

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 18 November 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)

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

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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 Ricky Rogers
Cllr Bill Moss	Cllr Paul Sample
Cllr Christopher Newbury	Cllr John Smale

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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 - 28*)

To approve and sign as a correct record the minutes of the meeting held on 28 October 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 29 - 30*)

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

7. **Planning Applications** (*Pages 31 - 32*)

To consider and determine planning applications in the attached schedule.

- 7a **S/2010/0173 - Former Pembroke Park School, Penruddock Close, Salisbury** (*Pages 33 - 56*)
- 7b **S/2010/1194 - Old Post Office, Semley, Shaftesbury** (*Pages 57 - 62*)
- 7c **S/2010/1388 - The Barkers, Barkers Hill, Semley, Shaftesbury** (*Pages 63 - 68*)
- 7d **S/2010/1252 - 106 Malthouse Cottage, Tisbury** (*Pages 69 - 76*)
- 7e **S/2010/0451 - Plot Opposite 7 School Hill, School Hill/Folly Lane, Alderbury** (*Pages 77 - 88*)
- 7f **S/2010/0452 - Plot Opposite 7 School Hill, School Hill/Folly Lane, Alderbury** (*Pages 89 - 94*)

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 28 OCTOBER 2010 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

#### **Present:**

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

#### **Also Present:**

Cllr Richard Clewer

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#### 106. **Apologies for Absence**

There were no apologies for absence

#### 107. **Minutes**

The minutes of the meeting held 7 October 2010 were presented.

#### **Resolved:**

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

#### 108. **Declarations of Interest**

**S/2010/1265** – Councillor Douglas said that she knew the previous tenants of 76 Castle Road however she did not have a close association and therefore felt that there was no personal or prejudicial interest.

**S/2010/1072** - Councillor Wright declared a personal and prejudicial interest and would withdraw from the meeting for the duration of the consideration and determination of the application.

**S/2010/0605** - Councillor Britton read out a statement regarding a letter that he wrote to Sport England which may have created the impression that he had predetermined the application. He would therefore speak in his capacity as local member and then withdraw from the meeting for the duration of the consideration and determination of the application.

109. **Chairman's Announcements**

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

110. **Public Participation**

The committee noted the rules on public participation.

111. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2010/082716 - Bourne View, Allington – Delegated - Dismissed

S/2009/1543 - Adj 19 Victoria Road, Wilton – Delegated - Dismissed

S/2009/1903 - The Corn Mill, Crouchston, Bishopstone – Committee - Dismissed

S/2009/1820 - 15A Pennyfarthing Street, Salisbury - Delegated - Allowed

And forthcoming appeals as follows:

S/2010/0007 - Stonehenge Campsite, Berwick St James

S/2010/1137 - Adjacent The Packway, Larkhill

S/2010/1025 - Adjacent 18 Folkestone Road, Salisbury

S/2010/0967 - 10 Woodside Road, Salisbury

112. **Planning Applications**

112a **S/2010/1058 - Stonehenge Caravan and Camping Site, Berwick St James**

Public participation:

Mr Mark Hopkins spoke in objection to the application

Mrs Rosemary Gairdner spoke in objection to the application

Mrs Catherine Lockwood spoke in support of the application

Mr Will Grant spoke in support of the application

Mr Jim Carr, on behalf of Winterbourne Stoke Parish Council, Spoke against the application.

The Planning Officer introduced the report which recommended refusal and drew members' attention to the late list which contained additional correspondence and supporting information from the applicant.

A debate ensued during which the issue of the Caravan Club's intention to not renew the applicant's Certified Location license was discussed in detail.

## **RESOLVED**

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

The application proposes various operational development to facilitate the operation of an existing Caravan Club Certified Location (CL) and the holding of temporary tenting/rally events, as may be permitted under the General Permitted Development Order. However, there is considerable doubt over the future prospects of the site to operate as a CL due to the impending withdrawal of the applicant's CL license. Furthermore, without the operation of a CL site, it is not considered that the range of permanent facilities proposed, which include structures, hardstandings and other paraphernalia, can be adequately justified for tenting/rally events which are only permitted to be carried out on a temporary basis. Consequently, in the absence of a long term permanent need for the camping/caravan related proposals, the development would represent an unjustified intrusion into the countryside which planning policy seeks to protect. The development would therefore be contrary to planning policies which seek to preserve the character and appearance of the countryside, including saved policies C2 and C6 of the adopted Salisbury District Local Plan, and national planning policy PPS7.

### **And that:**

The Area Development Manager (South) be authorised to take any necessary enforcement action under delegated powers in respect of the unauthorised operational development at this site.

### **112b S/2010/0797 - Stonehenge Caravan and Camping Site, Berwick St James**

Public participation:

Mr G Campbell-Johnston spoke in objection to the application.  
Mr Will Grant spoke in support of the application

The Planning Officer introduced the report which recommended approval. He emphasised that this application was for advertisement consent not planning approval and that the committee could only consider the application in the interests of amenity and public safety.

A debate ensued during which the size and siting of the signs were discussed.

## **RESOLVED**

### **That advertising consent be granted for the following reasons:**

The proposed signs, by virtue of their siting, scale, colouring and design, would not have an unacceptable impact upon amenity or public safety. The proposal would therefore be in accordance with the aims and objectives of PPG19 and the relevant parts of Local Plan policies G1, G2, C2 and C6.

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

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) No advertisement shall be sited or displayed so as to:
  - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.



- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

112c **S/2010/1274 - London Road, Amesbury**

Public participation:

Mr Jeff Coy spoke in objection to the application  
Mrs June Mills spoke in objection to the application  
Mr Mike Bees spoke in support of the application

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

A debate ensued during which such issues as the appropriateness of the site were discussed.

**RESOLVED**

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

The proposed development would not be unacceptable in principle. Provided its hours are restricted, it would not harm the living conditions of neighbouring properties through unacceptable noise and disturbance, fumes or odour. The filling station would not harm the character or appearance of the area, the safety of highway users or the Strategic Road Network. It would not be harmful in terms of contamination, archaeology, ecology or any other material planning consideration. The development would therefore comply with saved policies G1, G2 (General Development Criteria), E16 (Employment uses) and CN21 (Areas of Archaeological Significance) or the advice in national guidance PPS4 (Planning for Sustainable Economic Growth).

**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 full accordance with the following approved plans:

Location and Site Plan 1625-08A, received 27th August 2010  
Proposed Elevations 1625-09B, received 27th August 2010  
Kiosk plans and elevations 1625-10, received 27th August 2010  
Proposed Elevations 1625-09B, received 27<sup>th</sup> August 2010  
Site Sections and Site Set Out 1625-11B, received 27th August 2010

REASON: for the avoidance of doubt

(3) The development hereby approved shall use the materials specified in the application documentation unless otherwise agreed, in writing, by the Local Planning Authority.

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

POLICY: G2

(4) The use hereby permitted shall not take place except between the hours of 07:00 to 23:00

REASON: in the interests of residential amenity

POLICY: G2

(5) Deliveries to the site, including tanker deliveries, and waste collections shall not take place outside the hours of 07:00 to 21:00.

REASON: in the interests of residential amenity

POLICY: G2

(6) Prior to the commencement of development, a scheme to ensure that the customer parking spaces and forecourt are made inaccessible to motor vehicles when the petrol filling station is closed, shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the scheme thereby approved.

REASON: in the interests of residential amenity

POLICY: G2

(7) Noise from mechanical services and refrigeration plant shall not exceed

the following noise rating levels (As defined by BS4142:1997):  
LAeq (15min) 42 dB(A) between the hours of 07:00 and 23:00; and

LAeq (15min) 33 dB(A) between the hours of 23:00 and 07:00

at the boundary between the development and residential properties located on Oak Place and Beacon Close.

REASON: in the interests of residential amenity

POLICY: G2

(8) Prior to the first use of the development hereby approved, a revised Travel Plan for the superstore shall be submitted to and approved, in writing, by the Local Planning Authority, take into account the additional employees at the filling station. Development shall be undertaken and operated in perpetuity in accordance with the approved Travel Plan.

REASON: in the interests of sustainable transport

POLICY: G1

(9) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (1) A preliminary risk assessment which has identified:
  - (a) All previous uses
  - (b) Potential contaminants associated with those uses
  - (c) A conceptual model of the site indicating sources, pathways and receptors
  - (d) Potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters

(10) The development hereby approved shall be undertaken in accordance with the Supporting Landscape Submission dated April 2010 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of the character and appearance of the area

POLICY: G2

(11) Before the start of the development, full details of reconstructed access points across the existing footway, including any necessary drainage together with details of the revisions to the ghost island markings in London Road, shall be submitted for the written approval of the Local Planning Authority. The accesses and road markings shall be constructed and installed in accordance with the approved details before the first use of the development.

REASON: in the interests of highway safety and to ensure safe pedestrian access across the vehicular access points.

POLICY: G2

(12) Before the start of the development, details of a traffic management scheme for signing and markings to control vehicular movements at the ingress and egress points onto the public highway shall be submitted for the approval of the Local Planning Authority. The traffic management scheme shall be provided in accordance with the approved details before the first use of the development and retained and maintained thereafter.

REASON: in the interests of highway safety

POLICY: G2

(13) Prior to the commencement of development, full details of the proposed acoustic fence shall be submitted to and approved, in writing, by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the first use of the development, and shall remain in place in perpetuity.

REASON: in the interests of the amenities of neighbouring properties

POLICY: G2

(14) Prior to the commencement of development a scheme of external

lighting shall be submitted to the local planning authority for approval. Any lighting installed shall comply with the details approved by the local planning authority.

REASON: In the interests of the amenities of neighbouring properties

POLICY: G2

(15) No construction work shall take place on Sundays or Public Holidays or outside the hours of 7:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. This condition shall not apply to the internal fitting out of the kiosk.

REASON: In the interests of the amenities of neighbouring properties

Policy: G2

#### INFORMATIVES FROM THE ENVIRONMENT AGENCY

##### Foul Drainage

The foul drainage must be kept separate from the clean surface and roof water.

The foul drainage must be connected to the public sewerage system. You should liaise with the Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities.

Any vehicle wash area must have a dedicated drainage system which collects run-off. The run-off must be directed to the foul sewer with the local water companies consent or collected in a suitable sized storage tank for collection by a registered waste carrier.

##### Pollution Control

The underground tank on this development may not be controlled under the Petroleum Regulations. The Local Planning Authority should ensure that the design meets the requirements of the Building Control Officer to prevent leakage into groundwater.

The oil interceptor must be capable of holding the contents of the largest compartment of any road tanker, which delivers fuel to the site.

Underground or over ground pipelines should be adequately protected against leakage particularly by corrosion.

Underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height

to prevent an overflow taking place in the event of the tank being overfilled.

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse or ground via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, fuel filling areas, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

#### Water Efficiency

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.

#### 112d **S/2010/0424 - Moose Hall, 63 Devizes Road, Salisbury**

Public participation:

Mr Gordon Pearce spoke in objection to the application  
Mrs Jess Johnston spoke in objection to the application  
Mr Nick Charlton spoke in objection to the application  
Mr Paul Stevens spoke in support of the application  
Cllr Richard Clewer, local member, spoke in objection to the application

The Planning Officer introduced the report which recommended approval, and drew members' attention to the late list. It was also drawn to the Committee's attention by a member of the public that, contrary to the Officers report, there were side-facing windows in the adjoining property/ 65 Devizes Road.

A debate ensued during which issues of overshadowing and parking provision were discussed.

**RESOLVED:**

**Subject to a unilateral agreement being entered into for the provision**

**of contribution towards public open space, in accordance with policy R2, that planning permission is granted for the following reasons:**

Moose Hall is located on the Devizes Road, in an area of mixed architectural character. The building is an unlisted 20<sup>th</sup> Century Meeting Hall, and it is considered that it does not have significant architectural merit to warrant protection from demolition.

It is considered that the proposed development will be acceptable in principle, will respect the character and appearance of the streetscene, will not result in an adverse impact upon the amenities/ living environment enjoyed by existing and proposed residents and will not have an adverse impact on highway safety, in accordance with Local Plan policies G1, G2, D1, D2, H8 and the advice contained within PPS3.

**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 (0004 AMENDED)

2. 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 walls and roofs 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: To ensure that the building is appropriately detailed- Policy D2

112e **S/2010/1265 - 74a - 76 Castle Road, Salisbury**

Public participation:

Mr John Coleman spoke in support of the application

The Planning Officer introduced the report, which recommended approval, and drew members' attention to the late list.

**RESOLVED:**

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

The proposal would make efficient use of land in an area where the principle of residential development is acceptable, and the design would be appropriate to the character and appearance of the area. Subject to

conditions, there would be no significant adverse impacts to highways safety or the residential amenities of surrounding property. The development would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G1, G2, D1, D2, H8, TR11, TR14 and R2, and there are no other material considerations which would make the development otherwise unacceptable.

**Subject to the owner entering into a legal agreement with the Council in respect of (i) the provision of recreational open space in accordance with the requirements of Policy R2, (ii) a financial contribution towards 3 primary school places, and (iii) a financial contribution towards the provision of waste and recycling bins for the development.**

**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) 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: To secure a harmonious form of development.

Policy D1 & D2

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

- (a) details of trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (b) all species, planting sizes and planting densities,
- (c) hard surfacing materials;
- (d) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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



#### Policy D1 & D2

- 4) No development shall commence on site until details of the design and external appearance of all fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

#### Policy D1 & D2

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

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

#### Policy G3

- 6) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings nor the erection of any structures within the curtilages unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

- 7) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0730 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of neighbouring amenity.

#### Policy G2

- 8) Construction work shall not begin until a scheme for protecting plots 7-11 from road traffic noise and for the provision of a mechanical ventilation system has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be

completed before the development is occupied.

REASON: In the interest of the amenities of future occupiers

Policy G2

- 9) Before the start of the development, full construction details of the vehicular access to Castle Road and the internal access road, including details of the re-instatement of the footway at the existing access to No 76, shall be submitted for the written approval of the LPA; and the vehicular access, internal access road and re-instated footway shall be completed to the satisfaction of the LPA and in accordance with the approved details before the first occupation of each dwelling directly served from that part of the access.

Reason: In the interests of Highway safety

Policy G2

**Informatives:**

1. The applicant's attention is directed to the water efficiency, sustainable construction, pollution prevention during construction and waste management informatives set out within the consultation response letter from the Environment Agency dated 08.09.2010.
2. The existing street lighting column at the access point shall be relocated to a position to the full approval of the Highway Authority at the expense of the developer as part of the works associated with condition No.9. Because the existing vehicular access to No.76 is effectively stopped up by the development, the footway levels should also be re-instated at the expense of the developer.

112f **S/2010/1072 - Land Between Netheravon Road and High Street Durrington**

Public participation:

Mr Dave Staniland spoke in support of the application

Mr David Healing, representing Durrington Parish Council, spoke in support of the application

The Planning Officer introduced the item, which was a reserved matters application for landscaping and appearance of Phase 1 of the development only, and drew members' attention to the late list which contained a revised recommendation.

The Planning Officer confirmed that the Wiltshire Council allocations policy for affordable housing is such that this is not a site where a parish connection is required (all the affordable units will be determined by need and not by local connection to Durrington). The Committee requested that a letter be sent to the Head of New Housing to consider changing the allocation of affordable housing policy to give priority to people with a connection to the parish.

Cllr Wright spoke as local member and withdrew from the debate and vote.

**RESOLVED:**

Subject to the completion of a supplemental S106 agreement to modify the 2008 S106 agreement to:

- a) Amend the position of 1 affordable dwelling
- b) Update the table of affordable housing mix on the original S106
- c) Allow the affordable housing to be provided in phases (to correspond to phasing condition 5 on the outline consent)
- d) Update the Affordable Housing provisions to take account of replacement of BREEAM by Code for Sustainable Homes and revised mechanisms for the sale of shared ownership units in line with current legislation/regulations

Following completion of which, the decision to grant Reserved Matters be delegated to officers.

**Approve for the following reasons:**

The layout of the development, access road, ancillary infrastructure, and scale of the development has all been considered and approved on the outline planning application, leaving only Landscaping and Appearance of the dwellings as reserved matters for subsequent approval.

The detailed design components of this reserved matters application are considered to follow the provisions of the adopted development brief and in doing so give a large degree of certainty that this reserved matters application will deliver a high quality scheme that is locally relevant to the context of Durrington. The application is considered to address the requirements set out in the adopted development brief and accords with the relevant 'saved' policies of the Adopted Salisbury District Local Plan, namely:

G1	Sustainable Development
G2	General Principles of development
G9	Infrastructure and facilities
D1	Design - Extensive development
G3 & G5	The Water Environment
H12	Housing – Durrington

H25	Affordable Housing
CN11	Views into and out of Conservation Areas
C12	Development affecting protected species
R2	Open Space provision.

**And subject to the following conditions:**

(1) The development hereby permitted shall be begun either before the expiration of three years from the date of outline permission (S/2006/1698), or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

(2) This approval of matters reserved discharges conditions 01, 02, 03, 08, 09, 10 and 07 (but only in part - the schedule of external facing materials) of outline planning permission S/2006/1698 only in so far as it relates to Phase 1 of the development and the area of land edged in red to which this application relates, but does not by itself constitute a planning permission.

Reason: For the avoidance of doubt, and in order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(3) The further approval of the Local Planning Authority in respect of those matters reserved by conditions 06, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 24 and 27 of the outline permission S/2006/1698) is required prior to the commencement of Phase 1 of the development.

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

(4) No development shall take place until large scale details, at a scale of not less than 1:10 of all types of dormers, chimney stack, windows (including head, sill and window reveal details), porch canopies, projecting dentil, string and corbel courses, decorative timber supports/brackets to porch canopies, eaves, verges and exposed rafter feet have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development secures a high quality streetscape, in the interest of visual amenity and the character and appearance of the area.

Policy: D1 (Design), CN11 (Views into and out of conservation areas)

(5) No development shall take place on the dwellings hereby approved which have flintwork (plots 1, 27-28, 36-37 and 39-42) and painted brickwork (plots 3-4 and 26) until sample panels (not less than 1 metre

square) of the flintwork and brick banding (to demonstrate the type of flint, style of flintwork, mortar mix, finish and pointing style) and the painted brickwork have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development secures a high quality streetscape, in the interest of visual amenity and the character and appearance of the area.

