

AGENDA

Meeting: Southern Area Planning Committee
Place: Crown Court Room, The Guildhall, Market Place, Salisbury SP1
1JH
Date: Thursday 4 October 2012
Time: **6.00 pm**

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email kieran.elliott@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 - 8)**

To approve and sign as a correct record the minutes of the meeting held on 23 August 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 27 September 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 9 - 10)**

To receive details of completed and pending appeals.

7 **Shiralee, Tytherley Road, Winterslow (Pages 11 - 12)**

To note the report of the Team Leader (Enforcement).

8 **Planning Applications (Pages 13 - 14)**

To consider and determine planning applications in the attached schedule.

8a **S/2012/0883/Full - 137 Netherhampton Road, Salisbury SP2 8NB**
(Pages 15 - 22)

8b **S/2012/0893/Full - 8 Old Castle Road, Salisbury SP1 3SF** (Pages 23 - 34)

8c **S/2012/0826/Full - Butt of Ale, Sunnyhill Road, Salisbury SP1 3QJ**
(Pages 35 - 46)

8d **S/2012/0931/Full - Avon Valley College, Recreation Road, Durrington, Salisbury SP4 8HH** (Pages 47 - 52)

8e **S/2012/1076/Full - Unit 1 & 2 Sarum Business Park, Lancaster Road, Salisbury SP4 6FB** (Pages 53 - 62)

8f **S/2012/1120/Full - 45 Ladysmith, Gomeldon, Salisbury. SP4 6LE**
(Pages 63 - 72)

8g **S/2012/0928/Full - 2 Lovegrove Acre, Dinton, Salisbury. SP3 5DX**
(Pages 73 - 82)

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 23 AUGUST 2012 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE
LANE, SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman),
Cllr Mike Hewitt, Cllr George Jeans, Cllr David Jenkins (Substitute),
Cllr Ian McLennan, Cllr John Smale, Cllr Ian West and Cllr Fred Westmoreland
(Chairman)

52 Apologies for Absence

Apologies were received from Cllrs Brian Dalton and Paul Sample. Cllr David Jenkins substituted for Cllr Dalton

53 Minutes

The minutes of the meeting held on 12 July 2012 were presented

Resolved:

To approve as a correct record and sign the minutes.

54 Declarations of Interest

There were no declarations of interest

55 Chairman's Announcements

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

56 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

57 **Planning Appeals**

The committee received details of the following appeal decisions, it was noted that there was an error in the report and S/2011/0914: should have read Committee instead of Delegated

S/2011/1395 – The Lime Yards, Crockford Corner, West Grimstead – Committee - Dismissed

S/2011/1354 - 3 Landford Manor, Stock Lane, Landford – Delegated – Part Dismissed/Allowed

S/2011/1344 - 3 Landford Manor, Stock Lane, Landford - Delegated – Part Dismissed/Allowed

S/2011/0914 - The Heather, Southampton Road, Alderbury- Committee - Allowed

S/2011/0524 - Land at Sheepwash, Mead End, Bowerchalke – Delegated - Allowed

S/2012/0214 – 58 Cheverell Avenue, Salisbury – Delegated – Dismissed

And forthcoming appeals as follows:

S/2011/0355 - 8 Flitcroft, Amesbury

58 **Planning Applications**

58a **S/2012/0628/Full - Meadow View Cottages, Winterbourne Earls, Salisbury**

Public participation:

Mr Nigel Lilley, agent, spoke in support of the application
Mr Philip Harvey, applicant, spoke in support of the application
Mr Eric Baker, Chairman of Winterbourne Parish Council, spoke in support of the application

The Planning Officer introduced the report and drew the committee's attention to the revised recommendations for refusal in the late correspondence. It was explained that this was an explanation for an amended house type with an overall height increase to allow for clay tiles instead of slate.

A debate ensued during which issues regarding whether or not there was a change in the overall footprint of the house, it was confirmed by the Planning Officer that this was not the case.

Resolved:

To approve 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 following relevant policies of the Salisbury District Local Plan (which are also 'saved' policies in the adopted South Wiltshire Core Strategy), and guidance within the NPPF (paragraphs 61, 64, and 135):

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:

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

Drawing No Hwe/p/102 Plans as Proposed, dated April 2012, received by this office 26/04/2012

Drawing No Hwe/p/03A Garage & Office, dated April 2012, received by this office 26/04/2012

Drawing No Hwe/p/05 Site Location Plan, dated Dec 2011, received by this office 26/04/2012

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.

58b S/2012/0883/Full - 137 Netherhampton Road, Salisbury

Resolved:

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

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

The Team Leader (Enforcement) introduced the report and drew attention to the late correspondence which contained details of alleged breaches of planning control on the site. He explained that the site known as Hillbilly Acre had been split into its constituent parts and details of alleged breaches at each part were given in the late correspondence.

He also explained that the officer findings and recommendations had been passed to the legal department who were advising on next steps.

Resolved:

To note the report and request that a progress report be brought to each meeting of the committee until the matter is resolved.

60 **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 6.40 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

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

APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
S/2011/1011	BallardsFarmhouse ManorFarm TeffontMagna	WR	Delegated	Dismissed	No	No
S/2011/1429	DorothyMay Larkhill Road Durrington	WR	Delegated	Dismissed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?

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

24th September 2012

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Wiltshire Council

Southern Area Planning Committee

4 October 2012

Subject: Shiralee, Tytherley Road, Winterslow

Purpose of Report

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

Background

2. In 2009, the Council received complaints regarding the construction of a balcony on a flat roof at the rear of the above site, a bed and breakfast business.

Retrospective applications

3. A retrospective application to retain the balcony was received early in 2010 but was refused on grounds of noise and disturbance and loss of privacy to neighbours. The owner appealed to the Planning Inspectorate, but the appeal was declined. A second similar application was received in 2011 however this was also refused for the same reasons.

Enforcement action

4. Following the second refusal an enforcement notice was issued requiring removal of the balcony. The owner did not appeal against the enforcement notice, which took effect. However the notice was not complied with and in October legal proceedings against the owner were commenced.
5. The owner then appealed against the second refusal of planning permission. This meant that the legal proceedings had to be put into abeyance pending the outcome of the appeal, which was eventually dismissed in June this year.

The court case

6. Following the appeal the owner continued to defend against the Council's legal proceedings and she elected for trial in the Crown Court. However at the Court on 4th September she pleaded guilty to not complying with the enforcement notice.
7. In convicting the owner, the Judge accepted that the balcony had been removed shortly before her court appearance and the notice had been complied with, fining her £100 with £100 costs. He also took into account the small scale of her business, but regarded the matter as serious enough to warrant punishment.

Recommendation

That the Committee notes the report.

Report Author:

Stephen Hawkins, Team Leader (Enforcement).

Date of report: 21st September 2012

Background Papers

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

Delegated report.

Agenda Item 8

INDEX OF APPLICATIONS ON 04TH OCTOBER 2012

1

SITE VISIT 1545

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

2

SITE VISIT 1630

Application No: S/2012/0893/Full

Site Location: 8 Old Castle Road, Salisbury SP1 3SF

Development: Alterations and extensions to existing nursing home to incorporate better access and layout throughout the building

Recommendation: Approve with Reasons **Division** Cllr Mary Douglas

3

Application No: S/2012/0826/Full

Site Location: Butt of Ale, Sunnyhill Road, Salisbury SP1 3QJ

Development: Redevelopment of public house to provide 4 no. dwellings, car port and associated works

Recommendation: Approve with Reasons **Division** Cllr Mary Douglas

4

Application No: S/2012/0931/Full

Site Location: Avon Valley College, Recreation Road, Durrington, Salisbury SP4 8HH

Development: Proposed modular building and associated site works to provide accommodation for pre-school

Recommendation: Approve with Reasons **Division** Cllr Graham Wright

5

Application No: S/2012/1076/Full

Site Location: Unit 1 & 2 Sarum Business Park, Lancaster Road, Salisbury SP4 6FB

Development: Partial demolition and division of Unit no. 1 (single storey building), to provide 6no. separate self contained units and the provision of a fire door in Unit 2 a two storey attached unit

Recommendation: Approve with Reasons **Division** Cllr Ian McLennan

6

Application No: S/2012/1120/Full

Site Location: 45 Ladysmith, Gomeldon, Salisbury. SP4 6LE

Development: Alterations and extensions to existing building and subdivision of plot to form 2 separate dwellings

Recommendation: Refuse with Reasons

Division Cllr Mike Hewitt

7

Application No: S/2012/0928/Full

Site Location: 2 Lovegrove Acre, Dinton, Salisbury. SP3 5DX

Development: Proposed single storey 3 bed dwelling and alterations to access

Recommendation: Approve with Reasons

Division Cllr Bridget Wayman

Agenda Item 8a

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	04 th October 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

This application has been deferred to allow for a Committee site meeting.

This report has been amended since the initial presentation to take account of the late representations from the Tree Officer, this resulting in a further recommended reason for refusal.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Management 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
- Trees
- 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/2012/0581	Erection of a 2 bedroom dwelling and alteration to existing access	WD
S/2004/0499	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
Para.53 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 conditions....”

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”

Wiltshire Council Tree Officer

“I note the Planning Statement attached to this application states that no trees are affected by the proposal. However, there is a 50 year old Oak tree in the garden of the neighbouring property to the south (1 Montague Road) and the new dwelling seems to encroach in the

root protection area of the tree. Furthermore, the canopy of the tree appears to extend over the intended footprint of the new building. This will inevitably lead to future concerns about safety (especially as the tree is relatively young and has considerable growth potential) and other tree related issues such as overshadowing, leaf fall, damp problems etc.

I believe the application has failed to consider the impact on the tree which in my view could be damaged by development or come under significant pressure to be felled should Planning Permission be granted.”

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 Trees

This application has received an objection from a Wiltshire Council Tree Officer. Concern has been expressed that the Oak tree within the rear neighbouring garden at No. 1 Montague Road could be detrimentally affected as a result of the construction of the suggested new dwelling.

9.5 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. There is a large, established Oak tree located to the immediate south of the site. 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, given the close proximity of the site to the adjacent mature Oak tree. In combination with the close proximity of the established tree, 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. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped 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, particularly paragraph 53.

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.

137 Netherhampton Road, Salisbury. SP2 8NB



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	4 October 2012		
Application Number:	S/2012/0893/Full		
Site Address:	8 Old Castle Hill, Salisbury SP1 3SF		
Proposal:	Alterations and extensions to exiting nursing home to incorporate better access and layout throughout the building.		
Applicant / Agent:	The Project Support Practice.		
City/Town/Parish Council	Salisbury City Council		
Electoral Division	St. Francis and Stratford	Unitary Member	Cllr Mary Douglas
Grid Reference:	Easting: 414194	Northing: 132504	
Type of Application:	Minor		
Conservation Area:	Cons Area: -Stratford Sub Castle	LB Grade:- NA	
Case Officer:	Mrs. Janet Wallace	Contact Number: 01722 434687	

Reason for the application being considered by Committee

Cllr Mary Douglas has called the item to committee on the grounds of relationship to adjoining properties. The City Council does not object to the proposal.

1. Purpose of report

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

2. Report summary

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

1. Policy considerations
2. Visual impact/Conservation Area/Design
3. Impact upon amenities
4. Provision of Amenity Open Space
5. Archaeology,

5 letters of objection, two of which are from Salisbury City Councillors (St. Francis and Stratford ward and Harnham ward).

Salisbury City Council has no objections

Wiltshire Council Archaeology has no objections.

3. Site Description

The site is an existing Nursing Home, providing 25 beds, located on the Old Castle Road. Old Castle Road is to a short stretch of classified road which links the A345 (Castle Road) with Ford Road. Opposite the Nursing Home is a large public house The Castle Inn. The

pub is a Harvester Inn with a large car park, whose name derives from its proximity to the ancient monument of Old Sarum.

The Nursing Home is a mainly three storey building, which has been extended in a piecemeal fashion. It primarily consists of a much extended, converted, large, detached dwelling, with an external lift shaft and fire escapes. To the rear of the main building, is a separate bungalow annexe, a chair lift and ramped access to the rear gardens. The latter is required because the site is on ground which rises to the east and so the buildings have been cut into the site. The parking and turning area, located at the front of the site can accommodate 8 vehicles.

The area around the site, is an established residential, consisting of individually designed large houses on substantial plots. To the north of the Nursing Home is a single property (no.9 Castle Road) with a large garden which extends to the full depth of the Nursing Home site. To the south of the application site are three properties sited at right angles to the property, (The Beeches, Little Orchard, Old Castle House). They have vehicular access off a private drive from Old Castle Road.

4. Relevant Planning History

Application number	Proposal	Decision
8334	Extension	A 22.11.62
D380	Extension	R 20.10.70
81/0863	Change of use from residential to old peoples home.	AC 26.08.81
82/0135	Erection of fire escape	A 24.03.82
83/0294	Alterations to form additional bedroom	AC 22.04.83
86/0270	Alterations and additions to rest home and staff accommodation	AC 25.04.86
91/1364	Change of use from staff bungalow to nursing accommodation as part of dual registration (residential home for the elderly/nursing home)	AC 29.11.91
91/1365	Extension of lift shaft	AC 28.11.91
95/1216	Extensions to provide additional 20 no. residential bedrooms	R 22.02.96 Appeal dismissed 06.11.96
06/1009	Erection of PVCU Conservatory to rear of property at 8 Castle Road	AC 06.07.06
10/1027	Alterations and extensions	AC 08.08.10

5. Proposal

The Nursing Home currently provides 25 beds over three floors within the main building together with the four rooms in the bungalow annexe at the rear. It is proposed to demolish the bungalow at the rear of the property, remove the lift shaft and vents as well as the external fire escapes. It is then proposed to alter the front elevation of the building, so that it is fully three storeys across the whole width of the site and erect two, two storey wing extensions to the rear of the original building. Through internal re-organisation of the existing bedrooms, including the provision of en-suite facilities, the overall number of bedrooms will only increase by five, to create a Nursing Home with 30 bedrooms. The

ramps and other structures in the rear will be removed, a new communal area provided and it is proposed that the garden be re-designed to make access to it simpler for residents.

