

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 4 July 2013
Time: 6.00 pm

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718376 or email stuart.figini@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 Richard Clewer	Cllr John Noeken
Cllr Brian Dalton	Cllr Ian Tomes
Cllr Christopher Devine	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Ian West
Cllr George Jeans	

Substitutes:

Cllr Terry Chivers	Cllr Helena McKeown
Cllr Ernie Clark	Cllr Leo Randall
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Russell Hawker	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 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 23 May 2013 (copy herewith).

3 **Declarations of Interest**

To receive any declarations of disclosable 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 26 May 2013. 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 13 - 14*)

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

7 **Land at The Grange, Gaters Lane, Winterbourne Dauntsey.** (*Pages 15 - 24*)

Report of the Team Leader (Enforcement) is attached.

8 **Planning Applications** (*Pages 25 - 26*)

To consider and determine planning applications in the attached schedule.

8a **13/00202/FUL - Land at Wet Lane, Mere, Wiltshire, BA12 6BA** (*Pages 27 - 36*)

8b **13/00005/FUL - St Francis Church, Beatrice Road, Salisbury, Wiltshire, SP1 3PN** (*Pages 37 - 44*)

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 MAY 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE,
SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Richard Clewer, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr Jose Green, Cllr George Jeans, Cllr Ian McLennan, Cllr John Noeken, Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr M Hewitt and Cllr J Smale

40 Apologies for Absence and Membership

There were no apologies for absence. The membership of the committee was noted.

41 Minutes

The minutes of the meeting held on 18 April 2013 were presented. Two amendments were requested:

Minute 36b – To add ‘Members expressed dissatisfaction with the quality of the presentation which was felt to be inadequate for the subject’.

Minute 39 to insert the word ‘future’ prior to ‘enforcement on the site’.

Resolved:

To approve as a correct record and sign the minutes subject to the following alterations.

42 Declarations of Interest

There were no declarations of interest.

43 **Chairman's Announcements**

The Chairman welcomed everyone to the first meeting of the new Council and explained the meeting procedure to the members of the public.

Site visits were requested should the following applications come to committee:

13/00202/FUL – Land at Wet Lane, Mere.

The Old Laundry at Shrewton

The Grange at Winterbourne Earls

44 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

45 **Appeals Report**

The committee received details of the appeal decisions as detailed in the agenda.

46 **Planning Applications**

46a **S/2013/0294/Full - Land opposite Woodford Mill, Middle Woodford, Salisbury, SP4 6NW**

Mr J Humphrey spoke in objection to the application

Mrs E Soar spoke in objection to the application

Mr R Soar spoke in objection to the application

Mr G Jones spoke in support of the application

Mr G Rasch spoke in support of the application

Cllr Mike Hewitt, local member, expressed concerns about highway safety and drainage issues.

The Planning Officer introduced the report which was recommended for approval. It was explained that the application was to create a new access on to the road directly off the site and that Highways had no objections subject to two conditions being added.

Members debated the issue and raised concerns over highway safety and drainage, and whether the development was essential due to there being an existing access.

It was

RESOLVED

To refuse the application for the following reasons:

The development proposes a new vehicular access to serve an existing pheasant rearing shed and associated yard. The access would be sited on the outside of a bend where views of emerging vehicles would be partially obscured to users of the highway, and the applicant has not satisfactorily demonstrated that surface water could be adequately dealt with so as to prevent its discharge onto the highway. Furthermore, it is not considered that the proposed access is essential or necessary development within the countryside, on the basis that the site has historically been accessed by alternative means which is still available for use by the applicant. Consequently the proposed access would be detrimental to highways safety and would not comprise essential development within the countryside, contrary to Local Plan policies G2(i) and C20 (as saved within the South Wiltshire Core Strategy).

46b S/2013/0071/Full - Land Adjacent To Parish Church, Salisbury Road, Steeple Langford, Salisbury, SP3 4NQ

Public participation

Ms K Henderson spoke in objection to the application

Mr D Brady spoke in objection to the application

Ms W Barrett spoke in objection to the application

Mr P Stevens spoke in support of the application

Cllr D Watson of Steeple Langford Parish Council spoke in objection to the application.

Cllr Ian West, local member, expressed concerns about impact on the conservation area and the setting of the listed church.

The Planning officer introduced the report which was recommended for approval. The application was for the erection of a two storey dwelling.

During the debate concerns were raised regarding the bulk of the development, the effect it would have on the listed church and the general design of the building.

It was

RESOLVED

To refuse the application for the following reasons:

- 1) The proposed development site comprises an important open space within the Steeple Langford Conservation Area and Housing Restraint Area, which also contributes to the setting of a grade I listed parish church. The proposed development would significantly erode this open space, reducing the open character to this part of the streetscene and obscuring important views of the parish church, to the detriment of the character of the area and setting of the listed building. The development would therefore be contrary to Local Plan policies CN5, CN8, CN10, CN11, and H19 (as saved within the adopted South Wiltshire Core Strategy).
- 2) The development has not made adequate provision towards affordable housing or public open space, and would therefore be contrary to Core Policy 3 of the adopted South Wiltshire Core Strategy and Local Plan policy R2 (as saved within the adopted South Wiltshire Core Strategy).

46c **S/2013/0276/Full - Hollygate, Castle Lane, Whaddon, Salisbury, Wiltshire, SP5 3EQ**

Public participation

Mr John Dale spoke in support of the application

Cllr E Hartford, on behalf of Alderbury Parish Council, spoke in objection to the application.

Cllr Richard Britton, local member, spoke in objection to the application.

The Planning Officer introduced the report which was recommended for approval. The application was for alterations and extension to the existing dwelling and a replacement garage.

During the debate concerns were raised regarding the size of the development in relation to the plot.

It was

RESOLVED

That the application be refused for the following reasons:

The application site comprises a relatively small and awkward parcel of 'backland' positioned within a close-knit group of established residential properties. The site is presently occupied by a modest single storey dwelling and single storey garage. The proposal is to substantially enlarge the

existing dwelling at both ground and first floor and to replace the existing garage with a significantly larger two storey building. In view of the limitations of the site in terms of its size, shape and relationship with neighbouring properties, these proposed extensions and alterations, by reason of their scale, design and layout, would appear cramped and contrived and so incompatible with the surroundings. In particular, the raised eaves and extended ridgeline of the proposed enlarged dwelling would result in an uncharacteristically dominant structure, contrary to the otherwise spacious character of the area; and the new garage, by reason of its size, close proximity to the dwelling and boundaries, and awkward roof design, would sit uncomfortably on the plot. The overall design of the proposed development has not been appropriately integrated into the surroundings, to the detriment of the area in general.

This is contrary to Policies D1(iv), D3, G2 and H16 of the Salisbury District Local Plan (which are 'saved' policies set out in the adopted South Wiltshire Core Strategy).

46d **S/2013/0266/Full - Land adjacent to Springvale, Tidworth Road, Allington, Salisbury, SP4 0BN**

Public participation

Mrs V Gallop spoke in support of the application

Mr M Hewitt spoke in support of the application

Cllr M Brunton, Chair of Allington Parish Council, spoke in support of the application.

