

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 21 May 2015
Time: 6.00 pm

Please direct any enquiries on this Agenda to David Parkes, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718220 or email david.parkes@wiltshire.gov.uk

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

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Membership:

Cllr Fred Westmoreland
Cllr Christopher Devine
Cllr Richard Britton
Cllr Richard Clewer
Cllr Brian Dalton
Cllr Jose Green

Cllr Mike Hewitt
Cllr George Jeans
Cllr Ian McLennan
Cllr Ian Tomes
Cllr Ian West

Substitutes:

Cllr Trevor Carbin
Cllr Terry Chivers
Cllr Ernie Clark
Cllr Tony Deane
Cllr Dennis Drewett
Cllr Peter Edge
Cllr Magnus Macdonald

Cllr Helena McKeown
Cllr Leo Randall
Cllr Ricky Rogers
Cllr John Smale
Cllr John Walsh
Cllr Bridget Wayman
Cllr Graham Wright

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AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 30 April 2015.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

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 (acting on behalf of the Corporate

Director) no later than 5pm Thursday 14 May 2015. 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 15 - 16*)

To receive details of completed and pending appeals.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **15/02009/VAR - Arundells, 59 The Close, Salisbury, Wiltshire. SP1 2EN**

Variation of condition 7 of planning permission 13/04090/FUL to allow the use of the garden at Arundell's for a limited number of dedicated events and activities

7b **15/01047/OUT - Farmer Giles Farmstead, Teffont, Salisbury, Wiltshire, SP3 5QY**

Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting.

7c **14/11997/FUL - Tollgate Road, St. Martin, Salisbury. SP1 2JJ**

Demolition of existing building and erection of 6th form college building with access, parking and multi use games area

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 30 APRIL 2015 AT SARUM ACADEMY, WESTWOOD RD, SALISBURY SP2 9HS.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman),
Cllr Richard Clewer, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes,
Cllr Ian West, Cllr Peter Edge (Substitute), Cllr John Smale (Substitute) and
Cllr Bridget Wayman (Substitute)

Also Present:

Cllr Dr Helena McKeown

48 Apologies for Absence

Apologies for absence were received from Cllr Jose Green who was substituted by Cllr Bridget Wayman.

Apologies for absence were received from Cllr Richard Britton who was substituted by Cllr John Smale.

Apologies for absence were received from Cllr Brian Dalton who was substituted by Cllr Peter Edge.

49 Minutes

The minutes of the meeting held on 9 April 2015 were presented for consideration, and it was,

Resolved:

To APPROVE the minutes and sign as a true and correct record.

50 Declarations of Interest

Cllr Richard Clewer declared an interest in application 8C as he was related to the applicant. Cllr Clewer was not present during this item.

Cllr Peter Edge declared an interest in application 8A as a friend of the applicant. Cllr Edge was not present during this item.

51 **Chairman's Announcements**

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

52 **Public Participation and Councillors' Questions**

There were no questions.

53a **WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 THE WILTSHIRE COUNCIL TEFFONT PATH No. 9 RIGHTS OF WAY MODIFICATION ORDER 2014**

Public Participation

Antonia Waddington spoke in objection to the application

Peter Durtnall spoke in objection to the application

Matthew Fry spoke in objection to the application.

Pamela Fisher spoke in support to the application.

Georgie Green spoke in support to the application.

Norman Beardsley spoke in support to the application.

Cllr David Scott spoke on behalf of Teffont Parish Council in objection to the application.

The Rights of Way Officer presented her report to the Committee which recommended that the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were asked in regards to the historic width of the bridleway.

The Local Member, Cllr Bridget Wayman, recommended that the decision be forwarded to the Secretary of State for determination and that the order be confirmed without modification. Cllr Wayman deemed the officer's report to be thorough and had no further comments to make.

Members discussed the width of the path and the background information that was provided by the officer. The need to ensure access to the countryside was discussed, as well as the variety of uses for such a path. The need for a suitable width to allow passing on either side was discussed. Members debated whether the 8ft path was adequate for its purpose as a

bridleway. The importance of such a path for access for villagers was emphasised and the modern use of the path was discussed. Road safety and the impact of off-road vehicles were raised.

Resolved:

To forward the application to the Secretary of State for Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

53b COMMONS ACT 2006 - SECTION 15(1) AND (3) APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN - THE COMMON / BROWNS COPSE FIELD / BLUEBELL WOOD / VILLAGE HALL FIELD THE FIELD, WINTERSLOW

Public Participation

R V Sheppard spoke in objection to the application.

