

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 7 October 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, 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)

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### Membership:

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

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### Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

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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 16 September 2010 (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**

Members of the public who wish to speak either in favour or against an application 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. 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.

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

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

7. **Planning Applications** (*Pages 19 - 20*)

To consider and determine planning applications in the attached schedule.

- 7a **S/2010/1129 - Queen Elizabeth Gardens, Mill Road, Salisbury** (*Pages 21 - 40*)
- 7b **S/2010/1109 - Old Rampart Filling Station, Junction of Devizes Road & Wilton Road, Salisbury** (*Pages 41 - 60*)
- 7c **S/2010/1046 - Evias Cottage, Teffont Evias, Salisbury** (*Pages 61 - 66*)
- 7d **S/2010/1047 - Evias Cottage, Teffont Evias, Salisbury** (*Pages 67 - 72*)
- 7e **S/2010/1051 - Laurels, High Street, Hindon, Salisbury** (*Pages 73 - 78*)
- 7f **S/2010/1052 - Laurels, High Street, Hindon, Salisbury** (*Pages 79 - 84*)
- 7g **S/2010/1193 - 269 Castle Road, Salisbury** (*Pages 85 - 90*)

8. **Urgent Items**

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

**Part II**

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

None

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## **SOUTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 16 SEPTEMBER 2010 AT ALAMEIN SUITE - CITY HALL, SALISBURY.**

#### **Present:**

Cllr Richard Britton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman),  
Cllr George Jeans, Cllr Ian McLennan, Cllr Bill Moss (Reserve), Cllr Paul Sample (Reserve),  
Cllr John Smale (Reserve), Cllr Ian West, Cllr Fred Westmoreland (Chairman) and  
Cllr Graham Wright

#### **Also Present:**

Cllr Bridget Wayman

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#### **89. Apologies for Absence**

Apologies were received from Cllr Mary Douglas (substituted by Cllr John Smale), Cllr Brian Dalton (substituted by Cllr Paul Sample) and Cllr Mike Hewitt (substituted by Cllr Bill Moss).

#### **90. Minutes**

The minutes of the meeting held on 26 August 2010 were presented.

#### **Resolved:**

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

#### **91. Declarations of Interest**

There were none.

#### **92. Chairman's Announcements**

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

#### **93. Public Participation**

The Committee noted the rules on public participation.

94. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

Public participation:

Lt. Col. Stephen Bush, spoke in support of recommendation B, as per the report

Mr Will Simpson-Gee spoke in support of recommendation B

Mr Henry Colthurst spoke in support of recommendation B

Mr Tony Allen, the agent, spoke in support of recommendation A

Mr Will Grant, the owner, spoke in support of recommendation A

Mrs Susan Grant, the owner, spoke in support of recommendation A

The Planning Officer introduced the report and drew members' attention to the late list.

The Committee discussed the options presented by the case officer regarding the Council's interpretation of Part 4 of the General Permitted Development Order (GDPO), the implications of this and the prospect of taking enforcement action in light of this against the operators of the aforementioned site.

The issue of whether the site subject of the report could and should be considered to be one or two planning units was also discussed.

**Resolved:**

**That the Area Development Manager (South) be authorised to issue the following Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and serve it on the appropriate person(s) as follows:**

**Alleging the following breach of planning control:**

**Without planning permission, the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

**The Enforcement Notice to require the following steps to be taken:**

- 1. Remove any tents stationed on the Land; and**
- 2. Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

**Timescale for compliance with the Enforcement Notice:**

**Step 1: One month.**

**Step 2: One month.**

**Reasons for serving the Enforcement Notice:**

- 1. The Land is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area and is in close proximity to a Site of Special Scientific Interest/Special Area of Conservation. The Land is also in close proximity to a number of residential properties. The unlimited use of the Land as a camping site for the stationing and human habitation of tents in excess of the 28 days per calendar year permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, has had a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm is outweighed by economic benefits or could be satisfactorily addressed through new landscaping. The use has also seriously adversely affected neighbouring and nearby residential amenities, by reason of the undue noise and disturbance caused by activities on the Land, in particular late at night, anti-social behaviour and associated comings and goings to and from the Land. To permit the development to continue would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.**

**That the Area Development Manager (South) also asks the Litigation Team to investigate enforcement against any breach of the Section 106 Undertaking in respect of temporary camping in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.**

**That the Committee considers, for the avoidance of any doubt, that the whole site, being the land used for temporary camping, the certified caravan site and the land to the south associated with Summerfield House, should all be considered as a single planning unit.**

**That the Area Development Manager (South) investigate the issuing of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, to remove “permitted development” rights under Parts 4 and 5 of the 2<sup>nd</sup> Schedule of that Order.**

**95. Planning Appeals**

The Committee received details of the following appeal decisions:

S/2009/1477 Land Between Pearl Cottage and the Bungalow, Cholderton, Salisbury – Dismissed – Delegated (Costs awarded to WC)  
09/1538 Ware Farm, Benn Lane, Farley – Allowed – Delegated

And forthcoming appeals as follows:

S/2010/0827 16 Bourne View, Allington

S/2009/1936 Site at 66 Winterslow Road, Porton

S/2010/1248 Land at Former Knightwood Kennels

S/2010/1275 Land at Former Knightwood Kennels

**Resolved:**

**That the report be noted.**

96. **Planning Applications**

- 96a. **S/2010/1058 - Stonehenge Caravan & Camping Site - Stonehenge Caravan & Camping Site, Berwick St. James, Salisbury, SP3 4TQ - Retrospective application to retain operational development associated with use of land as a caravan club site and tenting/rally area.**

Owing to the receipt of significant late items, it was agreed that this item be deferred to a later meeting of the Southern Area Planning Committee.

- 96b. **S/2010/0797 - Stonehenge Caravan Campsite - Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ - Retrospective application for the display of 2 advertisements.**

Owing to the receipt of significant late items, it was agreed that this item be deferred to a later meeting of the Southern Area Planning Committee.

- 96c. **S/2010/0310 - Land to rear of Vine Cottage, Fore Street, Wylve, Warminster, BA12 0RQ - Demolition of curtilage building and proposed erection of 3 no. Dwellings and associated access and drainage works**

With the Chairman's agreement, this application was considered together with the associated Conservation Area Consent application for pre-required demolition works referred to at minute number 96d below.

Public participation:

Mr Peter Bonchart, the architect, spoke in support of the application.

The Planning Officer presented the report which recommended approval subject to conditions, and drew attention to the late list of additional information.



A debate ensued regarding the design, form and extent of development, impact on surroundings, site drainage and highway safety implications of the proposal.

**Resolved:**

**That the application be approved subject to submission of a Unilateral Agreement under S106 of the Town and Country Planning Act for the provision of a financial contribution to secure public recreational open space facilities in accordance with Local Plan policy R2 and conditions, in line with the officer's recommendations, for the following reasons:**

It is considered that the proposed development would not be unacceptable in principle. It would not consist of backland development that would be inappropriate, and would not harm the character or appearance of the Wylve Conservation Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, or the setting of adjacent listed buildings. The development would not result in harm to the living conditions of nearby properties, highway safety, archaeology, ground water source protection, protected species, the River Avon Site of Special Scientific Interest or Special Area of Conservation or public recreational open space facilities. It would not be at unacceptable risk from noise or disturbance.

The proposed development would therefore comply with saved policies H16 (Development within Housing Policy Boundaries), C4, C5 (Development within Areas of Outstanding Natural Beauty), D2 (Infill Development), C10 (Nature Conservation), C12 (Protected Species), G1, G2 (General Development Criteria), G8 (Groundwater Source Protection), CN8 (Development within Conservation Areas), CN9 (Demolition of Buildings within Conservation Areas), CN10 (Loss of Gardens in Conservation Areas), CN21 (Areas of Special Archaeological Interest) and R2 (Public Recreational Open Space) of the Adopted Salisbury District Local Plan (saved policies).

It would also comply with National Guidance in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Protected Species), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and the advice the Wylve Conservation Area Appraisal and circular 03/99.

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

REASON: for the avoidance of doubt and in the interests of proper planning

(3) Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
  - (ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
  - (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
  - (v) Large scale details of proposed eaves and verges (1:5 section);
  - (vi) Details of rainwater goods (which shall be metal and finished in black);
  - (vii) samples of the external facing materials (including roof materials)
- The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY: CN8

(4) No part of the development hereby permitted shall 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

(5) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5m metres from its junction with the public highway.

REASON: In the interests of highway safety

POLICY: G2

(6) 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 1.0m 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

(7) No development shall commence until details of the means of surface water drainage of the site (including surface water from the access/driveway), incorporating sustainable drainage details, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the drainage details thereby approved. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains.

REASON: in the interests of highway and railway safety, and the amenities of nearby properties.

POLICY: G2

(8) Development shall be undertaken in accordance with the recommendations of the protected species survey dated November 2009 (set out at section 6) and the Arboricultural Appraisal dated 26<sup>th</sup> June 2008 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of protected species and the character and appearance of the area with regard to trees.

POLICY: C12, G2

(9) No groundworks shall commence on site until an archaeological watching brief has been arranged to be maintained during the course of the works affecting the historic fabric of the building. The watching brief shall be carried out in accordance with the written specification, by a professional archaeologist, which shall have been first agreed in writing by the Local Planning Authority.

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

POLICY- CN21

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment)

(No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no external alterations or development within Part 1, Classes A-H (including the insertion of further windows) shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of Conservation Area, to ensure that the integrity of the design is maintained, and to prevent the insertion of windows that could result in loss of privacy within the site and to adjoining neighbours.

POLICY: CN8, G2

(11) Construction work shall not begin until a scheme for protecting the proposed residential properties from noise and vibration from the nearby railway line has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.

REASON: to ensure a reasonable standard of accommodation

POLICY: PPG24

(12) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

- (a) A full desktop survey of historic land use data,
- (b) A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).
- (c) A risk assessment of the actual and potential pollution linkages identified,
- (d) A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented, and the validation report shall be forwarded to the Local Planning Authority, prior to first occupation of the first of the dwellings hereby approved being occupied.

REASON: In the interests of public health and safety

POLICY: G2

(13) The development hereby approved shall be undertaken in accordance

with the mitigation measures proposed in the Construction Method Statement dated February 2010 unless otherwise agreed in writing by the Local Planning Authority.

REASON: in the interests of preventing groundwater pollution

POLICY: G8

(14) Works to construct the development hereby approved shall only take place between the hours of 08:00 to 17:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place on Sundays or Public Holidays.

REASON: in the interests of the amenities of nearby properties

POLICY: G2

(15) No development shall commence on site until a sample wall panel, 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 Conservation Area.

POLICY- CN8

(16) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus

materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY- G2, CN8

(17) The development shall be undertaken in accordance with the following approved plans and drawings:

- Location Plan – 1113/08, received 5<sup>th</sup> March 2010
- Proposed Site Plan – 113/09F, received 8<sup>th</sup> June 2010
- Existing and Proposed Street Scenes and Proposed Site Section - 113/10F, received 6<sup>th</sup> July 2010
- Proposed Plans and Elevations House 1 – 113/12E, received 6<sup>th</sup> July 2010
- Proposed Plans and Elevations House 2 – 113/13C, received 8<sup>th</sup> June 2010
- Proposed Plans and Elevations House 1 – 113/14B, received 17<sup>th</sup> August 2010
- Site Section C-C – 1113/15D, received 17<sup>th</sup> August 2010
- Proposed Plans and Elevations Garages to Vine Cottage and House 1 – 1113/16, received 5<sup>th</sup> March 2010

REASON: For the avoidance of doubt.

96d. **S/2010/0311 - Land to rear of Vine Cottage, Fore Street, Wylve, Warminster, BA12 0RQ - Demolition of curtilage building**

The Planning Officer presented the report which recommended approval subject to conditions, and drew attention to the late list of additional information.

**Resolved:**

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

The proposed demolition, provided that it is replaced by house 1 as

proposed in planning application S/2010/0310, would maintain the character and appearance of the Conservation Area. It would therefore comply with policies CN8 and CN9 (development and demolition of buildings within Conservation Areas) of the Adopted Salisbury District Local Plan and the advice in PPS5 (Planning for the Historic Environment) and the Wylve Conservation Area Appraisal.

**And subject to the following conditions:**

(1) The works for which conservation area consent is hereby granted shall be begun within three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No works for the demolition of the building or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission has been granted under application reference S/2010/0310 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

96e. **S/2010/0997 - Land on Spiregate, Steep Hollow, Dinton, Salisbury, SP3 5HL - Carry out improvements to existing access, demolition of timber garage and erection of single detached dwelling**

Public participation:

Mr David Wise, neighbour, spoke in opposition to the application

Mr Rupert Sebaq-Montefiore spoke in opposition to the application

Mrs Caroline Bannock, a local resident, spoke in opposition to the application

Mr Diccon Carpendale, the agent, spoke in support of the application

Mr Hugh Abel spoke in support of the application

Mr Charles Smith, of Dinton Parish Council, spoke in support of the application

Mrs Bridget Wayman, the local member, spoke in opposition to the application

The Planning Officer presented the report which recommended approval subject to conditions and drew attention to the late list of additional information.

A debate ensued regarding the design and scale of the proposed development, and its impact on the neighbouring conservation area and

surrounding views.

**Resolved:**

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

1) The site is situated on the edge of the built up area of the village of Dinton, within a designated Housing Restraint Area, occupying a sensitive location within the landscape. The scale and design of the dwelling would result in the development having an excessive impact within the landscape, that would be seen to harmfully extend the village into the open rural area. The development would therefore be contrary to saved policies H19 (i & iv) and C5 of the adopted Salisbury District Local Plan.

2) The proposed dwelling would unacceptably harm the amenities of Orchard Cottage, through overbearing and overlooking impacts, due to a combination of the excessive bulk of the facing south elevation, its elevated ground level and proximity to the southern boundary, and positioning of windows. The development would therefore be contrary to saved policy G2(vi) 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 Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

**INFORMATIVE - R2 FOR REFUSAL:**

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

96f. **S/2010/0798 - Mapperton Hill Farm, Gillingham Road, Mere, Warminster, BA12 6LH - Change of use of land to extension of residential curtilage, demolition of outbuilding and erection of building to provide additional accommodation**

**Public participation:**

Mr Diccon Carpendale, the agent, spoke in support of the application

Mr Damian Cardoza, the applicant, spoke in support of the application

Mr Rodney Coward, of Mere Parish Council, spoke in support of the application

The Planning Officer presented the report which recommended refusal and drew attention to the late list of additional information.



A debate ensued regarding the design and principle of the proposed development in the countryside, economic significance and the unusual circumstances of the applicant with regard to the reason for the application.

**Resolved:**

**That subject to the submission of a Unilateral Undertaking requiring:**

- i) **non-separation of title between the existing residential dwelling and the new additional residential dwelling; and**
- ii) **provision of a financial contribution to secure public recreational open space facilities in accordance with Local Plan policy R2**

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

The site is situated outside of a development boundary, remote from existing settlements, where new residential development would not normally be permitted. However, it is considered that the applicants have demonstrated that there are exceptional personal circumstances which justify the new residential accommodation in this location, and the character of the countryside would be preserved due to the visual benefits provided by the replacement of the existing barn with a more appropriately designed building, which would accord with polices C2 and C6 of the Salisbury District Local Plan.

**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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) This decision relates to documents/plans submitted with the application, listed below:

Plan Ref....MP-002....	Date
Received....28.05.10....	
Plan Ref....05155-2....	Date
Received....10.09.10....	

REASON: For the avoidance of doubt.

- 3) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such

materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: C6

- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Hard landscaping works shall be carried out as approved prior to first occupation of the residential accommodation hereby permitted. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the completion of development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of development 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 the Local Planning Authority gives written consent to any variation.

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

POLICY: C6

- 5) Visibility shall be provided at the site access, with nothing over 1.0m in height above the adjacent carriageway level being planted, erected or maintained in front of the splay lines shown on the submitted plan numbered 05155-2.

REASON: In the interests of highways safety.

POLICY: G2

- 6) 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 to the building 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: C6

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the extended residential curtilage hereby permitted.

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

POLICY: C6

96g. **S/2010/0615 Burton Farmhouse, Burton, Mere, Warminster, BA12 6BR - Change of use of Outbuilding to residential annexe ancillary to Burton Farmhouse**

The Committee considered the report, which recommended agreement to an extension of time within which to secure a legal agreement for the aforementioned planning application.

Officers were hopeful that the agreement could be finalised and agreed within the next 3 months at the very latest, and hence this option would result in completion of the agreement and the issuing of planning consent.

**Resolved:**

1. To agree to the extension of time.
2. To delegate to officers the ability to either refuse the application after the 3 month period or to continue negotiations as they think fit.

97. **Urgent Items**

**Report of the Southern Development Management team on the consultation by North Dorset District Council on planning application for 4 no. wind turbine generators and associated works close to the Wiltshire border.**

The Chairman approved consideration of this item as a matter of urgency as the matter could not be reasonably delayed until the next scheduled meeting.

The chair drew members' attention to Agenda Supplement (1) and the consultation paper from North Dorset District Council with regard to an application for four 120m wind turbines and associated works within close proximity to the Southern Wiltshire border.

Public participation:

Cllr Bridget Wayman, the local member, spoke in opposition to the proposed development

A debate ensued regarding the visual impact of such a development on the special landscape areas of South Wiltshire.

**Resolved:**

**That the Committee endorses the contents of the previous Salisbury District Council Western Area Committee report dated 7 August 2008, notwithstanding the reduction in scale by two turbines, and delegates responsibility to Planning Officers to make representations to North Dorset District Council as follows:**

That the Committee objects to the above mentioned planning application on the basis of the adverse visual impact to the rural landscape within the County, including land within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, as well as at other locations, that would result from the erection of four tall, alien, intrusive and animated structures.