The local member, Cllr John Smale, spoke in support of the application.

The Planning Officer introduced the report which was recommended for refusal.

During the debate the issue of the proposed dwelling being outside the housing policy boundary was discussed in detail.

It was

RESOLVED

That subject to the applicant entering into a S106 agreement to secure financial contributions towards recreational open space and affordable housing

That the application be granted for the following reasons:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to saved policies G1, D2, G2, C6, TR11, R2 and H23 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy), Core Policy 1 and Core Policy 3 of the South Wiltshire Core Strategy and paragraphs 49, 56, 64 and 47 of the National Planning Policy Framework.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Conditions:

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

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

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

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

Policies: Saved policies G1 (Principles of sustainable development), G2 (General Criteria for Development), C6 (Development in the countryside which falls within the Special Landscape Area) and D2 (Infill development) of The Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

3.No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 0800 & 1800 Monday to Friday and 0800 & 1300 on Saturdays.

Reason: In the interests of residential amenity.

Policy: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

4.No development shall commence until details of a consolidated and surfaced access, vehicle turning space and parking area have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the turning space and parking area have been completed in accordance with the approved details. Such turning space shall thereafter be retained and kept clear of obstruction at all times.

Reason: In the interests of highway safety.

Policy: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

5.No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details, to prevent surface water discharge onto the highway, 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 adequately drained.

Policy: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

6.No development shall commence on site until details of the proposed ground floor slab level have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved level details.

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

Policies: Saved policies G1 (Principles of sustainable development), G2 (General Criteria for Development), D2 (Infill development) and C6 (Development in the countryside which falls within the Special Landscape Area).

7.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:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. refuse and other storage units);

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

Policies: Saved policies G1 (Principles of sustainable development), G2 (General Criteria for Development) and C6 (Development in the countryside which falls within the Special Landscape Area).

8.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 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.

Policies: Saved policies G1 (Principles of sustainable development), G2 (General Criteria for Development) and C6 (Development in the countryside which falls within the Special Landscape Area).

9.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 dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

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

Policy: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

10. The development shall be carried out in complete accordance with the following drawings:

Drawing number: Date drawn: Date received by Wiltshire Council:

Reason: For the avoidance of doubt.

Informatives:

1. Water supply and waste connections

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 the Developer Services web-pages at www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from Wessex Water's New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

2.S105a Public Sewers

On the 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 Wessex Water's 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 can be found on Wessex Water's

website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact Wessex Water's sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

46e **S/2013/0251/Full - Adj. Greenways, Tidworth Road, Allington, Salisbury, SP4 0BN**

Public participation

Mr J Hill spoke in support of the application

Mr M Hewitt spoke in support of the application

Cllr M Brunton, Chair of Allington Parish Council, spoke in support of the application

Cllr John Smale, local member, spoke in support of the application.

The Planning Officer introduced the report which was recommended for refusal and explained it was similar to the previous application, being outside the housing policy boundary.

During the debate issues regarding site access and the housing policy boundary were discussed.

It was

RESOLVED

That subject to the applicant entering into a S106 agreement to secure financial contributions towards recreational open space and affordable housing

To approve the application for the following reasons:

The site is situated just outside of the Housing Policy Boundary, but it is visually well related to the settlement limits and would fulfil a local need for modest housing growth within Allington, without harming the character of the settlement or surrounding countryside. The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the South Wiltshire Core Strategy, namely saved Local Plan policies G1, G2, G5, D2, C6, TR11, TR14, R2 and Core Policies 1 and 3.

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....1:500 Site Layout Plan...	Dated....25.09.12....
Plan Ref....H/02/12...	Dated....Nov. 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 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.

- 4) No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

Reason: In the interests of visual amenity.

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

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

- 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.

- 7) No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

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

47 **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 9.05 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/2012/1127	Lime Kiln Farm Dinton	WR	Delegated	Dismissed	No	No
S/2012/0175	BroxmoreDroveCottage Salisbury Road Sherfield English	Hearing	Committee	Allowed	Yes	Yes
S/2013/0112	Pippins, Lights Lane Alderbury	HH	Delegated	Allowed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?
S/2012/1817	GrasmereHotel, 70HarnhamRoad Salisbury	WR	Delegated		No	No
S/2013/0056	StonehengeCampsite Berwick St James	WR	Committee		Yes	No
S/2013/1450 & S/2013/1451	Dairy House Barn, Romsey Road, Whiteparish, Salisbury, SP5 2SF	WR	Delegated		No	No
S/2012/0815	Land NorthWest of The Avenue Salisbury	Hearing	Committee		Yes	No
S/2012/0900	Sandhills House, Sandhills Road, Dinton	WR	Delegated		No	No

WR Written Representations
HH Fastrack Householder Appeal
H Hearing
LI Local Inquiry
ENF Enforcement Appeal
 24th June 2013

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

Date: 4th July 2013

Subject: Unauthorised use of former barn and adjacent field for events including wedding ceremonies and receptions, on land at The Grange, Gaters Lane, Winterbourne Dauntsey.

Purpose of Report

1. To seek Members instructions in relation to alleged unauthorised development which has taken place at the site, as the Area Development Manager does not consider it prudent to exercise delegated powers.

Background

2. The Grange is a large detached residential property set in extensive grounds on the southern side of Gaters Lane.
3. The former barn is a substantial thatched timber framed structure, dating from the late 17th/early 18th century within the grounds of The Grange and is Grade II listed. No physical alterations have been undertaken to the building in relation to the material change of use.
4. Allegations were first made in respect of this site in August 2012 and originally concerned what was described as a new parking area, formed to the side of a former agricultural building known as Clarks Barn, to the west of the Grange. Following investigation these works - comprising formation of a bark surfaced area following removal of some trees (which had Conservation Area consent from the Council) were ultimately considered to be 'permitted development', not requiring an application for planning permission as the former farmyard was considered to fall within the lawful domestic curtilage of the dwelling.
5. Subsequently in September 2012 however, third party objections were also received in relation to the use of the barn as a wedding venue. These objections centred on an application made to the Council's licencing team to renew the premises licence for the barn for up to 200 guests (subsequently withdrawn). The issues raised by third parties in

objection to the use concern noise and disturbance from the activities and comings and goings to the site, adverse effects on neighbouring amenities, adverse effects on road safety through increased traffic on Gaters Lane, adverse effect on the Conservation Area and wildlife and use of an adjoining field (opposite End Cottage) for parking.

6. Upon further investigation, it appears that the use as a wedding venue started in 2009 when a licence to hold weddings was obtained from the Council. It appears that the business has grown, initially from what was described as 'infrequent' events, to (based on the owners' own figures) up to and around thirteen wedding events taking place at the site during the summer of 2012, most of which finished at 11:00pm (one finishing at midnight). This is in addition to what the owner describes as other non profit making/charitable/village/family activities also taking place at the site in 2012 (of which their own figures suggest there were nine events, the majority of which also finished between 10.30 and 11.30pm).