6. Planning Policy

National Planning Policy Framework

Saved policies of the Salisbury District Local Plan which are part of the South Wiltshire Core Strategy:

G1 & G2 - General - General criteria for development
H8 - Housing Policy Boundary
D3 - Design criteria for extensions
CN8 - Views into and out of the Conservation Area
CN21, CN22 & CN23 - Archaeology
TR11 & TR14 - Off street parking for cars and bicycles
R3 - Public open space
PS2 - Extensions to existing nursing homes
Salisbury District Council SPG
Creating Places

7. Consultations

Salisbury City Council

No objections

Archaeology

Potential for significant archaeological remains to be present, and consider that a condition for a programme of archaeological works in the form of a watching brief appropriate.

Highways

Not yet received, but no objections were made in relation to the previous proposal in 2010 to expand nursing home by five rooms

Conservation

No objections

8. Publicity

The application was advertised by site notice, and neighbour consultation which expired on 1 August 2012.

Five, third parties (two of them Salisbury City Councillors and three from immediate neighbours) **objected** on the following general grounds:

- Immediate neighbours were not notified and there were delays in placing objectors' letters on web site. Why were different neighbours consulted in 2010 from this time around?
- A City councillor recommends Wiltshire Planning Committee arranges a site visit
- Proposal, significantly increases mass of building, will be visually intrusive
- Plans are misleading. In reality there is less space, than shown between The Beeches and the Nursing Home.
- New bedroom windows on southern side will overlook neighbours, rather than the courtyard of the Nursing Home. Also one repositioned window will overlook neighbour; design should be reversed to preserve privacy of neighbours.

- Loss of privacy
- Increase in number of vehicles, will create congestion. Lack of adequate parking at Old Castle Inn already creates problems
- Concerns regarding how access will be achieved during building works
- Equal emphasis should be placed upon creating a garden at the rear as last time

One letter of **comment** was received from an immediate neighbour seeking to ensure that rerouting of the kitchen extractor fan does not create noise or smell problems for their adjacent patio.

9. Planning Considerations

9.1. Policy considerations

The general background to this proposal is that a scheme to extend this nursing home by creating large extension on the northern boundary (to provide an additional 20 rooms, subsequently reduced to 17 rooms on appeal) was refused at appeal in 1995. A subsequent smaller scheme, (S/2010/1027) to extend this nursing home by 5 bedrooms was judged acceptable. The 2010 consent allowed for the building to be re-organised internally and extended so as to achieve current standards for accommodation as well as providing an additional 5 bedrooms. This scheme has not been implemented but because, the current building has been extended in a piecemeal fashion and is therefore inefficient with poor circulation, ramps and chair lift: improvements to the site are still needed. Having further considered the needs of the site, the applicants have submitted this revised scheme. It aims to further improve the design of the proposed alterations and extensions, reduce the amount of excavation required, reduce the impact on neighbours of the extensions and further improve facilities for residents.

In general terms, both national and local planning policy principles and aims are unchanged since the previous application was determined. However, the revised scheme needs to be considered against the relevant national policies within the NPPF as well as those of the South Wiltshire Core Strategy. This latter incorporates much of the Salisbury District Local Plan (June 2003).

The Local Plan designates the application site, which is located on the northern edge of the city of Salisbury, as being within the Housing Policy Boundary. It is also adjacent to and overlooks the Conservation Area.

The proposal is to extend the existing nursing home and therefore the proposal can be considered under policy PS2 which states that proposals to expand existing facilities within the existing boundaries of the site will be acceptable if the site is within or adjoining a settlement, is a detached property with adequate space and located close to facilities and services. As the building is detached with a large garden and is sited on the northern edge of the city, in principle the proposal complies with these policies and with the sustainability aims and objectives of both local and national policies. However, the proposed development must also be assessed against the design policies of the Local Plan, and in particular Policy D3 which relates to the need to encourage good design and for new development to respect the character and appearance of the surrounding area in respect of scale, height, massing, layout and materials. Policies TR11 and TR14 seek to ensure that new developments are provided with an acceptable level of provision of on-site parking spaces and secure cycle parking spaces respectively, while Policy R3 requires that development proposals for nursing homes should provide on-site amenity space. Policy CN8 seeks to

protect and conserve the character and appearance of the Conservation Area by considering the views into and out of it in order to conserving its quality.

The thrust of current local and national guidance is to encourage development in sustainable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure and which are served by public transport and offer the greatest opportunities for access by walking and cycling thereby reducing the dependency on the private car. The site of the Nursing Home is on the edge of the settlement of Salisbury and therefore in a sustainable location and so would appear to comply with policy G1 and compliance with policy G2 which relates to the general criteria against which development proposals will be assessed, is discussed elsewhere in this report.

9.2. Visual Impact/Impact on Conservation Area/Design, compared with permitted scheme

In assessing the visual impact of the proposed development on the character and appearance of the locality and in particular on the adjacent Conservation Area the development must have regard to the high quality of the surrounding area, be sympathetic to its surroundings and of a high standard of design. In determining the appeal in 1996, when permission for a 2-storey, 17-bed 'T' shaped extension to the rear of the site, was refused, the Appeal Inspector whilst not commenting on the design of the extension; judged that *"the visual impact to the neighbours on both sides however, could not avoid being considerable, if only through the intrusion of a major building into what is in effect a rear garden area."*

In light of these conclusions of the Appeal Inspector, the impact of this revised scheme on the locality must be considered in relation to that previous scheme. In doing so, it is recognised that the overall footprint of the current proposal, has been reduced in comparison with both the earlier refused appeal scheme and the subsequent approved 2010 scheme.

The design of the proposed extensions does represent an improvement in comparison with the earlier approved scheme and the appeal proposal. Whilst the main building will have a greater scale and massing, the extension in this part of the building has been designed to remove the large lift shaft on the front elevation and compliment the design of the original building. The proposal has been designed so that it gives the impression that the whole of the front elevation was originally constructed to a similar design. Unlike previously, this scheme, introduces two rear extensions, instead of one, but reduces their visual impact. The separate bungalow which is in the rear garden would still be removed. The rear additions will be cut into the partially raised main roof of the building and in design terms the roofs of the extensions would have a pitch to matches the existing main building. The increase in the bulk of the main building will enable the extensions to be more compact than previously, reducing their impact on the rear garden. The proposed conservatories will also aid in visually reducing the bulk of the extensions to the rear and assist in visually limiting the overall scale and massing of the structure, which will not intrude quite so extensively into the rear garden. Therefore it is not considered that the proposal would represent such a visual intrusion in to the rear of the property as to warrant refusal on these grounds.

An important characteristic of the area, with its substantial houses on large plots, is the spaciousness created by the surrounding gardens. By reducing the depth of the extension, this could be better retained. The previously approved scheme proposed to landscape the garden so that it could be better utilised by residents, indeed a scheme formed part of the

proposal. In this case, the applicant's have not provided a bespoke scheme but propose to employ a professional to layout the garden, as the provision of adequate amenity is of concern to the Local Planning Authority, this aspect could be conditioned.

Whilst a substantial part of the scheme, involves development to the rear of the property, the proposal to increase the whole of the front elevation to three storeys, will change the more prominent street elevation. However, it is considered that by designing the extension so that the building appears to have been conceived of as a whole, as opposed to the current situation where there is a flat roofed extension and a large prominent lift shaft, on the northern side, there would be an enhancement of the existing situation and no detriment to views out of the Conservation Area. Overall, it is considered that the proposed development would not be contrary to the aims and objectives of policies CN8, H8 and D3

9.3 Impact upon amenities compared with permitted scheme.

With regards to the issue of residential amenity, the application site has residential properties on either side and concerns have been raised by neighbours regarding their outlook, privacy as well as noise and smells from kitchen extractors. There are also concerns that the landscaping of the garden would not be undertaken.

In relation to no.9 Old Castle Road to the north of the site, the proposed rear extension would be set approximately 4.5metres from the boundary, slightly more than the 2010 scheme when it was approximately 3.0/3.5m from the boundary. The nursing home is set on a steep slope and the extension, which will extend approximately a further 10m into the garden, is to be cut into the ground, with the conservatory at ground level. The dwelling at no.9 Old Castle Road is set close to the boundary with the nursing home but the extension has been set away from this boundary and it is not considered that it would appear overbearing. As the extension is set into the ground, and has a height similar to the existing bungalow, which it replaces, though with the addition of a pitched roof, and is to the south of this property, it is not considered that the proposed development would result in such a loss of light as to warrant refusal on these grounds. Additionally, the extension removes most of the windows on the elevation facing no.9 Old Castle Road, introducing only high level windows which serve a corridor.

The dwelling at no.9 Old Castle Road is set immediately adjacent to the nursing home building. The raising of the roof to the main building whilst retaining the steep pitch, would increase the bulk of the building on this side, however as the design of a hipped roof is to be retained, it is not considered that this aspect of the increase in size of the building would appear overbearing. Currently there is a high level bathroom window in the side elevation, of the main building, separated from no.9 by the flat roofed extension. The proposed scheme creates a large bedroom window in this position, but closer to no.9; but as the aspect of this window will be over the roof of no.9, this is considered acceptable. Indeed the prime concern of this neighbour are with noise and smells from kitchen extraction which could be covered by a condition.

With regards to the three properties to south of the site, two currently overlook the rear garden of the Nursing Home and one (The Beeches) the side elevation of the Nursing Home. Whilst it is accepted that the outlook of all three will be changed, the proposed extension on the southern side of the main building, which will extend approximately 10metres into the garden. It would be set between 1.5 and 3metres from the boundary of the private access drive which serves The Beeches and the other properties, but would be approximately 18m from The Beeches itself. The private access drive runs up the slope, to serve Little Orchard and Old Castle House and as the Nursing Home's extension is to be

cut into the ground, it could be conditioned to be screened from both the drive and the neighbouring properties beyond. The extension includes first floor bedroom windows in the elevation facing to the south, however, as the ground is rising, these will be largely screened and it is considered that they would not result in any material harm to the amenities of the occupants of these neighbouring properties and so it is considered that their impact on the adjacent properties is not sufficient to warrant a refusal on these grounds.

In the appeal case, in 1995, the inspector commented on the impact of likely increase in traffic resulting from the increase in staff and visitors to serve the proposed 17 additional bedrooms on the amenities of the neighbours, stating that *major extensions would significantly increase the accommodation* and the number of residents and would inevitably increase the amount of traffic. However, unlike the appeal scheme, the overall increase proposed this time is only five bedrooms.

In support of the proposed development, the applicant has provided some details of the current staff numbers and the information that there is unlikely to be any increase in the numbers of nursing or management staff employed due to this small expansion of the facilities. Given the likelihood, that no additional staff will be required to service these additional five bedrooms, a very limited additional amount of traffic is likely to be generated by this scheme. The Highway Authority came to a similar view in 2010 and raised no objections to the proposed expansion of the Nursing Home. On this basis the proposal would appear to be in accordance with Local Plan policies.

9.4 Provision of Amenity Open Space

The Local Planning Authority recognises that nursing/rest home accommodation generates different needs for open space provision to that of residential dwellings because of the greater reliance that their occupants have on on-site amenity space and the very limited demand for public recreational facilities. On-site amenity space is therefore important in these types of development providing pleasant views from habitable rooms within the development and as sitting out areas for residents. As such, it is considered important that amenity space be of a sufficient size and landscaped to provide an attractive sitting out area/environment. In this instance, the proposal includes the proposal to commission a landscaping of the current garden area to the east of the buildings so as to provide an external amenity/garden area that is accessible from the building and that will provide a sunny open aspect.

Given the nature of care provided in a nursing home and that the amenity provision could be carefully designed, provided any consent is conditioned so that a well designed scheme is proposed and implemented prior to the occupation of the extension of the Nursing Home, it is considered that the proposed development would provide acceptable on-site amenity provision in accordance with Policy R3 of the Adopted Local Plan.

9.5 Archaeology

The site is within an area of archaeological sensitivity and evaluation and excavation has been undertaken on neighbouring properties. Additionally when considering the earlier proposals, a programme of archaeological works, in the form of an archaeological watching brief, was recommended. The County Archaeologist therefore recommends that a condition be placed on any consent to alter and extend this building, requiring a programme of archaeological works, in the form of an archaeological watching brief, to be carried out during construction

10. Conclusion

The Local Planning Authority accepts that in principle the proposed expansion of the existing nursing home complies with Policy PS2 and that a shortage of long-term beds in nursing homes does exist in the area. The proposed extensions will be within the established boundary of the existing Nursing Home and in view of their scale and design will have no detrimental impact upon the Conservation Area. In comparison with the scheme that was refused on appeal, it is considered that the extensions would not be a visual intrusion into the rear garden and would have little impact upon amenities of the neighbours. In comparison with the 2010 scheme for a single large rear extension, it is considered that this scheme, which incorporates a wider site frontage and two extensions, extending only slightly beyond the current ad-hoc extensions, will with the removal of the prominent lift shaft, be an enhancement of the whole site and would have little impact upon amenities of the neighbours. Therefore, though the bulk and scale of the revised scheme is greater than previously approved, it is considered that overall; the scheme would be in accordance with local and national policies.