(Duration of meeting: 6.00 - 9.50 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, 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

## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2010/0209	1 Landford Manor, Stock Lane, Landford	HH	Delegated	Dismissed	No	No
S/2009/1291	29 Middleton Road Salisbury	WR	Delegated	Dismissed	No	No

### New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/0884	Land at Bishops Drive, Harnham, Salisbury	WR	Delegated			

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

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# Agenda Item 7

## INDEX OF APPLICATIONS ON 7<sup>th</sup> OCTOBER 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/1129	QUEEN ELIZABETH GARDENS, MILL ROAD, SALISBURY, SP2 7RU	THE WORKS FORM PART OF THE ENHANCEMENT OF QUEEN ELIZABETH GARDENS AND INCLUDE:	APPROVE WITH CONDITIONS	CLLR CLEWER
2	S/2010/1109	OLD RAMPART FILLING STATION, JUNCTION OF DEVIZES ROAD & WILTON ROAD, SALISBURY, SP2 7EE	REGENERATION OF THE FORMER RAMPARTS DERELICT PETROL STATION SITE TO PROVIDE 14 NO. RESIDENTIAL FLATS, COMMERCIAL FLOOR SPACE, 3 NO. RESIDENTS PARKING SPACES, BIN STORE AND SECURE CYCLE STORES	APPROVE SUBJECT TO S106	CLLR CLEWER
3	S/2010/1046 <i>Site Visit: 16.30</i>	EVIAS COTTAGE, TEFFONT EVIAS, SALISBURY, SP3 5RG	DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORCH. FORM OPENING TO EXISTING DWELLING AND MAKE INTERNAL ALTERATIONS TO FORM CLOAKROOM/UTILITY ROOM (GROUND FLOOR)	REFUSE	CLLR WAYMAN
4	S/2010/1047 <i>Site Visit: 16.30</i>	EVIAS COTTAGE, TEFFONT EVIAS, SALISBURY, SP3 5RG	DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY	REFUSE	CLLR WAYMAN

			EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORCH. FORM OPENING TO EXISTING DWELLING AND MAKE INTERNAL ALTERATIONS TO FORM CLOAKROOM/UTILITY ROOM (GROUND FLOOR)		
5	S/2010/1051 <i>Site Visit: 16.00</i>	LAURELS, HIGH STREET, HINDON, SALISBURY, SP3 6DR	DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERECT NEW PARTITION WALLS AND BLOCK EXTERNAL DOORWAY	REFUSE	CLLR WAYMAN
6	S/2010/1052 <i>Site Visit: 16.00</i>	LAURELS, HIGH STREET, HINDON, SALISBURY, SP3 6DR	DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERECT NEW PARTITION WALLS AND BLOCK EXTERNAL DOORWAY	REFUSE	CLLR WAYMAN
7	S/2010/1193	269 CASTLE ROAD, SALISBURY, SP1 3SB	TWO STOREY REAR EXTENSION AND DORMER WINDOW TO FACILITATE LOFT CONVERSION	APPROVE WITH CONDITIONS	CLLR DOUGLAS



<b>Deadline</b>	<b>24<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1129</b>		
<b>Site Address:</b>	<b>QUEEN ELIZABETH GARDENS MILL ROAD SALISBURY SP2 7RU</b>		
<b>Proposal:</b>	<p><b>THE WORKS FORM PART OF THE ENHANCEMENT OF QUEEN ELIZABETH GARDENS AND INCLUDE:</b></p> <ul style="list-style-type: none"> <li>• <b>THE CREATION OF A ROSE GARDEN NEAR LONG BRIDGE.</b></li> <li>• <b>THE CREATION OF A MAIN ENTRANCE ADJACENT TO LUSH HOUSE CAR PARK.</b></li> <li>• <b>THE CREATION OF TERRACED LAWN SEATING.</b></li> <li>• <b>THE REMOVAL OF TREES TO FACILITATE THE WORKS AND REPLANTING OF TREES,AND ASSOCIATED WORKS.</b></li> </ul>		
<b>Applicant/ Agent:</b>	<b>INDIGO LANDSCAPE ARCHITECTS</b>		
<b>Parish:</b>	<b>SALISBURY CITY COUNCIL - ST PAULS</b>		
<b>Grid Reference:</b>	<b>413886.265345871</b>	<b>129836.605999947</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>	<b>SALISBURY</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>LUCY FLINDELL</b>	<b>Contact Number:</b>	<b>01722 434541</b>

**Reason for the application being considered by Committee:**

Councillor Clewer has requested that this item be determined by Committee due to:  
 Visual impact upon the surrounding area,  
 Design – bulk, height, general appearance,  
 Environmental/highway impact

**1. Purpose of Report**

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

**Neighbourhood Responses**

**107** letters received objecting to the proposal

A petition signed by **460** signatories

No letters of support received

**5** letters commenting on the application received

**2. Main Issues**

The main issues to consider are :

1. The extent of the planning considerations
2. The impact on the character and appearance of the Conservation Area
3. The impact of the proposed tree works
4. The impact on public rights of way
5. The impact on the River Avon Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), and on protected species
6. The impact on flooding and the water environment
7. The impact on archaeology
8. Crime and Disorder and Impact on adjacent residential amenity

### 3. Site Description

Queen Elizabeth Gardens is one of the main recreation spaces within Salisbury City centre, located on the City's south west side, adjacent to the Harnham water meadows and the Rivers Nadder and Avon. Salisbury Cathedral is to the south east of the Gardens.

The Town Path (also known as the Long Bridge) is an important pedestrian and cycle link to Harnham, and runs through the western part of the Gardens.

Although the proposals include the whole of the Gardens, the planning application boundaries relate to two separate and distinct parts of the Gardens. One area is around Lush House Public Conveniences, and the other is immediately to the south of Mill Road, adjacent to the River Nadder and the Town Path (in the north western part of the Gardens). The reason for limiting the planning application to only two parts of the site is because only certain aspects of the proposals require planning permission.

In planning terms, the entire site is within Salisbury's Conservation Area, the Central Area and within the Landscape Setting of Salisbury and Wilton area. Saved policy R6 of the Salisbury District Local Plan relates specifically to the Gardens (describing them as an 'Urban Park').

As well as the Grade I listed Cathedral to the south west of the site, there are listed buildings to the west (Fisherton Mill, Grade II\*), north (Harcourt House, Grade II), north west (6 The Hermitage, Crane Bridge Road, Grade II) and south (Harcourt Medical Centre, grade II). None of these are within the application site.

Part of the Gardens is an Area of High Ecological Value and an Area of Archaeological Significance. The Rivers Avon system (including the Nadder) is a Site of Special Scientific Interest and a Special Area of Conservation. In terms of flood risk the site falls within Flood Zones 3 (high risk) and 2 (medium risk).

### 4. Planning History

Application number	Proposal	Decision
S/1998/1921	Various tree works	No objection raised, 29 <sup>th</sup> December 1998
S/2009/1132	Various tree works	No objection raised, 15 <sup>th</sup> September 2009
S/2009/1129	The works form part of the	Withdrawn 09/02/2010

	<p>enhancement of Queen Elizabeth gardens and include:  The creation of a main entrance adjacent to Lush House car park.  The creation of a pedestrian meeting space and a look out desk near Long Bridge  The creation of terraced lawn seating  And associated works</p>	
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## 5. The Proposal

Overall, there are a number of elements with which the City Council aim to improve the Gardens.

The specific elements most relevant to the planning application are as follows:

### 5.1 The 'Main Entrance'

The applicant argues that the area adjacent to Lush House carpark and public conveniences is currently poorly defined and lacks proper structure or paths or a clear entrance into the gardens.

A strongly defined entrance is proposed formed by 3 wedge shaped paths defined and contained with hedging, bedding plant display and low key lighting. A subsidiary paved entrance space is proposed at the south west corner of Lush House carpark.

### 5.2 The Rose Garden

It is also proposed to re-design the western-most segment of the Gardens, currently a triangular rose garden. The applicant argues that the 'triangle' Rose Garden is one of the least successful parts of the Gardens, and it is proposed that this area would be completely re-designed to provide a new rose garden, defined 'node' space (i.e. a hub where a number of paths meet) and seating area.

### 5.3 The Terracing

Also proposed is the creation of three lawn terraces. At their nearest point they would be 15m from the nearest point on Mill Road and they would replace the current 'zig-zag' wall.

The terraces would provide seating, facing towards to the south. This is intended to provide a defined focus for events and performances (for instance music events). The events area itself is outside of the application site.

The terracing would be constructed of continuous pre-cast concrete step units with timber seats to create more formalised bench seating. Grounds of fastigiated trees will be planted to reinforce the curved form of the terraces. These trees would (it is argued by the applicant) compensate for trees removed to create this new feature.

Queen Elizabeth Gardens is perfectly located and well suited to certain events including Salisbury's

annual 'Music in the Parks' concert series. The applicant argues that the proposed seating would work very well for these concerts as well as offering potential for different types of event where remaining seated for longer periods might be practicable and desirable.

Part 4 of the General Permitted Development Order permits the temporary use of open land for

specified purposes of limited duration. It should be noted that the application does not include a proposal to change the use of this part of the park to an 'entertainment venue'. On a day to day basis the tiers will effectively replace the diagonal wall arrangement that currently exists in the park providing seating.

#### **5.4 Other works**

The more "general works" which don't require planning permission are:

#### **5.5 Lighting Proposals**

The proposed lighting at the main entrance works as 'feature lighting', in context with the existing lighting along Mill Road and consists of linear walk over-lights and tree uplighters. The walk-over lights run along the wedges of paving, to guide people into the centre of the space. They are intended as way finding elements rather than illumination and will emit a low level of light.

Tree uplighters are proposed for the three trees in the main entrance. Luminaries for these lights will be carefully selected and angled to catch the stem and crown of the trees and will not create any significant light spill.

It is intended that any lighting at the main entrance will be operated with a time switch to switch off at 9pm; however the applicants are very open to discussing alternative timing arrangements as may be agreed.

Lighting is also proposed in the Rose Garden.

The proposed lighting bollards, in the Rose Garden partly replaces two light columns along Town Path which will be removed as part of the proposed works. The light will be directed downwards.

The lights along the extension of Town Path and along the River Nadder would be operated to the same times as current lighting along Town Path.

The applicant advises that any lighting proposed will be low key and carefully angled to achieve the intended effect without creating unnecessary light spill. The impact of the proposed lighting from a distance will be minimal and the rest of the park will remain unlit.

In relation to the existing path network, many of the existing paths are inadequate in width and create difficulty for wheelchair users or those with prams to pass each other. Some are located in areas hidden by dense vegetation creating security concerns.

#### **5.6 Footpath Changes**

The applicant argues that a number of the current footpaths in the park are worn away, too narrow or both. There are also clearly desire lines that are not being met by the current network of paths.

A new hierarchy of paths is to be provided with all primary paths widened to 2m in width and re-surfaced in a durable buff/stone coloured macadam-based finish.

They consider that the proposed scheme places importance on the location, hierarchy, finish and function of the various footpaths in the park, with a subtle differentiation in the materials used for the proposed footpaths suggesting primary and secondary routes through the path, for example. In combination, the new network of paths would allow for easier access to the park as

well as easier and safer movement within the park for all users.

### **5.7 Proposed Planting**

In relation to planting and habitats, the applicant argues that much of the Garden's planting (especially the shrub planting) is now over-mature and tired in appearance. It is proposed to overhaul and replace the planting, including around the entrance and seating areas to create year round interest and a sense of identity for the space. It is also proposed to use bold herbaceous planting along the whole of Mill Land and Crane Bridge Road to properly demarcate the park from the pavement

### **5.8 Safety & Security**

It is also proposed to improve safety and security. Some areas have become concealed and overgrown by vegetation and more hidden from general view, leading to some anti-social behaviour. These areas have been re-designed, to minimise future problems, by removing the contained and hidden spaces and (in some cases) realigning footpaths and relocating planting areas. The Sensory Garden (near Harcourt Bridge, outside of the application area) will be opened up towards the river to improve surveillance.

### **5.9 Differences to the withdrawn scheme**

The application is revised from a previous scheme that was withdrawn (S/2009/1129). This application had proposed the creation of a 'look out' deck and pedestrian meeting space adjacent to Long Bridge. This would have consisted of a deck extending from the bridge to the south east, over part of the river Nadder and its bank (including part of the pebbles and gravel known as the 'beach').

The deck would have obstructed the route of bridleway 22 which is now no longer affected.

The previous scheme proposed a 'raised lawn' in the rose garden area, but following concerns expressed by the Environment Agency in relation to flooding, this has been revised to be a low level lawn.

## **6. Planning Policy**

The following policies are considered relevant to this proposal:

### **Adopted Salisbury District Local Plan (saved policies)**

G1, G2	General Development Criteria
R6	Urban Parks
R17	Development affecting Public Rights of Way
C7	Landscape Setting of Salisbury and Wilton
C11	Areas of High Ecological Value
C12	Protected species
C17	Flood plains
C18	Development affecting the enjoyment etc of a river
CN5	Development affecting the setting of a listed building
CN8	Development in Conservation Areas
T1	Tourist facilities

### **National Government Guidance – Planning Policy Statements and Guidance Notes**

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG17	Planning for Open Space, Sport and Recreation
PPS25	Development and Flood Risk

## 7. Consultations

### ***Natural England***

This is Natural England's formal consultation response under Regulation 48(3) of the Habitats Regulations 1994.

Under Regulation 48(3) of the Habitats Regulations 1994 and based on the information supplied, it is our view that, either alone or in combination with other plans or projects, there is not likely to be significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest (SSSI).

The development lies adjacent to the River Nadder, part of the River Avon System SSSI and the River Avon SAC.

The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. The SAC qualifying features include one habitat (the watercourse characterised by floating *Ranunculus* (water crowfoot) and *Callitriche* (starwort) vegetation) and five species (brook and sea lamprey, bullhead, salmon and Desmoulin's whorl snail). All are dependent upon the maintenance of high water quality and sympathetic habitat management.

Therefore whilst none of the proposals will directly effect the river or river bank adequate measures must be put in place to ensure that there is no pollution to the river from works to construct paths etc.

### ***Wiltshire Council Ecologist***

In order to comply with the Habitats Regulations the applicant will need to submit a construction method statement which demonstrates to the council satisfaction that no materials or sediment rich run-off will enter the River Avon or River Nadder during the construction works and to demonstrate that the contractor will be aware that water voles are present and that no work will be done within 5m of the water's edge in order to protect their burrows. This needs to be considered before the application is determined.

### ***Wiltshire Council Highways***

No highway objection subject to conditions and informative.

### ***Wiltshire Council Conservation***

I do not feel that the proposed works would detract from the character or appearance of the Salisbury Conservation Area

### ***Police Liaison Officer***

Note the reference in the Design and Access Statement to planting and the current overgrown situation allowing for covert activity and what is proposed in the application to remedy this. Also consider the lighting proposed, bollard and walkover lighting is appropriate for the site, it should be remembered that uniformity is more important than lighting levels to discourage pockets of darkness allowing for covert activity.

### ***Environment Agency***

An additional drawing shows that there will be no encroachment into the river bank. The existing fence line and footpath are to be set back from the river bank edge. The existing vegetation on the river bank is to be retained.

No objection subject to condition and informative that the development should be carried out in accordance with the FRA and all works within, under, over or within 8 metres of a main river channel will require prior Flood Defence Consent.

### ***Wiltshire Council Environmental Health***

We have no comments/objections concerning this application.

### ***English Heritage***

Reference to previous consultation responses to withdrawn application which highlighted how the location of the site and its role within the conservation area imposed a statutory duty to assess whether proposals preserved or enhanced that area's special architectural or historic interest. This requires an understanding of the composition of the gardens and its qualities and to appreciate how its subtleties contribute to the enjoyment of the wider area and act a transitional space to both the hard urban townscape and the softness of the water meadows it links.

Previous submissions have had difficulty in assessing this and a distinct sense of inadequacy still prevails within the design and access statement. Section 1.1 draws attention to the opportunity to assess where "enhancements" could be made but provides no evidence in conservation area terms which would help demonstrate how the proposals do actually constitute an enhancement. The Oxford English Dictionary defines "enhancement" as the heightening, intensification or extension of existing qualities, enhancement can only be confirmed when those existing qualities are themselves defined.

While the deteriorating condition of aspects of the area's landscaping does no doubt detract from its ability to fully and positively contribute to the conservation area, any change from the status quo, does not automatically represent an enhancement. Question whether reconstituted materials and earthy/buff coloured paving are "entirely in keeping with the conservation area" Regardless of the proposed changes to the planting regime and whether these and other aspects of the proposals require statutory approval of any description, the City Council as owner and applicant has a duty of care as steward of its estate to pay appropriate regard to the historic environment. The continuing attention received to applications suggests the site is profile and high significance. Appropriate historic environment input can inform and help ensure the creation of interventions most likely to secure the necessary widespread support. While we therefore do not feel that the proposals and any impact arising from them require us to offer detailed comments on their merits, we ask the authority to give particular thought as to whether it believes sufficient information has been submitted with the application to allow answers to the appropriate statutory questions.

Recommend that the issues are addressed and the application should be determined in accordance with national and local policy guidance and on the basis of the Ipa's specialist

conservation advice.

### ***Wiltshire Council Archaeology***

Concur with the recommendation made to previous application:

“There are no known archaeological sites in this area, which lies outside the extent of the medieval city. It does not appear that the suburbs were developed along Cranebridge Road, as they did along Fisherton Street to the north. There could be earlier settlement in this locality, however I understand that the majority of the works proposed will involve the raising of the existing ground levels. I therefore consider the impact of the proposals on any archaeological sites is minimal and have no comments to make on the application.”

### ***Campaign to Protect Rural England***

Object to planning proposals which do nothing to enhance this important public open space. In our view they urbanise this currently pleasing and relaxed place, which so effectively merges into the water meadows with the stunning backdrop of the Cathedral.

In particular, the proposals to plant a yew hedge at the perimeter of the space and fence off the river is unfortunate. The restrictive features which this and the proposed entrance gates will introduce, destroy the ‘openness’ which makes this garden particularly attractive and unusual. Furthermore removing mature trees and introducing floodlit saplings seems unnecessary and the latter could invite vandalism.

There is no doubt that the paths need repair (particularly on the west side).

### ***Friends of Harnham Water Meadows Trust***

Many of the previous comments have been satisfactorily addressed. Please ensure that the Harnham Water Meadows Trust is featured in the proposed interpretation boards.

## **8. Publicity and Representations**

The application was advertised by site notices (6), press notices and neighbour notification letters to all dwellings that adjoin the application site, as is standard practice.

The expiry date for comments on the original proposals was 2<sup>nd</sup> September 2009. Any representation received to date (whether before or after the expiry date) has been considered.

