

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 23 August 2012
Time: 6.00 pm

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

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

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

Membership:

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

Substitutes:

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

AGENDA

Part I

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

1 **Apologies for Absence**

2 **Minutes** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 12 July 2012 (copy herewith).

3 **Declarations of Interest**

To receive any declarations of non-pecuniary or pecuniary interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 16 August 2012. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals** (*Pages 7 - 8*)

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

7 **Planning Applications** (*Pages 9 - 10*)

To consider and determine planning applications in the attached schedule.

7a **S/2012/0628/Full - Meadow View Cottages, Winterbourne Earls, Salisbury** (*Pages 11 - 30*)

7b **S/2012/0883/Full - 137 Netherhampton Road, Salisbury** (*Pages 31 - 38*)

8 **Land at Avonview, Rambling Rose, Hillbilly Acre and Sunhill, Southampton Road, Clarendon.** (*Pages 39 - 40*)

To consider a report of the Team Leader (Enforcement).

9 **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

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 12 JULY 2012 AT CROWN COURT ROOM, THE GUILDHALL, MARKET PLACE, SALISBURY SP1 1JH.

Present:

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

44 Apologies for Absence

There were no apologies for absence.

45 Minutes

The minutes of the meeting held on 21 June 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes.

46 Declarations of Interest

There were no Declarations of Interest.

47 Chairman's Announcements

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

The Chairman also reminded members of the committee that future meetings would be held at City Hall, Salisbury.

48 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

49 Planning Appeals

The committee received details of the following appeal decisions:

S/2011/1456 - Co-Op, Bulford Road, Durrington – Delegated – Dismissed

S/2011/0735 – Shiralee, Tytherley Road, Winterslow - Delegated – Dismissed

S/2011/0708 – Hillbilly Acre, Clarendon – Committee – Dismissed

S/2011/1412 – Evergreen, Shepherds Close, Odstock – Delegated – Allowed

S/2011/1504 – White Cottage, Fore Street, Wylde – Enforcement Appeal - Dismissed

50 Planning Applications

50.a S/2012/0628/Full - Meadow View Cottages, Winterbourne Earls, Salisbury

Resolved:

To defer the application to enable members of the committee to attend a site visit.

50.b S/2012/0175/Full - Land adjacent Broxmore Drove Cottage, Salisbury Road, Sherfield English, Romsey.

Mr Leo Randall spoke in objection to the application

Mr Ian Ellis, agent, spoke in support of the application

Mr Trevor King, Chairman of Whiteparish Parish Council, spoke in objection to the application

The Planning Officer introduced the report, which was recommended for approval, and drew attention to late correspondence regarding the landscape management plan and the deletion of condition 2 in the report and an amendment to condition 9. During the debate members raised concerns regarding the scale of the development.

RESOLVED

That planning permission be REFUSED

For the following reasons:

The site is located in the open countryside, which is designated as Special Landscape Area by the Salisbury District Local Plan. The wider landscape character is also covered by the Landford Forest Heath Mosaic landscape

character area. In the absence of a comprehensive landscape impact assessment (which takes account of views into the site from the surrounding countryside and the A27) the proposed equestrian development is considered to have an adverse impact on the visual quality of the Special Landscape Area by virtue of its scale, height and siting.

Notwithstanding the visual impacts of the proposal, it appears from the applicants own evidence that thirteen horses are already accommodated on the site using the existing stables, and therefore, the Local Planning Authority considers that the need for a large new stable building in the countryside has not been sufficiently demonstrated.

Furthermore, whilst it appears that the close board fence is “permitted development,” it appears to have replaced a mature hedgerow and no evidence has been provided to prove that the feature was not of ancient origins, and hence appears to have been removed without prior notification to the Local Planning Authority. The close board fence is an incongruous feature within the landscape and coupled with the proposed equestrian development and area of hard paving, the resultant site would appear as an unsympathetic form of development within the countryside.

The proposal would therefore be contrary to saved Salisbury District Local Plan Policy C6 (Special Landscape Area), C2 (Development in the Countryside), C8 (Loss of Hedgerows) and R1C (Countryside Recreation) which are also saved policies in Appendix C of the South Wiltshire Core Strategy. The proposal would also be contrary to Policy CP22 (Green Infrastructure and Habitat Networks) of the South Wiltshire Core Strategy and the policies in the National Planning Policy Framework.

50.c S/2012/0468/Full - Cholderton Charlies, Amesbury Road, Cholderton, Salisbury

Mr David Randall spoke in objection to the application.

Mr Tony Allen, agent, spoke in support of the application.

Mr Crawford Stoddard, on behalf of Cholderton Parish Meeting, spoke in objection to the application.

The Planning Officer introduced the report, which was recommended for approval.

A debate ensued during which issues such as the fact that various temporary permissions had been granted to the site and some had not been renewed at the appropriate time, the balance between encouraging tourism and protecting the environment, the total amount of staff accommodation to be available on site were raised.

With the inclusion of additional conditions regarding the removal of the existing log cabins and the ground to be reverted to agricultural use, it was

Resolved:

Planning permission be GRANTED for the following reason:

The removal of the two dilapidated Log Cabins together with the proposed temporary retention and location on the site of the mobile homes for staff accommodation, are considered to represent a significant visual improvement resulting in no demonstrable harm to the immediate site, neighbours and the wider surrounding countryside. As such the proposal is considered to be in general accordance with the aims and objectives of saved policies G1, C2 and T2 of the adopted Salisbury District Local Plan which are contained within Appendix C of the adopted South Wiltshire Core Strategy, and with the Local Planning Policy Framework (LPPF) parts: 3 Supporting a Prosperous Rural Economy.

Subject to the following conditions:

1 The occupation of the mobile homes shall be limited to a person solely or mainly employed in the business occupying the site.

REASON: The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business.

POLICY – G1 – General principles for development, C2 – Development in the Countryside, T2 – Tourist attractions in the countryside.

2. The mobile homes hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition on or before the 30th June 2014 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission has been granted on a temporary basis to establish whether there is a functional need for permanent on site residential accommodation in relation to the agricultural tourism enterprise on the site.

POLICY – G1 – General principles for development, C2 – Development in the Countryside, T2 – Tourist attractions in the countryside.

3. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the

submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing ref.no. APL/01 Site Location Plan
Drawing ref.no. CFc/p01a Site Plan as Proposed
Drawing ref.no. CFc/p/10 Block Plan as Proposed
Planning Design and Access Statement

REASON: For the avoidance of doubt.

4. The two existing Log Cabins adjacent to the northern boundary with Amesbury Road shall be removed from the site and the land restored to its former condition and Use within 6 months of the date of this decision.

