgrading which will be required to bring the structure to modern standards. In view of the submitted evidence the officers have concerns that it would be extremely difficult to prevent the total demolition or even collapse of the barn during the conversion process.

However, accompanying this application is a letter from Geoff Crawford of Witcher Crawford which states 'whilst the previous assessment regarding the amount of work involved in the project is true' i.e. there is a fair amount of work involved in reinstating and repairing the barn to make sure it is structurally sound and that the fabric of the building is free of decay; *this by no means suggests that the walls cannot be repaired or have to be rebuilt. The careful sequencing and correct methodology will minimise the loss of the building fabric.* A sequence of work is then outlined which it is stated, if followed would require only the repair and conservation of the existing structure.

In considering whether this revised application, has overcome the reasons for refusal; consideration has to be given to the evidence produced by Robert Nother regarding the worthiness of the building for retention. It is clearly asserted that in view of the growing appreciation of cob and other earth walled types of structures that they are under-represented in designated heritage structures. The case is made that as historic value of such walling material is increasingly recognised, that this building due to its age, size form and materials of construction is worthy of inclusion as at least a local heritage asset.

However, whilst recognising that the building could be considered to be a heritage asset because of its historic interest, the recognition is severely compromised by the extent of the works required to allow the conversion of the existing building to residential use. Moreover it is as an agricultural building that the building has historical significance. Therefore, whilst the building is considered to be a heritage asset that would be worthy of retention for historical interest, the building is not considered to be sufficiently important to provide the *special justification* required for a departure from national and local policy to create new residential development in the countryside.

## **9.5. Neighbouring Amenity**

The development is approximately 70 metres from Bowles Cottages, and therefore, the proposed residential use would not detrimentally affect neighbouring amenities in terms of dominance, overlooking or undue disturbance. Whilst the increased use of the access lane may cause some noise and disturbance to these properties, the lane is in use for both the cricket field and as an agricultural access to the surrounding land. It would be difficult to argue that the increased traffic created by a single two-

bedroomed dwelling would be sufficiently detrimental to their existing amenities as to warrant refusal of the proposal under Local Plan policy G2.

### **9.6 Protected Species**

An ecological assessment has been submitted and there is no evidence of bats, amphibians or reptiles on the site though extensive signs of barn owls were found. As nesting birds have also used the barn and are likely to be present in the hedgerow which it is proposed be removed adjacent to the Portway in order to create the access, it is recommended that works should take place between September and the end of February so as to avoid the breeding season. Provided the recommendations in the submitted ecological survey are adhered to, through appropriate use of conditions, it is considered that this aspect of the proposal would comply with Local Plan policy C12.

### **9.7. Highway Safety**

The development makes provision for parking for at least two vehicles on a car parking area adjacent to the barn. Currently the barn is accessed off a lane and public footpath which serves nos.1 and 2 Bowles Cottage. No objections have been raised regarding the increased residential use of this access and in considering this application, the Highways officer has only recommended refusal on the grounds that the new dwelling would be located outside housing policy limits and would be distant from services and facilities, contrary to the key aims of Planning Policy Guidance Note 13.

### **9.8. Affordable housing public open space**

A financial contribution towards affordable housing would be required in compliance with Core Policy 3 and a financial contribution towards the provision of public open space would be required in accordance with Local Plan policy R2. The applicant has indicated his willingness to comply with these policies

## **10. Conclusions**

The site is in the open countryside where a new dwelling would not be permitted unless required for agriculture or local need and the applicant has not shown that the proposed dwelling would be either affordable, or that there is a need for a dwelling for an agricultural worker. Furthermore whilst a cob agricultural building would be of some local historic interest, the extent of the works required to stabilise and allow the conversion of the existing building to residential use, reduces its significance in heritage terms and therefore, the building is not considered to be sufficiently important to provide the *special justification* required for a departure from national and local policy to create a new residential development in the countryside.

The Highway Authority is also concerned that the proposed new dwelling would be located outside the housing policy boundary at a distance from services, contrary to the key aims of Planning Policy Guidance Note 13.

## 11. Recommendation

### Planning Permission be REFUSED for the following reasons:

1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the *special justification* required by PPS7 to support conversion to full residential use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, PPG13 and the adopted policies C22, H23, H26 and H27 and contrary to the saved policies, C22, H23, H26 and H27, listed in Appendix C of the draft South Wiltshire Core Strategy.