**107** letters of objection were received to the initial proposals, as well as **5** letters of comment and a petition signed by **460** signatories. The representations make the following comments (summarised into categories):

### ***8.1 The Gardens’ character***

- The Gardens are treasured, precious, pastoral, naturally beautiful, unspoilt and quiet oasis. Need to be maintained as they are, just need really good maintenance;
- Proposals will destroy character, ‘gilding the lily’, the lack of structured spaces, special entrances and restrictive fences was what made it different from other gardens and parking and make it unique’
- There is no need for any change and not into an over-urbanised, manicured, municipal park;
- The gardens are a public open space not a park;
- Native tree species and wildlife friendly planting should be used and a natural blend of trees (not geometric design) with countryside views across the water meadows and



cathedral;

- Gardens should remain an extension of the water meadows;
- Bring a corridor of countryside into the town;
- The park should be left as it is;
- The Gardens are a natural open space and should be kept as a natural lead into the water meadows;
- The Gardens are enjoyed by a range of age groups and proposals do little to enhance usage;
- The Gardens are an important tourist attraction; very good play park;
- The Gardens are unique in having no 'formal' entrance, making them more inviting, do not want a Main Entrance;
- Cheap maintenance works only required - some pruning needed, removal of self-sown trees;
- Loss of peace and tranquillity;
- Care needed for the Gardens with beds appearing neglected;
- No removal of trees unless dead;
- No angular shaped flower beds, informal planting only;
- More seating by the river but otherwise leave alone;
- Local residents dread the gardens being transformed from a quiet, natural space to a periodically noisy, formalised area out of character with the gentle, riverside location;
- What is to be 'conserved' – should protect the natural environment (not just water voles but other fauna and flora including 'wildlife corridors') and associated visual aspects of naturalness and natural history;
- Park is small but has a sense of space, all constructions are on a suitable scale for the space available and gardens appear larger than reality, proposals will diminish the apparent area of the gardens especially hedges and railings separating the gardens from the city and the water meadows – need to be low and a visual or pedestrian barrier;
- Want a much more natural environment, proposal will restrict flow of countryside into the city and create a town-like park;
- Lighting in the trees will make a dramatic showpiece of the entrance;
- A rose garden would bring colour, rejuvenated flower beds;
- Rose garden inappropriate adjacent to long bridge path to the country;
- Want to be able to recognise Constable's painting of Salisbury's water meadow;
- Proposals not maintainable to the proposed build standard. Council only maintains with basic materials and results in instant degradation;
- Area adjacent to Harcourt Medical Centre should be cleared to avoid anti-social behaviour

## **8.2 The Terracing**

- Existing raised area inadequate; proposal improves seating areas for relaxation opportunities for views, contemplation or occasional entertainment;
- In favour of gardens being used for events, but terracing unnecessary;
- Difficult and expensive to maintain;
- Too big, too regimented
- The impact of noise from undertaking the proposed works;
- Concerns about noise and disturbance from events, noise volume should be restricted;
- Will take up picnic area/play area for football/cricket space for events that are poorly attended;
- Inclement weather presents very few occasions for outdoor entertainment;
- Zig Zag walls and seats act as a flood barrier;
- Intention to turn the park into an entertainment venue
- Churchill Gardens or Victoria Park would be better for the amphitheatre, more space and not surrounded by resident housing;

### **8.3 Other aspects of the proposals**

- Don't want raised flower beds, lighting in trees or more street furniture;
- Cleaner, safer and more clearly defined entrance area to the gardens is proposed;
- Newly designed rose garden and proposed increase in width of footways to 2m will enable overall fuller usage of the western end of the gardens;
- Steel cable fencing inappropriate and should be hardwood timber;
- Bespoke railings not in keeping;
- Interpretative panels can be intrusive;
- Want lowest level of lighting directed at ground;
- Yew hedging will destroy open area aspect, how high will they grow;
- More litter bins required;
- Paths, sensory garden and children's play area do need attention;
- Will have highway safety, traffic and privacy;
- Area around toilet block needs improvement;
- Don't want river fenced off – how will ducks and swans get into the gardens?
- Yew hedges poisonous;
- Destruction of stone walling;
- Felling of trees;
- Should be no steps;
- Loss of park benches and views from;
- Proposed footpath surfacing 'gravel in resin' conflicts with cyclists;
- Gravel beach forms part of bridleway and should be left alone;
- Object to public art displays and would be better in marketplace;
- No mention about parking arrangements or improvements to play park;
- Too many trees will spoil views across the water meadows;
- Contrary to policies C7 and CN8 of local plan;
- Area becomes waterlogged in winter, is in a floodplain, virtually completely flooded 8 years ago;
- Paths too wide;
- Footpath between Town Path and Harcourt Bridge should be widened to pedestrians and cycle path and suggest new pedestrian crossing at Harcourt Bridge, new bridge adjacent to the entrance, new pedestrian crossing and new hard-standing for ice cream van;
- Lighting along paths is trip hazard;
- Replacement of high level light from Town Path with ground level illumination will be inadequate;
- Car park and vehicles will lose screening
- The new entrance is too large and angular;
- Alignment of paths is poor – around the amphitheatre rather than direct access to the car park, and demand for path from public toilets to footbridge;
- Improvements to run down area adjacent to the car park, removal of overgrown vegetation and opening up sensory garden improving surveillance;
- Wider paths might allow vehicles to drive into gardens
- Footbridge from Long Bridge to Mill Road should be made 'shared use';
- Other highway improvements could be made;
- The designs all show a hard-edged and un-natural park with angles, geometric curves, unlike the natural looking landscape of the Gardens;
- Lack of maintenance at present;

### **8.4 Expenditure**

- The need to cut expenditure on non-essential items, and not something which is

unnecessary and unwanted;

- The money could be spent on better things e.g. speed hump removal, town path/ footpath improvements, gully cleaning, children's play park, park wardens, other parks, youth centre etc;
- If money is ring-fenced should be used for improved maintenance, minor improvements and replacement planting;
- Issues of Council Tax expenditure;
- The availability of funding is assured and is not a planning issue. The gardens need uplift and revitalising investment to cope with new pressures and for future generations to enjoy;

### **8.5 Crime and Disorder**

- Narrow pathways, high hedges and dense bushy places are notorious stretches for antisocial behaviour;
- Proposals may attract anti-social behaviour
- Concerns regarding anti-social behaviour and vagrants using Gardens;
- Lighting will discourage wildlife, encourage vandalism and unnecessary energy expenditure;

### **8.6 Application handling and other comments**

- Any plans to enhance and suburbanise gardens are not wanted by local residents;
- more than 100 residents attending the Salisbury City Council meeting in March 2010 registering opposition;
- Objections raised during previous consultations haven't been taken into account/ignored (local residents and English Heritage advisor);
- Very little changes to the plans;
- Received no questionnaire in public consultation
- Thought that proposals had been abandoned due to lack to public support
- Lack of site notices;
- Area to south west of river is not included within the proposals and could benefit from 'opening up'
- The application was submitted when people were on holiday;
- Missing plans of bespoke railings;
- Approving this application would be ignoring the wishes of the electorate;

## **9. Planning Considerations**

### **9.1 The extent of the planning considerations**

In considering this planning application, it should first be made clear what aspects should be assessed.

This application should be considered in the same way as any other application for planning permission, even though it is made by a public body. It is perhaps confusing as to where responsibility lies in the new local government structure that was created from 1<sup>st</sup> April 2009. The applicants in this case are Salisbury City Council, not the unitary Wiltshire Council. The City Council is an entirely separate body from Wiltshire Council, in the same way that other parish or town councils are separate and distinct from the Wiltshire Council as the Local Planning Authority.

The City Council should be viewed in the same way as any other applicant (although they do

have certain additional rights – see below). If their scheme is unacceptable *solely in land use planning terms*, permission should be refused. If there are no good planning reasons to withhold consent, permission must be granted, regardless of any other, non-planning concerns. The City Council can appeal against refusal to the Secretary of State in the same way as any other applicant.

Significant concern has been raised about the cost of the proposal. This is not, however, a land use planning consideration. Instead it is a matter for the applicants. The fact that the applicants are a public body does not change this principle.

If there is public concern that the scheme is too expensive (particularly in the current economic climate) this is a matter entirely for the applicant and their democratically-elected members. It is not a concern of the unitary Council as Local Planning Authority and not a reason to refuse planning permission. The applicant will doubtless be aware of the concerns raised by objectors to the planning application.

Secondly, much has been made of the argument that the proposals are ‘not needed’. Whether a particular form of development is ‘needed’ is not in itself a reason to refuse planning permission. Again, it is for the applicants to decide whether their proposal is required or not, or whether it does what it is intended to do.

It might be the case that, if there is some planning harm, then the justification for the proposal would be a consideration, to see if the justification outweighed the harm, but there first has to be planning harm identified. A disputed need is not, in itself, a reason to refuse permission, other than in very specific circumstances (for example supermarket development).

The impact on the character and appearance of the area clearly *is* an important planning consideration, and if the proposal is felt harmful on these grounds then that might be a reason to refuse consent, or to consider whether the benefits outweigh that harm.

Thirdly, it should also be made clear that the planning application relates only to the areas identified in the two red lined areas. Any works outside of that area (including tree works) do not form part of this application. The applicants have defined the boundaries of the planning application to focus only on those aspects that needed consent. Indeed a separate tree application (reference S/2009/1131) has been submitted and approved, covering tree works throughout the rest of the Gardens.

Fourthly, even within the red lines of the application site, regard has to be given to what works could be undertaken by the applicants without requiring planning permission. To require planning permission, works have to amount to ‘development’ as defined in the Planning Act. While ‘development’ does include things such as physical structures and engineering operations, it does not include tree or hedge planting. It is therefore not possible to refuse consent for much of the proposed landscaping, path creation or planting, because this doesn’t need planning permission.

Furthermore, the City Council does have the right (under the General Permitted Development Order) to undertake certain works as ‘permitted development’, i.e. development that does not require planning permission. These include the erection of buildings or the undertaking of works or equipment (measuring no more than 200 cubic metres or 4m in height) required for the purposes of any function exercised by the City Council. They also have the right to erect various forms of street furniture (including public seats and similar structures) without planning permission, and to erect any means of enclosure including the A frame railings provided it does not exceed 2m in height (1m if adjacent to a highway used by vehicular traffic).

The development works that require planning permission within the two red lined areas of the application include the excavation works to create the new rose garden, the raised flower beds to the main entrance and lawn terracing.

Finally, a number of respondents have commented that, if there is a great deal of objection from local residents, permission cannot be granted. However, Government guidance is clear that the scale of local opposition is not, of itself, a reason to refuse planning permission. Of course the reasons that people object may amount to a planning reason.

It is on this basis, having regard to the background and context above, that the application should be considered, focusing only on the aspects that require consent and only on land use planning considerations.

### ***9.2 The impact on the character and appearance of the Conservation Area***

Particular concern is raised that the 'enhancement' works generally, represent an urbanisation of what currently has a semi-rural character and there is significant concern from local residents that the works will have a detrimental effect on the Conservation Area, the Cathedral's setting, the water meadows and the character of the area generally. It is argued that the proposals treat the area as if it were a 'normal' urban park, rather than gardens.

The starting point for considering planning applications is the development plan. Local Plan Policy R6 specifically designates the area as an 'Urban Park'. However, it is considered that the Gardens do have a particularly semi-rural character, marking the transition between the built-up part of the city (Mill Road) and the open water meadows further to the south. The site is within the Salisbury Conservation Area, and therefore policy CN8 applies, making clear that special attention should be given to 'preserving or enhancing' the Conservation Area's character.

The draft Salisbury Conservation Area Appraisal refers to the important relationship between the city and the riverside at the Queen Elizabeth Gardens.

Of the elements of the scheme that require planning permission (the excavation works to create the new rose garden, the raised flower beds to the main entrance and lawn terracing), it is considered that this relationship will be maintained. This revised proposal is considered acceptable. English Heritage has questioned the thoroughness of the design and access and heritage statement, although they have deferred to the advice of the Council's Conservation Officer. The Conservation Officer considers that the proposals will not detract from the character and appearance of the conservation area and in light of these comments; it is considered that a refusal of permission on Conservation Area grounds would be difficult to defend at appeal.

### ***9.3 The impact of the proposed tree works***

Queen Elizabeth Gardens currently has a numerous and varied tree population. Species range from Willows and Poplars close to the river to more ornamental Thorns, Pears, Magnolias and Conifers throughout the rest of the park.

As part of a longer term tree planting strategy a number of tree works are proposed now which fall within the planning application. They relate to three groups of trees. These are as follows:

Group I (Willow) - Numerous young Willow trees next to two mature Willows are blocking the view towards the Cathedral and it is proposed that thinning of younger trees and crown lifting on the older Willows is proposed to open up views.

Group 2 (Thorn, Pears, Willow) - Creation of lawn terraces and the associated groundworks would require the removal of some trees. Re-planting with is proposed with 15 longer lived trees (argued by the City Council to be more appropriately scales)

Tree 3 (Poplar) - Removal is proposed to allow for creation of new main entrance area. Replacement planting with 5 'human scale' ornamental trees, additional maple trees within woodland garden and large oak tree.

A separate Tree Works application (reference S/2009/1132) was submitted for proposed treeworks outside of the planning application boundary. That application was approved (under delegated powers). The report of Wiltshire Council's arboriculturalist made clear that the trees are considered to be of poor quality and not worthy of a tree preservation order and therefore no objection has been raised.

In relation to tree works within the planning application site, the Council's arboriculturalist made clear that he considered the works to be acceptable in the previous withdrawn scheme:

'I have no objection to this application. The thinning of the group of Willows (referred to as Group 1) is reasonable arboriculture practice to allow the better trees to thrive. Group 2 are poor quality specimens that are largely over-mature and not worthy of protection. The Poplar adjacent to the toilet block is a reasonably good example but it is surrounded by better trees that will be opened up and become more visible. In addition, the area will be replanted with 5 smaller scale trees. My only concern is that the extent of the thinning of the Willows is not specified. Therefore, I would suggest you apply a condition to request that a schedule of proposed works is submitted and approved before development commences.'

#### **9.4 The impact on public rights of way**

An issue that has become apparent during the course of the previous application was the impact on public rights of way. Local Plan policy R17 relates specifically to rights of way, and makes clear that improvements and increased use of rights of way will be encouraged. It says that closures or diversions will not be permitted unless an alternative route is available, which is as attractive and is not significantly longer than the original route.

In particular, there are two rights of way that cross the river to Harnham (the public footpath over the Long Bridge and a bridleway which runs parallel to and immediately south of The Long Bridge, running through the river). The bridleway is part of the historic use of the area by horses (horses often used to drink at the 'beach'), and some of Constable's paintings famously depict horses and cart crossing the stream at this point. The bridleway has 'enhanced rights' for use by carts and horse drawn vehicles. The 'look out' deck that was previously proposed would have intruded into the bridleway, but it has now been withdrawn in this resubmitted scheme.

#### **9.5 The impact on the River Avon Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), and on protected species**

A water vole survey has been submitted and a construction method statement. This is considered to provide enough information to determine the application on the grounds that the scheme will not have an adverse impact to water voles and pollution prevention methods during construction. The Environment Agency has advised that in view of the information submitted with the application and following a site visit by their Biodiversity Officer they advise that a further Water Vole survey is not required.

### **9.6 The impact on flooding and the water environment**

The applicant has supplied a site specific Flood Risk Assessment (FRA) in support of the development proposal. On the basis of this document, the Environment Agency has advised that the details provided adequately demonstrate that the proposed scheme will not exacerbate flood risk and is in accordance with the requirements of PPS25. They advise that the proposed scheme and associated landscaping works will not unduly interfere with flood conveyance and that appropriate compensatory flood storage is included within the proposal. They have raised no objection to the proposed scheme on flood risk grounds subject to a condition requiring the development be in accordance with the FRA.

### **9.7 The impact on archaeology**

The Council's Archaeologist has advised that there are no known archaeological sites in this area, which lies outside the extent of the medieval city. It does not appear that the suburbs were developed along Cranebridge Road, as they did along Fisherton Street to the north. There could be earlier settlement in this locality, however as the majority of the works proposed will involve the raising of the existing ground levels, the Council's archaeologist considers that the impact of the proposals on any archaeological sites is minimal.

### **9.8 Crime and Disorder and Impact on adjacent residential amenity**

Concern has been expressed that there are problems in the Gardens at present with anti-social behaviour, particularly after dark. Some are concerned that the proposals will make this problem worse, particularly the creation of seating areas and lighting which, it is claimed, will encourage more undesirable people to congregate where currently they do not.

Particular concern has been expressed regarding the lighting proposals. The applicants suggest that the lighting will be turned off at 9pm, although are open to discussion about the hour. It is debatable whether lighting encourages or discourages criminal activity, and lighting that attracts those intent on undertaking criminal activity also makes them more visible and less hidden.

The police have been involved in the proposals for Queen Elizabeth Gardens from an early stage, and consider that provided the landscaping is kept low, to aid visual surveillance, they would make the situation better, not worse. In relation to the lighting, they comment that this will discourage pockets of darkness otherwise allowing for covert activity.

As explained in section 5 of this report, the application does not include a proposal to change the use of the park to an 'entertainment venue' and the physical works proposed are not considered to have an adverse impact upon adjacent residential amenity.

## **10. Conclusion**

The planning application relates only to the areas identified in the two red lined areas. Only certain aspects of the proposals require planning permission within these areas. These include the excavation works to create the new rose garden, the raised flower beds to the main entrance and lawn terracing.

It is considered that the proposals would not cause any significant demonstrable harm to interests of acknowledged importance, in this case, the impact on the character and appearance of the conservation area, trees, public rights of way, the River Avon SSSI and SAC, protected species, flooding, archaeology, crime and disorder and adjacent residential amenity.

## Recommendation

**It is recommended that planning permission is GRANTED for the following reasons:**

The planning application relates only to the areas identified in the two red lined areas. Only certain aspects of the proposals require planning permission (these include the excavation works to create the new rose garden, the raised flower beds to the main entrance and lawn terracing).

It is considered that the proposals would not cause any significant demonstrable harm to interests of acknowledged importance, in this case, the impact on the character and appearance of the conservation area, trees, public rights of way, the River Avon SSSI and SAC, protected species, flooding, archaeology, crime and disorder and adjacent residential amenity.

The proposal is considered to be in accordance with the aims and objectives of the following saved policies in the Salisbury Local Plan namely:

- G1, G2 General Development Criteria
- R6 Urban Parks
- R17 Development affecting Public Rights of Way
- C7 Landscape Setting of Salisbury and Wilton
- C11 Areas of High Ecological Value
- C12 Protected species
- C17 Flood plains
- C18 Development affecting the enjoyment etc of a river
- CN5 Development affecting the setting of a listed building
- CN8 Development in Conservation Areas
- T1 Tourist facilities

### **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 until a schedule of tree works to the trees identified as Group 1 on drawing No 279.08 Rev B has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

Reason: In the interests of visual amenity

Policy : G2 (General)

(3) No development shall commence on the site until full details of the works to be carried out on the public highway of Mill Lane have been submitted and approved in writing with the local planning authority. The works approved pursuant to the above condition shall be carried out in accordance with the approved details and to the satisfaction of the planning authority.

Reason: In the interests of Highway safety

Policy: G2 (General)



(4) The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Ref: PFA S335 Issue 4 dated 01.06.2010).

Reason: To prevent increased risk of flooding by ensuring minimal obstruction to flood conveyance and compensatory storage of flood water.

Policy: C17 (Floodplains)

(5) This development shall be in accordance with the following drawings:

279.L01 Lighting Main Entrance

279.L02 Lighting Rose Garden

279.08 Vegetation Retention and Removal Plan

279.10 Detailed Landscape Proposals Main Entrance and Rose Garden

279.12 Sections through Lawn Terraces

279.13 Sections through Rose Garden

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

(6) The development shall be completed in accordance with the Construction Method Statement for works near the Rivers Nadder & Avon dated 15th September 2010.

Reason: In order that the development proposals comply with the Habitats Regulations

Policies: C11 & C12

Informative:- Highways

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a statutory undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority.

Informative:- Environment Agency

All works in, under, over or within 8 metres of a Main River channel will require prior Flood Defence Consent from the Environment Agency, in addition to planning permission. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation. We acknowledge that the applicant has previously submitted details in respect of this requirement (1) but as formal consent was not issued we recommend that further advice is sought from our Development & Flood Risk Officer in this matter – Daniel Griffin (01258 483 351).