Policy: D1 (Design), CN11 (Views into and out of conservation areas)

(6) No development shall commence until a scheme to restrict the parking spaces at the allotments for use by allotment holders only has been submitted to and approved in writing by the local planning authority. The development shall accord with the agreed scheme.

Reason: To ensure that adequate parking facilities are available for the allotment holders

Policy: G2 (General), G9 (infrastructure & facilities)

(7) The landing and bathroom windows in the south (rear elevation) of plot 18 shall be fitted with obscure glazing and shall be fixed shut with top hung fanlight only (as shown on the approved plans) prior to the first occupation of plot 18 and thereafter shall be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and privacy.

Policy: G2 (General)

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

P.38-42.e Revision A – Plots 38-42 Elevations

ED p.35-42 – Elevations and Details Plots 35-42

ED p.26-28 – Elevations and Details Plots 26-28 & 42

ED.p-53 – Elevations and Details Plot 53

P.38-42.p2 – Plots 38-42 Second Floor Plan

P.38-42.p1 – Plots 38-42 Ground and First Floor Plans

P.1.pe Revision B – Plot 1 Plans and Elevations

P.52.pe Revision B – Plot 52 Plans and Elevations

P.53.pe Revision B – Plot 53 Plans and Elevations

P.20-22.e Revision B – Plots 20-22 Elevations

P.20-22.p Plots 20-22 Floor Plans

P.9-10.e Revision B – Plots 9-10 Elevations

P.9-10.p Revision A – Plots 9-10 Floor Plans

P.7-8.e Revision B – Plots 7-8 Elevations

P.7-8.p Revision A – Plots 7-8 Floor plans

P.18.pe Revision A – Plot 18 Floor Plans and Elevations

P.19.pe Revision A – Plot 19 Floor Plans and Elevations

P.6.pe Revision B – Plot 6 Floor Plans and Elevations

P.11-14.pe Revision B – Plots 11-14 Floor Plans and Elevations

P.15-17.e Revision B – Plots 15-17 Elevations

P.15-17.p – Plots 15-17 Floor Plans

P.23-25.e1 Revision A – Plots 23-25 Front and Side Elevations  
P.23-25.e2 Revision A – Plots 23-25 Rear and Side Elevations  
P.23-25.p – Plots 23-25 Floor Plans  
P.2-5.e Revision C – Plots 2-5 Elevations  
P.2-5.p Revision A – Plots 2-5 Floor Plans  
P.26-29.e Revision B – Plots 26-29 Elevations  
P.26-29.p Revision A – Plots 26-29 Floor Plans  
P.30-37.e Revision B – Plots 30-37 Elevations (1 of 2)  
P.30-37.e Revision B – Plots 30-37 Elevations (2 of 2)  
P.30-37.p – Plots 30-37 Floor Plans  
GAR.04 Revision A – Quadruple garages floor plans and elevations  
GAR.03 – Double garage Option 2 floor plans and elevations  
GAR.02 – Double garage Option 1 floor plans and elevations  
GAR.01 – Single garage floor plans and elevations  
LP.01 Revision B - Location Plan  
ML.01 Revision D – Materials Layout  
Materials Schedule Durrington Phase 1 Sheet 1 of 2 Rev C  
Materials Schedule Durrington Phase 1 Sheet 2 of 2 Rev C  
PER 17247 12 D – Open Space Proposals  
ALA.01 Revision B – Allotment Areas  
PER 17247 13 B – Allotment Proposals  
PER-17247 11 – Landscape Proposals  
AHL.01 – Affordable Housing Layout  
PHSC PS/100 – Foul water pumping station  
STD/834 A – Palisade Security Fencing (General Purpose)  
WT 75 R – Rectangular drinking troughs  
ILKLEY garage door

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

**INFORMATIVE:** Wiltshire Fire & Rescue

The applicant should be made aware of the letter received from Wiltshire Fire & Rescue Service regarding advice on fire safety measures. This letter can be found on the application file which can be viewed on the council's website against the relevant application record.

**INFORMATIVE:** Conditions 7, 8, 9 & 10 of the outline consent – PHASE 1  
Conditions 7, 8, 9 & 10 of the Outline consent require the information (9) to be submitted as part of each Reserved Matters Application. The details provided in relation to conditions 8, 9, 10 (and part of 7 as sample panels are still required), as they apply to Phase 1 of the development, are acceptable to the Local Planning Authority and are hereby discharged. A separate discharge of conditions application for conditions 8, 9 and 10 is not required

112g **S/2010/0605 - Recreation Ground Adjacent to All Saints Church, Romsey Road, Whiteparish**

Public participation:

Mr Tim Drew spoke in objection to the application

Mr Robert Twiddy spoke in objection to the application

Mr Philip Brown spoke in support of the application

Mrs Sheila Campbell spoke in support of the application

Mr Hugh Bernard spoke against the application

Mr Trevor King, representing Whiteparish Parish Council, spoke in support of the application

The Planning Officer introduced the report, which recommended refusal, and drew members' attention to the late list.

A debate ensued during which the issue of the scale of the development and the impact on the surrounding area were discussed. As he had declared a personal and prejudicial interest, Cllr Britton spoke as local member and withdrew from the debate and vote.

**RESOLVED: that, subject to referral to the Government Office of the South West**

**APPROVE**

For the following reasons

The provision of enhanced local facilities would accord with national and local guidance as expressed in PPS1, PPS4 and PPS7 and the Local Plan policies G1, PS1, R1A and PS3, and though the proposal will detrimentally effect the current cricket pitch, this is substandard and a newly constructed square in an alternative position would be beneficial to the playing of sport and therefore the proposal would be in accordance with the aims of PPG17

**and subject to the following conditions**

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

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

2. This decision relates to documents/plans listed below. No variation from the approved documents should be made without the prior approval of this

Council. Amendments may require the submission of a further application.  
Drawing ref.no 3095 received on 11 October 2010  
Drawing ref.no 3095/65 Rev B received on 31 August 2010  
Drawing ref.no 3095/66 Rev B received on 23 April 2010  
Drawing ref.no 3095/67 Rev A received on 19 April 2010  
Drawing ref.no 3095/68 received on 19 April 2010  
Drawing ref.no 3095/70 received on 19 April 2010  
Drawing ref.no 3095/71 received on 19 April 2010  
Interim Ecological Report by Collingridge Ecological Consultants dated March 2009  
Ecological Report by Collingridge Ecological Consultants dated July 2009  
Method Statement received on 16 September 2010  
Pond Hydrology Report prepared by LED Architects received on 7 May 2010  
Herpetological Survey by Griffin Ecological dated June 2009  
Arboricultural Report by S.J.Stephens Associates received on 19 April 2010  
Statement of justification received on 19 April 2010  
Waste audit and recycling received on 19 April 2010  
Design and access statement received on 19 April 2010

REASON For the avoidance of doubt

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

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

POLICY- D2 Design criteria and CN8 Conservation Area

4 No development shall commence on site until a scheme of works for noise attenuation has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

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

POLICY G2 General criteria for development

5 No development shall commence on site until a Memorial Pond management and maintenance protocol has been submitted to and



approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the pond shall be retained and maintained in accordance with these details at all times thereafter.

REASON: In the interests of protected species  
POLICY CN12 (protected species) PPS9 Biodiversity and Geological Conservation and the Wildlife and Countryside Act 1981 (as amended), G2 General criteria for development

6 No development shall commence on site until a scheme of works for the extension of the netting around the MUGA has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of this approved scheme shall be completed prior to the premises are first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of amenity  
POLICY G2 General criteria for development  
There shall be no external lighting of the site

REASON: In the interests of the amenity of the area.  
POLICY G2 General criteria for development

7 No development shall commence until details of a 6m wide suitably surfaced pedestrian route from the junction with Common Road across the existing car park to the new community building has been submitted to and approved in writing by the Local Planning Authority. Prior to the first bringing into use of the community building, the surfaced pedestrian route shall have been constructed and be available for use, in accordance with the approved details. Thereafter the surfaced pedestrian route shall be kept free of obstruction at all times.

REASON: To ensure that the development is served by an adequate means of access in the interests of highway safety.  
POLICY G2 General criteria for development

8 No development shall commence until details of a 1.5m wide pedestrian route from the A27 across the existing recreation ground to the new community building has been submitted to and approved in writing by the Local Planning Authority. Prior to the first bringing into use of the community building, the pedestrian route shall be available for use, in accordance with the approved details. Thereafter the surfaced pedestrian route shall be kept free of obstruction at all times.

REASON: To ensure that the development is served by an adequate

means of access in the interests of highway safety.  
POLICY G2 General criteria for development

9 No development shall commence until a scheme of works for the protection of the existing playing field has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be implemented prior to the demolition of the existing pavilion.

REASON: To ensure the retention of activities on the Recreation Ground during the construction period  
POLICY G2 General criteria for development

10 No development shall commence on site until a scheme to mitigate the impact of the development on the playing of cricket on the recreational ground has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first bringing into use of the new community building

REASON: To ensure the continuity of sport activities on the Recreation Ground  
POLICY PPG17 Playing fields

11 During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than the hours of 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturday no time on Sundays, Bank and Public Holidays.

REASON To minimise the disturbance which noise during construction of the proposed development could otherwise have on the amenities of nearby residential dwellings  
POLICY G2 General criteria for development

12 The use hereby permitted shall only take place between the hours of 08.00 and 22.30 from Sundays to Thursdays and between 08.00 and midnight on Fridays and Saturdays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.  
POLICY G2 General criteria for development

13 No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated to relay sound outside the building hereby

approved.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.  
POLICY G2 General criteria for development

14 At all times when the building is in use, a sign shall be fixed near all exit doors to the building requesting patrons to be quiet on leaving the premises.

REASON: In order to safeguard the amenities of the area in which the development is located.  
POLICY G2 General criteria for development

15 No development shall commence on site until a scheme for the discharge of surface water from the building, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.  
POLICY G2 General criteria for development

**INFORMATIVE**

It is expected that the scheme of mitigation will be agreed in consultation with the ECB's Pitch Advisor, and that any such mitigation measures would be funded as part of the overall development.

112h **S/2010/0585 - Village Hall, Romsey Road, Whiteparish**

The Planning Officer introduced the report, which recommended approval.

**RESOLVED:**

**That, subject to the approval by the Government Office for the South West, application S/2010/0605 planning permission be granted for the following reasons:**

Both national (PPS1, PPS4 and PPS7) and local guidance (policy G1) would support the enhancement of the Village Hall's facilities. In this case, this enhancement involves the erection of a new hall elsewhere in the village and it is recognised there will be a loss of a community facility if the site of the hall is redeveloped for housing. However, whilst officers are concerned that the current Village Hall could be demolished and no replacement erected, if as in this atypical case, the Parish Council is promoting the scheme and the village supports the proposal then whilst

there are concerns that the proposal is not in accordance with Local Plan policy PS3, if permission is granted for a new village hall on the corner of the Memorial Recreation Ground then overall it could be considered that there would not be a loss of a community facility. Therefore the proposal to demolish the existing hall would be acceptable.

As regards the redevelopment of the site, it lies within the Housing Policy Boundary of Whiteparish (policy H16) and therefore the principle of the residential development is acceptable provided any scheme would comply with the other criteria of the Local Plan, particularly policies G2 and D2. However, as this application is in outline, the scheme is indicative and the drawings are only illustrative. But, these indicative details are considered to be in keeping with the character of the area and the further details of the dwellings' appearance, etc will be the subject of reserved matters submissions.

**And subject to the owners entering into an agreement under Section 106 to tie this application to the reprovision of village hall facilities and to the following conditions:**

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- a) The layout of the development;
- b) The external appearance of the development;
- c) The landscaping of the site;
- d) The means of access to the site.

The development shall be carried out in accordance with the approved details.

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

POLICY H16, Housing Policy Boundary, G2 General criteria for development, D2 Design criteria

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

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

4. Prior to the first occupation of the dwelling, a recessed minimum 2.4m wide access in respect of each plot shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway shall be properly consolidated and surfaced not loose stone or gravel in accordance with details to be agreed

REASON To ensure that a satisfactory form of access is provided in the interests of highway safety.

POLICY G2 General criteria for development

5. Any entrance gates provided to close the proposed access shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only.

REASON In the interests of highway safety.

POLICY G2 General criteria for development

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON In the interests of highway safety.

POLICY G2 General criteria for development

7. Prior to the first occupation of the dwellings, parking and turning spaces shall have been provided for the development within the curtilage of the site. These shall be retained in perpetuity.

REASON In the interests of highway safety.

POLICY G2 General criteria for development

8. No deliveries, demolition, construction, or other building activity shall take place on Sundays or Public Holidays or outside the hours of 07:30 and 18:00 on weekdays and 08:00 and 13:00 on Saturdays.

REASON In the interests of the amenities of the neighbours.

POLICY G2 General criteria for development

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, above the ground floor, other than those shown on the

approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.  
POLICY-POLICY G2 General criteria for development Plan

10. This decision relates to documents/plans submitted with the application, listed below.

Drawing ref.no. WEB254-1Rev A received on 19 April 2010

Drawing ref.no. WEB254-3Rev A received on 19 April 2010

REASON For the avoidance of doubt

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

REASON In order to comply with Policy R2 of the Salisbury District Local Plan

POLICY R2 Public open space provision

12. During the demolition and the construction phases of the development there shall be no burning of waste on the site.

REASON: To minimize the disturbance which the burning of waste equipment could otherwise have upon the amenities of nearby dwellings.

POLICY G2 General criteria for development

#### INFORMATIVE PUBLIC SEWERS

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Southern Water. Development is not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

#### 113. **Urgent Items**

There were no urgent items

(Duration of meeting: 18.00 – 22.50)

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

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2010/0112	Adj Ebbleway, Croucheston Drove, Bishopstone	WR	Delegated	Dismissed	No	No
S/2009/0732	44 York Road	Hearing	Delegated	Dismissed	No	No

\* Copy of Appeal Decision attached

### New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/0884	Land at Bishops Drive, East Harnham, Salisbury	AMENDED TO HEARING	Delegated			
S/2010/0784	Land at Long Cross, Zeals	WR	Delegated			
S/2010/1587	Old Chalk Pit, Petersfinger	WR	Delegated			

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

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# Agenda Item 7

## INDEX OF APPLICATIONS ON 18 NOVEMBER 2010

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>	<b>DIVISION MEMBER</b>
1	S/2010/0173	FORMER PEMBROKE PARK SCHOOL, PENRUDDOCK CLOSE, SALISBURY, SP2 9HH	REDEVELOPMENT FOR 65 NEW DWELLINGS INCLUSIVE OF NEW VEHICULAR ACCESS TO PEMBROKE ROAD AND EMERGENCY ACCESS TO PENRUDDOCK CLOSE AND ASSOCIATED GROUND MODELLING AND DRAINAGE WORKS	APPROVE SUBJECT CONDITIONS	CLLR ROGERS
2	S/2010/1194	OLD POST OFFICE, SEMLEY, SHAFTESBURY, SP7 9AU	CHANGE OF USE FROM A1 TO MIXED USE FOR TAPAS BAR, DELICATESSEN, RETAIL SALE OF ALCOHOL AND OUTDOOR SEATING AREA	REFUSE	CLLR WAYMAN
3	S/2010/1388	THE BARKERS BARKERS HILL, SEMLEY, SHAFTESBURY, SP7 9BQ	SINGLE STOREY FRONT EXTENSION AND REAR STAIRWELL EXTENSION	APPROVE SUBJECT CONDITIONS	CLLR WAYMAN
4	S/2010/1252	106 MALTHOUSE COTTAGE, TISBURY, SALISBURY, SP3 6NN	PROPOSED 2 BED DWELLING WITH INTEGRAL DOUBLE GARAGE	APPROVE SUBJECT CONDITIONS	CLLR DEANE
5	S/2010/0451	PLOT OPPOSITE 7 SCHOOL HILL, SCHOOL HILL/FOLLY LANE, ALDERBURY, SALISBURY, SP5 3DR	PROPOSED DEMOLITION OF EXISTING NURSERY BUILDING AND CONSTRUCTION OF NEW THREE BEDROOM DWELLING, GARAGE AND ASSOCIATED GROUND WORKS INCLUDING CONSTRUCTION OF A NEW ACCESS OFF FOLLY LANE	APPROVE SUBJECT TO R2 AND CONDITIONS	CLLR BRITTON

6	S/2010/0452	PLOT OPPOSITE 7 SCHOOL HILL, SCHOOL HILL/FOLLY LANE, ALDERBURY, SALISBURY, SP5 3DR	DEMOLITION OF EXISTING NURSERY BUILDING	APPROVE SUBJECT CONDITIONS	CLLR BRITTON
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<b>1</b>			
<b>Deadline</b>	<b>13<sup>th</sup> May 2010</b>		
<b>Application Number:</b>	<b>S/2010/0173</b>		
<b>Site Address:</b>	<b>FORMER PEMBROKE PARK SCHOOL PENRUDDOCK CLOSE SALISBURY SP2 9HH</b>		
<b>Proposal:</b>	<b>REDEVELOPMENT FOR 65 NEW DWELLINGS INCLUSIVE OF NEW VEHICULAR ACCESS TO PEMBROKE ROAD AND EMERGENCY ACCESS TO PENRUDDOCK CLOSE AND ASSOCIATED GROUND MODELLING AND DRAINAGE WORKS</b>		
<b>Applicant/ Agent:</b>	<b>BOVIS HOMES LTD</b>		
<b>Parish:</b>	<b>SALISBURY CITY COUNCIL - BEMERTON</b>		
<b>Grid Reference:</b>	<b>412273.7</b>	<b>131073.7</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>Mr A MADGE</b>	<b>Contact Number:</b>	<b>01722 434541</b>

### Reason for the application being considered by Committee

Councillor Rogers 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

In addition the proposal is for a major development on council owned land.