11. Recommendation:

Planning Permission be GRANTED for the following reasons:

The proposed development, accords with the provisions of the Development Plan, and in particular Policy PS2 (Nursing Homes), G1 and G2 (General Criteria for Development), D3 (Design criteria), CN8 (Conservation Area), CN23 (Archaeology) TR11 (Parking), R3 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed development is considered compatible in terms of its scale design and materials would not affect the character of the surrounding Conservation Area and AONB.

Subject to the following conditions

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

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

2. No development shall commence within the area indicated (proposed development site) until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: CN23 Archaeology

3. No development shall commence until details and samples of all external facing and roofing materials to be used 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 external appearance of the building is satisfactory.

POLICY: D3 Design criteria

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

(a) indications of all existing trees and hedgerows on the land;

(b) details of any to be retained, together with measures for their protection in the course of development;

(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site

(d) finished levels and contours;

(e) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development

POLICY: G2 General criteria for development and R3 on-site amenity space

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: G2 General criteria for development and R3 on-site amenity space

6. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the Nursing Home extensions hereby permitted and shall be retained and maintained as such at all times thereafter.

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

POLICY: G2 General criteria for development

7. Development shall be in accordance with the details of the construction method statement received on 11 June 2012

REASON: In the interests of the prevention of pollution of the groundwater source protection area

POLICY: G2 General criteria for development

8. During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

REASON: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY: G2 General criteria for development

9. There shall be no external lighting of the site

REASON: In the interests of the amenities of the neighbours

POLICY: G2 General criteria for development

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a nursing home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

REASON: To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of the amenities of the neighbours.

POLICY: G2 General criteria for development, and PS2 Extension of nursing homes

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, rooflights, doors or any other form of openings other than those shown on the approved plans, shall be inserted in the northern or southern elevations of the extensions hereby permitted.

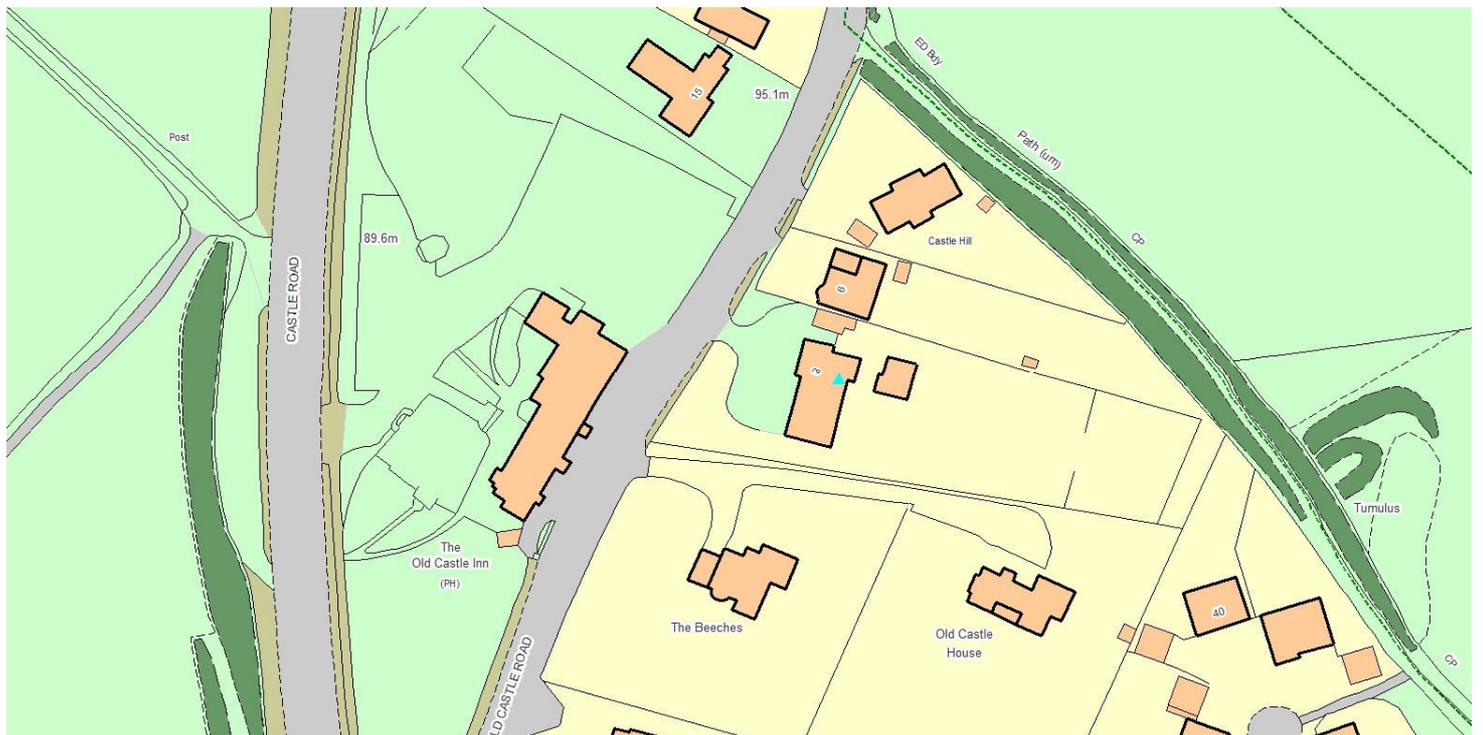
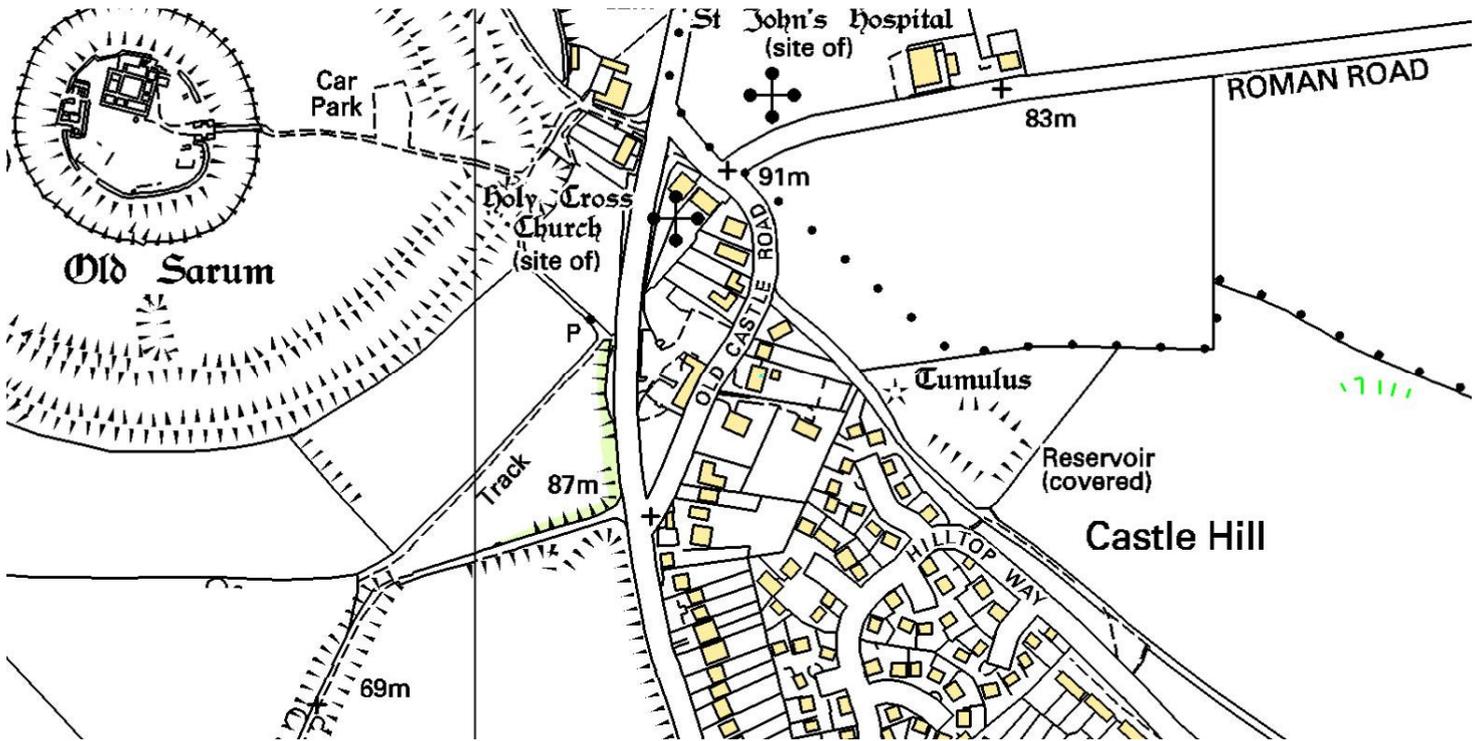
REASON: In the interests of residential amenity and privacy.

POLICY: G2 General criteria for development

INFORMATIVE

In relation to condition 09 above, this restriction does not relate to small scale lighting apparatus required for fire exits etc. Planning Permission would be required only for a larger scale lighting scheme e.g. lighting on poles around the site, or larger scale arc light type lighting apparatus.

8 Old Castle Road, Salisbury. SP1 3SF



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	4 th October 2012		
Application Number:	S/2012/0826/Full		
Site Address:	Butt of Ale, Sunnyhill Road, Salisbury. SP1 3QJ		
Proposal:	Redevelopment of public house to provide 4 dwellings, car port and associated works.		
Applicant / Agent:	Plan-A Planning and Development Ltd.		
City/Town/Parish Council	Salisbury City Council		
Electoral Division	St. Francis and Stratford	Unitary Member	Cllr Mary Douglas
Grid Reference:	Easting: 414554.1	Northing: 131881.5	
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA	LB Grade:- NA	
Case Officer:	Mrs. Janet Wallace	Contact Number: 01722 434687	

Reason for the application being considered by Committee

Cllr Mary Douglas has called the item to committee on the grounds of public concern over loss of community facility and loss of employment.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that subject to the completion of a S106 agreement in relation to public open space and affordable housing that planning permission be **GRANTED** subject to conditions.

2. Report summary

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

1. Principle of development/loss of public house
2. Visual impact/Design
3. Impact upon highway/parking
4. Provision of Affordable Housing/Amenity Open Space

14 letters of objection, including CAMRA. 3 letters of support.

Salisbury City Council does not object to loss of pub, but has concern about the proposed density of development

Support from Urban design officer, Public protection, Ecological officer, Highways

3. Site Description

The site comprises the two storey brick built Butt of Ale pub, the adjacent amenity area and the surrounding car park, measuring approximately 0.15ha. The public house is located at the crest of the hill in Sunnyhill Road and being on the corner at the junction of Sunnyhill Road and Oakway Road, the buildings are prominent in the street scene. A low wall bounds the site frontage with Sunnyhill and Oakway Roads and a higher boundary wall separates the outside seating area from the chalet bungalow at no. 39. There is a 2m panel fence, to the rear.

The pub was created as part of the Pauls Dene estate and it is an established residential area. Sunnyhill Road is characterised by detached and semi-detached single storey dwellings, along a uniform building line, although a pair of chalet bungalows have been recently erected on Sunnyhill Road to the south of the pub on what was formerly part of the pub's garden.

On the opposite corner of Oakway Road/Sunnyhill Road is a more tightly grouped complex of 5 small chalet dwellings with rear courtyard parking. To the rear of the pub site are 2 storey houses, located in St Francis Road. These houses are partially screened by trees on the site boundary.

4. Relevant Planning History

Application number	Proposal	Decision
S/2001/2348	Formation of raised patio and pergola and creation of gravelled amenity area	Approved
S/2003/1394	Construct 10 dwellings and associated parking (demolish existing building) and construction of access (detailed approval sought for siting & means of access)	Refused Appeal dismissed
S/2003/2535	Demolish existing building and construct seven new dwellings with associated garages, parking and access.	Not determined Appeal dismissed
S/2007/0907	Change of use to C3 and erection of dormer bungalow and associated walling	Approved
S/2008/0271	Change of use to C3 & erection of pair semi detached chalet bungalows & associated walling	Approved
S/2009/1642	Change of use to C3 and erection of semi-detached chalet bungalows and associated walling (amendment to boundary walls to include part fencing)	Approved

5. Proposal

It is proposed to demolish the existing public house building and erect four, three and four bedroomed, detached, two storey dwellings. There will be a parking court off Oakway Road and a shared car port; however, the three dwellings facing directly on to Sunnyhill Road will also have a parking area in front of the dwelling.