D E Read spoke in objection to the application.

John Fry spoke in objection to the application.

Tim Crossland spoke in support to the application.

Cllr Mike Taylor spoke in objection to the application on behalf of Winterslow Parish Council.

The Rights of Way Officer presented her report to the Committee which recommended that the Committee accept the Inspector's recommendation and the application by Winterslow Opposed to Over Development (WOOD) under Section 15(3) of the Commons Act 2006 be approved but only to the extent that Browns Copse was registered as a town or village green in its entirety, other than the north-west corner of the Copse was owned by Wiltshire Council.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought as to why Wiltshire Council land had been excluded from the area of land proposed to be registered as a town or village green. The Rights of Way Officer explained that this land was found by the Inspector to be fenced off and no user for twenty years could be shown. The maintenance liability and use of the land was discussed. It was stated that the landowner would remain in ownership and that registration of the land as a town or village green would effectively 'sterilise' the land to any other use. It was clarified that the landowner should seek their own legal advice with regards to liability.

The Local Member, Cllr Christopher Devine, discussed the use and ownership of the land. Cllr Devine discussed the management and public access to the site and mentioned the site is criss-crossed by footpaths and is coppiced every two years by the landowner who also put up sign posts which were taken down occasionally. The use of tax payer's funds and officer time was discussed in relation to the inquiry and the view expressed

that the Inspector had 'sat on the fence' when making his recommendation to the Council.. The need for Members to consider the content of the inspector's report was highlighted.

Members discussed public access to the site, the facilities that were locally available and the need to maintain the site in its current state. The right to plough the field as agricultural land was discussed. Local concern was raised, in regards to potential development in the village; it was stated that any change to the land's use would require planning permission. Some Members chose to make moral objections to the landowner potentially losing land should this item be approved. The suitability of the site (a copse) as a village green was debated. The merits of the village green legislation were discussed. The maintenance cost of such a village green was raised, and who would be responsible for the maintenance costs as well as the need to protect the landowner's right over the land.

Members discussed potential reasons for refusal and not accepting the Inspectors recommendation to the Council. The reasons including noting that some of the activities which took place on the field (playing football and other games or flying kites etc) could not have possibly taken place in the Copse and how can a Copse (which also needs regular maintenance in the form of coppicing etc) be used as a village green and received legal advice in regards to deciding to go against the Inspector's recommendation and the need to provide good reasons for doing so. The Chairman stated the need to apply common sense to such an item and that the Committee was in place to do so. The list of potential community activities on the land was discussed further and Members considered their viability within the copse.

Resolved:

To, in principle, refuse the report's recommendation. The item would be brought back to a future committee with reasons for refusal and would be voted on by Members.

54 **Planning Appeals**

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

55 Planning Applications

55a 14/10095/FUL - Land to the rear of 33 Bedwin St & Belle Vue Road, SP1 3YF - Erection of 4 (1 x 5 bed and 3 x 4 bed) dwellings with associated car parking and landscaping and demolition of existing garages

Public Participation

Ken Edwards spoke in objection to the application.

Anthony Coates spoke in objection to the application.

Ann Horward spoke in objection to the application.

Mr Mackechnie-Jarvis spoke in support to the application.

Tony Allen spoke in support to the application.

Martin Quigley spoke in support of the application.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer but none were asked.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr Helen McKeown, spoke in objection to the application. Cllr McKeown highlighted the views of Salisbury City Council whose strong objections to the application included its overbearing height and out of character appearance. The site's locality to St. Edmund's Church was also discussed. Cllr McKeown explained the potential for a detrimental impact on surrounding listed buildings and the need for more modest housing in the area. Concern was also raised in regards to the scale of the development.

The Chairman referred to image boards that were used by public speakers who objected to the application. He stated that although the images had been published prior to the meeting, they may have been edited by the objectors to make them less appealing to Members when making their decision.

Members discussed the steps the applicant had taken to appease neighbouring concerns. The need for an independent heritage assessment was raised, as well as the importance of heritage land. A conservation area appraisal was suggested as an alternative to the heritage assessment. Members debated the scale of the development, as well as the materials to be used and the design's suitability in the area. The availability of car parking spaces was also discussed.

Members raised concern in regards to the design of the proposal and the need to maintain the character of the area. The need for City Councillors to

attend to explain their objections was stated. Members discussed the need to enhance the area. The need to seek alternative design ideas that could be more suited to the site's surroundings was stated. The scale of the proposed design was debated, as well as the construction of extensions on neighbouring properties.