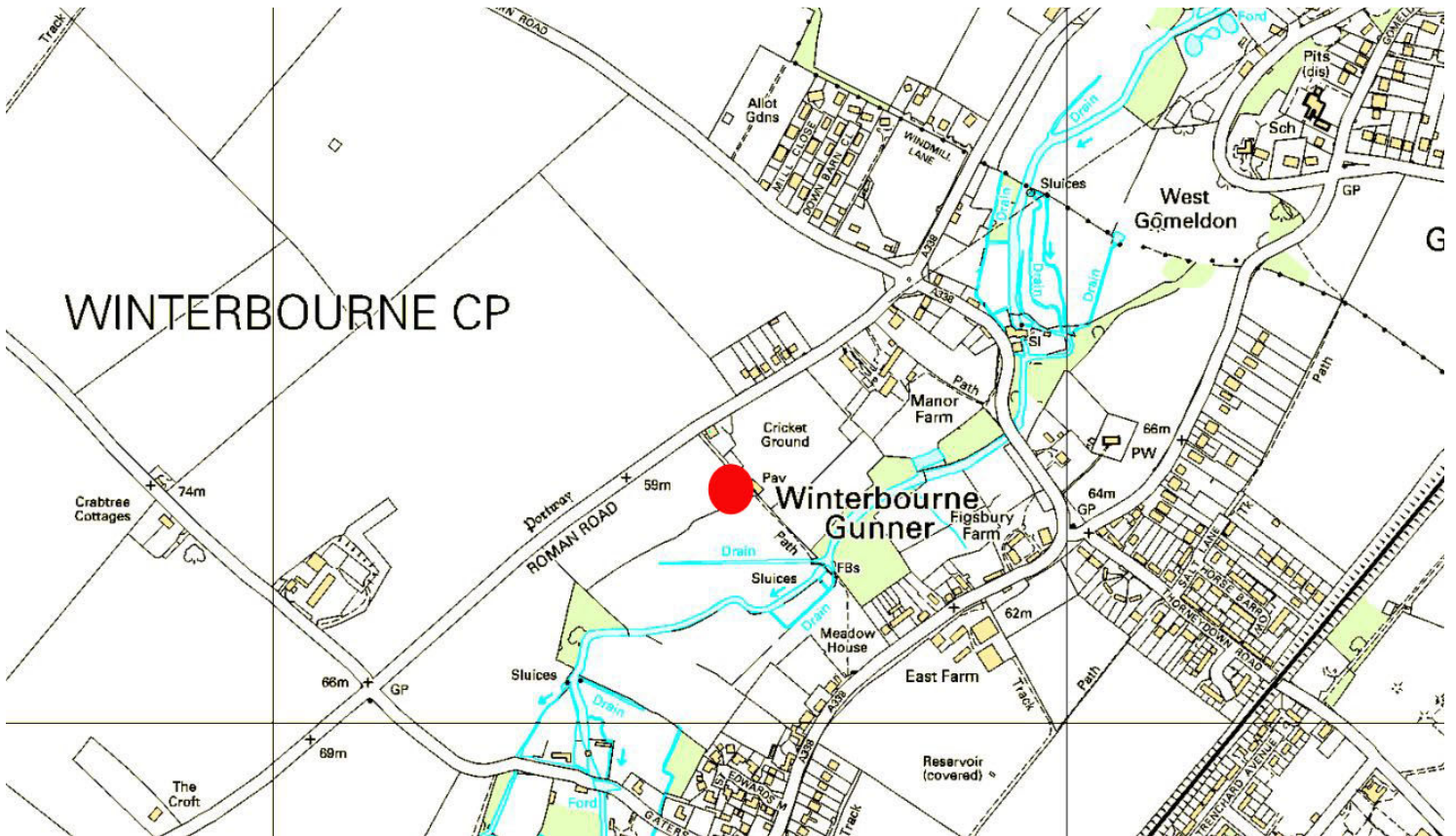
2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.

3 The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan and contrary to Core Policy 3 of the draft South Wiltshire Core Strategy as appropriate provision towards public recreational open space and affordable housing has not been made.