Reason: The log cabins are located on agricultural land without having first been justified in relation to any agricultural business and their location away from the main cluster of buildings has resulted in a visually incongruous development in the open countryside and the Special Landscape Area.

51 Urgent Items

There were no urgent items

(Duration of meeting: 6.30 - 8.35 pm)

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

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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
S/2011/1395	The Lime Yards Crockford Corner West Grimstead	WR	Committee	Dismissed	Yes	No
S/2011/1354	3 Landford Manor Stock Lane, Landford	WR	Delegated	Part Diss/ Allowed	NO	NO
S/2011/1344	3 Landford Manor Stock Lane Landford	WR	Delegated	Part Diss/ Allowed	NO	NO
S/2011/0914	The Heather Southampton Road Alderbury	WR	Delegated	Allowed	YES	NO
S/2011/0524	Land at Sheepwash Mead End, Bowerchalke	H	Delegated	Allowed	No	YES
S/2012/0214	58 Cheverell Avenue Salisbury	HH	Delegated	Dismissed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?
S/2011/0355	8 Flitcroft, Amesbury	WR	Delegated		NO	

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

13th August 2012

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INDEX OF APPLICATIONS ON 23RD AUGUST 2012

1 SITE VISIT 1630

Application No: S/2012/0628/Full

Site Location: Meadow View Cottages, Winterbourne Earls, Salisbury SP4 6HE

Development: Variation of planning consent S/2012/0013 to demolish existing cottages and erect replacement dwelling with detached garage block (dwelling to be reversed, lean-to garden store to garage block and repositioning of garage block, dwelling roof pitch and material change)

Recommendation: Refuse with Reasons

Division Cllr Mike Hewitt

2

Application No: S/2012/0883/Full

Site Location: 137 Netherhampton Road, Salisbury SP2 8NB

Development: Erection of a 2 bedroom dwelling and alteration to existing access

Recommendation: Refuse with Reasons

Division Cllr Brian Dalton

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Agenda Item 7a

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	23 August 2012		
Application Number:	S/2012/0628/Full		
Site Address:	Meadow View, Cottages, Winterbourne Earls, Salisbury. SP4 6HE		
Proposal:	Variation of planning consent S/2012/0013 to demolish existing cottages and erect replacement dwelling with detached garage block (dwelling to be reversed, lean-to garden store to garage block and repositioning of garage block, dwelling roof pitch and material change)		
Applicant / Agent:	Mr Nigel Lilley		
City/Town/Parish Council	Winterbourne Parish Council		
Electoral Division	Bourne & Woodford Valley	Unitary Member	Cllr Mike Hewitt
Grid Reference:	Easting: 417201.2		Northing: 134433.89
Type of Application:	Minor		
Conservation Area:	Cons Area: - Winterbourne Earls		LB Grade:- NA
Case Officer:	Mrs Lucy Minting		Contact Number: 01722 434377

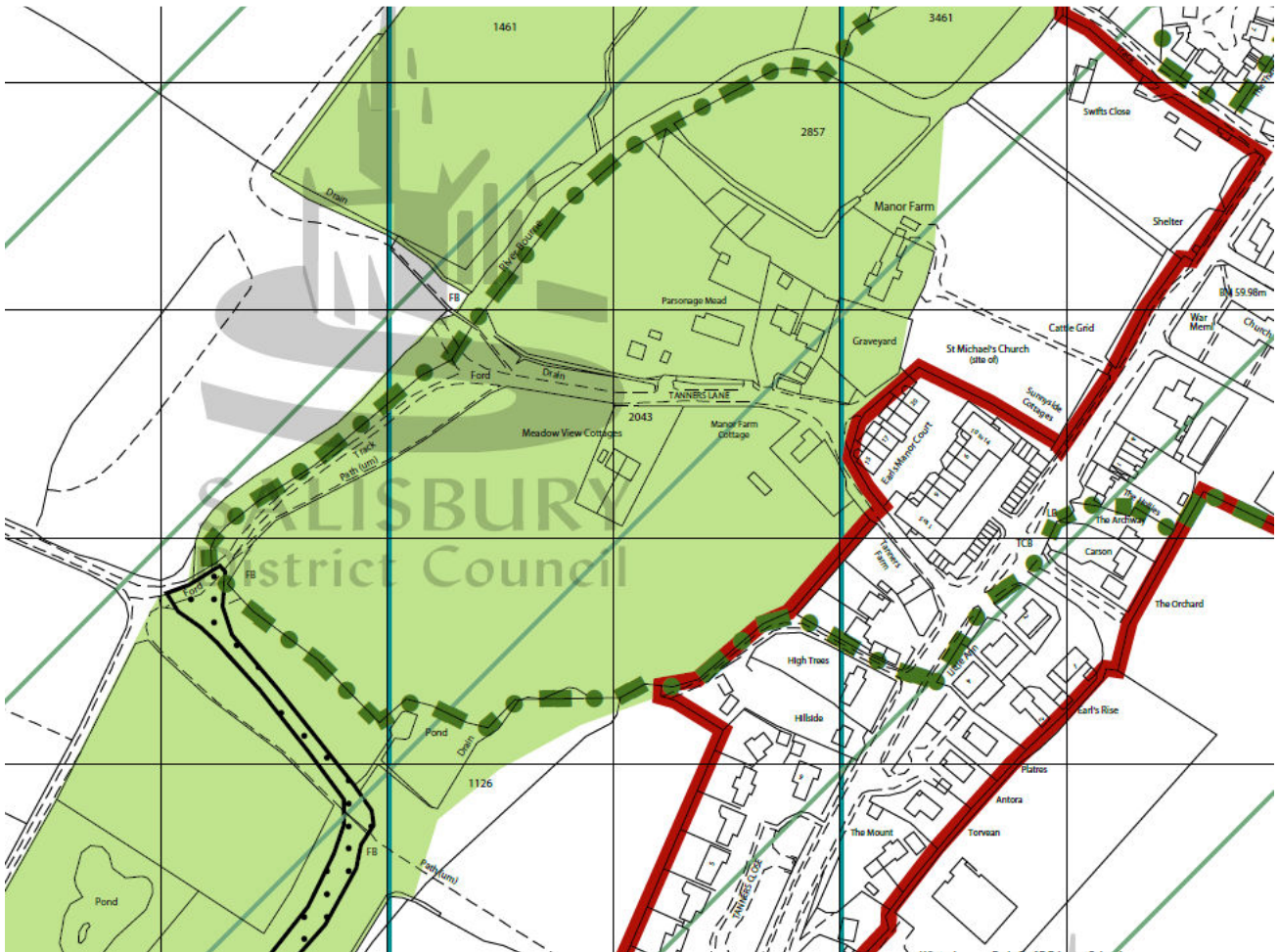
The application was deferred at the last Southern Area Planning Committee for a site visit





Following deferral of the application the following points require clarification.