<b>Appendices:</b>	None
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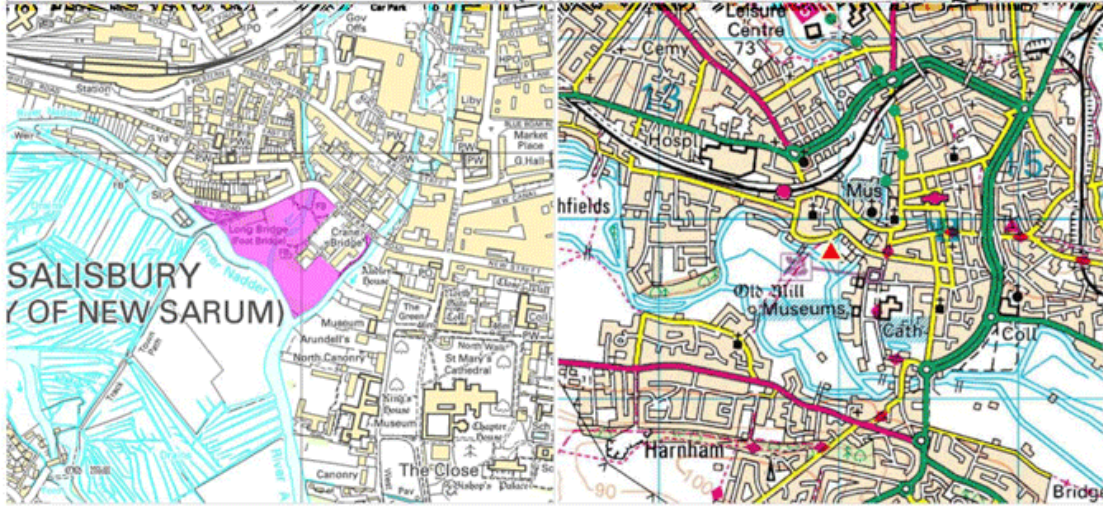
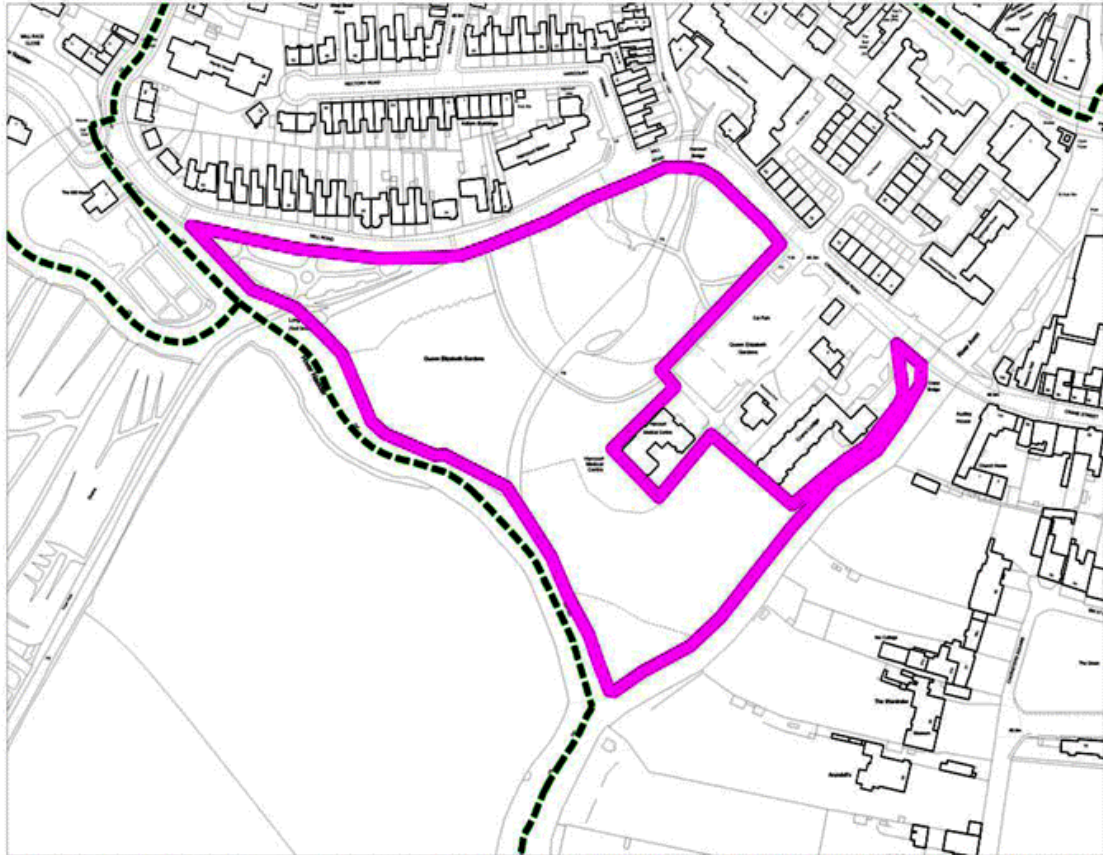
<b>Background documents used in the preparation of this report:</b>	Construction Method Statement for Works Near The Rivers Nadder & Avon dated 15/09/2010 Water Vole Survey and Recommendations by Wiltshire Wildlife Trust Design and Access Statement Revision C Flood Risk Assessment by PFA Consulting  279.L01 Lighting Main Entrance 279.L02 Lighting Rose Garden 279.08 Vegetation Retention and Removal Plan
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	279.10 Detailed Landscape Proposals Main Entrance and Rose Garden 279.12 Sections through Lawn Terraces 279.13 Sections through Rose Garden
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- THE CREATION OF A ROSE GARDEN NEAR LONG BRIDGE.
  - THE CREATION OF A MAIN ENTRANCE ADJACENT TO LUSH HOUSE CAR PARK.
  - THE CREATION OF TERRACED LAWN SEATING.
  - THE REMOVAL OF TREES TO FACILITATE THE WORKS AND REPLANTING OF TREES.
- AND ASSOCIATED WORKS.

S/2010/1129

Site Visit:



**Wiltshire Council**  
Where everybody matters

QUEEN ELIZABETH GARDENS SP2 7RU

SCALENTS DATE:24/09/2010 10:01:33  
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<b>Deadline</b>	<b>28<sup>th</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1109</b>		
<b>Site Address:</b>	<b>OLD RAMPART FILLING STATION JUNCTION OF DEVIZES ROAD &amp; WILTON ROAD SALISBURY SP2 7EE</b>		
<b>Proposal:</b>	<b>REGENERATION OF THE FORMER RAMPARTS DERELICT PETROL STATION SITE TO PROVIDE 14 NO. RESIDENTIAL FLATS, COMMERCIAL FLOOR SPACE, 3 NO. RESIDENTS PARKING SPACES, BIN STORE AND SECURE CYCLE STORES</b>		
<b>Applicant/ Agent:</b>	<b>WASHBOURNE GREENWOOD DEVELOPMENT PLANNING</b>		
<b>Parish:</b>	<b>SALISBURY CITY COUNCIL - ST PAULS</b>		
<b>Grid Reference:</b>	<b>413714.300734401</b>	<b>130371.134952962</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MISS L FLINDELL</b>	<b>Contact Number:</b>	<b>01722 434377</b>

**Reason for application being considered by committee**

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

- Scale of development,
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Car parking

**1. Purpose of Report**

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

***Neighbourhood Responses***

6 letters received objecting to the proposal

***City Council response***

Support the application subject to conditions as set out in section 7 of the report

**2. Main Issues**

1. Principle and creation of employment
2. Impact on character of area
3. Impact on amenities

4. Impact on highway safety/parking issues
5. Contamination
6. Open space/education

### 3. Site Description

The site is located in a highly prominent corner location abutting Wilton Road, Devizes Road (old spur), and onto St Pauls Roundabout itself. The site was historically used as a petrol filling station, the buildings now having been demolished, and the site dis-used for a number of years. During its operation as a petrol station, the site had accesses onto both the Wilton and Devizes Road.

The surrounding area is a mix of residential and commercial uses.

### 4. Planning History

There have been various applications for previous garage use, plus

Application number	Proposal	Decision
S/06/2567	Erection of 14 flats and commercial unit etc	Withdrawn
S/06/0584	Erection of 11 flats, access and parking (revised design).	Approved. Lapsed in May 2009
S/05/1546	Erection 11 flats, access and parking	Approved. Lapses 13 <sup>th</sup> October 2010
S/05/0878	Erection of 12 flats and parking, access	Refused for the following reasons: (1) The application site is located in a highly prominent and important position at the intersection of two major arterial roads on the edge of Salisbury's historic city centre. The nature, shape and size of the site, and its context with surrounding development and features represents a significant challenge for the redevelopment. The Local Planning Authority expects a high quality development for such an important location. Notwithstanding the current vacant condition of the site, it is considered that by reason of its overall built form, layout, scale and density, together with the overly fussy elevational treatment, and its relationship and juxtaposition with adjacent development, the proposal would be likely to result in a poor quality and cramped form of

		<p>development which would fail to address the design opportunities offered by this important site, and which would be detrimental to the general environment around the site, unsympathetic to its surroundings, and detrimental to the future occupiers of the development. As such the proposal would fail to comply with the aims of Salisbury District Local Plan policies D1 and G2.</p> <p>(2) The proposal would be contrary to policy R2 of the Salisbury District Local Plan in that no provision has been made towards public open space</p>
S/05/0081	Erection of 12 flats	Withdrawn
S/07/0818	14 no 2 bed flats	<p>Refused for the following reasons:</p> <p>1. The application site is located in a highly prominent and important position at the intersection of two major arterial roads on the edge of Salisbury's historic city centre. The nature, shape and size of the site, and its context with surrounding development and features represents a significant challenge for any redevelopment proposals. The Local Planning Authority expects a high quality development for such an important location.</p> <p>Notwithstanding the current vacant condition of the site, it is considered that due to a combination of the overall architectural approach adopted by the proposal, the dominating bulkiness of the proposal, and its prominence in the area, it is considered that the proposal would be inappropriate in design terms, and out of keeping with the character of the surrounding area. The proposal would therefore be contrary to the aims of policy D1 and D2 of the Salisbury District Local Plan, as amplified by the guidance provided in the Council's adopted Supplementary Design document Creating Places.</p> <p>2. The proposed residential development is considered by the</p>

		<p>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. Appeal Dismissed</p>
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## 5. The Proposal

It is proposed to erect a block of 14, 2 bed flats on the site, incorporating a commercial premises on part of the ground floor, and some on site parking, together with a small landscaped area. Access is proposed via the Devizes Road spur. 3 Parking spaces would be provided on site, together with a small communal garden area for residents, a private garden for one of the flats and bin and cycle storage.

The application is supported with a variety of literature, including:

- A design and access statement
- A noise pollution/air quality/contamination assessment
- Site waste management/waste audit
- Transport assessment
- Statement of community involvement

## 6. Planning Policy

The following policies are considered relevant to this proposal

G1 - Sustainable development  
G2 - General  
H8 - Housing Policy Boundary  
D1 - Design  
D2 - Design  
TR11 - Off street car parking  
TR14 -Provision of cycle parking  
R2 - Recreational open space  
E16 -Employment

## 7. Consultations

### **City Council**

Support subject to conditions:

SCC strongly supports the redevelopment of this site as it has been a particular eyesore in a strategic location within the City for a considerable number of years. However, SCC objects to this particular application as follows:

1. The application for 14 dwellings is regarded as over-development, and
2. There will be insufficient parking available which will exacerbate an already difficult situation in this area.
3. If a developer does not come forward with a suitable scheme within a short timescale that Wiltshire Council explore the option to purchase the land by compulsory order to move development on without delay



## ***Wiltshire Council Highways***

A minimum width of 4m must be shown for the gated access to provide sufficient pedestrian/vehicle invisibility for emerging vehicles on this busy pedestrian route into the city centre.

The single parking space forces a vehicle to reverse out of make a very tight manoeuvre and whilst not ideal, the design is acceptable.

The current arrangement of access is different to the previous scheme and the gating of the access is acceptable in this instance.

Bollards are requested to prevent an additional vehicle entering the site and partially obstructing other users.

Level of parking is satisfactory for the edge of city location and has previously been discussed and approved in recent submissions on this site. There are no in principle objections to a development on the scale proposed, with very limited on site parking in this particular location, where on street parking is severely restricted and where all main facilities are in close proximity for non car ownership residents. The commercial use, will not generate excessive parking or loading/unloading concerns and customers if any would be likely to arrive on foot or could park in existing limited waiting bays on the adjacent cul-de-sac.

The current scheme shows a service access point, with the footway shown as providing a vehicular access, but with the access doors not wide enough for service vehicles. It is assumed that service vehicles will wait in the existing limited waiting parking bay on Devizes Road, whilst deliveries are made and although this arrangement is acceptable, the footway should be reinstated along the whole site frontage and shown not to indicate vehicular access at this point (recommend condition that the existing footway be reconstructed as footway and new vehicular crossing constructed to serve the parking access point.

8 cycle spaces are shown, at least 14 should be available.

Subject to these comments, no highway objection subject to conditions (the existing vehicular access and public footway along the Devizes road spur to be replaced by a new section of footway, the area allocated for parking to be kept clear of obstruction and provision within the site for disposal of surface water)

### ***Highways Agency***

We are content that the proposals will not have any detrimental effect on the Strategic Road Network and offer no objection

## ***Wiltshire Council Education***

14 x 2 bed open market properties are proposed. This generates a need for an additional 4 primary and 3 secondary school places. At primary level, the designated area school (Manor Fields) can accommodate these pupils without expansion.

However, at secondary level we have now finalised our arrangements for apportioning current spare places in Salisbury across all developments referred to in the South Wiltshire Core Strategy, to then allow for an expansion of further places as required. An allowance of 1 place discount per 25 housing units is applicable, so there is no discount in this case as the development is for 14 units only, and our requirement is therefore for 3 places at the current cost multiplier for expansion of £18469 per place = £55,407.

Please note that this figure is specific to this application as any change to the housing number/mix would necessitate a new assessment.

## ***Environment Agency***

No objection to the proposed development subject to condition (scheme for water efficiency) and informatives (sustainable construction, pollution prevention during construction, waste management, groundwater and contaminated land) being included in any planning permission granted.

## ***Wiltshire Council Urban Designer***

Comment that original plans have inaccuracies.

One car space should be provided for each flat. Salisbury is not a sufficiently sustainable location (not a large city and set within a large rural county) to not provide parking spaces and limit the market for the flats, with a lack of suitable parking within reasonable and comfortable reach nearby for residents and visitors.

The inclusion of retail/office use at ground floor wrapping around the corner to enliven the street frontage is welcomed, although question the overall size and long term attraction to commercial occupiers in this location.

It is necessary to break up the mass of the building into a number of visually separate elements with a vertical emphasis to relate the overall development to the mass and scale of the surrounding buildings, although should be further variation in roof height and significant steps (1 brick returns) in the building frontage and the mass of the building is not successfully broken up into visually separate elements.

A stronger statement is required to celebrate the gateway location and landmark prominence. The proposed clock turret will appear as a token gesture, is a dated approach and will sit awkwardly on this roof shape. A more assured design approach is for the roof feature to form an integral part of the expressed buildings form (i.e a rotunda), although it is noted that the previous contemporary proposals for this site significantly overplaying this corner and would have appeared overbearing.

Detailing of external elements of the building facades could appear somewhat pedestrian in comparison with the stature and quality in traditional buildings in the centre of the city and key routes into it and in regard to the robust urban rather than domestic estate setting of the building.

## ***Wessex Water***

The development is located within a sewered area, with foul and surface water sewers. The developer has proposed to dispose of surface water to mains surface water sewer. It will be necessary, if required for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

## ***Wiltshire Council Archaeologist***

Although there is potential for archaeological remains in the area, these had probably been disturbed by previous land use on the site and no archaeological investigations are recommended.

## ***Wiltshire Fire & Rescue Service***

Letter of comments encouraging the use of residential sprinklers, the need to ensure adequate water supply and access for the purpose of firefighting (with reference to the relevant Building Regulations)

## ***Salisbury Civic Society***

Object. Whilst a resolution of the situation regarding the future of this site is clearly needed, it is the Society's view that this application is not an appropriate way to achieve this. It represents a reversion to a 'safe', 'traditional' approach to finding a style for this very prominent location, an approach which in recent years has been seen to fail over and over again in the city. Attempts to recreate an architectural style which dies out almost a century ago almost inevitably fall lamentably short in all departments, particularly selection of materials and detailing, leading to buildings which offer a sorry contrast to their intended models, and contribute only negatives to the built environment.

A more adventurous approach is needed for this site, such as application S/2008/0818, which was recommended for approval by the planning office but refused at Salisbury District Council City Area Committee.

The details are no better and no worse than many of its type which are proven not to work in this sort of context. A fundamentally different approach will lead to a successful outcome for this key location within the city.

## ***Salisbury Design Forum***

The scheme was presented to the Design Forum on the 20<sup>th</sup> July (pre-application). Comments:

- Recommend a photomontage of the proposed scheme
- There are a number of discrepancies between plans and elevations.
- The most western unit on Wilton Road should have a flush elevation but set back from the frontage to appear as a house with a small garden in front. Query if enough space in roof for bedrooms
- The corner would be a key feature and should make a strong statement. Inset balconies would make the corner visually weak.
- Queried the purpose of the cupola and raised the issue of future maintenance.
- Appearance of the shopfronts dependent on the user, could be covered with display shelving or blanking out of windows.
- Rainwater goods, ventilation etc should be considered at this stage.

## ***Environmental Health***

No objections subject to conditions:

- The site was a petrol filling station and has been subject to a contaminated land investigation and partial remediation. Should you be minded to grant consent recommend a validation report is submitted to the LPA confirming that the measures recommended by WSP have been satisfactorily implemented.
- The site is in an Air Quality Management Area. The applicant has proposed a mechanical filtered ventilation system with air drawn from the courtyard. Details need to be conditioned if approved.
- Recommend permitted uses of the commercial unit restricted to A1 and B1 office use only due to potential for the impact on amenity.
- Given the proximity of the residential units above and the likelihood that this will impact on amenity, recommend that the commercial unit should be restricted to the hours of 07:00 and 23:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays
- Recommend layout of flat No 1 and No 2 is revised so noise sensitive bedrooms are not above/below kitchen/living/dining room or a more robust scheme of acoustic insulation between the two residential units.
- ATM should be moved so that it is not directly below one of the residential units or removed from the scheme.

- Ventilation to dwellings – Villavent brochure includes noise data but it is not clear whether this noise data refers to the noise level adjacent to the plant itself or at the points at which it supplies/extracts air. Need more detail to ensure equipment itself will not cause excessive noise within the residential units.
- Recommend a condition to ensure the residential properties are insulated from noise from the commercial unit.
- Recommend a condition restricting deliveries/collections to the commercial units only between the hours of 07:00 and 20:00 Monday to Saturday and 08:00 and 18:00 on Sundays or Bank Holidays

## 8. Publicity

The application was advertised by site notice/press notice/neighbour notification – Expiry date 2<sup>nd</sup> September 2010-09-22

6 Letters of objection have been received. Summary of key points raised:

- Overdevelopment of the site
- Entrance to the development will cause congestion and hindrance to present car parking facilities
- Lack of parking spaces – 3 spaces for 16 flats, where will occupiers of flats park? Nearby streets already oversubscribed in Zone D
- Suggest applicant provides a Unilateral undertaking to prevent future residents of the flats and owners of the staff of the commercial premises working in this area, or provide basement/increased parking at ground level.
- Public area parking spaces will be used causing loss of trade to adjacent shops
- Position of commercial premises is poor due to difficulty for deliveries and customers – no place to park a delivery vehicle without causing congestion and inconvenience to local residents. Attraction of further retail premises and an ATM will only increase the incidence of illegal parking and potential for accidents to occur.
- Delighted that this land is suitable for development

## 9. Planning Considerations

### 9.1 Principle and creation of employment

The proposed development lies within the Housing Policy Boundary of Salisbury, as defined on the Adopted Salisbury District Local Plan proposals map, and therefore residential development is acceptable in principle as set out in policy H8, provided that it is in accordance with other plan policies. It is also covered by policy E16, given its previous commercial use.