6. Planning Policy

Saved policies of the Salisbury District Local Plan which are part of the South Wiltshire Core Strategy:

G1 & G2	General criteria for development
H8	Housing Policy Boundary
D2	Design criteria
TR11	Off street parking
R2	Public open space

Salisbury District Council SPG

Creating Places

South Wiltshire Core Strategy:

Core policy 3 Affordable housing

Core policy 5 Retention of employment sites

Core Policy 21 Protection of services and community facilities

Core Policy 22 Green Infrastructure and Habitat networks

Draft Wiltshire Core Strategy

Core policy 3 Affordable housing

Core policy 48 Supporting rural life

Core policy 49 Protection of local services and community facilities in the smaller settlements

National Planning Policy Framework

7. Consultations

Salisbury City Council

Support subject to conditions. The City Council recognises the loss of the public house as being a sad reflection of today's financial climate however, has great concern about the density of development. SCC would support fully an application for fewer houses with 2 parking spaces per property

Fire and rescue

Comments upon need for adequate access to adequate water supplies for fire fighting and support for the provision of domestic sprinklers in new dwellings

Wessex Water

No objections

Bournemouth Water

No comments received

Public Protection

No objection subject to a conditions regarding hours of work in the interests of amenities of neighbours

Ecological officer

As survey shows that the risk of bats roosting in the roof is low, no comments

Highways

No objection subject to conditions regarding gradient of each vehicular access, height of boundary walls, consolidating vehicular surface and surface water drainage.

Urban Design Officer

No objection, scheme successfully turns the corner into Oakway Road, scale and mass of dwellings relates comfortably to scale of neighbouring dwellings, detailing will be important to ensure good overall composition, e.g. of perimeter walls. These should be conditioned

8. Publicity

The application was advertised by advert, site notice, and neighbour consultation which expired on 12 July 2012.

14 Third parties objected on the following general grounds:

- Butt of Ale is hub of community, provides public meeting place
- Large residential area needs a community pub.
- If pub goes; what plans are there to aid social cohesion of the area?
- Been a successful pub. in the past. Lack of investment, short tenancy have affected business
- Thriving pub till June 2009, when following an accident landlords retired
- Pub has been a busy hub of our community, providing a good choice and standard of ales, reasonably priced, home-cooked meals including Sunday lunches (which you needed to book as the place was regularly full), weekday lunches and snacks, well subscribed weekly quiz night, bar games including pool and darts teams and occasional functions. In the right hands could be the thriving amenity we are now missing.
- Pub was deliberately run down, did not open at lunchtimes, ceased selling good beer etc
- Owners have not supported landlords in building up trade.
- Could be successful pub with right landlord and landlady
- Could be a viable business again.
- Trading figures only cover last 5 years when it has had a chequered history. Pub open Nov 07-June 08, closed until July 09; open July 09-Feb 11; closed Feb 11 to April 11. Then in receivership and closed Sept/Oct 2011. Short term lease Oct 11-March 12. Pub has not had an opportunity to function effectively due to management/ownership issues; not an intrinsic problem, due to individual circumstances
- Nothing has changed since previous refusal for erection of dwellings on land, on grounds that community facility should be retained.
- Community should be given time/support to rally to save important amenity
- Pauls Dene estate has no other public facilities
- Area is poorly served by public transport
- Site is more valuable as housing than as a community asset.
- Should be offered for sale as a pub and priced accordingly
- Application form is inaccurate – there are trees alongside the site; therefore a tree survey needed
- There will be pressure to remove/reduce in height the existing trees on the boundary
- There are bats in the area.
- Car parking for proposal is inadequate.

Campaign for real ale (CAMRA)

Object

Pauls Dene estate is on a significant hill and without any other public facilities within half a mile of Butt of Ale. Poor public transport links and none after 8pm on Sundays and Bank Holidays. Pub was closed in face of local opposition. Was profitable. Viability based on last 11 months of trading is due to unrepresentative factors. Previous 3 years, with a stable tenant, was viable and had increased sales.

Recently adopted Core Strategy 48 and 49 are relevant. CP48 is directed at rural areas but given isolated nature of Butt of Ale principle should apply here. Community should be provided with support to take over and run community facilities. Permission should not be granted for an alternative use until the community has had a realistic opportunity to take control of asset. Supported by Localism Act.

CAMRA remains of the view that with the right management this pub can be viable and a valuable community asset.

2 letters of comment/support from third parties on the following general grounds:

- Pub is rundown eye-sore. Has had its day; it's had chance after chance and will never be a profit making venture
- Designs of new houses are in keeping with area.
- Butt of Ale is hub of community and should be retained, but perhaps redevelop as a smaller pub and two houses

Letter of comment/support from former landlord of Butt of Ale for 18mths from 2009 to 2011

- Landlord states that he did not pay rent for first 12 months but due to lack of business, struggled to meet general running costs. Organised darts teams, pool teams, quiz nights, theme nights, charity events, one off functions etc. but was supported only by small, loyal customer base, and not by vast majority of Pauls Dene estate. Wholeheartedly encourage the community pub, but Butt of Ale, like many other pubs, is not viable as a business.

9. Planning Considerations

9.1 Principle of Development/loss of public house

The former Salisbury District Local Plan policy PS3, applied to the smaller settlements in the district and not to the city of Salisbury. This position, was confirmed by the Inspector in the 2003 appeal, for the demolition of this pub and its replacement by 7/10 dwellings (S/2003/1394 and S/2003/2535). His view was that a policy which uses the word 'village' could not be stretched to apply to a community within part of the city of Salisbury. The Inspector's decision also effectively ruled out using policy E16 (changes of use away from employment) as a consideration when demolishing a public house. However, as the retention of public houses could be seen as contributing towards sustainability; it was on the grounds of policy G1 (ii) in the Salisbury District Local Plan, that these appeals were dismissed.

However this support for the vitality and viability of communities, and the retention of public houses is counterbalanced by Local Plan policy G1(i) and (iv), as well as national guidance in the NPPF, all of which seek to achieve an effective use of land in urban areas, which are in sustainable locations. This application would appear to raise these conflicting issues again, and in relation to this same pub.

The South Wiltshire Core Strategy policy C21 (which superseded policy PS3) whilst enjoining the retention of village shops and pubs, appears to also apply to community facilities in the wider community. So it could be argued that though the public house is not the sole remaining one in a small settlement, it is the only public facility on this estate in this part of the City and that the alternative public houses are located some distance away. Therefore, the loss of this particular public house would result in unsustainable travel patterns, as residents of the area would not be able to walk to other public houses in the

locality. On this basis, its retention would aid the sustainability of this community within the wider City.

However, as members will be aware, the economic situation with regard to public houses has deteriorated significantly since 2003, with research showing that some 50 pubs close every week. In this case, the applicants have submitted evidence that in the intervening period since the appeal decision, the Butt of Ale has had 4 landlords, none of whom have been able to make it pay. Professional evidence, supported by a letter from a recent landlord (2009 to 2011) suggests that this particular public house is not supported by local residents and is not viable. Some local residents dispute this and suggest that it is particular circumstances which have led to the non-support of the public house by residents and that if a sympathetic landlord was installed who was willing to provide food/amenities that the public house would be viable. In this they are supported by CAMRA.

Clearly, the closure of any public house is a matter of regret, particularly one which could be a centre for local residents, on an estate within the City with few public facilities. This particular public house has however, had a chequered history since the 2003 appeal refused consent for its demolition and a change of use to residential. The weight of evidence provided with this application, would appear to support the view that the pub is no longer viable and the City Council has apparently regretfully accepted this evidence and therefore that the permanent closure of this particular public house is inevitable.

The recent Localism Act would support residents who wished to acquire the building and use it as a public house. However, there is no evidence that the community has considered exercising its 'right to buy', which would be at a commercial valuation of the building. However, equally, no evidence has been provided to show that a mixed use, which retained a community use of the site, has been considered. Currently the proposed Wiltshire Core Strategy, Core Policy 49 is so worded as to apply only to villages and rural communities; and so this policy gives no overt support to the right of this local community in the City to retain its pub.

The viability of the business is therefore a principle consideration, and the evidence provided, suggests that a successful public house is not possible in this location. When considering alternative uses for the site, saved policy G1 of the Salisbury District Local Plan now part of the South Wiltshire Core Strategy; as well as national guidance in the NPPF, seeks to achieve an effective use of land in urban areas, as they are considered to be in sustainable locations. Moreover, in this case, the application site is within a Housing Policy Boundary and so policy H8 applies. This permits small scale residential redevelopment subject to certain criteria.

9.2. Visual Impact/Design

The surrounding established residential area primarily consists of detached and semi-detached single storey dwellings; though a chalet bungalow was recently erected to the south of the pub and opposite the pub on the corner of Oakway Road/Sunnyhill Road is a more tightly grouped complex of 5 small chalet dwellings with rear courtyard parking. To the immediate rear of the pub, are 2 storey semi-detached houses. It is therefore considered that the proposed linear style development, with the houses opening directly on to a parking area/front garden behind the footway would be in keeping with the character of the surrounding area and the Inspectors comments regarding the previous applications for residential development are relevant. In that case, whilst it was agreed that the proposed development of 10 dwellings 'would cause some harm to the predominantly single storey nature and spacious character of the existing development in the area', the Inspector 'was

not convinced that the impact on the character of the area and the street scene would be sufficient in itself to withhold planning permission' and in relation to the other proposal for 7 dwellings he concluded that 'the proposal would not cause unacceptable harm on the character of the area and the street scene'.

The submitted plans indicate that the proposed new dwellings will have a very simple architectural form which would be in keeping with the existing dwellings in the surrounding area. Overall, it is considered that disregarding the development that was formerly on this site, the proposed form, and scale of the proposed residential development would enhance the character and appearance of the area.

This scheme proposes 4 two storey dwellings on the site. Their main aspect of three would be east/west, with one, turning the corner and being primarily north/south. The scheme will change the relationships that adjacent residential properties have with the site. The vacant public house is a substantial two storey building, opposite more modest single storey dwellings. However with its surrounding amenity area and car park, it apparently did not affect the privacy of adjacent residents.

In terms of the impact of the proposed development on the amenities of the surrounding dwellings, it is considered that despite the site being elevated compared to that of the adjacent dwellings to the east, the separation distance is such that the impacts in terms of overshadowing would not be so significant as to warrant refusal on this basis alone.

However, the dwellings on the eastern side of Sunnyhill Road will now have a number of windows facing directly towards them, across the width of the street. However, whilst there may be some loss of privacy caused by the first floor bedroom windows it is considered that this would not be so significant as to warrant refusal.

On the western side of the site, the rear windows of the proposed new houses will overlook the rear of nos.53 and 55 St Francis Road as well as their gardens. However, the first floor rear windows of the proposed dwellings would be screened by the mature trees along the boundary of the site view and it is considered that the separation distance is such that the impact of this is acceptable within an established residential area, where there is considerable overlooking from rear windows over adjacent gardens.

The Inspector in the 2003 Appeal, raised concerns regarding the impact of residential development upon the side elevations of no.35 Sunnyhill Road; however, since then a pair of chalet bungalows has been erected between that bungalow and the pub. In this case, as the development would be to the north of these new dwellings, it not considered that there will be an unacceptable impact upon the living conditions of the occupants of that dwelling immediately adjacent.

So, whilst the inter-relationships between the dwellings will alter and the amenities enjoyed by adjacent dwellings may change in comparison with the existing situation of the public house occupying the site, it is considered that this would not be so significant as to warrant refusal.

9.3. Impact on Highway/Parking

The scheme provides off road parking, in front of the three dwellings on Sunnyhill Road and a shared car port adjacent to house no.4. The parking is located where traffic speeds are reduced due to the junction, and the Highway Authority has indicated that the proposed car parking is adequate, and complies with current standards

9.4 Provision of Amenity Open Space/ Affordable housing

The applicant has indicated his willingness to make a financial contribution towards public open space and affordable housing.

CONCLUSION

The closure of any community facility is a matter of regret, however, the weight of evidence supports the view that this facility is no longer viable and therefore the proposed development, accords with the provisions of the Development Plan, and in particular South Wiltshire Core Policy3 (Affordable housing) and Core Policy21 (Public facilities), as well as policies G1 and G2 (General Criteria for Development), D2 (Design criteria), H8 (Housing policy Boundary), TR11 (Parking) and R2 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed residential development is considered compatible in terms of its scale, design and materials would not affect the character of the surrounding residential area or the amenities of the neighbours.

RECOMMENDATION

Subject to a S106 agreement relating to

- 1) A commuted sum towards the provision of public open space
- 2) A commuted sum towards the provision of affordable housing

then:

Planning Permission be GRANTED for the following reasons:

The closure of any community facility is a matter of regret, however, the weight of evidence supports the view that this facility is no longer viable and therefore the proposed development, accords with the provisions of the Development Plan, and in particular South Wiltshire Core Policy3 (Affordable housing) and Core Policy21 (Public facilities), as well as policies G1 and G2 (General Criteria for Development), D2 (Design criteria), H8 (Housing policy Boundary), TR11 (Parking) and R2 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed residential development is considered compatible in terms of its scale, design and materials would not affect the character of the surrounding residential area or the amenities of the neighbours.

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. (A07B)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations

and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing no 1143.P1 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P2 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P3 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P4 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P5 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P6 rev B dated May'12 received on 12 June 2012
Drawing no 1143.P8.A3 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P9.A3 rev A dated May'12 received on 12 June 2012

REASON For the avoidance of doubt

3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for all 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 secure a harmonious form of development

POLICY: G2, H8 and D2

4 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 interests of neighbouring amenities and the character of the area.