A) Site Description

The site is accessed from Tanners Lane and is surrounded by an agricultural field to the east, south and west. This field abuts the housing policy boundary to Winterbourne Earls to the east of the site.

The site is outside of a housing policy boundary and is designated within the core strategy as being within 'open countryside', a conservation area, a special landscape area, an area of special archaeological significance and an area of high ecological value.



-  Area of High Ecological Value
-  Housing Policy Boundary
-  Conservation Area
-  Special Landscape Area

B) Dimensions of proposed dwelling

The width and depth of the proposed dwelling remains unaltered from the previously approved scheme. The proposed scheme involves changing the angle of pitch of the roof from 35 degrees to 45 degrees to accommodate clay tiles and increases the ridge height by 1.2m.

Reason for the application being considered by Committee

Councillor Hewitt has requested that this item be determined by committee for the following reason:

Both the neighbours and Parish Council have concerns with the slate roof.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** with reasons.

2. Report summary

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

- Impact to the character and appearance of the conservation area, landscape and setting of listed building opposite
- Other Issues - Residential amenity, Highway safety, Archaeology, Flooding & impact to the river system, Protected Species

The application has generated support from Winterbourne Parish Council.

1 neighbourhood response of support has been received.

3. Site Description

The site lies within open countryside in part of an agricultural field, a conservation area, a special landscape area, an area of special archaeological significance and an area of high ecological value.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2012/0013	Proposed demolition of two dwellings within a Conservation Area, replacement single dwelling and a detached garage	Approved 01/03/2012
Non Material Amendment (NMA) application to S/2012/0013	Mirror dwelling on North/South Axis Omit Slate and add hand made clay tile at 45 degree pitch Utilise roof space to add accommodation. Add single storey tool/garden store to garage with slate roof, readjust garage position	Refused 13/04/2012
NMA to S/2012/0013	Mirror dwelling on North/South Axis	Approved 16/05/2012
S/2012/0014	Conservation Area Consent - Proposed demolition of two existing dwellings	Approved 01/03/2012

5. Proposal

Planning permission has been recently granted under S/2012/0013 to demolish the pair of semi-detached dwellings and attached garages and construct a new single four bedroom dwelling and detached outbuilding.

This is a full planning application for changes to the approved scheme to:

- Change the roof tiles from slate to clay tile which will necessitate changing the angle of pitch from 35 degrees to 45 degrees with corresponding increase in ridge height of 1.2m
- Add a lean to garden store to the garage block
- Mirror the dwelling on North/south axis

6. Planning Policy

Saved policies of the Salisbury District Local Plan (which are also 'saved' policies in the adopted South Wiltshire Core Strategy):

G1 (Sustainable development)
G2 (General)
D2 (Design)
C2 (Development in the countryside)
C6 (Special Landscape Area)
C11 (Areas of High Ecological Value)
C12 (Protected species)
CN5 (Setting of listed buildings)
CN8 (Development in conservation areas)
CN9 (Demolition of buildings in conservation areas)
CN11 (Views into and out of conservation areas)
CN21 (Archaeology)
H30 (Replacement dwellings)

Government guidance

National Planning Policy Framework (NPPF) March 2012

7. Consultations

Parish Council:

Support, further comments summarised:

A site meeting took place on the 24th May. The Parish Council consider that using tiles (the applicant's preference) instead of slate would be more appropriate and considering the majority of dwellings in the surrounding area have tiled roofs the proposed development would thus be more in keeping.

Archaeology:

This site has an archaeological interest, as it lies within the area of the medieval settlement which became Winterbourne Earls. However, having studied the proposed new footprint of impact; this appears to be limited and appears to have little potential to encounter undisturbed archaeological remains. It is not considered that this development is likely to have an impact on significant archaeological remains.

Highways:

The proposal remains unchanged from the previous submission (in terms of access, parking and turning) and from the existing arrangement and adhere to previous observations raising no objections subject to condition requiring the access to have consolidated material.

Conservation:

Object, although the conservation officer considered that the previous application failed to meet the necessary tests to justify demolition of the historic cottages on the site; the previous permission was considered to preserve the character of the conservation area. Clay tile requires a much steeper pitch and this combined with the depth of the proposed building results in a substantially larger dwelling with a 1930s suburban character which fails to preserve or enhance the character of the rural conservation area.

Environment Agency:

No objections subject to conditions (finished floor levels to be set no lower than 300mm above adjacent ground levels, and a scheme for water efficiency to be agreed) and

informatives (regarding pollution prevention during construction, sustainable construction and site waste management plan)

8. Publicity

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

1 letter of support received, summary of points raised:

Directly overlook site and proposal will maintain the similarity of all the properties in Tanner Lane

9. Planning Considerations

Impact to the character and appearance of the conservation area, landscape and setting of listed building opposite

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This statutory requirement is repeated in Local Plan policy CN8 and reflected in the new National Planning Policy Framework (NPPF) in paragraph 126 onwards.

Planning permission was granted earlier this year for a replacement dwelling under S/2012/0013. The conservation officer objected to the proposal as it involved demolishing a pair of former farm labourer's cottages and replacing them with a single dwelling.

The site is within open countryside, special landscape area and conservation area. Policy H30 requires replacement dwellings to be of a similar size to the existing and policy CN8 requires development to preserve or enhance the existing character of the area. The supporting documentation submitted with the application advised that the cottages were probably farm labourer housing for the estate and that 'a replacement for the cottages could enhance the conservation area if it were an appropriate form of development that respected the historic character and pattern of development'. The application was approved only on the basis that the replacement dwelling in the open countryside and conservation area preserved the character of the conservation area by being a modest sized 2 storey dwelling and having a similar footprint, similar bulk, mass and materials that preserved the historic character and appearance of the area. A Non Material Amendment application for revisions including the proposal to change the roofing material from slate to tiles, which also requires a steeper angle of pitch to the roof and corresponding increase in ridge height, was refused.

Nineteenth and twentieth century farm cottages almost uniformly use slate in this area, largely due to its distribution by railway, and this was proposed previously as a sympathetic continuation. Clay tile is of course widely used on many earlier residential and agricultural buildings, but clay tiles require a much steeper pitch and resultant higher ridge unless the footprint and depth of the building is reduced.

The proposed building is now substantially larger than previously approved, due to the depth of the building, the increase in roof pitch and ridge height. The overall appearance changes from a modest cottage to a substantial dwelling which is not considered to preserve or enhance the character of the conservation area.