These policy matters were considered in full as part of previous applications which permitted 11 residential units on this site (S/2005/1546) and S/2007/0818. The approval of the 2005 scheme indicates that the Local Planning Authority does not object to the loss of a commercial use of the site and its replacement with a residential use. This is a material consideration of significant weight which Members need to take on board when considering this new application.

Members will however note that the application includes part of the ground floor of the premises to be used for a “commercial use”.

Depending on the commercial use proposed, a mixed development with ground floor

commercial use could raise serious noise and disturbance issues with regards the impact on the amenities, as well as serious issues regards access and design. However, the applicant has confirmed that they will accept a condition for the commercial use to be restricted to those considered acceptable to the Local Planning Authority (A1 or B1 office use).

The Appeal Inspector in the appeal decision to the contemporary scheme that also included commercial units at ground floor considered 'the inclusion of commercial units at ground floor level of the development would encourage a live frontage.'

The reuse of brown-field previously developed land in sustainable location for residential and mixed use development is also the primary thrust of government guidance with PPS3. A mixed residential and commercial scheme on this site is therefore acceptable in principle, (subject to a restriction on the type of commercial use permitted, so as to limit the impacts of such a use on the amenities of residents, and highway safety).

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

The surrounding area offers an eclectic mix of architectural styles and built form, ranging from modern two storey buildings, to older, more traditionally styled three storey town houses.

This is a highly prominent site at the entrance to the city centre. Consequently, any scheme needs to be of a high quality, in terms of its overall design and architectural detailing, and needs to be appropriate for its important positioning within the urban fabric.

Planning permission already exists on the site for 11 flats, designed in a "traditional" architectural style. The officer's report for the approved scheme on this site indicated that the scheme was considered sympathetic to the character of the surrounding area in terms of its architectural details and overall bulk, massing and height, and would, if handled and constructed properly, represent an imposing and attractive building, suitable for such an important site. Subject to details of materials being agreed, it was considered that the resultant scheme would be acceptable. The scheme as agreed by committee had been the subject of lengthy pre-application negotiations, and as a result, the permitted scheme contained many elements which officers had successfully negotiated, including a prominent corner feature, a general vertical emphasis to the design to reflect surrounding architecture, façades facing both Wilton and Devizes road, and a small set back from the pavement to separate residential users from the adjacent traffic, particularly along Wilton Road.

An architecturally contemporary scheme has been refused and dismissed at appeal.

Following the consultation response from the Council's Urban Designer, amended plans have also been received which have added articulation to the building by setting forward the gable sections of the building, and removing the jettied design of flats 1, 2 and 3 to Wilton Road. The previously proposed clock tower has also been replaced by a Rotunda taking the advice of the Urban Designer that this feature should express the curve of the building. A number of larger scale details of the various architectural features have also been submitted with the application.

The general traditional architectural style, the massing, scale, and relationship with surrounding existing building remains similar to that considered acceptable previously as part of the approved scheme for 11 flats.

Subject to further conditions on details and materials, it is considered that the resultant scheme is acceptable.

### **9.3 Impact on amenities**

There are two parts to the assessment of this scheme. Firstly, the likely impacts on occupiers of the new flats, and secondly, the likely impacts on adjacent amenities surrounding the site.

#### *a) Amenities of future occupiers of the proposed flats*

The site is located adjacent to a very busy and noisy road junction and gyratory system. Detailed noise surveys were completed in 2007 and detailed noise/pollution assessment report were submitted. These concluded that a suitable double glazing and ventilation system would be appropriate. The Environmental Health Officer has considered the submitted noise and pollution assessment submitted by the applicant and has now raised no objections to the scheme subject to conditions, including the need to agree the details of the proposed ventilation system.

Whilst this application represents the introduction 3 more units of accommodation than the permitted scheme for 11 flats, all the flats would seem to have adequate space and living environments, with suitable amounts of glazing and therefore daylight , and the Environmental Health Officer has raised no objections regards the size or design of the accommodation.

The creation of a small area of private open space within the site is considered a bonus in terms of residential amenities, given the city centre location of the site.

Following concerns expressed by the Environmental Health Officer and the Police Liaison officer to the proposed ATM, this has now been removed from the scheme.

The Environmental Health Officer has recommended a condition restricting the use of the commercial units between the hours of 07:00 to 23:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays, and delivery/collections restriction between the hours of 07:00 and 20:00 Monday to Saturday and 08:00 to 18:00 on Sundays and Bank Holidays. The applicant has submitted a letter from Mydellton and Major requesting that an A1 use is not restricted in order to ensure the viability of the scheme. They explain that the proposed unit has been designed to accommodate and A1 retailer/s and specifically a convenience store operations and given the character and operational requirements of such potential occupiers, flexible opening and servicing hours will be required. The Environmental Health Officer has also recommended a condition to ensure the residential properties are insulated from noise from the commercial unit and in combination with the double glazing and ventilation system (to be agreed) it is considered that a restrictive opening condition is not necessary.

The Environmental Health Officer has not raised any issues with regards the size of the actual units, or any impacts regards the proximity of residential units to other existing commercial units surrounding the site.

Subject to conditions, it is considered that a refusal of permission based on the possible adverse impacts of the development, in terms of either its noisy/polluted location or in terms of overdevelopment of the site due to too many residential units, would be difficult to substantiate without the backing of the Environmental Health Officer.

#### *b) Amenities of adjacent neighbours*

When assessing the likely impacts of the development, the impacts of the previously approved residential scheme must be taken into account as a "fall back" position which could be implemented.

In terms of general impacts such as loss of privacy, like the previously approved scheme, the scheme has been carefully designed to avoid both any significant overlooking of the existing dwellings and yard areas along Devizes Road.

Similarly, regards the impact on the existing flats adjacent to the site along Wilton Road, there would be a limited amount of bedroom windows on the north west facing internal courtyard façade, and such windows would be at an oblique angle to the existing flats, and located some distance away from the rear façade of those existing flats. Consequently, it is unlikely that there would be a significant loss of privacy to occupiers of the adjacent Wilton Road flats.

With regards the likely impact of the development in terms of dominance and overshadowing, and in a similar fashion to the previously approved scheme, both the Devizes and Wilton Road elevations have been “stepped” and lowered in height to two storey where it abuts adjacent development. This has two positive impacts. Firstly, it reduces the bulk and massing of the buildings as view from adjacent dwellings, and secondly obstructs less light than taller buildings would tend to do in this position (the existing dwellings largely being to the north of the new development). It is considered that this scheme would have no greater impact on residential amenity of adjacent property than the 2005 approved scheme.

Overall, whilst it is accepted that the amenities of adjacent residents may well be affected by the redevelopment of this open site, in terms of its likely impacts on adjacent amenities, it is considered that the proposal reaches the right balance between built form and protection of amenities, given the modest nature of the site.

Given that a scheme for 11 flats has already been approved on this site, it is therefore considered that this similar residential scheme would be acceptable. Without the support of the Environmental Health Officer, a refusal based on the size of the units or the impacts on the future occupiers would be difficult to substantiate on appeal.

#### ***9.4 Impact on highway safety/parking issues***

In terms of highway impact and traffic generation, this scheme contains 3 on site parking spaces, compared to 8 parking spaces in the originally permitted scheme, and contains 3 more residential units than the previously approved scheme for 11 flats.

It is noted that objections have been received from third parties regards the lack of parking, and the likely impact on existing congestion problems in this area.

A commercial use is proposed on part of the ground floor of the development. It is considered by officers that given the rather mixed nature of this area, where there are a number of other commercial properties, and its close proximity to the city centre, the introduction of another commercial use of a relatively small scale would be unlikely to have any significant effect on current levels of traffic using the area around the site, particularly if the use of the commercial unit is restricted so that traffic generating uses such as restaurants/takeaways are not permitted.

Secondly, whilst 14 flats are proposed, this site is located in a highly accessible and sustainable location close to services and facilities. Given the severe restriction on on-street parking around the site and the general area, it is therefore hoped that this development would be likely to attract occupiers without vehicles and also encourage others to use more sustainable means of transport other than the private car.

Given the close proximity of the site to the city centre, in officers opinion, this is a site where the level of available parking should be significantly reduced to encourage sustainable transport

uses, and is not contrary to Local Plan parking provision policy TR11, which simply states maximum parking standards. It is generally accepted that sites close to the centre of the city where a range of sustainable transport options can be found, where residents can choose not to own/possess a car, can provide a reduced level of parking provision. The Highways Department has raised no objections to the scheme or the level of parking, subject to conditions.

Notwithstanding this issue, the modest size of the site means that providing a significantly higher level of parking on site would either mean that the development itself needed to be increased in height significant (to allow basement parking), or the scheme itself would need to be significant smaller, thus ultimately making it unviable to develop.

The possible obstruction of the public highway is a matter for the highways authority/police to enforce. Although as of March 2008, Part 6 of the Traffic Management Act 2004 became effective in Wiltshire and the new traffic regulations enable traffic officers of the Council to enforce any unauthorised parking of vehicles across dropped access points (under the Civil Enforcement of Parking Contraventions [Guidelines on Levels of Charges] [England] Order 2007).

The site is located within Zone D (extension) resident only parking zone. Resident only zones require that a permit be displayed at all times when parking on street within the zone. Normally if you live in a resident parking zone, you will be eligible to apply for permits for the corresponding residents parking zone.

The applicants have offered an additional unilateral undertaking that the applicant will covenant to inform each new resident that they shall not be entitled to be granted a residents parking permit. However, there is no local plan policy that requires this and as such it is considered unreasonable and is also not considered necessary for the following reasons.

Salisbury District Council agreed at the City Area Committee Planning Meeting on the 21<sup>st</sup> February 2008 that within Zones B, D and E, the issuing of such permits would exacerbate the existing on street parking problems in the area, and an informative is to be added to any planning consent as follows:

#### Residents Parking Zones and Permits

*The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the Council.*

#### **9.5 Contamination**

The site was previously used as a fuel filling station. The Environment Agency has advised that the site has been subject to previous investigation and remediation and that based on the information previously submitted they are satisfied that the site condition has been substantially improved and is no longer likely to post a significant risk to controlled waters. They have no objections to the scheme from a groundwater and contaminated land perspective. The EA has recommended a water efficiency condition and informatives be added to a planning approval.

The Environmental Health Officer has accepted the conclusions of the contamination report submitted, but has requested a validation report confirming whether the measures recommended in the Contaminated Land Report have been satisfactorily implemented.



## **9.6 Open space, Education**

A small area of open space is provided on site for use by residents. This is considered to be sufficient given the central location of the site.

The 2005 approval (S/2005/1546) for 11 flats included an off-site recreational (R2) contribution of £12,474 and an education contribution of £30,247 (for 4 primary school places), which under the terms of the unilateral planning obligation can be transferred to the new application.

The R2 contribution for the development using current R2 figures and including the additional 3 flats increases the R2 contribution to £18,610.20. The applicant has agreed to pay the additional payment.

Wiltshire Council Education is now seeking a contribution towards education for 3 secondary school places at £18,469 each, totalling £55,407.

The Education department have explained that the Council adopted a S 106 policy in 2006 which states that capacity and pupil number assessments are carried out at the time of the application. In 2005 the position was different to the position now. The proposed development now produces a need for 3 secondary school places.

The applicant has questioned the need to provide secondary school places as they expect the flats to be sold to single people, young couples without children or people wishing to retire although they cannot exclude the possibility of children of secondary school age. They refer to the site being an important urban regeneration scheme at a key gateway to the city, the land having had contamination problems, remaining undeveloped for several years due it being extremely difficult to make any scheme viable. In light of this they have offered a payment for 2 secondary school places at the 2006 pupil cost multiplier of £15,848 per space, totalling £31,696.

The Education team have accepted that various S106 requests can affect the affordability of a scheme and that compromises have to be negotiated and in this case, in light of the comments made by the applicant's it is considered reasonable to accept the reduced offer of 2 secondary school funded spaces.

The applicant intends to have completed a draft agreement and provided the outstanding payments in time for the committee meeting.

## **10. Conclusion**

1. In principle, the redevelopment of this site for residential and commercial purposes is considered acceptable and preferable to the previous petrol station use, and in line with government guidance.
2. In design terms, the scheme is similar in approach compared to the previous approved scheme.
3. The redevelopment of the site for residential/commercial purposes is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours.
4. The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

## **Recommendation**

**It is recommended that planning permission is GRANTED for the following reasons:**

**SUBJECT TO A S106 LEGAL AGREEMENT/UNILATERAL UNDERTAKING BEING ENTERED INTO WHICH PROVIDES CONTRIBUTIONS TOWARDS OFF SITE OPEN SPACE AND EDUCATIONAL FACILITIES.**

In principle, the redevelopment of this site for residential purposes is considered acceptable, and preferable to the previous petrol station use, and in line with government guidance. In design terms, the scheme is similar in approach compared to the previous 2005 approved scheme. The redevelopment of the site for residential purposes and a modest commercial use is likely to have far less impact than the previous petrol filling station use, and the scheme has been sensitively designed to avoid any significant loss of privacy or overshadowing of adjacent neighbours. The use of the site for residential purposes has not been objected to by the EHO. The redevelopment of the site is likely to have less impact in traffic terms than the previous commercial use, and given its sustainable location, is likely to encourage use of sustainable modes of transport other than the private car.

The applicant has entered into a legal agreement which provides contributions towards off site open space and educational facilities.

The proposal is considered to be in accordance with the aims and objectives of the following saved policies in the Salisbury Local Plan namely:

- G1 – Sustainable Development
- G2 – General Development Control Criteria
- D1 – Design Criteria
- D2 – Design Criteria
- R2 – Public Recreational Open Space
- H8 – Housing Policy Boundary
- TR11- Off Street car parking
- TR14 – Provision of cycle parking
- R2 – Recreational open space
- E16 – Loss of Employment.

### **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 until full details of the cycle storage provision to include the design and timing for provision and the allocation to users shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available to the residents of the development.

Policy: TR14 (Provision of cycle parking).

(3) The 3 parking spaces on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety.

Policy: G2 (General)

(4) No development shall commence until details of the provision within the site for the disposal of surface water to prevent its discharge onto the highway, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Policy: G2 (General)

(5) No development shall commence until full large scale drawings and details (1:10 scale) of all architectural features including door and window surrounds, window heads/sills, windows, doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(6) No development shall commence until a schedule of external facing materials of the roof and walls (including, bricks, render and mortar colour) has been submitted, and where so required sample panels of the external finishes shall be constructed on the site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(7) No development shall take place until full details of the proposed landscaping to include the design and timing for provision shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: In the interests of the amenity of the development.

Policy: G2 (General), D2 (Design)

(8) No development shall commence until a scheme for the management of the construction of the development, including times of operations and details of how amenities and the adjacent highway are to be protected, has been submitted to and approved in writing by the local planning authority. The scheme shall be developed as agreed.

Reason: In the interest of amenity.

Policy: G2 (General)

(9) No development shall commence until a scheme to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phases shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.

Reason: To minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase.

Policy: G2 (General)

(10) No development shall commence until a noise and air pollution attenuation scheme for the flats has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic and air ventilation systems, and full details of the acoustic insulation between flats 1 and 2 and the ground floor commercial units and the flats above. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats. The site is located adjacent to a very busy and noisy road junction and gyratory system, is in an Air Quality Management Area, the application proposes commercial units below residential flats and due to the arrangement of living accommodation within flats 1 and 2.

Policy: G2 (General)

(11) No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of sustainable development.

Policy: G1(Sustainable development)

(12) Prior to the first occupation of the development hereby approved, the existing vehicular access and public footway along the Devizes Road (spur) frontage of the Development shall be replaced by a new section of footway to adoptable standards, details of which are to be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of development.

Reason: In the interests of highway safety and amenities.

Policy: G2 (General)

(13) Prior to the first occupation of the flats hereby approved, a contaminated land validation report by a competent contaminated land consultant shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a suitable scheme of decontamination for the site in the interests of public health and safety.

Policy: G2 (General)

(14) The use of the commercial premises on the ground floor of the development shall be solely limited to uses within Classes A1 Retail or B1a) Offices of the (Town and Country Planning) Use Classes Order 1995 as amended in 2005 (or any Order revoking or altering that Order).

Reason: In the interests of the amenity of the area and highway safety, to allow the Local Planning Authority to consider any future proposals for a change of use having regard to the

circumstances of the case.

Policy: G2 (General)

(15) This development shall be in accordance with the following drawings:

428.04/PL1A Location Plan

248.04/PL12E Proposed Elevations Wilton & Devizes Road

428.04/PL16A Proposed Elevation to roundabout

428.04/PL6D Proposed plans ground floor

428.04/PL7D Proposed plans first floor

428.04/PL8C Proposed plans 2nd floor

428.04/PL9C Proposed plans roof

248.04/PL15B Proposed section & details Wilton & Devizes Road

248.04/PL13B Proposed elevations courtyard 1 & 2

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

Informative:- Contaminated Land Validation Report

Condition 13

The validation report should state that the site has been rendered suitable for its end use and should include measures that should further contamination be discovered during development work and should the design change to incorporate planting or communal garden, then details of the suitability of the soil in that area for that use.

Informative:- Highways

Condition 12

The developer is informed that, in order to construct a new vehicular access to the proposed development, the existing limited waiting traffic regulation order fronting the development must be amended at the expense of the developer. Prior to obtaining consent from the highway authority for the new vehicular footway crossing, the applicant/developer must ensure that the cost of amending the order, estimated at £4,000 is paid to Wiltshire Council. The Council will then programme the making of the amendment to the order, but cannot guarantee that the order will be made, if objections are received. The applicant/developer should therefore contact the Council at the earliest opportunity to ensure that the order can be duly made and sealed in good time to meet the developer's programme for development.

Informative:- Residents Parking Zones and Permits

The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the Council.

Informative - Environment Agency

Condition 11

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. Greywater recycling and rainwater harvesting should be considered.

Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications.

Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>

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

### Sustainable construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced. The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:  
<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>.