### 1. Purpose of Report

To consider the above application and the applicant be invited to enter a S106 Agreement in respect of the following matters:

- (i) The provision of 40 per cent affordable housing
- (ii) A minimum provision on site of 0.2 hectares of formal open space (excluding the wooded area)
- (iii) A contribution towards off site open space
- (iv) Waste and recycle scheme provision
- (v) Sustainable urban drainage system maintenance
- (vi) The achievement of an environmentally-friendly sustainable scheme, including at least a code three code for sustainable homes rating and where practicable, a percentage of power generation being from on site sources.
- (vii) The provision of a maintenance scheme for the retained woodland area on the Eastern boundary.
- (viii) The provision of off site highway improvement works along Pembroke Road
- (ix) A financial contribution towards sustainable highway measures

Following completion of which and within three months of the date of the committee the Area Team Manager (Development Control and Heritage) be authorised to **GRANT** Planning

Permission subject to conditions.

### ***Neighbourhood Responses***

22 letters/emails 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 :

- 9.1 Principle of development including open space issues and the previous use of the site as a school
- 9.2 Layout and design of proposal including architecture
- 9.3 Affordable Housing provision
- 9.4 Ecology
- 9.5 Archaeology
- 9.6 Flooding and drainage
- 9.7 Highways and transport issues
- 9.8 Amenity issues including overlooking and light issues
- 9.9 Other issues

## **3. Site Description**

The site is that of the former Pembroke Park school. The school has been demolished as far as it's foundations and the site has now lain vacant for some time such that natural vegetation and regeneration on the site is now taking place. The site is located on the southern edge of Bemerton Heath and is now surrounded on three sides by housing and on the fourth by a road (Pembroke road). On the Eastern edge of the site the land slopes steeply upwards from the site to the South East where it is edged by a wooded area and backs onto some interwar properties on Queen Alexandra road. Further to the North a number of new properties have recently been built in Sassoon Close, which also back onto the site. To the North of the site are older houses built in a modern style which form part of the original Bemerton Heath estate and are situated in Penruddock Close. Closer to the site is the former caretakers dwelling which is single storey and faces into the site (south). Finally on the Western boundary are properties situated in Jubilee Close and Old Dairy Close, which are relatively modern in their appearance and mainly consist of three storey properties.

## **4. Planning History**

A651 O/L – 118 dwellings (70 houses, 48 maisonettes), 108 garages Approved 07.02.67

& estate roads.

D902	Stage II housing residential development (Taylor's Estate)	Approved	12.08.71
G963	Amendments to houses types, plots 36-51 to form a 3 – bed Dwellings (Taylor's Estate)	Approved	27.02.74
75/577	Erection of 10 dwellings, plots 23-32 (Taylor's Estate)	Approved	23.07.75
96/0717	Erection of a double mobile classroom with toilets.	NOBJ	14.06.96
01/1114	Retention of a double mobile with toilets.	NOBJ	25.07.01
03/1862	Retrospective application for school playing field embankment work.	Approved	21.10.03
04/0808	Retention of double mobile with toilets.	NOBJ	04.05.04
06/1169	O/L - Redevelopment for 57 residential units to include a new access to Pembroke Road and the realignment of existing foul and surface water drainage, and including public open space.	Refused	18.08.06

*Reason for refusal:*

The application in its current form is considered premature, as in the absence of a Development Brief, a detailed analysis of housing need in the area, or a detailed consultation with the local community to ascertain the requirements of local people, the application fails to adequately address a number of major issues including affordable housing need, the likely impacts on local educational establishments, the likely impacts of the proposed access arrangements on highway safety and traffic management, and the replacement of suitable and safe public open space. As a result, the proposal in its current form is considered to be contrary to the aims of policies G1, G2, D1, D7, H25, R2, R5, TR12, and TR13 of the Salisbury District Local Plan 2003, policies DP1, DP2, DP7, DP8 of the adopted Wiltshire Structure Plan, and also contrary to the aims of central government guidance given in PPS1 which encourages development which would meet the needs of the local community.

30.03.07	Appeal	WD	
07/1152	O/L - Redevelopment for 65 residential units to include a vehicular access at Pembroke Road and emergency access onto Penruddock Close and assorted drainage works.	NO DEC	11.12.09
08/0581	O/L consent for demolition of garages and construction of 2 dwellings and access at land at Penruddock Close.	AC	15.08.08

## 5. The Proposal

The proposal is for the erection of 65 new dwellings, car parking, open space and landscaping. The proposed access to the site will be from Pembroke Road. The access from Penruddock road will be shut off to vehicular traffic and will be for emergency and pedestrian/cycle traffic only except initially when it will be used to build the councils affordable element of the scheme. It is proposed to erect 65 new dwellings in the form of 31, 3 bed houses 32, 2 bed dwellings

and 2, 1 bed flats. It is proposed to erect 22 rented affordable properties, 4 shared equity dwellings and 39 open market properties. The properties will be built with the affordable and shared equity properties at the Northern end of the site, whilst the open market properties will be at the Southern end of the site. There is an area of open space of approximately 0.18 hectares in the middle of the development, laid out with trees, pathways and a seating area. It is intended that the existing area of woodland is retained as it is and if planning permission were granted a condition imposed to secure a management plan for the future management of this woodland area.

## 6. Planning Policy

The following policies are considered relevant to this proposal Including PPS's

### **National planning guidance**

PPG13	Transport
PPG16	Archaeology and Planning
PPG17	Planning for recreational open space sport and recreation & the companion guide
PPS1	Delivering sustainable development & the supplement to planning policy one entitled planning and climate change
PPS4	Planning for sustainable economic growth
PPS3	Housing
PPS10	Planning for sustainable waste management & the companion guide
PPS9	Biodiversity and geological conservation
PPS25	Planning and flood risk

### **Other national guidance:**

<b>Manual for streets</b>	Department of transport and Department of communities and local government
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### **Wiltshire and Swindon Structure Plan 2016**

DP1	General aims of the plan
DP2	Infrastructure and services provision
DP3	Areas for development
DP4	Provision of housing and employment facilities
DP7	Housing developments in main settlements
DP8	Affordable Housing
DP9	Reuse of land within the countryside
T5	Incentives to encourage use of cycling and walking
T6	Demand management measures to reduce reliance on the car
C5	The Water environment
RLT1	Recreation Sport and leisure

<b>Wiltshire and Swindon Waste Core Strategy 2006 - 2026</b>	Policy WCS6 Waste reduction and auditing
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Saved policy G1	General policy
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<p> Saved policy G2  Saved policy G3  Saved policy G5  Saved Policy G8  Saved Policy G9    Saved Policy D1  Saved Policy D2  Saved Policy D7  Saved Policy D8  Saved Policy H1  Saved Policy H8  Saved Policy H22  Saved Policy H23    Saved Policy H25  Saved Policy CN21  Saved Policy CN22  Saved Policy CN23  Saved Policy C2  Saved Policy C8  Saved Policy C9  Saved Policy C14    Saved Policy C13  Saved policy C12  Saved Policy TR1  Saved Policy TR11  Saved Policy TR12    Saved Policy TR14  Saved Policy R2  Saved Policy R5  Saved Policy PS3 </p>	<p> General policies  Water resources  Water resources  Groundwater source protection areas  Requirements for additional infrastructure and facilities  Extensive development  Infill development  Site Analysis  Public Art  Housing provision  Development within the housing policy boundary  Land outside the housing policy boundary  Undeveloped land outside the housing policy boundary  Affordable housing  Archaeology  Archaeological remains  Archaeological remains (prior to determination)  Development in the countryside  Trees and hedges in the countryside  Trees  Features of geological or geomorphological importance  Wildlife habitats  Protected species  Transport strategy  The provision of off street car parking spaces  Sustainable transport provision in major developments  Secure bicycle parking provision  Provision of open space in new development  Loss of Public or private sports fields </p>
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**Supplementary Planning Guidance**

<p> <i>Affordable Housing SPG</i>  <i>Creating Places</i>  <i>Achieving sustainable development</i> </p>	<p> Adopted September 2004  Design guide adopted (Adopted April 2006)  Adopted April 2005 </p>
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**7. Consultations**

**City Council**

No response

**Highways Agency**

No objection

**Environment Agency**

No objections to the proposed development subject to conditions and informatives regarding Southern Area Planning Committee 18/11/2016

the following matters being applied to any consent issued:

- 1) Detailed design of the relevant surface water drainage scheme
- 2) Development only to be carried out in accordance with the approved flood risk assessment.
- 3) A scheme for water efficiency to be submitted to the council.
- 4) Informatives to be applied to the permission in respect of water efficiency, sustainable construction, pollution prevention during construction, Waste management

### ***Environmental Health***

No objections - subject to conditions covering building works carried out on site.

### ***Wessex Water***

#### *Foul Water*

There are public foul sewers crossing the site.

The public foul sewers will need to be diverted to accommodate the development layout. Any diversion would be subject to formal approval by Wessex Water.

The foul sewerage system should have adequate capacity to serve the development

Flow calculations will need to be submitted in due course.

No trees/large shrubs to be planted within 6 metres of any public sewers.

#### *Surface Water*

There are public surface water sewers crossing the site.

The public surface water sewers will need to be diverted to accommodate the development layout. Any diversion would be subject to formal approval by Wessex Water.

No surface water is to be discharged into the public foul sewers.

The use of a soakaway/ SUDS system should be investigated for the disposal of surface water flows.

If a discharge to the public surface water sewer is requested, it is likely that the discharge rate to the public surface water sewer will be restricted. On site attenuation storage and flow control will be required.

Flow calculations will need to be submitted in due course.

No trees/large shrubs to be planted within 6 metres of any public sewers.

#### *Terminal Foul Pumping Station*

Adequate capacity is available

### ***Sport England***

No objection

### ***Wiltshire Council Ecology***

Initially objected however following the carrying out of further surveys including for badgers, no objection subject to conditions. (see ecology below)

### ***Spatial Planning***

No objection

## **Housing**

Support the proposal

## **Wiltshire Highways**

I confirm that, whilst I am wholly satisfied with the principle and layout of this development, I have noted that there is a slight deficiency in the parking provision for the affordable and Council properties: however, this deficiency is only four to five spaces and there is more than sufficient space to provide my minimum recommended additional parking of 4 spaces (without this extra provision, incidental parking could only take place near the entrance to the estate or in and around the turning head where obstruction would occur).

I therefore recommend that additional drawings be submitted showing four spaces in the following places:

1) Additional space o/s plots 36 and 37, ditto outside plots 40 and 41, ditto o/s plots 48 and 49, additional space o/s plot 45. I consider this requirement reasonable and necessary. I also note that the private parking provision is met and slightly exceeded for the flats plots 14-23.

You will recall that the previous outline scheme included requirements for a travel plan and traffic calming along Pembroke Road, the terms of which would be contained within a Section 106 Agreement. These requirements have been fully reconsidered in the light of feasibility development work by the Council for traffic calming measures along Pembroke Road and further measures to improve cycle and pedestrian measures in the vicinity of the site. It is now felt appropriate to require an obligation for a one off traffic calming and sustainable transport contribution of £75,000 which will also include a package of personalised travel planning for each dwelling (to be administered by the Council). The contribution should be made before the development proceeds by way of a Section 106 obligation. By way of confirmation, the traffic calming measures will include a mini roundabout at the junction of Pembroke Road and Festival Avenue.

I am satisfied with the details of access in relation geometry and road gradient near the junction with Pembroke Road, but full details will be required via condition. The internal road layout and access points to shared surface areas meet my requirements, save the design of the emergency link which is not fully and accurately shown. The emergency link provides an important sustainable link for pedestrians and cyclists and must be provided in accordance with further details for approval. I also confirm that I have no objection to the temporary use of the existing access via Penrudduck Close for construction traffic but the main access must be available and this access closed to vehicular traffic before first occupation.

## **Wiltshire Archaeology**

Following the carrying out of further archaeological surveys that showed little of archaeological interest. No further comment.

## **Wiltshire Constabulary - Architectural Liaison Officer**

1. Social housing is concentrated in one area, this should ideally be 'pepper potted' throughout the development so as to blend in with market housing and not cause segregation.

*Diversity of layout, building form and tenure can contribute to making successful living and working environments. To promote social inclusion, in well-designing places, social housing is*

*not distinguishable from private housing by its design, nor is it banished to the least attractive site. **By design – Urban design in the planning system (companion to PPS 1)***

***English partnerships/Homes and communities agency quality standards suggests “units should be tenure blind, with a maximum of 6 social units together”***

2. There are a number of side and rear alleyways; these must be discouraged as they can provide easy access to vulnerable areas of properties, where crime can be committed unnoticed. Inappropriate rear alleyways can also increase the fear of crime as they often lack surveillance and lighting. Gating these alleys is an alternative, providing access only for those authorised, and ensuring that gates are flush with front/side elevations as to not create any recessed areas.

*Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. **Section 13.1 New homes guide 2010, Secured by Design***

*Alleyways in particular should not run along the rear or, and provide access to, buildings or garden. **Safer places***

3. A number of the parking courts are either overlooked by end gables, or the rear of buildings. This lack of surveillance makes them vulnerable. The developer should ensure that the parking areas are either overlooked by regularly habitable rooms or front doors, or by ensuring gable ends of buildings have window to maximise visual surveillance.
4. I note that entry to the development from Penruddock Close is for emergency vehicles only. How is the area to be controlled and maintained in the future?

### **Wiltshire Design Forum**

Adam Madge, Principal Planning Officer, presented the application proposals for Wiltshire Council-owned site. Adam explained the nature of the site constraints, which had influenced the proposed layout. Half of the site was proposed to be council housing, and the other half open market housing. The council housing was proposed to be two-storey, and the open market housing was proposed to be three storey houses and a four storey apartment block. The woods to the south were proposed to be retained.

The forum could not see how the scheme related to its context. The context was certainly not apparent from the drawings presented, and there seemed to be minimal information submitted with the application. For example, had a landscape study been carried out? Had any information been provided regarding sustainability? Furthermore the panel queried whether the houses would be ‘Lifetime Homes’. Some concern was expressed that the council housing was in one area of the site, and was different in design to the open market housing. It was felt that the different tenures should be integrated and all of a good quality of design.

The panel acknowledged that the constraints meant that this was a difficult site to develop. While it was recognised that the site constraints had influenced the layout, the panel felt that there did not appear to be any justification for the design approach chosen. It was unclear whether the design concept had been explained in the Design and Access Statement.

There was very little detail on the elevations, and as a result, the panel found it difficult to comment on the designs. The elevations appeared to show standard house types and patterns, and there was no apparent design rationale or concept. The panel felt that the scheme lacked character and flair.

There was a concern regarding the potential for a rat-run to be created through the site if the movable bollards weren't managed properly.

The panel commented on the importance of the roofscape since this would be quite visible. No chimneys were being proposed even though they are prevalent locally.

It was considered that a four storey block could work on the site, but not in the manner that was being proposed. The panel felt that the proposed block was bulky and characterless.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification from the 11<sup>th</sup> February 2010

Expiry date 18<sup>th</sup> March 2010 the application was readvertised following amendments received to the plans in September 2010 and this expired in late September.

**22** letters of objection have been received. (9 stating the same objections)

Summary of key points raised:

- 1) Considered that the additional amount of traffic generated by the development will impact on the Pembroke and Queen Alexandra Road areas close to the site. With 2 vehicular parking spaces per dwelling this makes a total of 130 vehicles accessing and leaving the site several times on a daily basis. This will lead to high levels of congestion during the morning and evening peak at a junction which is already difficult and dangerous to negotiate. Consider traffic calming measures should be introduced along Pembroke road and Queen Alexandra Road in order to avoid accidents.
- 2) Considers development is not in keeping with other houses particularly in terms of three storey dwellings. Also considers that the four storey blocks set in two towers at the Western end give the development the appearance of a 'prison camp'.
- 3) Earlier plans made clear the intention to retain several mature trees and an area of shrubbery that screens the development from the rear of properties in Jubilee Close. This is now shown to be removed. This provides screening to properties in Jubilee Close and otherwise houses in Jubilee Close would be overlooked.
- 4) Consider that the plans show a developers intention to achieve maximum financial benefit without giving due regard to the developments local impact. Considered that development has no resemblance to the plans shown to residents in November last year during consultation exercise.
- 5) Ask for reassurance that the recent consultation has no part to play in the application. If the reassurance is not forthcoming it would appear council has some hidden agenda in offering consultation and is clouding the issues in the planning application.
- 6) This is the only open green space at this end of the 'estate' that would be available for recreation or other activities. Actionaid 1010 urges local government to become involved in the target of cutting emissions by 10% by 2010. One of the actions is eating better through buying food grown locally and growing more yourself, increasing demand for allotments.
- 7) Proposed access road from Pembroke Road is within 10 meters of 54 Pembroke road and will necessitate some cutting and filling to accommodate the slope. Owner of 54 is concerned that there may be ground movement that would affect his property. Wishes to be reassured that the resulting cutting will result in a completely settled and stabilised slope next to the bungalow and that the Cherry trees will remain in place as a result.
- 8) Numerous accidents have been witnessed over a 25 year period adjacent 54 Pembroke road which occur when impatient drivers leave the Queen Alexandra chicane and

overtake slower cars along Pembroke Road. It requires more than just notices or road bumps to curb the problem.

- 9) Also considers it would be useful to repair and maintain the fencing opposite the new entrance on Pembroke road where cars, cycles and vandals have broken through at times.
- 10) Wish to see the Woodland retained for wildlife and not open to the public.
- 11) The wood is the only green space left after the building of 31 houses further up Queen Alexandra road last year.
- 12) Concern from residents of Pembroke Park bungalow that the proposal will affect their light, air and privacy.
- 13) Concern about planting of trees close to Pembroke Park bungalow which will cut out light. Also concerns about noise and disturbance from vehicles.
- 14) Query how the emergency access will be used?
- 15) Houses backing on to Jubilee Close would block out sunlight and daylight.