7. Officers have attempted to negotiate with the owners to remedy the breach and in correspondence and meetings with them since October 2012 have pointed out their available options. Whilst the owners could have submitted a planning application for permanent or temporary planning permission, they have declined to do so, initially stating that they intend to run down the wedding reception operation during 2013, whilst honouring existing bookings. They have also declined an alternative course of action suggested by Officers, which was to enter into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the gradual 'running down' of the business as the owners proposed during 2013 and; controls over its nature and scale in the interim. They did submit another form of agreement (referred to in more detail at 8. below). They also have submitted a statement detailing how they would intend to control noise from the barn during the events, which include closing the barn doors whilst music is played and finishing music by 11:00pm and remaining on site during an event. At the time of writing, the first weddings scheduled for 2013 have recently taken place and have been monitored by officers.

8. The owners had recently submitted a suggested draft of a personal 'agreement' between them and the Council to regulate the use as follows (but see further in 9 below):
 - a) The number of guests at any civil wedding ceremony and subsequent reception and evening function shall not exceed 150 at any one time (save in respect of their jazz evening)-the term "guests" shall be exclusive of caterers, bar staff and musicians.

 - b) The owners will ensure that either they one of them or some other responsible adult person will attend at the

Property throughout the conduct of any of the events and will have overall responsibility to ensure that the event is conducted in a proper and responsible manner.

- c) No music be it amplified shall be played or performed after 11pm on the day of any events.
 - d) All doors to the south elevation of a building known as The Barn at the Property will be closed after 9 pm while any music is being played in the Barn save in respect of the charity jazz evening.
 - e) All guests shall park vehicles on part of the property designated for such use by the Owners and agreed with the Council.
9. The Council's solicitor was asked for their views on the submitted document and stated that it is not enforceable as there is no evidence of ownership provided, it does not bind the land being personal to the owners only and does not control what events take place other than supplying a list. Additionally there is no agreement to cease the use permanently (unless planning permission has been obtained) after September 2013 and the parking area has not been defined. As such this agreement would not meet the tests of a Planning Obligation, as set out in the National Planning Policy Framework. Moreover, the owner's solicitors confirmed by letter dated 20th May that this offer of observing some controls over activities at the site has now been withdrawn, and therefore cannot be given any weight in any decision taken in respect of planning enforcement. It is also unclear whether the owners' intention to 'run down' the events use has also changed.
10. The owners have previously advised your officers that they have accepted bookings for seven (previously eight) wedding events, six of which including evening functions, between 25th May and 7th September 2013, following which they did not intend to take further bookings for evening events (but see above). Each event would be attended by approximately 85-150 persons. However the owners state that they wish to continue to host civil ceremonies in the barn during 2014 and 2015. In addition to the above events, there would be a charity Jazz evening and an open gardens afternoon.
11. The Council's Environmental Protection team is currently investigating separate allegations of noise nuisance arising from the events being undertaken at the site and have monitored recent activity. It is understood that on the 8th June, noise levels were found to be considerably lower than previously found. A noise consultant employed by the owners took measurements from the public open space between residential property at Sherfield and the barn. A "Directional

Sound Ceiling speaker” system had been installed and the consultant’s engineer was on hand to monitor and regulate music levels. There was a live band playing through the system. It is understood that the above system will be in use at future events and that the consultant will be trying to persuade those who have booked events to use recorded music rather than live bands as this should improve performance of the system further.

12. Decisions as to enforce noise complaints matters principally concern the licensing aspect (prevention of nuisance). Any issues as to the licensing aspect can be dealt with by the Licensing Authority. Furthermore the Council has powers under the Environmental Protection Act 1990 to serve a noise abatement notice. Both of the above matters are entirely separate from this planning enforcement report, which solely concerns the material change of use of the barn.

Planning issues

13. *The need for planning permission:*

14. Officers consider it would be reasonable to expect the occupants of a large dwelling such as The Grange to entertain guests at their property on perhaps 5 or 6 occasions per year in connection with private and family events such as birthdays and other celebrations and; that perhaps once or twice a year, this may lead to around 100 people being present. This would normally be regarded as a level of use which would be incidental to enjoyment of the dwelling as such and would not change the character of the residential use of the site.
15. However, use of the former barn to hold the number of events, including regular wedding ceremonies and receptions of the scale described above, in addition to the number of other events, as has occurred over the past 3-4 years and is also scheduled for this year, all as described above, is considered to have amounted to a material change of use requiring planning permission. Whilst not conclusive to the materiality of a change of use, it should also be mentioned that the ‘commercial’ aspect of the use further reduces any argument that the use could be incidental to the enjoyment of the dwelling. The use has not been continuous for more than ten years and is not immune from planning enforcement action.
16. It should also be remembered that notwithstanding the comments made by the owners at 7 and 8 regarding how the use would be managed in future (which have in any event since been withdrawn), there are currently no planning controls over the nature, scale of activities and duration at the site. Therefore at the moment, the number of events taking place at the site for example, could increase if the

owners are approached regarding taking additional bookings for this year or next year. There are no planning controls over the time when events finish.

17. Although the temporary parking of vehicles on the adjacent field for up to 28 days per year would normally be “permitted development”, such parking would not take place if it were not for the events taking place at the site and is thus a part of the unauthorised use. In any event, it is understood that vehicle parking extends to days either side of the event with the effect that in 2012 the 28 day period would have been exceeded.

18. Planning merits:

19. As noted above, the former barn is a listed structure, which is situated within the Winterbourne Conservation Area.
20. The following Salisbury District Local Plan saved policies, listed in Appendix C of the Adopted South Wiltshire Core Strategy, are relevant:
 - G1 – General principles for development;
 - G2 – General criteria for development;
 - C2 – Development in the countryside;
 - C6 – Special Landscape Area;
 - CN3 -listed buildings;
 - CN4-changes of use in Conservation Areas;
 - CN6-changes of use of listed agricultural buildings;
 - CN8-development in Conservation Areas.
21. The National Planning Policy Framework (NPPF) is also relevant, in particular paragraph 17 core planning principles “...conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...”; paragraph 28 LPAs should be “...supportive of economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”; paragraph 32 “...safe and suitable access to the site can be achieved for all people...”; paragraph 39; “...if setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles...”, and paragraph 131 “ ...in determining planning applications, local planning authorities should take

account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

22. In terms of its planning merits, had a planning application been submitted your officers consider that the principle of the use of the otherwise underutilised former barn for a purpose which, as in this case, does not entail extensive interior or exterior alteration and conserves its inherent agricultural character, would be broadly consistent with the policies listed above concerning listed buildings. The conservation officer has been informally consulted however there are no objections to the use of the barn for events including weddings and receptions from a conservation point of view.