### Informative

It should be noted that the reason given above relating to Core Strategy Policy 3 of the Draft Core South Wiltshire Strategy and Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

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# Agenda Item 7g

## REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 January 2012		
<b>Application Number</b>	S/2011/171791 Full		
<b>Site Address</b>	Access to Bowles Cottage and Winterbourne Cricket Field, The Portway, Winterbourne Gunner, Salisbury. SP4 6JL		
<b>Proposal</b>	Block up existing vehicular access onto The Portway (but retain footpath access) and form new vehicular access with improved visibility and improved parking / turning area to Bowles Cottages. Repair existing track up to cricket field to from level hardcore surface.		
<b>Applicant/ Agent</b>	Mr Richard Bruce-White		
<b>City/Town/Parish Council</b>	Winterbourne		
<b>Electoral Division</b>	Bourne & Woodford Valley	<b>Unitary Member</b>	Cllr Mike Hewitt
<b>Grid Reference</b>	417549 135367		
<b>Type of Application</b>	FULL		
<b>Conservation Area:</b>	NA	LB Grade:	NA
<b>Case Officer:</b>	Case Officer Mrs Janet Wallace	Contact Number:	01722 434687

### Reason for the application being considered by Committee

Councillor Hewitt has requested that the application be determined by Committee as previous applications on this site have come to Committee

### 1. Purpose of report

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

### 2. Report summary

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

1. History of site/policy considerations
2. Scale, design and impact on character of the countryside
3. Highway safety

The application has generated comments from the parish council; and one letter of observations from the public.

### 3. Site Description

Footpath no.19 is used as the vehicular access from The Portway, to nos.1 and 2 Bowles Cottages. The footpath is located immediately to the west of the cottages and debouches on to The Portway within the 30mph zone. The cottages each have

parking within their own curtilage. There is also parking opposite the cottages within the applicant's field, and within his control.

The footpath is also used to provide vehicle access to the village cricket field. Parking for people using the cricket ground is on the edge of the field.

The footpath also provides vehicular access to the surrounding agricultural land, to the west and south.

The proposed access would be located approx 25 metres further to the west of the footpath, outside the derestricted zone. The access would be across open countryside, which is designated as a Special Landscape Area, and an Area of Special Archaeological Significance. It is proposed that the new access serve Bowles Cottages, the cricket field and the surrounding agricultural land, as well as Bowles Barn.

<b>4. Planning History</b>		
Application number	Proposal	Decision
10/0396	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access and form new access with improved visibility	WD 10/05/10
10/1015	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access on to The Portway (C56) and form new access with improved visibility	REF 31/08/10 For the following reasons:- 1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide

<p>11/138</p>	<p>Convert existing cob barn and reinstate former thatched roof covering and attached stores to provide 2 bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access onto The Portway (but retain footpath access) and form new vehicular access with improved visibility and</p>	<p>the <i>special justification</i> required by PPS7 to support conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.</p> <p>2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.</p> <p>3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.</p> <p>REF 29/03/11 1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst</p>
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	<p>improved parking/turning area to Bowles Cottages</p>	<p>the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the <i>special justification</i> required by PPS7 to support conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.</p> <p>2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.</p> <p>3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.</p>
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11/1790	Convert existing cob barn and reinstate former thatched roof covering and attached stores to provide 2 bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area.	Not yet determined
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## 5. Proposal

The proposal is to create a new vehicular access for Bowles Cottages, the cricket ground and the surrounding agricultural land. The existing vehicular access on to the Portway would be closed, retaining the pedestrian right of way (FPno.19) between The Portway and Winterbourne Gunner.

## 6. Planning Policy

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

- G1 – General principles for development
- G2 – General criteria for development
- C2 – Development in the countryside
- C6 – Special landscape area
- TR11 – Off street parking
- TR15 – Traffic/pedestrian safety

*National Planning Policy*  
PPG13 Transport

## 7. Consultations

### Highways

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

### Rights of way

The site is crossed by footpath WINT19. No objection provided no gates or structures are located on the footpath and that the width is maintained. Details of the proposed surfacing of the access track where it is shared by the footpath should be subject to a condition.

### Winterbourne Parish Council

Support

## **8. Publicity**

The application was advertised by site notice and neighbour consultation, with an expiry date of 29 December 2011

1 letter of observations received

Summary of key relevant points raised:

- Concerned about access and parking for the cottages
- Parking area should be squared off so that whole area is available to use
- Parking area should be guaranteed to be perpetually available to the cottages, otherwise difficult to turn around.

## **9. Planning Considerations**

### **9.1 Planning History**

When previously considering a proposal for a new access in this area, your officers were advised that Highways were not satisfied that the various suggested locations for the new access would be safe. Those proposals for new accesses were related to a proposed new dwelling (Bowles Barn). However, the new access was also designed to serve the existing two Bowles Cottages, a proposed the cricket field and the adjacent agricultural land. In all the previous cases, highways considered that the new accesses were not located in a safe position. The reason being; that the new accesses would be located outside the 30mph speed limit, where the length of the visibility for oncoming traffic was not acceptable.

