

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 25 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 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 4 July 2013, copy attached.

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 **Thursday, 18 July 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 7 - 8*)

To receive details of completed and pending appeals, copy attached.

7 **Land at The Grange, Gaters Lane, Winterbourne Dauntsey** (*Pages 9 - 24*)

The report of the Team Leader (Enforcement) is attached.

8 **Village Design Statement for Idmiston, Gomeldon and Porton** (*Pages 25 - 36*)

The report of the Senior Spatial Planning Officer, Economy & Regeneration is attached. Appendix 1 to be circulated.

The Committee will be informed that at the last meeting of the Amesbury Area Board held on 30 May the Board made the following recommendation:

Decision

To recommend to the Southern Area Planning Committee that the Village Design Statement for Idmiston, Gomeldon and Porton be endorsed.

9 **Planning Applications** (*Pages 37 - 38*)

To consider and determine planning applications in the attached schedule.

9a **13/00208/FUL - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED** (*Pages 39 - 46*)

9b **13/00210/LBC - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED** (*Pages 47 - 54*)

9c **S/2012/1603 - Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ** (*Pages 55 - 84*)

9d **S/2013/0422 - Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW** (*Pages 85 - 108*)

9e S/2012/1834 - Area 10, Old Sarum, Salisbury, SP4 6BY (Pages 109 - 122)

9f S/2012/1835 - Area 11, Old Sarum, Salisbury, SP4 6BY (Pages 123 - 136)

9g S/2012/1836 - Area 12, Old Sarum, Salisbury, SP4 6BY (Pages 137 - 152)

10 **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

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 JULY 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 John Noeken, Cllr Ian Tomes and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Mary Douglas

48 Apologies for Absence

Apologies were received from Councillors McLennan and West.

49 Minutes

The minutes of the meeting held on 23 May 2013 were presented.

Resolved:

To approve and sign the minutes of the meeting held on 23 May 2013 as a correct record subject to the removal of the following words from the reasons for granting the planning application for Land adjacent to Springvale, Tidworth Road, Allington, Salisbury:

‘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.’

50 Declarations of Interest

Councillor Clewer declared a personal interest in relation to the planning application for St Francis Church, Beatrice Road, Salisbury as he was a member of the Area Board that had considered grant applications from the

Church. He declared that he would consider the application on its merits and debate and vote with an open mind.

51 **Chairman's Announcements**

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

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

- The Grange, Gaters Lane, Winterbourne Dauntsey
- The Co-Op application in Amesbury
- Possible supermarket on Southampton Road, Salisbury

52 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

1. Councillor Green reported that she had attended a recent Parish Council meeting where it was explained that Parish and Town Councils would not receive notification of tree works taking place in their area. Councillor Green asked for confirmation of this decision.
2. Councillor Jeans reported that he had heard that trees subject to Tree Preservation Orders required permission each year to be trimmed. Councillor Jeans also asked for confirmation of this decision.

The Chairman asked officers to report further on the above issues.

53 **Planning Appeals**

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

It was reported that application S/2012/0815 – Land North West of the Avenue, Salisbury should be amended to read S/2012/0815 – Land North West of the Avenue, Wilton.

Resolved:

That the appeal decisions be noted subject to application number S/1012/0815 being amended to read Wilton instead of Salisbury as detailed above.

54 **Land at The Grange, Gaters Lane, Winterbourne Dauntsey.**

The Chairman explained that this report had been withdrawn by the Planning Officers so that members could hold a site visit prior to the next meeting of the Committee on 25 July 2013.

55 **Planning Applications**

56 **13/00202/FUL - Land at Wet Lane, Mere, Wiltshire, BA12 6BA**

Public Participation:

- Mr Mitchell, applicant, spoke in support of the application
- Mr Hazzard, Mere Parish Council, spoke in support of the application

The Planning Officer introduced the report which recommended refusal. He explained that the planning application was 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. Members noted that since the preparation of the report an additional four letters of support for the application had been received.

Members of the Committee were informed that the application site did not fall within any areas identified for growth in Core Policy 1 of the South Wiltshire Core Strategy. It was noted that south Wiltshire currently had a 17 year supply of sustainable housing sites and as the application site was in a location that was in the countryside and unsustainable as defined in the National Planning Policy Framework it was considered not to demonstrate an exceptional need and therefore contrary to paragraph 49 of that Framework.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. It was noted that the Committee had visited the site earlier on the day of the meeting.

The local member, Councillor George Jeans, then spoke to the application. In particular he raised issues relating to the noise currently being generated by the logging company on the site and the effect the business had on neighbours. He also mentioned the overwhelming support from neighbouring properties for the development.

The Committee then considered the application and debated a number of issues. A concern was raised about the unsustainability of the site, as defined in the National Planning Policy Framework, and the other countless locations where housing sites were supported. It was felt that the Housing Boundary Policy should be protected and there were no special circumstances in favour of constructing a dwelling on this site.

The Local Member, Councillor Jeans, asked if the applicant could withdraw the application if his motion to grant the application was lost once a vote was taken. This was confirmed by the Planning Officer.

Resolved:

The applicant withdrew his application after the vote to grant the application had been lost.

57 **13/00005/FUL - St Francis Church, Beatrice Road, Salisbury, Wiltshire, SP1 3PN**

Public Participation:

- Mr Leslie, member of St Francis Church, spoke in support of the application
- Mr Taylor, Vicar of St Francis Church, spoke in support of the application

The Area Team Leader introduced the report which recommended refusal. He explained that the planning application was for an extension to St Francis Church.

Members of the Committee were informed that the proposed extension to the south side of the church would significantly harm the character of the listed building, and it was not considered that the public benefits arising from the proposal outweighed this harm when more acceptable alternatives were available. The Area Team Leader felt that the proposal would be contrary to Local Plan Policy CN3 (as saved within the adopted South Wiltshire Core Strategy) and guidance contained within the National Planning Policy Framework – Chapter 12.

Members then raised a number of technical issues in relation to the materials used for the roof and the walls of the extension.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local member, Councillor Mary Douglas, then spoke to the application. In particular she explained that there were no letters of objection, all the neighbours were supportive of the application and spoke about the public benefit of approving the extension. She stated that in accordance with the NFFP the functionality of the church with its extension outweighed the architectural value of the listed building.

The Committee then considered the application and debated a number of issues. A concern was raised that the extension was not in keeping with the design of the listed building, however it was understood that the community benefit of the extension was an factor in making a decision.

Resolved:

That planning permission be granted for the application contrary to officers recommendation for the following reason –

The proposed single storey extension by reason of its positioning size and appearance is considered to be an acceptable form of development fulfilling as it does the needs of the church and as such it is considered that the community benefits derived from the development outweigh any potential harm the extension may do to the listed building and therefore the proposal is considered to comply with local plan policy CN3 (as saved within the adopted South Wiltshire Core Strategy) and relevant guidance contained within the NPPF.

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....5255-047-P2...	Dated....27.03.13....
Plan Ref....5255-049-P2...	Dated....27.03.13....
Plan Ref....5255-053-P1...	Dated....27.03.13....
Plan Ref....5255-057-P3...	Dated....27.03.13....

Reason: For the avoidance of doubt.

- 3) The external brickwork for the development hereby permitted shall be constructed to match that of the existing building in terms of its colour, texture, face bond, size, jointing and pointing.

Reason: In the interests of the character and appearance of the listed building.

- 4) No development shall commence on site until a sample panel of brickwork, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: In the interests of the character and appearance of the listed building.

58 Urgent Items

There were no urgent items.

(Duration of meeting: 6.00pm - 7.40 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,
direct line (01225) 718376, e-mail stuart.figini@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

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?
S/2013/0043	MeadowView, ParkLane Britford	WR	Delegated		No	

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

15th July 2013

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

Date: 25th 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.

This report has been updated since the previous meeting to take account of representations received.

Background

2. The site was the subject of a visit by Members prior to the meeting. 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 intended 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 was 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 owners' 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.

Responses to notification

13. The following responses were received following notification to the owners and neighbours that the matter was being reported to the Southern Area Planning Committee for consideration. NB: Members should note that a formal consultation exercise has not been carried out. For a full and open public scrutiny of the planning merits of the development, the owners should have submitted a retrospective planning application which included details of all aspects of the development, as initially advised by Officers.
14. Owners: E-mail received attaching several documents:
 - Details of grant awarded from English Heritage in 1992/1993 in respect of renovation of the barn;
 - Standard conditions of grant, which include affording public access to the building;
 - Copy of letter from Area Development Manager South dated 1st November 2012;
 - Photographs of the barn before during and after renovation.

- Extract from Salisbury Journal dated 15th October 1992.
- Maps showing the barn, parking area and pedestrian route used by guests in relation to nearby residential property and local services.

Additional e-mail received attaching two letters supporting the owners in an application for renewal of their wedding licence and three general letters of support.

15. Local residents-objections: Two letters received. One letter refers to the following as adverse effects on the Conservation Area west of the River Bourne:

- Use of barn as a wedding venue, which has increased from infrequent to almost weekly between Easter and October in 2012;
- Associated use of the field opposite their property, which is also in an Area of High Ecological Value, for parking of vehicles during events, with guests making their way through adjoining woodland, via a lit path;
- The field has also been used as a camp site for guests, with temporary toilets provided;
- As part of the wedding venue use the owners commenced felling trees in the adjacent woodland -with consent from the Council;
- The owners constructed a more permanent car parking area which is used in conjunction with the wedding venue business.

They also object to business parking on the field or the parking area as follows:

- Danger to road safety from increased use of the junction of Gaters Lane with the C56 Portway as well as the narrow nature and poor alignment of the lane itself, with blind bends-50 or more cars can use the field for parking;
- Temporary directional signs are erected, causing a hazard to other road users;

- Reduced access for emergency vehicles;
- Disturbance to local residents and protected species through noise and disturbance from wedding guests and lighting;
- Harm to appearance of the Conservation Area caused by construction of parking area and loss of trees;
- Remoteness of the parking field from the venue, which increases the envelope of disturbance;
- Loss of amenity to neighbouring properties, which was previously a peaceful location;
- Suggests that a parking area is used to the south of the barn for future activity instead.

One letter received objecting to the use for weddings as follows:

- The third year that they have had to put up with excessive noise from weddings taking place most weekends.
- There is no control on noise from the barn.
- On warm evenings the barn doors are left open, disturbing households. Music can be heard inside homes with closed doors and windows.
- When noise levels were monitored recently, the evenings were cold, so the barn doors were not opened-consider this was not a true representation of the actual levels of noise experienced.
- Understood that the barn was only to be used for the occasional charitable event and did not object to this –it's not suitable for commercial use.
- A quiet area until the owners started their wedding business.

16. Local residents-support: Five letters/ e-mails received broadly supporting the activity:

- Wedding and reception parties at the barn do not cause any nuisance or inconvenience, rowdy or disruptive behaviour or disturbance by any persons coming and going from events.

- The owners have taken care to manage the impact on the neighbourhood through careful management of traffic and parking, a clearly defined evening finishing time and a hiring contract which sets out clearly the need for the hirer to be considerate of the neighbourhood and environment.
- The owners bought and restored the barn. This should be encouraged. The barn has high maintenance costs and the owners should be permitted to generate some income from it.
- The events are infrequent, cause no nuisance and the income helps to maintain this listed building.
- Egress from Gaters Lane onto the C56 can be difficult but this can be overcome by improving visibility.
- Support the continuing (limited) use of the premises for wedding licensing ceremonies, receptions, charitable events and like functions.
- The barn is made available to the local community and charities, the owners are supportive and active in the community.
- The owners have taken steps to limit events following excess noise from a small number of events last summer, whilst honouring existing bookings.
- Local business benefit from the holding of events at the site.
- Owners have ensured that their neighbours do not suffer nuisance as a result of hiring the barn for wedding events.
- One letter refers to being reassured by the report in respect of enforcement action not affecting remaining events in 2013 and; not affecting the private and community use of the barn in future.

Other interested parties: Four letters /e-mails received, making the following points:

- Support use of the barn for charity and community events.
- Had understood that the family were under an obligation to make the barn available as a result of grant.
- Has attended events with satisfactory parking.

- Gaters Lane is not very narrow.
- Charity events have always been well organised, with no parking in Gaters Lane.
- Cannot understand why anyone living nearby might object.
- Facility is an asset to the village.
- Owners have raised around £30,000 for charity by holding events such as the jazz evening at the barn over several years.

(summary of points raised)

Planning issues

17. *The need for planning permission:*

18. 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 (these conclusions are the same as those in the Area Development Manager's letter of 1st November 2012, referred to by the owner).
19. 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.
20. 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.

21. 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.

22. *Planning merits:*

23. As noted above, the former barn is a listed structure, which is situated within the Winterbourne Conservation Area.

24. 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.

25. 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...”

26. 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.
27. 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.
28. 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.

29. 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.
30. 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.
31. 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

32. *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 in any event, 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 paragraph 18 above (use incidental to the enjoyment of the dwelling).

33. Moreover, it is also considered that, given the relatively short period of time between the date of this meeting and the date of the last booked wedding event (7th September), it would be reasonable to not initiate any action until after that date in the event that further wedding events took place without having obtained prior planning permission in future. This would take account of the owner's stated intentions to cease the use, whilst safeguarding the Council's ability to take enforcement action in relation to any future breaches.
34. *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; 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.
35. 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.
36. Moreover, in the event of the use continuing indefinitely, there is the prospect of it becoming immune from enforcement action in around six years' time. This would mean that, in planning terms, the Council would then not be in the position to control the nature and scale of activities at the site and their impacts on neighbour amenities and highway safety by (for example imposing planning conditions to limit the number of events, the number of guests and other conditions recommended by the Environmental Protection team), giving rise to an unfettered use. It is not considered a reasonable approach to rely solely on the assurances of the owners in the above respect. For the above reasons, this option is not recommended.
37. 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

38. The Council cannot and would not seek to restrict activities at the site which could be deemed incidental to the enjoyment of the dwelling as such as detailed in paragraph 18 above. This allows for the occasional family or charity function at the site, for example such as the annual jazz evening, garden open days, fetes and so on.
39. However, 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 have 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.
40. Nevertheless in view of the owners' stated intention to cease the use, in the event that the Committee is minded to endorse enforcement action, it is proposed that such action should not commence until after 7th September 2013 if further wedding ceremonies and events take place at the site in future without the owners having obtained prior planning permission in breach of planning control.

Recommendation

If after 7th September 2013, further use of the site for the holding of wedding ceremonies and receptions without prior planning permission in breach of planning control is drawn to the Council's attention, and; the Area Development Manager South is satisfied with the evidence; he is authorised 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.

Reasons 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: 11th July 2013

Background Papers

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

None.

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

25 July 2013

IDMISTON, PORTON AND GOMELDON VILLAGE DESIGN STATEMENT

Purpose of Report

1. To consider the contents of, and approve as material planning consideration, the following Village Design Statement (VDS) for Idmiston Parish.

A copy of the VDS is attached at **Appendix 1**.

Background

2. In 1996 the Countryside Commission (now Natural England) launched the 'Design in the Countryside' initiative, and produced advisory packs to help villages understand the concept, process and method of producing a VDS.
3. VDSs are prepared by local communities. They offer a framework for engaging local people in constructive debate about defining the special character of their village, as a basis for ensuring that new development in their area fits its surroundings and is in keeping with that character. The VDS can help everyone involved in a development to understand local views and perceptions at the outset of the design process.
4. This helps new buildings to be designed in a way that is more likely to gain local support, rather than generate opposition. VDSs provide a tool to help manage long-term change, not prevent it.
5. A VDS contains a descriptive analysis of the relationship between landscape, settlement patterns and buildings. From the survey analysis, the VDS identifies principles to be applied to new developments such as the design of buildings and the spaces between them. The document should benefit local people, developers, new occupants and planners.
6. The Localism Act has provided a renewed impetus to community-led planning and documents such as VDSs play an important part in helping to deliver the Government's Localism agenda.
7. This paper considers and assesses three VDS, all of which fall within southern Wiltshire. The statutory development plan for south Wiltshire is the South Wiltshire Core Strategy which was adopted in February 2012. This includes

saved Local Plan policies and provides the policy context for considering development within the villages in south Wiltshire.

Village Design Statement Protocol

8. The Council's approach towards endorsing VDSs is to approve them as material planning considerations in the consideration of planning applications. The rationale for this is set out in the Council's Village Design Statement Protocol attached at **Appendix 2**.
9. The Protocol also sets out the validation checklist that will be used to appraise each VDS to ensure it is fit for purpose and appropriate for the Council to approve as a material planning consideration. This checklist is based on the Countryside Commission's (now Natural England) advisory guidance referred to above and is set out in brief below:

Does the VDS:

- describe the distinctive character of the village and the surrounding countryside;
- show how character can be identified at three levels:
 - the landscape setting of the village,
 - the shape of the settlement,
 - the nature of the buildings themselves;
- draw up design principles based on the distinctive local character.

Has the process of developing the Village Design Guidance met the following objectives:

- worked in partnership with the local planning authority in the context of existing local planning policy and to influence future policies;
- been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?

Summary of Appraisal

10. The VDS has been appraised against each of these objectives and the detailed results of the assessment are presented in the template at **Appendix 3**.
11. To summarise, the document provides a comprehensive description of the villages in question and its environs, and identifies its key characteristics. It provides clear guidance to developers as to what should be respected and acknowledged by new buildings in order to help preserve the local scene. Good use of pictorial evidence has been used. Therefore, the Idmiston, Porton and Gomeldon VDS is considered to be fit for purpose.

Legal Implications

12. No implications other than as already explained in this report. Once a Village Design Guidance has been approved by Committee, full regard must be had to its content in decision making.

Conclusions

13. It is considered that the Idmiston, Porton and Gomeldon VDS is fit for purpose and should be approved as material planning consideration.

Recommendations

17. It is recommended that the Village Design Statement for Idmiston, Porton and Gomeldon be approved as a material planning consideration for the purposes of development management.

ALISTAIR CUNNINGHAM

Service Director, Economy and Regeneration

Report Author:

Sarah Hughes

Senior Planner, Spatial Planning
Economy & Regeneration

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

None

Appendices:

- | | |
|-------------|--|
| Appendix 1: | Idmiston Village Design Statement. |
| Appendix 2: | Village Design Statement Protocol |
| Appendix 3: | Idmiston Village Design Statement Validation Checklist |

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Village Design Statement Protocol

November 2012

1.0 Introduction

- 1.1 In 1996 the Countryside Commission (now Natural England) launched the 'Design in the Countryside' initiative, and produced advisory packs to help villages understand the concept, process and method of producing a Village Design Statement (VDS).
- 1.2 The purpose of VDSs is to manage change, whether that change is major new development or just cumulative, small-scale additions and alterations. They are not about whether development should take place but about how planned development should be carried out, so that it is in harmony with its setting and contributes to the conservation and, where possible, enhancement, of the local environment.
- 1.3 VDSs are prepared by local communities. They offer a framework for engaging local people in constructive debate about defining the special character of their village, as a basis for ensuring that new development in their area fits its surroundings and is in keeping with that character. The VDS can help everyone involved in a development to understand local views and perceptions at the outset of the design process. This helps new buildings to be designed in a way that is more likely to gain local support, rather than generate opposition. VDSs provide a tool to help manage long-term change, not prevent it.
- 1.4 Some development in villages is both healthy and desirable to maintain thriving village communities. A VDS offers a positive way for local people to ensure that the nature and quality of development makes a natural progression from village past into village future. In particular, the VDS helps to manage change and demonstrate how new and locally distinctive design can add to the visual quality of the village.
- 1.5 A VDS contains a descriptive analysis of the relationship between landscape, settlement patterns and buildings and describes the qualities and characteristics that people value in their village and its surroundings. From the survey analysis the VDS identifies principles to be applied to new developments, such as the design of buildings and the spaces between them. The document should benefit local people, developers, new occupants and planners.
- 1.6 An effective VDS:
- is developed, researched, written and edited by local people;
 - is representative of the views of the village as a whole;
 - has involved a wide section of the village community in its production;
 - describes the visual character of the village;
 - demonstrates how local character and distinctiveness can be protected and enhanced in new development;
 - is compatible with the statutory planning system and the local planning context;
 - is applicable to all forms and scale of development;
 - is about managing change in the village, not preventing it.

2.0 What status should be given to VDSs?

- 2.1 Many communities across Wiltshire have already prepared VDSs which are awaiting formal recognition and acknowledgement from the Council.
- 2.2 The Planning and Compulsory Purchase Act 2004 has changed the way VDSs can be adopted by local planning authorities. Previously, they could be adopted as Supplementary Planning Guidance (as referred to in the Countryside Commission's guidance). However, this has been replaced by Supplementary Planning Documents which have more stringent and onerous requirements.
- 2.3 Currently, VDSs can either be approved by a local planning authority as a material planning consideration or adopted as Supplementary Planning Documents. Both 'material considerations' and Supplementary Planning Documents must be considered for all planning applications along with all the other relevant planning guidance.
- 2.4 However, for a VDS to achieve status as a Supplementary Planning Document, the document must fulfil statutory requirements for public consultation and undergo rigorous consultation, and hence the process can be time consuming. It is therefore considered more appropriate to approve VDSs as material planning considerations, rather than adopting as Supplementary Planning Documents.
- 2.5 The wording of the Council Constitution allows for this, advising that one of the roles of the area committees is:
- "To consider matters of local importance within the area such as:*
- *VDSs and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications"*
- 2.6 Approving VDSs as material planning considerations is a much faster and simplified way forward. Their approval by Committee, following an Officer appraisal of the VDS including an assessment of the robustness of the consultation undertaken to inform its preparation, gives the documents weight in decision making. The Council in approving VDSs as a material consideration will ensure that these are taken into account in determining planning applications.
- 2.7 It is also important to note that by approving VDSs as material planning considerations, the VDSs will also always be owned by the village or parish that undertakes the work.
- 2.8 If approved as a material planning consideration, the VDSs will assist in making decisions upon planning applications, through the Development Management process. VDSs have also been given weight by Planning Inspectors in individual planning appeal cases.