## 9. Planning Considerations

### **9.1 Principle of development including Open Space issues and the previous use of the site as a School**

The site of the former Pembroke Park School is covered by a number of particular designations contained within the saved policies of the adopted Salisbury District Local Plan. In particular the proposal site is located:

- Outside of the housing policy boundary
- Within a groundwater Source protection area
- In an area of archaeological significance
- Part of the site is designated as recreational open space (policy R5)

The site is located outside of the housing policy boundary for the city of Salisbury. Areas of land that are located outside of housing policy boundaries and that are not otherwise designated as housing constraint areas or other areas unrelated to housing are considered to be the countryside for planning purposes. Therefore whilst the proposed development site is located within the built up settlement of Salisbury it is considered for planning purposes as part of the open countryside.

In considering any proposal for development of this site outside of the housing policy boundary policy H22 is relevant here. Policy H22 states that:

*In the main settlements of the District, residential development will be permitted on previously developed urban land outside a Housing Policy Boundary provided that the site is:*

- (i) not identified for an alternative form of development in this Local Plan;*
- (ii) well related to the existing pattern of development; and*
- (iii) accessible by public transport.*

*Proposals which would involve land currently in employment use will only be permitted if the business is relocated to an alternative site in the settlement which does not increase reliance on the private car, or the land and building(s) are unsuitable and not viable for alternative employment uses.*

It is considered that the site meets these criteria as the development is not identified for an

alternative form of development and it is well related to the existing pattern of development being surrounded by other built form. In addition the Pulsline bus service runs close to the site providing a bus service every ten minutes in the daytime to Salisbury City Centre and on to the hospital. This service changes to every 30 minutes on Sundays and in the evenings. This is as good a bus service as could be expected for this part of the city and as such therefore it is considered that this application site is accessible by public transport.

Given that the site is located outside of the housing policy boundary but complies with policy H22 of the local plan it is considered that the principal of residential development in this area is acceptable subject to the provisions of policy R5 and PS3 of the saved policies of the Salisbury District Council Local Plan. The Southern part of the site is covered by policy R5

Policy R5 states:

*Development which would lead to the loss of public or private sports fields, other recreational open space, or school playing fields, will not be permitted unless:*

*(i) sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or*

*(ii) alternative equivalent provision is made available in the locality; or*

*(iii) there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision*

The current proposal will lead to the loss of a public or private sports field or other open space contrary to policy R5. The proposal will therefore not comply with policy R5 as it does not comply with any of the three criteria set out as exceptions in the loss of open space and playing fields within that policy.

At present the playing fields/open space are fenced off and private and are inaccessible to the public, they are essentially private and not available to people living in the area. They could continue this way for some time. The development before the council shows an area of land in the centre of the development that would be laid out as open space readily available to the public. This represents an improvement on the existing situation.

The previous application S/2007/1152 which was for the development of 65 new dwellings at this site is relevant. This planning permission was never issued as the previous applicant (Wiltshire County Council) chose not to sign the relevant legal agreement. However members of Salisbury District Councils City area committee resolved to grant planning permission for the development. The officers report outlined that Sport England raised no objections at that time to the loss of the open space and that the then Salisbury District Councils forward planning department also raised no objection providing that between 0.2 and 0.25 ha of open space is produced in the new scheme to replace and compensate for the loss.

The previous officer report for S/2007/1152 stated:

*Since the previous application was refused, (S/2006/1169) the Council's Recreational Open Space Audit has been published, and indicates that there is some shortfall in open space within the Salisbury Area.*

*The Council's policy team has indicated that the proposal is generally acceptable in policy terms and indeed provides a relatively rare opportunity for significant housing development in a sustainable location and environmentally acceptable location within the existing urban envelope.*

*As a result of the suggested shortfall however, our Policy team has suggested that every effort should be made to maximise the usable open space on the site, particularly as the indicative current proposals indicate a significant reduction in open space provision from 0.76ha to only 0.1 hectares. It is their opinion that if the site is developed for 65 dwellings, then there is scope on site to increase this open space to about 0.2 –0.25 ha depending on the final design of any scheme. On this basis, subject to some additional open space being provided on the site, the policy team raise no objections.*

In view of the fact that Sport England have raised no objections to the loss of the playing fields, that the councils spatial/forward planning team have no objection to the loss of the playing fields and that at present there is no access to the playing fields and new publicly accessible open space will be available, it is considered that despite being contrary to policy R5, the loss of the existing playing fields is acceptable.

The loss of the existing school site has to be considered in the context of policy PS3 of the saved policies of the Salisbury District Council Local Plan (the existing school building has already been demolished). Policy PS3 states that:

*The change of use of premises within settlements that are currently used, or have been used for retailing, as a public house or to provide a community facility central to the economic and/or social life of the settlement, will only be permitted where the applicant can prove that the current or previous use is no longer viable.*

Policy PS3 only applies to facilities and services within smaller settlements and Salisbury City is not considered a smaller settlement in the context of this policy and Wiltshire as a whole, therefore it is not considered that policy PS3 can be applied to this development.

As there are no other policies that require the retention of public facilities such as schools within Salisbury City and as the pupils from the school have now been amalgamated at Avon school it is considered that the principle of retaining the site for school use cannot be supported in policy terms.

In conclusion, the principle of retaining the site for playing fields and a school cannot be supported in policy terms and therefore their loss and replacement with housing development is considered acceptable in policy terms and follows both the officer report and the committee resolution for planning application S/2007/1169 (see site history).

## **9.2 Layout and design of the building including architecture**

The layout and urban design of the proposal have largely been dictated by the constraints of the site. The site lies within a 'bowl' where on three sides the site slopes steeply up to houses and the road, therefore all the dwellings have had to be positioned in the bottom of this rather than at the sides. The need to provide a substantive area of open space to compensate for the policy issues and the fact that there is a main pipeline lying where the access road is positioned have all dictated the layout of the site.

The buildings are clad in brick and render not unlike properties elsewhere in Salisbury and properties in neighbouring Jubilee Close are also clad in brick. Plots 25 -29 have been amended to include gable fronts to the properties which has introduced some variation to the buildings similarly rooms have been provided in the roof to these properties rather than being full three storey properties which has further helped the design. Chimneys have been introduced on other buildings to help with the articulation of the roof.



The design forums comments are noted and as stated above the layout has been influenced by its context. The comments regarding the moveable bollards are noted and a condition is proposed covering this aspect of the design. The applicant has since added a number of chimneys to the scheme to break up the roofscape.

In respect of the police architectural liaison officers comments the alleyways which are shown on the plans have now been gated and further windows have been positioned to overlook the parking courts as shown in the amended plans. The comments regarding the affordable housing all being in one place are addressed below under the section entitled affordable housing.

A matter of significance and one that has been raised by objectors to the scheme is the height of the block of flats at one end of the development. These are four storeys in height and will therefore be taller than the surrounding properties and new properties built within the site. The flats will be very prominent when viewed from Pembroke road in particular. The height is enhanced as the ground whilst relatively low at this point at present is to be built up which will mean that the upper storeys of these properties will be visible and prominent from Pembroke Road. This prominence needs to be carefully considered and needs to be weighed against other factors in the scheme when considering its acceptability.

### **9.2.1 Amended plans**

The applicant has submitted amended plans which were received on the 25<sup>th</sup> October 2010 to overcome some of the previous objections to the scheme. These amended plans include the following changes:

- Further chimneys and porches have been added to create architectural interest to the street scenes.
- Plots 28-31 (three storey properties) have been changed to three storey with gable fronts the applicants have stated that these have been “added to reduce impact to existing neighbouring properties and create further architectural interest to the street scene.”
- Gable profiles have been added to the roof configurations of some of the two storey properties again to create further architectural interest to the street scene.
- Existing and further proposed landscaping on the western boundary has been indicated/added to reduce the impact to existing neighbouring properties.
- Plots 25-29 in the north western corner of the site have been reconfigured in order to move properties away from the boundaries with Jubilee Close and a parking court has been introduced at this point.
- Plots 55-64 have been angled to try and break up the formality of the layout.
- Additional parking spaces have been inserted to address highways concerns.

### **9.3 Affordable housing provision**

The site currently provides for 40% affordable housing which is proposed to consist of 22 rented affordable dwellings to be built by the council and 4 shared equity properties. The 40% affordable housing provision complies with the councils policies for the proportion of affordable housing that should be provided on a site of this size.

Concern has been expressed by the police architectural liaison officer that all the affordable housing is positioned at one end of the site and that this is undesirable in terms of social cohesion normally achieved by spreading such housing through a development. This housing has specifically been put at one end of the development as this needs to be developed first as there is a government grant associated with this aspect of the development which is time sensitive. This end of the site can be accessed off Penruddock Close for building purposes

before the new access off Pembroke Road is created.

Given that the development meets the councils criteria for percentage of housing to be provided and the amount of social housing in one area is no larger than on other recent developments in South Wiltshire (like Old Sarum) it is not considered that this should prevent development taking place.

#### **9.4 Ecology**

Relevant guidance on ecology is set out in PPS9 *Biodiversity and Geological Conservation* and its related good practice guide, and administrative guidance on the application of the law relating to planning and nature conservation is given in Circular 06/2005. Among other things, the Circular makes clear (at para. 99) that the presence of protected species, and the extent to which they may be affected by a proposed development, should be established before permission is granted the so-called precautionary principle.

In this case the applicants have submitted with the application an ecology report which was carried out in October 2009. The report has identified the following habitats and animals that may be present on the site-

An area of unimproved neutral grassland

Badgers – potentially in the adjacent woodland

Reptiles- The whole area of development

Bats and trees

Further studies were carried out of the badgers and reptiles on the site. The badger survey found that there was no active badger sett within 20- 30m of building work and therefore the councils ecologist has recommended that a condition be used to demonstrate the measures that will be taken to ensure badgers are not affected by the works.

Slow worms were found to exist on the site in August 2010 and the ecology report recommends moving them before development commences again a condition is proposed to deal with this.

The councils ecologist has also recommended that a survey and report be submitted to the council prior to any trees being removed from the site in order that mitigation can be undertaken for any trees likely to contain bats.

There is a small area present on site of unimproved grassland which the councils ecologist suggests a condition for stripping and relocating this. This is included at the end of this report.

It is intended that the woodland is left unaffected by this proposal and that no further public access is provided to it. A condition is suggested for its future maintenance and management.

It is considered that all the ecology matters can be dealt with adequately by condition as proposed in the council's ecologists response.

#### **9.5 Archaeology**

The applicants have instructed archaeologists to carry out trench evaluations to investigate any archaeology on site. The evaluation did not find any significant cut archaeological features. Whilst there are some areas of the site which are of archaeological value the trenching that has

been carried out has sampled and recorded these archaeological features. There is therefore no requirement for any further archaeological work as the proposal complies with policy CN21 of the saved policies of the local plan.

### **9.6 Flooding and drainage**

Flooding and drainage is an important issue on this site as the site is situated at a lower level than the majority of the surrounding land and therefore it is important to ensure that surface water is correctly disposed of. The applicants have carried out a flood risk assessment which assesses the development as being entirely within flood zone 1 which is itself at a low risk of flooding. The Environment Agency have assessed the flood risk assessment and raise no objections to the development on the basis of the flood risk assessment. They do recommend a condition regarding surface water drainage which should be imposed on any development granted.

### **9.7 Highways and transport issues**

The development makes provision for 112 car parking spaces on site (12 of these are for visitor parking) All three bed houses have been provided with two parking spaces whilst smaller 2 bedroom houses have been provided with one parking space as have the majority of the flats. Consultation has taken place with the council's highways officer who has confirmed that whilst the development is acceptable in principle a further four parking spaces are required. Amended plans have been received.

The development proposes the use of Pembroke road as it's main vehicular entrance to the site this utilises the significant visibility splays that will be available down the length of Pembroke road in either direction. The proposed traffic calming measures that are to be secured through the S106 legal agreement will mean that traffic will be travelling slow enough to make this entrance and exit acceptable.

It is intended that the Penruddock Close access to the site will be used initially to build the low cost housing however when this has been completed and a new entrance on to Pembroke road has been developed the Penruddock close entrance will be closed to vehicular traffic (other than for emergency vehicles and pedestrians and bicycles). This is considered acceptable as it will provide permeability to the scheme without taking vehicular traffic past existing properties.

### **9.8 Amenity issues**

Residents in Jubilee Close in particular have raised the issue of overlooking of their properties and overbearing from properties that are proposed to be built close to the boundary with Jubilee Close. The particular area of concern is a number of three storey town houses situated along the boundary which back on to Jubilee Close.

The applicants have amended the plans in this respect to show the existing tree and shrub belt along the boundary as retained between the application site and the houses in jubilee Close. This will help to a limited extent with any perception of overlooking. The houses as proposed are set down by approximately 3-4 metres from those in Jubilee Close and the back to back distance is 20M which is considered acceptable in planning terms. It would not be considered reasonable to refuse the planning application in terms of overlooking or overbearing views from the new to the older properties.

## 9.9 Other issues

The issue of car movements and traffic calming is considered above in section 9.6 on highways and transport issues. Whilst residents concerns about traffic movements are noted. Officers consider it unlikely that as has been suggested by residents there will be 130 vehicles on the site, as this assumes every house has a minimum of two cars at any one time. Whilst many houses may have two vehicles (and some may have more) it is very unlikely that every property will have two vehicles and that both of these vehicles will leave the site and re enter during the course of the day. It should also be noted that there were considerable vehicular movements associated with the former school (in the region of 90 vehicles in the morning peak). It is proposed as part of the S106 agreement at this site that traffic calming measures along Pembroke road are introduced.

Whether the development is in keeping with other developments in the area is a matter of opinion. It is not correct to say that the numbers of three storey houses is not similar to other developments in the area as it is very similar to the proportions of houses on the former Dairy site where there are a considerable number of three storey dwellings. It is further considered unreasonable to describe the development of the four storey blocks at one end of the site as being like a prison camp, as they appear as four storey blocks of flats and nothing else.

## 10. Conclusion

The school site is now disused and the council following the removal of the school to another site no longer needs this site to meet its educational needs. However, only some of the area can really be described as previously developed land as defined in PPS3, with the rest forming recreational/playing field type land.

The redevelopment provides for a significant amount of new housing on this brownfield site. Measures are included within the permission to ensure the retention of, and amelioration of effects on, ecology and the Woodland area to the East of the site. It is considered that there is adequate distance between properties to ensure that there will be no overlooking of neighbours from the proposed development. Whilst the height of flats proposed on site at four storeys is significant it is considered on balance that weighing all the relevant planning matters together that the development is acceptable and as such complies with policies G1, G2, H1, H22 and H25 of the saved policies of the adopted local plan.

## Recommendation

**Subject to the completion of a s106 agreement in respect of:**

- (i) The provision of 40 per cent affordable housing
- (ii) A minimum provision on site of 0.2 hectares of formal open space (excluding the wooded area)
- (iii) A contribution towards off site open space
- (iv) Waste and recycling scheme provision
- (v) Sustainable urban drainage system maintenance
- (vi) The achievement of an environmentally-friendly sustainable scheme, including at least a code three code for sustainable homes rating and where practicable, a

percentage of power generation being from on site sources.

- (vii) The provision of a maintenance scheme for the retained woodland area on the Eastern boundary.
- (viii) The provision of off site highway improvement works along Pembroke Road
- (ix) A financial contribution towards sustainable highway measures

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

It is considered that this application makes maximum use of the available land, providing a substantive proportion of affordable housing on an otherwise vacant site. The proposal therefore complies with policy H1 of the Salisbury District local plan. The area of open space in the centre of the proposed development is considered adequately compensates for the loss of the previous school playing fields.

The design and layout of the proposal is satisfactory and it is considered complies with policies G1 and G2 of the adopted local plan as well as design policies D1 and D7 as it makes maximum use of the site whilst considering the significant constraints imposed by levels and heights.

It is considered that residential amenity would not be significantly harmed by the proposal as houses facing Jubilee Close are at a lower level and set back 20 M and behind existing trees and shrubs as such it is considered that residential amenity to Jubilee Close will be preserved in line with policy G1 and G2 of the adopted local plan.

The proposal is considered to improve highway safety standards in the vicinity of the proposal by providing funding for off site highway improvements along Pembroke road and closing vehicular access to Penrodduck Close as such the proposal complies with policy TR1 of the saved policies of the adopted local plan.

The site will make provision for 40% affordable housing on site of which a substantial proportion is proposed as council built housing. This will help meet the need for affordable housing within the Southern part of Wiltshire and as such complies with policy H25 of the adopted local plan.

In addition it makes provision for the retention and future management of the woodland area to the east of the site.

It is considered that the proposal accords with policies G1, G2, H1, H22 and H25 of the saved policies of the adopted local plan.

**And subject to the following conditions:**

1. The development hereby approved 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. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority prior to the

commencement of the dwellings and where so required by the Local Planning Authority sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure a harmonious form of development.

#### POLICY G2

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

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

#### POLICY G2

4. Prior to the commencement of development an ecological management plan shall be submitted to and approved in writing by the local planning authority such a plan shall include an evaluation of ecological site features; a summary of ecological objectives proposals to protect ecological features, management and maintenance prescriptions, implementation and funding and a 5 year schedule of works including the monitoring and review of the plan. The approved details of the plan shall be implemented in accordance with the timescale set out in the approved plan.

REASON : In the interests of protecting wildlife on the site

#### POLICY G2

5. Prior to commencement of development a badger protection method statement shall be submitted to and approved in writing by the local planning authority. Such a protection method statement shall demonstrate the measures that will be taken to ensure badgers are not affected by the construction works. The development shall be carried out in accordance with the details approved.

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

#### POLICY G2

6. Prior to the commencement of development a reptile protection method statement shall be submitted to and approved in writing by the local planning authority. Such a protection method statement shall demonstrate the measures that will be taken to ensure reptiles are not affected by the construction works. The development shall be carried out in accordance with the details approved.

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

#### POLICY G2

7. Prior to the first felling of any trees on site a report shall be submitted identifying those trees that are to be felled and any mitigation measures that are required to protect

bats within those trees. Such a report shall be submitted and approved in writing prior to commencement of development any development shall then be carried out in accordance with the details in the report.

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

#### POLICY G2

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

- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

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

#### POLICY G2

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

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

#### POLICY G2

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

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

#### POLICY G2

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

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

#### POLICY G2

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

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

#### POLICY G3

13. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme is to be maintained and managed after completion.