23. Turning to other planning issues however, the site is on the edge of the village in a rural position, surrounded by a number of residential properties, served by a very narrow lane leading between the A338 and C56 Portway. The use of the site for events, including wedding ceremonies and receptions, attracts noise and disturbance arising from the activity itself -which involves amplified music and a large number of guests (the potential number of guests at future events is listed above) attending the site late into the evening in the summer, when nearby residential properties would have their windows open and /or occupiers would be enjoying their gardens and could reasonably expect a degree of peace and quiet commensurate with their rural location.

24. Environmental Health were asked to comment on the ‘noise’ aspect of the use. In response, they have indicated that had a planning application been received for the use, given the management of noise levels recently demonstrated, they would have been inclined to recommend conditions along the following lines:
 - i. No use outside the hours of noon and 11pm Monday – Saturday;
 - ii. Music levels are managed through the sound ceiling system only;
 - iii. Any recommendations for proofing the elevation facing Sherfield are adopted;
 - iv. All doors are kept closed during events;
 - v. Recorded music only;
 - vi. Inaudibility at the facade of the nearest dwelling.

However it should be remembered that as the owners have declined to submit a planning application, there is no opportunity for the Council to impose conditions to mitigate the adverse effects of noise arising from the use, which could otherwise continue in the absence of enforcement action.

25. In addition, there is the associated disturbance arising from pedestrian and vehicular comings and goings to and from the site and the parking area along the narrow Gaters Lane. This is particularly noticeable at the end of the event, for similar reasons as identified above. Whilst not in itself a reason for objection, it is of note that objections from third parties are in part on this basis.
26. In view of all the above, the use is considered to have seriously detracted from the standard of residential amenities enjoyed by nearby residential property. To allow the use to continue on the current basis would therefore be contrary to 'saved' policy G2 (vi) of the Salisbury District Local Plan.
27. Additionally in response to consultation the Council's Highways Officer has expressed serious concerns about the use of Gaters Lane, which is narrow, unlit and lacking footways, to accommodate the additional traffic generated by the continued use of the site for events wedding ceremonies and receptions, in particular having regard to the number of guests anticipated by the owners. Additionally there is serious concern regarding the visibility at the junction of Gaters Lane with the C56 Portway. He has indicated that he is prepared to support enforcement action on the basis that continued use of the site for events including wedding ceremonies and receptions would be detrimental to highway safety conditions.

Options for enforcement action

28. *To issue an Enforcement Notice to require the unauthorised use to cease.* This potentially would provide a medium-term remedy to the harm to amenity caused by the breach. However the Notice would potentially be delayed in coming into effect by any appeal to the Planning Inspectorate. One of the grounds of appeal could be that the owners consider that planning permission should be granted for the development. This would enable the planning merits of the development to be tested and conditions to be added to any grant of planning permission at appeal.

In the event there was no appeal made against the Notice, by the time it came into effect and the period for compliance expired, it would not prevent the remaining events at the site scheduled for 2013 from being undertaken, but it would preclude further activities (other than that deemed incidental to the enjoyment of the dwellinghouse as such) in 2014 and beyond.

In the latter respect it should also be noted that an Enforcement Notice cannot take away existing use rights, such as those identified at 14 above.

29. *To not take any action at this time.* As noted above, the owners informally indicated to officers that they are not taking further bookings for wedding receptions and that use will finish in September 2013 (however whether this 'offer' still stands following recent communications is in question); the use for wedding ceremonies will cease when the licence expires in 2015. In the interim they initially stated the owners intend to put the noise control measures referred to at paragraph 7 above into effect. However as noted above, that offer has also since been withdrawn. Such an approach could potentially allow an orderly 'winding down' of the business.
30. However, the Council would then be entirely reliant on the owners' intentions. If, for example, those intentions or the ownership changed and/or the owners subsequently decided to take additional bookings for events and weddings, the Council would effectively find itself in the same situation as it is at the moment and it would have allowed the harm caused by the use to continue for a further lengthy period without any justification. As noted above, the owners declined to enter into an Undertaking which could, amongst other things, have secured this approach and; would have been enforceable in default of compliance. It is not considered a reasonable approach to rely solely on the assurances of the owners in this respect. For the above reasons, the option is not recommended.
31. As noted above, the (withdrawn) 'agreement' suggested by the owners was not a Planning Obligation, it was not enforceable and can be afforded no weight in determining the expediency of enforcement action. Further options considered as an alternative to formal action included the submission of a retrospective planning application, by which the nature, scale and duration of the use could potentially have been limited by conditions. The owners have had since October last year but have not proved cooperative to date in relation to submitting a planning application and in line with good practice, further negotiations are not considered a good reason to delay formal action.

Conclusions

32. The breach of planning control identified above is causing planning harm which officers consider warrants enforcement action being taken to require it to cease. The owners have declined to submit a planning application to attempt to regularise the use notwithstanding having an extended period to do so. Whilst the owners previously stated that they were prepared to cease the use for wedding receptions after

September 2013 and cease the use for wedding ceremonies when their licence expires, in default of a grant of planning permission or Section 106 Undertaking the Council can only secure cessation of the use by taking planning enforcement action.

Recommendation

The Area Development Manager South be instructed to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate persons, in respect of the following:

Without planning permission, the material change of use of the Land from a residential dwellinghouse and uses incidental thereto, and agriculture; to a mixed use of residential dwellinghouse, agriculture and use for the holding of events including wedding ceremonies and receptions.

The Enforcement Notice to require the following step to be taken:

Cease the use of the Land for the holding of events including wedding ceremonies and receptions.

Time for compliance with the Enforcement Notice from the date the Notice takes effect:

One month.

Reason for serving the Enforcement Notice:

- 1. The use of the Land for the holding of events including wedding ceremonies and receptions has seriously detracted from the standard of residential amenity enjoyed by nearby dwellings by reason of the levels of undue noise and disturbance caused by the activity on the Land and the vehicular comings and goings to the Land, in particular during unsocial hours, all therefore being contrary to 'saved' policy G2 (vi) of the Salisbury District Local Plan.**

2. **Gaters Lane is narrow, unlit, with few passing places and lacking footways with a poor junction lacking adequate visibility onto the C56 Portway in particular, and; is unsuitable to accommodate the substantial additional traffic generated by the continued use of the Land for the holding of events including wedding ceremonies and receptions without causing serious harm to highway safety conditions, being contrary to 'saved' policy G2 (i) of the Salisbury District Local Plan.**

Report Author:

Stephen Hawkins, Team Leader (Enforcement).

Date of report: 19th June 2013

Background Papers

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

None.

Index of Applications on 04th July 2013

1 SITE VISIT - 1615

Application No: 13/00202/FUL
Site Location: Land at Wet Lane, Mere, Wiltshire, BA12 6BA
Development: The removal of a barn, the clearing of an area of land and the construction of a detached four bed dwelling and a detached car port

Recommendation: Refuse with Reasons

2

Application No: 13/00005/FUL
Site Location: St Francis Church, Beatrice Road, Salisbury, Wiltshire, SP1 3PN
Development: Extension to church

Recommendation: Refuse with Reasons

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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	04 th July 2013
Application Number	13/00202/FUL
Site Address	Land at Wet Lane, Mere, Wiltshire, BA12 6BA
Proposal	The removal of a barn, the clearing of an area of land and the construction of a detached four bed dwelling and a detached car port
Applicant	Mr Eric Mitchell
Town/Parish Council	Mere
Grid Ref	E. 382799 N. 130708
Type of application	Full Planning
Case Officer	Steven Banks

Reason for the application being considered by Committee

Cllr Jeans has requested the consideration of this planning application at a Planning Committee if the Case Officer's recommendation is not to grant planning permission for this proposal which has the support of some members of the local community.