POLICY: G2, H8 and D2

5 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 to Fridays, 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 could otherwise have on the amenities of nearby residential dwellings

POLICY: G2

6. The gradient of each vehicular access shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway

REASON: In the interests of highway safety

POLICY: G2

7. The proposed boundary wall fronting the northern and eastern site boundaries, shall not exceed 600mm in height above the adjoining paved footway level

REASON: In order to provide inter-visibility between emerging vehicles and child pedestrians

POLICY: G2

8. The development hereby permitted shall not be first occupied until the first 5 metres of each access, measured from the back of the paved footway, 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

9. No development shall commence until a scheme for the discharge of surface water from the site (including surface water front the accesses), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY: G2

Sunnyhill Road, Salisbury. SP1 3QJ



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	04 th October 2012		
Application Number:	S/2012/0931/Full		
Site Address:	Avon Valley College, Recreation Road, Durrington, Salisbury. SP4 8HH		
Proposal:	Proposed modular building and associated site works to provide accommodation for pre-school		
Applicant / Agent:	Brent Hodges, Hodges Associates Architects		
City/Town/Parish Council	Durrington		
Electoral Division	Durrington & Larkhill	Unitary Member	Cllr Graham Wright
Grid Reference:	Easting: 416095	Northing: 144881	
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mr Charlie Bruch-White		Contact Number: 01722 434682

Reason for the application being considered by Committee

The application has been submitted by Wiltshire Council and objections have been received raising material planning considerations.

1. Purpose of report

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

2. Report summary

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

1. Principle of development;
2. Highway considerations;
3. Amenities of adjoining and nearby property;
4. Character and appearance of the area;
5. Other matters.

3. Site Description

The site relates to part of the grounds of Avon Valley College, Durrington. Specifically the site relates to a little used grassed area adjacent to an existing classroom block, approximately 20m x 25m in area. The site has access from an existing public footpath, leading onto School Road at one end and The Ham at the other.

4. Relevant Planning History

None relevant

5. Proposal

It is proposed to site a modular building for use as a nursery / pre-school. The applicant details that they intend to cater for 36 children up to the age of 5, and that the nursery would employ the equivalent of 6 full time staff. The site would be enclosed by 1.5m high timber palisade fencing and would include outside play space, including grassed and surfaced areas. The proposed plans also show the widening and resurfacing of the existing public footpath that provides the site access.

6. Planning Policy

Local Plan: policies G1, G2, PS6

Central government planning policy: NPPF

7. Consultations

Parish Council

Support subject to provision of dedicated named off road parking for the pre-school staff, and a clear identifiable off road drop off point for parents is essential.

Highways Officer

No objection subject to Green Travel Plan.

Environmental Health

No objection

8. Publicity

The application was advertised by site notice and neighbour consultation.

5 letters of representation were received, raising the following objections/concerns:

- Would exacerbate existing traffic and parking problems on The Ham, which is a narrow residential lane unsuited to vehicular movements associated with a school;
- Opening hours would be longer than the main school hours;
- New nursery would not benefit the local community;
- Better locations exists within other parts of the school grounds.

9. Planning Considerations

9.1 Principle of development

Local Plan policy PS6 states that proposals for playgroups, day nurseries and childminding facilities, will be permitted subject to the following criteria;

- (i) access and services are satisfactory;
- (ii) the proposal will not create a highway danger to other road users;
- (iii) where the use of all or part of a residential dwelling is proposed, the house must be of a sufficient size for the proposal not to cause disturbance to neighbours; and

- (iv) there is adequate space available for outdoor play.

9.2 Highway considerations

The applicant's Access Statement details that children will arrive on foot and by car and will use The Ham and School Road for access. It is further stated that an existing car parking bay adjacent to the school's entrance off The Ham will provide five dedicated parking spaces for use by the pre-school, and existing college parking will not be affected.

The application has attracted several objections from residents of The Ham, who raise concerns that the proposal could exacerbate existing traffic and parking problems on the road. However, the school use is well established, and the proposed nursery would not have a significant additional impact in relation to the existing college activities. The site is sustainably located, with good opportunities to arrive on foot, and reasonable parking facilities have been allocated. The Highways Officer raises no objection, although recommends a condition requiring a Green Travel Plan to be submitted to promote and encourage sustainable travel choices.

9.3 Amenities of adjoining and nearby property

The site would be located at least 50 metres from the nearest residential properties, and surrounded by existing school grounds. Consequently it is not considered that the amenity of nearby dwellings would be affected by significant disturbance from the proposed use.

9.4 Character and appearance of the area

Although the proposed structure would have the appearance of a temporary modular building, it would be reasonably well sited, being adjacent to an existing classroom block and landscaping, and, due to its reasonably low height, the building would not be prominent above the new timber palisade fencing that is proposed to enclose the site boundaries. The proposal would result in the necessity to remove a line of existing conifer trees, but these are not considered to be of significant amenity value, and other more appropriate native specimens would be retained.

9.5 Other matters

It is noted that a third party has questioned the need and benefits of the proposed nursery. However, this is not a land-use planning matter.

10. Conclusion

The proposed nursery / pre-school would be acceptable in principle, and would not have a significant impact upon highways safety, the amenity of neighbours or the character and appearance of the area.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed nursery / pre-school would be acceptable in principle, and would not have a significant impact upon highways safety, the amenity of neighbours or the character and appearance of the area. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, PS6 (as saved within the South Wiltshire Core Strategy), and the NPPF.

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 shall only be undertaken in accordance with the following approved plans:

Plan Ref....1217-03...	Date Received....04.07.12....
Plan Ref....1217-04 Rev.A...	Date Received....04.07.12....
Plan Ref....1217-05 Rev.A...	Date Received....04.07.12....

Reason: For the avoidance of doubt.

- 3) Before the first occupation of the development hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of road safety and reducing vehicular traffic to the development.

Policy: G1, G2

- 4) The building hereby permitted shall not be used to accommodate more than 36 children at any one time.

Reason: In the interests of the amenities of nearby residential property.

Policy: G2

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Agenda Item 8e

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	04 th October 2012		
Application Number:	S/2012/1076/Full		
Site Address:	Unit 1 & 2 Sarum Business Park, Lancaster Road, Salisbury. SP4 6FB		
Proposal:	Partial demolition and division of Unit no. 1 (single storey building), to provide 6no. separate self contained units and the provision of a fire door in Unit 2 a two storey attached unit		
Applicant / Agent:	Mr A Inman, ITLI Associates Ltd		
City/Town/Parish Council	Laverstock		
Electoral Division	Laversotock, Ford & Old Sarum	Unitary Member	Cllr Ian McLennan
Grid Reference:	Easting: 415087		Northing: 133479
Type of Application:	Minor		
Conservation Area:	Cons Area: - Old Sarum Airfield	LB Grade:- NA	
Case Officer:	Mr Tom Wippell	Contact Number: 01722 434554	

Reason for the application being considered by Committee

The Local Councillor considers that the development amounts to several steps too far and also see this as an opportunity for members to judge the merits of a conservation area and its buildings.

1. Purpose of report

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

2. Report summary

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

1. Principle of development
2. Historical background of area
3. Impact on character of building/ wider Conservation Area

The application has generated objections from Laverstock and Ford Parish Council (and no third parties).

3. Site Description

Unit 1, Sarum Business Park is situated within the Old Sarum Airfield Conservation Area, which was designated by Salisbury District Council in 2007. Unit 1 is not a listed building. There are however, listed buildings to the south east comprising three paired First World War hangars (Grade II*) and a workshop building (Grade II).

Unit 1 is aligned east-west, parallel to the Portway on Lancaster Road. It comprises a single-storey painted brick building with a pitched roof covered in asbestos sheeting. The north elevation has a covered brick lean-to along its length, which was formally two covered yards separated by an open yard, plus additional small lean-tos. The building is largely

open-plan, with a single partitioned two-storey area at its eastern end. All but one of the original windows have been replaced.

4. Relevant Planning History

None relevant for this building

5. Proposal

The proposal is for the partial demolition and division of Unit no. 1 (single storey building), to provide 6 separate self contained business units (B1/B8 use), and the provision of a fire door in Unit 2, the two-storey attached unit.

6. Planning Policy

South Wiltshire Core Strategy – G2, CN8, CN11,
Core Policy 5- Employment,
Core Policy 9- Old Sarum Airfield

7. Consultations

Highways

The proposed alterations to the units will result in an overall improved and formalised parking and access arrangement. I do not wish to raise a highway objection.

Conservation

With regard to this particular application, some of the changes proposed are positive, and some negative. On balance, I consider that the proposals will not adversely affect the character or special interest of this building and in view of the wider benefit of achieving a lettable unit (thereby securing the future of the building), raise no objections to the proposals.

The owner wishes to create smaller business units. The changes proposed are:

1. Separating the technical sheds from the two-storey modern block by reinstating the dividing wall between the two buildings;
2. Subdividing the technical stores into 6 units by inserting stud partitions in line with the trussed bays;
3. Demolishing some of the brickwork between the piers on the inner north west elevation of the stores (the lean-to) and inserting a door and loading bay door per unit (ie x 6);
4. Removal of some brickwork on the outer north west elevation and the creation of 7 piers (subdividing the units and forming the car bays);
5. Demolition of the single storey lean-to structure against the north west elevation;
6. Replacement of 6 modern windows on the south elevation with windows to a design to match the original;
7. Replacement of the existing roof covering (corrugated asbestos) with a corrugated metal roof;
8. Insertion of 6 rooflights on the north slope of the new roof.

Of the above, items 1, 5 and 6 are positive enhancements and item 7, a neutral change (although given the dilapidation of the existing roof covering– possibly positive in terms of the 'health' of the building). Item 2 sees the subdivision of a space which has always been open. That said, the subdivision involves partitions that could be removed at a later stage and retains the trusses, using them to delineate the bays. Clearly items 3, 4 and 8 are more

problematic, however it is considered that the concept of an open-sided lean-to, the insertion of doors, loading bay doors and rooflights, to be in keeping with the practical character of this utilitarian building.

Parish Council

Object: We note that the applicants report has been compiled by Elaine Milton, former Conservation Officer Salisbury District Council.

It is clear from her report that this is one of the WWI Technical Buildings which formed the basis for the designation of Old Sarum Airfield, its listed Hangars, Technical Buildings, Administration Buildings, Recreation Buildings and Officer and Other Ranks quarters. As the report goes on to emphasise, the airfield and its setting remains largely unaltered from the original design concept and the task of WC is to ensure, under Core Policy 58, the conservation and enhancement of conservation areas and under Core Policy 23, which is omitted from the report, limits how this may be done for Old Sarum Airfield, providing agreement is reached with local representatives.

Although not listed, it is made clear in the report that this technical building, apart from window changes and a joining to the modern adjacent unit. Remains visually intact on the exterior and retains its roof trusses on the interior. The one gain from the application would be the reinstatement of the dividing wall, to show off the interior in its original shape and size. That element of the application would be acceptable.

However, the proposals section 7 of the report list numerous structural changes inside and out which would dramatically affect the whole building permanently and turn it into just another warehouse/storage unit with modern loading bays and roller doors and a new metal roof. To consider these changes as acceptable casts doubt on the integrity of the report provided by the applicant, when the statement, "The alterations made would amount to less than substantial harm to the heritage asset" is considered.

We prefer the statement:

10.1 Unit 1 is considered to make a positive contribution to the Old Sarum Airfield Conservation Area and as such should be regarded as a heritage asset for decision-taking as part of the planning process.

There are numerous empty units, similar to those proposed, at Old Sarum and so the PC does not see any advantageous during these times of recession. In fact, it could easily be argued that the larger spaces or spaces (if the dividing wall is eventually reinstated) could easily be advantageous.

In Conclusion

This Parish Objects to this application and the irrevocable damage it would do to this key WWI Technical Building, which is integral to the Airfield Conservation Area.

Should, for any reason, WC officers propose to approve this application, we ask that you alert our WC Member, as we ask that the application then be judged by members of the Southern Planning Committee.

Third Party Representations:

No comments received

8. Publicity

The application was advertised by site notice and neighbour consultation.

No objections were received from third parties

9. Planning Considerations

9.1 Principle

Core Policy 5 states that *Permission will not be granted for development of land or buildings previously or currently used for, or allocated for, activities falling within Use Classes B1, B2 or B8, unless it can be demonstrated that:*

- i) the proposed development will generate the same number or more jobs than could be expected from the existing use, or any potential employment use; or*
- ii) where the proposal concerns loss of employment land of more than 0.25ha within Salisbury city or the settlements of Amesbury, Downton, Mere, Tisbury or Wilton, it is replaced with employment land of similar size elsewhere in that settlement; or*
- iii) it can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment use on a greater part of the site, providing the same number or more jobs than on the original whole site; or*
- iv) the site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area; or*
- v) there is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy, both currently and in the long term; site appraisal criteria, as provided by the Employment Land Review, must be applied and an objective assessment made of the sites potential contribution to the economy, in line with other sites in the area; it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time, following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.*

In principle, it is considered that the scheme would satisfy criteria i, iii, iiiii and v of Core Policy 5, as the proposed development is expected to generate the same number/ range of jobs as the existing use, the building has been unoccupied over the last 18 months despite continuous marketing, and in its current state of repair, the building does not lend itself to being let as a single unit.

By splitting the building up into 6 industrial units rather than 1 large unit, a much wider range of job opportunities could potentially be provided. The creation of 6 smaller units would offer a more versatile layout that could be leased to a number of small enterprises; whereas the current open-plan, long/narrow layout of the existing building, coupled with its low-level roof height and general state of repair is considered by Officers to be unsuitable/uncompetitive when compared to modern industrial buildings.