3.0 VDS Validation Checklist

- 3.1 It would be unrealistic to expect the Council to approve a VDS as a material consideration if the VDS did not fulfil the remit of a VDS, for example, if it conflicted with the Council's own planning policies. The information contained within a VDS will need to be used by planners, designers and developers and should be straightforward, clear and unambiguous. To achieve this, the

production of the VDS has to be structured and well organised. Whilst the document belongs to the local community, it is necessary to assess how they interpret relevant existing planning policies. They must be robust enough for planning officers to put them into active use in decisions on applications.

3.2 The VDSs will therefore need to be assessed against a validation checklist. This checklist is based on the former Countryside Commission's VDS guidance, and seeks to ensure that the VDSs are fit for purpose:

(i) **Does the VDS describe the distinctive character of the village and the surrounding countryside?**

For example, to meet this objective, the VDS could include:

- A brief description of geographical and historic background.
- A short description of the village as it is today.
- The people, economics and future prospects.
- Any special considerations that affect development pressures in the village, such as tourism or mineral extraction, etc.

(ii) **Does the VDS show how character can be identified at three levels?**

- The landscape setting of the village.
- The shape of the settlement.
- The nature of the buildings themselves.

The character of the landscape setting

- The visual character of the surrounding countryside.
- The relationship between the surrounding countryside and the village edges.
- The relationship between the village and any special landscape features, such as ancient monuments, woodlands or nature reserves.
- Buildings seen in the landscape, e.g. farm buildings.

Settlement pattern character

- Overall pattern of village, distinct zones and layouts.
- Character of streets and routes through the village.
- Character and pattern of open spaces in the village and connections with the wider countryside.
- The relationship between buildings and spaces.

Buildings and spaces in the village

- The character of distinct areas of building types in the village.
- The height, scale and density of buildings.
- The mixture of sizes, styles and types of buildings.
- Hedges, walls and fences.
- Distinctive village features, materials or building details.

(iii) **Does the VDS draw up design principles based on the distinctive local character?**

Are the design principles locally specific, rather than just repeating good practice/design principles?

(iv) **Does the VDS work in the context of existing local planning policy and influence future policies?**

The scope and content of the VDS must be both relevant and complementary to the local planning context.

The importance of compatibility between the VDS and the statutory planning process cannot be over estimated. A good working partnership with the local planning authority will be of particular value when the VDS is used in the planning process.

(v) **Has the VDS been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?**

It is important to ensure the Council does not influence a VDS to the extent that it does not accurately represent the views of the community. The more people who are involved and contribute to the production of the VDS the better. It must not just represent the view of a single interest group, it has to be seen to be a shared and representative view of the village as a whole.

Consultation needs to be undertaken from the outset of the project and the programme of action and range of methods used should be well documented.

- Always try to stress that the VDS is the view of the village and not that of the local planning authority.

3.3 A template summarising these validation criteria will be used to assess each VDS to ensure it is fit for purpose. This is appended to this protocol.

APPENDIX
VILLAGE DESIGN STATEMENT VALIDATION CHECKLIST TEMPLATE

Village Design Statement Validation Checklist

Village Design Statement for:	
(i) Does the VDS describe the distinctive character of the village and the surrounding countryside?	
(ii) Does the VDS show how character can be identified at three levels: <ul style="list-style-type: none"> • The landscape setting of the village • The shape of the settlement • The nature of the buildings themselves 	
(iii) Does the VDS draw up design principles based on the distinctive local character?	
(iv) Does the VDS work in partnership with the local planning authority in the context of existing local planning policy and influence future policies.	
(v) Has the VDS been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?	
Other comments:	
Overall Conclusions:	
Recommendation:	

Village Design Statement Validation Checklist

Village Design Statement for:	Idmiston, Porton and Gomeldon
<p>(v) Has the VDS been developed, researched, written and edited by local people? Is it representative of the views of the village as a whole? Has the process involved a wide section of the village community in its production?</p>	<p>The Village Design Statement is shaped by the opinions and aspirations of local residents. At the beginning of the process questionnaires were distributed to all 890 dwellings in the Parish.</p> <p>Nearly half of all of households responded. In all 439 forms were returned, which is a 49% response rate. Such a high rate of return lends credibility to the findings, as being representative of our community as a whole.</p> <p>The process of producing the VDS was carried out by the Village Design Statement Team, with assistance from an officer from Spatial Planning at Wiltshire Council.</p>
Overall Conclusions:	<p>The Village Design Statement is considered to meet the objectives set out in the validation checklist.</p>
Recommendation:	<p>It is recommended that the Village Design Statement for Idmiston, Porton and Gomeldon be approved as a material planning consideration for the purposes of development management.</p>

Index of Applications on 25th July 2013

1

Application No: 13/00208/FUL
Site Location: 1 Beckford Cottage, High Street, Hindon, Salisbury, Wiltshire SP3 6ED
Development: The carrying out of alterations and the construction a first floor rear extension

Recommendation: Refuse with Reasons

2

Application No: 13/00210/LBC
Site Location: 1 Beckford Cottage, High Street, Hindon, Salisbury, Wiltshire SP3 6ED
Development: The carrying out of alterations and the construction a first floor rear extension

Recommendation: Refuse with Reasons

3

Application No: S/2012/1603
Site Location: Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4TQ
Development: Application for the development of land without compliance with condition 10 of appeal decision S/2010/0007 and in accordance with information submitted

Recommendation: Refuse with Reasons

4 SITE VISIT 1530

Application No: S/2013/0422
Site Location: Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW
Development: Redevelopment of the site to form a mixed use development of circa 5,000 sq ft a1 retail floorspace, and 33 later living apartments for older persons including associated landscaping, car parking and access

Recommendation: Approve with Conditions

5 SITE VISIT 16:45

Application No: S/2012/1834
Site Location: Area 10, Old Sarum, Salisbury, SP4 6BY
Development: Erection of 69 dwellings and associated car parking, landscaping and infrastructure

Recommendation: Refuse with Reasons

6 SITE VISIT 16:45

Application No: S/2012/1835

Site Location: Area 11, Old Sarum, Salisbury, SP4 6BY

Development: Erection of 35 dwellings with associated car parking, landscaping and infrastructure

Recommendation: Refuse with Reasons

7 SITE VISIT 16:45

Application No: S/2012/1836

Site Location: Area 11, Old Sarum, Salisbury, SP4 6BY

Development: Erection of 22 dwellings and associated car parking, landscaping and infrastructure

Recommendation: Refuse with Reasons

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	13/00208/FUL
Site Address	1 Beckford Cottages Hindon Wiltshire SP3 6ED
Proposal	The carrying out of alterations and the construction of a first floor rear extension
Applicant	Ms C M Leatham
Town/Parish Council	Hindon
Grid Ref	391247 132677
Type of application	Full Planning
Case Officer	Steven Banks

Reason for the application being considered by Committee

Cllr Wayman has requested the consideration of this planning application at a Planning Committee, her reasons are because the applicant requires the additional accommodation and the proposal has the support of the Parish Council.

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

1. The principle of development
2. The impact that the proposal would have on the character and appearance of the area immediately surrounding the proposal and the character and setting of the listed building which is the subject of this application
3. The impact that the proposal would have on the amenity of the occupiers of the nearest properties

3. Site Description

This application relates to a mid-terraced white rendered and natural stone grade II listed dwelling, under a red clay tile roof, which is located in the southern part of Hindon. The proposal site falls within the Hindon Housing Policy Boundary, Hindon Conservation Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Relevant Planning History

S/2003/0588/FULL	The construction of hipped roofs over existing dormer windows	Approved	14/03/03
S/2003/0589/LBC	The construction of hipped roofs over existing dormer windows	Approved	20/05/03
S/2004/0848/LBC	The blocking up of a kitchen door due to the construction of an extension on the rear elevation of the Village Hall	Approved	01/06/04
S/2004/0995/FULL	The carrying out of dining room alterations and a patio extension	Approved	04/05/04
S/2004/0996/LBC	The carrying out of dining room alterations and a patio extension	Approved	25/06/04
S/2003/1208/LBC	The formation of a bathroom at second floor level, the removal of a WC at ground floor level, the removal of a wall and remove one window, raise the cill of one window and insert an air vent in an external ground floor wall	Approved	17/07/03
S/2012/0767/LBC	The construction of a first floor rear extension	Refused	18/07/12
S/2012/766/FULL	The construction of a first floor rear extension	Refused	18/07/12
S/2012/1192/LBC	The construction of a first floor rear extension	Refused	11/10/12
S/2012/1191/FULL	The construction of a first floor rear extension	Refused	11/10/12

5. Proposal

Planning permission is sought for the construction of a rear extension at first floor level. It is proposed that the extension would include a bathroom and bedroom/morning room.

6. Planning Policy

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

H16: Housing Policy Boundaries

G2: General criteria for development

D3: Extensions

C5: Small scale development proposals within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

CN8: Development within Conservation Areas

CN11: Development affecting views from and into Conservation Areas

CN3: Development, including extensions or other alterations, which would in any manner

affect the character or setting of a listed building

Supplementary planning guidance: Creating Places (2006)

National Planning Policy Framework: Paragraph 134

7. Consultations

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

Salisbury Civic Society, in their consultation response, considered that the proposal would harm the character of the listed building, which is the subject of this application, and expressed their objection to the proposal.

Wiltshire Council's Conservation officer, considered that the proposal would harm the character of the listed building, which is the subject of this application, and expressed objection to the proposal.

8. Publicity

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

One additional letter of objection to the application has been received objecting to the application which whilst expressing sympathy for the applicants needs, questions whether this is a good reason for granting planning permission.

Considers that a two storey flat roofed extension does not echo the Georgian architecture of the main building

Queries whether the main roof of the building remains visible and unaffected by the new extension.

Considers that the fact that alterations have been made in the past to the building does not justify the present proposal.

The proposed extension is not modest and will cover up most of the historic rear wall and possibly the rear roof.

9. Planning Considerations

9.1 The principle of development

Policy H16 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits small scale development within certain Housing Policy Boundaries, including the Housing Policy Boundary of Hindon, subject to the proposed development not conflicting with other policies of the Local Plan.

Therefore, policy H16 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) accepts the principle of development subject to it not conflicting with the policies of the Local Plan.

The proposal falls within the Housing Policy Boundary of Hindon. Therefore, the principle of development is accepted.

The following parts of this report assess the proposal against other relevant policies of the Local Plan.

9.2 The impact that the proposal would have on the character and appearance of the area immediately surrounding the proposal and the character and setting of the listed building which is the subject of this application

Saved policies D3, C5, CN8, CN11, CN3 and G2 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy) are considered to be the relevant policies of the Local Plan with which to assess the impact of the proposal, on the character and appearance of the dwelling and the immediate area.

Saved policy D3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits extensions to existing properties or the development of ancillary buildings within their curtilages subject to the works being compatible with the existing property, the street scene and the landscape framework. Part of part (iv) 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 its respect for existing beneficial landscape and architectural features. Saved policy C5 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty which would be sympathetic with the landscape. Saved policy CN8 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development which would preserve or enhance the existing character of the Conservation Area concerned. Saved policy CN11 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits development which would safeguard views from and into Conservation Areas and saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits extensions or other alterations which would affect the character or setting of a listed building subject to the work respecting the character of the listed building.

The Supplementary Planning Guidance Creating Places and paragraph 134 of the National Planning Policy Framework (NPPF) are considered to be relevant in the assessment of the impact of the proposal on the character and setting of the listed building which is the subject of this application.

In the Supplementary Planning Guidance Creating Places it is stated that, "Flat roof extensions will not normally be allowed as they represent a crude and harmful addition to most buildings" however it is also stated in paragraph 134 of the NPPF 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..."

The following considerations are based primarily on the material submitted by Wiltshire Council's Conservation Department.

It is proposed to construct a first floor rear extension and to carry out associated alterations such as the removal of two first floor rear windows and the masonry surrounding the windows. It is considered that the remaining rear wall and roof, of the dwelling which is the subject of this application provide a sense of the scale of the building and make an important contribution to the setting of the rear of the terrace of which the dwelling forms part. The construction of the first floor extension, in a position which is forward of the existing wall, would lead to a loss of the sense of the original scale of the building when viewed externally. This loss would harm the character of the listed building and the setting of the rear of the terrace of which the dwelling forms part. The first floor bedroom currently has a window which faces north west and a window which faces south east. Internally this creates a sense of the scale of the building. The proposed first floor rear extension would remove this characteristic feature and would introduce a room which would not have a window at either end of the room. Internally, the sense of the historic scale of the building would be lost. This would be harmful to the character of the listed building. The size of the proposed first floor extension combined with the size of the existing ground floor extension would significantly increase the size of the dwelling. This cumulative increase in the size of the dwelling would result in a loss of and harm to the character of the listed building. A flat roof, which it appears, would cut into the historic roof of the host dwelling, is proposed for the first floor rear extension. It is considered that the proposed flat roof would represent a crude addition to the listed building which would detract from the character of the listed building and the impact of the proposed roof cutting into the historic roof would harm the historic fabric of the listed building.

As established above, it is considered that the proposal would cause harm to the character of the listed building. Harm to listed buildings can be considered to be acceptable where public benefits are considered to outweigh the harm caused to the character of the listed building. A public benefit which would result from the proposal has not been identified.

It is further considered that the harm caused to the character and setting of the listed building would, in turn, detract from the character, of the affected part, of the Hindon Conservation Area.

The proposal is therefore considered to be contrary to saved policies H16, G2, CN8, CN11, C5, D3 and CN3 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

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

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.

Direct views of the occupiers' land and oblique views of land belonging to number 2 Beckford Cottages are currently possible from the existing windows in the rear elevation of the host building. Direct views of the occupiers' land and oblique views of land belonging to number 2 Beckford Cottages would be possible from the windows in the proposal. An accepted characteristic of residential development is the existence of oblique views of land not belonging to the occupier of a property. It is therefore considered that the residential

amenity of the occupiers of the properties which are nearest to the proposal would not be harmed through a significant increase in any overlooking.

The proposed structure, by reason of its size, in terms of its height, width and depth, and the separation distance between the structure and the nearest properties would not result in an unduly harmful increase in any overshadowing or overbearing effect which would be to the detriment of the existing occupiers of the nearest properties.

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).

10. Conclusion

The proposed extension, by reason of its positioning, which would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building and, in turn, the character of Hindon Conservation Area. A public benefit which would outweigh the harm caused to the listed building has not been identified. The proposal is therefore considered to be contrary to saved policies H16, G2, CN8, CN11, C5, D3 and CN3 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

11. Recommendation

Planning Permission be REFUSED for the following reason:

The proposed extension, by reason of its positioning, which would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building and, in turn, the character of Hindon Conservation Area. A public benefit which would outweigh the harm caused to the listed building has not been identified. The proposal is therefore considered to be contrary to saved policies H16, G2, CN8, CN11, C5, D3 and CN3 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

13/00208/FUL – 1 Beckford Cottages, Hindon, SP3 6ED



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	13/00210/LBC
Site Address	1 Beckford Cottages Hindon Wiltshire SP3 6ED
Proposal	The carrying out of alterations and the construction of a first floor rear extension
Applicant	Ms C M Leatham
Town/Parish Council	Hindon
Grid Ref	391247 132677
Type of application	Listed Building
Case Officer	Steven Banks

Reason for the application being considered by Committee

Cllr Wayman has requested the consideration of this application for listed building consent at a Planning Committee, her reasons are because the applicant requires the additional accommodation and the proposal has the support of the Parish Council.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that listed building consent be **REFUSED** with reasons.

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 and the impact that the proposal would have on the character and setting of the listed building which is the subject of this application

3. Site Description

This application relates to a mid-terraced white rendered and natural stone grade II listed dwelling, under a red clay tile roof, which is located in the southern part of Hindon.

4. Relevant Planning History

S/2003/0588/FULL	The construction of hipped roofs over existing dormer windows	Approved 14/03/03
S/2003/0589/LBC	The construction of hipped roofs over existing dormer windows	Approved 20/05/03

S/2004/0848/LBC	The blocking up of a kitchen door due to the construction of an extension on the rear elevation of the Village Hall	Approved	1/06/2004
S/2004/0995/FULL	The carrying out of dining room alterations and a patio extension	Approved	04/05/2004
S/2004/0996/LBC	The carrying out of dining room alterations and a patio extension	Approved	25/06/2004
S/2003/1208/LBC	The formation of a bathroom at second floor level, the removal of a WC at ground floor level, the removal of a wall and remove one window, raise the cill of one window and insert an air vent in an external ground floor wall	Approved	17/07/2003
S/2012/0767/LBC	The construction of a first floor rear extension	Refused	18/07/2012
S/2012/766/FULL	The construction of a first floor rear extension	Refused	18/07/2012
S/2012/1192/LBC	The construction of a first floor rear extension	Refused	11/10/2012
S/2012/1191/FULL	The construction of a first floor rear extension	Refused	11/10/2012

5. Proposal

Listed building consent is sought for the construction of a rear extension at first floor level. It is proposed that the extension would include a bathroom and a bedroom/morning room.

6. Planning Policy

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

CN3: Development, including extensions or other alterations, which would in any manner affect the character or setting of a listed building

Supplementary planning guidance: Creating Places (2006)

National Planning Policy Framework: Paragraph 134

7. Consultations

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

Salisbury Civic Society, in their consultation response, considered that the proposal would harm the character of the listed building, which is the subject of this application, and expressed their objection to the proposal.

Wiltshire Council's Conservation officer considered that the proposal would harm the character and setting of the listed building, which is the subject of this application, and expressed their objection to the proposal.

8. Publicity

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

Two letters of objection to the application have been received stating that whilst expressing sympathy for the applicants needs, questions whether this is a good reason for granting planning permission.

Considers that a two storey flat roofed extension does not echo the Georgian architecture of the main building

Queries whether the main roof of the building remains visible and unaffected by the new extension.

Considers that the fact that alterations have been made in the past to the building does not justify the present proposal.

The proposed extension is not modest and will cover up most of the historic rear wall and possibly the rear roof.

Considers that the style and character of the row of cottages will be compromised by the extension

Applauds the use of Georgian windows however considers the block rectangular build is out of character with the rest of the buildings in the row.

9. Planning Considerations

9.1 The principle of development and the impact that the proposal would have on the character and setting of the listed building which is the subject of this application

Policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) is considered to be the relevant policy of the Local Plan of which to assess this proposal against.

Policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) permits extensions or other alterations which would affect the character or setting of a listed building subject to the work respecting the character of the listed building.

Therefore, policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) accepts the principle of development subject to the work respecting the character of the listed building.

This application seeks listed building consent to construct a rear extension at first floor level and to carry out associated alterations. Consequently, the principle of development is accepted subject to the work respecting the character of the listed building.

Policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) is considered to be the relevant policy of the Local Plan with which to assess the impact of the proposal on the character of the listed building.

The Supplementary Planning Guidance Creating Places and paragraph 134 of the National Planning Policy Framework (NPPF) are considered to be relevant in the assessment of the impact of the proposal on the character and setting of the listed building which is the subject of this application.

In the Supplementary Planning Guidance Creating Places it is stated that, "Flat roof extensions will not normally be allowed as they represent a crude and harmful addition to most buildings" while it is stated in paragraph 134 of the NPPF 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..."

The following considerations are based primarily on the material submitted by Wiltshire Council's Conservation officer.

It is proposed to construct a first floor rear extension and to carry out associated alterations such as the removal of two first floor rear windows and the masonry surrounding the windows. It is considered that the remaining rear wall and roof, of the dwelling which is the subject of this application provide a sense of the scale of the building and make an important contribution to the setting of the rear of the terrace of which the dwelling forms part. The construction of the first floor extension, in a position which is forward of the existing wall, would lead to a loss of the sense of the original scale of the building when viewed externally. This loss would harm the character of the listed building and the setting of the rear of the terrace of which the dwelling forms part. The first floor bedroom currently has a window which faces north west and window which faces south east. Internally this creates a sense of the scale of the building. The proposed first floor rear extension would remove this characteristic feature and would introduce a room which would not have a window at either end of the room. Internally, the sense of the historic scale of the building would be lost. This would be harmful to the character of the listed building. The size of the proposed first floor extension combined with the size of the existing ground floor extension would significantly increase the size of the dwelling. This cumulative increase in the size of the dwelling would result in a loss of and harm to the character of the listed building. A flat roof, which it appears, would cut into the historic roof of the host dwelling, is proposed for the first floor rear extension. It is considered that the proposed flat roof would represent a crude addition to the listed building which would detract from the character of the listed building and the impact of the proposed roof cutting into the historic roof would harm the historic fabric of the listed building.

As established above, it is considered that the proposal would cause harm to the character of the listed building. Harm to listed buildings can be considered to be acceptable where public benefits are considered to outweigh the harm caused to the character of the listed building. A public benefit which would result from the proposal has not been identified.

The proposal is therefore considered to be contrary to saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

10. Conclusion

The proposed extension, by reason of its positioning, which would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building. A public benefit which would outweigh the harm caused to the listed building has not been identified. The proposal is therefore considered to be contrary to saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

11. Recommendation

Planning Permission be REFUSED for the following reason:

The proposed extension, by reason of its positioning, which would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building. A public benefit which would outweigh the harm caused to the listed building has not been identified. The proposal is therefore considered to be contrary to saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy), the Supplementary planning guidance Creating Places and Paragraph 134 of the National Planning Policy Framework.

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REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting	25 th July 2013
Application Number	S/2012/1603
Site Address	Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ
Proposal	Application for the development of land without compliance with condition 10 (lighting scheme to be submitted) of appeal decision S/2010/0007 and in accordance with information submitted
Applicant	Mr Grant
Town/Parish Council	Winterbourne Stoke
Grid Ref	Easting: 407378 Northing: 140538
Type of application	S73
Case Officer	Mrs Lucy Minting

Reason for the application being considered by Committee

Councillor West has requested that this application be determined by Committee due to -

- Visual impact upon the surrounding area
- Environmental/highway impact

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. Planning appeal decision;
2. Whether the proposed lighting scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity.