The Case Officer has recommended the refusal of the planning application and therefore the application is to be considered by a Planning Committee.

1. Purpose of report

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

2. Report summary

The main considerations which are considered to be material in the determination of this application are listed below:

1. The principle of development
2. Sustainability
3. Financial contributions towards the provision of recreational open space and affordable housing
4. The impact that the proposal would have on the amenity of the occupiers of the properties nearest to the proposal
5. The impact that the proposal would have on the character and appearance of area surrounding the proposal site
6. The impact that the proposal would have on highway safety

3. Site Description

This application relates to a piece of land which is located to the south west of Wet Lane in Mere. The site accommodates an excavator, a caravan, part of a goods vehicle, logs and a wooden framed metal clad barn. Established hedging and trees form the southern and northern site boundaries of the proposal site and a golf driving range can be found to the west of the proposal site. The area surrounding the proposal site is of a predominantly rural character. The proposal site falls within the Special Landscape Area and outside of any Housing Policy Boundary.

4. Relevant Planning History

S/2001/1275	The construction of an agricultural dwelling	R	03/12/2001
S/2002/1081	The construction of an agricultural dwelling	R	11/09/2002
S/2002/2493	Use of barn and land for a logging and landscape garden business	Conditionally approved	24/04/2003

5. Proposal

Planning permission is sought for the removal of a barn, the clearing of an area of land and the construction of a detached four bed dwelling and a detached car port.

6. Planning Policy

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

G1: Principles of sustainable development

G2: General criteria for development

C6: Development in the countryside which falls within the Special Landscape Area

TR11: The provision of off street car parking spaces

R2: Open space provision

H23: Residential Development outside Housing Policy Boundaries

South Wiltshire Core Strategy:

Core Policy 1 The Settlement Strategy and distribution of growth in south Wiltshire

Core Policy 3 Meeting Local Needs for Affordable Housing

National Planning Policy Framework: Paragraph 49, 56, 64 and 47

7. Consultations

Mere Parish Council, in their consultation response, expressed their support for the proposal.

Wessex Water, in their consultation response, confirmed that new water supply connections would be required to serve the proposal.

Wiltshire Council's New Housing Team, in their consultation response, identified that the need for a financial contribution towards affordable housing, under Core Policy 3 of the South Wiltshire Core Strategy, is triggered by the proposal.

Wiltshire Councils Highways Department, in their consultation response, considered that the proposal would represent an unsustainable form of development. On the basis of this consideration Wiltshire Councils Highways Department considered that planning permission should not be granted for the proposal.

Wiltshire Council's Ecology Department, in their consultation response, considered that the proposed clearance of the site margins would lead to a loss of biodiversity. Wiltshire Council's Ecology Department consequently considered that the applicant should provide an ecological report.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

No letters of support or objection to the application have been received by Wiltshire Council.

9. Planning Considerations

9.1 The principle of development:

Saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) defines undeveloped land which falls outside of any Housing Policy Boundary as being countryside, where the erection of new dwellings will only be permitted under special circumstances, where, for example, there is an established agricultural need or need for affordable housing.

It should be noted that policies H26 and H27 are referred to in saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy). Policy H26 related to the provision of affordable housing and has been replaced by Core Policy 3 of the South Wiltshire Core Strategy and saved policy H27 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) relates to the provision of housing for rural workers.

The piece of land to which this application relates to falls outside of any Housing Policy Boundary and is therefore considered to be open countryside. The applicant's have not submitted any satisfactory evidence which justifies a special circumstance or need for the proposed dwelling.

The proposal is therefore considered to be contrary to saved policy H23 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

9.2 Sustainability

Sustainable development is an important theme which runs through and is supported in both the NPPF and the South Wiltshire Core Strategy. In principle, self contained settlements are considered to function in a sustainable manner and it is the aim of the

South Wiltshire Core Strategy to create self contained settlements. In order to create self contained settlements it is considered that growth should be focussed around settlements with a range of facilities which can meet housing, service and employment needs in a sustainable manner.

The South Wiltshire Core Strategy has identified in a hierarchy, which settlements are considered to be suitable for growth. Growth is primarily focussed in the first three of the six tiers of the hierarchy.

The lowest tier in the Hierarchy is tier F: Other Settlements and the Countryside. The proposal site is considered to fall within this tier. This tier relates to remote rural areas where facilities are limited. These areas are considered to represent the most unsustainable areas for growth and development is unlikely to appreciate in these areas.

Core Policy 1 of the South Wiltshire Core Strategy identifies areas for growth. The proposal site does not fall into any of the areas and is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy.

Saved policy G1 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) is a sustainability policy and part i of the policy gives priority to development proposals that would achieve an overall pattern of land use which would reduce the need to travel and would support the increased use of public transport, cycling and walking. The proposal site is remote from facilities and any occupiers of the proposal would be reliant upon the private motor vehicle to reach facilities. The proposal would increase rather than reduce the need to travel and cycling and walking would not be encouraged. The proposal is therefore considered to be contrary to saved policy G1 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

In paragraph 15 of the NPPF it is stated that, "All plans should be based upon and reflect the presumption in favour of sustainable development," and in paragraph 49 of the NPPF it is stated that, "Housing applications should be considered in the context of the presumption in favour of sustainable development." It is further stated in paragraph 49 of the NPPF that, "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 47 of the NPPF requires local planning authorities to, "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%".

South Wiltshire currently has a 17 year supply of housing sites.

It has been established above that the proposal is not considered to represent a sustainable form of development and there is not a lack of a supply of deliverable housing sites which are considered to be sustainable in South Wiltshire. Therefore, it is not considered that there is an exceptional need for the proposal of which it is proposed to site in a location which is considered to be countryside and unsustainable.

Therefore the proposal is contrary to paragraph 49 of the NPPF.

The consideration, in the material which has been submitted as part of this planning application, that proposal site should be considered as brown field land is noted.

The site which is the subject of this planning application currently accommodates a logging and landscape gardening business. Planning permission was granted for this development on the twenty fourth of April 2003. As stated above, an excavator, a caravan, part of a goods vehicle, logs and a wooden framed metal clad barn exist on site. It is considered that the logs and excavator are associated with the use of the site. The proposal site does not accommodate any considerable built form which would be considered to represent a typical brown field site. It is further considered that the site could readily be returned to agricultural land. Therefore, in the interests of clarity, it is not considered that the proposal site represents a brown field site.

Saved policy H22 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits residential development, in the main settlements of the District, on previously developed urban land outside of a housing policy boundary provided that, amongst other factors, the development would be well related to the existing pattern of development and be accessible by public transport.