Resolved

To refuse permission for the following reasons:

The site is located within the heart of the historic city of Salisbury. Development should protect, conserve and where possible enhance the historic environment and is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality, thereby making a positive contribution to the character of Wiltshire and enhancing local distinctiveness by responding to the value of the natural and historic environment. Development should achieve this by relating positively to its landscape setting, the existing pattern of development and by responding to local topography by ensuring that important views into, within and out of the site are retained and enhanced. Taking into account the sensitive location of the application site (within a designated conservation area and in close proximity to a number of listed buildings), it is considered the proposed development, by reason of its scale, design and layout would be out of sympathy with surrounding historic buildings and the existing character of the surrounding conservation area. In these respects the proposed development is considered contrary to the criteria set out within Core Policies 57 and 58 of the adopted Wiltshire Core Strategy, and the Council's adopted Salisbury Conservation Area Appraisal document.

55b 14/11884/FUL - Gorley, Marina Road, Salisbury, SP1 2JN - Sever land and erect 1 No 2 bed dwelling with parking for existing property

Public Participation

Robert Upton spoke in objection to the application.

Samantha Merley spoke in objection to the application.

Dan Wilden spoke in support to the application.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought over the Highways Officer's objection. Concern had been raised in regards to parking provision and it would be left to the judgement of Members.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr Ian Tomes, spoke in objection to the application. Cllr Tomes discussed highways concerns due to insufficient parking and the overdevelopment of the site. It was stated that this was a modest design but on a very small plot and it would take up a vast majority of the site. It was felt that this was an overpowering development and would not be in keeping with the surrounding area. Concern was also raised in regards to the access and its ownership.

Members discussed the potential for overdevelopment of the site. Highways issues were highlighted in relation to the inability to park on Southampton Road. Some Members did not feel Highways Officers had fully considered safety issues on the site.

Discussion continued to the dimensions of the plot of land, the scale of the development and the lack of adequate parking provision. The potential for encroachment on neighbouring properties was also discussed. Concern was raised in regards to the height of the development, as well as the positioning of windows.

Resolved

To refuse permission for the following reasons:

- 1. The site is located to the rear of existing dwellings, and adjacent to existing private garden areas. The proposed development would result in an unsuitable and cramped form of overdevelopment of the site that would, by reason of the close proximity of the proposed new dwelling to existing dwellings on Marina Road, result in undue impacts on the amenity of the occupiers of existing properties through overlooking. In these respects the proposed development is considered discordant with adopted Wiltshire Core Strategy Core Policy 57 which gives regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution.**
- 2. The site is accessed directly off the adjacent busy A36 Trunk Road system, where on road vehicular parking or stopping is not permitted. The proposed development does not make adequate provision for service vehicles attending the site and would therefore encourage such vehicles to park, or project out of the site, on the adjacent footpath and cycleway system, with**

consequent additional hazard to all users of the trunk road. The means of access to the site, by reason of its lack of adequate vehicle turning facilities, would be likely to result in vehicles from the development standing and reversing within the trunk road to the detriment of highway safety. The proposal would therefore be contrary to the aims of Wiltshire Core Strategy Policy CP61 which requires new development is capable of being served by safe access to the highway network.

55c 15/01784/FUL - Adjacent to Rapiers Rest, Romsey Road, Whiteparish, Salisbury - Demolition of garages and erection of 3 bed dwelling with alterations to existing access

There was no public participation.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer. The scale of the property was clarified and the position of the development in relation to the boundary was raised.

An item of late correspondence was circulated at the meeting.

The Local Member was not present.

Members debated the proposal and it was highlighted that there was already permission for a three bedroom house on the site.

Resolved

To grant planning permission, subject to the following conditions:

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

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

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

REASON: In the interests of highway safety.

3. No part of the development hereby permitted shall be first occupied

until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes only at all times thereafter.

REASON: In the interests of highway safety.

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

REASON: to ensure that the development can be adequately drained.

5. Any gates to close the access shall be set back a minimum of 4.5 metres from the edge of the carriageway and made to open inwards (away from the highway) only.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

No burning of waste shall take place on the site during the demolition and construction phase of the development.

REASON: In the interest of neighbouring amenity

8. Before works commence, the results of pre-commencement great crested newt / eDNA surveys as described in the Great Crested Newt Non-Licensed Method Statement (contained in section 2 of Great Crested Newt Method Statement, Ahern Ecology, Feb 2015) will be submitted for LPA approval together with an amended method statement to take account of the findings of the surveys. The works will be completed in accordance with the approved method statement or as otherwise specified in a Natural England licence superseding the permission.