Other Issues - Residential Amenity, Highway Safety, Archaeology, Flooding & Impact To The River System, Protected Species

These issues were all considered in the previous application (the officer's delegated report is attached at appendix A). There have not been any material considerations that have changed since the last grant of approval, or from the proposed revisions, that alter the previously favourable conclusions on these issues.

10. Conclusion

There is an existing approval for the site which is considered to preserve the character and appearance of the conservation area. The proposals to mirror the dwelling on the north/south axis and adding a lean-to garden store to the garage block are considered to preserve the character and appearance of the conservation area. However, the proposed dwelling is now substantially larger than previously approved, due to the depth of the building, the increase in roof pitch and ridge height. The overall appearance changes from a modest cottage to a substantial dwelling which is not considered to preserve or enhance the character or appearance of the conservation area.

11. Recommendation

Planning Permission be REFUSED for the following reason:

(1) The site is within open countryside, a special landscape area and conservation area. Policy H30 requires replacement dwellings to be of a similar size to the existing and policy CN8 requires development to preserve or enhance the existing character of the area. The supporting documentation submitted with the application advised that the cottages were probably farm labourer housing for the estate and that 'a replacement for the cottages could enhance the conservation area if it were an appropriate form of development that respected the historic character and pattern of development'. The single replacement dwelling approved under S/2012/0013 is on a similar footprint to the existing cottages; has a similar bulk and mass and is considered to preserve the character and appearance of the conservation area. The proposed building is now substantially larger than previously approved, due to the depth of the building, the increase in roof pitch and ridge height. The overall appearance changes from the appearance of a modest cottage to a substantial dwelling with a suburban character which is not considered to preserve or enhance the rural character and appearance of the conservation area, contrary to policies G1, G2, D2, C2, C6, CN8, CN11, H30 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and guidance within the NPPF.

1. Appendix A – Delegated report to S/2012/0013

CASE OFFICER'S REPORT

Application Reference: S/2012/0013
Date of Inspection: 08/02/2012
Date site notice posted: 08/02/2012 (expiry date
29/02/2012)
Date of press notice: 19/01/2012 (expiry date
09/02/2012)

POLICIES

Saved policies of the Salisbury District Local Plan (which are also 'saved' policies in the adopted South Wiltshire Core Strategy)

G1 (Sustainable development)
G2 (General)
D2 (Design)
C2 (Development in the countryside)
C6 (Special Landscape Area)
C11 (Areas of High Ecological Value)
C12 (Protected species)
CN5 (Setting of listed buildings)
CN8 (Development in conservation areas)
CN9 (Demolition of buildings in conservation areas)
CN11 (Views into and out of conservation areas)
CN21 (Archaeology)
H30 (Replacement dwellings)

Government guidance

PPS1 – Sustainable development
PPS 3- Housing
PPS5 – Planning for the historic environment
PPS25 – Development and flood risk

ISSUES

Principle of development
Impact to character and appearance of the conservation area, landscape and setting of listed building opposite
Residential amenity
Highways considerations
Archaeology
Flooding
Impact to protected species
Impact to the river system

REPRESENTATIONS

Highways – The application is for a replacement dwelling using the existing access. Satisfied that the site can accommodate adequate space to park three vehicles and to allow vehicles to turn within the site curtilage. The drawing ref: Hwe/p/02 shows gravel between the gates and the carriageway edge which is not acceptable and should be amended to consolidated material. Raise no objections subject to condition requiring the

access to have consolidated material.

English Heritage – The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Conservation – The level of detail and assessment provided with this application is to be commended. The proposal is for the replacement of a pair of cottages lying in a field away from the southern edge of the settlement. The cottages have the appearance of typical nineteenth century farm labourers' dwellings, and they certainly served that function; it is also apparent, however, that there was a pair of cottages here at the time of the 1795 Enclosure survey, indicated by the existing small garden plots that are clearly drawn to their southwest. The tithe award has the plots owned by the major landowner, but there is no reason to suggest that he lived in one of these properties (or the two together), neither of which has the typical setting or outbuildings of a farmhouse, and it is much more likely that they were tenanted.

The site of the existing cottages was clearly chosen as a result of the proximity to the place of work for the occupants, and does not relate to the settlement. This is quite a common situation, especially for nineteenth century labourers' cottages, and from their fairly typical appearance one can immediately interpret these origins. Once they have been demolished and replaced however, no such interpretation could be gained without the benefit of recourse to records of the planning authority or the Ordnance Survey, and I would strongly argue that this does have a significant negative impact on the character of the conservation area. If there were nothing there at present, we would not entertain the concept of a new house in the middle of a field, and yet that is precisely how it would appear should this application be approved.

I would also question the contribution of the proposed dwelling, which has unusually large spaces between oddly square windows and a disappointingly 'executive' housing estate appearance, and the oversized garage building.

Parish Council – Support

Environmental Health – recommend conditions (timing of construction/demolition works and no burning of waste).

Archaeology – This site lies within the area of the medieval settlement which became Winterbourne Earls and has an archaeological interest.

Having studied the proposed new footprint of impact, however, this appears to be limited and appears to have little potential to encounter undisturbed archaeological remains.

Do not consider that the development is likely to have an impact on significant archaeological remains. As a consequence, no further observations to make.

Wiltshire Fire & Rescue – Comments which can be added as an informative.

Environment Agency – No objection to the development subject to conditions and informatives.

Wessex Water – New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Further advice included on this process which can be added as an informative.

ASSESSMENT:

Principle of development

The site lies within open countryside, a conservation area, a special landscape area, an area of special archaeological significance and an area of high ecological value.

The proposal is to demolish the existing pair of three bedroom semi-detached dwellings and attached garages and construct a new single four bedroom dwelling and detached outbuilding on the site.

Policy H30 allows for replacement dwellings in the countryside where, among other considerations the new dwelling is not significantly larger or greater in impact than the existing, it is of a high standard of design appropriate to the rural surroundings and its siting is closely related to that of the existing dwelling.

Policy C6 makes clear that development will not be permitted in the Special Landscape Area unless it has particular regard to the high quality of the landscape and that development should be sympathetic with the landscape with high standards of landscaping and design.

Impact to character and appearance of the conservation area, landscape and setting of listed building

The site is also within a conservation area; described in The Planning (Listed Buildings and Conservation Areas) Act 1990 as “an area of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance”. The aim of the designation is to protect the character and appearance of an area from unsympathetic changes and inappropriate development.

Saved policy CN8 of the local plan requires development to preserve or enhance the existing character of the area. The site is also visible from outside the conservation area and policy CN11 refers to views from and into conservation areas being safeguarded.