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

#### POLICY G5

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

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

#### POLICY G1

15. The development hereby approved shall be undertaken in full accordance with the following approved plans:

Planning Layout dwg no 0064-2-201\_Rev D  
Location Plan dwg no 0064 -0\_101  
Topographical survey plan 011-D1 -A



Topographical survey plan 011-D2 – A  
Topographical survey plan 011-D3 – A  
Affordable housing plan 0064 -2-203  
Slab levels and drainage plan 0064-2-206  
Street lighting plan 0064 – 5-531  
Site sections 0064-2-208-A  
Materials Plan 0064-2-300  
Street scene elevations 0064-2-301-B  
House type A – rev A  
House Type B – rev A  
House Type C – rev A  
House Type D – rev A  
House Type E – rev B  
House Type F – rev B  
House Type F1 – rev A  
House Type G  
House Type H –rev A  
House Type H1 – rev A  
House Type H2  
House Type J – rev B  
House Type J1  
House Type K – rev A  
Landscape Proposals dwg no 0064-3001 –rev A

REASON: For the avoidance of doubt

16. Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday no work on Sundays and Public Holidays.  
This condition does not apply to the internal fitting out of the buildings

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

17. Before development commences, further details of the emergency link to Penruddock Close shall be submitted and approved in writing by the Local Planning Authority. Such details shall show a 3m width of maintainable public highway for use for pedestrians and cyclists, with suitable measures to prevent access by vehicular traffic other than emergency vehicles: and the emergency link shall be provided before the 50th occupation of the dwellings the subject of this permission.

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

POLICY G2

18. Prior to the commencement of development, full engineering details of the road layout and construction including longitudinal sections, typical cross sections, road drainage and street lighting shall be submitted for the written approval of the Local Planning Authority; and the road constructed in accordance with these details between each dwelling and the main access junction with Pembroke Road prior to occupation of each dwelling.

Reason In the interests of highway safety

POLICY G2

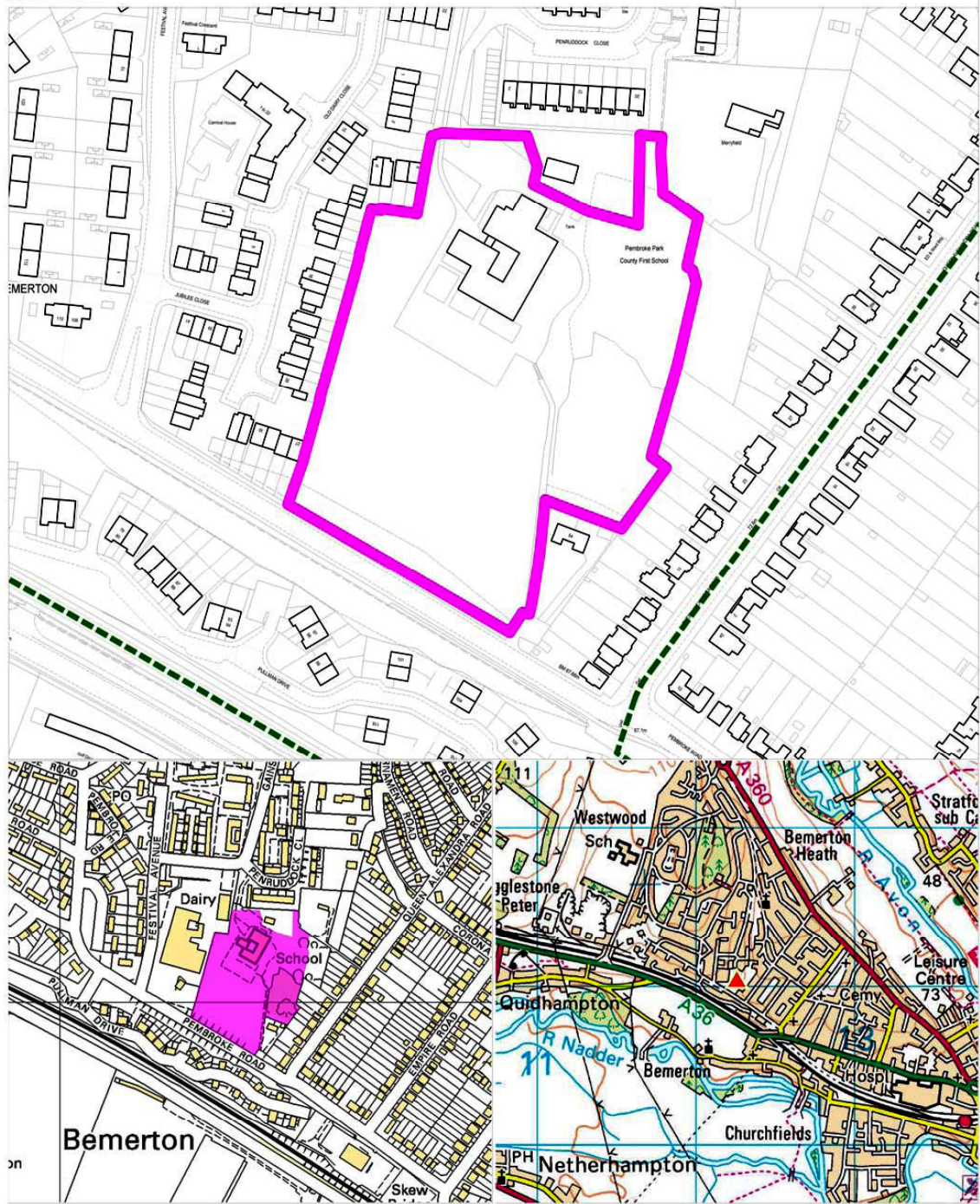
**Informative Notes:**

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

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

<b>Appendices:</b>	None
<b>Background documents used in the preparation of this report:</b>	Planning Layout dwg no 0064-2-201_Rev D Location Plan dwg no 0064 -0_101 Topographical survey plan 011-D1 –A Topographical survey plan 011-D2 – A Topographical survey plan 011-D3 – A Affordable housing plan 0064 -2-203 Slab levels and drainage plan 0064-2-206 Street lighting plan 0064 – 5-531 Site sections 0064-2-208-A Materials Plan 0064-2-300 Street scene elevations 0064-2-301-B House type A – rev A House Type B – rev A
	House Type C – rev A House Type D – rev A House Type E – rev B House Type F – rev B House Type F1 – rev A House Type G House Type H –rev A House Type H1 – rev A House Type H2 House Type J – rev B House Type J1 House Type K – rev A Landscape Proposals dwg no 0064-3001 –rev A

S/2010/173



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### FORMER PEMBROKE PARK SCHOOL

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<b>Deadline</b>	<b>7<sup>th</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1194</b>		
<b>Site Address:</b>	<b>OLD POST OFFICE SEMLEY SHAFTESBURY SP7 9AU</b>		
<b>Proposal:</b>	<b>CHANGE OF USE FROM A1 TO MIXED USE FOR TAPAS BAR, DELICATESSEN, RETAIL SALE OF ALCOHOL AND OUTDOOR SEATING AREA</b>		
<b>Applicant/ Agent:</b>	<b>MR DUTHIE</b>		
<b>Parish:</b>	<b>SEDGEHILL &amp; SEMLEY - NADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>389132.9</b>	<b>126856.4</b>	
<b>Type of Application:</b>			
<b>Conservation Area:</b>	<b>SEMLEY</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MR B HATT</b>	<b>Contact Number:</b>	<b>01722 434541</b>

### Reason for application being considered by committee

Councillor Wayman called the application to committee for the consideration of:

- Environmental/highway impact
- Car parking

### 1. Purpose of Report

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

### *Neighbourhood Responses*

**16** Letters of objection have been received

**3** Letters of support have been received

### *Parish Council Response*

Various Comments raised (See section 7)

### 2. Main Issues

The main issues to consider are :

- 9.1 Principle
- 9.2 Impact on highway safety/parking
- 9.3 Impact on amenities

### 3. Site Description

The Old Post Office is a mid terrace property located within the rural settlement of Semley. The property has residential properties to both sides and is directly adjacent to a junior school. To the front of the property is off street parking for 2 vehicles. The property is currently used as a Tapas Bar and wine shop.

### 4. Planning History

Application number	Proposal	Decision	
08/1249	Convert 1 <sup>st</sup> floor storage area into single bedroom flat with bedroom, sitting room & bathroom	AC	19/09/08
07/794	Change of use from A1 to wholesale and retail of food and drink (non-alcoholic and alcoholic) and retail of associated products	AC	22/06/07
07/0071	Change of use from A1 to wholesale and retail food and drink (non-alcoholic and alcoholic) and retail of associated products	R	07/03/07
06/1379	Change of use of part ground floor to residential to form one dwelling and one shop with store above, together with alterations	AC	01/09/06
06/396	Change of use of part of ground floor to residential to form one dwelling and one shop with flat above	REF	13/06/06
05/2213	convert former post office & stores to 2 dwellings	WD	24/11/05
04/626	Removal of conditions 4 and 5 of S/98/1870 to permit A106 use of annexe as separate dwelling		20/07/04
00/572	To remove condition 2 of planning permission S/98/1870 requiring new work to be rendered	REF	22/05/00
98/1870	Two storey extension for granny annexe and single	AC	11/03/99

### 5. The Proposal

Permission is sought for the change of use from suis generis to mixed use as a Tapas bar, delicatessen, retail sale of alcohol and outdoor seating area. The proposed retrospective change of use from A1 to mixed use for a tapas bar, delicatessen with retail sale of alcohol and outdoor seating area is located in a prominent location within the rural settlement of Semley. The mixed use of the building includes an outdoor seating area located at the front of the property which can seat up to 16 people and is located directly adjacent to the parking area and the neighbouring property 'Beech Cottage'. A close board fence with a trellis top provides a screen to 'Beech Cottage' in order to retain a level of privacy to the front of the adjoining property.

## **6. Planning Policy**

The following policies are considered relevant to this proposal:

PS3 –change of use in rural settlements

PPS4 - Planning for Sustainable Economic Growth

G2- General Criteria for development

C5 – Landscape Conservation of Area of Outstanding Natural Beauty

CN8 – Conservation Areas

S9 – Local shops

## **7. Consultations**

### ***Parish council***

Comments made inviting the Local Authority to consider certain the following aspects:

- Clarification of ownership of the forecourt to the Old Post Office and the Old Stores House, with particular reference to access, common land, proposed use of the whole for parking and seating
- Are the toilet arrangements as shown acceptable for the uses requested?
- Local objections
- Proximity of the local school
- Police involvement
- Breaches of current planning conditions

### ***Highways***

Object on Highway safety grounds

### ***Environment Agency***

No objections

### ***Environmental Health***

No objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 21/09/10

16 letters of objection have been received raising concerns over parking, noise, and impact on the amenities of the village.

3 letters of support

## **9. Planning Considerations**

### **9.1 Principle**

The provision of a restaurant/shop is in accordance with aims of policy PS3 and S9 and guidance set out in PPS4. The proposed retrospective change of use from A1 to mixed use for a tapas bar, delicatessen with retail sale of alcohol and outdoor seating area is located in a prominent location within the rural settlement of Semley. The mixed use of the building includes an outdoor seating area located at the front of the property which can seat up to 16 people and is located directly adjacent to the parking area and the neighbouring property 'Beech Cottage'. A close board fence with a trellis top provides a screen to 'Beech Cottage' in order to retain a level of privacy to the front of the adjoining property.

### **9.2 Impact on Amenities**

There has been 14 letters of objection received raising concerns over the impact of the continuation of the tapas bar on the amenities of the surrounding area. The main areas of concern are the proximity of the tapas bar to the Primary school (located directly opposite the Tapas bar), the increase in traffic and parking, the impact on the character of the area, noise problems, and the lack of need within the area as a public house is already in existence. A previous application (S/2007/0794) for the change of use from A1 to wholesale and retail of food and drink (non alcoholic and alcoholic) and retail of associated products was approved subject to a number of conditions. Whilst concerns were raised around the opening hours and use of the property the use was granted. It is considered that whilst this change of use will amplify existing issues such as an outdoor seating area and the noise emitted from the Tapas bar the letters of representation do not raise an objection to the principle of the Tapas bar. It appears that the objections relate to the way in which the current applicant has operated the premises and not to the use itself which the Local Authority cannot control beyond planning matters such as opening hours and noise attenuation. Furthermore it is not for the Local Planning Authority to make a judgement on the applicant's ability to run the premises or comment on the behaviour of the customers during the course of their visit to the premises. This is a civil matter for the parties concerned and for the police and if considered appropriate the licensing department of Wiltshire Council.

The proposed change of use will result in an extension of opening times, from 08:00 to 20:00 Mondays to Saturdays to 08:00 to 23:00 Mondays to Saturdays an increase of 3 hours into the evening. It is considered that the extended opening hours are acceptable subject to condition restricting noise such as music and the submission of a scheme for the attenuation of noise in order to ensure that the amenities of the neighbouring properties are not impacted on to a detrimental degree.

A response from Environmental Health has raised concerns over the fats being disposed of in the foul drainage system. It is therefore considered reasonable to condition the submission of proposed grease traps and full details of extraction and odour abatement system including details on the specification and location of all fans and filters.

### **9.3 Highways Issues**

Highways have raised an objection over access and parking. The bar/restaurant can accommodate up to 17 seats with the additional outdoor seating area allowing for a further 16 seats giving a total of 33 seats. This would result in a need for 10 parking spaces on site. Current parking provision on site is for 6 vehicles which is 4 short of the Highways recommendation. This lack of parking could lead to increased parking pressure and parking on the roadside to the detriment of highway safety. The existing parking area is also used for the



outdoor parking and no parking plan has been submitted showing how the parking and access arrangements could resolve the highways concerns. Regarding access Highways have raised an objection over the use of the unmade access to the south of the site which would leave driver's views significantly obscured by a tree located in the southern verge. In view of the Highway safety concerns in is considered that the application be recommended for refusal.

## 10. Conclusion

Whilst the strong concerns and objections of the local people and police are noted, these objections seem to stem from the manner in which the applicant has operated the business, and do not relate to an in principle objection to the provision of the use itself. As a result, as the proposal would be in accordance with the broad aims of policies PS3 and S9 of the SDLP, and that impacts on residential amenity could either be dealt with by restrictive planning conditions or dealt with by other legislation, it is considered that an objection to this proposal in terms of its impact on residential amenity would be difficult to defend. However, highways have objected to the proposal on the grounds of inadequate parking and a substandard visibility splay to the southern entrance/exit which would leave drivers views significantly obscured. As such it is considered that refusal of the application is recommended on the grounds of highway safety contrary to the aims of saved policy G2 of the adopted Salisbury and District Local Plan.

## Recommendation

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

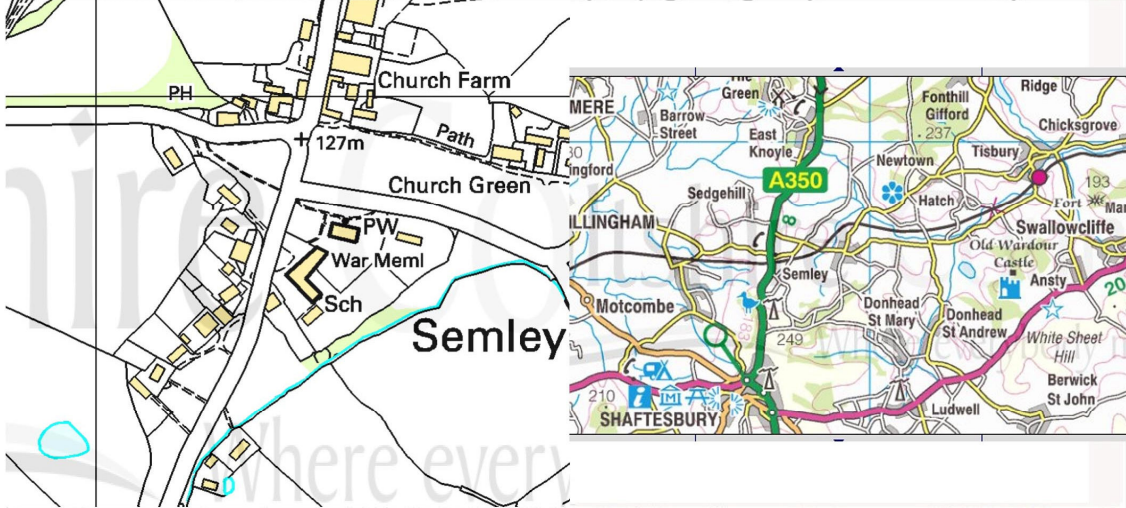
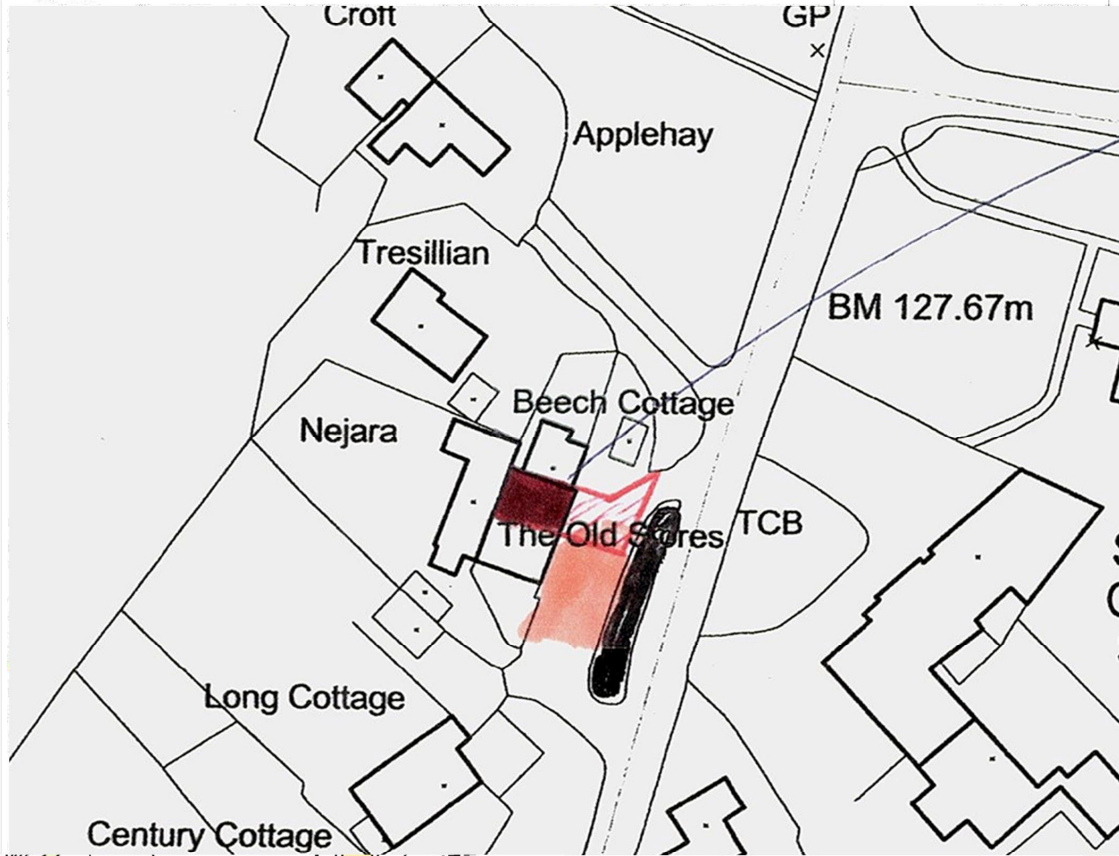
Whilst the strong concerns and objections of the local people and police are noted, these objections seem to stem from the manner in which the applicant has operated the business, and do not relate to an in principle objection to the provision of the use itself. As a result, as the proposal would be in accordance with the broad aims of policies PS3 and S9 of the SDLP, and that impacts on residential amenity could either be dealt with by restrictive planning conditions or dealt with by other legislation, it is considered that an objection to this proposal in terms of its impact on residential amenity would be difficult to defend. However, highways have objected to the proposal on the grounds of inadequate parking and a substandard visibility splay to the southern entrance/exit which would leave drivers views significantly obscured. As such it is considered that refusal of the application is recommended on the grounds of highway safety contrary to the aims of saved policy G2 of the adopted Salisbury and District Local Plan.