REASON: To ensure the development complies with the Habitats Regulations 2010 which protects Great Crested Newts.

9. Notwithstanding the provisions of the Town and Country Planning

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

REASON: In the interests of residential amenity and privacy.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRG No. Location Plan A (Proposed Site) 25/02/2015

DRG No. Location Plan B (Rapiers Rest Site) 25/02/2015

DRG No. 01515 2 Rev A 13/04/2015

DRG No. 01515 3 Rev B 16/04/2015

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

INFORMATIVE

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

56 Urgent Items

There were no urgent items

(Duration of meeting: 6.00 - 9.25 pm)

The Officer who has produced these minutes is David Parkes, of Democratic Services, direct line (01225) 718220, e-mail david.parkes@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
14/01426/FUL	Kinghay Stables, Colls Lane, West Tisbury	WR	DEL	Dismissed		
S/2013/0255	Park Cottage, Milton, East Knoyle	H	DEL	Dismissed		
14/05650/FUL	253 Church road, Milston,	WR	DEL	Dismissed		

Outstanding Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
14/09608/PNCOU	Former Piggery, Butterfurlong, West Grimstead	WR	DEL	
ENF61/11	Land at Caravan on Land at, Lime Yard, West Grimstead	ENF		
14/09688/PNCOU	Livery Hill Farm, Livery road, Winterslow	WR	DEL	
14/07785/FUL	Gilkin, Cuffs Lane, Tisbury	WR	DEL	
14/06525/FUL	Clearway Garage House, Firsdwn	H	DEL	

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
14/11779/FUL	Land adjacent to 9 Hilltop Close, Shrewton	WR	DEL	
14/04887/FUL	Ash Hill Cottage, Sherfield English	WR	DEL	
14/11448/FUL	Wildwood, 18 Queen Street, Salisbury	WR	DEL	

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

8th May 2015

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Report Outline For Area Planning Committees

Report No. 1

Date of Meeting	21 May 2015
Application Number	15/02009/VAR
Site Address	Arundells, 59 The Close, Salisbury, Wiltshire. SP1 2EN
Proposal	Variation of condition 7 of planning permission 13/04090/FUL to allow the use of the garden at Arundell's for a limited number of dedicated events and activities
Applicant	The Sir Edward Heath Charitable Foundation
Town/Parish Council	Salisbury City
Ward	St Martins and Cathedral
Grid Ref	414115 129644
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called-in to Committee by Cllr Tomes due to the public interest shown in the application and the relationship to adjoining properties.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) to **APPROVE** the application, subject to Conditions.

2. Report Summary

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

1. Impact on Residential Amenity
2. Impact on Highway Safety

The application has generated a total of 47 representations from the interested parties, as follows:

- 32 representations in support of the proposed development (including a representation from Visit Wiltshire)
- 15 representations objecting to the proposed development (including Salisbury Cathedral Close Preservation Society and the Dean and Chapter, Salisbury Cathedral) on grounds including -
 - I. Highway/pedestrian safety and traffic generation
 - II. Adverse impact on the amenities of neighbouring residents
 - III. Inappropriate commercial use within a residential area

Salisbury City Council supports this proposal.

3. Site Description

The site is the Grade II* listed building known as Arundells, 59 The Close, and is well known locally as the former home of Sir. Edward Heath (deceased). The house is set in large grounds, set back from The Close by a long driveway with gates and railings. A small shrub area lies behind the railings at the front of the property. The site lies in a Housing Restraint Area, within the Salisbury Central Area and Conservation Area, in an Area of Special Archaeological Significance.