It should be noted that no 'change of use' application is proposed, and any move away from the industrial use of the building (ie- into retail) will be assessed on its own merits at a subsequent date.

9.2. Historical background to the Old Sarum Conservation Area

The application site is situated within the Old Sarum Airfield Conservation Area, which was designated by Salisbury District Council in 2007.

Old Sarum Airfield was first established in 1917. A sense of historic continuity is provided by its proximity to the Iron Age earthworks of Old Sarum and the Roman roads that form its northern and southern boundaries, and by the openness of the flying field area itself, which preserves the medieval open field landscape. This historic open character of the flying field remains almost unaltered from its WW1 form.

From its origins as a training station for the Royal Flying Corps in 1917 and as the School of Army Cooperation from 1921, Old Sarum was developed as a permanent station as part of the RAF Expansion Scheme in the 1930's, and continued to evolve and serve the Royal Air Force and Army as a key training base (and battle headquarters during WW2) until the 1970's. Today, the site is home to the civilian Old Sarum Flying Club, the TA, and a number of residential and industrial sites.

The area has sustained considerable change prior to Conservation Area designation in 2007, including the construction of new business units opposite the building in question and the loss of buildings (such as the gatehouse).

9.3. Impact on character of building/ wider Conservation Area

The building to be converted is sited on the edge of the Old Sarum conservation area, and is intimately linked to the development of the historic airfield site. The building is not listed, but due to its location and historic use, is considered to be an undesignated heritage asset.

In view of the conservation area designation, it is important to preserve the character of the area, and in view of the very particular features of this conservation area, it is important to retain evidence of the former purpose of this building.

In general terms, it is considered that the concept of an open-sided lean-to, the insertion of doors, loading bay doors and rooflights would be in keeping with the practical character of this utilitarian building. When viewed from the industrial units opposite the building, the visual impact is not considered to be significantly prominent/ harmful to the wider Conservation Area, and when viewed from the road at the rear (south elevation), the character/ special interest of this building will be largely retained.

Overall it is considered that in view of the wider benefit of achieving lettable units (thereby securing the future of the building), the visual impact on the building will be an acceptable form of development. The long-term suitability of the building will be maintained, and the building will continue to provide employment opportunities in the long term, whilst preserving the character of the Old Sarum Conservation Area.

9.4. Other Issues

The proposed alterations to the building will not result in any net increase in vehicular movements, and overall it is considered that the proposed scheme will result in improved

formalised parking/ access arrangement. The Highways Team have viewed the plans and raise no objections in highway safety terms.

There will be no change of use at the building and no intensification of use in terms of additional floorspace created. No observations have been raised from Environmental Health.

10. Conclusion

The proposal for the formation of six new industrial units to replace a single unit which has been marketed without success for an individual use will allow smaller 'start up' companies to occupy the spaces created and thereby creating useable employment units. The building the subject of this application is situated in an historic environment designated as a conservation area and close to listed buildings. It is not considered that the alterations to be made to the building as shown would have such a detrimental effect on the character of the conservation area or other listed buildings as to warrant refusal of this application

11. Recommendation

Planning Permission be GRANTED for the following reasons;-

The development would be acceptable in principle, would have no significant impact on the setting of the nearby listed buildings, would not detract from the character wider Conservation Area, and would not result in any significant impact on highway safety or neighbouring properties. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, CN8, CN11 and Core Policy 5 which are 'saved' policies of the adopted South Wiltshire Core Strategy.

And subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. This development shall be in accordance with the submitted drawings

- 4391.1, dated May 2012
- 4391/2, dated May 2012
- 4391.3, dated May 2012
- 4391/4 rev 1, dated May 2012

and registered with the Local Planning Authority on 26/07/12, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

4. No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The new rooflights shall be of a design which, when installed, do not project forward of the general roof surface. The works shall be carried out in accordance with the approved details.

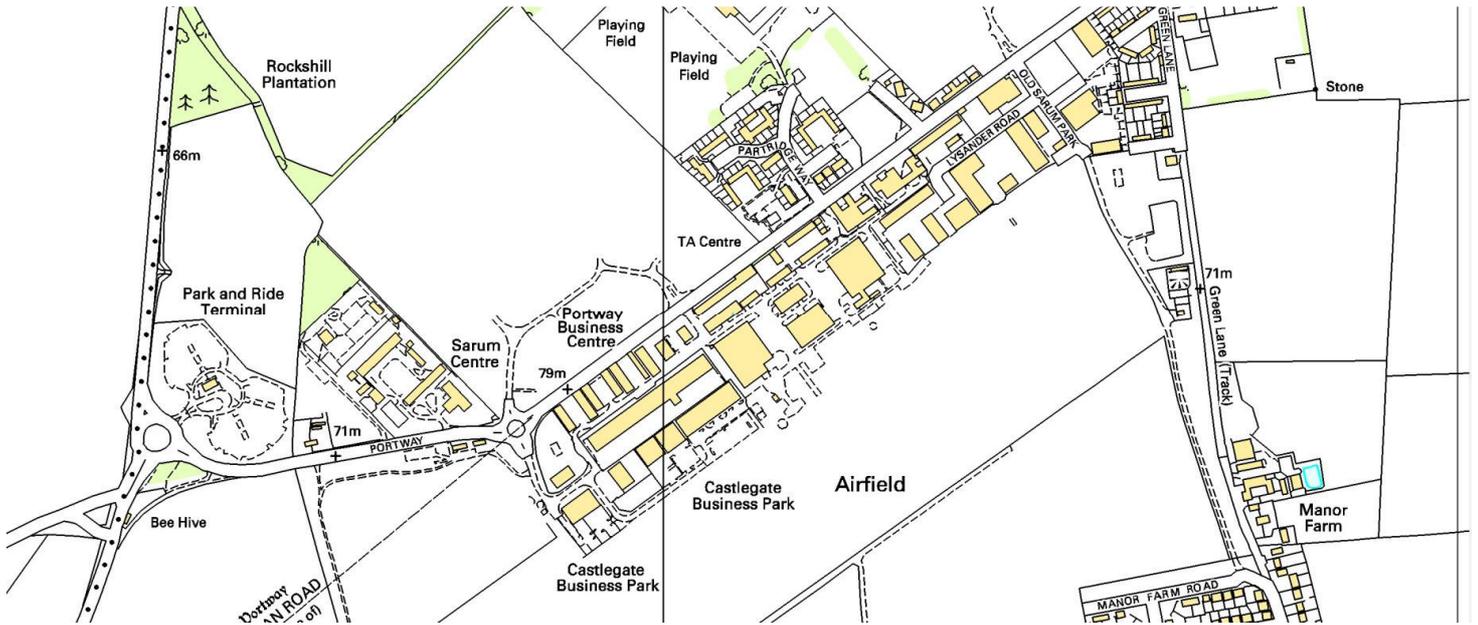
Reason: In the interests of preserving the character and appearance of the building and its setting.

5. No works shall commence on site until details of all new external window joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:5. The works shall be carried out in accordance with the approved details.

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

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Sarum Business Park, Salisbury. SP4 6FB



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	04 th October 2012		
Application Number:	S/2012/1120/Full		
Site Address:	45 Ladysmith, Gomeldon, Salisbury. SP4 6LE		
Proposal:	Alterations and extensions to existing building and subdivision of plot to form 2 separate dwellings		
Applicant / Agent:	Mr James Bravery		
City/Town/Parish Council	Idminston		
Electoral Division	Bourne & Woodford Valley	Unitary Member	Cllr Mike Hewitt
Grid Reference:	Easting: 418690		Northing: 135353
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mr Tom Wippell		Contact Number: 01722 434554

Reason for the application being considered by Committee

The applicant is related to a senior officer of the Council. Under the Scheme of Delegation where private applications are made by an elected member or a senior officer of the Council or their close relations, or by a planning officer and objections are received raising material planning considerations the application will be determined by the Planning Committee.

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:

1. Principle of new residential development
2. Impact on character of area
3. Impact on residential amenity
4. Impact on highway safety
5. Archaeology
6. Affordable Housing/ Public Open Space requirements

The application has generated objections from Idmiston Parish Council and twelve third parties.

3. Site Description

The application site supports a detached chalet style house positioned within a residential street in the Housing Policy Boundary of Gomeldon.

The site has frontage to Ladysmith of approximately 21m which is wider than the average in the street. The existing house sits centrally on the plot on a similar building line to its neighbours, no. 43a (to the east) and no. 47a (to the west). No. 47a is a detached bungalow.

4. Relevant Planning History

Application number	Proposal	Decision
S/2012/0028	Alterations and extensions to existing dwelling and subdivision of plot to create 2 separate dwellings	Refused – 11/05/12
S/2008/0375	New dwelling at 43 Ladysmith (adjacent site to the east)	Approved – 21/04/08

5. Proposal

The proposal is to subdivide the plot into two equal halves, and create 2 semi-detached dwellings (shown on the block plan as 45 and 45a Ladysmith). Both plots would have an approx width of 10.5 metres fronting Ladysmith.

The existing building will be extended by 2.12 metres towards the eastern side (reducing the distance to the eastern boundary to 1.2 metres), with an additional two-storey extension also created towards the rear, extending 6-metres back into the rear garden. A dormer window will be added to the front elevation, and a first-floor ensuite-bathroom window/ various ground-floor windows/doors inserted in the eastern side elevation.

A single-storey flat-roof rear extension (with rooflights) is also proposed towards the western side of the site. There will be no further encroachment towards the boundary, and the separation distance between the extension and the neighbouring boundary will remain at 3.4 metres. A first-floor ensuite bathroom window/ various ground-floor windows/doors will be inserted on the western side elevation.

Three parking spaces are proposed to the front of no. 45, covering the larger part of the front 'garden'. Two spaces are proposed to the side of no. 45a.

6. Planning Policy

South Wiltshire Core Strategy – Core Policy 3 and 'saved' Policies G2, D2, H16 and R2 of the Salisbury District Local Plan.

7. Consultations

Parish Council

Object to the application for the following reasons:

The Parish Council fully endorses the view of the LPA that the plot size is considered to be uncharacteristically small in relation to the existing property, and remains of the view that extensions of the size proposed constitute an overdevelopment of the site to the detriment of the adjoining properties and the wider neighbourhood." Furthermore, the Parish Council is of the view that the existing building is already overlarge and dominates its surroundings. The proposed extension of the front elevation to the east will reinforce the dominance of the existing structure to the further detriment of the street scene and the visual amenity of the neighbouring bungalows. The Parish Council remains concerned that the provision of 5 car spaces in the shallow area in front of the building together with the associated hard surfacing will result in a car dominated urbanised environment which is an inappropriate feature in an estate of bungalows in a rural setting and does not accord with the design guidance set out in the LPA's own document 'Creating Places'.

Environmental Health

No observations

Highways

I can confirm that the amended parking layout is acceptable and as such, I recommend that no Highway objection is raised, subject to the conditions being attached to any permission granted.

English Heritage

The scheme should be dealt with in accordance with the relevant Local and National Planning Policies.

Archaeology

I had previously recommended a condition on an earlier application on this site, as the site is very close to both a scheduled barrow (WI 386 – scheduled horse barrow) and a further bowl barrow which was excavated in the early 20th century on the site of what is now 47a Ladysmith. There is therefore the potential for the site to contain archaeological remains which might include human remains. On the previous application, I changed my advice as the applicant demonstrated that the side of the house, where a new extension was proposed, had been previously disturbed by installation of services.

The design and access statement that accompanies this application recognises that there is potential for the site and also considers that this potential would have been removed by significant works including drainage, patio and a garden pond. Whilst I appreciate that this may well be the case, the proposal is for a relatively large new extension, presumably also with new services to allow the property to be split in two. In addition, the patio appears to be raised on the accompanying photography, suggesting that the previous footprint of impact might be less significant than that around the side of the house.

It is therefore recommended that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

8. Publicity

The application was advertised by site notice and neighbour consultation.

Twelve objections were received from third parties to the amended plans, with the main points of objection summarised as follows:

- Overshadowing to side and front of neighbouring properties
- The new dwelling is too high/imposing
- Loss of privacy to front gardens of neighbouring properties
- Increased cars on road will be harmful to highway safety
- The proposal will dwarf neighbouring small bungalows
- Overdominance of the area
- Overdevelopment of the site
- Poor design
- Cramped design
- Not in-keeping with the surrounding area

9. Planning Considerations

A previous application was refused at Committee in April 2012 for the following reasons:

1. *The proposed house, by reason of its uncharacteristically narrow plot and resulting cramped appearance, and by reason of its size, design and massing, would detract from the appearance of the street. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).*

2. *The proposed house, by reason of its proximity to the side boundary of the site with no. 47a Ladysmith, its size and its design (incorporating a first floor window in the side elevation), would both have an overbearing impact on and overlook no. 47a Ladysmith to the detriment of the occupiers' amenities and privacy. This is contrary to Policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).*

3. *The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional house. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.*

This re-submission therefore has to be considered in the light of this previous application, and the differences between the two schemes critically examined.

9.1. Principle of Development

The site is located within the Housing Policy Boundary where the principle of new residential development can be acceptable if in accordance with the criteria set out in 'saved' Policy H16 of the Salisbury District Local Plan. Of particular relevance is that the proposal should not result in the loss of an open space which contributes to the character of the area, and should comply with the design policies of the Plan.