### Pollution Prevention During Construction

#### Condition 9

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines which can be found at:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

### Waste Management

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

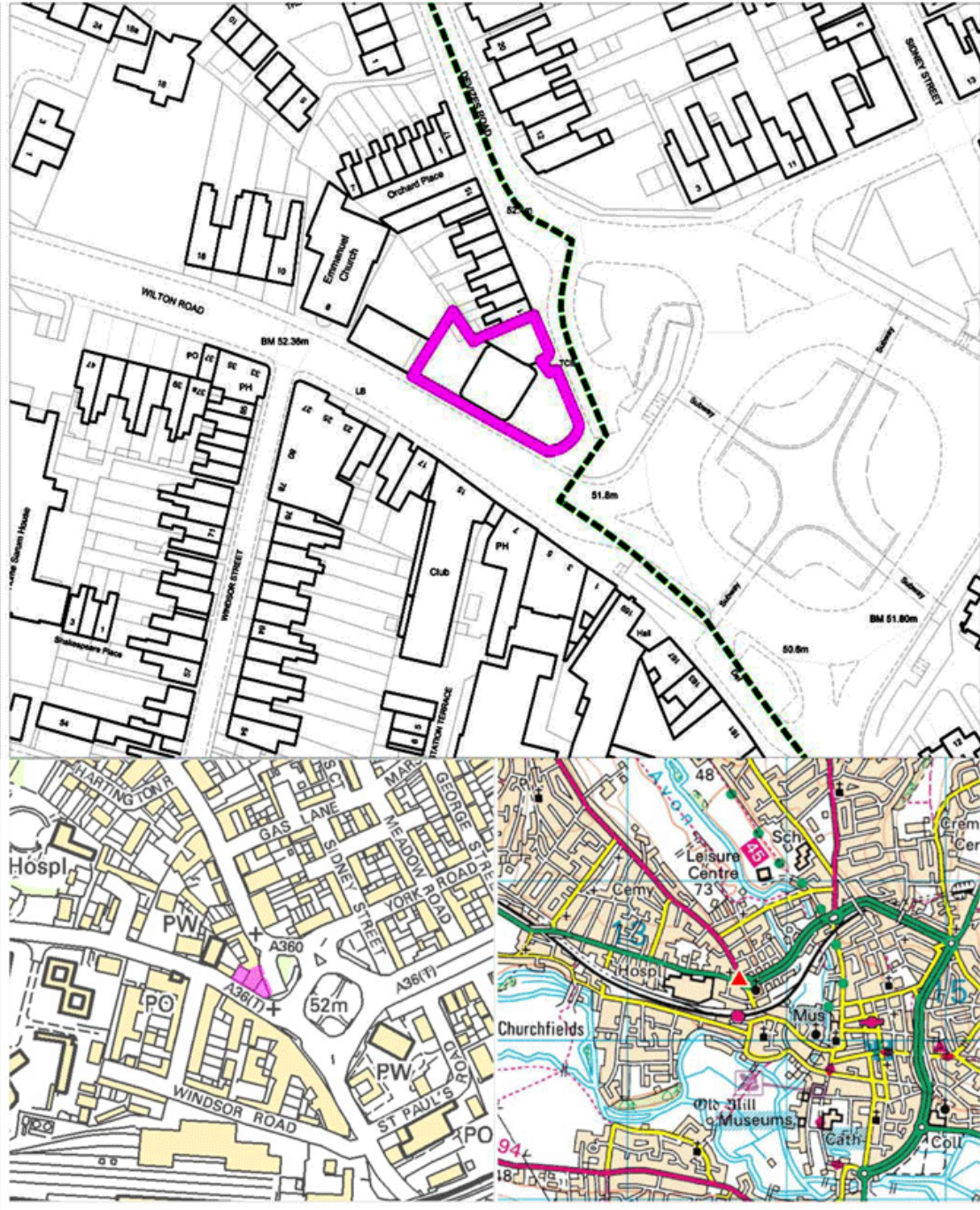
In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated total build cost, excluding VAT. You must still comply with the duty of care for waste.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

<b>Appendices:</b>	None
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<b>Background documents used in the preparation of this report:</b>	428.04/PL1A Location Plan 248.04/PL12E Proposed Elevations Wilton & Devizes Road 428.04/PL16A Proposed Elevation to roundabout 428.04/PL6D Proposed plans ground floor 428.04/PL7D Proposed plans first floor 428.04/PL8C Proposed plans 2nd floor 428.04/PL9C Proposed plans roof 248.04/PL15B Proposed section & details Wilton & Devizes Road 248.04/PL13B Proposed elevations courtyard 1 & 2 428.04/PL3 A Existing Elevations and Site Section Addendum Report Design & Access Statement
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Site Visit:

S/2010/1109



**Wiltshire Council**  
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### OLD RAMPART FILLING STATION SALISBURY S

SCALENTS DATE: 27/09/2010 09:58:34  
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<b>Deadline</b>	<b>14<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1046</b>		
<b>Site Address:</b>	<b>EVIAS COTTAGE TEFFONT EVIAS SALISBURY SP3 5RG</b>		
<b>Proposal:</b>	<b>DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORCH. FORM OPENING TO EXISTING DWELLING AND MAKE INTERNAL ALTERATIONS TO FORM CLOAKROOM/UTILITY ROOM (GROUND FLOOR)</b>		
<b>Applicant/ Agent:</b>	<b>MR ALAN MOON</b>		
<b>Parish:</b>	<b>TEFFONT - NADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>398971.1</b>	<b>131676</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>	<b>TEFFONT MAGNA &amp; EVIAS</b>	<b>LB Grade:</b>	<b>II</b>
<b>Case Officer:</b>	<b>CHARLIE BRUCE-WHITE</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

Cllr Wayman (Nadder & East Knoyle) has called in the application due to issues of scale, visual impact, relationship to adjoining properties, design and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and the recommendation of the case officer to REFUSE the development.

***Neighbourhood Responses***

5 letters of objection to the application to extend the dwelling.

***Parish Council Response***

Object

**2. Main Issues**

- Affect upon character of listed building and conservation area;
- Flood risk;
- Amenities of adjoining and nearby property.

### 3. Site Description

The site relates to one of a group of attached cottages which are grade II listed and situated within the Teffont Evias Conservation Area. The cottage is attached at right angles to a pair of cottages to the north, and has its main elevation and outlook facing onto its sole garden area to the south.

The listing is described as follows:

*Group of four cottages in row. C18. Rubble stone, hipped thatched roofs, brick stacks. L—plan. Two—storey, 4—window front facing road has entrances to Brooklyn and to Three Hands. C20 half—glazed doors to right and left in gabled and lean—to porches, three pointed casements with two pointed lights to left, the centre one in blocked doorway, a 2-light pointed casement to right. First floor has 2-light pointed casements with diamond leading. Roof with five gables facing to front. Right return has one 2-light casement. Left return has entrances to Evias and Pathways; Evias has half—glazed door with thatched canopy and steel diamond leaded casement either side, first floor has three 2—light casements. To left, Pathways has C20 door and 2—light casements, tiled roof.*

The site is also within a Special Restraint Area, the AONB and Flood Risk Zone 3 (high probability of flooding, i.e. land assessed as having a 1 in 100 or greater annual probability of flooding).

### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
00/1126	Garage conversion and extension of ground floor area to bedroom accommodation plus new vehicular access at The Studio, Evias Cottage.	AC	04.10.01
01/145	Proposed removal of existing external timber staircase and balcony decking and replacement with internal stair and removal of Cupressus Llandii trees adjacent to entrance at the Studio.	AC	23.03.01
01/146	Proposed removal of existing external timber staircase and balcony decking and replacement with internal stair and removal of Cupressus Llandii trees adjacent to entrance at The Studio.	AC	23.03.01
03/0009	Proposed revisions to approved internal layout revised Treatment to east elevation & new single garage at Evias Studio.	WD	14.01.03

### 5. The Proposal

It is proposed to erect a single storey extension to the south-east corner of the dwelling. This would take the form a pitched roofed outbuilding linked to the dwelling by a flat roofed extension.

## 6. Planning Policy

The following development plan policies and other material guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, H21, CN3, CN5, CN8, CN11, C4, C5
- PPS5, PPS25
- SPG Salisbury Design Guide: *Creating Places*

## 7. Consultations

### **Conservation Officer**

Object. The proposal would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene, by obscuring public views of Evias Cottage's principal (southern) elevation and eroding the openness of the (eastern) frontage to the cottage group.

### **Salisbury Civic Society**

Object. The historic form of the cottage is likely to be unacceptably compromised by this extension. It will impact significantly on the principal south elevation, and viewed from the east will have an equal impact on the cottage's contribution to the conservation area.

### **Parish Council**

Object due to:

- Failure to comply with Special Restraint Area policies of the Local Plan;
- Extension fails to respect the grouping of listed buildings and would dominate the plot.

Note that if approval is granted, the existing hedge and bank remain to screen the wall of the extension. Also comment on controlling hours of construction and delivery.

## 8. Publicity

5 letters of representation were received, objecting on the following grounds:

- Extension would be detrimental to character of listed building;
- The removal of the roadside boundary hedge would be detrimental to the character of the area;
- Would increase the risk of flooding;
- Extension would cause loss of light to adjoining neighbour;
- Drawings are misleading, showing the extension smaller than is likely to be in reality.

## 9. Planning Considerations

### **9.1 Affect upon character of listed building and conservation area**

The Conservation Officer comments that Evias Cottage forms the corner part of a group of grade II listed cottages at a prominent highway junction at the notional border between Teffont Evias and Teffont Magna. The eastern elevation of the group, facing those approaching from the Dinton/Salisbury direction, comprises a very unusual group of thatched gables over a flush stone elevation. The southern elevation, with Evias Cottage and Riverside to the west, is viewed on approach from Teffont Evias, and is read with the eastern elevation, but also through the driveway access point at the south-eastern corner of the site. The hedge bordering the road, while thick, creates a sense of rural enclosure which is very much a theme of the southern part of the conservation area. The proposal to insert a relatively large outbuilding into the south-eastern side of the site, attached via a link at the corner of the cottages, would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene. The southern elevation of Evias Cottage would be effectively completely removed from public view, as well as the openness of the frontage of the cottage group, and form a much harder and higher degree of enclosure to the street.

The applicant states that there is a justifiable need for the extension based upon a number of grounds, including the need to provide a WC at ground floor level and for reasons of providing a more secure/private entrance to the property. The applicant also maintains that the proposed extension would have limited impact upon the character of the dwelling and surrounding area. It is cited that the extension would be subservient in scale to the existing dwelling, and that the dwelling's appearance from the road would remain largely unaltered due to retention of the existing boundary hedge and the design of the link taking on the form of a typical boundary wall that might be reasonably expected in such a location.

Whilst Officers accept that the design of the extension is probably as low impact as could be achieved on the site, the prominence of the proposed siting would still result in the extension having a significant impact upon the character and setting of the listed building and conservation area. The applicant's reasons for requiring the extension are not considered to be so exceptional as to outweigh this impact, and there is no sound evidence to suggest that the continued maintenance of the listed building would be put at risk if the proposed works are not carried out.

### **9.2 Flood risk**

PPS25 advises that developers should refer to the Environment Agency's Standing Advice for requirements regarding a Flood Risk Assessment (FRA) before designing their development. For household extensions within Flood Zone 3, floor levels of the proposed extension should be set no lower than levels of the existing dwelling, and flood proofing and resilience measures should be incorporated where appropriate. The applicant has confirmed that floor levels would be the same and that flood proofing measures have been considered. Resilience measures incorporated would include high level power sockets and flood resilient flooring. It is considered that the applicant FRA is acceptable and that adequate consideration has been given to the risk of flooding to the proposed extension.

It is noted concern has been expressed by the occupants of the adjoining dwelling over the threat that the proposal could pose in terms of preventing the dissipation of surface water. However, it is considered that such issues could be addressed through the provision of new drainage arrangements, including a soakaway, which could be secured via a condition.

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

Concern has also been expressed by the occupant of the adjoining dwelling that the proposal would result in a loss of light to their property, due to the proximity of the new entrance boundary wall which would be adjacent to their own front door. However, Officers do not consider that the wall would result in an unreasonable loss of amenity to the neighbour. Notwithstanding this view, the new wall is considered a harmful part of the overall development in visual terms due to its impact upon the openness of the (eastern) frontage of the cottage group.

## 10. Conclusion

The proposed extension would fail to respect the character of the group of listed buildings and would not preserve the character of the conservation area or Special Restraint Area.

## Recommendation

**It is recommended that planning permission is REFUSED for the following reasons:**

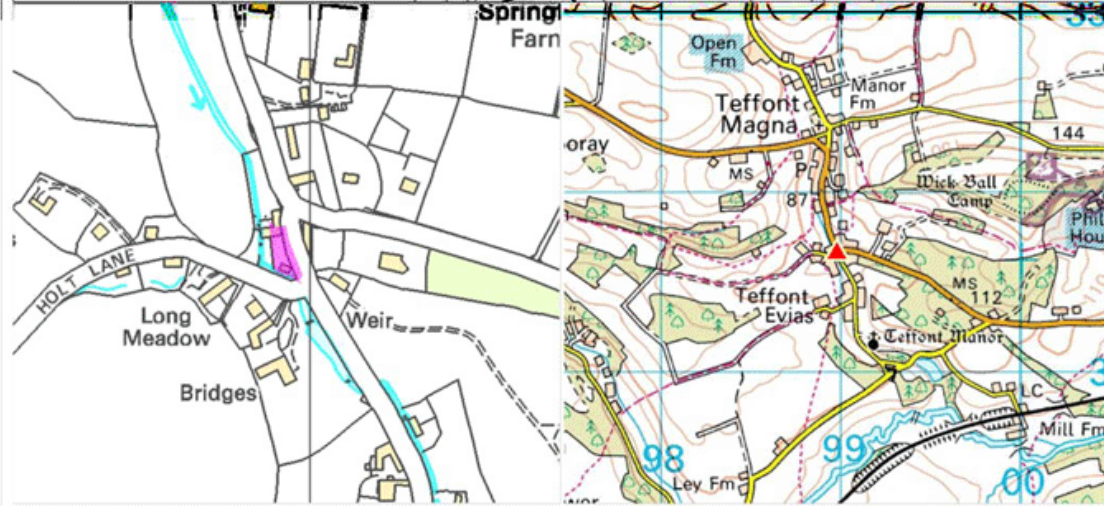
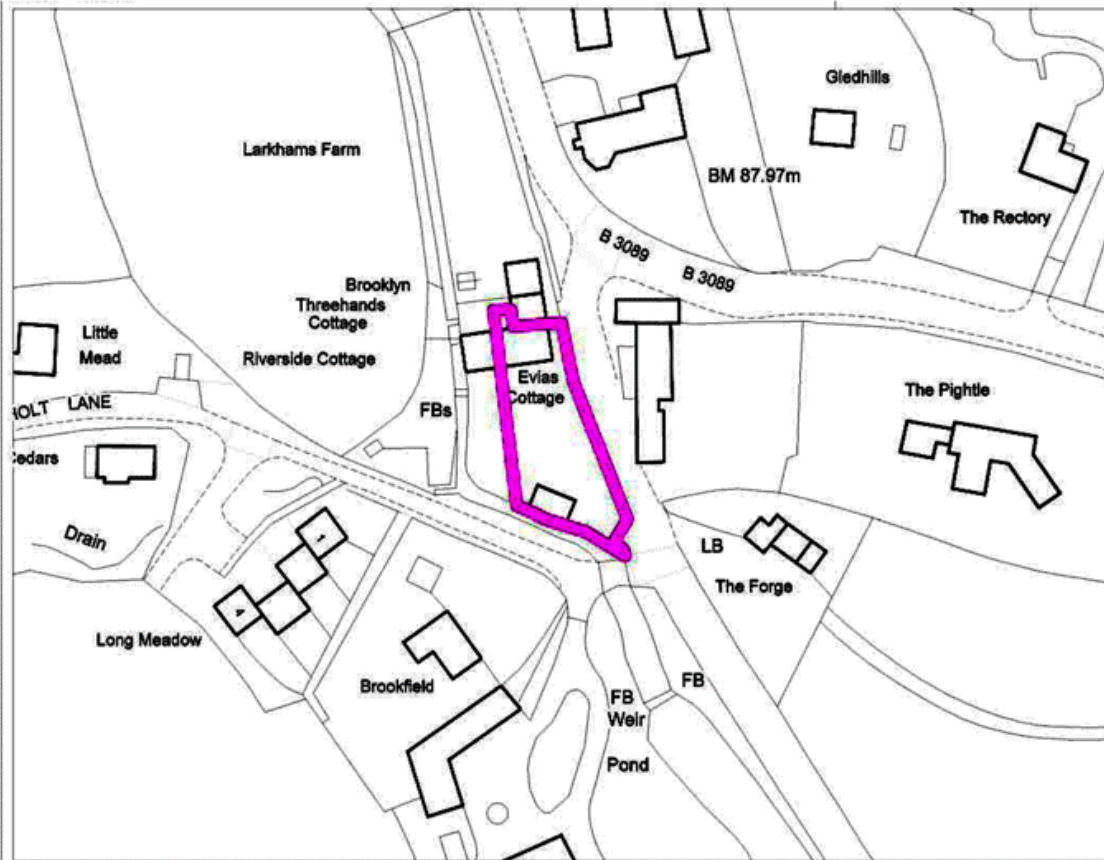
The application dwelling forms the corner part of a group of grade II listed cottages at a prominent highway junction within the village of Teffont Evias. The village is within a Conservation Area and is one of only six settlements within the former Salisbury District which have been designated as a Special Restraint Area for their outstanding and unspoilt nature. The proposal to insert an outbuilding into the south-eastern side of the site, attached via a link at the corner of the cottages, would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene. The principal (southern) elevation of Evias Cottage would be substantially affected and removed from public view, and the openness of the (eastern) frontage of the cottage group would be harmfully eroded, replaced by a much harder and higher degree of enclosure formed to the street. The proposal would therefore fail to respect the character and setting of the listed cottages, and would not preserve the character of the Conservation Area or Special Restraint Area, contrary to saved policies G1, G2, H21, CN3, CN5, CN8, CN11 of the adopted Salisbury District Local Plan and the aims and objectives of PPS5 and the Salisbury Design Guide: *Creating Places*.

<b>Appendices:</b>	None
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DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORC

S/2010/1046

Site Visit:



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**EVIAS COTTAGE TEFFONT EVIAS SP3 5RG**

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<b>Deadline</b>	<b>14<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1047</b>		
<b>Site Address:</b>	<b>EVIAS COTTAGE TEFFONT EVIAS SALISBURY SP3 5RG</b>		
<b>Proposal:</b>	<b>DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORCH. FORM OPENING TO EXISTING DWELLING AND MAKE INTERNAL ALTERATIONS TO FORM CLOAKROOM/UTILITY ROOM (GROUND FLOOR)</b>		
<b>Applicant/ Agent:</b>	<b>MR ALAN MOON</b>		
<b>Parish:</b>	<b>TEFFONT - NADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>398971.1</b>	<b>131676</b>	
<b>Type of Application:</b>	<b>LBC</b>		
<b>Conservation Area:</b>	<b>TEFFONT MAGNA &amp; EVIAS</b>	<b>LB Grade:</b>	<b>II</b>
<b>Case Officer:</b>	<b>CHARLIE BRUCE-WHITE</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

Cllr Wayman (Nadder & East Knoyle) has called in the application due to issues of scale, visual impact, relationship to adjoining properties, design and environmental/highway impact.

**1. Purpose of Report**

To consider the above application and the recommendation of the case officer to REFUSE the development.

***Neighbourhood Responses***

5 letters of objection to the application to extend the dwelling.

***Parish Council Response***

Object

**2. Main Issues**

- Listed building

**3. Site Description**

The site relates to one of a group of attached cottages which are grade II listed and situated within the Teffont Evias Conservation Area. The cottage is attached at right angles to a pair

of cottages to the north, and has its main elevation and outlook facing onto its sole garden area to the south.