The application has generated comments from 2 parish councils (the site is within Winterbourne Stoke Parish); and 8 letters of objection from third parties.

3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is outside of a housing policy boundary and is therefore within 'open countryside' designated as a Special Landscape Area, and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission for the campsite was allowed at appeal described as ‘change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.’

The campsite is divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012
S/2012/1555	Retention of concrete base, construction of further concrete base and siting of two purpose built "Wessington" portakabin type shower blocks to be used as toilet/wash blocks in associated with the existing campsite	AC 07.03.2013
S/2012/1777	Development of land without compliance with condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application	AC 07.03.2013
S/2013/0056	Change of use of land to touring caravan and camping site (amended proposal to planning permission S/2010/0007/FULL incorporating use of pitch 6 as either a caravan pitch or the stationing of a motor home/caravan/pod for occupation by the senior site warden and use of pitch 7 (between 1st April - 30th September in any year) as either a caravan pitch or the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite)	Refused 18/04/2013 Appeal lodged

5. Proposal

The Inspector’s decision letter to S/2010/0007 is attached as an appendix to this report.

Condition 10 attached to the appeal decision required the applicant to submit and have agreed by the council a lighting scheme.

Whilst the applicant submitted details on lighting, they were not provided within the required timescale. As a result in May 2013, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

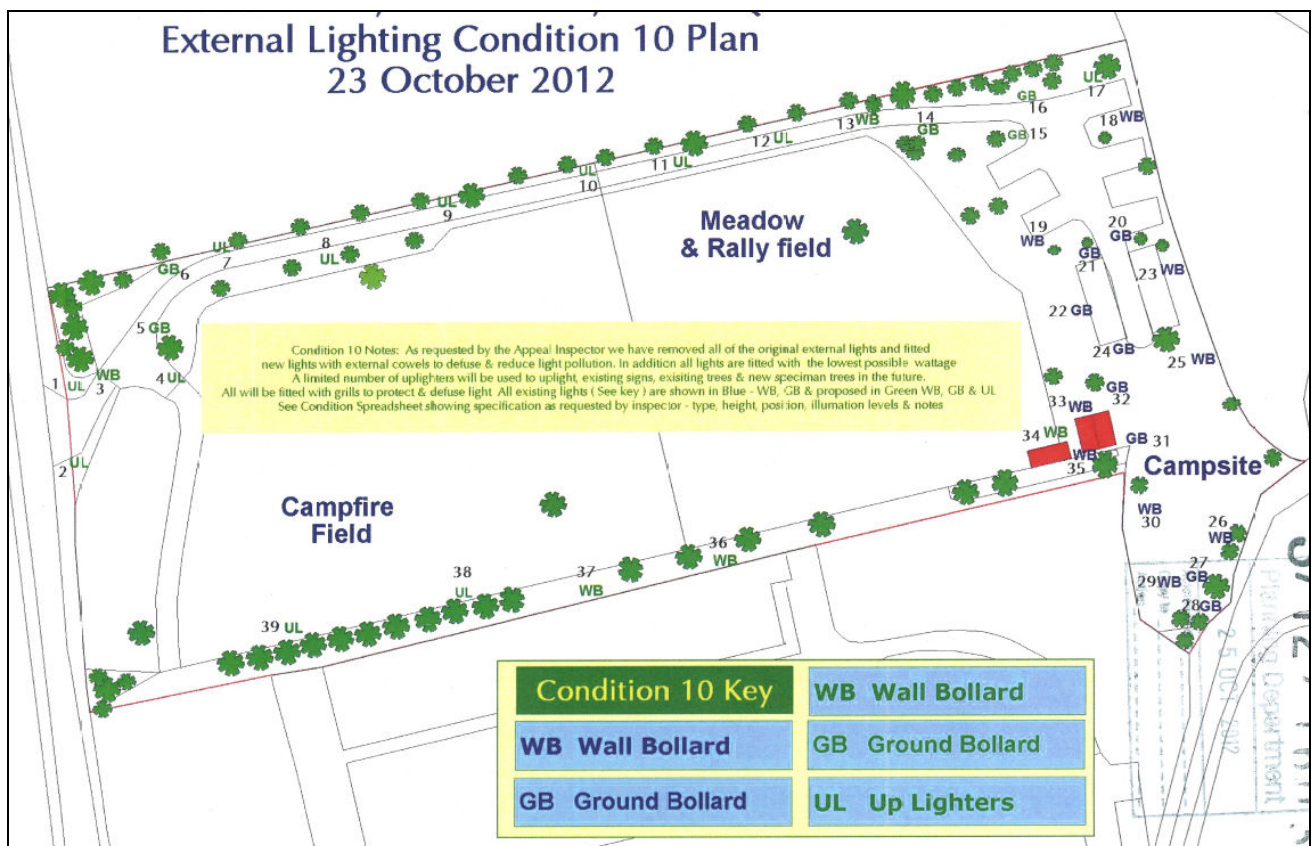
Counsel's advice was that the permissions have not lapsed although the owner is in breach of the condition. The appropriate solution to this situation has been for the owner to submit this application under Section 73 of the 1990 Act for planning permission for the development of the land without complying with the lighting condition.

It follows that this S73 application is to address the 'missing' information required by condition 10 (lighting):

10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

The proposed lighting comprises the following:

- 13 Wall mounted lights (to be added to gate posts, electric hook up (EHU) points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.



The scheme plan above states that 'all lights are fitted with the lowest possible wattage'. The applicant has also amended the scheme during the course of the application confirming that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt

(the minimum wattage possible); that cowls have been added to the bollard lights, the wall mounted light to the ladies shower block (numbered 34 on the plan) has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

6. Planning Policy

Adopted Salisbury District Local Plan 'saved' policies (listed in Appendix C of the Adopted South Wiltshire Core Strategy):

G1 – General principles for development
G2 – General criteria for development
C2 – Development in the countryside
C6 – Special landscape area
CN11 – Views in and out of conservation areas
T9 – Touring caravans and tents

Government Guidance:
NPPF

Good Practice Guide for Planning & Tourism.

7. Consultations

Wiltshire Council Landscape Officer

No objection in principle to the installation of exterior lighting at the Stonehenge Campsite but cannot support the application as currently submitted.

Exterior Lighting Consultant comments on additional information submitted:

Our comments are based on good practice and where applicable upon the following guidance document: "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" - Produced by the Institution of Lighting Professionals.

From this document, the first step to undertake the assessment must be to ascertain which Environmental Zone the campsite falls within, please see Table 2 taken directly from the document below. It is suggested by the applicant that E2 is most suitable given its location next to the A350. The final decision on this should be made by the planning authority but our conclusion would be that E1 is most suitable as the surroundings are intrinsically dark. The closest street light is over 200m away to the east within a village residential area, unlikely to be viewable from site and north east upon the A350 again unlikely to be viewable from site. To the west and south there are no other public lighting installations within 6km.

Within all environmental zones there is clear requirement to minimise upward light and trespass, but more so in E1 and E2 zones.

Table 1. from Guidance Document

Table 1 – Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

Comments on Information provided by Applicant

The lux and calculations plans show horizontal illuminance and also vertical illuminance upon the trees, internal building etc. What it does not show is the amount of light travelling outside of the site in both horizontal and vertical planes. We would expect the following to be provided as a minimum.

- A horizontal illuminance (at ground level) isolux diagram showing the light spill outside of the site extents.
- The information provided for vertical illuminations etc does not have a suitable scale to allow for full assessment of the illuminance values; the maximum value on the scale is only 0.75lux.
- The modelling of trees and being able to capture all illumination cannot be confirmed by plan alone and a decision over uplighter suitability must be made.

Comment on Changes made to Application

The change from 18w to 9w compact fluorescent lamps for building mounted and bollard units plus the inclusion of timers to switch off building mounted and bollard units from 10pm. This will reduce the overall impact of the site on others especially late at night and early morning. These changes should be acceptable and suitable for approval, pending further information requested above:

- Disconnection/Removal of 1no. unit, this will only reduce impact of the site and is greatly welcomed.
- Conversion of drive lights to movement sensors or switch off at curfew.

Comments on Retained items on Application

The use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite. Our supporting information is below.

Although the obtrusive light guidance document does allow for ground recessed illumination, it should be used sparingly and preferably confined to E3 (urban) or E4 (town/city) locations where there is likely to be already significant upward light from street

lighting installations. The within an E1 or E2 zone should be severely restricted and should not be used for what is effectively an aesthetic purpose.

Applying an E1 zone restriction then there should be no direct illumination of buildings or other objects as the average luminance requirement is 0 cd/m². Although the calculations indicate a maximum of 1.84cd/m² over the whole scene, it is clear there is illumination of trees and therefore a luminance level associated with this.

The illumination of the trees serves no purpose for the functional illumination of the site other than hope to reflect some diffuse light onto the driveway. This function would be better served, and at reduced energy consumption by utilising additional bollards.

Although the illumination of signage does serve as a function purpose, it should be requested that down lighters are utilised with suitable wattage lamps and with curfew control timers, rather than the uplighters specified.

Final comments and Decision Recommendation

The site illumination in its current form is not recommended for approval at this time. However, its recommendation for approval would be greatly enhanced through the removal of all uplighters, or their replacement with more suitable units. It is also requested that further information is provided with regards to spill light outside the site boundary and the operation.

Our final request would be for information to be provided so we have a full understanding of the lighting requirements for award of or compliance with the following legislation and guidance;

Comply with site license and Health and Safety
British Tourist Board 2 & 3 star ratings
AA 2-3 Star Ratings
David Bellamy Awards
European Listings

This would allow us to decide whether the proposals are in line with or far and above the requirements needed before they may be discussed in any appeal.

Wiltshire Council Private Sector Housing (caravan licencing)

The lighting proposals appear to meet the requirements for lighting set out in the license.

Wiltshire Council Ecology

No comments to make.

Wiltshire Council Environmental Health

On the basis of the information provided in the application concerning the nature and positioning of the lighting we have no objections.

Winterbourne Stoke Parish Council

Objects to this application because of the potential for unacceptable light pollution from the use of uplighters.

8. Publicity

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

8 letters of objection received (including from CPRE). Summary of key relevant points raised:

- The number of lights and lighting from dusk is inappropriate, excessive and unnecessary
- Lights are conspicuous and too bright
- The amount of lighting should be reduced to minimum requirements for health and safety – suggest complying with the English Tourist Board minimum requirements for a campsite of this size
- Campsite should not be developed into a brightly lit holiday camp
- Campsite users will bring their own torches/lighting, including lighting from the inside of caravans
- All uplighters to light trees should be removed – cause light pollution and unnecessary – the trees are on the perimeter of the site and are not causing a hazard to campsite users
- No need for uplighters at the entrance or down the track – cars will use headlights
- Lights should not be left on all night and interior lights on the shower blocks should be on timers
- The use of PIR (passive infra red -a motion sensor and acts like a switch when it detects movement) should be applied wherever possible
- Existing cowls don't diffuse light and the lighting can be seen outside the boundaries of the site (neighbouring gardens and roads) - all light fittings on the boundaries of the site should be shielded from the open countryside such that the light source cannot be seen beyond the light boundary in the interests of reducing light pollution and retaining the environment of the countryside and special landscape area.
- Suggest shaded lights at ground level would be adequate for paths
- Some lights have already been installed without discharging condition 10. This has already had a marked impact on light pollution, if rest are installed this will be inappropriate in a special landscape area
- Objections to number of retrospective applications submitted and piecemeal development.
- Conditions 10 and 11 of the appeal permission haven't been complied with within the timescales required and the appeal permission has now lapsed. The site licence should also be revoked
- Conditions/site is not being enforced
- Impact of lighting to ecology and adjoining SSSI
- Berwick St James has no street lighting
- Individual lights will need to meet EU legislation (type of lights currently in place are of the wrong design) and be tested by a lux meter and a spectrophotometer and accumulative light values will have to be evaluated.
- The owners should have to conform to a light evaluation programme to ensure the light levels are confirming to legislation.
- English Heritage, Natural England and Environment Agency should be consulted to assess the impact on the surrounding wildlife and countryside.
- Impact of lighting scheme on flight paths of Boscombe Down and Old Sarum Airfield needs to be assessed.
- CPRE specifically states 'The plan and detail indicate there is too much lighting for this open area, affecting the special landscape area.'

Berwick St James Parish Council Support the application subject to conditions:

Should the Local Planning Authority be minded to Grant Planning Approval in respect of this application then we would request that the application be amended to reduce the amount of lighting proposed to that required to comply with the English Tourist Board minimum requirement for a campsite of this size, that all proposed up lighters be removed from the proposals, that the use of PIR switching be applied wherever possible and where it complies with the requirements of health and safety and the requirements of the English Tourist Board accreditation. All light fittings located on the boundaries that are approved should be shielded from the open countryside such that the light source cannot be seen beyond the site boundary. This should be in the interests of reducing light pollution and to retaining the environment of the countryside.

Bearing in mind the comments above, we believe that this should be debated and dealt with by the Southern Area Planning Committee and not under Delegated Powers.

9. Planning Considerations

9.1 Planning Appeal decision

Section 73 applications leave the original permission intact and unamended, and result in the granting of a whole new freestanding permission. The original permission however may not be re-written.

The Inspector considered that the main issues to consider were:

The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured and that with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'

The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for, and numbers of, tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development 'would not be materially harmful to the living conditions of occupants of nearby dwellings.'

Economic benefits - The inspector considered that the development 'accords with the then relevant PPS4 (policy EC7) which urged Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'

9.2 Whether the proposed lighting scheme is acceptable for purpose and in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity

Paragraph 125 of the NPPF states:

'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Good lighting design is important to avoid unnecessary visual impact, light pollution and energy waste. The Temple Report to DEFRA 2006 (Assessment of the Problem of Light Pollution from Security and Decorative Light, Published Guidance/Standards on Obtrusive Light) highlights the problems of light pollution:

An increasing amount of exterior lighting is being allowed to shine above the horizontal, and a significant proportion of this artificial light ends up in the sky where it does nothing to increase vision or security, but wastes electricity, money and finite resources.

The comparatively recent but growing concern expressed about the adverse effects of outdoor lighting recognises that there are many bad examples of over-lighting in sensitive rural/countryside environments. Many of these have been there many years and are beyond control. However the situation should not be allowed to worsen. A high level of existing lighting in a rural location should not justify an increase nearby.

The report also states that where Council's are assessing new proposals they will need to be satisfied that the lighting scheme proposed is the minimum required for security and working purposes and that it minimises potential visual impact.

It is accepted that the Inspector considered lighting was necessary on the site by the imposition of the condition. The condition required the following details to be agreed:

- the type of light appliance;
- the height and position of fitting;
- illumination levels;
- details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting.

The aim of the landscape scheme and long term management plan for the Stonehenge Campsite is to provide a natural screen surrounding the site to protect the visual amenity of neighbours and the landscape character of the Special Landscape Area. In other words the site should become inconspicuous and blend in with the surrounding countryside.

It is therefore considered that any lighting of the campsite should be the minimum amount necessary for health and safety and operation of the campsite and that glare and light spillage from the site needs to be minimised in order to avoid having an adverse visual impact on the surrounding landscape.

To avoid over-lighting objects and to reduce unnecessary energy expenditure and waste light production the International Commission on Illumination (CIE) has published a document '*Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installation*'. This sets out a series of environmental zones that range from E0, which are dark protected landscapes, to E4 for bright inner city areas. The intensity of light from individual lights and the resultant lighting levels recommended are more restricted as you get towards the E0 category.

The definitions of the four zones are:

- E0: Dark Protected** UNESCO Starlight Reserves, IDA Dark Sky Parks
- E1: Intrinsically dark areas** National Parks, Areas of Outstanding Natural Beauty, etc.

E2: Low district brightness areas Rural or small village locations.

E3: Medium district brightness areas Small town centres or urban locations.

E4: High district brightness areas Town/city centres with high levels of night-time activity.

The Council's Exterior Lighting Consultant advises that the first step in undertaking the assessment of the proposed lighting scheme is to ascertain which Environmental Zone the campsite falls within.

The applicant has drawn attention to existing street lights in Winterbourne Stoke, nearby residences in Berwick St James and Winterbourne Stoke with a minimum of one outside light and constant light pollution from the A303 and consider that the site should be classed as Environmental Zone 2 (as a rural, low district brightness lighting environment).

The site lies in the open countryside outside of the village limits and adjacent to the B3083 (Berwick Road) which has no street lighting and the Lighting Consultant advises that the site should be classed as Environmental Zone 1 (as a natural and intrinsically dark lighting environment), although within all environmental zones there is clear requirement to minimise upward light and trespass, and more so in both E1 and E2 zones.

The lighting condition includes the need to provide 'illumination levels'. Additional information has now been submitted including a cumulative 'lux' or light spillage plan for the entire site. This has been considered by an Exterior Lighting Consultant and the comments are attached in full above.

The lighting scheme proposes:

- 13 Wall mounted lights (to be added to gate posts, EHU points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.

The scheme plan states that '*all lights are fitted with the lowest possible wattage*'. The applicant has also confirmed that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt (the minimum wattage possible); that cowls have been added to the bollard lights, the wall mounted light to the ladies shower block has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

The lighting consultant advises that the changes to the bulbs and inclusion of timers will reduce the overall impact of the site; although whilst the lux plans show horizontal and vertical luminance upon the trees and internal buildings, they do not show the amount of light travelling outside of the site in both horizontal and vertical planes.

It has therefore not currently been demonstrated that the proposed lighting scheme will not result in light spillage outside the site which would have an adverse visual impact on the surrounding landscape.

The Council's Landscape Officer has previously advised the applicant that in order to maintain dark night skies at this rural location, the uplighters are unnecessary and should be removed from the scheme.

The lighting consultant advises that the illumination of trees serves no functional purposes other than hope to reflect some diffuse lighting onto the driveway and whilst the illumination of signage does serve as a functional purpose, downlighters or additional bollards would be more suitable.

Within an E1 or E2 zone lighting should be restricted and should not be used for what is effectively an aesthetic purpose and the lighting consultant agrees that the use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite.

The applicant's agent states 'lighting is necessary for the successful operation of the campsite and in order to comply with various aspects of legislation/guidance the site is required to have appropriate lighting in order to:-

Comply with site licence and health and safety

British Tourist Board 2 & 3 star ratings

AA 2-3 star ratings

David Bellamy Awards

European listings'

The only reference to lighting in the Site Licence Conditions for the campsite include that 'All toilets and amenity blocks shall be provided with a satisfactory form of artificial lighting during the hours of darkness.'

There are no requirements in the awards listed that higher ratings are given for "aesthetic" rather than functional lighting. The Co-ordinator for the AA Pennant System specifically refers to a level 4 expecting all internal roads, paths and toilets blocks to be lit at night but are very conscious about light pollution and 'expect all lighting to be low-level across the park'. The Visit England (referred to above as British Tourist Board) rating scheme also makes no reference to aesthetic lighting just that campsites should have 'external light fittings and lighting provision throughout the park, including roads, footpaths, ramps, steps and exterior of buildings'.

It is not considered that the use of uplighters is appropriate in this rural location designated as a special landscape area. It is also not considered that it has been demonstrated that these are necessary for the safe operation of the campsite.

10. Conclusion

The lighting scheme does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, the nearby Winterbourne Stoke Conservation Area and visual amenity.

11. Recommendation

Planning Permission be REFUSED with reasons

- (1) The lighting scheme proposed does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, and the nearby Winterbourne Stoke Conservation Area and visual amenity in general contrary to saved policies G1, G2, C2, C6, CN11 and T9 of the Adopted Salisbury

District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy and guidance contained within the NPPF (and paragraph 125 in particular).

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 technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

by **K Nield BSc(Econ) DipTP CDipAF MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2011

Appeal A Ref: APP/Y3940/C/10/2139334

Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2010/1661
- The notice was issued on 24 September 2010.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
 - (a) Remove any tents stationed on the Land in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995; and
 - (b) Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The period for compliance with the requirements is one month from the date the notice takes effect in respect of both (a) and (b) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

Appeal B Ref: APP/Y3940/C/10/2142020

Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2011/0001.
- The notice was issued on 15 November 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the carrying out of engineering and other operations on the land, including materially altering the landform by excavating and re-profiling the ground to form levelled areas; formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/waste disposal point and enclosing fencing, installing electrical

<http://www.planning-inspectorate.gov.uk>

hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building.

- The requirements of the notice are:
 - (a) Permanently demolish all the hardstandings, remove the new vehicular access and track surfacing materials, pathway surfacing materials, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points from the Land;
 - (b) Return the excavated and re-profiled parts of the Land to its former landform, levels and profiles prior to development took place, i.e. to match that of the land immediately adjacent;
 - (c) Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place, i.e. to match the levels and profile of the land immediately adjacent;
 - (d) Reduce the height of the earth bunds and associated fencing so that where adjacent to Berwick Road as shown between the approximate points X-X on the plan attached to the Notice, the height of the bunds or the fences or their combined height does not exceed one metre;
 - (e) Permanently remove the partly constructed track formed between the approximate points Y-Y as shown on the plan attached to the Notice and reinstate the Land to its condition to match the levels and profiles that of the land immediately adjacent;
 - (f) Permanently remove all demolition materials arising from steps (a)-(e) from the Land;
 - (g) Re-seed all the reinstated areas with grass.
- The period for compliance with the requirements is 3 months in respect of items (a) – (f) listed above and 3 months or by the end of the next planting season following the date the notice takes effect, whichever date is the later of the two in the case of item (g) listed above. The planting season is stated by the Council to run from 1 November to 31 March the following year.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

**Appeal C Ref: APP/Y3940/A/10/2136994
Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3
4TQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by W F and S R Grant against the decision of Wiltshire Council.
- The application Ref S/2010/7/FULL, dated 24 December 2009, was refused by notice dated 11 May 2010.
- The development proposed is described as the retention of access, driveway, hardstandings and change of use of land to touring caravan site.