'Saved' Design Policy D2 states that proposals for infill development will be permitted where proposals respect or enhance the character and appearance of the area in terms of the following criteria:

- (i) the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths;
- (ii) the architectural characteristics and the type, colour of the materials of adjoining buildings; and
- (iii) the complexity and richness of materials, form and detailing of existing buildings where the character of the area is enhanced by such buildings and the new development proposes to replicate such richness

In this case it is considered that the proposal does not satisfy criteria (i) in that the building width and the scale and massing of the development would neither respect nor enhance the character and appearance of the area. The proposal is, therefore, contrary to Policies H16 and D2. The detailed reasons for this failure are set out below.

9.2. Impact on Character of Area

It is considered that the reason for refusal 1 (relating to design) in the previous application has not been overcome. The existing building is already relatively wide in comparison to

nearby properties, and the proposal to increase the width by a further 1.5 metres towards the east, at full-height, would result in a cramped form of development.

Although on a similar building line and orientation to other properties in Ladysmith, the semi-detached pairing would fill virtually the entire width of the eastern plot at full-height, and the cramped appearance resulting from this 'garden grabbing' extra width would detract from the overall character of the street scene, to the detriment of visual amenity in general. Furthermore, this additional bulk, in combination with the proposed two-storey/ single storey extensions to the rear, is considered to represent an overdevelopment of the site.

The adverse impact of the proposal is compounded by the car parking arrangements. A four bedroom house requires 3 parking spaces, and this can only be achieved by effectively giving over the larger part of the front garden for this purpose. The mass of resulting hard-standing at the front of the property would be undesirable within its context.

Consequently, the resultant scheme is considered to be unsympathetic to the character and visual appearance of the area. The scale, plot size and massing of the development does not respect adjoining buildings, and it is therefore considered that a dwelling in this location should be viewed as in-appropriate infilling, contrary to Policies D2 and H16.

9.3. Impact on Residential Amenity

'Saved' Policy G2 sets out general development control criteria. In particular, it requires all new development to avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings.

It is considered that the extensions towards the eastern side of the application site will have a detrimental impact on residential amenity. The rear extensions in particular will protrude a further 6 metres back past the rear of the original dwelling and will have extremely high eave-levels (6.4 metres). The combination of the extension's depth, its eave-heights and its overall massing will add a significant amount of bulk to the building.

This additional bulk, when sited within such close proximity to the neighbouring boundary (1.2 metres), would diminish the outlook from the neighbouring bedroom/landing windows, and would dominate the adjacent access path, side doors/windows and rear conservatory. The openness currently enjoyed by the neighbouring property would be significantly reduced and overall it is considered that the proposal, due to a combination of its overall length, scale, and close proximity to the adjacent residential property, would create an oppressive and overbearing development that would cause significant harm to the amenities of adjacent residents.

9.4. Overlooking/Loss of Privacy

The application site is located in an area in which overlooking is not uncommon at the front of properties. Although the new front-facing window of the proposed house would face directly towards the property on the opposite side of the road, the impact of partial overlooking here is not considered to be significant, given that a certain degree of overlooking already occurs in this area, and overlooking from the front is not an unusual situation.

The side-facing ensuite bathroom windows at first-floor level and the side-facing windows/doors at ground-floor level are not considered to result in any harmful loss of

privacy. Oblique overlooking from the proposed rear-facing windows is not considered to result in any significant loss of privacy to the adjacent rear gardens.

9.5. Highway Safety

After concerns were raised about the layout of the parking (and turning/manoeuvring within the site), amended plans have been submitted which show that sufficient parking provision will be provided to the front of both houses. Whilst this means the loss of garden area, the five parking spaces proposed meets the criteria sought for such a scheme, subject to conditions regarding access and disposal of surface water.

9.6. Archaeology

The design and access statement that accompanies this application recognises that there is potential for the site and also considers that this potential would have been removed by significant works including drainage, patio and a garden pond. Whilst it is appreciated that this may well be the case, the proposal is for a relatively large new extension, presumably also with new services to allow the property to be split in two. In addition, the patio appears to be raised on the accompanying photography, suggesting that the previous footprint of impact might be less significant than that around the side of the house.

It is therefore recommended that if minded to approve, a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

9.7. Affordable Housing/ Public Open Space Contributions

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 and Core Policy 3 of the South Wiltshire Core Strategy, applicants are required to enter into a legal agreement and provide a commuted financial payment. Without the completion of such a legal agreement, this issue should form a reason for refusal; albeit one that can be overcome with the submission of a legal agreement should other issues be overcome.

10. Recommendation

Planning Permission be REFUSED for the following reasons:

1. The proposed development, by reason of its cramped appearance, and by reason of its size and massing, would detract from the appearance of the street. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).
2. The proposed development, by reason of its proximity to the side boundary of the site with no. 43a Ladysmith, and by reason of its overall size, length and design (with high-level eaves), would have an overbearing impact on no. 43a Ladysmith to the detriment of the occupiers' amenities. This is contrary to Policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).
3. The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional house. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of

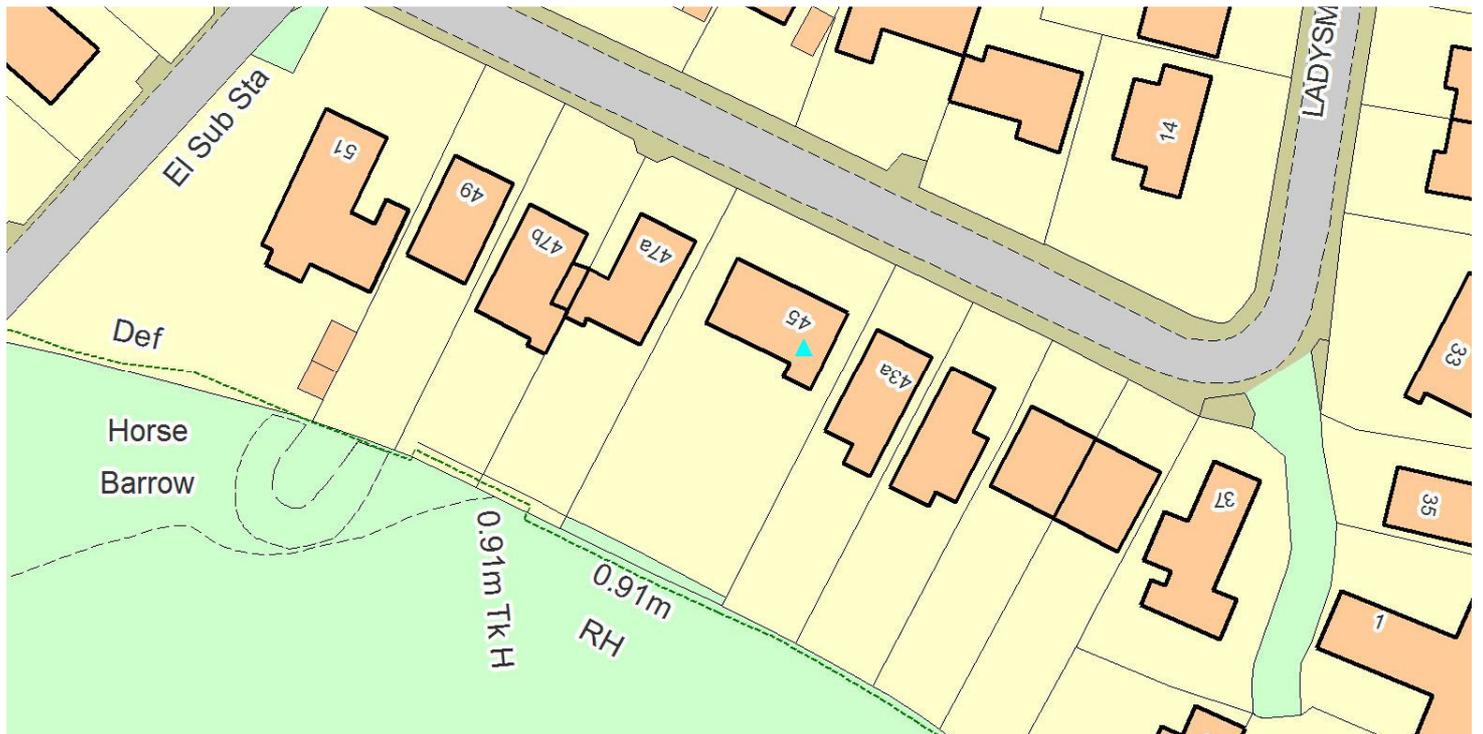
the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

INFORMATIVE

It should be noted that the reason for refusal 3 given above relating to Policy R2 and Core Policy 3 of the South Wiltshire Core Strategy could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, in accordance with the standard requirement for recreational public open space and affordable housing provision.

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45 Ladysmith, Gomeldon. SP4 6LE



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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	04 th October 2012		
Application Number:	S/2012/0928/Full		
Site Address:	2 Lovegrove Acre, Dinton, Salisbury. SP3 5DX		
Proposal:	Proposed single storey 3 bed dwelling and alterations to access		
Applicant / Agent:	Mr Gary Singleton, Singleton Design		
City/Town/Parish Council	Dinton		
Electoral Division	Nadder & East Knoyle	Unitary Member	Cllr Bridget Wayman
Grid Reference:	Easting: 401267	Northing: 131511	
Type of Application:	Minor		
Conservation Area:	Cons Area: - Dinton	LB Grade:- NA	
Case Officer:	Mr Charlie Bruch-White	Contact Number: 01722 434682	

Reason for the application being considered by Committee

Cllr Wayman has called-in the application on the grounds that she considers the proposal to be garden grabbing in an area of housing restraint and the Conservation Area.

1. Purpose of report

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

2. Report summary

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

1. Principle of development;
2. Previous appeal decision at 3 Lovegrove Acre;
3. Character and appearance of the area;
4. Amenities of adjoining and nearby property;
5. Highway considerations;
6. Affordable housing and recreational open space

3. Site Description

The site relates to the rear garden of 2 Lovegrove Acre, which comprises the central plot of a modern development of 3 no. two storey dwellings, all set within spacious gardens, within the village of Dinton and adjacent to the village recreation ground. The site is situated within the Conservation Area, Housing Restraint Area and AONB.

4. Relevant Planning History

Application number	Proposal	Decision
04/2742	Erection of four bedroomed detached dwelling within rear garden of 3 Lovegrove Acre	Ref 01.03.05 Appeal dismissed 07.10.05

5. Proposal

It is proposed to erect a single storey dwelling and to alter the existing access. Original plans also included a detached garage, although this has been omitted from the scheme.

6. Planning Policy

Local Plan: policies G1, G2, H19, D2, CN8, CN10, CN11, CN22, C4, C5, C12, TR11, TR14, R2

South Wiltshire Core Strategy: core policies 1, 3, 10, 19

Central government planning policy: NPPF

7. Consultations

Parish Council

None received at time of writing report

Conservation Officer

No objection

Archaeologist

No objection subject to archaeological watching brief condition

Highways Officer

No objection

Natural England

No objection but make several recommendations for enhancement

Housing Officer

Accepts the outcome of the applicant's viability appraisal that it will not be viable to seek developer contributions

8. Publicity

The application was advertised by site notice and neighbour consultation.

7 letters of representation were received, including:

6 of objection on the following grounds:

- Loss of privacy and light
- Increased disturbance
- Detrimental to character of conservation area
- Previous planning decisions have resisted development to the rear of Lovegrove Acre, and furthermore approval would set a precedent for further development
- Increase in traffic

1 of support on the following grounds:

- Plot is of a substantial size and can accommodate a modest dwelling without affecting neighbours

9. Planning Considerations

9.1 Principle of development

Local Plan policy H19 states that within Housing Restraint Areas the erection of a new dwelling will be acceptable subject the following criteria being met:

- (i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area;
- (ii) there is no loss of an important open space which contributes to the special character of the area;
- (iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and
- (iv) the development will be in keeping with the character of the neighbouring properties.

9.2 Previous appeal decision at 3 Lovegrove Acre

Although this appeal decision relates to the neighbouring site, it provides an indication of key issues that are also likely to be relevant to the current application given the similar nature and location of development proposed, and is therefore a material consideration. Key paragraphs from the Planning Inspector's appeal decision are copied below:

"I consider, however, that the extensive garden areas to the rear of 1-3 Lovegrove Acre together with the extensive open space to the west contribute significantly to the character of the locality and the conservation area. The proposed dwelling would, in my opinion, reduce the present open and spacious quality of the locality and would, in consequence, significantly harm the character of the Dinton Conservation Area."

"I consider that the open and irregular loose-knit pattern of development also characterises the defined Dinton Housing Restraint Area indicated in the LP. In the light of my assessment above that the proposed development would have an adverse impact on the character of the Dinton Conservation Area the proposed development would also conflict with criteria (i) and (ii) of LP policy H19."

"I consider that the noise and disturbance of vehicles using the proposed access and penetrating what is at present a quiet and open area would harmfully erode the living conditions of nearby residents and would make their gardens less pleasant to use. Whilst this would not on its own lead me to dismiss this appeal, together with the other factors above, it reinforces my view as to the unacceptable nature of the appeal proposal."

9.3 Character and appearance of the area

It is considered that the same characteristics of the area as identified by the Planning Inspector still define the Conservation Area and Housing Restraint Area, although the open space is likely to have a more green and "leafy" appearance given the maturing of landscaping within the rear gardens of Lovegrove Acre.