<b>Appendices:</b>	<b>None</b>
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<b>Background documents used in the preparation of this report:</b>	
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Old Post Office, Semley, Shaftesbury. SP7 9AU

S/2010/1194



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<b>Deadline</b>	<b>19<sup>th</sup> November 2010</b>		
<b>Application Number:</b>	<b>S/2010/1388</b>		
<b>Site Address:</b>	<b>THE BARKERS BARKERS HILL SEMLEY SHAFTESBURY SP7 9BQ</b>		
<b>Proposal:</b>	<b>SINGLE STOREY FRONT EXTENSION AND REAR STAIRWELL EXTENSION</b>		
<b>Applicant/ Agent:</b>	<b>MR AMIL GULAMALI</b>		
<b>Parish:</b>	<b>SEDGEHILL &amp; SEMLEYNADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>390791.5</b>	<b>125579</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</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 that planning permission be APPROVED subject to conditions.

***Neighbourhood Responses***

8 letters of objection/concern were received.

***Parish Council Response***

Have commented that the Parish must leave all considerations with the Planning Officer.

**2. Main Issues**

- Character & appearance of the area
- Amenities of the occupiers of nearby property

**3. Site Description**

The site relates to a chalet bungalow within the settlement of Barkers Hill. The chalet bungalow is in the process of being extended and altered, as granted through previous planning consents. Notably the extensions involve the formation of a two storey side extension, which has now been substantially completed, and the increase in the ridge height of the original dwelling which is still to be undertaken. The side extension has been constructed of natural stone and the original dwelling has now also been clad in this material.

Upon raising the roof of the new dwelling, the existing concrete tiles would be removed and replaced with clay tiles as per the roof of the recently constructed side extension.

The site is within the AONB and Housing Restraint Area.

#### 4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
S/2005/0222	Alterations & 2 storey side extension	AC	12.12.05
S/2006/1098	Alterations & 2 storey side extension	AC	07.08.06
S/2007/0921	Alterations & 2 storey side extension	REF	28.06.07
		Appeal allowed	21.04.08
S/2007/2121	Alterations & 2 storey side extension	REF	12.12.07
S/2007/2547	Alterations & 2 storey side extension	AC	01.02.08
S/2009/1370	Erect rear extension to provide internal stairwell	AC	21.10.09

#### 5. The Proposal

Consent is sought to erect a single storey front extension onto the recently constructed two storey side extension, which would be similar in appearance and design to a bay window. It is also proposed to modify the design of a previously approved, but yet to be implemented, stairwell extension to the rear of the dwelling.

#### 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Local Plan policies G2, H19, D3, C4, C5

#### 7. Consultations

##### ***Parish Council***

The Parish Council have not changed their views on this development, but in light of the past planning history and the applicants continual breaches of Planning Regulations on this site we feel that we must leave all considerations with the Planning Officer. However we would ask that pressure is brought on the applicant to complete the works and rid the neighbours of the continued sight of a very untidy building site.

## **8. Publicity**

The application was advertised by neighbour notification and site notice.  
8 letters of objection/concern were received, raising the following:

- Front extension is obtrusive and too close to the neighbouring boundary;
- The proposals are overdevelopment bearing in mind the extent of previous permitted additions;
- Works have been ongoing for some time and the uncompleted state of the building is an eyesore.

## **9. Planning Considerations**

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

The front extension would be constructed onto the gable end of the recently constructed two storey side extension. It would be of a subsidiary scale, similar in design and appearance to a bay window, with pitched roof and finished in matching natural stone and clay tiles to compliment the appearance of the dwelling. Due to the extension's relatively modest scale, low height and siting towards the side of the plot, partially contained within an embankment and screened by vegetation, it would not have a significant impact within the streetscene or surrounding landscape.

The stairwell extension would be situated on the rear of the dwelling where there would be no views from the streetscene, and steeply rising wooded ground to the rear would prevent any significant views from other directions. The overall scale of the stairwell extension would be larger than that permitted within a previous scheme (S/2009/1370), although it is considered that the simplified design now proposed would result in a better integration with the existing dwelling, and the effect of the increased scale would not be readily apparent from public vantage points. A new window and pitched roof dormer would also be formed between the gable of the proposed and existing rear extensions, which would also be well screened and would reflect the design and proportions of other permitted openings.

It is noted that concern has been expressed by several residents over the incremental effect of successive increases in size to the dwelling. However, in terms of the appearance of the dwelling from the streetscene, due to the siting and scale of the extensions as proposed, the current application would not result in a significant change beyond proposals that have previously been granted, which are themselves considered to represent an enhancement over the design and appearance of the original chalet bungalow.

Concern has also been expressed over the ongoing nature of the works to the property, specifically the time it has taken to finish approved works to the property, and the effects of the unfinished state of the building on its surroundings. However, this is not a matter for consideration within the current planning application, and would potentially be a separate matter. Notwithstanding this, provided that the site is kept reasonably tidy, and the works to implement previous permissions have not been abandoned, it is unlikely that any action could be pursued in order to overcome such concerns.

### ***9.2 Amenities of the occupiers of nearby property***

The side corner of the front extension would be constructed close to the neighbouring boundary with Honeysuckle Cottage, which is situated to the south of the site. However, the

extension would be of a small scale and modest height so that it would not have any adverse overbearing or overshadowing effects. Furthermore, it would be situated behind existing vegetation on the boundary which is of a greater height than the proposed front extension, and there would be no loss of privacy due to the extension's single storey nature.

The proposed rear extension would extend no further back than the recently constructed two storey side extension, and would therefore be entirely contained by this existing structure so that it would have no impact upon the neighbouring dwelling. There would be no overlooking from the rear extension or new windows given their orientation and distance from the well screened boundary.

## 10. Conclusion

The proposed extensions, by virtue of their appropriate scale, siting, design and materials, would have no significant impact upon the character and appearance of the area or the amenity of neighbours.

## RECOMMENDATION

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

The proposed extensions, by virtue of their appropriate scale, siting, design and materials, would have no significant impact upon the character and appearance of the area or the amenity of neighbours. The proposal would therefore accord with the aims and objectives of the development plan, having particular regard to Local Plan policies G2, H19, D3, C4 and C5.

### 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....Proposed floor plan....	Date Received....24.09.10....
Plan Ref....Proposed first floor plan....	Date Received....24.09.10....
Plan Ref....Proposed front east elevation....	Date Received....24.09.10....
Plan Ref....Proposed rear west elevation....	Date Received....24.09.10....
Plan Ref....Proposed north and south elevations....	Date Received....24.09.10....
Plan Ref....Proposed block plan....	Date Received....24.09.10....

Reason: For the avoidance of doubt.

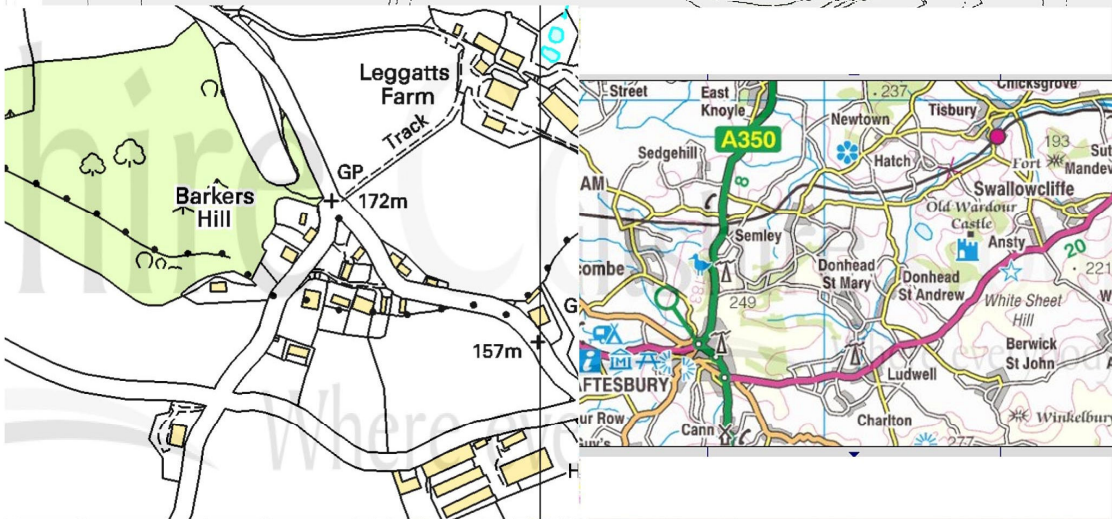
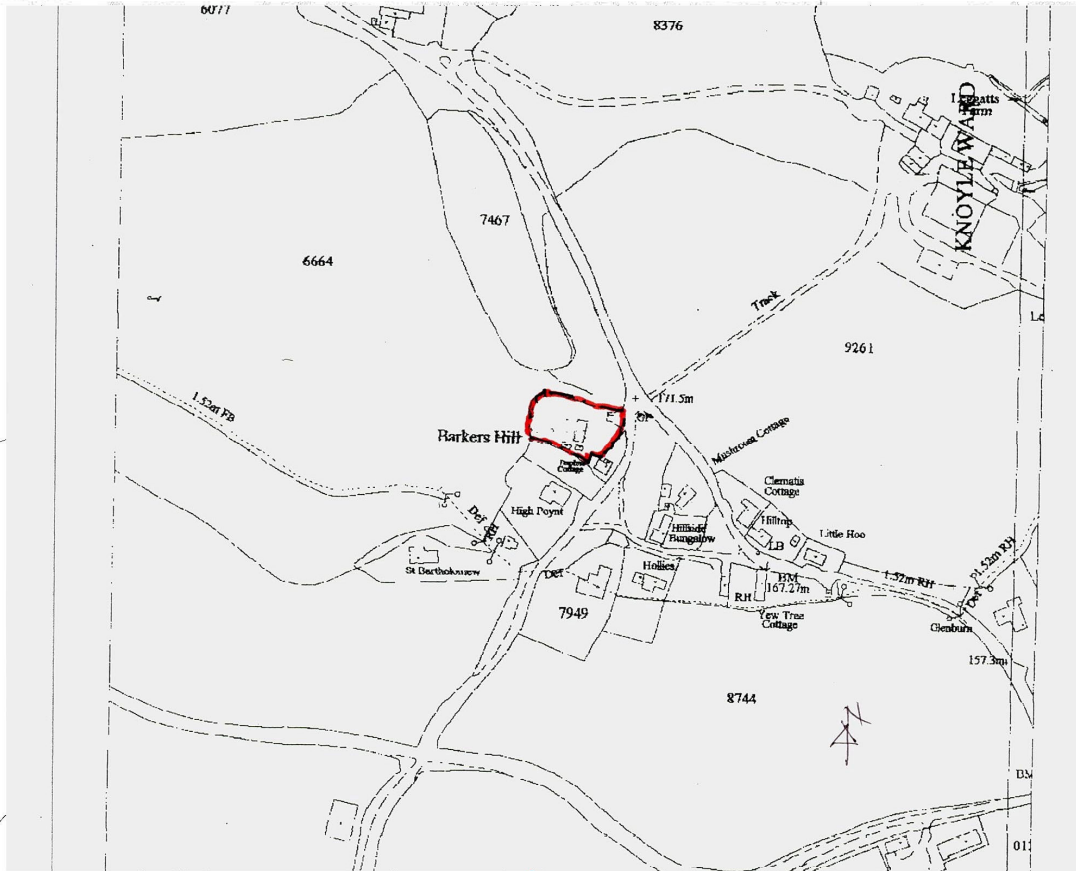
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

Reason: To secure a harmonious form of development.

Policy: H19, D3, C5

The Barkers, Barkers Hill, Semley, Shaftesbury. SP7 9BQ

S/2010/1388



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<b>Deadline</b>	<b>21<sup>st</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1252</b>		
<b>Site Address:</b>	<b>106 MALTHOUSE COTTAGE TISBURY SALISBURY SP3 6NN</b>		
<b>Proposal:</b>	<b>PROPOSED 2 BED DWELLING WITH INTEGRAL DOUBLE GARAGE</b>		
<b>Applicant/ Agent:</b>	<b>MR GARY SLATER</b>		
<b>Parish:</b>	<b>WEST TISBURY - TISBURY</b>		
<b>Grid Reference:</b>	<b>394126.4</b>	<b>128803</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>		<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MR B HATT</b>	<b>Contact Number:</b>	<b>01722 434541</b>

**Reason for application being considered by committee**

Councillor Deane called the application to committee for the consideration of:

- Scale of development
- Relationship to adjoining properties
- 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***

**3** Letters of objection have been received

**0** Letters of support have been received

***Parish Council Response***

Various Comments raised (See section 7)

**2. Main Issues**

The main issues to consider are:

- 9.1 Impact on amenities
- 9.2. Scale and design
- 9.3 Highways
- 9.4 Drainage

### 3. Site Description

The site is currently part of the residential curtilage of 106 Malthouse which is located on the edge of the rural settlement known as Tisbury. The site is located within an Area of Outstanding Natural Beauty, a Housing Policy Boundary, and an area of archaeological significance.

### 4. Planning History

Application number	Proposal	Decision
S/2010/0689	Erection of 2 bed dwelling with integral double garage	W/D 20/07/10

### 5. The Proposal

Permission is sought for the erection of a detached 2 bedroom dwelling with integral double garage located on a lane within the residential curtilage to the north of 106 Malthouse.

### 6. Planning Policy

The following policies are considered relevant to this proposal:

G2- General Criteria for development

D2 – Good design

H16 – Housing Policy Boundary

C5 – Landscape Conservation of Area of Outstanding Natural Beauty

### 7. Consultations

#### ***Parish council***

Objection on the grounds of design, parking, and drainage

#### ***Highways***

No objections subject to condition

#### ***Environment Agency***

No objections

#### ***Archaeology***

No objections

#### ***Wessex Water Authority***

No objections

## **English Heritage**

No comments

## **Wiltshire Fire & Rescue**

No objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 30/09/10

3 letters of objection have been received raising concerns over parking, amenity, drainage, and character of the area.

## **9. Planning Considerations**

### **9.1 Impact on Amenities**

The proposed 2 bedroom bungalow is to be located within what is currently part of the residential curtilage of 106 Malthouse. The proposal will be at its closest, approximately 4m from 106 Malthouse however this is at the corner of both properties and is considered to have a limited impact on either dwelling. The proposal is to be located so as not to create any overlooking issue to or from 106 Malthouse, which itself has no windows at either ground or first floor level to the northern elevation ensuring no overlooking occurs as a result of the proposal. The proposal has 1 window serving a bedroom facing the garden of 106 Malthouse however due to the single storey nature of the dwelling it is considered that the proposed 1.8m vertical feather edge fencing will ensure no detrimental impact on either properties amenity. An objection has been received regarding the rear windows. The windows to the rear of the property serve a bathroom and kitchen area and also include sliding folding doors to the living area. These will face onto the rear boundary with 16 and 20 High View Close however it is considered that the height of the windows (at ground floor level) when combined with the boundary treatments which include a stone wall which at its highest point will be approximately 0.8m and at its lowest will be approximately 0.6m will result in an adequate level of privacy to both neighbouring properties and the proposed dwelling. Furthermore it is not an uncommon feature in areas such as this to have ground floor windows facing onto a boundary with a neighbouring property. In addition to this the erection of a 2m close board fence which can be erected under permitted development rights can be erected by either parties sharing the boundaries.

Objections have been made regarding the level of amenity space to the proposed bungalow however provision has been made for amenity space to the side and rear of the property and it is considered that on balance whilst the amenity space provided is not large it would be difficult to defend an appeal a refusal based on these grounds alone given amenity space, albeit limited has been provided. The amenity space provided is acceptable.