4. Planning History

S/2012/0021	Change of use to enable part of the dwelling to be open to the public from March to November (temporary for 3 years)
S/2012/0022	Signage and external handrail to facilitate opening of building to the public (temporary for 3 years)
S/2007/0058	Minor temporary alterations including fire doors, handrail and railings
S/2009/0061	Variation of condition 4 of consent no. S/2007/1755 to permit opening from SATURDAY - Tuesday inclusive from 12:30 – 5:30 pm between the first Saturday in April and the last Tuesday in October
S/2007/0057	Temporary Change of Use for 5 years from private dwelling to mixed use as a private dwelling and dwelling open (in part) to the public. minor temporary alterations including fire doors, handrail and railings. Erection of new ticket booth/shed.
S/1998/0389	Various surgery to various trees
S/2010/0496	Demolition of pergola, construction of glasshouse and replacement paving
S/2010/0497	Demolition of pergola, construction of glasshouse and replacement paving
S/1985/0563	L/B Application - internal alterations
S/1999/0589	Fell one Poplar tree and repollard one Lime tree
S/2011/0623	Temporary change of use from 02/07/11 to 29/10/11 from private dwelling in part open to the public between 11.00am and 5.30pm on Saturdays, Mondays-Wednesdays inclusive, August Bank Holiday Sunday and other Sunday's at the Applicants discretion
S/2011/0624	Temporary consent: Signage and alterations (internal and external) to facilitate area of dwelling to be open to the public
S/1998/0655	Refurbishment of stable block (renewal of 93/0228)
S/2004/0877	Demolition of: restaurant, glazed lean-to and redundant garden shed, and alterations to provide disabled access to the museum and restaurant comprising: external hardsurfacing ramped access, enhanced lavatory accommodation including new disabled wc and forming ambulant wc's on the first floor, new extract fan to first floor kitchen and erection of new store room for restaurant to replace lost storeroom

S/2004/0874	New storeroom for restaurant alterations to escape door to exhibition room 2 and associated external works
S/2006/1165	Removal of ceiling, partition wall, infill floor, new portion of floor, alterations to fire place, blocking up of doorway to create new library room
S/2006/1166	Removal of existing stud partitions, removal of cornice, removal of existing floor, install new stone floor, block up existing fireplace, use existing stack for Aga flue pipe, expose existing stonework
S/1985/1256	Police security hut
S/2009/1493	T1 Ginko re-brace, T2 Magnolia prune and tidy, T3 Yew adjacent to folly crown clean, T5 group x 10 Poplars pollard to 5 metres, T6 Poplar fell, T7 Yew crown clean and deadwood, T8 Walnut crown clean and dead wood, T9 Poplar fell, T10 Poplar deadwood, T11 Yew crown lift to 3 metres, T12 Goat Willow crown lift to 3 metres, T13 Poplar pollard to 5 metres, T14 Poplar deadwood, T15 Lime crown lift to 4 metres and thin by 20%, T16 Apple remove deadwood, T17 Poplar reduce by 30%, T18 Hazel reduce by up to 2 metres and reduce overhang from car park, T19 Hornbeam fell, T20 Yew crown clean and reduce back from car park by 20%, T21 Hornbeam x 2 deadwood and thin by 20%, T22 Lime x 3 reduce by 20%, T23 Lime pollard to previous cuts, T24 Hornbeam x 6 Pleach, T25 Hornbeam reduce by 20% and crown clean.
S/2011/1513	Installation of a non-illuminated blue enamelled circular plaque to the front wall to commemorate Sir Edward Heath
S/2004/1538	Branch end pruning to a Copper Beech
S/2006/1604	Works to drawing room fireplace, kitchen fireplace, creation of ground floor cloakroom & new replacement window & underfloor heating
S/2009/1648	Variation of Condition 4 of consent no. S/2007/1755. permit opening of the house on Wednesdays and four bank holiday Sundays in addition to Saturdays, Mondays and Tuesdays from 12:30-5:30pm from the first Saturday in April until the last Wednesday in October
S/2007/1755	Change of Use to enable part of dwelling to be open to the public (temporary for 3 years) & construction of hand rail
S/2007/1756	Signage & alterations (internal & external) to facilitate area of dwelling to be open to the public
S/2003/1846	Repair of floor above cellar upgrading floor to 1 hour fire resistance providing a 1 hour fire door to the cellar and providing ventilation to the cellar
S/2009/1843	T1 1 x Robinia Frisia crown thin/remove ten horizontal/crossing limbs. T2 1 x Taxus crown lift to 3.5m. T3 1 x Taxus crown lift to 3.5m. T4 1 x Robinia Frisia crown lift to remove damaged/horizontal limb
S/2006/1872	Stone cleaning to the east elevation of north canonry
S/2006/2171	Formation of 2 ensuite bathrooms to existing bedrooms at first floor, alteration of stud wall on existing bathroom, new

	bedroom door opening, alteration to remove wall in first floor wc, alteration of bedroom door to bed 2
S/2001/2274	Improvement to fire safety to 2nd floor flat including forming new partition and door to kitchen and formation of new jib fire door in existing wall
S/2007/2561	Substitute traditional hinged doors in place of up and over fitting to east elevation of northern garage
13/04090/FUL	Proposed permanent change of use of the property to use class d1 and retention of its existing residential housekeepers flat under use class c3(a)
13/06081/VAR	Remove Condition 2 of S/2012/0022 (The building shall revert back to its former condition with the handrail and railings all be removed on or before 30th November 2014)