However, given the single storey height of the proposed dwelling, its low level cut into the slope of the rear garden, and positioning in relation to existing landscaping, there would

only be limited views of the proposed dwelling from public viewpoints. One of these would comprise a view between two modern bungalows on Snow Hill (Heather Braes and Bueno Vista), although here only the slate roof of the northern side of the dwelling would be visible, from a distance of just under 40 metres, and it would not be such a prominent feature so as to significantly erode the open quality of the Housing Restrain Area. Three eucalyptus trees and a willow would be felled although, given their distance from the road, and the presence of numerous other trees that would not be affected, it is not considered that their loss would have a significant impact. Additional landscaping can also be secured by a condition to the northern boundary of the site, to mitigate their loss and over time would reduce even further the visibility of the proposed dwelling from Snow Hill. The other public viewpoint would be from the recreation ground although only from a relatively limited portion of it, predominantly at its easternmost end, would the dwelling be discernable, likely to comprise only glimpsed views of the northern end of its slate roof.

Consequently the character of the area would not significantly change; the rear gardens of Lovegrove Acre would still comprise a predominantly large open and green space which visually separates development on Snow Hill and Hindon Road. The Conservation Officer confirms that they have no particular concerns regarding the potential impact on the Dinton Conservation Area. No significant features such as important mature trees would be lost, indeed additional planting is proposed and intended to be secured through a condition, and the design of the dwelling would be of a good quality with traditional local materials. As such, it is not considered that there would be significant identifiable harm to the character of the Conservation Area or Housing Restraint Area.

It is noted that originally submitted plans included a detached garage, sited to the north-west corner of the plot. Due to this part of the plot being a more open and visible space from the recreation ground, and closer to Snow Hill, it was considered that it should be omitted. It is also considered that permitted development rights for extensions and outbuildings should be removed, in order that any future additions are sensitively sited/ designed so as not to increase the prominence of development within this important open area.

Concerns have been expressed that this development could set a precedent for further development within the rear gardens of Lovegrove Acre. However, each application is considered on its own merits. Notwithstanding this, it is noted that the other plots at Lovegrove Acre do present greater limitations to development, having consideration of the issues identified above, in that the rear garden of no.1 is more open to views from the recreation ground and no.3 is a smaller plot and sited on potentially more prominent ground due to its higher elevation.

9.4 Amenities of adjoining and nearby property

Given the low height and level of the proposed dwelling, together with the distances of separation, it is not considered that the amenity of neighbours would be significantly affected. The dwelling also avoids principle rooms to the north elevation to further reduce the impact upon the nearest dwelling to the north. It is noted that the use of the driveway would be likely to lead to some disturbance to the host dwelling and no.1, although there would be generous intervening boundary landscaping to partially mitigate this and, similar to as the Planning Inspector indicated with the appeal application, it would be unlikely to result in sufficient disturbance so as to warrant refusal on its own.

9.5 Highway considerations

The Highways Officer raises no objection to the proposed development in highways safety terms.

9.6 Archaeology

The Council's Archaeologist comments that the site lies within the area that was the centre of the medieval settlement of Dinton and so has the potential to contain significant archaeological remains relating to this period. In addition, the site is close to a large enclosure which is likely to be the site of a prehistoric settlement.

The NPPF states that an application should describe the significance of heritage assets affected by an application, and para. 128 states that '*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*'

In this case, however, the Council Archaeologist notes that there appears to have been some significant landscaping adjacent to the proposed footprint of the house. In addition, the 1st edition Ordnance Survey mapping shows the field boundary running closer to the proposed house than the present boundary. The application site clearly, therefore, has the potential to contain significant archaeological remains, although the Council Archaeologist does not consider a pre-determination evaluation necessary in this case, and rather an archaeological watching brief, carried out during construction, is recommended.

9.7 Affordable housing and recreational open space

The applicant has submitted a viability appraisal which demonstrates that it would not be viable to provide a contribution towards affordable housing. This has been verified by the Council's Housing Officer. Consequently this is a case where it is justifiable to waive the normal requirements of Core Policy 3. The applicants have however agreed to the payment towards policy R2 of off site open space provision and therefore this can be secured through a unilateral undertaking.

10. Conclusion

The development would be acceptable in principle and the proposed dwelling would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would not harm archaeological or ecological interests. The applicant has satisfactorily demonstrated through a viability assessment the exceptional reasons for not making provision towards affordable housing within the locality.

11. Recommendation

Subject to the applicant entering into a legal agreement for the provision of public open space Planning Permission be GRANTED for the following reason:

The development would be acceptable in principle and the proposed dwelling would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would not harm archaeological or ecological interests. The applicant has satisfactorily demonstrated through a viability assessment the exceptional

reasons for not making provision towards affordable housing within the locality. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, H19, D2, CN8, CN10, CN11, CN22, C4, C5, C12, TR11, TR14, R2 (as saved within the South Wiltshire Core Strategy), policies 1, 3, 10, 19 of the South Wiltshire Core Strategy, and the NPPF.

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

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

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

Plan Ref....P316/03 Rev. B...	Dated....21.08.12....
Plan Ref....P316/04...	Dated....03.07.12....
Plan Ref....P316/06 Rev. A...	Dated....21.08.12....

Reason: For the avoidance of doubt.

- 3) No development shall commence until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The programme of archaeological work shall be carried out in accordance with the agreed details.

Reason: To enable the recording of any matters of archaeological interest.
Policy: CN22

- 4) 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: G2, H19, D2, CN8, CN11, C5

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

- (a) details of trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (b) details of new trees and hedgerows to be planted, including species;
- (c) means of enclosure;
- (d) car park layouts;
- (e) hard surfacing materials;
- (f) minor artefacts and structures (e.g. refuse and other storage units);

Reason: To ensure a satisfactory landscaped setting for the development.
Policy: G2, H19, CN8, CN11, C5

- 6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development.

Policy: G2, H19, CN8, CN11, C5

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

Policy: G2, H19, CN8, CN10, CN11, C5

- 8) Development shall be carried out in accordance with Section 7 of the submitted Ecological Assessment [Lowans Ecology & Associates, 11/05/2012].

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

Policy: C12, NPPF

- 9) No development shall commence on site 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 before the first occupation of the development.

Reason: In the interests of sustainable development and prudent use of natural resources.

Policy: Core Policy 19

- 10) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

Reason: In the interests of neighbouring amenity.

Policy: G2

INFORMATIVES:

Water efficiency measures

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

should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

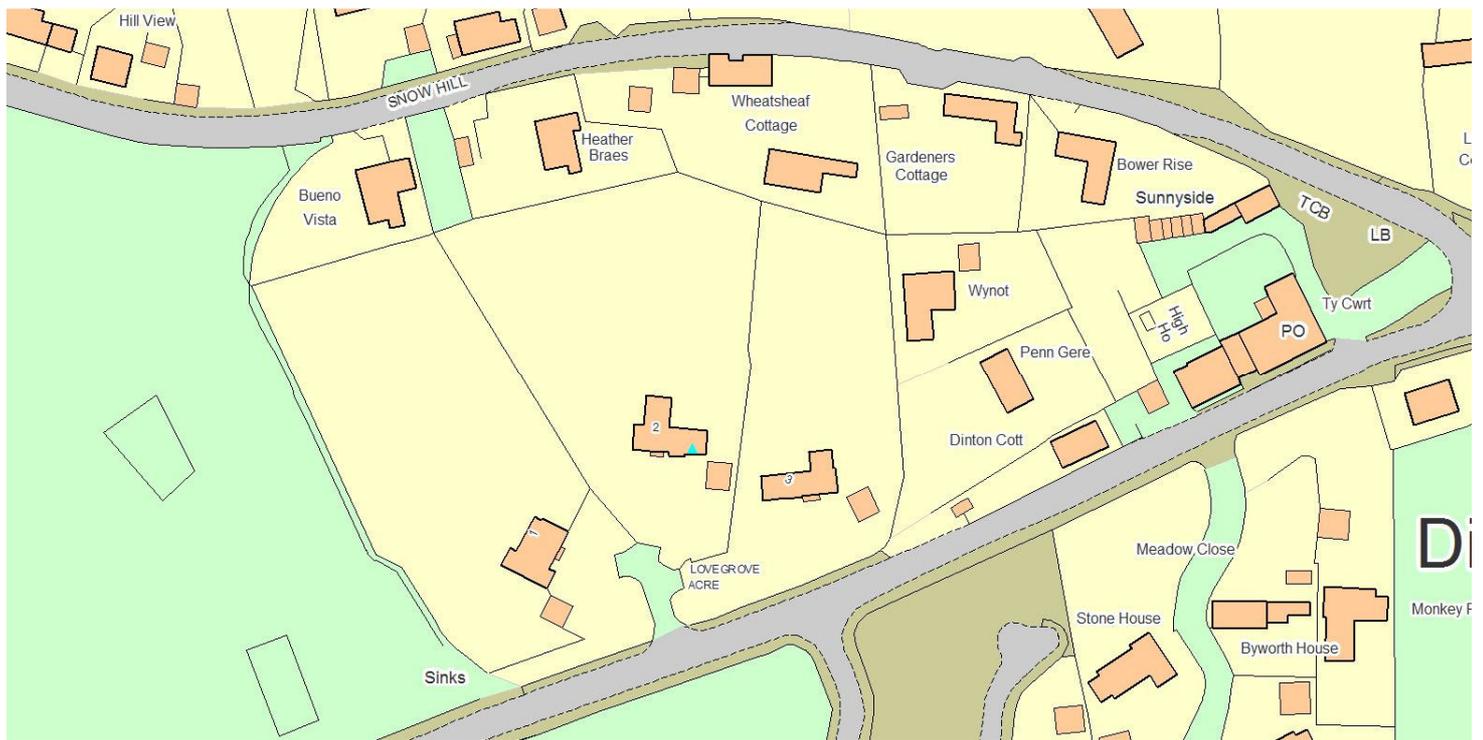
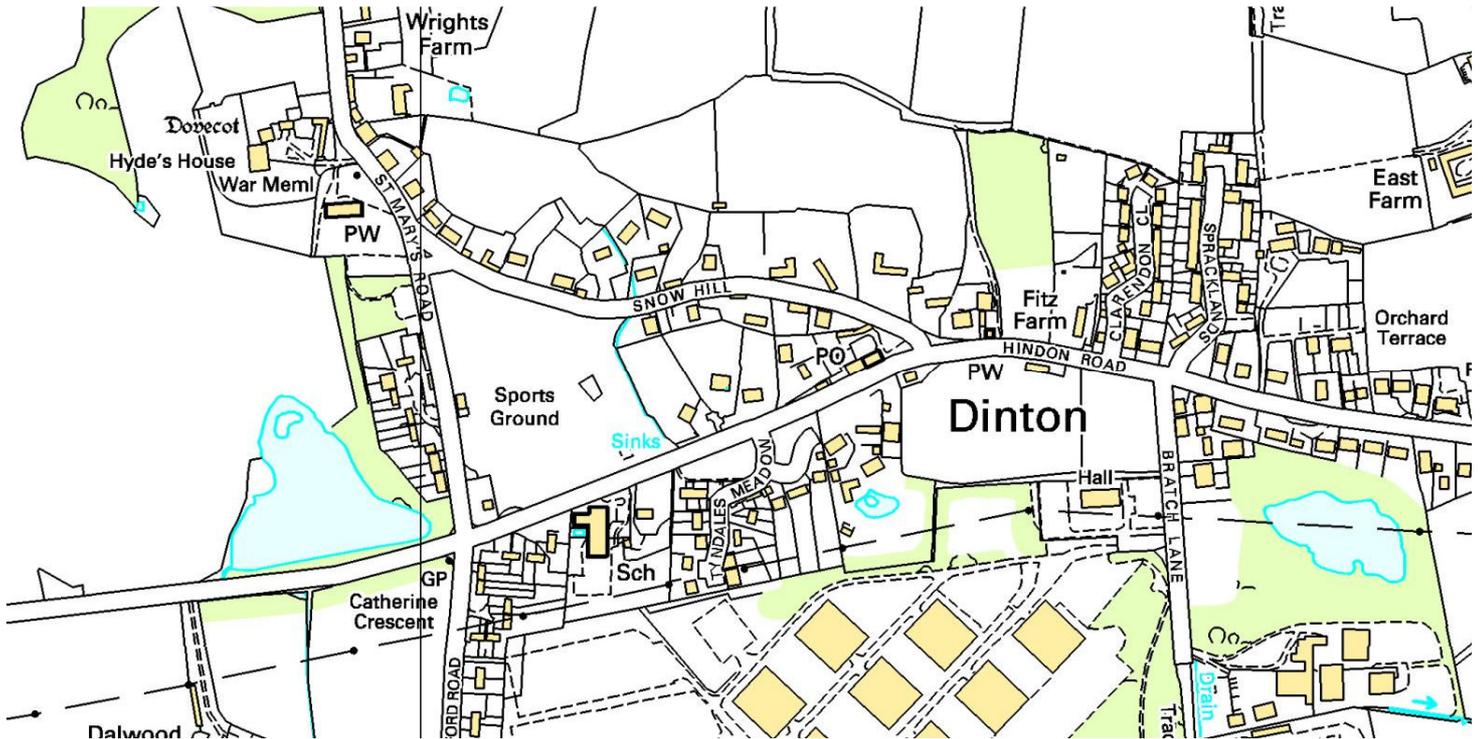
<http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>

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

Biodiversity recommendations

The developer's attention is drawn to the recommendations of Natural England, as contained within their letter of 10/07/12.

2 Lovegrove Acre, Dinton. SP3 5DX



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