Policy HE7.5 of PPS 5 states:

‘Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.’

Paragraph HE9.1 of PPS5 states that significance of heritage assets can be ‘harmed or lost through alteration or destruction of the heritage asset or development within its setting.’

A ‘statement of significance and characterisation’ report has been submitted as supporting documentation to the application. This includes a review of historic maps and documents which provide evidence to suggest the cottages were constructed between 1840 and 1881 close to the site of a former farmhouse (now demolished), opining that they were probably farm labourer housing for the estate. The report refers to the former farmhouse including barns, stables and a thatched wall.

The council’s conservation officer agrees that the cottages have the appearance of typical nineteenth century farm labourer dwellings and the extract from the 1796 Enclosure Map included in the significance report also indicates there was an earlier pair of cottages on the site and although the plots were owned by the major landowner in the title award; it is

likely these were tenanted. This Enclosure Map shows an L-shaped building to the north west of the site (in the current front garden of the cottages, which could be the former farmhouse or the other outbuildings referenced in the documentary evidence).

The application documentation refers to the cottages being in a poor condition as a result of damp in the cob walls with some of the render having failed and exposing the cob construction beneath; and having been compromised by modern alterations and extensions. The report advises that alterations have taken place within the cottages to the extent that few original features remain and concludes that the cottages are of low intrinsic value, their demolition would not result in any loss of significant historic fabric and their limited significance lies in their historic connection with the manorial estate. The assessment of significance submitted with the application explains that the significance of the cottages is limited by the fact that whilst the manor is important to the make-up of the village, the cottages had a humble purpose in housing farm labourers and 'are of limited value in illustrating any past occupation or activities.'

The supporting documentation advises that 'a replacement for the cottages could enhance the conservation area if it were an appropriate form of development that respected the historic character and pattern of development.'

The council's conservation officer advises that the site of the cottages doesn't relate to the settlement and is likely to have been chosen as a result of the proximity to the place of work for the occupants and that it is possible to interpret these origins from their typical appearance of the dwellings as nineteenth century farm labourers' cottages. The conservation officer advises that once demolished and replaced no such interpretation can be gained without recourse to documentary records and that the replacement dwelling will appear as an isolated new dwelling in the open countryside and overall will have a significant adverse impact upon the character of the conservation area.

The conservation officer has also raised concern about the design of the replacement dwelling by reason of it having a standard "housing estate appearance"; the large spaces between the oddly square windows and the size of the garage outbuilding.

It is relevant to the concerns of the conservation officer that the two dwellings could be combined as one dwelling without planning permission being required. The existing cottages also have modern uPVC windows of varying styles and relatively limited fenestration to wall ratio on the south elevation (similar to the ratio of window to wall of the application proposal, especially at first floor level). The cottages could also be altered/extended in accordance with permitted development allowances (albeit reduced in conservation areas) which could result in a change to the appearance from a pair of cottages to a single dwelling and could involve alterations to the windows without needing planning permission in any event.

Policy H30 requires replacement dwellings to be designed to a high standard appropriate to the rural surroundings.

The Heritage Statement defines the character of this part of the conservation areas as a historic group of predominantly residential buildings, in a rural village context and an open landscape setting bounded by the river and glimpsed views through gaps between houses and boundaries. The statement summarises the appearance of buildings within this part of the conservation area as two storey; brick, brick and flint or render elevations; clay tiled hipped or gable roofs; brick chimney stacks (some centrally placed on the ridge); traditional window styles with either sliding sashes or two-light casements and native hedgerow or cob or brick boundary walls.

The single replacement dwelling is on a similar footprint to the existing cottages and with a similar bulk and mass. It is proposed to have rendered and painted walls under a slate pitched roof to reflect the materials of the existing cottages. The design is symmetrical with a central front door, two storey entrance bay and central brick chimney stack. Two light wooden casement windows are proposed. The replacement dwelling is considered to be appropriate to and will preserve the overall varied character and appearance of the conservation area in this location by reason of the existing properties in the immediate locality which vary from the existing two storey rendered cottages, the large two ½ storey rendered Parsonage Mead opposite the site, two storey traditional brick and flint dwellings (Church Farm Cottage and Manor Farm Cottage), more modern developments including the two detached dwellings behind Church Farm Cottage (approved under planning application reference S/1988/1495) and the large courtyard development of Earls Manor Court (approved under planning application reference S/1990/1416), which is a particularly dominant building within Tanners Lane.

The timber clad outbuilding is proposed in the front garden set at right angles to the replacement dwelling with garage and car port on the ground floor and an office within the roof space.

Parsonage Mead opposite the site is a Grade II listed building. The property is set back in the plot with a boundary wall and mature hedge behind, to the south boundary screening the proposed development site. Parsonage Mead also has a number of outbuildings within the front garden including a pitched slate roofed and red brick outbuilding of a similar scale to the proposed outbuilding. It is not considered that the development proposals will impact upon the setting of the listed building.

Whilst the appearance and character of the buildings on the site will change from that of two farm labourer cottages to a single dwelling; taking into account the condition of the existing cottages and permitted development rights that would allow conversion into a single dwelling and alterations (subject to the criteria within the General Permitted Development Order); subject to conditions (including agreeing the building materials); it is not considered that the proposals will have significant impacts on the conservation area, landscape or setting of the listed building.

Bearing in mind policy H30 requiring replacement dwellings to be of a similar size to the existing, and the location of the site within a conservation and special landscape area, withdrawal of permitted development rights in relation to extensions to the dwelling and outbuilding is considered justified.

Residential amenity

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers. The site is surrounded by open field and the nearest neighbours are some distance away. It is considered that the proposal would not adversely affect nearby properties, and would comply with Local Plan policy G2.

It is considered reasonable to condition that the office in the proposed outbuilding should be used only for private and domestic purposes incidental to the enjoyment of the associated single residential dwelling to safeguard against the use of the office as an unrelated business which would have the potential for associated increase in traffic and activity on the site.

In light of the distance of the site from nearby residential dwellings, it is not considered necessary to condition the timing of demolition/construction works (as recommended by

the environmental health officer) and the controlling of burning of waste should be dealt with under Environmental Protection Legislation.

Flooding

The site falls partially within Flood Zone 3 and 2 and is adjacent to areas that are thought to be at risk of surface water flooding.

The Environment Agency have acknowledged that the proposed scheme demonstrates a net reduction in flood risk via the removal of one of the two existing independent dwellings on the site and have raised no objections to the application subject to conditions and informatives.

They have advised that the access to the site is via Tanners Lane, which is partially within flood zones 3 and 2 and impacted by surface water flooding and whilst any flooding of the Lane immediately in front (north) and east of the site is likely to be shallow, with little or no velocity, the principle of safe access and egress from the site via this route is a matter for the Emergency Planning Officer to consider in consultation with the local Fire & Rescue service.