5. The Proposal

Planning permission was granted for the permanent change of use of the house to allow continued public access in November 2013 under planning reference 13/04090/FUL. This permission contains a number of conditions as to how the house can be used, in particular relating to the timing and form of 'dedicated events' that may be held at the property. Condition 7 of the planning approval requires that all events that take place at Arundells are held only within the house and they are restricted in number to no more than 24 per year.

The current application seeks to vary the planning condition relating to functions at Arundells to allow the use of the garden of the property for a limited number of dedicated outdoor events and activities, in addition to those already permitted within the house.

6. Local Planning Policy

Wiltshire Core Strategy (WCS) core policies CP39, CP57 and CP58 are relevant, as well as the aims and objectives of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

7. Summary of consultation responses

Salisbury City Council – Supports the application

WC Highways officer – No Highway objection

WC Public Protection officer – No objection, subject to Conditions

Conservation officer – No objection

8. Publicity

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

The application has generated a total of 47 representations from the interested parties, as follows:

- 32 representations in support of the proposed development (including a representation from Visit Wiltshire)
- 15 representations objecting to the proposed development (including Salisbury Cathedral Close Preservation Society and the Dean and Chapter, Salisbury Cathedral) on grounds including -
 - IV. Highway/pedestrian safety and traffic generation
 - V. Adverse impact on the amenities of neighbouring residents
 - VI. Inappropriate commercial use within a residential area

Salisbury City Council supports this proposal.

9. Planning Considerations

The enhancement of tourist related development within the city is supported in principle by adopted WCS Core Policy CP39.

The main planning considerations in respect of the proposed variation of Condition 7 to planning approval 13/04090/FUL are considered to be the impact of the proposal in terms of Highway safety, and the impact of the proposal in respect of the amenity of nearby residents.

Highways considerations

Concerns have been raised in third party representations that the proposal would have detrimental impacts in terms of Highway and pedestrian safety. The Highways officer has assessed the proposal and provides the following consultation response:

“Arundells is located within Salisbury city centre and is well served by public transport including frequent Park and Ride services. There is ample parking available in the public car parks and on-street parking is controlled in the vicinity of the site. I am satisfied that the proposal should not add to the on-street parking pressures in the area.

I do not wish to raise a highway objection or offer any highway related conditions in this instance”.

It is therefore considered the proposed variation of Condition would not be detrimental in terms of Highway safety.

Impact on amenity

The Public Protection officer has visited the applications site and surrounding area and given careful consideration to the potential impact of the proposed development in respect of the potential for the generation of noise and disturbance. The consultation response of the Public Protection officer is as follows:

“Currently the Sir Edward Heath Charitable Foundation are restricted to holding 24 events within the property between the hours of 11am and 10pm on any day. The type of dedicated events and activities are restricted to seminars, lectures, music recitals, board or other working meetings, wedding photography (but no wedding receptions) and private or corporate lunches or dinners. The events are limited to invitation only and for up to 60 people. The Foundation now proposes to hold 24 events annually in the rear garden at Arundell’s in addition to the 24 events inside the property. They have mentioned in their planning statement that these events will be the same type of dedicated events and activities that are detailed in the informative (and listed above) will be for no more than 150 people and run until 10.15pm.

We are not objecting to this application because we have no evidence that the proposals will result in an unreasonable interference at nearby residential properties. We are aware that other premises in the area have similar events which we do not receive complaints about. It would therefore be unreasonable to prevent any events of this nature happening in the garden of Arundell’s. The applicant has put forward proposals for managing the impact of events and it is anticipated that this will be sufficient.

We do have concerns that noise from some of the events held outside could have an impact at nearby residential properties. There are a number of residential apartments located approximately 66 meters south of the proposed location for these events and further residential properties adjacent to Arundell’s. Although the type of events and activities they propose to hold outside are not perceived to be as noisy as events such as parties, functions and wedding receptions it is inevitable that there will be an increase in noise levels in the surrounding areas. The applicants have stated they would propose to hold a number of events with the use of amplification systems. We would have significant concerns that amplified music in such close proximity to residential properties, with the addition of 150 guests and minimal attenuation between the source and properties sound levels may have an adverse impact at residential properties and levels of amenity. Therefore, to reduce the likelihood of an adverse impact on residents nearby we would recommend a condition is attached to any planning permission granted to restrict the use of the gardens to 24 events with non – amplified music only.