This proposal differs from the previous applications in that the improved access is for the existing two Bowles Cottages, the cricket field and the adjacent agricultural land. All reference to the conversion of Bowles Barn is omitted, though the drawings and plans submitted with the application show the proposed new dwelling.

### **9.2 Policy Considerations**

The policy guidance relating to the aspect of the proposal to improve the access has not changed since the previous applications. Local Plan policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy or maintain and enhance the environment. The applicant has not suggested that the proposal will benefit the local economy, and the enhancement of the local environment appears to rely on the impact of improving vehicular access to the cricket field and the two cottages. However, Local Plan policy G1 would supports sustainable development which will promoted the vitality and viability of the local community. Improvement to the very poor access to the cricket field would be a positive enhancement as it would encourage the use of the community facility. Local Plan policy C6 requires development in the countryside to have regard to the high quality of the landscape and this matter is addressed later in the report.

Local Plan policy TR11 supports the provision of off-street parking and Local Plan policy TR15 would support the implementation of traffic and safety measures and the impact of this proposal on highway safety is also addressed below.

### **9.3 Impact on character of the countryside**

The proposed new access would cut across an open field to the west of the public footpath. A larger parking area than currently exists would also be provided for the two Bowles Cottages. In order to improve the visibility for the new access, it is proposed to remove the current roadside hedge. This would be replaced by a 1.2m post and mesh fence, backing a new hedge. Whilst in the short term, this would result in a loss of the vegetative edge to the road in this strongly rural location the replacement hedge would recreate the character of the area within a few years.

The proposal incorporates an improved parking and turning area for Bowles Cottages. Whilst this will be bounded by a post and wire mesh fence, this will be screened from the wider countryside by the replacement hedge alongside The Portway and the new hedge alongside the proposed new access. However, because the new route will cross over the open field, a small part of the field would be cut off and separated from the remainder of the field. It would be difficult to use this small area efficiently agriculturally and it is likely over time that this area will become overgrown. However, a small overgrown area, in the corner of a field is not so unusual in the open countryside as to be considered to be detrimental to the character of the area.

### **9.4. Impact upon highway safety**

This proposal is to replace the existing poor quality vehicular access to the cricket field, no.1 and no.2 Bowles Cottages and the surrounding agricultural land with an improved vehicular access, parking and turning areas, whilst retaining the public footpath in its current position.

The proposed location of the new access enables the applicant to create sight lines of 2m by 160m to the south-west and 2m by 59m to the north-east. This is a considerable improvement over the current situation. Though the current access is within the 30mph speed limit and the proposed access would be some 20m. outside the 30mph speed limited zone; in such a location the traffic is unlikely to be travelling at the full 60mph. Therefore, whilst this proposed new access would be in a position deemed unacceptable in an earlier application (S/2010/1015), it is a considerable improvement over the current situation as the existing access has such poor visibility and the new access will benefit the two existing dwellings, the users of the cricket field, and improve the access to the surrounding agricultural land.

The proposed improved facilities for parking and turning for the two Bowles Cottages are considered acceptable, provided that the area is made available on a permanent basis to these two properties, which are not in the ownership of the applicant.

The cricket field is in private ownership, however, the applicant states that he supports its use for cricket and the proposed improvement to the access to the

ground, would be a community benefit and in accordance with the aims of the Local Plan and the draft South Wiltshire Core Strategy

On balance therefore, the proposed relocation of the access suitably conditioned to recreate the hedge and to maintain the sight lines would be acceptable in highway safety terms, as an improvement over the current situation.

#### **9.4 Other queries raised:**

The applicant has confirmed that he intends to make the proposed parking and turning area and the new access permanently available to the occupiers of Bowles Cottages'.

#### **10. Conclusion**

Though the proposed new vehicular access is substandard, it would be a considerable improvement over the existing access which uses footpath no.19, so in the interests of highway safety and subject to conditions, as the development will not cause any significant demonstrable harm to the character and appearance of the area the proposal is considered acceptable.

#### **11. Recommendation**

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

The proposed development will not cause any significant demonstrable harm to the character and appearance of the area and will improve highway safety it is therefore considered to be in accordance with the aims and objectives of Saved Policies G1, G2, C2, C6, TR11 and TR15 of The Salisbury District Local Plan (adopted June 2003) and also in accordance with the saved policies, G1, G2, C2, C6, TR11 and TR15 listed in Appendix C of the draft South Wiltshire Core Strategy.

##### **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.

Drawing ref. no W1198 PO6 Rev D received on 10 January 2012  
Drawing ref. Cross section of track received on 23 November 2011



REASON For the avoidance of doubt

3 The access shall not be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1m 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

4 No work shall commence on site until details of the proposed fence positioned along the sight line with the hedge planted behind the fence have been submitted to and approved in writing by the Local Planning Authority. The access shall not be brought into use until the fence has been positioned in accordance with the approved details.