### **9.2 Scale and Design**

The proposed single storey dwelling will be located to the north of a row of existing terrace houses. The proposal will finish on the highway edge with Monmouth Road which the existing row of terraced houses also do. Objections have been raised over the proposal being out of keeping with the surrounding rural area and Area of Outstanding Natural Beauty however it is considered that the simple design of the property along with the limited impact that the property

would have due to its single storey nature finishing at approximately 5.3m at its ridgeline ensures that no adverse impact on the Area of Outstanding Natural Beauty will occur. In addition to this the property will be viewed against a backdrop of existing houses along High View Close and 106, 107, and 108 Malthouse further reducing the overall impact of the development within the context of the surrounding area.

The proposal will use dark grey roof slates, and a pale yellow render which will match 106 Malthouse which will aid the proposed dwelling to merge with the neighbouring property and surrounding area. In addition to this all door and window frames are to be painted timber which will enhance the overall appearance of the property.

### **9.3 Highways**

The proposed bungalow includes an integral double garage with parking for up to 2 vehicles. In addition to this the proposal includes the retention of existing off street parking for the adjoining properties 106 and 107 Malthouse. Two parking spaces are retained for 107 Malthouse and one space is retained for 106 Malthouse however, there is an existing garage which serves 106 Malthouse providing parking for 1 vehicle. No objections have been received from highways subject to conditions ensuring the proposed garage shall not be converted to a habitable room and that the parking area shall be completed prior to the occupation of the proposal in order to ensure adequate parking provision to the proposal and the existing dwellings. In addition to this the proposed parking provision is in accordance with the appendix 5 car parking standards of the adopted Salisbury District Local Plan which recommends 2 spaces per unit for a development of this nature.

### **9.4 Drainage**

Objections have been received over foul drainage from neighbouring properties however no objections have been received from Wessex water regarding drainage which is to be connected to the existing drainage system for the proposed scheme.

## **10. Conclusion**

The proposal on balance whilst having limited amenity space is considered acceptable, as it would be in keeping with character of the area surrounding properties and whilst it is to be visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H16 (Housing Policy Boundary) of the adopted Salisbury District Local Plan.

## **Recommendation**

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

The proposal is considered acceptable, as it would be in keeping with character of the area surrounding properties and whilst it is to be visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H16 (Housing Policy Boundary) of the adopted 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 the Planning and Compulsory Purchase Act 2004.

2 No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00 weekdays and 08:00 & 13:00 Saturdays

Reason: In the interests of neighbouring amenity

3. During demolition and construction of the buildings, no bonfires or burning of surplus materials or other waste shall take place on site.

Reason: In the interest of neighbouring amenity

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

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

5. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

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), the garage hereby permitted shall not be converted to habitable accommodation or used for any business or other purpose whatsoever.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

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

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

**INFORMATIVE:**

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the detailed design stage.

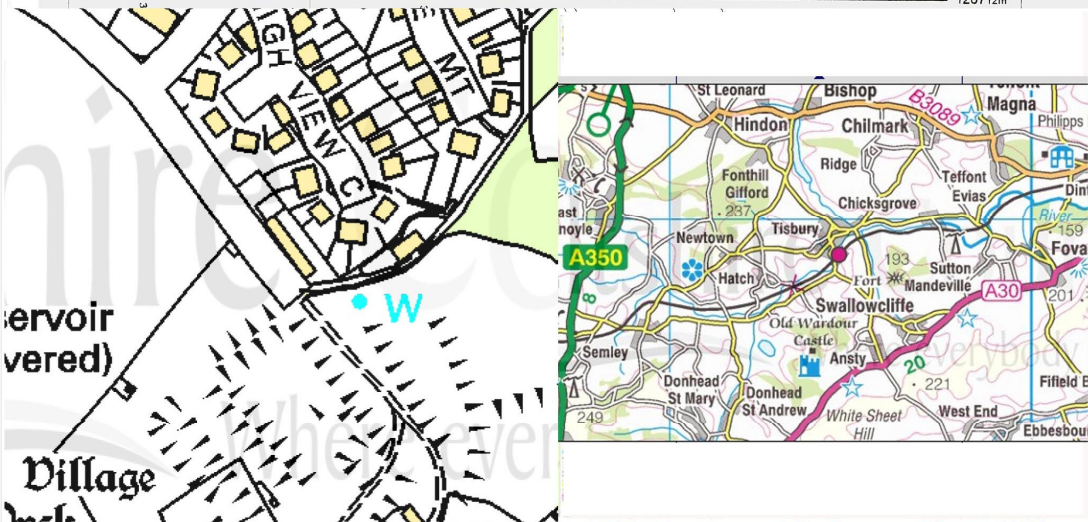
It is recommended that the developer should agree with Wessex

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense, or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

<b>Appendices:</b>	None
<b>Background documents used in the preparation of this report:</b>	01/2010/02

106 Malthouse Cottage, Tisbury. SP3 6NN

S/2010/1252



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<b>Deadline</b>	<b>20<sup>th</sup> May 2010</b>		
<b>Application Number:</b>	<b>S/2010/0451</b>		
<b>Site Address:</b>	<b>PLOT OPPOSITE 7 SCHOOL HILL SCHOOL HILL/FOLLY LANE ALDERBURY SALISBURY SP5 3DR</b>		
<b>Proposal:</b>	<b>PROPOSED DEMOLITION OF EXISTING NURSERY BUILDING AND CONSTRUCTION OF NEW THREE BEDROOM DWELLING, GARAGE AND ASSOCIATED GROUND WORKS INCLUDING CONSTRUCTION OF A NEW ACCESS OFF FOLLY LANE</b>		
<b>Applicant/ Agent:</b>	<b>PEGASUS PLANNING GROUP</b>		
<b>Parish:</b>	<b>ALDERBURY - ALDER/WHITEPARISH</b>		
<b>Grid Reference:</b>	<b>418367</b>	<b>126957.8</b>	
<b>Type of Application:</b>	<b>FULL</b>		
<b>Conservation Area:</b>	<b>ALDERBURY</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MRS J WALLACE</b>	<b>Contact Number:</b>	<b>01722 434687</b>

**Reason for application being considered by committee**

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

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental impact

**1. Purpose of Report**

To consider the above application and to recommend that planning permission be GRANTED subject to a legal agreement in relation to policy R2 and conditions

***Neighbourhood Responses***

4 letters received objecting to the proposal

***Parish Council Response***

Object to the application for the reasons set out on page 2 of the report

**2. Main Issues**

The main issues to consider are :

- 9.1 Principle and policy considerations
- 9.2 Design and impact on Conservation Area
- 9.3 Impact on amenities
- 9.4 Impact on trees

- 9.5 Highways safety
- 9.6 Protected species
- 9.7 Provision of recreational facilities - Policy R2

### 3. Site Description

The site is currently vacant. It was formerly occupied by the Alderbury School Nursery. On site is a flat roofed, Portacabin style building and to the north, an area which was excavated as a swimming pool to serve the nursery. The nursery relocated adjacent to the Alderbury Primary School off Firs Road in 2008. The applicant states that prior to its use as a nursery school, the site was used as a garden and provided an overflow classroom for the former Alderbury Primary School, which is now located off Firs Road

The site which is in the Conservation Area and adjacent to a Listed Building (Yew Tree Cottage) is well screened by vegetation on its west and southern boundaries and is currently accessed from School Hill.

### 4. Planning History

None

### 5. The Proposal

The proposal is to demolish the former nursery building and erect a three bedroomed dwelling with a detached garage. The amended proposal involves a separate single garage and turning area accessed off a new access on Folly Lane.

### 6. Planning Policy

The following policies are considered relevant to this proposal

G1 and G2	General criteria for development
CN5	Adjacent to a Listed Building
C2, C6	Special Landscape Area
C12	Protected species
D2	Design criteria
CN8, CN9, CN10, CN11, CN12	Conservation Area
H23	Housing Policy boundaries
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation

## **7. Consultations**

### ***Alderbury Parish Council***

Objected to original proposal and after careful consideration of the amended plans, still object for the following reasons:

- Mass and height of the house too great for area
- Out of character for the area.
- Significant impact on the surrounding conservation area.
- Inconsistent with the development plan for the Conservation Area, does not comply with policies CN3 and CN8.
- Access is a danger, onto a blind bend.

### **Highways**

Originally had concerns regarding the access on to Folly Lane but no objection to amended access subject to conditions regarding gates, visibility, gradient of access, turning space

### **Conservation**

No objection, recommend conditions regarding detailed design of ridge, clay tiles for rear roof, rain water goods and any gate for the drive.

### **Wessex Water**

Proposal is to discharge to a septic tank but circular 3/99 presumes new development should connect to the main sewer. (Applicant has confirmed will connect to main sewer) There is a water main and a foul sewer in the vicinity

### **Fire and Rescue**

Comments regarding need for adequate access to sufficient water supplies for fire fighting and provision of domestic sprinklers

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification with an expiry date of 6 May and then the amended plans were re-advertised with an expiry date of 20 October 2010.

Two letters of objection were originally received.

Summary of key points raised:

- Will set a precedent for new development in a Conservation Area
- Architects report and drawings contains omissions and inaccuracies
- Concerns regarding access, Folly Lane is narrow with blind bends
- Scale of proposed building is excessive
- Detrimental impact on Yew Tree Cottage
- Loss of privacy

Two further letters of objection to the amended plans were received.

Summary of key points raised:

- Previous objections to this development remain
- Concerns regarding access. Folly Lane is narrow with blind bends
- Drawings are inaccurate
- Hedge around Yew Tree Cottage will not be removed
- New housing is needed, but there probably should not be any development on this site, if really must build here, why not, tied as 'affordable' for a local family and designed to be low, no-car and green.
- The adjacent listed building needs space around it.
- Never been a property on this site, will set a precedent for new development in a Conservation Area
- Scale of proposed building is excessive
- Detrimental impact on Yew Tree Cottage
- Design of house will create loss of privacy and overlooking of property
- Access and turning area will create noise and pollution

## **9. Planning Considerations**

### ***9.1 Principle and policy considerations***

The site lies outside the Alderbury Housing Policy Boundary, though within the Alderbury Conservation Area. Technically the site is in the open countryside, though it forms part of a small group of development on the junction of School Hill and Folly Lane in the vicinity of the church.

PPS5 sets out criteria for consideration of Conservation Areas and heritage assets and this issue is considered below.

Policy H23 states that undeveloped land (see PPS3 above) outside a Housing Policy Boundary and not identified for development in the local plan will be considered to be countryside where the erection of new dwellings will only be permitted where provided for by policies H26 (affordable housing) or H27 (housing for rural workers). Neither of these policies applies in this case, and therefore the erection of a dwelling on this site, would be contrary to policy H23 as the proposal is neither for affordable housing nor for an agricultural worker. However, in this case, as the site is within the Conservation Area there are other policies whose aims and objectives must be balanced against these considerations.

Policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy or maintain and enhance the environment.

Guidance as expressed in PPS1 and Local Plan policy G1 (ii) seek to promote the vitality and viability of sustainable communities and in policy terms, Alderbury is a sustainable settlement, able to accommodate additional development and this site, is not in an isolated position, being immediately adjacent to other dwellings close to the edge of the village and the development could therefore be considered to be in accordance with policy G1.

Policy PS3 could also be considered to apply in this case, though a nursery school would probably not be considered to be central to the economic and social life of the village. However, notwithstanding this, the Local Plan policy seeks only to prevent the loss of facilities, whereas in this case, the facilities have been transferred to a better and more sustainable site adjacent to the

primary school where, (unlike this site) there is good vehicular access. Despite this, the applicants accept that the site is capable of being re-used under use class D1 – non-residential institutions. However, evidence has been provided to show that the local community needs and facilities are well accommodated and none of the objectors to the proposal, including the Parish Council, have suggested that there is a demand for additional facilities which could be accommodated on this site.

## **9.2 Design and impact on Conservation Area**

The site occupies a prominent position and is situated within a sensitive location in the Alderbury Conservation Area. Of particular importance to the assessment of this application is the significance of the impact of the proposed demolition of the former nursery school building and its replacement by a new dwelling on the character and appearance of the Conservation Area and the adjacent Listed Building. As such, the proposal must be considered against the relevant national and local conservation and design policies.

With regards to the local planning policy context, Policy CN8 seeks to ensure that development proposals preserve or enhance the existing character of the area and in this respect that the form, scale and design of new development and the materials used in it respect the character of the area. Policy CN9 stipulates that demolition of buildings/structures will only be permitted where they are beyond repair, make no positive contribution to the conservation area and/or a suitable replacement development has been approved, while Policy CN11 seeks to ensure that views from and into the Conservation Areas are safeguarded and policy CN5 seeks to ensure that development adjacent to the curtilage of a Listed Building does not harm the character or setting of the building. It is against this policy framework that the application must be assessed.

### **(a) Principle of demolition of existing building**

Applications for demolition in a Conservation Area must meet the strict criteria set out in the listed building act and local policy, as well as follow the national guidance. The criteria of policy CN9 of the Salisbury District Local Plan (Adopted 2003) require the existing structure to be:

- (i) wholly beyond repair; or
- (ii) of a character inappropriate to the Conservation Area; or that
- (iii) there are overriding highway, or other safety reasons; or
- (iv) where planning permission has been granted for the development of the site.

#### **(i) wholly beyond repair**

The current building is a modern style temporary prefabricated building with a limited life which is in a poor condition

#### **(ii) of a character inappropriate to the Conservation Area**

The Conservation Officer considers that the existing modern temporary building has a deleterious impact upon the Conservation Area. Given the condition of the existing building and the lack of value of its contribution to the character and appearance of the conservation area, it is considered that the building is inappropriate in the Conservation Area.

#### **(iii) there are overriding highway, or other safety reasons;**

A vehicular access off Folly Lane is to be created to improve the vehicular access to the building

#### **(iv) where planning permission has been granted for the development of the site.**

There is no history of planning permissions for this site.

The application site lies in a rural location near to the settlement of Alderbury but forms an isolated part of the Alderbury Conservation Area. The key elements of the Conservation Area are the quality and variety of the traditional buildings, their use of consistent palette of local building

materials and the open spaces with the views into and out of the Conservation Area. The character of this southern part of Alderbury within the Conservation Area is derived from the very informal pattern of development, and the relationships between the spaces around the dwellings, the green vegetative street boundaries and the substantial vegetation around the dwellings which gives a green appearance to the area. The dwellings adjacent are detached traditional-style dwellings and the listed Yew Tree Cottage adjacent is a typical of the older red brick dwellings of Alderbury. Currently, the site is very well treed and the existing nursery school building, whilst on a prominent part of the site, is well screened from the open countryside. However, the removal of the existing building and its replacement by a well designed dwelling would enhance the visual impact of the site, which is on a prominent corner within the Conservation Area.

The new dwelling is proposed to be sited alongside Yew Tree Cottage with a new access from Folly Lane. The scheme shows the proposed house, sited in a traditional manner facing the highway and whilst the introduction of a dwelling will further domesticate the character of the site, the dwelling has been sited so as to complete a grouping of dwellings on the corner of Folly Lane and School Hill and further enhance the visual appearance of the Conservation Area. The layout of the site has been designed to retain most of the existing trees and hedges so as to enhance the impact of the development on the street scene in this locality and in view of the proposed location of the dwelling within the site, there will be little apparent loss of spaciousness. Therefore, if the proposal for redevelopment were acceptable in terms of its enhancement of the Conservation Area, its relationship to the adjacent dwellings as well as the character of the area then the proposal to erect a dwelling on this site outside the Housing Policy Boundary would not in itself be an automatic reason for refusal.

In relation to the impact of a dwelling on the character of the area, the Conservation Officer considers stated that the removal of the existing building and its replacement in the manner proposed would enhance the character and appearance of the area

### **9.3. Impact on amenities**

The proposed dwelling on this plot is designed in a traditional cottage style with a detached garage. The dwelling will have a ridge height of approximately 8.2m, but will be set below the road level but will appear less dominant than this implies, as from the road it will appear to have a ridge height of approximately 6.5m. The dwelling opposite is set on a small bank above the road and will therefore continue to dominate this corner.

The adjacent dwelling, Yew Tree Cottage- approximately 6m to ridge, is also set below the road level. Planning permission has been granted for a two storey rear extension and a single storey conservatory to the side of the property. The two storey rear extension has two first floor windows on the side elevation, one serving a bedroom and the other a landing area. This is currently under construction and is approximately 11m from the boundary. The proposed side elevation of the new dwelling adjacent to Yew Tree Cottage is also designed with two first floor windows. In this case, both serving bedrooms. Both these rooms have alternative sources of light. The proposed new dwelling will be between 12m and 15m from the mutual boundary. Whilst Yew Tree Cottage will be aware of a dwelling on its side boundary, the new dwelling will be located at a sufficient distance for it not to appear to be overbearing to this rear extension. The conservatory on the side elevation of Yew Tree Cottage will be approximately 6m from the boundary and has an oak shingled roof and whilst there will be some overlooking of this area from the first floor of the new building, this is not considered to be so detrimental as to warrant refusal on these grounds. In conclusion it is not considered that there will be such a close relationship between the proposed house and Yew Tree Cottage that the height of the new dwelling and the closeness to the boundary of the plot of the single storey garage would result in such an overbearing structure, dominating and enclosing the outlook that it would have an unacceptable impact on the living conditions of the occupiers.

### **9.4 Impact on Trees**

The site is located within a Conservation Area, and the surrounding trees are an important aspect of the area's character and could not be removed without consent. However, the loss of the hedgerow adjacent to the road would be visually detrimental and therefore it is considered appropriate to add a condition requiring them to be retained and protected where necessary.

### **9.5 Highway Safety**

Considerable concern has been expressed regarding the safety of the proposed access on to Folly Lane. However, whilst the Local Highway Authority had concerns regarding the original proposal, they have not raised any objections to the revisions. Therefore whilst there are concerns regarding the creation of a highway hazard, a refusal on these grounds is unlikely to be supported on appeal.

### **9.6 Protected Species**

A qualified person has demonstrated that within the building there is no evidence of bats or any potential roosting places. The report recommends precautions to protect active bird nests likely to be present in the area and because of the potential of the site to support reptiles, recommends that a survey be carried out during the spring/summer. Conditioned to comply with the recommendations of this report, it is considered that the proposal would be in accordance with Local Plan policy C12, PPS9 and the Habitats Regulations.