We would also recommend that conditions for the following are attached to any planning permission granted;

- Restrict the hours of use to 11.00am to 10.15pm on any day in the garden to reduce the impact of events on nearby residential amenity.*

- Limit the type of activities/events held in the garden, specifically to the activities/events detailed in the informative of the previous planning application (13/04090/FUL)

- Require, through a condition, that events are managed in accordance with the submitted and updated Noise Management Plan.

Should residents living nearby feel that they are being unreasonably disturbed by noise from events, this department has powers under the Environmental Protection Act and Antisocial Behaviour Crime and Policing Act to investigate and take action if necessary”.

Subject to the Conditions recommended by the Public Protection officer, it is considered the proposal would not have undue impacts on the amenity of nearby residents.

10. Conclusion

The proposal would not be detrimental in terms of Highway safety. Subject to the Conditions recommended by the Public Protection officer, it is considered the proposal would not have undue impacts on the amenity of nearby residents.

Recommendation

That the application is **APPROVED**, subject to the following Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number T.0230_02B dated September 2013 and deposited with the local planning authority on 11.09.13, and
Drawing number T.0230_01 dated May 2013 and deposited with the local planning authority on 11.09.13.

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

3. 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 site shall be used solely as a museum with ancillary housekeepers flat, and for other specified dedicated events and activities, and for no other purposes within Class(es) D1, D2 and C3(a) 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).

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(es), having regard to the circumstances of the case.

4. This consent shall endure solely for the benefit of the Trustees of Sir Edward Heath Charitable Foundation.

REASON: Planning permission is granted for the proposed use in view of the unique recent history of the property which is supported by tourism policies. However, without this historical linkage, the property would have less attraction and any future use would therefore have to be assessed having regard to the proposed use and its relationship to residential properties within The Close

5. When the property/land ceases to be occupied/operated by those named in condition 4 above, the use hereby permitted shall cease and the use of the land/property shall revert to a single dwellinghouse.

REASON: Planning permission is granted for the proposed use in view of the unique recent history of the property which is supported by tourism policies. However, without this historical linkage, the property would have less attraction and any future use would therefore have to be assessed having regard to the proposed use and its relationship to residential properties within The Close.

6. In respect of guided tours or other such access provided to the public, the use hereby permitted shall only be open to the public between the hours of 11:00am to 5:30pm. Opening days shall be limited to Saturdays to Thursdays inclusive.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

7. In respect of dedicated events inside the property, the use hereby permitted shall only be between the hours of 11:00am to 10:00pm on any day. Dedicated events inside the house shall not exceed 24 events in any calendar year.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

8. In respect of dedicated events outside of the house (i.e. within the garden of the property), the use hereby permitted shall only be between the hours of 11:00am to 10:15pm on any day. Dedicated events within the garden of the property shall not exceed 24 events in any calendar year.

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

9. Outdoor events at the property shall be operated and managed in accordance with the submitted revised Noise Management Plan (as submitted to the local

planning authority on 15.04.15).

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

10. Notwithstanding the requirements of Condition 3 (above), no sound-amplifying equipment, loudspeaker or public address system shall be installed or operated and no amplified music played within the garden curtilage of the premises.