The proposal site does not represent previously developed urban land, is not well related to an existing pattern of development and is not easily accessible by public transport.

Therefore, even though the site is not considered to represent a typical brown field site, it would in any case be contrary to Saved policy H22, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), which relates to the development of brown field land.

9.3 Financial contributions towards the provision of recreational open space and affordable housing

On proposal sites where it is proposed to create 4 dwellings or less a financial contribution, under Core Policy 3 of the South Wiltshire Core Strategy, is sought towards the provision of affordable housing. On proposal sites where residential development is proposed, a financial contribution, under saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), is sought towards recreational open space. Section 106 agreements are entered into when applicants are willing to comply with the requirements of saved policy R2 and Core Policy 3 of the South Wiltshire Core Strategy. Given the fundamental concerns, regarding this application, which are detailed above, it is not considered prudent to enter into a Section 106 agreement. However, due to the absence of a Section 106 agreement being entered into the proposal is considered to be contrary to saved policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

9.4 The impact that the proposal would have on the amenity of the occupiers of the properties nearest to the proposal

Part (vi) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) states that new development will be considered against the avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.

The proposed dwelling, by reason of its size and the separation distance between the proposed dwelling and the nearest properties and the views possible from the proposed

openings, would not harm the amenity of the occupiers of the properties nearest to the proposal.

The proposal is therefore considered to be in accordance with part (vi) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

9.5 The impact that the proposal would have on the character and appearance of area surrounding the proposal site

Good design forms an important theme in the NPPF. Paragraph 56 of the NPPF states that, "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 of the NPPF further states that, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Saved policy C6 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development within the Special Landscape area which is sympathetic with the landscape.

It is not considered that the design, size and positioning of the proposal would significantly harm the character and appearance of the area.

The proposal is therefore considered to be in accordance with saved policy C6 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

9.6 The impact that the proposal would have on highway safety

Part (i) of saved policy G2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), states that new development will be assessed against the provision of a satisfactory means of access and turning space within the site. Reference is also made to the provision of a sufficient level of parking. Wiltshire Councils Highways Department, in their consultation response, considered that the proposal would represent an unsustainable form of development. On the basis of this consideration Wiltshire Councils Highways Department considered that planning permission should not be granted for the proposal. Because Wiltshire Council's Highways Department did not raise any objections to the proposal on the grounds of highway safety it is considered that the proposal would not conflict with part (i) of saved policy G2 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

Saved policy TR11, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), requires the provision of a sufficient level of off street parking spaces for development proposals.

Wiltshire Council's Highways Department did not object to the proposal on the grounds of a lack of off street parking spaces and it is considered that a sufficient level of off street parking spaces has been proposed. The proposal is therefore considered to be in accordance with saved policy TR11 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

10. Conclusion

The proposal site, falls outside of any Housing policy Boundary, forms part of an area which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

11. Recommendation

Planning Permission be REFUSED for the following reasons:

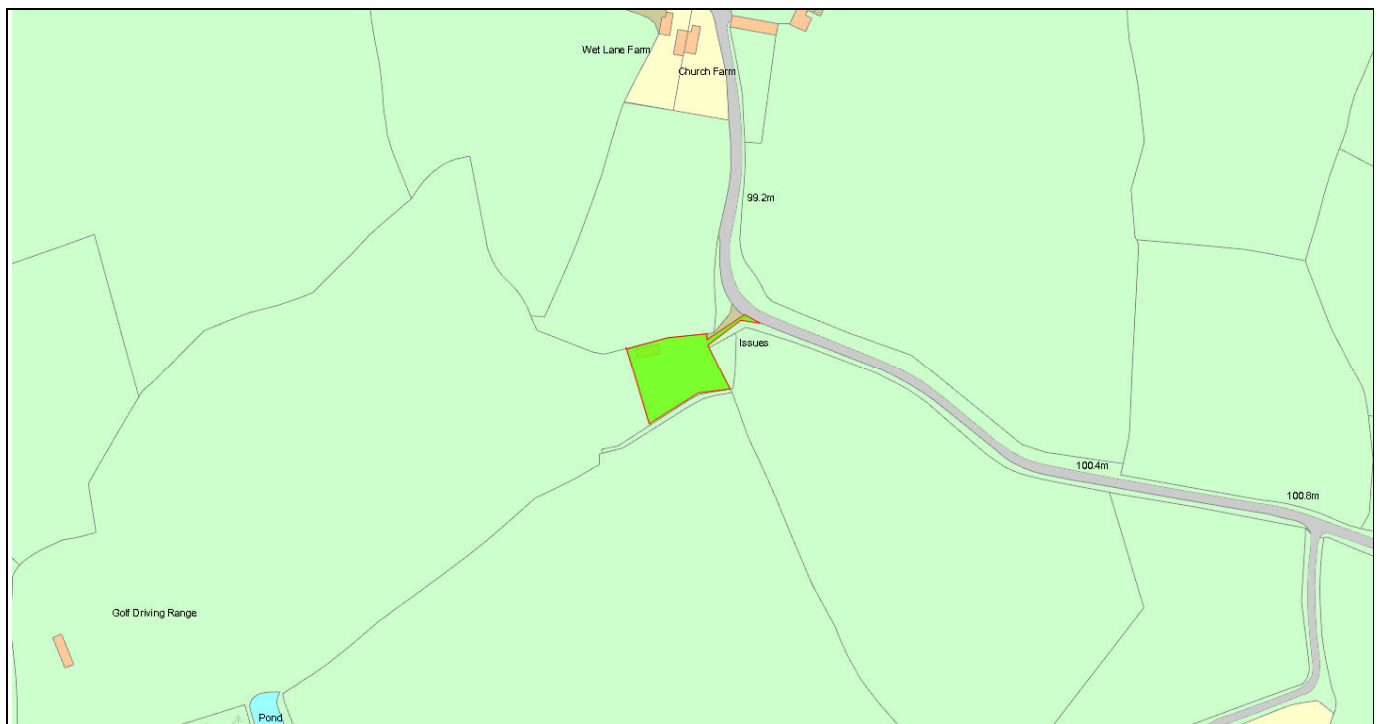
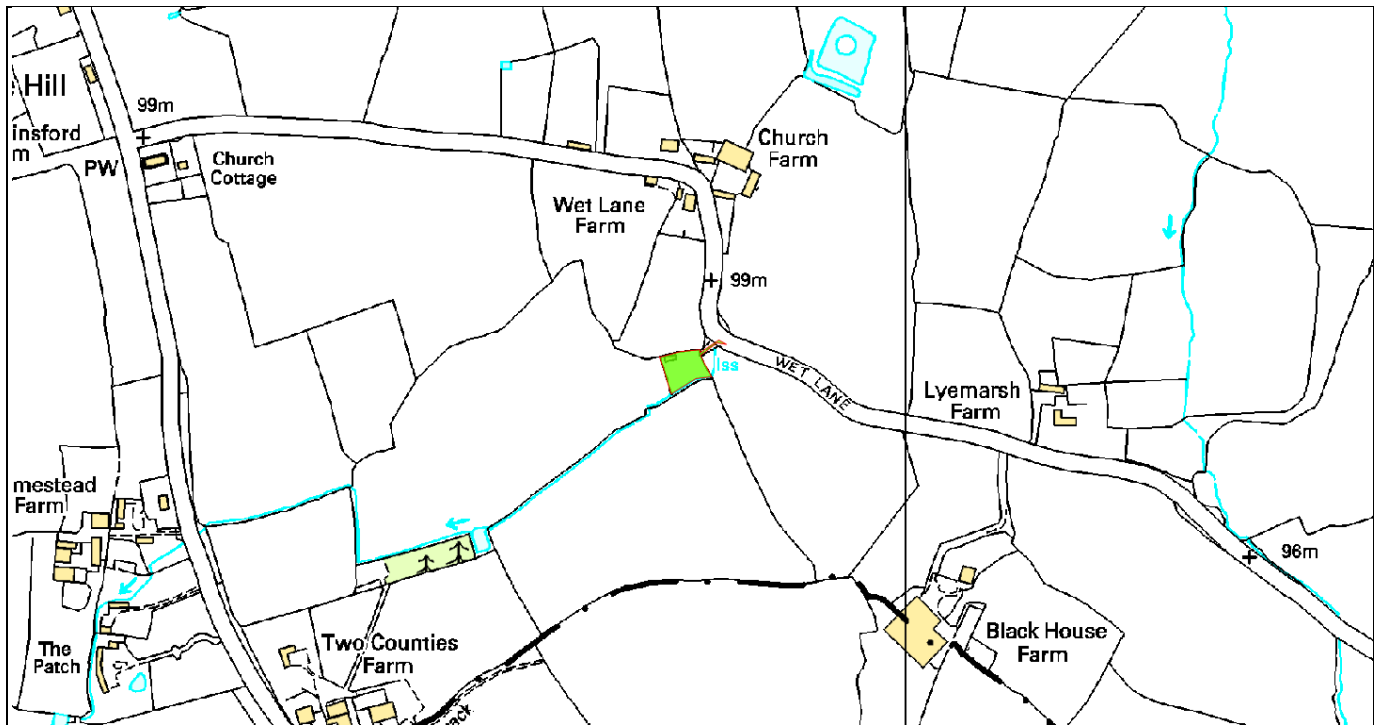
1.The proposal site, falls outside of any Housing policy Boundary, forms part of an area which has not been prioritised for sustainable growth and is considered to form part of the open countryside where a special justification is required for the construction of dwellings. Satisfactory evidence, justifying a special circumstance or need for the proposed dwelling, has not been submitted as part of this planning application. The proposal, by reason of its location, is therefore considered to be unsustainable and contrary to Core Policy 1 of the South Wiltshire Core Strategy and saved policies H23 and G1 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) and paragraph 49 of the NPPF.