The council's public protection department has been consulted and has raised no objections to the application and the Fire & Rescue service has not commented on flooding. The scheme will also result in a net reduction in flood risk.

Protected species

The proposal involves demolition of an existing building and no protected species survey has been provided. However, the building is still in use and is not listed as a building type as high risk under the Wiltshire Council Ecologist Checklist. Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applies independently of planning permission and the developer has legal obligations towards any protected species that may be present. An informative can be added to any consent advising the applicant.

Highways considerations

Policy G2 of the local plan requires development proposals to provide a satisfactory means of access and turning space within the site, an appropriate level of parking and to also avoid placing an undue burden on the existing local road network.

The highways department have raised no objections to the scheme subject to conditioning that the first 5m of the access road should be properly surfaced.

Archaeology

The Council's archaeologist has advised that the site is within the area of the former medieval settlement; but as the proposed dwelling will be built largely on the site of the existing dwellings; it is unlikely that there will be undisturbed archaeological remains.

River system

The development lies to the east of the River Avon System SSSI and the River Avon SAC.

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

The proposals will not directly affect the river and the development site is separated from the river by the field surrounding the site. As such it is not considered that the scheme would lead to contamination of land or water resources. The environment agency has recommended an informative relating to pollution prevention which could be added to an approval.

RECOMMENDATION: Approve

APPROVED WITH CONDITIONS

It is considered that subject to conditions the proposal would not cause any significant demonstrable harm to interests of acknowledged importance, in this case, the character and appearance of the conservation area, the setting of the listed building opposite, the landscape, residential amenity, highway safety, archaeology, or flooding. The development is in accordance with the relevant policies of the Salisbury District Local Plan (which are also 'saved' policies in the adopted South Wiltshire Core Strategy), namely:

- G1 (Sustainable development)
- G2 (General)
- D2 (Design)
- C2 (Development in the countryside)
- C6 (Special Landscape Area)
- C11 (Areas of High Ecological Value)
- C12 (Protected species)
- CN5 (Setting of listed buildings)
- CN8 (Development in conservation areas)
- CN9 (Demolition of buildings in conservation areas)
- CN11 (Views into and out of conservation areas)
- CN21 (Archaeology)
- H30 (Replacement dwellings)

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

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

(2) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources.
Policy: G1 (Sustainable development)

(3) No development shall commence on site until details and samples of the materials and finishes 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:G1 (Sustainable development)
G2 (General)
D2 (Design)
CN5 (Setting of listed buildings)
CN8 (Development in conservation areas)
CN11 (Views into and out of conservation areas)
C2 (Development in the countryside)
C6 (Development in special landscape areas)
H30 (Replacement dwellings)

(4) The finished floor levels of the completed development should be set no lower than 300mm above adjacent ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Policy: PPS25 (Development and Flood Risk)

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

Reason: In the interests of highway safety.

Policy: G2 (General)

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

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

Policy: G1 (Sustainable development)
G2 (General)
D2 (Design)
CN5 (Setting of listed buildings)
CN8 (Development in conservation areas)
CN11 (Views into and out of conservation areas)
C6 (Development in special landscape areas)
C2 (Development in the countryside)
H30 (Replacement dwellings)

(7) The garage/office building hereby permitted shall be used only for private and domestic purposes incidental to the enjoyment of the associated single residential dwelling.

Reason: In order that the Local Planning Authority may retain planning control over the use of the premises.

Policy: G1 (Sustainable development)
G2 (General)
C2 (Development in the countryside)
CN8 (Development in conservation areas)
CN11 (Views into and out of conservation areas)
C6 (Development in special landscape areas)

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

Drawing No. Hwe/p/04 Garage & Office

Drawing No. Hwe/p/02 Plans as proposed

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

INFORMATIVE:- Wessex Water

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from www.wessexwater.co.uk/developerservices

Further information can be obtained from Wessex Water's New Connections Team 01225 526222 for water supply and 01225 526 333 for waste water.

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul water system.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and Wessex Water normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer is available from www.wessexwater.co.uk. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact the sewer protection team on 01225 526 333 at an early stage if a section 105a sewer may be affected.

INFORMATIVE:- Environment Agency

Flood Risk

Further clarification can be obtained from Gary Cleaver (Environment Agency Development & Flood Risk Engineer) 01258 483 434.

Water Efficiency

It is important that water efficiency measures are incorporated into the scheme. This conserves water and allows cost savings for future occupants.

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Manufacturer's specifications should not be submitted. Applicants are advised to refer to the following for further guidance

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

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

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:

<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>

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:- Protected Species

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applies independently of planning permission and the developer has legal obligations towards any protected species that may be present. Planning permission for development does not provide a defence against prosecution under protected species legislation.