REASON: In the interests of highway safety

POLICY G2 General criteria for development

5. The existing vehicular access shall be stopped up and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use.

REASON: In the interests of highway safety

POLICY G2 General criteria for development

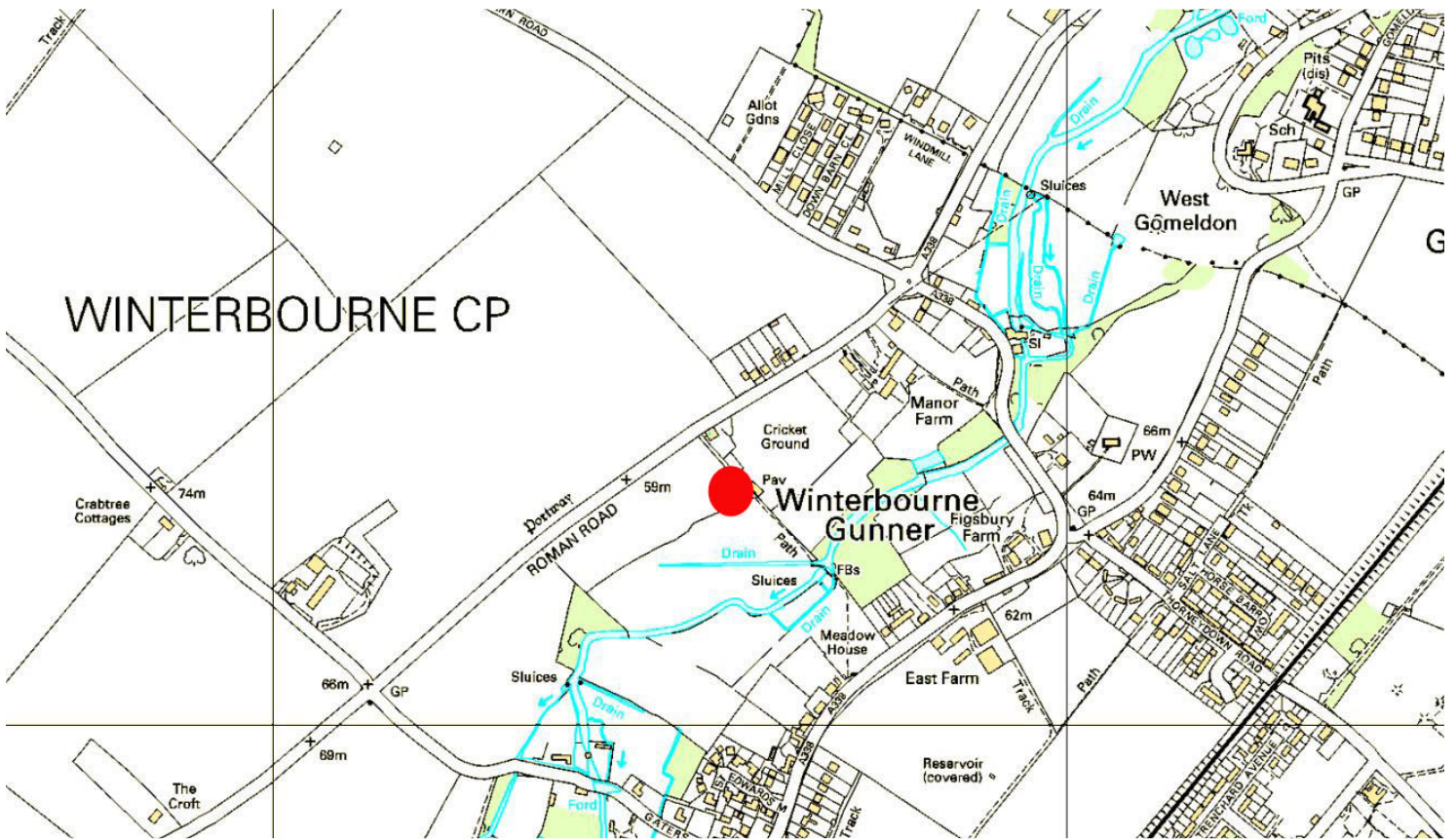
6. No part of the development hereby permitted shall be first brought into use until the access track, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety

POLICY G2 General criteria for development

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Access to Bowles Cottage and Winterbourne Cricket Field, The Portway, Winterbourne Gunner.SP4 6JL



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