### **9.7 Provision of Recreational Facilities - Policy R2**

A contribution for recreational facilities would be required for the new dwelling pursuant to the above policy. This could be secured through a unilateral agreement and the applicant has agreed in principle to make this contribution.

## **10. Conclusion**

The proposal will allow the enhancement of the Conservation Area and whilst outside the Housing Policy Boundary is not in an isolated position or remote from the settlement and as the proposed dwelling is considered to be of an appropriate scale and design for the site it is considered acceptable

## **Recommendation**

**Following completion of a unilateral agreement in relation to policy R2. It is recommended that planning permission is GRANTED for the following reasons:**

The proposal will allow the enhancement of the Conservation Area and whilst outside the Housing Policy Boundary is not in an isolated position or remote from the settlement and as the proposed dwelling is considered to be of an appropriate scale and design for the site it is considered acceptable

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

1090-P-01 Rev C received on 10 September 2010

1090-P-03 Rev B received on 23 September 2010

1090-P-04 Rev A received on 23 September 2010

1090-P-06 received on 23 September 2010

1090-P-07 received on 10 September 2010

Protected Species Assessment prepared by Chalkhill environmental consultants received on 18 March 2010

REASON For the avoidance of doubt

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

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

POLICY- D2 Design criteria and CN8 Conservation Area

4 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 flush framed casement windows, including vertical and horizontal cross-sections through openings to show the positions of joinery within openings,

(ii) Details of all new rainwater goods

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY D2 Design criteria, CN5, Listed Building and CN8 Conservation Area

5 No development shall commence on site until details of the treatment of the boundaries of the site to include any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screening hedges, walls and/or fences shall be planted/erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

POLICY G2 General criteria for development

6 During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays, 0900 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays.

REASON To minimise the disturbance which noise during construction of the proposed development otherwise have on the amenities of nearby residential dwellings

POLICY G2 General criteria for development

7 Notwithstanding the provisions of Class[es] A To F of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-



enacting that Order with or without modification), there shall be no extensions to the dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON To enable the Local Planning Authority to retain control over the development in the interest of neighbouring amenities and the character of the area.

POLICY G2 General criteria for development

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed.

REASON To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from windows or rooflights.

POLICY G2 General criteria for development

9 No development shall commence on site until details of the works for the disposal of sewerage shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans

10 Any gates to close the access shall be set back a minimum 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

POLICY G2 General criteria for development

11 Prior to the first occupation of the dwelling hereby approved, visibility shall be provided at the site access with nothing over 1m in height above the adjoining carriageway level being planted, erected or maintained in front of the blue line shown on drawing no 1090-P-01 Rev C in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained and maintained as such at all times thereafter.

REASON: In the interests of highway safety.

POLICY G2 General criteria for development

12 Prior to the occupation of the dwelling hereby permitted, the gradient of the site access should not exceed 1 in 15 for the first 4.5 m of its length, measured back from the edge of the carriageway and the splayed access area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained and maintained as such at all times thereafter.

REASON: In the interests of highway safety.

POLICY G2 General criteria for development

13 Prior to the first use of the new vehicular access on to Folly Lane, hereby approved, the School Hill access shall be permanently stopped up in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

POLICY G2 General criteria for development

14 Before the Folly Lane vehicular access hereby approved is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the turning space shall be kept free of obstruction at all times.

REASON: In the interests of highway safety.

POLICY G2 General criteria for development

15 Prior to the commencement of development (which includes the clearing of the site and the demolition of the existing building) hereby approved, the recommendations in part 6 of the Protected Species Assessment prepared by Chalkhill environmental consultants received on 18 March 2010 shall be implemented.

Reason In the interests of protected species

POLICY CN12 (protected species) and the Wildlife and Countryside Act 1981 (as amended)

**INFORMATIVE**

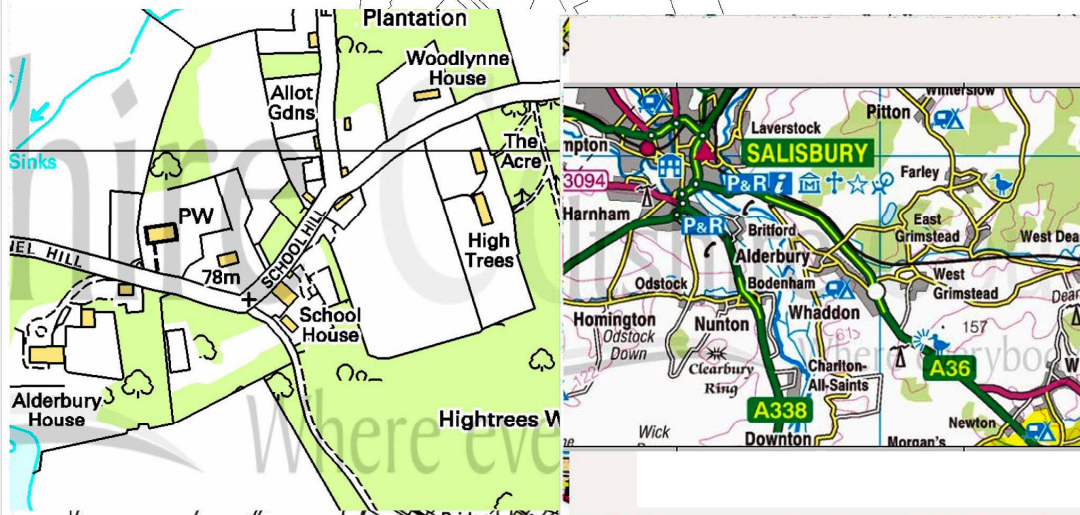
The applicant is advised that in accordance with circular 3/99 the new development should connect to the adjacent main sewer.

<b>Appendices:</b>	None
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<b>Background documents used in the preparation of this report:</b>	1090-P-01 Rev C received on 10 September 2010 1090-P-03 Rev B received on 23 September 2010 1090-P-04 Rev A received on 23 September 2010 1090-P-06 received on 23 September 2010 1090-P-07 received on 10 September 2010 Protected Species Assessment prepared by Chalkhill environmental consultants received on 18 March 2010 Supporting letter from agent dated 18 March 2010 Design and Access statement received on 18 March 2010 Supporting letter from agent dated 7 June 2010, with accompanying letter addressed to Estate Office received from Alderbury Village hall Committee
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Plot Opposite 7 School Hill, Alderbury. SP5 3DR

S/2010/0451 & 2



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<b>Deadline</b>	20 <sup>th</sup> May 2010		
<b>Application Number:</b>	S/2010/0452		
<b>Site Address:</b>	PLOT OPPOSITE 7 SCHOOL HILL SCHOOL HILL/FOLLY LANE ALDERBURY SALISBURY SP5 3DR		
<b>Proposal:</b>	DEMOLITION OF EXISTING NURSERY BUILDING		
<b>Applicant/ Agent:</b>	PEGASUS PLANNING GROUP		
<b>Parish:</b>	ALDERBURY - ALDER/WHITEPARISH		
<b>Grid Reference:</b>	418367	126957.8	
<b>Type of Application:</b>			
<b>Conservation Area:</b>	ALDERBURY	<b>LB Grade:</b>	
<b>Case Officer:</b>	MRS J WALLACE	<b>Contact Number:</b>	01722 434687

### Reason for application being considered by committee

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

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental impact

### 1. Purpose of Report

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

### Neighbourhood Responses

0 letters were received regarding the proposal

### Parish Council Response

Object to the application for the reasons set out on page 2 of the report

### 2. Main Issues

The main issues to consider are :

- 9.1 Policy considerations
- 9.2 Impact on Conservation Area
- 9.3 Protected species

### 3. Site Description

The site is currently vacant. It was formerly occupied by the Alderbury School Nursery and contains a

flat roof, Portacabin style building and to the north is an area which was excavated as a swimming pool to serve the nursery. The nursery relocated adjacent to the Alderbury Primary School off Firs Road in 2008. The applicant states that prior to its use as a nursery school, the site was used as a garden and provided an overflow classroom for the former Alderbury Primary School, which is now located off Firs Road

The site which is within the Conservation Area and adjacent to a Listed Building is well screened by vegetation on its west and southern boundaries and is currently accessed from School Hill.

#### **4. Planning History**

None

#### **5. The Proposal**

The proposal is to demolish the former nursery building

#### **6. Planning Policy**

The following policies are considered relevant to this proposal:

G1 and G2	General criteria for development
CN5	Adjacent to a Listed Building
C2, C6	Special Landscape Area
C12	Protected species
CN9	Conservation Area
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation

#### **7. Consultations**

##### ***Alderbury Parish Council***

Object

- Scale of the building too high
- Near a listed building Yew Tree Cottage
- New house would be out of character for the area.
- Significant impact on the surrounding conservation area.
- Inconsistent with the development plan for the Conservation Area
- Does not comply with policies CN3 and CN8.
- Access is a danger, onto a blind bend

##### ***Conservation***

No objection to removal of former nursery building, which will enhance the Conservation Area

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification with an expiry date of 6 May and then the amended plans were re-advertised with an expiry date of 20 October 2010

No letters/ e-mails were received.

## **9. Planning Considerations**

### **9.1 Policy considerations**

The site lies outside the Alderbury Housing Policy Boundary, though within the Alderbury Conservation Area. Technically the site is in the open countryside, though it forms part of a small group of development on the junction of School Hill and Folly Lane in the vicinity of the church.

Policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy or maintain and enhance the environment.

### **9.2 Impact on Conservation Area**

The site occupies a prominent position and is situated within a sensitive location in the Alderbury Conservation Area. Of particular importance to the assessment of this application is the significance of the impact of the proposed demolition of the former nursery school building on the character and appearance of the Conservation Area. As such, the proposal must be considered against the relevant national and local conservation and design policies.

Policy CN9 stipulates that demolition of buildings/structures will only be permitted where they are beyond repair, make no positive contribution to the conservation area and/or a suitable replacement development has been approved, while Policy CN11 seeks to ensure that views from and into the Conservation Areas are safeguarded. It is against this policy framework that the application must be assessed.

#### **(a) Principle of Demolition of Existing Building**

Applications for demolition in a Conservation Area must meet the strict criteria set out in the listed building act and local policy, as well as follow the national guidance. The criteria of policy CN9 of the Salisbury District Local Plan (Adopted 2003) require the existing structure to be:

- (i) wholly beyond repair; or
- (ii) of a character inappropriate to the Conservation Area; or that
- (iii) there are overriding highway, or other safety reasons; or
- (iv) where planning permission has been granted for the development of the site.

#### **(i) wholly beyond repair**

The current building is a modern style temporary prefabricated building with a limited life which is in a poor condition

#### **(ii) of a character inappropriate to the Conservation Area**

The Conservation Officer considers that the existing modern temporary prefabricated building has a deleterious impact upon the Conservation Area. Given the condition of the existing building and the lack of value of its contribution to the character and appearance of the Conservation Area, it is considered that the building is inappropriate in the Conservation Area.

**(iii) there are overriding highway, or other safety reasons;**

A vehicular access off Folly Lane is to be created to improve the vehicular access to the building

**(iv) where planning permission has been granted for the development of the site.**

There is no history of planning permissions for this site.

The application site lies in a rural location near to the settlement of Alderbury but forms an isolated part of the Alderbury Conservation Area. The key elements of the Conservation Area are the quality and variety of the traditional buildings, their use of consistent palette of local building materials and the open spaces with the views into and out of the Conservation Area. The character of this southern part of Alderbury within the Conservation Area is derived from the very informal pattern of development, and the relationships between the spaces around the dwellings, the green vegetative street boundaries and the substantial vegetation around the dwellings which gives a green appearance to the area. The dwellings adjacent to the site are detached traditional dwellings and the listed Yew Tree Cottage adjacent is a typical of the older red brick dwellings of Alderbury. Currently, the site is very well treed and the existing nursery school building, whilst on a prominent part of the site, is well screened from the open countryside. However, the removal of the existing building would enhance the visual impact of the site, which is on a prominent corner within the Conservation Area.

It is proposed to replace the building with a new dwelling, to be sited alongside Yew Tree Cottage with a new access from Folly Lane. The scheme shows the proposed house, sited in a traditional manner facing the highway and whilst the introduction of a dwelling will further domesticate the character of the site, the dwelling has been sited so as to complete a grouping of dwellings on the corner of Folly Lane and School Hill and this will enhance the visual appearance of the Conservation Area. The layout of the site has been designed to retain most of the existing trees and hedges so as to enhance the impact of the development on the street scene in this locality and in view of the proposed location of the dwelling within the site, there will be little apparent loss of spaciousness. Therefore, if the proposal to demolish and remove the building were acceptable in terms of its enhancement of the Conservation Area, its relationship to the adjacent dwellings as well as the character of the area then the proposal would be acceptable.

**9.3 Protected Species**

A qualified person has demonstrated that within the building there is no evidence of bats or any potential roosting places. The report recommends precautions to protect active bird nests likely to be present in the area and because of the potential of the site to support reptiles, recommends that a survey be carried out during the spring/summer. Conditioned to comply with the recommendations of this report, it is considered that the proposal would be in accordance with Local Plan policy C12, PPS9 and the Habitats Regulations.

**10. Conclusion**

The proposal to demolish the building will enhance the Conservation Area and conditioned in accordance with the protected species assessment would be acceptable in accordance with local and national policies.

**Recommendation**

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

The proposal will allow the enhancement of the Conservation Area in accordance with policy CN9



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

1090-LOC-02 received on 18 March 2010

L.0118-28-1 received on 26 March 2010

Elevations received on 18 March 2010

Protected Species Assessment prepared by Chalkhill environmental consultants received on 18 March 2010

REASON For the avoidance of doubt

3 Prior to the commencement of development (which includes the demolition of the existing building) hereby approved, the recommendations in part 6 of the Protected Species Assessment prepared by Chalkhill environmental consultants received on 18 March 2010 shall be implemented.

Reason In the interests of protected species

Policy: CN12 (Protected species) and the Wildlife and Countryside Act 1981 (as amended)

**Appendices:**

None

**Background documents used in the preparation of this report:**

1090-LOC-02 received on 18 March 2010

L.0118-28-1 received on 26 March 2010

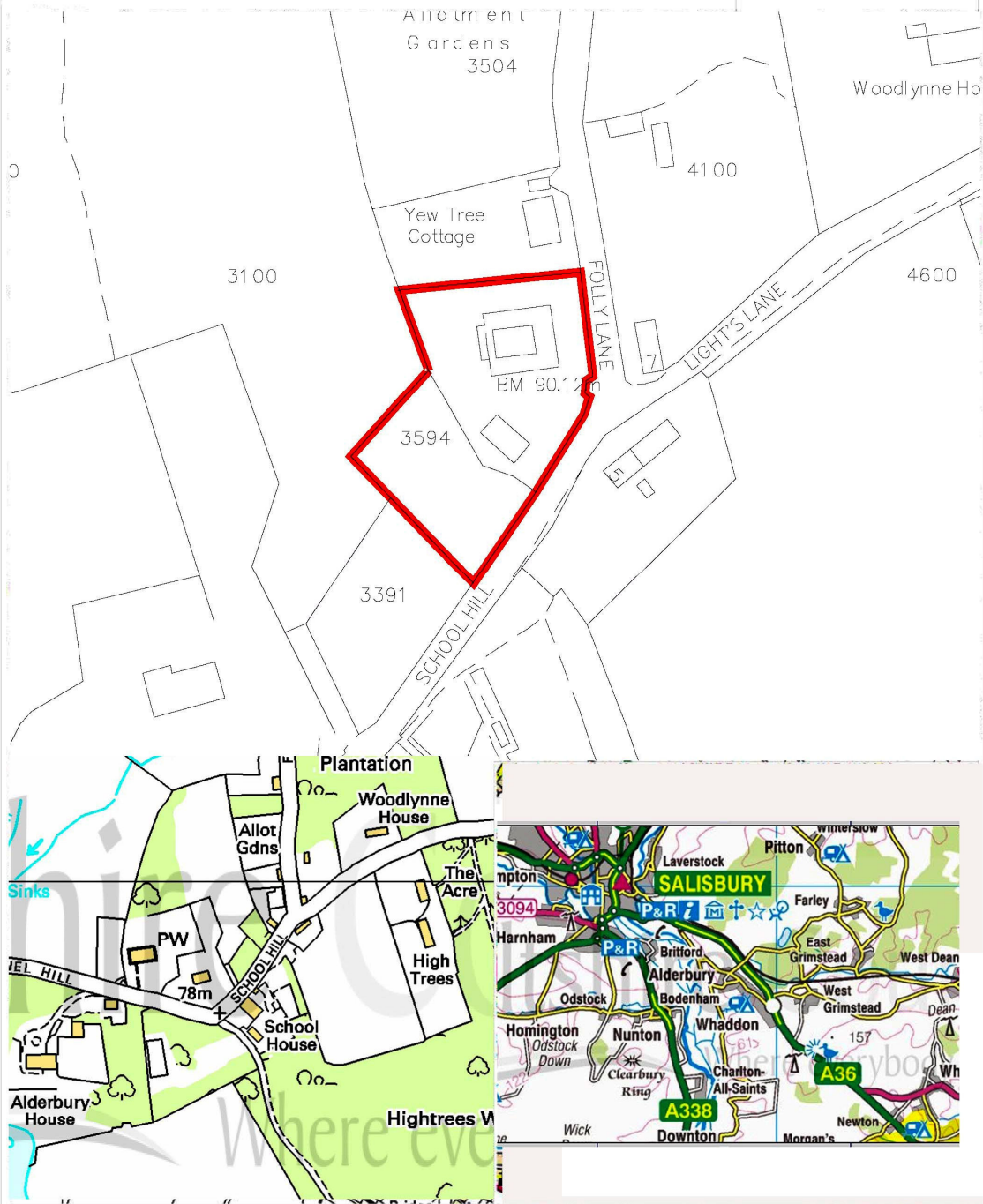
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S/2010/0451 & 2



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