Summary of Decision: The appeal is allowed and planning permission is granted as set out in the Formal Decision below.

Application for costs

1. At the Inquiry an application for full costs in respect of Appeal B was made by Mr W F Grant against Wiltshire Council and in respect of Appeal C by W F and S R Grant against Wiltshire Council. The application is the subject of a separate Decision.

Procedural matters

2. At the opening of the Inquiry the appellants withdrew the appeals under ground (e) in respect of both Appeal A and Appeal B. No evidence was called in respect of those appeals by either party.
3. In respect of Appeal C the Council had amended the description to "*Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points*". As the appellants have applied this revised description in the appeal documentation and I consider it describes the extent of the development more fully I intend to determine the s78 appeal on that basis.
4. The oral evidence at the Inquiry was taken on oath.

The enforcement notices

5. There are some minor errors in the notice in respect of Appeal B. Within the requirements of the notice under sections (b) and (e) words appear to be omitted which reduce the clarity of the requirements. I can make corrections to the notice without injustice to the parties.

Preliminary matters

6. The parties submitted an agreed Statement of Common Ground (SCG) at the opening of the Inquiry. The SCG agreed relevant planning policy guidance applicable to the development and other matters including some agreed conditions.
7. The SCG also contained Plan WGDP 01 prepared to assist the description and assessment of the parts of the site as a whole. This termed the area to the north of the site comprising the access, track and main caravan site with laid out pitches as "Campsite" (or Red Land) on the Plan. A field area broadly to the south of the access and west of the Red Land is termed "Rally Fields" (or Blue Land) and a further area to the south of the Rally Fields is termed "Parkland and Summerfield" (or Green Land).
8. These descriptive terms are used, with some variation, throughout the evidence by both parties and have relevance to some of the matters agreed by the parties and suggested conditions. As this subdivision of the site assists with the description of the scheme I will apply those terms.
9. The plans attached to the two enforcement notices include all the above listed areas. However, the application site boundary for Appeal C includes all the Campsite area but only (the eastern) part of the Rally Fields.
10. There is a single appellant in respect of both Appeal A and Appeal B but two appellants in respect of Appeal C. For clarity in the overall decisions I shall use the term "appellants" throughout.

The appeal under ground (c) (Appeal B)

11. The appeal under ground (c) is that the matters described in the notice (if they occurred) do not constitute a breach of planning control. I noted at my visit, and it was not in dispute at the Inquiry, that the operational development comprising the alleged breach had occurred.

12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.
13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.
14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".
15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.
16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.
17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.
18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.
19. With regard to the access there is no dispute that until (at least) 2008¹ there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

¹ Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

the surface and create a base and apply scalplings were undertaken. These works also appear to have widened the track (from its appearance in earlier photographs) and altered the position of its junction with Berwick Road.

20. Taken together those are engineering operations which cumulatively are significant in scale and exceed works that could reasonably be regarded as incidental to the provision of a means of access. As a matter of fact and degree, I find the proposed works beyond that which is permitted by Part 2 Class B, neither are they permitted by any other Class of the GPDO. The proposed works, in my opinion, are such that they fall within the meaning of "development" under s55 of the Act for which an express grant of planning permission is required.
21. In a ground (c) appeal the burden of proof lies with the appellants and since this has not been discharged in respect of the matters in dispute the appeal under ground (c) fails.

The appeals under ground (a) (Appeal A and Appeal B) and the s78 appeal (Appeal C)

Background

22. It is not in dispute that the areas termed "Campsite" and "Rally Fields", all formerly comprising agricultural land, have been used for camping and caravanning activities to varying degrees for some 2-3 years². The Campsite area initially contained 5 hard surfaced standings used with various facilities/buildings provided in connection with that use. This area previously contained a number of modest agricultural buildings now mostly demolished. Until December 2010 this area had certification firstly from the Caravan & Camping Club and then the Caravan Club to use that part of the site as a Certified Location.
23. The Rally Fields comprise two paddocks. The upper paddock (nearest Berwick Road) has been used for temporary touring and camping "events" under permitted development rights provided under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO. Use of the lower paddock for camping and caravanning took place when there was high demand such as around the summer solstice.

Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.
25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP³ policy RLT10 and policy EC7 in PPS4⁴. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

² Evidence of Anthony Allen

³ Wiltshire and Swindon Structure Plan (SP)

⁴ Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

planted within and around the site. In addition the policy requires that the use should not be detrimental to the amenities of residents of the area. The site of the appeals lies in close proximity to the A303 and the parties agree that it is a main holiday route as required by policy T9.

26. In the light of the above I consider that the main issues in these appeals are:

- (i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),
- (ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and
- (iii) whether other considerations including economic benefits outweigh any harm that is identified.

Reasons

Character and appearance

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5⁵.

28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylde Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.

29. A recent Landscape Character Assessment was undertaken for Salisbury District⁶. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.

30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.

31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

⁵ Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

⁶ Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)

look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.

32. In the main the appellants' photographic evidence, assessment, and its conclusions were not disputed by the Council. It was accepted by the Council that the visual envelope of the Campsite and Rally Fields areas is very limited with only a few areas of land in the public domain from which clear views of the site can be gained.
33. In the short to medium term persons using a public right of way alongside the River Till to the east of the site would be able to see (the upper parts of) caravans stationed in the nearest pitches alongside the eastern edge of the Campsite area although a steep embankment serves to restrict views into the site from the path. In the longer term planting within and outside the site would provide screening for much of the year.
34. Views into the proposed development in the Rally Fields would be gained from a section of the public right of way to the south-east of Summerfield House, and from a section of bridleway to the west of the B3083. In the medium term it would be possible to see substantial numbers of tents in the Rally Fields from the bridleway but views into that area would reduce towards the longer term due to growth in the landscaping that has taken place or is further proposed.
35. I agree with the Council that glimpses of tents in the Rally Fields would be gained from the hillside position of a byway to the east (Viewpoint 22). However, that would be at a distance of approximately 1.5 km from the site. At the time of my (spring) visit those views were restricted by vegetation and, as the photographic evidence indicates, they would not be prominent even in the winter time when there would be less leaf growth.
36. Views into the site from the B3083 are currently limited to a section of about 300m leading south from the A303. The site entrance, part of the access track and earth bunds with fencing would be clearly visible from the road. I am satisfied that planting of the earth bunds along the site frontage, some of which has taken place, would provide reasonable short term visual screening which would be enhanced over the medium term by additional planting such that only the top parts of tents in the upper paddock area of the Rally Fields would be visible. Over the longer term those views into the site would diminish further.
37. The parties agree that the fence along the bunds is prominent in some views and I do not differ in that respect. I consider that its removal, secured by a planning condition if all other matters are acceptable, would be in the interest of the visual amenity of the area.
38. Planting alongside the northern boundary would also provide substantial screening of the site from the B3083. The Council expressed doubts at the Inquiry that there was sufficient space between the access track and the site boundary to allow for sufficient plant growth. Although I saw on my visit that the width of the planting strip varied I consider that there is adequate space to allow planting which would provide a screen over a period of between 5 – 10 years. Planting has taken place alongside the boundary outside the appellants' land but no scheme is before me that would allow for the management of that area which reduces the weight I have attached to it in contributing to a screen.

39. The A303 is in an elevated position to the north-west of the appeal site where there is an exposed section following the removal of trees and vegetation by the Highways Agency and which allows views towards the site from passing vehicles. However, traffic on that road is reasonably heavy and moving at considerable speed so such views as there are from that position are likely to be fleeting in the short term but would reduce with screening from the existing and proposed landscaping .
40. There are a number of residential properties within the visual envelope of both the caravan site and the Rally Fields. In the short term views of the Rally Fields from Scotland Lodge, which is at a slightly elevated position above the A303 can be gained. These views would significantly reduce in the medium term as the landscaping matures. Views from the other dwellings are limited. However, I noted that parts of the site can be seen presently from Over the Hill to the south and parts of the gardens of Till Cottage and Keepers Cottage.
41. In all these cases the limited views that exist at present would reduce in the medium to long term as the existing and proposed landscaping at the edges of the site matures. Control of the extent of the camping and caravanning to minimise the visual impact and to ensure adequate landscaping can be secured through planning conditions, if all other matters are acceptable. Consequently, both the use of the site for camping and caravanning together with the related operational development would be well screened in the medium to long term (5-9 years).
42. Overall, I found the appellants' assessment of visual impact persuasive in indicating that there would be very limited visual impact of the appeal schemes on both the local and wider areas of the landscape. It is, in any event, based on a worst-case scenario of all the proposed caravan pitches being occupied and tents present in both paddocks of the Rally Fields. However, I agree with the appellants that the situation for most of the period being considered would be less than that further reducing the likely visual impact.
43. I note the Council's concern that the assessment does not fully consider the visual effect of vehicles at the site entrance (either entering or leaving) or on the access track. I accept that vehicles and caravans in those positions could be visible particularly from some of the elevated viewpoints. Such activity is likely in most cases to be of a transient nature and even at the busiest times is not likely to be harmful to the landscape character for anything other than a short time. Consequently, I have not attached significant weight to that concern.
44. Taking all the above factors into account I consider that there would be limited conflict with SP policy RLT10 and LP policy T9. I do not consider that the harm to the character and appearance of the locality including the SLA from the appeal proposals would be material and it would not of itself lead me to dismiss the appeals.

Living conditions

45. The Council has raised objections in this regard only in respect of the enforcement notice issued in respect of the alleged change of use (Appeal A) and not the scheme comprising the s78 appeal (Appeal C). Notwithstanding that, compelling evidence was given at the Inquiry by a number of the interested parties who live near the site (and others) to indicate that at various times the use of parts of the site for camping and caravanning had led to noise

and disturbance to their living conditions at unsocial hours. The evidence provided indicated that this was primarily from music (both amplified and non-amplified) played late at night particularly from those parts of the Rally Fields and Summerfield House closest to the dwellings. Some of the interested parties indicated that the music and other noises could be heard over a wide area.

46. I have no doubt that much of the problem in this regard stemmed from the fairly uncontrolled use of the site at that time. Suggested planning conditions discussed at the Inquiry to limit the area for camping and caravanning (and the numbers of caravans and tents) together with limitations on amplified and non-amplified music and greater visual screening would, in my opinion, go a very considerable way to resolving the concerns that were aired. Such conditions can be attached to a planning permission, if all other matters are acceptable.
47. Subject to the imposition of planning conditions as discussed above attached to any permissions granted in respect of these appeals I conclude on this issue that the development proposed in Appeal A and Appeal C would not be materially harmful to the living conditions of occupants of nearby dwellings and would accord with the overall aims of LP policy T9(iv).

Economic benefits

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE⁷ job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.
49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs⁸.

Fallback position

50. The appellants have permitted development rights which enable them to make use of the site for camping⁹ and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

Other matters

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI¹⁰ along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

⁷ Full time equivalent (FTE)

⁸ Ministerial Statement dated 23 March 2011 by Greg Clark, Minister of State for Decentralisation

⁹ Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO

¹⁰ Site of Special Scientific Interest (SSSI)

52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council¹¹ did not raise objections in this respect, however shortly before the Inquiry an objection was received¹² indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.
53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

Conditions

54. The parties have both suggested¹³ a number of conditions in the event that the appeal is successful. A number of the suggested conditions are common to the individual appeals, notwithstanding differences in site boundaries. Conditions relevant to the individual appeals are set out in the Annexes to this decision.
55. A number of conditions are suggested mainly to safeguard the visual amenity of the area. For this reason a condition is required for details of any existing and proposed landscaping to be submitted to the Local Planning Authority and approved in writing. In connection with Appeals B and C I will attach a condition requiring the removal of the mesh fence. I also agree that a number of conditions should be attached in respect of all the appeals for the provision and maintenance of landscaping including a requirement for a landscape management plan. These landscape conditions require the permitted use to cease and all tents and other incidental development to be removed in the event that the conditions are not satisfied.
56. I agree that a condition is required to put a restriction on the siting and number of caravan pitches. Whilst the parties agreed in principle that they should only be within the area notated as "Campsite/Red Land" on Drawing WGDP 01 contained in the SCG to the easternmost part of the site, to protect the visual amenity and character of the area and also help to safeguard the living conditions of occupants of nearby dwellings, they differed as to the number of pitches and caravans that would be appropriate in that area.
57. The appellants have suggested that that part of the site could accommodate 15 caravans laid out as illustrated on Drawing: Landscape Plan 2010. The Council considers that the area should be restricted to the northern part of that area such that it would accommodate 11 pitches and caravans (Plots 1-8 and 13-15 on Drawing: Landscape Plan 2010). The disputed area is well contained by earth embankments following the excavation and re-profiling of the ground in that area and it is reasonably well screened by existing vegetation. It is the nearest area to the garden of Keepers Cottage across the public right of way but a considerable distance from the house and the most private part of the

¹¹ Evidence of Charlie Bruce-White

¹² Document 13 to the Inquiry

¹³ Contained in the Statement of Common Ground

garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing WGDP 01) but the number of tents and number of days that would be available for camping are in dispute.
59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.
60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.
61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.
62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95¹⁴ advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

¹⁴ Circular 11/95: The Use of Conditions in Planning Permissions

64. A condition to restrict access to and egress from the land used for tented camping from the southernmost access to the site will safeguard the living conditions of the occupants of Over the Hill. A condition requiring the provision of an alarm system installed to the cesspit will help to prevent pollution to water courses.
65. Finally I will attach a condition to require a written scheme of investigation of archaeological remains and to implement a programme of work based on the findings prior to any ground works being undertaken.

Balance of considerations and conclusion on the ground (a) and s78 appeals

66. Although I have found some limited conflict with SP policy RLT10 and LP policy T9 in respect of the effect of the schemes I do not consider that the proposed development would have a materially harmful effect on the character and appearance of the locality including the SLA. Any resulting harm would be significantly outweighed by direct and indirect economic and tourism benefits to the locality and the wider area. In addition I found that the scheme would not, subject to conditions, have a harmful effect on the living conditions of occupants of nearby dwellings.
67. I conclude that for the reasons given above and having regard to all other matters raised the appeals under ground (a) and s78 should succeed.

The appeal on grounds (f) and (g) (Appeal B)

68. As there is success on ground (a) which leads to the corrected notice being quashed, there is no need to go on to consider the appeals on grounds (f) and (g).

Formal decisions

APP/Y3940/C/10/2139334 (Appeal A)

69. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex A to this decision.

APP/Y3940/C/10/2142020 (Appeal B)

70. I direct that the enforcement notice be corrected by the deletion of "to development took place" and the substitution thereof of the words "to the development taking place" in paragraph 5 requirement (b) and by the deletion of "profiles that" and the substitution thereof of the words "profiles to that" in paragraph 5 requirement (e).
71. Subject to the above corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the carrying out of engineering and other operations on the land, including materially altering

the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing, installation of a cesspool/waste disposal point and enclosing fencing, installing electrical hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex B to this decision.

APP/Y3940/A/10/2136994 (Appeal C)

72. I allow the appeal and grant planning permission for a change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points at Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ in accordance with the terms of the application (Ref S/2010/7/FULL, dated 24 December 2009) and the details submitted therewith and thereafter and subject to conditions set out at Annexe C to this decision.

Kevin Nield

INSPECTOR

ANNEXE C

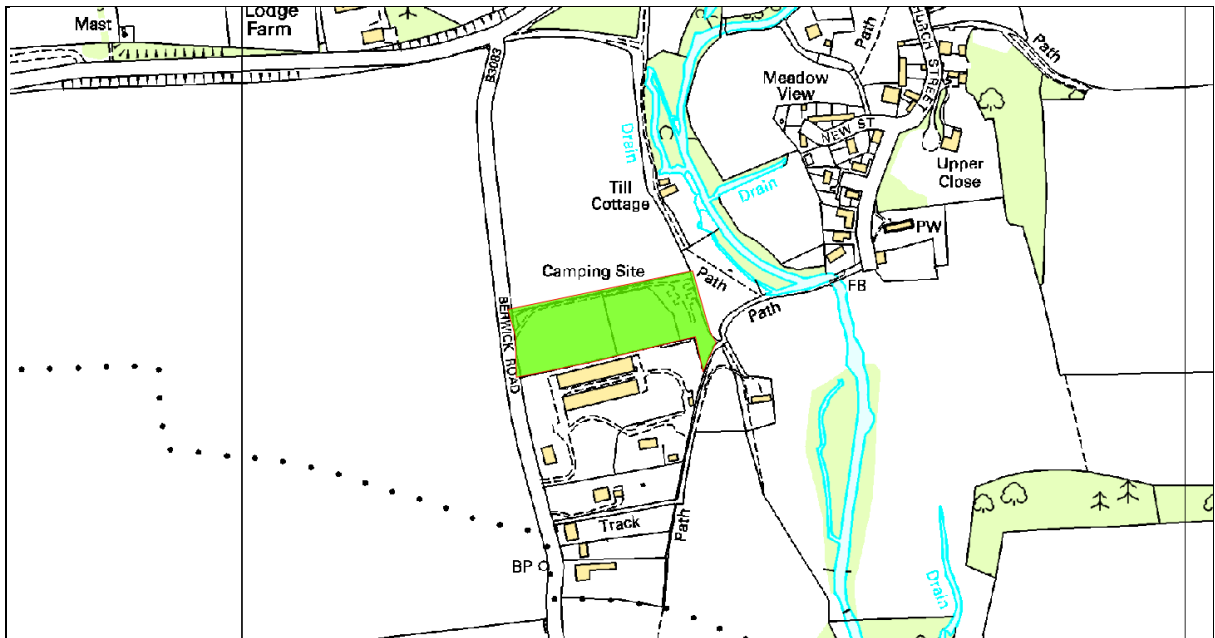
SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.
8. Within seven days of the date of implementation of the permission hereby

- granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained thereafter and made available to the local planning authority for inspection at reasonable notice.
9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).
 10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
 11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
 - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
 - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
 12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cesspit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
 13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.

S/2012/1603 – Stonehenge Campsite, Berwick St James, SP3 4TQ



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	S/2013/0422
Site Address	Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW
Proposal	Redevelopment of the site to form a mixed use development of circa 5,000 sq ft a1 retail floorspace, and 33 later living apartments for older persons including associated landscaping, car parking and access
Applicant	McCarthy & Stone Retirement Lifestyles Ltd
Town/Parish Council	Amesbury West
Grid Ref	415462 141463
Type of application	Full Planning
Case Officer	Mrs Lucy Minting

Reason for the application being considered by Committee

Councillor Westmoreland has called in the application due to the reduction in retail offer in the Town Centre.

1. Purpose of Report

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

2. Report Summary

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

1. Principle of residential proposals
2. Protecting retail centres
3. Impact to the character and appearance of the townscape, conservation area and listed buildings
4. Highway considerations – access/parking
5. The impact on the living conditions of proposed and nearby properties
6. Nature conservation interests and impact to trees in the conservation area
7. Archaeology
8. S106 contributions

The application has generated support from Amesbury Town Council; 13 representations of support and 1 representation of objection.

3. Site Description

The site is located within Amesbury town centre and comprises:

The former two storey Co-op supermarket store (1,580 square metres gross external area). This building is of brick with a built frontage of approximately 25m to Salisbury Street. The store ceased trading in January 2007 with the relocation of the Co-op opposite.

The Co-op owned car park and delivery area to the west of the store accessed from Salisbury Street, and a car park to the east of the store accessed from Salisbury Street. These car parks combined provide approximately 54 parking spaces.

The site is designated as a Conservation Area, an Area of Special Archaeological Significance, and Salisbury Street is designated as Primary Shopping Frontage.

4. Planning History

Application number	Proposal	Decision
316	Erection of Nissen Hut for repair and renovation of showman's goods	AC 07/02/51
452	Erection of vehicular access and store	A 28/05/52
532	Retention of temporary workshop	AC 04/03/53
678	Retention of temporary hut	AC 03/03/54
1175	Retention of temporary workshop	AC 04/03/53
1923	Retention of Nissen hut	AC 01/02/61
2101	Extension of existing workshop and new lubrication and car washing bays.	A 13/09/61
2236	Agricultural showroom and café (future flats over)	AC 24/10/62
2763	Change of use from agricultural machinery showroom and café to supermarket including internal alterations	A 22/04/64
3768	O/L – new supermarket with store over and car parking	AC 20/10/69
3866	O/L – supermarket with store over and car parking	AC 26/01/70
TP/ADV/79	Erection of advertising sign at 74 Salisbury Street	R 05/08/59
TP/0671	Station with repair, service bay and car sales facilities	R 18/01/61
TP/1594	Change of use from residential to shop use within Class 1 of the T.C.P. Act (Use Classes) Order 50	AC 23/02/60
72/0343	O/L supermarket, car park and service yard	WD 28/11/72

73/0034	Alterations to workshop to form showroom at 74/76 Salisbury Street	A 21/05/73
73/0292	Erection of self-service store together with self-contained single dwelling unit and alterations to vehicular access	A 09/10/74
75/0506	Proposed self-service store	AC 30/07/75
77/134	Demolish existing buildings and construction of 2 retail Shops with 1 st floor storage at 77 & 78 Salisbury street Amesbury	AC 07/09/77
77/0131	Erection of supermarket, formation of service area and car park and renewal of existing pavement crossing	A 22/07/77
77/147	Construction of roof across street frontage & re-siting of pavement crossing at Pitts of Amesbury	AC 22/07/77
78/780	Deemed application:- permanent permission for public car park at The Centre, Amesbury	AC 04/09/78
79/23ADV	four advertisement signs in Amesbury:- Old Bus Station, Central Car Park, Recreation Ground	AC 12/06/81
79/1021	Erection of supermarket, formation of service area & carpark. Renewal of existing pavement crossing at Chipperfields Supermarket (vacant) & part of Pitts of Amesbury	AC 24/10/79
79/71/ADV	Internally illuminated projecting sign & single sided sign at Co-op supermarket	AC 20/02/80
81/425	Deemed application:- erection of public conveniences at public car park	AC 20/05/81
85/1458	Internally illuminated shop sign Co-op supermarket	AC 9/12/85
96/1608	C/U of retail supermarket to construct a first floor extension to provide 4 x A1 shops, Salisbury District Council offices D1 (potential health care trust resources centre) and B1 (Social Services)	AC 08/08/97
96/1829	Internally illuminated fascia signs	R 14/02/97
97/1959	Change of use – conversion of existing Co-operative store into 3 shops, one A2 unit and B1 offices	AC 27/01/98
98/0083	Proposed portacabins for temporary office accommodation on exist. store car park for WCC Social Services and SDC	AC 20/03/98
99/1925	Erection Of Granite Replica Of The Original Amesbury Celtic Cross Approximately 10th Century Saxon Era Of Celtic Design	AC 17/12/99
01/1791	8 x graphic panels, 1 X logo & town name 3 x fascia signs, 1 x menu board	AC 01/11/01
04/1644	Installation of automatic Teller machine	AC 08/09/04
04/2526	Installation of automatic Teller machine (REVISED SCHEME)	AC 13/01/05
08/1035	Demolition and redevelopment of existing vacant foodstore, car park, toilet block and removal of trees, erection of new A1 foodstore, car park, toilet block and removal of trees	R 22/12/08
08/1036	Demolition & redevelopment of existing vacant class A1 foodstore, car park, toilet block and removal of trees	R 22/12/08
09/0828	Demolition and redevelopment of existing vacant class A1 foodstore, car park, toilet block and removal of trees.	R 09/09/09

	Erection of new A1 foodstore with surface level and single storey deck car park, landscaping, servicing and associated development including relocation of existing monument	
09/0829	Conservation area consent demolition	R 30/09/09

5. The Proposal

To demolish the existing buildings and redevelop the store to form a mixed use development including ground floor retail floorspace along Salisbury Street frontage and 33 later living apartments for older persons above the retail unit and to the rear of the site, landscaping (including shared amenity space), car parking and access.