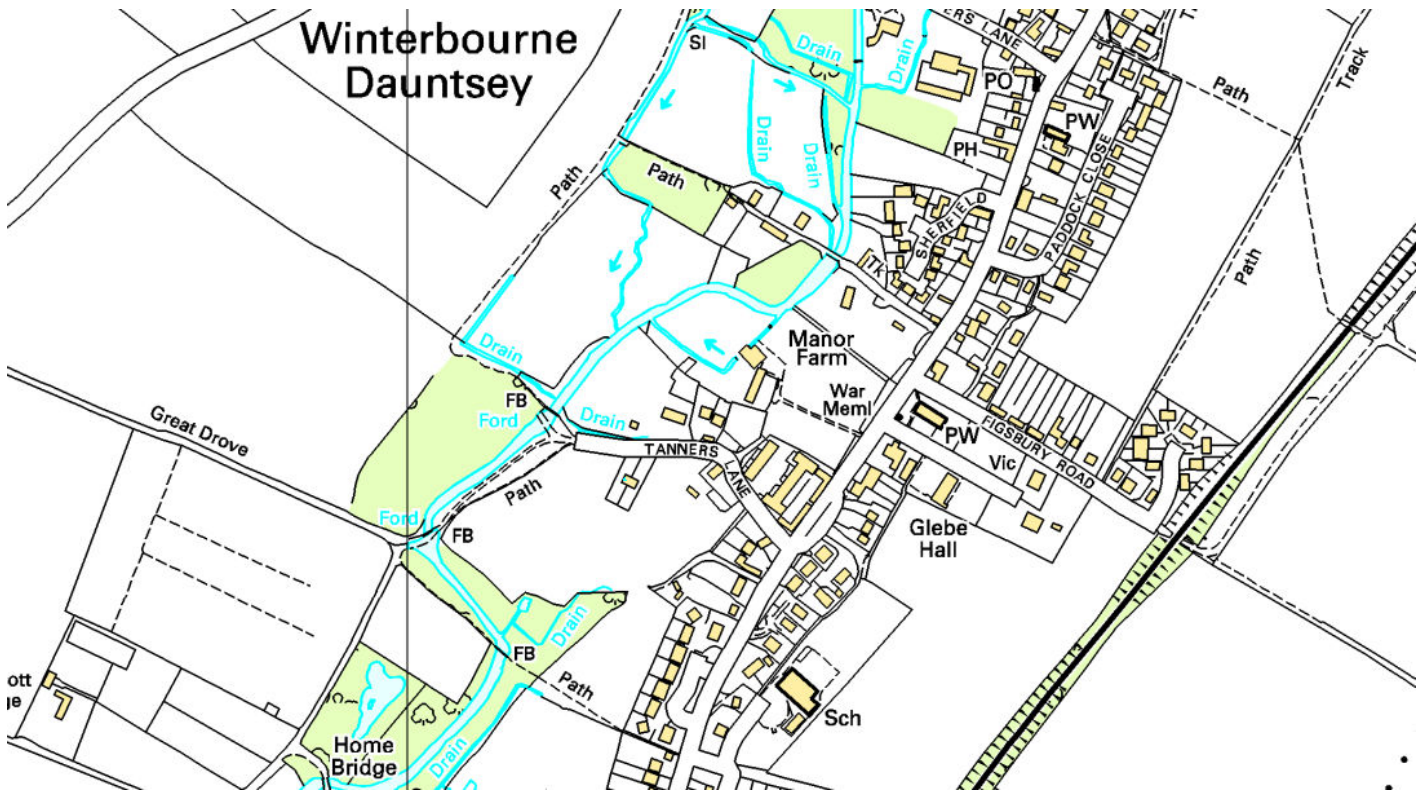
All species of bats and their roosts are legally protected. Bats may use trees with suitable holes, crevices or cavities for roosting at any time of the year but they are usually difficult to detect. If you think tree works may affect a bat roost, you should seek advice from a bat expert who will be able to advise you on how to avoid harming bats. If bats are discovered during tree works, you should stop work immediately and consult Natural England at their Devizes office 01380 725 344.

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st August but it may occur outside this period. If there is a likelihood breeding birds are present, you must delay works until young birds have left the nest or the nest has been abandoned.

INFORMATIVE:- Condition 3 Materials

Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.

Meadow View Cottages. SP4 6HE



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Agenda Item 7b

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	23 August 2012		
Application Number:	S/2012/0883/Full		
Site Address:	137 Netherhampton Road, Salisbury. SP2 8NB		
Proposal:	Erection of a 2 bedroom dwelling and alteration to existing access		
Applicant / Agent:	Mr Nigel Lilley		
City/Town/Parish Council	Salisbury City Council		
Electoral Division	Harnham	Unitary Member	Cllr Brian Dalton
Grid Reference:	Easting: 412872		Northing: 129156
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mr Matthew Legge		Contact Number: 01722 434398

Reason for the application being considered by Committee

Cllr Brian Dalton has called this application to Committee, "*Due to local neighbour interest in the application*"

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** with reasons

2. Report summary

The main issues to consider are:

- Impact on character of area
- Neighbour Amenity
- Highway- Impact on adjacent Bridleway
- Planning Obligations

The application has generated objections from Salisbury City Council and 2 letters of objection from neighbouring dwellings.

3 Representation Responses

2 Neighbouring letters received objecting to the proposal

1 letter of support received

0 letters commenting on the application received

3. Site Description

The application dwelling is a detached bungalow which fronts onto Netherhampton Road and maintains a vehicular access via Carrion Pond Drove. The application site is located within a Housing Policy Boundary area.

4. Relevant Planning History

Application Number	Proposal	Decision
S/12/0581	Erection of a 2 bedroom dwelling and alteration to existing access	WD
S04/0499	Retrospective erection of fence	AC

5. Proposal

Erection of a 2 bedroom dwelling and alteration to existing access

6. Planning Policy

Adopted policies; G1, G2, D1, D2, R2, H16, CN21 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Adopted South Wiltshire Core Strategy: Core Policy 3
Wiltshire Local Transport Plan 2011-2016
National Planning Policy Framework

7. Consultations

Salisbury City Council

SCC objects as per S/2012/0581. "Clarification is needed to establish who owns the land at the curtilage. Is access sustainable if this road is unadopted? SCC is not content to see further infill development. SCC would like to raise significant concerns about access to other properties as the plan appears to enclose the bottom section of Carrion Pond Drove which is believed to be common land."

Environment Agency

The LPA should refer to the Flood Risk Standing Advice.

Wiltshire Council Highways

"It is considered that the development proposed will not detrimentally affect highway safety and I therefore recommend that no highway objection be raised to it subject to the following condition...."

Environmental Health

No Observations

Rights of Way –

None received. Previous application commented: "I would ask whether the applicants could demonstrate a private vehicular right to drive on the Public Bridleway?"

Wiltshire Council Archaeology

"There are no historic records within the vicinity of the site. I therefore consider it unlikely that significant archaeological remains would be disrupted by the proposed development"

WF&RS

General Comments

8. Publicity

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

2 letters of objection have been received:

- Concern over maintaining vehicular access in Carrion Pond Drove during the construction of the proposed dwelling.
- Concern over the maintenance of the drove and potential future financial costs for all drove users.
- Concern over any reduction in the existing width of the Drove and any resultant impact on access to current dwellings.
- *"I am also very concerned about loss of privacy, the bedroom and stairwell window in the proposed building will be overlooking my property"*
- Concern over loss of views
- Concern over lack of drainage plans/details and connection to main sewer.

1 letter of support has been received:

- Support from Applicant's Doctor in relation to the erection of a bungalow.

9. Planning Considerations

9.1 Impact on character of area

This application proposes to erect a two bedroom dwelling with two parking spaces together with outdoor amenity areas within the rear garden of the application site. The application dwelling is a detached bungalow with a gravelled area to the front of the property which appears to allow the parking of between 2 to 3 vehicles. The rear garden is the principle area of outdoor amenity space for the application dwelling. The rear garden measures a distance of about 12.86m from the furthest rear elevation of the application dwelling. This proposed new dwelling would reduce that distance to 3.679m which would significantly reduce the available area of outdoor amenity space for the existing bungalow.