The listing is described as follows:

*Group of four cottages in row. C18. Rubble stone, hipped thatched roofs, brick stacks. L—plan. Two—storey, 4—window front facing road has entrances to Brooklyn and to Three Hands. C20 half—glazed doors to right and left in gabled and lean—to porches, three pointed casements with two pointed lights to left, the centre one in blocked doorway, a 2-light pointed casement to right. First floor has 2-light pointed casements with diamond leading. Roof with five gables facing to front. Right return has one 2-light casement. Left return has entrances to Evias and Pathways; Evias has half—glazed door with thatched canopy and steel diamond leaded casement either side, first floor has three 2—light casements. To left, Pathways has C20 door and 2—light casements, tiled roof.*

#### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
00/1126	Garage conversion and extension of ground floor area to bedroom accommodation plus new vehicular access at The Studio, Evias Cottage.	AC	04.10.01
01/145	Proposed removal of existing external timber staircase and balcony decking and replacement with internal stair and removal of Cupressus Llandii trees adjacent to entrance at the Studio.	AC	23.03.01
01/146	Proposed removal of existing external timber staircase and balcony decking and replacement with internal stair and removal of Cupressus Llandii trees adjacent to entrance at The Studio.	AC	23.03.01
03/0009	Proposed revisions to approved internal layout revise Treatment to east elevation & new single garage at Evias Studio.	WD	14.01.03

#### 5. The Proposal

It is proposed to erect a single storey extension to the south-east corner of the dwelling. This would take the form a pitched roofed outbuilding linked to the dwelling by a flat roofed extension. Internal alterations are also proposed to the existing dwelling to form a new front door entrance.

#### 6. Planning Policy

The following development plan policies and other material guidance are considered relevant to this proposal:

- Local Plan policies CN3, CN5



- PPS5
- SPG Salisbury Design Guide: *Creating Places*

<b>7. Consultations</b>	
<b>Conservation Officer</b>	Object. The proposal would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene, by obscuring public views of Evias Cottage's principal (southern) elevation and eroding the openness of the (eastern) frontage to the cottage group.
<b>Salisbury Civic Society</b>	Object. The historic form of the cottage is likely to be unacceptably compromised by this extension. It will impact significantly on the principal south elevation, and viewed from the east will have an equal impact on the cottage's contribution to the conservation area.
<b>Parish Council</b>	<p>Object due to:</p> <ul style="list-style-type: none"> <li>• Failure to comply with Special Restraint Area policies of the Local Plan;</li> <li>• Extension fails to respect the grouping of listed buildings and would dominate the plot.</li> </ul> <p>Note that if approval is granted, the existing hedge and bank remain to screen the wall of the extension. Also comment on controlling hours of construction and delivery.</p>

## 8. Publicity

4 letters of representation were received, objecting on the following grounds:

- Extension would be detrimental to character of listed building;
- The removal of the roadside boundary hedge would be detrimental to the character of the area;
- Would increase the risk of flooding;
- Extension would cause loss of light to adjoining neighbour;
- Drawings are misleading, showing the extension smaller than is likely to be in reality.

## 9. Planning Considerations

### 9.1 Affect upon character and setting of listed building

The Conservation Officer comments that Evias Cottage forms the corner part of a group of grade II listed cottages at a prominent highway junction at the notional border between Teffont Evias and Teffont Magna. The eastern elevation of the group, facing those approaching from the Dinton/Salisbury direction, comprises a very unusual group of thatched gables over a flush stone elevation. The southern elevation, with Evias Cottage and Riverside to the west, is viewed on approach from Teffont Evias, and is read with the

eastern elevation, but also through the driveway access point at the south-eastern corner of the site. The hedge bordering the road, while thick, creates a sense of rural enclosure which is very much a theme of the southern part of the conservation area. The proposal to insert a relatively large outbuilding into the south-eastern side of the site, attached via a link at the corner of the cottages, would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene. The southern elevation of Evias Cottage would be effectively completely removed from public view, as well as the openness of the frontage of the cottage group, and form a much harder and higher degree of enclosure to the street.

The applicant states that there is a justifiable need for the extension based upon a number of grounds, including the need to provide a WC at ground floor level and for reasons of providing a more secure/private entrance to the property. The applicant also maintains that the proposed extension would have limited impact upon the character of the dwelling and surrounding area. It is cited that the extension would be subservient in scale to the existing dwelling, and that the dwelling's appearance from the road would remain largely unaltered due to retention of the existing boundary hedge and the design of the link taking on the form of a typical boundary wall that might be reasonably expected in such a location.

Whilst Officers accept that the design of the extension is probably as low impact as could be achieved on the site, the prominence of the proposed siting would still result in the extension having a significant impact upon the character and setting of the listed building. The applicant's reasons for requiring the extension are not considered to be so exceptional as to outweigh this impact, and there is no sound evidence to suggest that the continued maintenance of the listed building would be put at risk if the proposed works are not carried out.

No objections are raised by the Conservation Officer to the internal alterations, including the formation of the new opening, which are not considered to significantly affect the historic fabric or layout of the listed building.

## 10. Conclusion

The proposed extension would fail to respect the character of the group of listed buildings.

## Recommendation

**It is recommended that planning permission is REFUSED for the following reasons:**

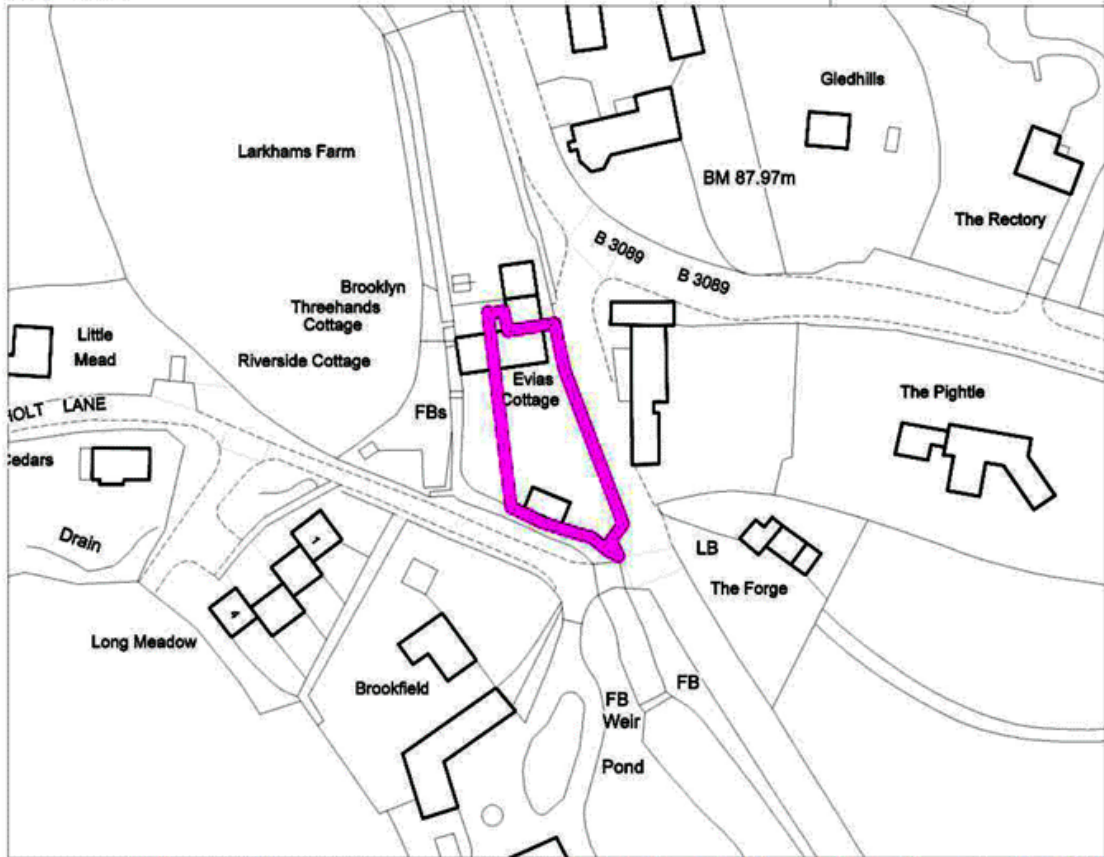
The application dwelling forms the corner part of a group of grade II listed cottages at a prominent highway junction within the village of Teffont Evias. The proposal to insert an outbuilding into the south-eastern side of the site, attached via a link at the corner of the cottages, would dramatically change the setting of the listed buildings and their visual and physical links with the streetscene. The principal (southern) elevation of Evias Cottage would be substantially affected and removed from public view, and the openness of the (eastern) frontage of the cottage group would be harmfully eroded, replaced by a much harder and higher degree of enclosure formed to the street. The proposal would therefore fail to respect the character and setting of the listed cottages, contrary to saved policies CN3 and CN5 of the adopted Salisbury District Local Plan and the aims and objectives of PPS5 and the Salisbury Design Guide: *Creating Places*.

<b>Appendices:</b>	None
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DEMOLISH EXISTING TIMBER FENCE AND SHED. ERECT SINGLE STOREY EXTENSION TO FORM DRAWING ROOM AND ENTRANCE PORC

Site Visit:

S/2010/1047



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**EVIASS COTTAGE TEFFONT EVIAS SP3 5RG**

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<b>Deadline</b>	<b>13<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1051</b>		
<b>Site Address:</b>	<b>LAURELS HIGH STREET HINDON SALISBURY SP3 6DR</b>		
<b>Proposal:</b>	<b>DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERECT NEW PARTITION WALLS AND BLOCK EXTERNAL DOORWAY</b>		
<b>Applicant/ Agent:</b>	<b>PHILIP PROCTOR ASSOCIATES</b>		
<b>Parish:</b>	<b>HINDONNADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>391175.3</b>	<b>132713.2</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>	<b>HINDON</b>	<b>LB Grade:</b>	<b>II</b>
<b>Case Officer:</b>	<b>CHARLIE BRUCE-WHITE</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

Cllr Wayman (Nadder & East Knoyle) has called in the application due to issues of scale, relationship to adjoining properties, and design.

**1. Purpose of Report**

To consider the above application and the recommendation of the case officer to REFUSE the development.

***Neighbourhood Responses***

No letters of representation were received.

***Parish Council Response***

Support

**2. Main Issues**

- Affect upon character of listed building and conservation area
- Amenities of adjoining and nearby property

**3. Site Description**

The site relates to a grade II listed dwelling, sited with its end onto the Hindon High Street. The listing is described as follows:

*Pair of cottages, now one. C18. Flemish bond brick with limestone quoins, tiled roof*

*with gable end brick stacks. Gable end to road. Two—storeys, 3—window. Central early C20 gabled porch and door, blocked doorway and 2—light casement to right, 2—light casements, and blocked door with 2—light casement to left. First floor has three brick plat band with toothed middle course, three 2—light casements. Attached to right is C20 single storey extension. Rear is windowless. Interior has plain beams.*

The site also falls within the Conservation Area and AONB.

#### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
92/1220	Addition of first floor extension & conservatory & associated alterations & replacement of shed.	AC	02.10.92
92/1221	Addition of first floor extension & conservatory & associated alterations & replacement of shed.	AC	02.10.92
99/0576	Erection of conservatory	AC	17/06/99
99/0607	Construction of conservatory	AC	17/06/99
01/0108	Demolition of existing porch and replacement with new entrance hall and shower room.	R	27.03.01
		App dis	07.09.01
01/0109	Demolition of small porch and erection of new entrance and shower room removal of existing front door.	R	27.03.01
		App dis	07.09.01
07/0323	Erect two storey extension and alter vehicular access	WD	10.04.07
07/0324	Erect two storey extension and alter vehicular access	WD	10.04.07

#### 5. The Proposal

It is proposed to demolish an existing conservatory situated on the garden facing end of the dwelling, and to replace it with a single storey extension of a larger footprint.

#### 6. Planning Policy

The following development plan policies and other material guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, CN3, CN5, CN8, CN11, C4, C5
- PPS5
- SPG Salisbury Design Guide: *Creating Places*

<b>7. Consultations</b>	
<b>Conservation Officer</b>	Object due to the excessive scale of the extension which would detract from the central focus of the cottage due to its elongated form.
<b>Parish Council</b>	Support

**8. Publicity**

No letters of representation were received.

**9. Planning Considerations**

**9.1 Affect upon character of listed building and conservation area**

A previous proposal for an extension to the street facing (east) side of the dwelling was objected to by the Conservation Officer, under application reference S/2007/324, and was subsequently withdrawn. A further preliminary scheme proposed a two-storey extension on the rear (west) end of the cottage with a single-storey extension at right angles. This was also considered unacceptable, due to the scale and changes to the form of the property.

The current scheme now proposes a single-storey flat-roofed link and single-storey pitched-roof extension on the west end of the cottage. This would follow the existing line of the dwelling, but would extend back from its original side wall by 12 metres. It is considered that an extension of this scale would be excessively elongated in appearance, detracting from the central focus of the original listed cottage.

**9.2 Amenities of adjoining and nearby property**

The extension would be constructed on the north-west site boundary where a number of terraced cottages front onto, separated by a distance of approximately 10 metres. However, given the lower ground level of the site in relation to these properties, only the very top of the roof of the extension would be visible from above the boundary hedge and fence, and it is not considered that the additional bulk created would result in significant overbearing or overshadowing effects. Other properties, including those dwellings to the south, would be separated by a much greater distance, where the affects of the extension would not be significant either.

**10. Conclusion**

The proposed extension, due to its design and excessively elongated form, would fail to preserve the character and setting of the listed building.

**RECOMMENDATION**

**It is recommended that planning permission is REFUSED for the following reasons:**

The proposed extension, by reason of its design and elongated form, would not respect the

character and setting of the building which is grade II listed. The proposal would therefore be contrary to policies D3 and CN3 of the Salisbury District Local Plan and guidance contained within PPS5 and the SPG Salisbury Design Guide: *Creating Places*.

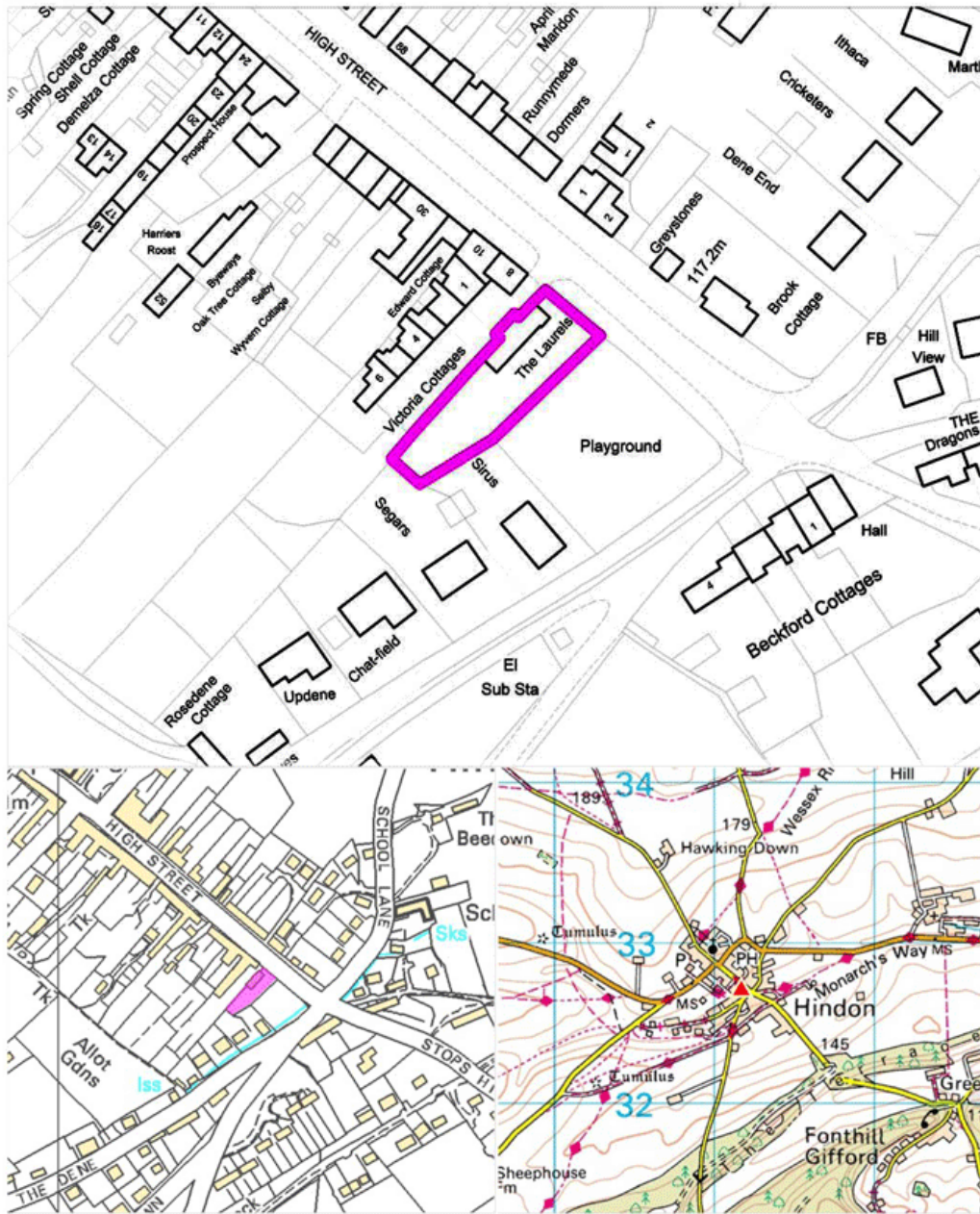
<b>Appendices:</b>	None
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DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERI

S/2010/1051

Site Visit:



LAURELS, HINDON, SP3 6DR



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<b>Deadline</b>	<b>13<sup>th</sup> September 2010</b>		
<b>Application Number:</b>	<b>S/2010/1052</b>		
<b>Site Address:</b>	<b>LAURELS HIGH STREET HINDON SALISBURY SP3 6DR</b>		
<b>Proposal:</b>	<b>DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERECT NEW PARTITION WALLS AND BLOCK EXTERNAL DOORWAY</b>		
<b>Applicant/ Agent:</b>	<b>PHILIP PROCTOR ASSOCIATES</b>		
<b>Parish:</b>	<b>HINDONNADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>391175.3</b>	<b>132713.2</b>	
<b>Type of Application:</b>	<b>LBC</b>		
<b>Conservation Area:</b>	<b>HINDON</b>	<b>LB Grade:</b>	<b>II</b>
<b>Case Officer:</b>	<b>CHARLIE BRUCE-WHITE</b>	<b>Contact Number:</b>	<b>01722 434682</b>

**Reason for the application being considered by Committee**

Cllr Wayman (Nadder & East Knoyle) has called in the application due to issues of scale, relationship to adjoining properties, and design.

**1. Purpose of Report**

To consider the above application and the recommendation of the case officer to REFUSE the development.

***Neighbourhood Responses***

No letters of representation were received.