6. Planning Policy

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy

G1 (Sustainable development)
G2 (General)
G9 (Planning Obligations)
H16 (Housing policy boundary)
H24 (Housing for the elderly)
D1 (Design)
CN5 (Development affecting the setting of listed buildings)
CN8 (Development in conservation areas)
CN9 (Demolition of buildings in conservation areas)
CN11 (Views into and out of conservation areas)
CN12 (Removal or improvement of features which detract from the quality of the conservation area)
CN17 (Trees in conservation areas)
CN21 (Development within an Area of Special Archaeological Interest)
C11 (Development affecting Areas of High Ecological Value)
C12 (Protected species)
R3 (Public open space)
TR11 (Provision of off-street car parking spaces)
TR14 (Cycling parking)
S1 (Primary Shopping Frontages)
S3 (Location of Retail Development)

Wiltshire Local Transport Plan 2011-2016

South Wiltshire Core Strategy

This was formally adopted at Full Council on 7 February 2012 and now forms part of the development plan for South Wiltshire.

Core Policy 3 (Meeting Local Needs for Affordable Housing)
Core Policy 5 (paragraph 5.53a - Protecting Retail Centres)
Core Policy 19 (Water efficiency and River Avon SAC)

Waste Core Strategy 2009

Policy WSC6 – Waste Reduction & Auditing

SPG

The Amesbury Conservation Appraisal and Management Plan
Councils Adopted Supplementary Planning Document 'Creating Places'.
Shopfronts & Advertisement Design – a guide to shopfronts and advertisement design

Government Guidance

National Planning Policy Framework (NPPF) March 2012

7. Consultations

Highways

No objection subject to conditions and planning agreement in relation to proposed changes to the layby on Salisbury Street

Public Protection

No objection subject to condition to agree the type and level of glazing to be provided to the flats on Salisbury Street frontage

Amesbury Town Council – Support subject to conditions (S.106 recreational funding to be agreed to the relevant scale & S.106 contribution to be secured to improve the public toilets in the town centre car park)

Ecology

No objection – recommend condition for bat bricks and swift boxes to ensure a degree of ecological gain.

Wessex Water

No objection

Highways Agency

No objection - The development will not have a detrimental impact on the Strategic Road Network in this location.

Archaeology

No objection – it is unlikely that significant archaeological remains would be disturbed.

8. Publicity

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

13 representations of support, summarised as follows:

- Lack of specialist accommodation of this type in the area – development will meet this need and should be encouraged possibly releasing family homes back onto market
- Will benefit Amesbury – designed carefully will improve Salisbury Street and will

hopefully revitalise town centre

- Site has been dormant for far too long/eyesore
- Site ideal for later living development being close to town facilities, amenities and public transport
- Improves the commercial prospects of the town
- Car parking proposed should not be shared with local shoppers

1 representation of objection, summarised as follows:

- Town centre location is not conducive to quality of life expected – alternative sites are available and better suited
- Amount of residential will be detrimental to regeneration of site of prime retail importance
- Conflict with condition 25 on new co-op development (which was to ensure that adequate accommodation was retained for one stop shop and retailing facilities in strategically important local centre)

1 representation of comments/queries, summarised as follows:

- Replacement porch details for No 21A will need to be agreed with McCarthy & Stone
- Query where refuse bins will be located
- Possible noise from sub-station and air conditioning units
- Query pedestrian access
- Query what type of retail will be acceptable
- Landscaping should not overshadow

The Stonehenge Chamber of Trade has also supported the application on the following grounds:

We feel that the proposed re-development of the site can only help to improve the look of one of the main streets in Amesbury. However, we would like some assurances that every effort will be made to let the retail units beneath the retirement homes as quickly as possible as we understand that proposed tenants for these are still subject to the Co-op's final approval. We would like to see every effort made to let these as soon as possible so that we are not in the same position we are in now.

9. Planning Considerations

9.1 Principle of residential proposals

The site is located within a Housing Policy Boundary, where the principle of redevelopment for residential use is generally acceptable provided it does not conflict with the retail, design, listed building, conservation policies and other relevant considerations.

Saved policy H24 of the local plan is specifically relevant to residential development proposals for the elderly and also requires the development to have adequate amenity space with a high quality setting and well located in relation to local services and amenities.

9.2 Protecting retail centres

The South Wiltshire Core Strategy (SWCS) seeks to protect and enhance the vitality

and viability of Amesbury (the second largest settlement within south Wiltshire) which functions as a service centre for the communities on the southern edge of Salisbury Plain.

The NPPF requires local plans to 'define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations'

The site is within the town centre and Salisbury Street is designated as a Primary Shopping Frontage, within which retail (A1) development is acceptable in principle (policy S3) and saved policy S1 aims to ensure that retailing activity remains the dominant land use within these areas. The supporting text to policy S1 explains that in order to maintain the area as a retail centre, primary frontages should remain in A1 use:

Primary Frontages

9.8 The Local Plan identifies a number of areas within the City and Amesbury as Primary Frontages. The Local Planning Authority recognises and supports the maintenance of a predominantly retail element within these areas, but also that different but complementary uses, during the day and in the evening can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. The principal role of the Primary Frontage is, however, to maintain the area as the retail centre, and the Local Planning Authority will therefore aim to establish or preserve, as a guide, 60% of each section of Primary Frontage within retail (A1) use. A section of Primary Frontage is considered to be a particular street block frontage, or frontage of 50 metres either side of the application site, whichever is less.

The existing building has a narrow frontage to Salisbury Street but with a deep floorplate extending back into the site. The building provides approximately 1,640 sq. m of gross ground floorspace and 200 sq. m at first floor. The proposed provide a gross internal area of 634 sq. m and net retail area of approximately 541 sq. m.

By replacing approximately 1000 sq. m to the rear of the site with residential apartments it is suggested that the scheme is an erosion of the retail offer. The applicants have provided a report in respect of the retail offer of the site and refute this concern for the following reasons:

- The scheme is fully compliant with policy S1 by retaining and improving the primary shopping frontage in Amesbury and providing improved and more viable retail floorspace to best secure an operator.
- The premises have been vacant since 2007 despite ongoing marketing by national (King Sturge now Jones Lang La Salle) and regional (Mydellton & Major) agents for leasehold or freehold disposal including options of dividing the unit or purchasing part only. Retaining existing vacant floorspace will not enhance the town centre or attract customers to the town.
- It has been difficult to attract viable interest due to the development of the Lidl and Tesco foodstores in out of centre locations at London Road.

- The Co-operative has developed a new food store opposite with 1,394 sq. m net sale area; a net increase of 306 sq. m of convenience floorspace in the town centre.
- Planning consent has previously been granted for a mixed use development with a reduced quantum of retail floorspace under S/1997/1959 for the redevelopment of the building to 2 retail units and unit for A2 use fronting Salisbury Street with the majority and rear proportion of the building permitted for B1 office use.
- The current property with narrow frontage and deep floorplate does not meet modern retail requirements and needs extensive refurbishment or redevelopment which would not change through wholesale conversion and subdivision (e.g. subdividing the length of the unit for smaller units in a different configuration with shop frontages to either side does not address modern retailers requirements to have highly visible and prominent primary shopping frontages). The significant changes in height across the site would also constrain this option by impacting on access and the ability to service the units (goods arriving in the service yard would need to reach sales area set at a higher level to retain a street frontage).
- The floorspace proposed is based on current advice by retail agents Mydellton & Major to best meet occupier requirements and having regard to the change in circumstances (residential growth and the out of retail developments at Amesbury).
- Wholesale conversion has not been possible until an offer was accepted from McCarthy & Stone in 2012 for mixed use residential and retail development.
- A new retail unit provides the most commercially viable scheme and the best opportunity to secure a retailer. The proposed retail unit has not been formally marketed but the improved configuration and design fronting Salisbury Street within the primary frontage has attracted single occupier interest which would be progressed if planning permission is secured. The floorspace has also been designed flexibly to allow subdivision to increase the opportunities for use.

Specific challenges and priorities relating to retail provision in the principal settlements and market towns are identified where appropriate in the Area Strategies. The strategy for the Amesbury Community Area in the emerging Wiltshire Core Strategy (WCS) includes making 'the town a more self-supporting community (to reduce) the need to travel to larger urban centres.' Specific issues and considerations listed include 'the delivery of balanced growth in the community area focused around Amesbury will help to facilitate the delivery of improved infrastructure and greater retail choice in the town'. The strategy does refer to 'potential for further retail provision around the old Co-op store within Amesbury subject to meeting design requirements and the needs of the conservation area appraisal.' but there are no corresponding policies to require this.

Topic Paper 6 dated January 2012 forms part of the evidence base to the WCS and refers to the Core Strategy envisaging 'that each market town develops more detailed local policy through the Neighbourhood Planning process or other planning mechanism'. The neighbourhood planning process is a mechanism for addressing specific local issues. However, in the absence of this, as policy S1 (primary shopping frontage development) will be carried forward from the SWCS into the WCS this is the up-to-date retail policy for Amesbury, which the proposal fully complies with.

Both Amesbury Town Council and Stonehenge Chamber of Trade support the application as submitted

It has been suggested that when the new Co-op store was approved under planning application reference S/2001/2177; a legal agreement/condition was attached restricting the use of the entire former Co-op site to retail use only.

A retail statement was submitted and considered as part of the 2001 application which stated 'if the proposed foodstore obtains planning permission the co-op will relocate from their existing store...Importantly, however, a ground floor area of between 465 and 530 sq.m (net retail sales) of the existing store will be available for the other retailers and the Co-operative would not, despite their ownership of the building, restrict future use of the unit. There is consequently the potential for re-use of part of the unit for a significant amount of retail convenience floorspace.'

The committee report to the 2001 application referred to the existing Co-op providing an opportunity for retail floorspace:

'The Co-op application seeks to relocate the existing 1,068 m sq net sales area with a store offering 1,394m sq net sales area, a gain of 306 m sq. Additionally, the existing store provides an opportunity to re-locate the required one Stop Shop facilities and still provide some 460 – 530 m sq net retail floorspace.'

Condition (25) was added to deal with the existing Co-op store:

(25) Prior to the commencement of any development relating to the construction of the new retail facility hereby approved, the applicant shall submit to and have approved in writing by the lpa a scheme for:

Refurbishment of the existing store, including the proposed location of all retained retail areas;

The marketing of these retail areas;

The re-use of any proposed non-retail areas within the existing store;

Implementation of any refurbishment and reuse;

And the management of the existing co-op facility shall thereafter accord with the approved scheme, or any other scheme that shall subsequently be approved by the lpa.

The new Co-op store has been built and is trading, but the old store remains vacant and there are no records that condition 25 was discharged. However, the proposed scheme includes proposed retail floor space of 541 sq.m – which is within the range of 465 sq.m to 530 sq.m suggested in the retail statement from the time and as such is likely to have been acceptable in terms of condition 25 had it been submitted as a scheme.

As a mixed use retail/residential development on a long vacant town centre site; the scheme is also in accordance with the NPPF requirement to 'recognise that residential development can play an important role in ensuring the vitality of centres and sets out policies to encourage residential development on appropriate sites.'

The applicants have also provided an independent report which looked at the economic benefits of private sheltered housing to a local economy which advises residents are reliant upon local shops and services for everyday requirements.

The applicants have also advised that any increases in retail floorspace at the expense of residential units would render the scheme unviable.

The proposal will improve the retail function of Amesbury and would also accord with the aims and objectives of the Amesbury Area Board Community Strategic plan 2006-2016 which promotes Amesbury as a 'great place to shop, work and visit'.

9.3 Impact to the character and appearance of the townscape, conservation area and listed buildings

Designation as a conservation area does not preclude the possibility of new development, but it is expected to be of a standard high enough to maintain and enhance the quality of the conservation area and be sensitive to its character and appearance. In considering planning applications for new development in conservation areas, the local planning authority will seek to ensure that the form, scale, design and materials of new development is in character and to protect the character and appearance of an area from unsympathetic changes and inappropriate development.

Conservation Areas often vary in character across the designated area. The Amesbury Conservation Appraisal and Management Plan identifies Salisbury Street as a 'character area', characterised by buildings being of a consistent two storey scale, having almost consistent eaves lines and being located on the back edge of pavement helping to strongly define the street.

The blank east elevation side wall to the existing Co-op building (fronting onto the car park to the east of the store accessed from Salisbury Street) and the archway to the car park/service area to the west of the store are both identified in the appraisal as an 'Intrusive element of frontage'.

The existing store does not extend for the width of the site to Salisbury Street, with an open car park accessed from Salisbury Street to the east of the store and another car park and service area to the west of the store accessed through a brick and tiled roofed archway from Salisbury Street.

The proposed scheme has been informed by extensive pre-applications discussions with the local planning authority, including the conservation and urban design officers, and the local community.



The scale and proportions of the Salisbury Street frontage (see plan extract above) will respect the other buildings in Salisbury Street. The overall mass has been broken up by splitting the design into three elements through breaking up the horizontal ridge and eaves lines which respects the existing building plot widths (Nos 31-49 Salisbury Street is a similar width building which is split into three components, similar to that proposed). The

design and materials also have a repetitive character, as found in the white rendered terrace of shops to the south of the site (Nos 10-26 Salisbury Street).



The development extending to the rear (see plan extract above of the elevation fronting the council car park) has been carefully designed to take advantage of the difference in levels and provides three levels of accommodation and the use of traditional pitched roofs, appropriate to the character and appearance of the area, without being unduly high in comparison to adjacent development. The bulk of the building to the rear has also been broken up through the use of differing ridge heights and projecting gable sections.

Subject to careful detailing and quality materials (which could be controlled via conditions) it is considered that the scheme will preserve the character of the conservation area and improve the general townscape without having an adverse impact to the setting of nearby listed buildings.

9.4 Highway considerations – access/parking

The existing car park and delivery area to the west of the store and car park to the east of the store both accessed from Salisbury Street are currently used by visitors to the town centre generating a reasonable volume of traffic movements in and out of the two existing site accesses but these are privately owned (not public car parking).

The proposed scheme includes 20 car parking spaces, cycle spaces and mobility buggy parking within the residential development utilising the existing access to the west of the proposed retail frontage. Staff parking and cycle spaces are proposed for the retail element of the scheme utilising and amending the existing access to the east of the proposed retail frontage.



With the increase in retail frontage, the east access will be narrowed. This will also allow the existing lay-by along the site frontage to be extended to provide space for vehicle deliveries and refuse collection.

Being within the town centre, the site is in sustainable location and no highway objections have been raised to the proposed level of parking subject to conditions (including agreeing the details of the cycle spaces for the retail element, a travel plan, car parking allocation and management plan for the residential aspect and for the agreed parking and cycle spaces to be provided prior to the first use/occupation of the dwellings) and a planning agreement in relation to the proposed changes to the layby on Salisbury Street.

9.5 The impact on the living conditions of proposed and nearby properties

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers. The NPPF paragraph 17 states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

The site has residential flats and development to the east and west (fronting Salisbury Street) and the west boundary of the site with development in High Street.

Residential amenity refers to the quality of residential areas and the value to local residents. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of development in relation to neighbouring properties, gardens and window positions.

Residential amenity is also affected by noise, disturbance and light pollution, and these issues need to be considered. In assessing impact to residential amenity, the existing use of the site must be taken into consideration including potential disturbance from use of the service yard to the north east of the site and whilst the store is vacant the use of the car parks either side of the building would create some disturbance to adjacent uses though not uncommon in a town centre location.

The existing outlook from dwellings and flats surrounding the site (where they overlook the development site) is currently of either the central public car park with mature trees, the existing store, one of the two car parks either side or servicing area.

It is not considered that the scheme will unduly impact upon neighbouring residential amenity in accordance with policy G2. In terms of the amenity of the occupiers of the proposed scheme, both a residents lounge and shared outside amenity space is provided and the site is well located in relation to local services and amenities in accordance with policy H24.

9.6 Nature conservation interests and trees

The National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Due to the extent of existing development on the site, it is considered that the site has a low level of interest for nature conservation and biodiversity although the council's ecologist has recommended a condition to require bat and bird boxes for biodiversity gain which can be conditioned.

There are mature trees to the east of the site within the council owned car park and in residential gardens to the west of the site. Whilst the trees themselves are outside of the development site, a tree constraints plan has been submitted which outlines root protection areas for these trees where they encroach into the development site can be conditioned to ensure their retention.

9.7 Archaeology

The site is within an area of special archaeological significance in the historic core of Amesbury and so has the potential to contain significant remains. However, the site has been subject to trenched evaluation in 2008. The evaluation involved excavation nineteen test pits across the proposal site and adjacent car park. The evaluation demonstrated that

the site has been previously levelled in the post-medieval period, which followed on from the demolition of the buildings which had been previously present on the site.

Although the test pits did not sample the footprint of the Old Co-op itself, the council's archaeologist has advised that it is reasonable to suppose that the truncation in this area will be of the same or greater extent than that of the adjacent open areas and that the potential for the site to include significant archaeological remains has been severely reduced by the later land-use and that no further archaeological investigations are required.

9.8 S106 Contributions

The Town Council has requested that S106 contributions are provided to improve the public toilets within the council owned car park.

Regulation 122 of the Community and Infrastructure Levy Regulations 2010 only allows planning contributions where there are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is unlawful to make financial contributions that do not comply with these tests. The proposed development would not necessitate improvements to the public toilets and such a contribution would not be CIL compliant.

Separate to the planning application; the Land Adoptions Team has advised that investigation has taken place with regards to possible re-location of the Public Conveniences within the Car Park but at this time concluded that they did not wish to relocate them and therefore they will remain in-situ.

There are a number of CIL compliant S106 contributions triggered by the development as follows:

- Core Policy 3 of the South Wiltshire Core Strategy requires on all sites over 15 dwellings to provide 40% on site affordable housing. The New Housing Team has advised that it would be appropriate for this to be an off-site contribution instead based as the proposed development does not lend itself to on-site delivery.
- 'Saved' Policy R3 from the Salisbury District Local Plan requires residential proposals for accommodation for older persons to make financial contributions towards public open space.
- The site is also within 4km of the Salisbury Plain Special Protection Area (SPA). This European site is protected for its population of breeding stone curlew. Additional housing within the visitor catchment of Salisbury Plain is likely to increase the recreational pressure on the plain and new residential developments within 4km of the SPA are required to pay a one-off contribution towards the Wessex Stone Curlew Project of £109.82 per dwelling in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA. Natural England has confirmed that if such mitigation is not secured, applications for housing in this area would not pass a Habitats Regulations Assessment and could not legally be permitted.
- Waste and recycling contributions are also applicable.

Core Policy 3 states 'the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the development'. The applicant has provided an open book financial viability appraisal to the New Housing Team. The Housing Officer has used this to complete a financial appraisal of the development and as a result it is not viable to seek all of the S106 contributions as the resultant land value would be less than the existing use value of the site.

Where viability is an issue it is necessary to prioritise the obligations which are essential to make the development work at all.

Contributions towards the stone curlew project are essential for the development to be Habitat Regulations compliant and waste and recycling contributions are also essential as householders generate rubbish which has to be collected.

Affordable housing provision and off-site recreational open space contributions are considered to be desirable but are not essential to enable the development to 'work' either in isolation or within the wider context.

Provision of Affordable Housing is a Strategic Objective of the Wiltshire Core Strategy. Strategic objective 3 of the Core Strategy is to provide everyone with access to a decent, affordable home and Strategic Objective 6 is to ensure that adequate infrastructure is in place to support our communities.

Stone curlew and waste and recycling contributions are non-negotiable, essential contributions but where there is a shortfall in the contributions; affordable housing is given the priority over other competing desirable provisions/contributions. The viability appraisal identified a surplus of £19,395 which could be used towards affordable housing provision.

The agreed S106 contributions are as follows

Affordable Housing - £19,935 towards the cost of enabling the provision of Affordable Housing

Waste & recycling - £3,278 to be applied toward the provision of recycling and waste facilities within the locality of Amesbury

Stone curlew - £3,624 to be applied towards the Wessex Stone Curlew Project.