2.The proposal, by reason of the lack of a financial contribution towards recreational open space and affordable housing, is contrary to saved policy R2, of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.

Informative:

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to the proposal's failure to comply with the development plan as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	04 th July 2013
Application Number	13/00005/FUL
Site Address	St Francis Church, Beatrice Road, Salisbury, Wiltshire, SP1 3PN
Proposal	Extension to church
Applicant / Agent	Saunders Architects / St Francis Church
Town/Parish Council	Salisbury City Council
Grid Ref	E. 414361 N. 131484
Type of application	Full Planning
Case Officer	Charlie Bruce-White

Reason for the application being considered by Committee

Cllr Douglas has called in the application on the grounds of community support for the proposal and differing views over the proposal's visual impact.

1. Purpose of report

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

2. Report summary

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

1. Principle of development;
2. Impact upon character of listed building.

3. Site Description

The site relates to St Francis Church, a prominent modern red brick building on the corner of Castle Road and Beatrice Road, approximately mid-way between Old Sarum and Salisbury city centre. The church is set back from both roads and is also raised above them, and is by far the largest building in the area. The church is grade II listed. Behind the church exists a separate but associated building, known as the church hall, used as a pre-school, youth centre and as a meeting place for a variety of community groups.

4. Relevant Planning History

None relevant

5. Proposal

It is proposed to erect a single storey extension on the south side of the church, fronting onto Beatrice Road. The extension would predominantly include meeting rooms, but would also include a vestry, quiet room and would provide alternative means of entrance into the church. Due to the church being on an elevated level, the extension would include a ramp for wheelchair access. Materials to the extension would comprise brickwork to match the existing church.

6. Planning Policy

Local Plan: policies G1, G2, D3, CN3

Central government planning policy: NPPF

7. Consultations

City Council None received

Conservation Officer **Object** due to impact upon character of listed building

8. Publicity

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

No letters of representation were received.

9. Planning Considerations

9.1 Principle of development

Local plan policy PS3 states that the development of places of worship and community facilities will be permitted within or adjoining the settlements. Local Plan policy CN3 provides criteria on alterations to listed buildings, and requires that:

- (i) new work respects the character of the existing building in terms of scale, design and materials;
- (ii) sympathetic natural materials, matching the original, are used in repair or replacement work;
- (iii) the historic form and structural integrity of the building is retained; and
- (iv) architectural or historic features, including internal features, are retained unaltered.

9.2 Impact upon listed building

The Conservation Officer comments that:

The church of St Francis, Castle Road, is a prominently located church built in 1938 by nationally important architect Robert Potter, and is a grade II listed building. It is

one of only a handful of twentieth century buildings in Wiltshire to be listed. The Ecclesiastical Exemption applies so listed building consent is not required, it being replaced by the faculty system of the Church of England.

We gave detailed advice at the pre-application stage, informed by comments from the Twentieth Century Society, one of the national amenity societies that are designated statutory consultees. There is no dispute whether the church requires more space, however it remains unclear why the extension should be located on the southern side rather than the more discreet north. There may be a cost impact of such relocation, in that there would be a level of excavation required, however national policy on the alteration of listed buildings requires that any harm to their character must be justified by public benefit and reduced to the absolute minimum.

National policy in the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. PPS5 Practice Guide further states that “Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided that the harm is minimized”.

The existing building is very little altered, as one would expect for a significant twentieth century building worthy of listing, and the proposal is for a large single-storeyed extension on its most prominent elevation. The setting of the building within its site, respecting the building line of Beatrice Road, is very important to its character; the extension would effectively remove the grassy bankside that gives the building space and a sense of balance. Similarly, the plan of the building is one of near-absolute symmetry, with a narrow single-storey structure wrapping around the base in the form of a plinth: the proposed extension would adversely affect the proportions of this relationship.

The application documentation refers to the setting of the church:

‘on both [Castle St and Beatrice Rd] the residential properties are set back from the road behind front gardens, continuing the building lines established by the church on these elevations’.

‘The church is set in its own grounds and is built on a platform...there are extensive lawns at the west frontage which sweep around the south west corner to the steps up to the south porch...and provide an important simple green landscape setting for the church itself’.