***Parish Council Response***

Support

**2. Main Issues**

- Affect upon character of listed building

**3. Site Description**

The site relates to a grade II listed dwelling, sited with its end onto the Hindon High Street. The listing is described as follows:

*Pair of cottages, now one. C18. Flemish bond brick with limestone quoins, tiled roof with gable end brick stacks. Gable end to road. Two—storeys, 3—window. Central early C20 gabled porch and door, blocked doorway and 2—light casement to right, 2—light*

*casements, and blocked door with 2—light casement to left. First floor has three brick plat band with toothed middle course, three 2—light casements. Attached to right is C20 single storey extension. Rear is windowless. Interior has plain beams.*

The site also falls within the Conservation Area and AONB.

#### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
92/1220	Addition of first floor extension & conservatory & associated alterations & replacement of shed.	AC	02.10.92
92/1221	Addition of first floor extension & conservatory & associated alterations & replacement of shed.	AC	02.10.92
99/0576	Erection of conservatory	AC	17/06/99
99/0607	Construction of conservatory	AC	17/06/99
01/0108	Demolition of existing porch and replacement with new entrance hall and shower room.	R	27.03.01
		App dis	07.09.01
01/0109	Demolition of small porch and erection of new entrance and shower room removal of existing front door.	R	27.03.01
		App dis	07.09.01
07/0323	Erect two storey extension and alter vehicular access	WD	10.04.07
07/0324	Erect two storey extension and alter vehicular access	WD	10.04.07

#### 5. The Proposal

It is proposed to demolish an existing conservatory situated on the garden facing end of the dwelling, and to replace it with a single storey extension of a larger footprint. Internal alterations to the existing building are also being proposed to the ground and first floors.

#### 6. Planning Policy

The following development plan policies and other material guidance are considered relevant to this proposal:

- Local Plan policy CN3
- PPS5
- SPG Salisbury Design Guide: *Creating Places*

<b>7. Consultations</b>	
<b>Conservation Officer</b>	Object due to the excessive scale of the extension which would detract from the central focus of the cottage due to its elongated form. No objection to internal alterations subject to further information on the historical significance of an internal partition wall.
<b>Parish Council</b>	Support

**8. Publicity**

No letters of representation were received.

**9. Planning Considerations**

**9.1 Affect upon character of listed building**

A previous proposal for an extension to the street facing (east) side of the dwelling was objected to by the Conservation Officer, under application reference S/2007/324, and was subsequently withdrawn. A further preliminary scheme proposed a two-storey extension on the rear (west) end of the cottage with a single-storey extension at right angles. This was also considered unacceptable, due to the scale and changes to the form of the property.

The current scheme now proposes a single-storey flat-roofed link and single-storey pitched-roof extension on the west end of the cottage. This would follow the existing line of the dwelling, but would extend back from its original side wall by 12 metres. It is considered that an extension of this scale would be excessively elongated in appearance, detracting from the central focus of the original listed cottage.

The Conservation Officer raises no objections to the changes being proposed to the internal layout, subject to satisfactory evidence that the partition being removed from the bedroom at the west end of the first floor is modern plasterboard, and not of historic significance.

**10. Conclusion**

The proposed extension, due to its design and excessively elongated form, would fail to preserve the character and setting of the listed building.

**RECOMMENDATION**

**It is recommended that planning permission is REFUSED for the following reasons:**

The proposed extension, by reason of its design and elongated form, would not respect the character and setting of the building which is grade II listed. The proposal would therefore be contrary to policy CN3 of the Salisbury District Local Plan and guidance contained within PPS5 and the SPG Salisbury Design Guide: *Creating Places*.

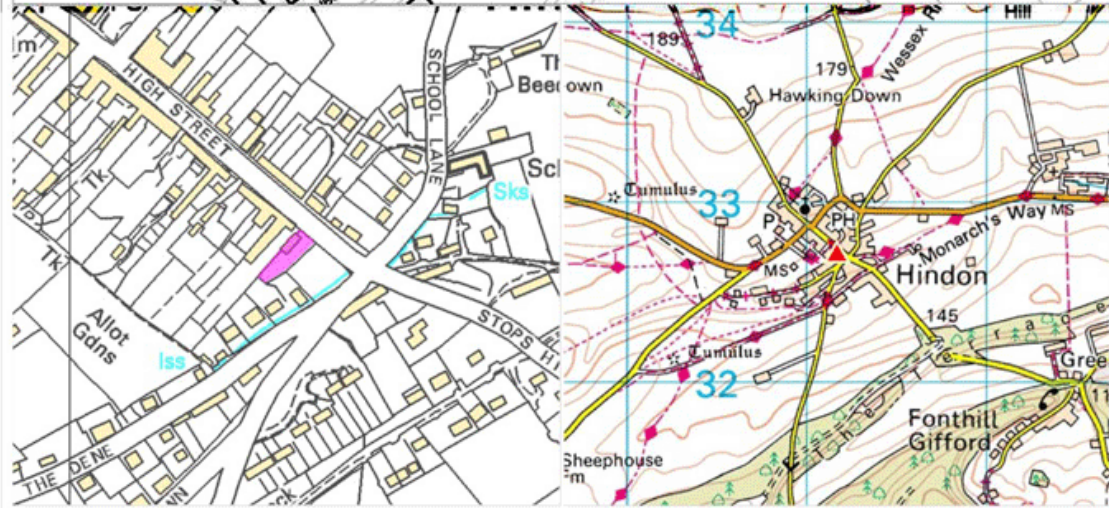
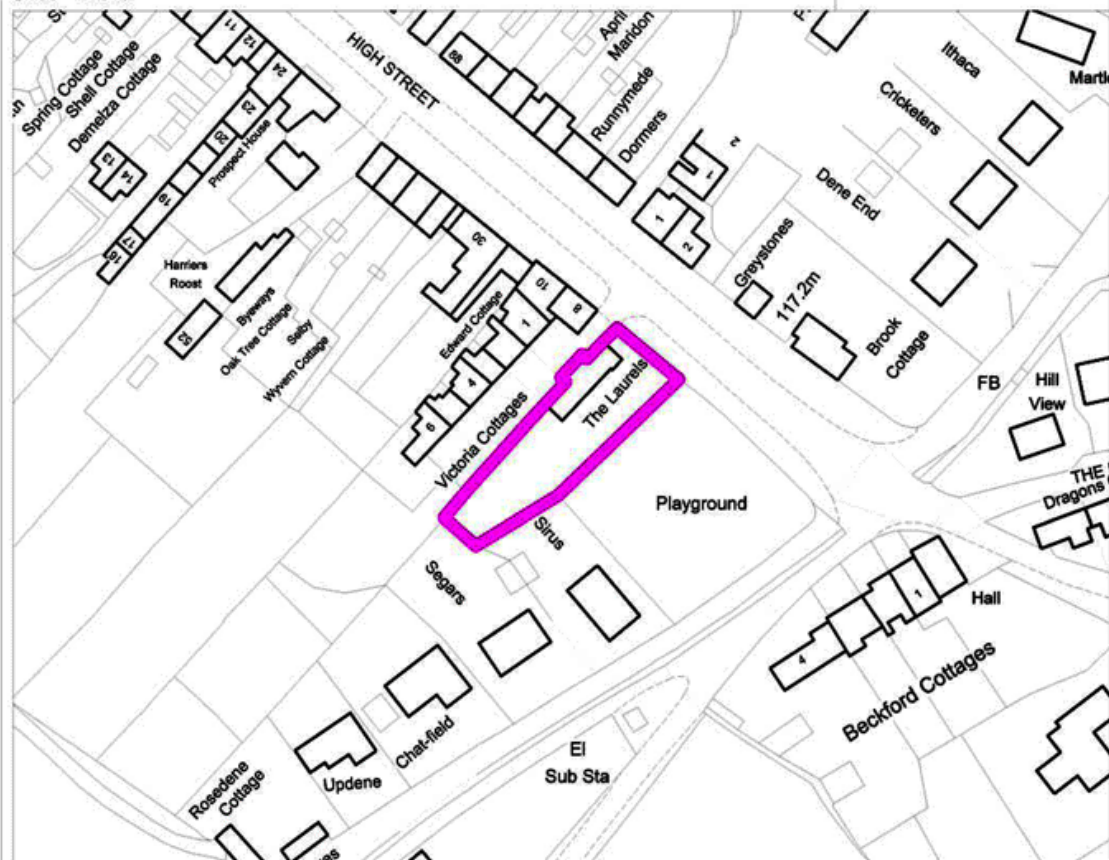
<b>Appendices:</b>	None
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DEMOLISH MODERN LEAN-TO CONSERVATORY AND ERECT SINGLE STOREY EXTENSION, REMOVE FIRST FLOOR PARTITION WALL, ERI

S/2010/1052

Site Visit:



**Wiltshire Council**  
Where everybody matters

LAURELS, HINDON, SP3 6DR

SCALENTS DATE: 24/09/2010 09:42:35  
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<b>Deadline</b>	<b>11<sup>th</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1193</b>		
<b>Site Address:</b>	<b>269 CASTLE ROAD SALISBURY SP1 3SB</b>		
<b>Proposal:</b>	<b>TWO STOREY REAR EXTENSION AND DORMER WINDOW TO FACILITATE LOFT CONVERSION</b>		
<b>Applicant/ Agent:</b>	<b>GERARD KELLY ARCHITECTS</b>		
<b>Parish:</b>	<b>SALISBURY CITY COUNCILST FRAN/STRATFORD</b>		
<b>Grid Reference:</b>	<b>414187.2</b>	<b>132170.2</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MRS A ILES</b>	<b>Contact Number:</b>	<b>01722 434312</b>

**Reason for the application being considered by Committee:**

Council employee application

**1. Purpose of Report**

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

**Neighbourhood Responses**

1 letter received objecting to the proposal

No letters of support received

No letters commenting on the application received

**City Council Response**

None received

**2. Main Issues**

The main issues to consider are:

1. Scale & Design
2. Impact on Residential Amenity
3. Impact on Water Source Catchment Area

**3. Site Description**

269 Castle Road is a mid 20<sup>th</sup> century brick and render property with half hipped roof located on the edge of the city. The site is located within the Housing Policy Boundary of Salisbury and

a Water Source Catchment Area.

#### 4. Planning History

Application number	Proposal	Decision	Date
S/2010/0564	Two storey rear extension and dormer window to facilitate loft conversion	WD	08/06/10

#### 5. The Proposal

Permission is sought for a two storey rear extension and side dormer window to facilitate a loft conversion. The dormer window (to the north elevation) will have a mono-pitched roof with high level obscure glazed window to provide light to the stairwell. The extension will protrude 4.12 metres at ground floor level with the first floor protruding 3.32 metres the ridge will adjoin that of the original property. Tiles, render and brickwork to match the existing property will be used throughout.

#### 6. Planning Policy

the following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan saved policy G2 and D3

Adopted Supplementary Planning Guidance "Creating Places"

#### 7. Consultations

##### **Salisbury City Council**

No comments received

#### 8. Publicity

The application was advertised by site notice and neighbour notification which expired on 16<sup>th</sup> September 2010.

1 letter of objection was received regarding:

- Loss of light
- Over dominance
- Loss of outlook

#### 9. Planning Considerations

### **9.1 Scale & Design**

The previous application was withdrawn following advice from officers that refusal would be recommended due to the bulk and scale of the dormer window and rear extension.

Since then the side dormer has been reduced in scale, the two storey element of the extension reduced by 0.5 metre and a dormer to the rear elevation has been removed. The single storey element of the extension is actually 0.3 metres greater in depth than the previous application but this is not considered to be visually detrimental.

Guidance is given within "Creating Places" that two storey extensions should have a ridge height lower than that of the existing building in order to retain subservience but the applicant was reluctant to do this in order to retain head height in the roof space. However, as the bulk of the side dormer and rear extension has been reduced, the rear extension will not be visible from the public realm, and matching materials will allow the extension to harmonise, on balance it is considered acceptable in scale and design.

### **9.2 Impact on Residential Amenity**

The previous application was withdrawn following advice from officers that refusal would be recommended for the proposal due to the overbearing impact on the property to the north.

The occupant of the dwelling to the north (271) has again objected to the proposal on the grounds of loss of light, over dominance and loss of outlook. While some concern remains with regard to the overbearing impact, it is considered that following the reduction in length of the extension at first floor level and the removal of the rear dormer, on balance the impact will not be significantly detrimental so as to warrant refusal. With regard to overshadowing it is considered that the separation distance, in conjunction with the removal of the rear dormer, hipped roof and limited length of the extension will not result in significantly detrimental levels of overshadowing. The increase in depth of the single storey element is not considered detrimental due to its limited height. The property to the south (267) is not judged to suffer any overshadowing due to the orientation.

With regard to overlooking a roof light is proposed in both the south and north elevation which it is considered prudent to condition obscure glazed. The dormer on the north elevation is also included within this condition to prevent overlooking to number 271. The first floor windows on the east elevation are considered to offer only oblique views over the gardens of the adjacent properties but a condition is added to prevent additional windows being added within the north or south elevations.

### **9.3 Impact on Water Source Catchment Area**

As the site is located in a Water Source Catchment Area a construction method statement has been submitted detailing measures to safeguard the water source. Providing a condition is added to ensure that development is carried out in accordance to this sufficient mitigation measures are judged to limit the impact on the designated area.

## **10. Conclusion**

On balance it is considered that the proposal is appropriate to the existing building and surrounding area, will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers, and will not be detrimental to the Water Source Catchment Area. Therefore it is considered to conform with Adopted

**Recommendation**

**It is recommended that planning permission is GRANTED for the following reasons:**

On balance it is considered that the proposal is appropriate to the existing building and surrounding area, will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers, and will not be detrimental to the Water Source Catchment Area. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G2, G8 and D3.

**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) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY - G2 (General Development Guidance), D3 (General Design Guidance)

(3) Development shall be carried out in accordance with the Construction Method Statement dated April 2010.

REASON: In order to mitigate the impact on the Water Source Catchment Area

POLICY: G8 (Development within the Water Source Catchment Area)

(4) Development shall be carried out in accordance with the following plans:

366-03 B Submitted on 16/08/10

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.

REASON: For the avoidance of doubt

(5) Before the development hereby permitted is first occupied the roof light and dormer window in the north elevation and the roof light in the south elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY-- G2 (General Development Guidance)

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the south or north elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY - G3 (General Development Guidance)

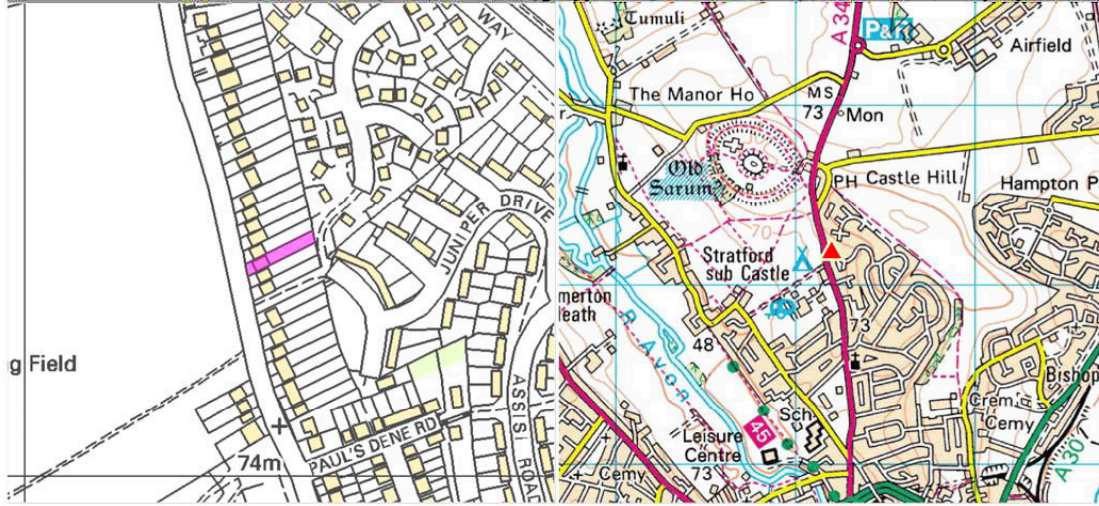
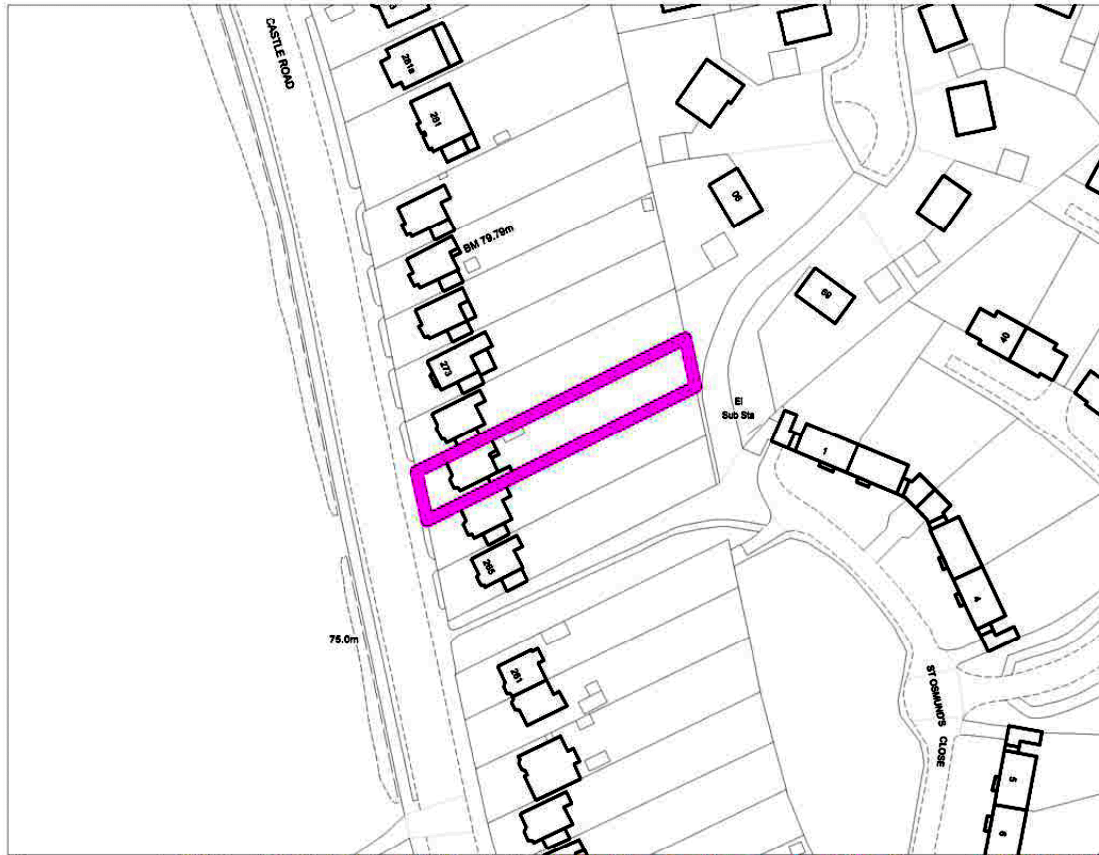
<b>Appendices:</b>	None
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<b>Background Documents Used in the Preparation of this Report:</b>	366-03 B Submitted on 16/08/10
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TWO STOREY REAR EXTENSION AND DORMER WINDOW TO FACILITATE LOFT CONVERSION

Site Visit:

S/2010/1193



269 CASTLE ROAD SALISBURY SP1 3SB

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