The owners have agreed a draft S106 agreement for these contributions to be paid on commencement of development.

10. Conclusion

The proposed scheme increases the length of retail frontage to Salisbury Street fully in accordance with policy S1 and the site is also in the Housing Policy Boundary so housing is also acceptable in principle. The core planning principles of the National Planning Policy Framework include that planning should also promote mixed use development in sustainable locations.

Whilst there is an overall reduction in retail floorspace with the loss of the existing supermarket building, the retail floorspace being created is more flexible and more useable to the retail market and is considered to improve the retail function of Amesbury.

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

RECOMMENDATION

That subject to the applicant entering into a S106 agreement to secure contributions towards affordable housing, waste and recycling facilities and the Wessex Stone Curlew Project, Planning Permission be GRANTED.

And subject to the following conditions:

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

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

(2) No development shall commence 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: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(3) No walls of the development hereby permitted shall be constructed until a sample panel of the brickwork and flintwork not less than 1 metre square, demonstrating the face bond of the brickwork, the type of flint, style of flintwork and the mortar mix and finish and pointing style have been constructed on the site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(4) No walls of the development hereby permitted shall be constructed until a sample panel of the render to be used on the external walls not less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample (WB12).

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

(5) No development shall commence on site until large scale details of all eaves, verges, windows, (including elevations and sections of the windows, head, sill and window reveal details), doors and rainwater goods 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: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(6) No development shall commence on site until large scale horizontal and vertical section plans (1:10 scale) of the shopfront to demonstrate the projection of the fascia, pilaster and

stallriser 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: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(7) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing including a timetable for implementation by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the agreed timetable for implementation (WB17).

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

(8) No development shall commence on site until a noise pollution attenuation scheme for the flats on the Salisbury Street frontage (labelled 10, 11, 12, 14 & 27 on drawing no A01-1883-04 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of residential amenity.

(9) 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard surfacing materials

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(10) 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, in the interests of visual amenity and the character and appearance of the area.

(11) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the retained trees shown on plan number 7999/01 shall be submitted to and approved in writing by the local planning

authority. All works shall subsequently be carried out in accordance with the approved details. In particular, the method statement must include:-

A specification for protective fencing to trees to be retained as shown on plan number 7999/01 during both demolition and construction phases which complies with British Standard 5837:2005 and a plan indicating the alignment of the protective fencing.

A Specification for scaffolding and ground protection within tree protection zones in accordance with BS 5837:2005.

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

(12) No development shall commence on site until details of the number, design and locations of measures which will be incorporated into the development to provide nesting opportunities for birds and roosting opportunities for bats, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The development will be completed in accordance with the approved details and implementation and retained for annual use by bats and breeding birds.

Reason: To safeguard protected species and mitigate against the loss of existing biodiversity and nature habitats

(13) No development shall commence on site until details have been submitted to and approved in writing by the local planning authority of cycle parking spaces for the retail development and the spaces shall be implemented in accordance with the approved details prior to the retail development first being brought into use.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable development.

(14) No development shall commence on site until a Travel Plan has been 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.

(15) The car parking spaces and access roads thereto shown on the approved drawings shall be completed prior to the occupation of the development land uses for which they are intended.

Reason: In the interests of highway safety and the amenity of future occupants/users of the development.

(16) The residential development hereby permitted shall not be first occupied, until the cycle parking facilities for the residential development shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable transport.

(17) Prior to the occupation of the any residential dwelling a car parking allocation and management plan shall be submitted to and approved in writing by the local planning authority. The sixteen car parking spaces provided for the residential development shall thereafter be allocated and managed strictly in accordance with the approved plan.

Reason: In the interests of highway safety and to help ensure that demand for spaces is restricted to match the provision.

(18) No development shall commence on site until details showing ventilation and extraction equipment within the site for the retail element of the scheme hereby approved (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the retail development hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details. (WF14)

Reason: In the interests of amenities of the area

(19) No development shall take place until a legal agreement with the highways authority in relation to the proposed changes to the layby on Salisbury Street has been entered into to secure:

1. Alteration and amendments to the dimensions of layby on Salisbury Street fronting the site.
2. Traffic regulation order required to be modified or introduced to regulate use of the layby site traffic and other potential defined users.
3. The submission of a service delivery management plan to be effected by the retail development.
4. Details for the protection/alteration of existing public path at the east side of the site.

Reason: In the interest of highway safety

(20) The second floor flat roof area of the development hereby permitted above the residents lounge (shown on drawing number A01-1883094 Rev B) shall not be used as a balcony, roof garden or similar amenity area (WE14).

Reason: In the interests of residential amenity and privacy.

(21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the ground floor retail element of the scheme (outlined on plan number A01-1883-03 Rev C) site shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). (WFA)

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

(22) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number A01-1883-20 Rev A, South West Elevation North West Elevation, dated May 2013, received by this office 26/06/2013

Plan number A01-1883-03 Rev C Ground Floor Plan, dated Feb 2013, received by this office 26/06/2013

Plan number A01-1883-05 Rev A Proposed Elevations, dated Feb 2013, received by this office 27/06/2013

Plan number A01-1883-02 Rev A Proposed Site Layout, dated Feb 2013, received by this office 21/06/2013

Plan number A01-1883-01 Rev A Site Location Plan, dated Feb 2013, received by this office 20/06/2013

Plan number A01-1883-04 Rev B Upper Floor Plans, dated Oct 2012, received by this office 29/05/2013

Plan number LP233/01A Landscape Strategy Plan, dated Feb 2013, received by this office 15/04/2013

Plan number A01-1883-12 Section Elevations A to J, dated April 2013, received by this office 15/04/2013

Plan number 7999/01 Tree Constraints Plan, dated Sept 2012, received by this office 26/03/2013

Plan number A01-1883-06 North East Elevation and Section AA, dated March 2013, received by this office 07/03/2013

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

Informatives

Permission not authorising work on land outside the applicant's control & party wall act

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996 (WP18).

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.

Section 106 Agreement

This permission shall be read in conjunction with the Section 106 Agreement dated (To be completed) 2013, which is applicable to this application, in terms of its restrictions, regulations or provisions.

Highways

The consent hereby granted shall not be construed as authority to carry out works on the highway.

A Section 278 Agreement allows developers to enter into a legal agreement with the Highways Authority to make alterations to the public highway to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Proposals relating to the alterations of the layby fronting the site will be considered by the highway authority on the basis of all potential users. There can be no guarantee that space will be available at a particular time for the private use of the retail development.

Advertisement consent required

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

Wessex Water

The existing foul sewerage network has adequate spare capacity to serve the current proposals for foul drainage.

The current plans indicate that on site drainage will not be offered for adoption to Wessex Water. Appropriate measures should be made for the maintenance and repairs of these sewers. Please refer to Wessex Water's Advice Note 16 for further guidance on the National Building standard (NBS).

When the NBS is implemented it will be mandatory for new shared drainage to be adopted by the sewerage undertaker.

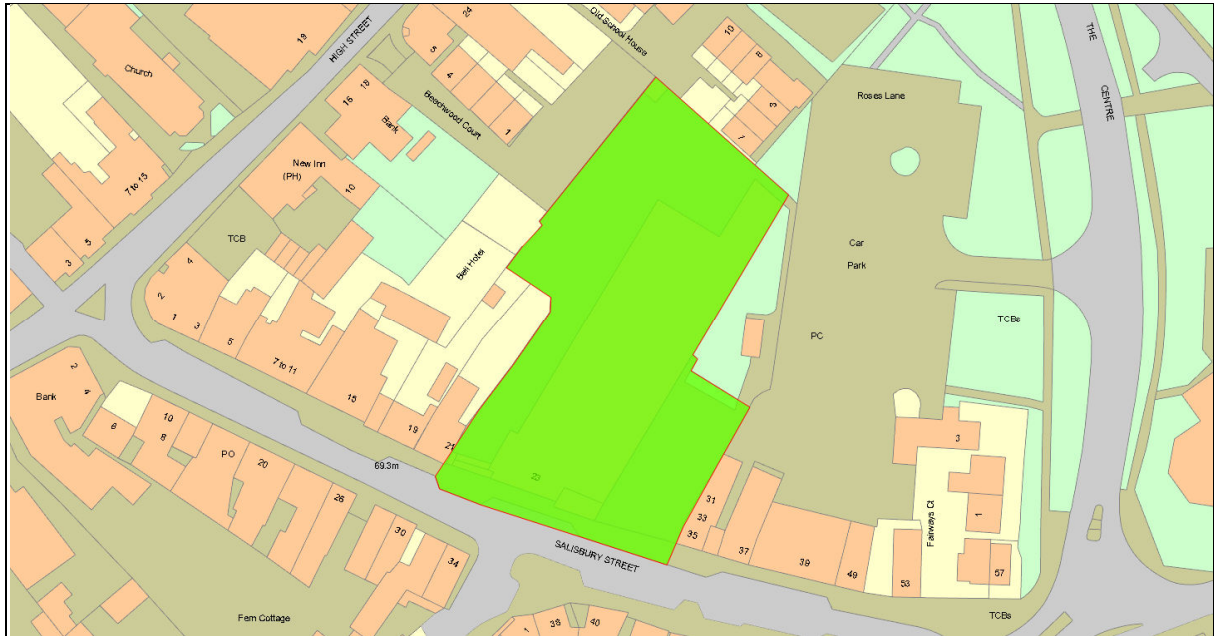
If the development site is constructed prior to the implementation of the NBS and the site is not a single managed site, some of the drainage will be subject to secondary sewer transfer to Wessex Water 6 months after the NBS is introduced.

Surface Water – Proposals indicate drainage to highway drain; the applicant should consider soakaway arrangements. If the surface water system is to be served by soakaways the surface water sewers do not, in effect, drain to a public system and will not be subject to mandatory transfer.

Water Supply – Adequate capacity exists; building above 2 storeys may require on site boosted storage.

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S/2013/0422 – Former National Cooperative Store, Amesbury, SP4 7AW



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	S/2012/1834
Site Address	Area 10, Old Sarum, Salisbury, SP4 6BY
Proposal	Erection of 69 dwellings and associated car parking, landscaping and infrastructure
Applicant	Persimmon Homes Wessex
Town/Parish Council	Laverstock
Grid Ref	415350 133837
Type of application	Full Planning
Case Officer	Amanda Iles

REASON FOR REPORT TO COMMITTEE

Cllr Ian Mclennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12 although at the time of preparing this report these appeals have not been validated by the Planning Inspectorate.

1. Purpose of report

To consider the above application and to recommend 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 additional dwellings
2. Impacts on heritage assets
3. Impact on character of area/compliance with Design Code
4. Impact on residential amenities
5. Impact on highway system/parking
6. Affordable Housing
7. Other Matters
8. Linkages to adjacent site
9. S106 Heads of Terms

The Parish Council object

Neighbourhood Responses:

26 letters commenting on the application received

3. Site Description

The site is located north west of the existing housing on The Portway adjacent to the City Brisk site with Partridge Way beyond and the proposed employment land to the north-west.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

The wider area around the site contains Old Sarum Airfield, which was recently designated as a Conservation area, and to the south west lies Old Sarum Scheduled Ancient Monument. The wider landscape is designated as being a Special Landscape Area.

4. Relevant Planning History

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

There are several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826-ModPlayingFields,OldSarum,Salisbury,
Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – Area 9a& 9b – Erection of 40 dwellings, car parking, and landscaping.

S/2012/1835- Area 11 - Erection of 35 dwellings with associated car parking, landscaping and infrastructure.

S/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1829 -Local Centre - Reserved matters application for the erection of 30 dwellings, local facilities, car parking and landscaping.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.

5. Proposal

This is a full application for the erection of 69 dwellings, car parking and landscaping.

6. Planning Policy

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan)

could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.

CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

7. Consultations

Laverstock & Ford Parish Council

Object as the proposal will result in additional houses over and above the originally agreed 630 with resultant impact on the community facilities, school and already challenging parking situation.

Highways Agency

No objection

Natural England

No objection

English Heritage

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

Environment Agency

No objection

MoD

No safeguarding objections

RSPB

Identified the increased recreational pressure on the Salisbury Plan Special Protection Area

Archaeology Department

No objection subject to condition (see below)

Environmental Health Department

Object (see below)

Open space Department

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106.

Education Department

No objections subject to additional financial contributions for primary and secondary provision

Waste and Recycling Department

No objections subject to additional contributions in line with policy

Highways Department

Awaited

Ecology Department

No objection subject to condition (see below)

Housing Department

Do not object in principle to additional affordable housing, but do not support the lack of provision of affordable housing on Area 12 which results from it

Wiltshire Police

Highlighted some areas of poor natural surveillance

Wiltshire Fire & Safety

Identified some areas where building regulations will need to consider access and facilities for the fire service and water supplies for fire fighting and requested developer contributions towards additional or enhanced fire and rescue service infrastructure.

8. Publicity

26 letters of objection were received regarding:

1. Land previously identified as green space will be built on
2. More houses than originally planned are to be built
3. The proposal will increase ground water run-off and flooding
4. Vehicle movements will be increased in the area with resultant increase in air pollution and noise
5. The infrastructure is not sufficient to support extra people

6. The school will not be sufficient to meet the needs of the enlarged estate
7. There is no children's or youth's play area proposed
8. The density of the housing will increase disallowing natural light
9. The estate is already overcrowded with insufficient parking
10. Parking spaces "nose to tail" for two cars on a driveway is impractical so people will park on the street
11. House prices will decrease if more houses are built
12. Existing archaeology will be destroyed
13. The open area of the settlement of Old Sarum will be blighted
14. It will affect ecology
15. It will result in loss of privacy and views for residents on The Portway
16. The existing road crossing on The Portway is poorly designed
17. There is too much affordable housing
18. The density is too high
19. The block of flats is out of keeping in terms of height
20. The shops and doctors have not been built as planned

Old Sarum Residents Association

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Exacerbate existing parking problems
- The density of the dwellings is too high
- There is too much affordable housing

One email from COGS (Cycling Opportunities Group for Salisbury), objecting to the proposal due to:

- i) Additional dwellings not in the Local Plan
- ii) No residential travel plan submitted
- iii) No targets or monitoring of sustainable transport initiatives is proposed
- iv) No improvements to the cycle network are proposed
- v) The design of the development does not assist promotion of sustainable transport modes and prevent dominance by cars
- vi) Parking spaces are excessive in number
- vii) No cycle parking in the public areas has been proposed

9. Planning Considerations

9.1 Principle of additional dwellings

The wider mixed housing and employment site originally appeared in the draft Salisbury District Local Plan in 1998, and was eventually formally allocated as a development site in 2003 as part of the adopted Local Plan. In 2005, a development brief for the site was adopted, which sought to provide more specific guidance for the future development of the site. The land subject of this application formed part of this allocation.

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent. However, crucially, in the Development Brief document, there is allowance made for 3 areas of land within the allocation which would be developed post 2011. At that point (2005), the plans within the Development Brief document do not identify the application site as one of the three post 2011 sites (ie the site fell at that time within the pre-2011 housing area for 630 dwellings).

However, the land subject of this application is identified in the Design Code masterplan document of 2007 as “post 2011” land, and the inference from the text of this document is that this land is above and beyond the 630 dwellings originally envisaged.

At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site, the majority of the proposed dwellings (67) would be over and above the provision of housing originally envisaged. However, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. Further, the inclusion of the site within the Development Brief and later the Design Code as described above would make a refusal in principle difficult to justify. The principle of the provision of 69 dwellings on this land is therefore not so clear cut.

Officers therefore advise that this application should not therefore be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

Therefore the current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

9.2 Impact on heritage assets

The site is located close to the Scheduled Ancient Monument of Old Sarum and the newly designated Old Sarum Conservation Area. English Heritage has not objected to the scheme requesting that the application is determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.

All and any development on the allocated land (and hence to a lesser extent on the current application site) will be readily visible from the surrounding landscape, and will fundamentally alter the character of the landscape in this particular area and as viewed from surrounding vantage points, particularly Old Sarum Monument.

Similarly, the development will be readily visible from the Conservation Area. However, in this particular instance, the Conservation Area was designated because of the historical significance of the adjacent Old Sarum airfield, and not because of any intrinsic character which existing in the surrounding landscape or the buildings. It may therefore be difficult to argue that any development on sites adjacent to the Conservation Area would not preserve/enhance the character of that Conservation Area. Given the lack of any objections from English Heritage, it is considered that a refusal of the scheme in terms of the impacts on heritage assets would be difficult to justify.

9.3 Impact on character of the area/Compliance with Design Code

As part of the outline planning application, a detailed design code was submitted. This outlined in some detail how the various buildings and spaces on the site as a whole would be treated and designed. As part of the outline planning permission, a condition was attached to that consent which essentially required all future development to be carried out in accordance with the details pursuant to the design code, unless otherwise agreed.

It is considered that the proposal would accord with the description of the character areas. As a result, it is considered that it would be difficult to justify a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area.

9.6 Impacts on Residential Amenities

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit. In considering this point, it is therefore considered that Members should focus on the actual impacts created by the proposed dwellings on adjacent development/housing, and not on the principle of using the site for housing. In focussing on the actual impacts, it should therefore also be accepted that any amount of housing on this site is likely to have a certain level of impact on surrounding dwellings as opposed to leaving the site free of development. The Design Code suggests that this area should fall within the “Urban Core”, a higher density residential area.

In officers opinion, the overall bulk and massing of the dwellings, and their relationship to adjacent dwellings, is not unduly cramped, and is considered to be acceptable, and accords with that suggested by the indicative layout shown in the Design Code. The dwellings as planned are reasonably spacious, and of a two storey design typical of modern housing estates. It is therefore considered that, (notwithstanding the fact that this scheme would represent an increase in dwellings beyond the 630 originally planned for), the scheme as designed would not cause any significant or undue harm to the amenities of the occupiers of adjacent dwellings, in terms of over dominance, overshadowing or reduced privacy, over and above that which would normally be expected within an ordinary housing development.

Vibration and noise issues

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council’s environmental health officers object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme. Therefore they object to the application, given that suitable attenuation measures have not been identified regards the existing vibration/noise issues.

Lack of open space on site

The Council’s Open Space officer considers that a physical open space does not need to be provided on this site, given the close proximity of the site to planned play areas and open land. However, he has requested that additional financial contributions be provided towards the enhancement of planned facilities in the vicinity. These matters will need to be secured via a S106.

9.5 Impacts on Highway System/Parking

Officers are already aware that existing residents of Old Sarum consider there to be a traffic/parking issue on the estate, which appears to be as a result of the combination of quite narrow roads and the parking of cars on the highway, instead of in allocated rear parking courts. The addition of more dwellings above and beyond the 630 dwellings originally planned for has therefore cause significant concern among the local populace.

The Highways Department have raised some issues with regard to the parking and have requested that a vehicle swept path analysis be submitted to show that service vehicles can negotiate the road network, and drawings to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

The comments of the Highways officer are awaited regards following the submission of amended plans and details.

9.6 Affordable Housing

Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. In the Design & Access Statement the applicant has suggested that the 40% affordable housing (9 units) will in this instance be provided on Area 10 instead of area 12, which is also subject to a current planning application (S/2012/1836).

However, the Council's Housing officer has raised an objection to that proposal as an even balance of affordable housing provision across the site should be achieved, and deal with each application on its own merits, on the basis that there is no guarantee that the application for Area 10 will achieve consent. In the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements. In addition, the inclusion of those additional 9 units on Area 10 creates an area with a high density of affordable housing.

Whilst it might be possible to approve this current application but with a stipulation that only 40 percent of the housing would be affordable, at the time of writing, no S106 exists, and therefore the applicant has not agreed at this stage to limit the number of affordable dwellings on the site to 40 percent. Members should not that such a proposal may or may not require adjustments to the submitted plans.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

9.7 Other matters

Ecology

The area within which the Old Sarum development is located is ecologically sensitive.

The Council Ecologist considers that there will be an impact on wildlife due to the increased urbanisation and loss of arable/grassland habitats. Where hedgerows fall within the curtilage of new properties there is no security that the hedges will be managed or even retained further reducing habitat. Therefore she has requested that conditions be added requiring the submission of a Construction Environmental Management Plan (CEMP) and a landscaping plan. A landscaping plan has subsequently been submitted so this condition is no longer required. As the development is within 15km of the Salisbury Plain SPA a contribution is required towards the Wessex Stone Curlew Project under Core Policy 22 a contribution will be required per dwelling which should be done via a legal agreement.

Archaeology

An archaeological investigation has been undertaken as part of outline application S/2005/0211, and this application site contains three Bronze Age barrows which were excavated in the autumn of 2006. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction. As such a condition relating to this could be added to any approval.

Drainage

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, no objections have been received from any consultee regards this matter, and it is considered that a refusal on this matter alone would be difficult to justify.

Waste and Recycling

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then.

The Council's waste and recycling officer has no objections subject to appropriate provision being secured via a legal agreement.

Education Provision

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. This provision should be secured via a S106 Agreement.

Public Art

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. This provision should be secured via a S106 Agreement.

Community Hall

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. Additional dwellings at Old Sarum will place additional pressure of this facility, and it considered that any additional dwellings should provide additional funding. This provision should be secured via a S106 Agreement.

9.8 Linkage to adjacent site

Members should note that this site offers the opportunity to create a linkage with the adjacent land which is owned by a separate third party (which was allocated and further identified as possible future development land in the Development Brief of 2005 and the Design Code document of 2007 as Area D). It also offers the opportunity to remove a "ransom strip" along this part of the boundary which is owned by another third party. However, this would have to be achieved via a S106 between the Council, the applicant, and any third party land owners.

9.9 S106 Heads of Terms

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As a result, and subject to legal advice, it is considered

that the following additional contributions be made towards the mitigation of the impact of the development:

- Additional public open space facilities
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards Stone Curlew project
- Contributions towards transport infrastructure
- Vehicular/pedestrian link to adjacent land including removal of ransom strip

10. Conclusion

The area of land in question is identified in the Design Code document 2007 as land which may be suitable for development after 2011. It is also located within an emerging settlement, and hence, its development for housing would accord generally with national and local planning policies.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Secondly, the proposal is considered to be contrary to Core Policy CP3 in that without a suitable S106 Agreement, it makes no provision for 40 percent affordable housing within the application scheme, and seeks to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aims to provide high quality affordable housing, and mixed healthy communities.

Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation.

RECOMMENDATION: REFUSE, for the following reasons:

1. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. However, the proposal suggests that no affordable housing will be provided on another separate parcel of land (Area 12), subject to a current separate planning application (S/2012/1836), and that all the affordable housing provision for that Area would be included on Area 10 subject of this application.

However, the current proposal would create an uneven balance of affordable housing provision across the wider site and in the absence of a suitable legal agreement which agrees to 40 percent affordable housing provision, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

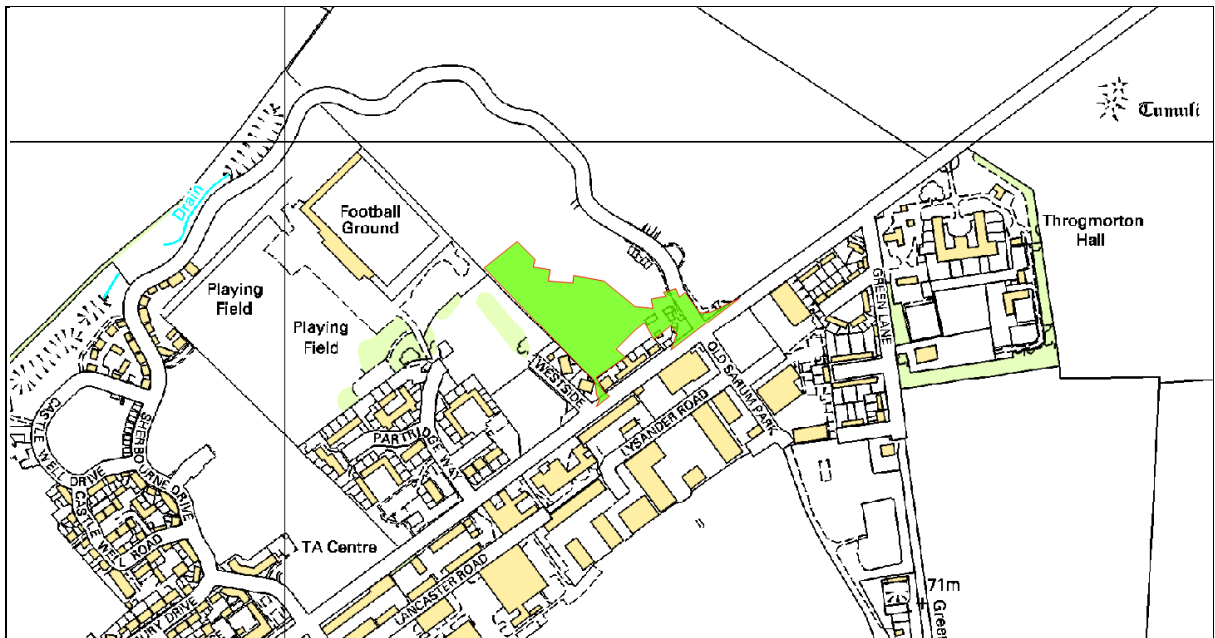
- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities
- Vehicular/pedestrian link with adjacent land including removal of ransom strip

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8 & R2 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123

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S/2012/1834 – Area 10, Old Sarum, Salisbury. SP4 6BY



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25th July 2013
Application Number	S/2012/1835
Site Address	Area 11, Old Sarum, Salisbury, SP4 6BT
Proposal	Erection of 35 dwellings with associated car parking, landscaping and infrastructure
Applicant	Charles Church Wessex
Town/Parish Council	Laverstock
Grid Ref	415180 134162
Type of application	Full Planning
Case Officer	AMANDA ILES

REASON FOR REPORT TO COMMITTEE

Cllr Ian McLennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12 although at the time of preparing this report these appeals have not been validated by the Planning Inspectorate.

1. Purpose of report

To consider the above application and to recommend 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 additional dwellings
2. Impact on heritage assets
3. Impact on character of area/compliance with Design Code
4. Impact on residential amenities
5. Impact on highway system/parking
6. Affordable Housing
7. Other Matters
8. S106 Heads of Terms

The Parish Council object

Neighbourhood Responses:

25 letters commenting on the application received

3. Site Description

The site forms part of the SWALE land, north-west of the proposed Area 9A/9B and the approved Area 2 which is under construction.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

The wider area around the site contains Old Sarum Airfield, which was recently designated as a Conservation area, and to the south west lies Old Sarum Scheduled Ancient Monument. The wider landscape is designated as being a Special Landscape Area.

4. Relevant Planning History

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

There are several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826 - Mod Playing Fields, Old Sarum, Salisbury, Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – Area 9a& 9b – Erection of 40 dwellings, car parking, and landscaping.

S/2012/1834- Area 10 - Erection of 69 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1829 -Local Centre - Reserved matters application for the erection of 30 dwellings, local facilities, car parking and landscaping.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.

5. Proposal

This is a full application for the erection of 35 dwellings, car parking and landscaping.

6. Planning Policy

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan) could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.

CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

7. Consultations

Laverstock & Ford Parish Council

Object as the proposal will result in additional houses over and above the originally agreed 630 with resultant impact on the community facilities, school and already challenging parking situation.

Highways Agency

No objection

RSPB

Identified the increased recreational pressure on the Salisbury Plan Special Protection Area

Natural England

No objection

English Heritage

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

Environment Agency

No objection

MoD

No safeguarding objections

Ecology Department

Objection

Housing Department

No objection

Archaeology Department

No objection subject to condition (see below)

Environmental Health

Object (see below)

Open space Department

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106.

Highways Department

Awaited

Education Department

No objections subject to additional financial contributions for primary and secondary provision

Waste and Recycling Department

No objections subject to additional contributions in line with policy.

Wiltshire Police

Highlighted some areas of poor natural surveillance

Wiltshire Fire & Safety

Identified some areas where building regulations will need to consider access and facilities for the fire service and water supplies for fire fighting and requested developer contributions towards additional or enhanced fire and rescue service infrastructure.

8. Publicity

25 letters of objection were received regarding:

1. Land previously identified as green space will be built on
2. More houses than originally planned are to be built
3. The proposal will increase ground water run-off and flooding
4. Vehicle movements will be increased in the area with resultant increase in air pollution and noise
5. The infrastructure is not sufficient to support extra people
6. The school will not be sufficient to meet the needs of the enlarged estate
7. There is no children's or youth's play area proposed
8. The density of the housing will increase disallowing natural light
9. The estate is already overcrowded with insufficient parking
10. Parking spaces "nose to tail" for two cars on a driveway is impractical so people will park on the street
11. House prices will decrease if more houses are built

12. Existing archaeology will be destroyed
13. The land is good for cereal crops
14. The open area of the settlement of Old Sarum will be blighted
15. The surrounding conservation areas will be built on affecting ecology
16. The swales are required for drainage and should not be built on
17. It will result in loss of privacy and views for residents on The Portway
18. The existing road crossing on The Portway is poorly designed
19. The community hall and local centre have not been built yet
20. Country walk trails have been created on the Swale land
21. The existing road layouts are inadequate
22. The proposal will have an impact on the surrounding road network
23. The land is needed as a buffer between Old Sarum and Longhedge

Old Sarum Residents Association

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Exacerbate existing parking problems
- The density of the dwellings is too high
- There is too much affordable housing

Salisbury Civic Society

- Strongly object to the loss of the open space and the strategic landscaping

One email from COGS (Cycling Opportunities Group for Salisbury), objecting to the proposal due to:

- i) Additional dwellings not in the Local Plan
- ii) No residential travel plan submitted
- iii) No targets or monitoring of sustainable transport initiatives is proposed
- iv) No improvements to the cycle network are proposed
- v) The design of the development does not assist promotion of sustainable transport modes and prevent dominance by cars
- vi) Parking spaces are excessive in number
- vii) No cycle parking in the public areas has been proposed

9. Planning Considerations

9.1 Principle of additional dwellings

The wider mixed housing and employment site originally appeared in the draft Salisbury District Local Plan in 1998, and was eventually formally allocated as a development site in 2003 as part of the adopted Local Plan. In 2005, a development brief for the site was adopted, which sought to provide more specific guidance for the future development of the site. The land subject of this application formed part of this allocation.

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent.

At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site, the majority of the proposed dwellings (33) would be over and above the provision of housing originally envisaged. However, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. However, officers advise that this application should not be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

The provision of 35 dwellings is not so clear cut. The current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

9.2 Impact on heritage assets

The site is located close to the Scheduled Ancient Monument of Old Sarum and the newly designated Old Sarum Conservation Area. English Heritage has not objected to the scheme requesting that the application is determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.

All and any development on the allocated land (and hence to a lesser extent on the current application site) will be readily visible from the surrounding landscape, and will fundamentally alter the character of the landscape in this particular area and as viewed from surrounding vantage points, particularly Old Sarum Monument.

However, the existing development is already readily visible from the Conservation Area of the Old Sarum Monument, and whilst this proposal would protrude even further into the landscape buffer around the development, given the lack of objection from English Heritage on this point, it is considered an objection to this development based on the visual impact on the setting of the Old Sarum SAM would be difficult to justify.

Regards the impact on the adjacent Conservation Area of the Airfield, the Conservation Area was designated because of the historical significance of the adjacent Old Sarum airfield, and not because of any intrinsic character which existing in the surrounding landscape or the buildings. It may therefore be difficult to argue that any development on sites adjacent to the Conservation Area would not preserve/enhance the character of that Conservation Area, and particular, as the site is well screened and separated from the nearby Conservation Area and listed buildings, it is considered that any harm caused would be negligible.

9.3 Impact on character of the area/Compliance with Design Code

As part of the outline planning application, a detailed design code was submitted. This outlined in some detail how the various buildings and spaces on the site as a whole would be treated and designed. As part of the outline planning permission, a condition was attached to that consent which essentially required all future development to be carried out in accordance with the details pursuant to the design code, unless otherwise agreed.

The Design Code splits the larger allocated site up into 3 broad residential neighbourhood areas (see page 27 of Design Code), namely:

Urban Core - The highest density area including the planned school and retail area, with densities of typically 45 dwellings per hectare.

Medium Density – Intended as a natural progression between the Urban Core and Rural edge areas, with typical density of 30-35 dwellings per hectare.

Rural Edge – This is the lowest density area of between 20-25 dwellings per hectare.

This site was not originally proposed for housing and therefore was not identified as a character area in the Design Code. However, it is close to the rural edge of Areas 9A/9B and 2 and therefore it is considered that it should reflect this character area.

The Design Code states that this will represent a rural edge character with large houses and has areas of both low and medium density. Detached buildings will predominate with occasional semi-detached and short terraces. Buildings will be predominately 2 storey with the occasional 2.5 storey feature building. There will be no consistent building line with buildings arranged informally with variable width of front gardens. Brick and render will be the predominant materials with natural stone and flint used on some buildings.

Whilst it is considered that the proposal would accord with the general description of the above character area, the very fact that the dwellings are being proposed on an open area of land adjacent to the originally planned “Country Lane” dwellings seems to defeat the fundamental purpose and concept of this character area, in that the originally planned dwellings would not then be situated on the edge of the development.

As a result, it is considered that a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area is justified.

9.4 Impacts on Residential Amenities and loss of open space

The application site is shown in the agreed Masterplan as forming part of a larger public open space, which had been formed due to the need to provide SWALES to serve as drainage ditches for the proposed development.

The applicants are now assert that part of the SWALE drainage area is no longer needed for drainage purposes, with drainage for the dwellings being undertaken largely through other more traditional methods (soakaways etc). The applicants drainage report supports this assertion, and the various consultees have not objected to the loss of part of the drainage area. Therefore, in terms of the impact of the scheme on the drainage and flooding, it is considered that it would be difficult to justify refusal. The applicants argue simply that as there is an over provision of open space on the development, that it would therefore be acceptable to develop part of the over-provided open space for housing. They are also of the opinion that this area was only ever intended to be used as a drainage area, not a public open space.

The NPPF makes it clear that:

“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.*

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

Furthermore, the sensitivity of this area of the development had been ascertained at a very early stage of the development of the layout of the housing site, and from then on the masterplan layout was developed and the concept of the Rural Edge and the Country Lane aesthetic created. This concept was then agreed as part of the masterplan, along with the other planned “character areas”.

The original concept and masterplan for this area intended this area of the scheme to have a rural character, and to have an open aspect with some housing looking across an area of open space and beyond. It is considered that the visual amenity of those dwellings along the planned western edge of the development opposite the site would suffer a significant reduction in their amenity in terms of over dominance and reduced privacy.

Furthermore, whilst it is acknowledged in purely technical/numerical terms there appears to be a surplus of public open space provided at the Old Sarum site, areas of openness such as originally planned offer visual relief from the harder urban character of the associated development. It is clear from the third party comments received that residents of Old Sarum already consider the existing housing estate to have too many dwellings and to be too cramped, and it is clear that the loss of this planned open space area would be objectionable to local residents.

In officers opinion, the proposal does result in the loss of an area which the Council has always intended to also utilise as public open space, and to act as a landscape buffer to the development. The original masterplan drawings of the larger site show the area containing a childrens play area, and a public path running through the area. Notwithstanding this, as it has already been agreed that the land will be taken over by the Council in due course, in future years the land could be utilised by the Council in whatever way it chooses, and the Council’s parks officer confirms that it is his intention to utilise the area as part of the open space network.

As a result, it is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings.

Vibration and noise issues

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council's environmental health officers object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme. Therefore they object to this application, due to the lack of any agreed mitigation towards the known vibration/noise issues.

9.5 Impacts on Highway System/Parking

Officers are already aware that existing residents of Old Sarum consider there to be a traffic/parking issue on the estate, which appears to be as a result of the combination of quite narrow roads and the parking of cars on the highway, instead of in allocated rear parking courts. The addition of more dwellings above and beyond the 630 dwellings originally planned for has therefore cause significant concern among the local populace.

The Highways Department have raised some issues with regard to the parking and have requested that a vehicle swept path analysis be submitted to show that service vehicles can negotiate the road network, and drawings to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

The comments of the Highways officer are awaited regards following the submission of amended plans and details.

9.6 Affordable Housing

The provision of affordable housing on this parcel of land is acceptable to the Council's Housing officer and is in line with Council policy.

9.7 Other matters

Ecology

The Council Ecologist has objected strongly to the development of this area, stating that:

"I consider that the effect of disturbance on wildlife has been underestimated given the scale of urbanisation at Old Sarum. Conversion of arable/grassland habitats to urban will reduce food availability for wildlife, while the effects of increased lighting, noise, and movement would all lead to a change away from farmland specialist towards generalist species. There will be also losses due to cat predation. Farmland birds, for example, is one of the Government biodiversity indicators that is in long term decline, as are generalist butterflies in the wider countryside and plant diversity in boundary habitats. Where hedgerows fall within the cartilage of new properties, there is no security that the hedges will be managed or even retained.

The potential effects on the hedge line to the north of Area 11 are of particular concern. There is no information in the ES to suggest this hedge line has been surveyed for bats or other interests and it is not even recognised as a biodiversity

feature on the extended phase 1 habitat map (figure 7.3). Given it is probably the most significant ecological feature on the site, this is a significant omission. Effects on this hedge line are likely to be considerable given the proximity of housing proposed in Area 11. The roads serving properties backing onto it will inevitably have to be lit and this would significantly affect its role as wildlife corridor not only for the Old Sarum development but also for development at Longhedge.

Taking all this into consideration, I consider that together the applications currently being proposed at Old Sarum do not meet the requirements of South Wiltshire Core policy 22 for green infrastructure. Nor do they meet Core policy 50 in the Wiltshire Core Strategy Submission document.

Application S/12/1835 should be refused for lack of information to inform the assessment of ecological impacts as highlighted above. However if this site was to be allocated as informal public space, this would go some way to reducing the net biodiversity loss that I believe would otherwise result if all the applications were approved".

It is therefore considered that the proposal is unacceptable in ecology terms.

Archaeology

An archaeological investigation has been undertaken as part of outline application S/2005/0211, and this application site contains three Bronze Age barrows which were excavated in the autumn of 2006. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction. If the application were approved a condition could be added regarding this.

Drainage

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, no objections have been received from any consultee regards this matter, and it is considered that a refusal on this matter alone would be difficult to justify.

Waste and Recycling

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then.

The Council's waste and recycling officer has no objections subject to appropriate provision being secured via a legal agreement.

Education Provision

WC Education officers have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. This provision should be secured via a S106 Agreement.

Public Art

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. This provision should be secured via a S106 Agreement.

Community Hall

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. Additional dwellings at Old Sarum will place additional pressure on this facility, and it is considered that any additional dwellings should provide additional funding. This provision should be secured via a S106 Agreement.

9.8 S106 Heads of Terms

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As a result, and subject to legal advice, it is considered that the following additional contributions should be made towards the mitigation of the impact of the development:

- Additional public open space facilities
- Contributions towards the planned community centre
- Affordable housing
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards Stone Curlew project
- Contributions towards sustainable transport infrastructure
- Community hall

10. Conclusion

The proposal would result in the development of a large area of intended public open space which is ecologically sensitive. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities. Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation.

RECOMMENDATION: REFUSE, for the following reasons:

1. The proposal would result in the development of a large area of intended public open space which is considered to be ecologically sensitive. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. Further, in the absence of a detailed ecological assessment regarding the impact of the development, it is considered that the proposal would be likely to cause significant harm to the ecology and biodiversity of the site and area.

It is therefore considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, and potentially cause significant harm to the ecology and biodiversity of the site and area. The proposal is therefore considered to be contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22 and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces and paragraphs 109 to 119 related to biodiversity and ecology matters.

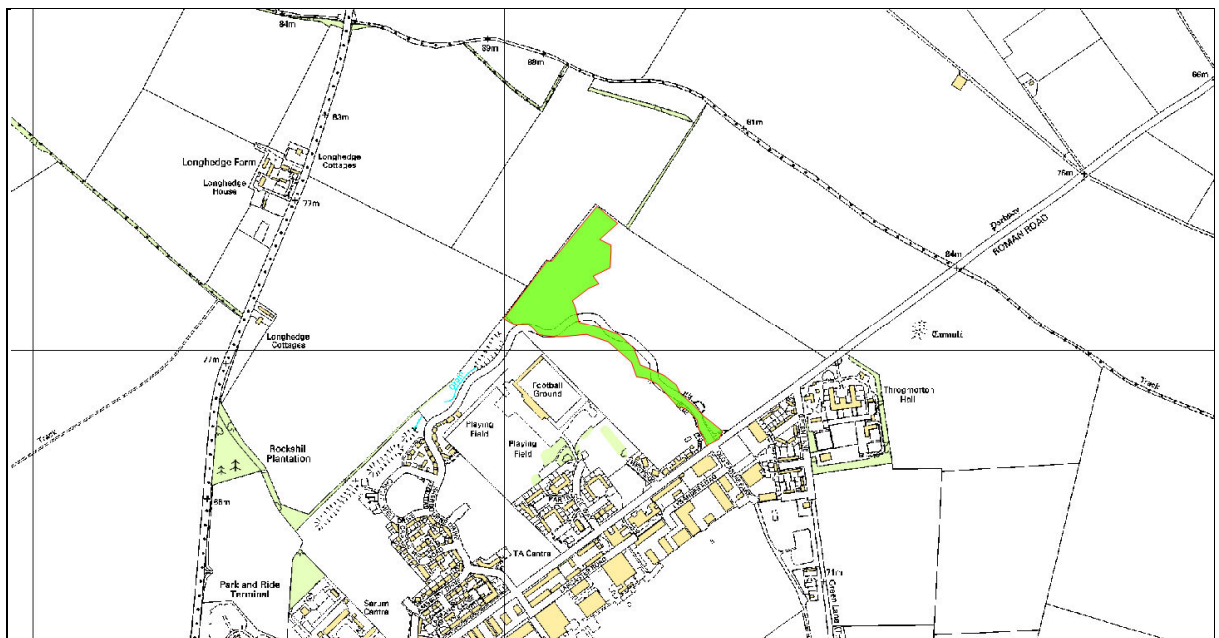
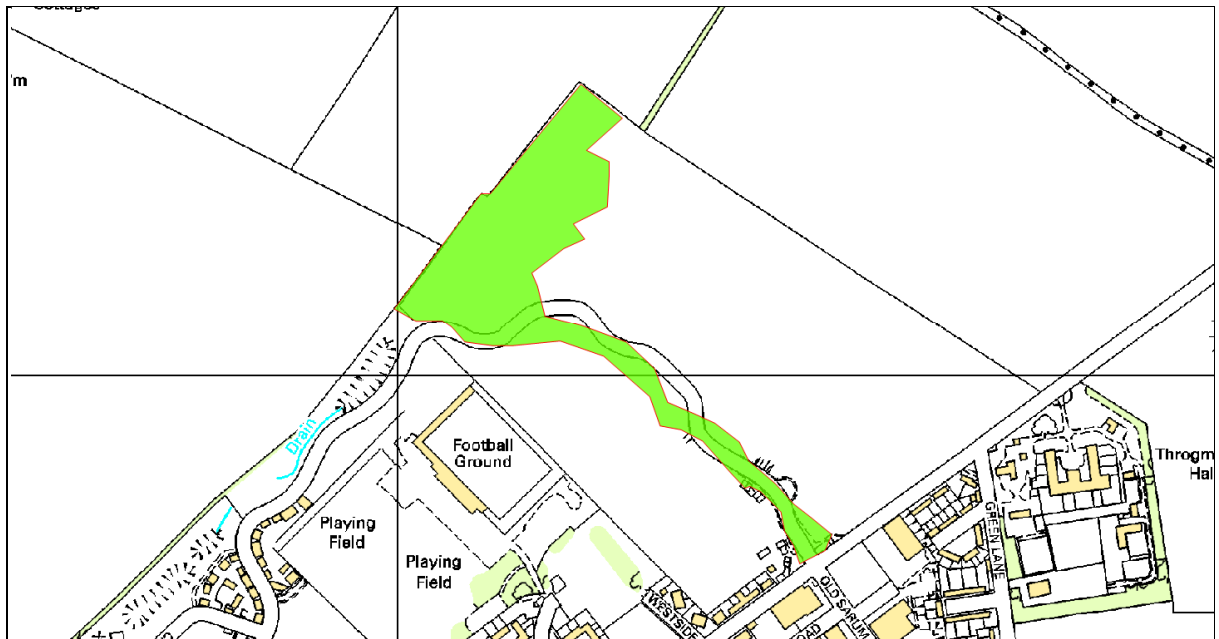
2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable Housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regarding planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123

S/2012/185 – Area 11, Old Sarum, Salisbury, SP4 6BT



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REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25th July 2013
Application Number	S/2012/1836
Site Address	Area 12, Old Sarum, Salisbury, SP4 6BY
Proposal	Erection of 22 dwellings and associated car parking, landscaping and infrastructure
Applicant	Charles Church Wessex
Town/Parish Council	Laverstock
Grid Ref	415380 134121
Type of application	Full Planning
Case Officer	Amanda Iles

REASON FOR REPORT TO COMMITTEE

Cllr Ian McLennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12 although at the time of preparing this report these appeals have not been validated by the Planning Inspectorate.