The importance of the building line, especially as the church has itself defined where other buildings were to be constructed, is high. Building forward of this line disrupts an intentional landscape setting that forms part of the original design for the site and its historic significance. The submission itself identifies the importance, and it is therefore clear that this is not the least harmful option for the building. The argument that the extension needs to be visible is not explained to a level that could override the consideration of the impact on the listed building.

I therefore stand by my earlier advice that the proposal should be reconsidered so that the principal aims of the church and community are still met while minimising the harm to the listed building.

The applicant explains that the idea for the extension arose when the church began to be utilised for additional functions following fire damage to the adjacent church hall. Many of the community groups that normally used the church hall were accommodated within the church during this period. Whilst the church hall repairs and refurbishment works have now been complete, following positive feedback from the new users, the applicant would like to encourage the continued new found use of the church, particularly by smaller secular and community groups, for which smaller and more flexible space is desirable. It should be noted that the repair and refurbishment works to the church hall were deliberately designed with this objective in mind, i.e. that the church would continue to accommodate a proportion of the displaced groups. Consequently the repaired church hall includes less accommodation than it did before the fire, with the most badly damaged part of the hall now being used as an outdoor play area rather than having its roof rebuilt and accommodating additional meeting space.

The applicant also explains that the extension would provide a more open facade to the church compared with the existing south facade which, with its absence of windows, gives the appearance of shutting the Church away from the community. It is hoped by the applicant that the new extension would provide a better 'shop front' to the church, which in turn would encourage further use of the building. In addition, the new access arrangement would be an improvement for both wheelchair and non-wheelchair users.

Whilst Officers recognise the benefits cited by the applicant, it is not considered that the weight to be afforded to them is sufficient to outweigh the harm to the listed building as identified by the Conservation Officer and Twentieth Century Society. The reason for this is because the applicant has not demonstrated that an extension on the northern side of the building is not feasible or viable. Whilst the applicant has detailed drawbacks to extending on the northern side of the church, including the need for greater excavation works, poorer light and less visibility to the passing public, no evidence has been submitted to demonstrate that such issues would make the project unfeasible. Officers also consider that the majority of the drawbacks to extending on the northern side could probably be readily overcome, such as through innovative design and more effective signage/publicity. Whilst there may be greater cost implications to building on the northern side, no details on costings have been submitted by applicant or information on how this would affect the project's viability.

Consequently, whilst the prospect of a less harmful alternative exists, Officers do not consider that the proposal meets planning objectives with regards to the protection of listed buildings.

10. Conclusion

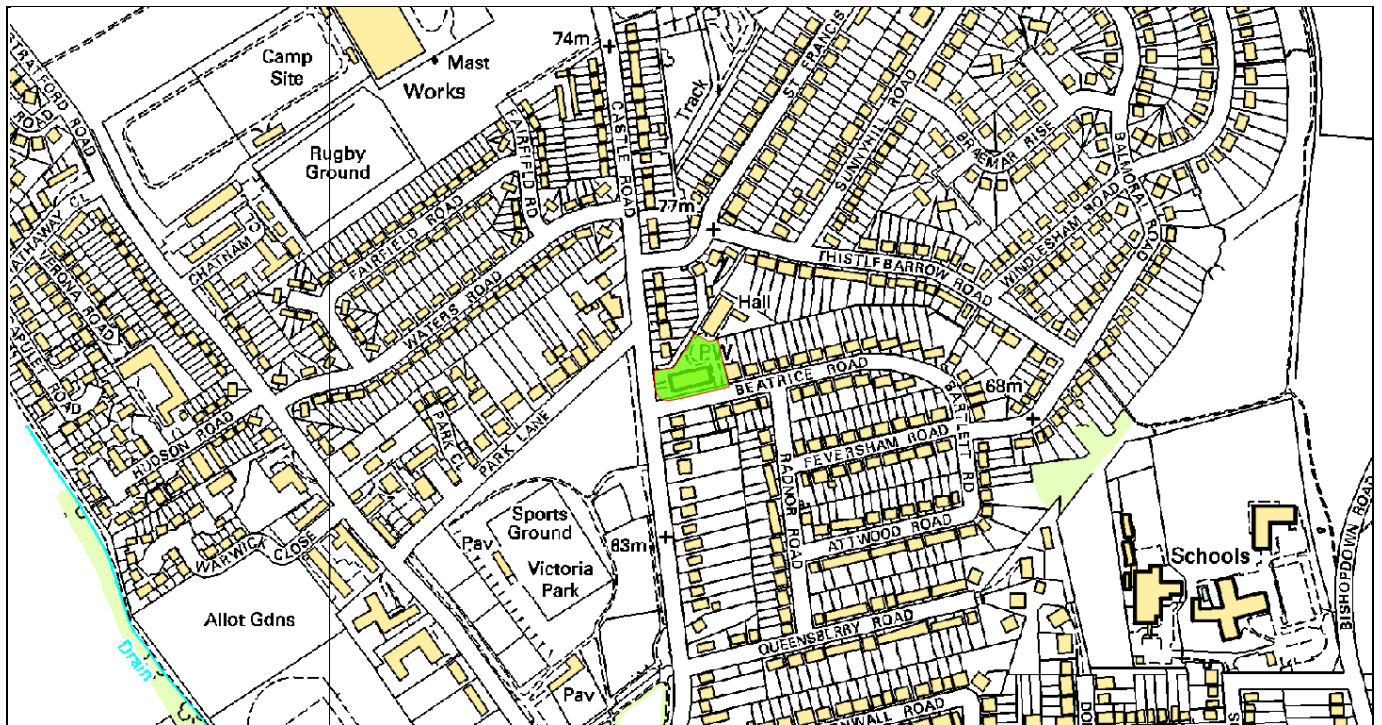
The proposed extension to the south side of the church would significantly harm the character of the listed building, and it is not considered that the public benefits arising from the proposal outweigh this harm when more acceptable alternatives are available.

11. Recommendation

Permission REFUSED for the following reason:

The church of St Francis is a prominently located church built in 1938 by nationally important architect Robert Potter, and is a grade II listed building, one of only a handful of twentieth century buildings in Wiltshire to be listed. The existing building is very little altered and the proposal is for a large single-storeyed extension on its most prominent elevation. The setting of the building within its site, respecting the building line of Beatrice Road, is very important to its character. The extension would effectively remove the grassy bankside that gives the building space and a sense of balance, to the detriment of its character. Similarly important is the plan of the building which is of near-absolute symmetry, with a narrow single-storey structure wrapping around the base in the form of a plinth, and the proposed extension would adversely affect the proportions of this relationship. It is not considered that the weight to be afforded to the public benefits of the proposal are sufficient to outweigh the identified harm to the character of listed building, particularly when less harmful alternatives for extension have not been demonstrated by the applicant as unfeasible or unviable. Consequently the proposal would be contrary to Local Plan policy CN3 (as saved within the adopted South Wiltshire Core Strategy) and guidance contained within the NPPF (chapter 12).

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