Officers consider that this application's proposed development site is far too small to accommodate a new dwelling and would not allow adequate outdoor amenity space for the existing dwelling and constricted outdoor space for the proposed dwelling. The National Planning Policy Framework (NPPF) is noted to comment that *"Local planning authorities should consider the case for setting out policies to restrict inappropriate development of residential gardens..."*

The aims of the NPPF are clear that the LPA should not encourage or approve inappropriate development of residential gardens, similar to the aims of policy H16 of the Local Plan as contained within the SW Core Strategy. This LPA considers that this proposed dwelling on such a constrained and small proposed plot is uncharacteristic of the built massing within the area and if permitted would in the opinion of Officers create a precedent which would encourage small and inappropriate sites for the erection of new residential dwellings.

9.2 Residential Amenity

This application's proposed new dwelling would have a gross ridge height of 5.650m. The proposed dwelling would be located within a close distance of 0.45m from the boundary with the southern dwelling (known as No.1 Montague Road) and 0.934m from the western boundary with No.139 Netherhampton Road. The proposed new dwelling is considered to

be sensitively designed so not to result in significant overlooking between the surrounding neighbouring properties. The limited number of windows facing toward the southern elevation is likely to result in no demonstrable harm to overlooking; however the single light stair window (which would rise above a 2m boundary fence) could be permanently obscured to ensure no direct views are permitted towards the neighbouring dwellings.

The high level glazed apexes within the gable elevations on the north and west elevations would not in the opinion of Officers allow direct overlooking towards the neighbouring dwellings. The glazing within the front eastern elevation would face towards the garaged/parking area of the dwelling known as En-Indoors. Such permitted views towards En-Indoors and the rear parking area of the New Gospel Hall (opposite the application site) is not considered to be unduly harmful to warrant or contribute towards a refusal of the application. Any first floor views towards En-Indoors's front elevation will only be oblique and indirect. En-Indoors principle outdoor amenity area to the south of this neighbouring dwelling is considered to remain unaffected by the creation a new dwelling within the application site.

However, the general massing of the proposed new dwelling is significant. Given the restricted nature of the plot, and close proximity to other residential dwellings and garden areas, it is considered that the dwelling as designed would be likely to have an overbearing impact on the existing dwelling (No.137), particularly given the restricted amenity space provided for No.137. Conversely, it is also considered that the amenities enjoyed by any future occupants of the proposed dwelling would be likely to be significantly reduced by the restricted outdoor space around the planned property, much of which is located to the immediate north of that dwelling and likely to be in shadow most of the time.

It is therefore considered that the proposal would harm the future amenities enjoyed by occupiers of No.137, and the new dwelling, in terms of undue dominance and overshadowing.

9.3 Highway- Impact on adjacent Bridleway

This application proposes to provide access onto Carrion Pond Drove which this LPA recognises as a Bridleway. However notwithstanding the designation of the drove it is noted that Wiltshire Council Highways have not raised any "in principle" objection to the use of this Bridleway for vehicles. Officers note that the Drove already allows access for a small number of vehicles. Whilst Bridleways by definition should not be used for motorised vehicles, this particular Drove has evident precedent towards the Drove's use by motorised vehicles. Officers support the neighbouring comments which seek to ensure that the Drove is free of parked vehicles and Officers also do not support the Drove becoming (over a period of time) a classified part of the highway which would thus encourage yet more vehicles to use the Bridleway.

Presently it is noted that the drove is not adopted by Wiltshire Council Highways and that the Drove does not have any road markings or lighting. The principle of vehicular use over the Drove appears to be accepted by Highways and as such Officers are not principally objecting to what appears to be an established use for private vehicles over the Drove. However Rights of Way have previously requested that the Applicant demonstrate a "*private vehicular right to drive on the Public Bridleway*" which has not been submitted with this current application.

Wiltshire Council Highways have raised no objection to the application but has risen a degree of concern that "*the applicant should ensure that he has vehicular rights over the route of the Bridleway 13*". There are a number of neighbouring comments which relate to the perceived narrowing of the Drove entrance way and concern is expressed about

possible future financial costs relating to the maintenance of the Drove. It appears that it is not possible to clarify who owns the Drove. As a result the Applicant has advertised the proposed development to the satisfaction of the LPA. The issue concerning areas of ownership and possible future financial maintenance costs for the Drove are not considered to be materially relevant to planning and are as such matters to be dealt with civilly.

9.4 Planning Obligations

Policy R2 (saved within Appendix C of the SWCS) makes it clear that all new residential development should either make provision for onsite public recreational open space facilities or contribute a monetary sum towards off-site provision. Adopted Core Policy 3 (Affordable Housing provision) also requires a financial contribution towards off-site affordable housing provision on sites of 4 dwellings or less. Within the Design and Access Statement it is noted by Officers that the Applicant has expressed a willingness to enter into relevant Agreements for required funding.

However, at this point in time, as no obligation has been provided, it is considered that a reason for refusal must be included as part of any decision, in order that this matter is highlighted as a planning issue.

10 Conclusion

The proposal is therefore considered unacceptable due to its impact on the wider character of the area, the impact on residential amenity, contrary to adopted policies; G2, D1 and D2 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework.

11 Recommendation

Planning Permission be REFUSED for the following reason:

1. The existing property is located in an established residential area, adjacent to a Bridleway. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space. It is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over development, out of keeping with the general scale and character of existing development in the area and would be likely to result in harm to the residential amenity experienced by occupiers of both the existing dwelling and the proposed dwelling. Given the restricted size of the plot and amenities the proposal could set an undesirable precedent for similar proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.

INFORMATIVE

1. Officers note that the Applicant within the Design and Access Statement has principally agreed to the submission of funds associated with the required planning obligations. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing.



WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

Date: 23rd August 2012

Subject: Land at Avonview, Rambling Rose, Hillbilly Acre and Sunhill, Southampton Road, Clarendon.

Purpose of Report

1. To inform Members of the progress of proposed enforcement action in respect of the above site.

Background

2. Members will recall that an appeal in relation to an application for use of the above site for the use as a caravan site by gypsies and travellers was dismissed by the Planning Inspectorate on 20th June. The application was partly retrospective as, one plot (Hillbilly Acre) is occupied by a gypsy and traveller family. Additionally, other development has been carried out including storage of caravans, domestic storage ancillary works and erection of buildings.

The current situation

3. Subsequent to the appeal decision, Officers have undertaken further investigations. At the time of writing, legal advice is being sought on the nature and scope of proposed enforcement action, which potentially extends in total to six separate breaches of planning control.
4. It is anticipated that Officers will be able to update Members at the meeting, concerning the progress of proposed enforcement action to be taken under delegated powers.

Recommendation

A further report will be made at the meeting.

Report Author:

Stephen Hawkins, Team Leader (Enforcement).

Date of report 9th August 2012

Background Papers

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

Delegated report.