1. Purpose of report

To consider the above application and to recommend 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 additional dwellings
2. Heritage assets/impact on conservation area
3. Impact on character of the area/compliance with Design Code
4. Impact on residential amenities and loss of open space
5. Impact on highway system/parking
6. Affordable Housing
7. Other matters
8. S106 Heads of Terms

The Parish Council object

Neighbourhood Responses:

27 letters commenting on the application received

3. Site Description

The site is located on the north western edge of a developing mix use development, between existing built out housing and the Portway road. The land forms part of the intended public open space area shown on the Masterplan.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

The wider area around the site contains Old Sarum Airfield, which was recently designated as a Conservation area, and to the south west lies Old Sarum Scheduled Ancient Monument. The wider landscape is designated as being a Special Landscape Area.

4. Relevant Planning History

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

There are several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826-ModPlayingFields,OldSarum,Salisbury,
Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – Area 9a& 9b – Erection of 40 dwellings, car parking, and landscaping.

S/2012/1834- Area 10 - Erection of 69 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1835- Area 11 - Erection of 35 dwellings with associated car parking, landscaping and infrastructure.

S/2012/1829 -Local Centre - Reserved matters application for the erection of 30 dwellings, local facilities, car parking and landscaping.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.

5. Proposal

This is a full application for the erection of 22 dwellings, car parking and landscaping.

6. Planning Policy

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan) could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.

CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

7. Consultations

Laverstock & Ford Parish Council

Object as the proposal will result in additional houses over and above the originally agreed 630 with resultant impact on the community facilities, school and already challenging parking situation.

Highways Agency

No objection

RSPB

Identified the increased recreational pressure on the Salisbury Plan Special Protection Area

Natural England

No objection

English Heritage

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

MoD

No safeguarding objections

Environment Agency

No objection subject to conditions

Highways Department

Awaited

Housing Department

Object, as proposal does not intend to provide any affordable housing

Ecology Department

No objection subject to a contribution being paid towards the stone curlew project.

Archaeology Department

No objection subject to condition

Environmental Health

Object (see below)

Open space Department

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106

Education Department

No objections subject to additional financial contributions for primary and secondary provision

WC Waste and Recycling

No objections subject to additional contributions in line with policy

Wiltshire Police

Highlighted some areas of poor natural surveillance

Wiltshire Fire & Safety

Identified some areas where building regulations will need to consider access and facilities for the fire service and water supplies for fire fighting and requested developer contributions towards additional or enhanced fire and rescue service infrastructure.

8. Publicity

27 letters of objection were received regarding:

1. Land previously identified as green space will be built on
2. More houses than originally planned are to be built
3. The proposal will increase ground water run-off and flooding
4. Vehicle movements will be increased in the area with resultant increase in air pollution and noise

5. The infrastructure is not sufficient to support extra people
6. The school will not be sufficient to meet the needs of the enlarged estate
7. There is no children's or youth's play area proposed
8. The density of the housing will increase disallowing natural light
9. The estate is already overcrowded with insufficient parking
10. Parking spaces "nose to tail" for two cars on a driveway is impractical so people will park on the street
11. House prices will decrease if more houses are built
12. Existing archaeology will be destroyed
13. The open area of the settlement of Old Sarum will be blighted
14. The surrounding conservation areas will be built on affecting ecology
15. The existing road crossing on The Portway is poorly designed
16. Loss of green space
17. Loss of amenity space
18. The density of development is too high
19. The increased traffic will create safety issues
20. The proposal will affect the surrounding road network which is already busy
21. The community hall and shops have not been built
22. There is no affordable housing and instead there will be another area of concentrated affordable housing
23. The open space we currently use for country walks and nature trails

Salisbury Civic Society

- Strongly object to the loss of the open space and the strategic landscaping

Old Sarum Residents Association

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Exacerbate existing parking problems
- The density of the dwellings is too high
- There is too much affordable housing

One email from COGS (Cycling Opportunities Group for Salisbury), objecting to the proposal due to:

- i) Additional dwellings not in the Local Plan
- ii) No residential travel plan submitted
- iii) No targets or monitoring of sustainable transport initiatives is proposed
- iv) No improvements to the cycle network are proposed
- v) The design of the development does not assist promotion of sustainable transport modes and prevent dominance by cars
- vi) Parking spaces are excessive in number
- vii) No cycle parking in the public areas has been proposed

9. Planning Considerations

9.1 Principle of additional dwellings

The wider mixed housing and employment site originally appeared in the draft Salisbury District Local Plan in 1998, and was eventually formally allocated as a development site in 2003 as part of the adopted Local Plan. In 2005, a development brief for the site was

adopted, which sought to provide more specific guidance for the future development of the site. The land subject of this application formed part of this allocation.

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent.

The provision of 22 dwellings is not so clear cut. At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site, the majority of the proposed dwellings (20) would be over and above the provision of housing originally envisaged. However, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. Officers therefore advise that this application should not be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

Therefore whilst the principles of the wider development have been agreed, the current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

9.2 Impact on heritage assets/Conservation Areas

The site is located close to the Scheduled Ancient Monument of Old Sarum and the newly designated Old Sarum Conservation Area. English Heritage has not objected to the scheme requesting that the application is determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.

Similarly, the development will be readily visible from the Conservation Area surrounding the Airfield. However, in this particular instance, the Conservation Area was designated because of the historical significance of the adjacent Old Sarum airfield, and not because of any intrinsic character which existing in the surrounding landscape or the buildings. It may therefore be difficult to argue that any development on sites adjacent to the Conservation Area would not preserve/enhance the character of that Conservation Area.

9.3 Impact on character of the area/Compliance with Design Code

As part of the outline planning application, a detailed design code was submitted. This outlined in some detail how the various buildings and spaces on the site as a whole would be treated and designed. As part of the outline planning permission, a condition was attached to that consent which essentially required all future development to be carried out in accordance with the details pursuant to the design code, unless otherwise agreed.

The Design Code splits the larger allocated site up into 3 broad residential neighbourhood areas (see page 27 of Design Code), namely:

Urban Core - The highest density area including the planned school and retail area, with densities of typically 45 dwellings per hectare.

Medium Density – Intended as a natural progression between the Urban Core and Rural edge areas, with typical density of 30-35 dwellings per hectare.

Rural Edge – This is the lowest density area of between 20-25 dwellings per hectare. This application falls within this area, and is defined as a “Country Lane” type character.

This site was not originally proposed for housing and therefore was not identified as a character area in the Design Code. However, it is close to the rural edge of Area 2 and therefore it is considered that it should reflect this character area.

The Design Code states that this will represent a rural edge character with large houses and has areas of both low and medium density. Detached buildings will predominate with occasional semi-detached and short terraces. Buildings will be predominately 2 storey with the occasional 2.5 storey feature building. There will be no consistent building line with buildings arranged informally with variable width of front gardens. Brick and render will be the predominant materials with natural stone and flint used on some buildings.

Whilst it is considered that the proposal would accord with the general description of the above character area, the very fact that the dwellings are being proposed on an open area of land adjacent to the originally planned “Country Lane” dwellings seems to defeat the fundamental purpose and concept of this character area, in that the originally planned dwellings would not then be situated on the edge of the development. The proposal is therefore contrary to the Design Code 2007.

As a result, it is considered that a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area is justified.

9.4 Impacts on residential Amenities and loss of open space

The application site is shown in the agreed Masterplan as forming part of a larger public open space, which had been formed due to the highly sensitive nature of the archaeology in this part of the site.

This sensitivity had been ascertained at a very early stage of the development of the layout of the housing site, and from then on the masterplan layout was developed and the concept of the Rural Edge and the Country Lane aesthetic created. This concept was then agreed as part of the masterplan, along with the other planned “character areas”.

The Council Archaeology department has now re-evaluated its previous position, and considers that part of this sensitive area could be developed without impact to the buried archaeology.

The NPPF makes it clear that:

“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create*

and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

●● respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

●● create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

●● are visually attractive as a result of good architecture and appropriate landscaping.

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

The applicants argue simply that as there is an over provision of open space on the development, that it would therefore be acceptable to develop part of the over–provided open space for housing.

However, this over-provision of open space had been acknowledged by the Council as part of the original S106 (completed between 2005 to 2007), and for some time before that. Therefore it is clear that the applicants, Persimmon Homes, were at that early stage in agreement with evolving a Masterplan concept which involved the “over-provision” of open space, and indeed to a certain extent the character of the whole scheme was predicated on that fact, with both the western and northern boundaries of the scheme being referred to as the “rural edge”, with housing designed to overlook the planned open spaces.

The original concept and masterplan for this area intended this area of the scheme to have a rural character, and to have an open aspect with some housing looking across an area of open space and beyond. It is considered that the visual amenity of those dwellings along the planned northern edge of the development (the country lane) opposite the site would suffer a significant reduction in their amenity in terms of over dominance and reduced privacy.

Furthermore, whilst it is acknowledged in purely technical/numerical terms there appears to be a surplus of public open space provided at the Old Sarum site, areas of openness such as originally planned offer visual relief from the harder urban character of the associated development. It is clear from the third party comments received that residents of Old Sarum already consider the existing housing estate to have too many dwellings and to be too cramped, and it is clear that the loss of this planned open space area would be objectionable to local residents.

In officers opinion, the proposal does result in the loss of an area which the Council has always intended to also utilise as public open space, and to act as a landscape buffer to the development. Notwithstanding this, as it has already been agreed that the land will be taken over by the Council in due course, in future years the land could be utilised by the Council in whatever way it chooses, and the Council’s parks officer confirms that it is his intention to utilise the area as part of the open space network.

As a result, it is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings.

Vibration and noise issues

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council's environmental health officers have indicated that they would normally object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme.

The Council's Environmental Health officer objects to this application due to the lack of information related how the existing vibration issue will be mitigated.

9.5 Impacts on Highway System/Parking

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit.

Officers are already aware that existing residents of Old Sarum consider there to be a traffic/parking issue on the estate, which appears to be as a result of the combination of quite narrow roads and the parking of cars on the highway, instead of in allocated rear parking courts. The addition of more dwellings above and beyond the 630 dwellings originally planned for has therefore cause significant concern among the local populace.

The Highways Department have raised some issues with regard to the parking and have requested that a vehicle swept path analysis be submitted to show that service vehicles can negotiate the road network, and drawings to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

The comments of the Highways officer are awaited regards following the submission of amended plans and details.

9.6 Affordable Housing

Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. In the Design & Access Statement the applicant has suggested that the 40% affordable housing (9 units) will in this instance be provided on Area 10 instead, which is also subject to a current separate planning application (S/2012/1834).

However, the Council's Housing officer has raised an objection to that proposal as an even balance of affordable housing provision across the site should be achieved, and deal with each application on its own merits, on the basis that there is no guarantee that the application for Area 10 will achieve consent. In the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

9.7 Other Matters

Ecology

The area within which the Old Sarum development is located is ecologically sensitive.

The Council Ecologist considers that there will be an impact on wildlife due to the increased urbanisation and loss of arable/grassland habitats. Where hedgerows fall within the curtilage of new properties there is no security that the hedges will be managed or even retained further reducing habitat. Therefore she has requested that conditions be added requiring the submission of a Construction Environmental Management Plan (CEMP) and a landscaping plan. A landscaping plan has subsequently been submitted so this condition is no longer required. As the development is within 15km of the Salisbury Plain SPA a contribution is required towards the Wessex Stone Curlew Project under Core Policy 22 a contribution will be required per dwelling.

Archaeology

The application site and the larger area of open space is archaeologically sensitive, and it is understood that this was part of the reasoning behind the land being kept free of development as part of the masterplan. An archaeological investigation was undertaken as part of outline application S/2005/0211, and the application site contains three Bronze Age barrows which were excavated in the autumn of 2006.

The National Planning Policy Framework (NPPF) policy 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.'* The application is accompanied by an EA chapter which addresses the archaeology of the site. The non-technical summary also addresses this subject.

The Non-technical summary discusses the area of this application, saying: *'The archaeology open space is located and designated to preserve the remains of a barrow cemetery clearly shown on aerial photographs and by geophysical survey to occupy this area of the site. The current area also includes an area to the north of the barrow group where a large ring ditch runs into the site from the east. It is this area that is subject of the Area 12 application. The proposals would still ensure the preservation of the main barrow group as it is probable, given the large size (c.60m diameter) and the fact it does not appear to respect the orientation of the barrow group, that the ring ditch is unrelated to the cemetery. The overburden in this area of the site is currently 20-30cm and the site has been regularly ploughed in the past causing high levels of truncation as was demonstrated by previous investigations on the barrow group to the west under the school. It has therefore been agreed with the Council's archaeologist that subject to a comprehensive programme of archaeological excavation and 'preservation by record', that Area 12 land can be removed from the area to be preserved in situ. The remainder of the open space would need to be preserved as a Heritage Asset, due to the importance of the main barrow group.'*

Only part of the large circular feature falls within the application site on the aerial photography transcription. It is also important to note that the feature observed may not be all of the archaeology on the Area 12 application site and so the whole site would need to be part of the mitigation proposals.

It is therefore clear that significant archaeological features are present within the site boundary. It is also likely that the proposed development would have an impact upon these remains. It is therefore considered that proportionate mitigation measures are required to

ensure that any archaeological features or deposits likely to be affected by any part of the development are properly recorded by archaeological excavation. The Council's archaeologist is therefore prepared to consider a programme of mitigation that allows areas to be preserved in situ, however in that case there would need to be robust measures to ensure that later development (including permitted development works) did not take place in a manner that would negate that preservation.

The Council's Archaeologist therefore no longer objects to the development of part of this land, as it is considered the site as proposed would avoid the most sensitive buried archaeology. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction.

Drainage

The application was accompanied by a drainage report which indicates that the additional dwellings being proposed would have limited impacts.

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, no objections have been received from any consultee regards this matter, and it is considered that a refusal on this matter alone would be difficult to justify.

Waste and Recycling

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then.

The Council's waste and recycling officer has no objections subject to appropriate provision being secured via a legal agreement.

Education Provision

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. This provision should be secured via a S106 Agreement.

Public Art

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. This provision should be secured via a S106 Agreement.

Community Hall

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. Additional dwellings at Old Sarum will place additional pressure of this facility, and it considered that any additional dwellings should provide additional funding. This provision should be secured via a S106 Agreement.

9.8 S106 Heads of Terms

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As this is a full application, a fresh S106 would be required to secure similar contributions to help mitigate against the impacts of the development, subject to legal advice. As a result, (and subject to legal advice) it is considered that the following contributions be made towards the mitigation of the impact of the development:

- Public open space facilities
- Affordable housing
- Waste and recycling facilities
- Educational facilities
- Public art contributions
- Stone Curlew project
- Additional contribution towards the community centre project
- Transport facilities/infrastructure, including green travel plan, bike and bus vouchers

10. Conclusion

The proposal would result in the development of a large area of intended public open space. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Secondly, the proposal is considered to be contrary to Core Policy CP3 in that it makes no provision for affordable housing within the application scheme, and seeks to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aims to provide high quality affordable housing, and mixed healthy communities.

Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation.

RECOMMENDATION: REFUSE, for the following reasons:

1. The proposal would result in the development of a large area of intended public open space. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of

adjacent dwellings, contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22 and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces.

2. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. The proposal suggests that the 40% affordable housing (9 units) will be provided on another separate parcel of land (Area 10), which is subject to a current separate planning application (S/2012/1834). The proposal when considered in isolation would not therefore provide any affordable housing provision.

However, the proposal would create an uneven balance of affordable housing provision across the site, and furthermore, in the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

3. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

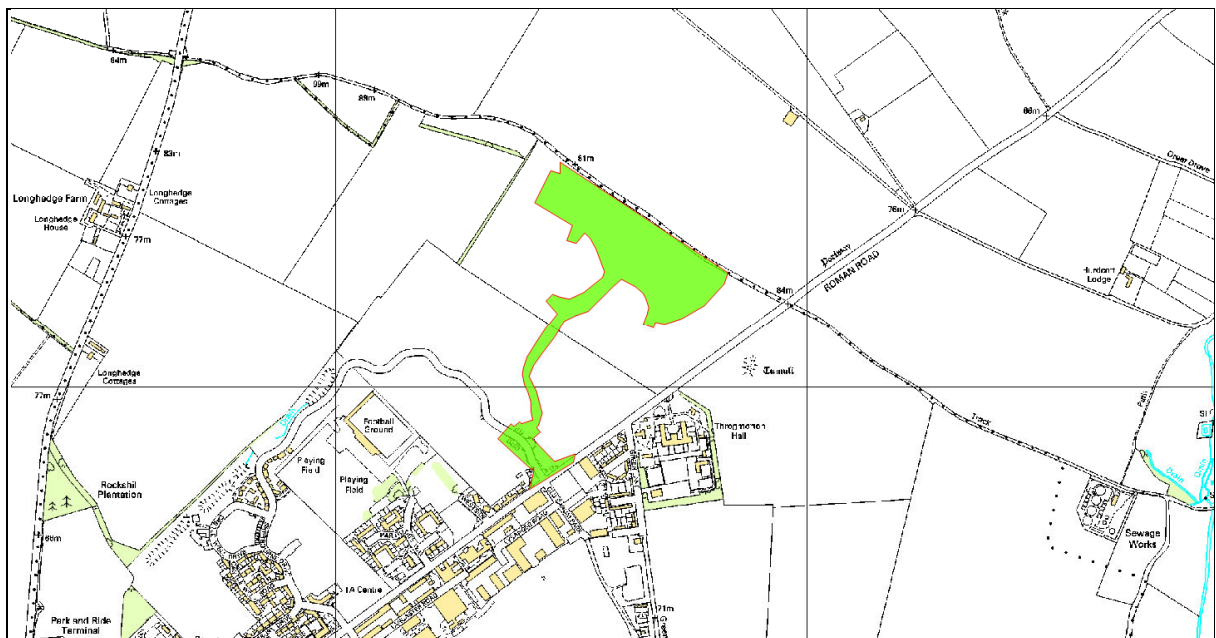
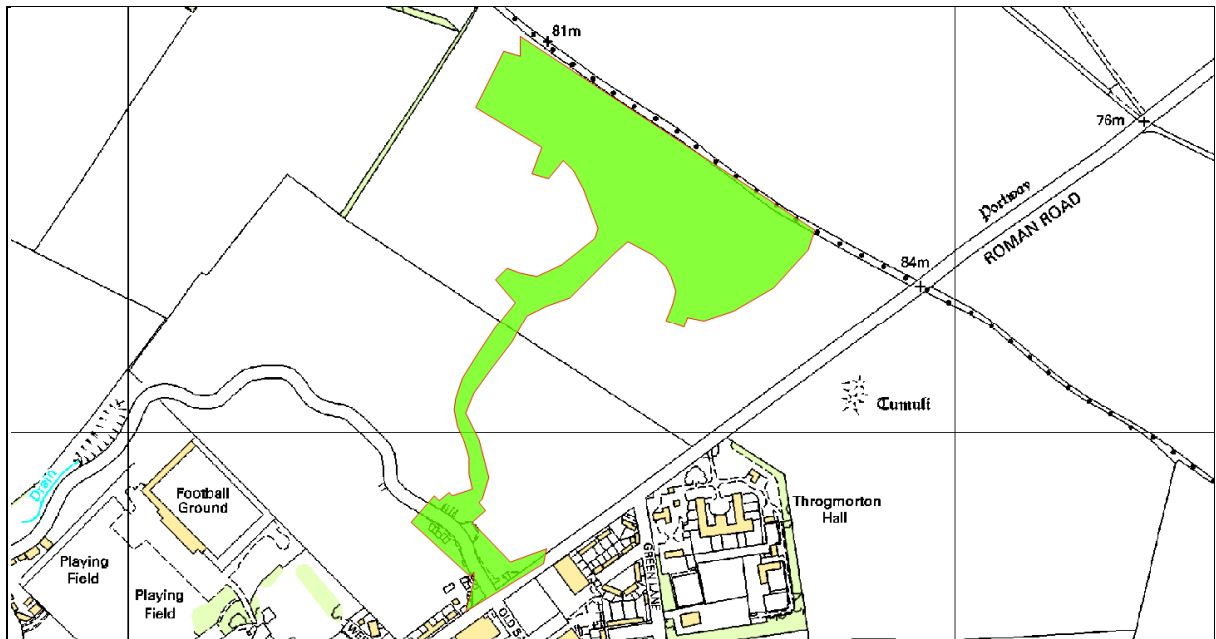
- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regards planning obligations.

4. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

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