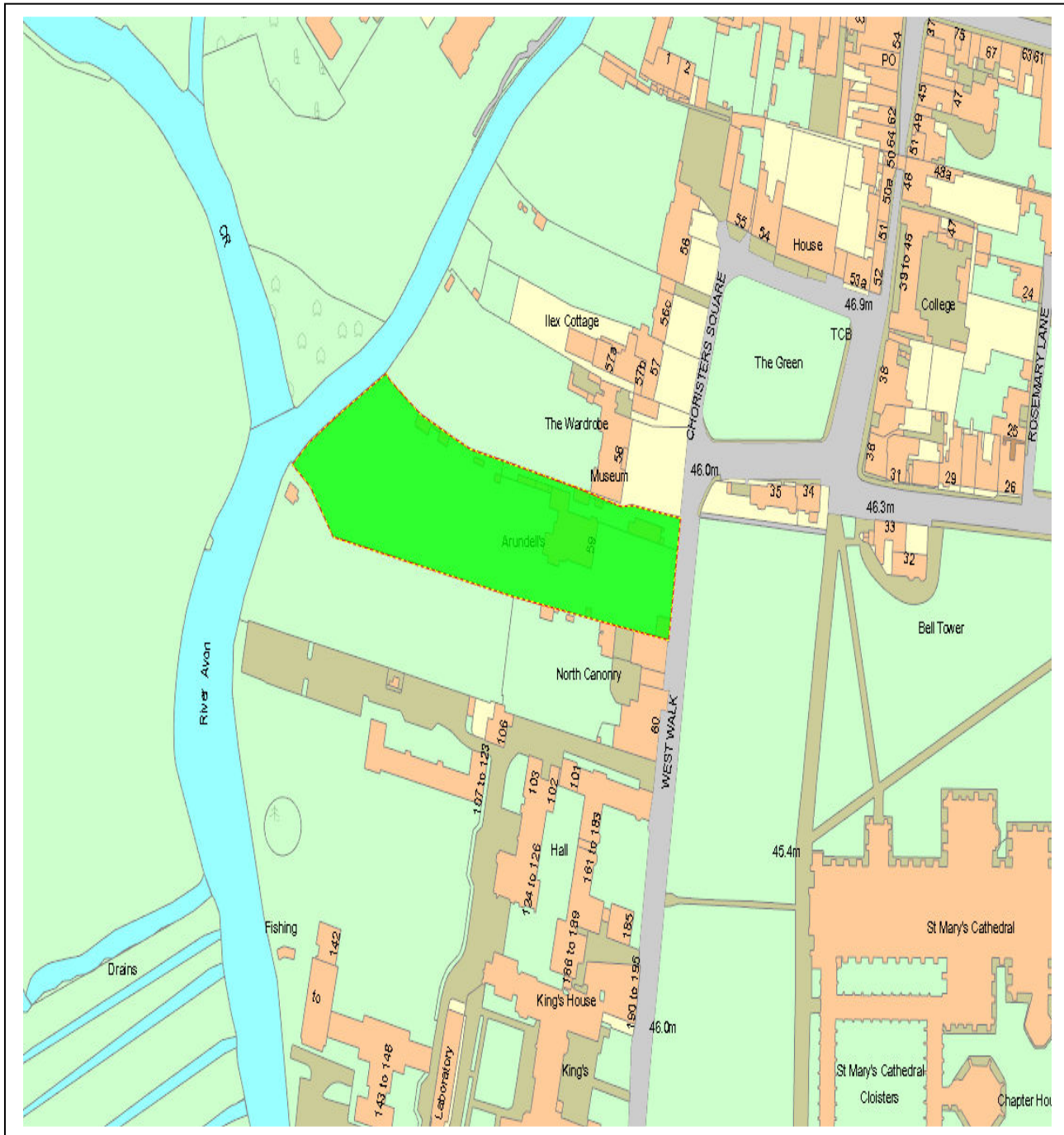
REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE -

For the purposes of this planning consent, 'dedicated events and activities' shall be restricted to seminars, lectures, music recitals, board or other working meetings, wedding photography (but no wedding receptions) and private or corporate lunches or dinners.

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Application Number	15/02009/VAR
Site Address	Arundells, 59 The Close, Salisbury, Wiltshire. SP1 2EN
Proposal	Variation of condition 7 of planning permission 13/04090/FUL to allow the use of the garden at Arundell's for a limited number of dedicated events and activities
Case Officer	Warren Simmonds



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Report To The South Area Planning Committee

Report No.

Date of Meeting	30 April 2014
Application Number	15/01047/OUT
Site Address	Farmer Giles Farmstead, Teffont, Salisbury, Wiltshire, SP3 5QY
Proposal	Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting.
Applicant	Mrs M Corrie
Town/Parish Council	Teffont
Ward	Nadder and East Knoyle
Grid Ref	398481 132831
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The applicant is related to Cllr Tony Deane. The application has generated objections, so requiring determination by the Southern Area Planning Committee.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that the application should be **APPROVED subject to conditions**.

2. Report Summary

The application seeks permission to cease the existing Farmer Giles Farmstead visitor attraction business, demolish buildings a car park and other paraphernalia associated with that business, and erect a single detached dwellinghouse.

The application has received support from Teffont Parish Council and two third parties, objections from eight third party, and comments from the Cranbourne Chase AONB group.

The application follows an application made in July 2014 for the same proposal, which was refused by the Southern Area Planning Committee in October 2014. The current application differs in that it is accompanied by an updated 'Design and Access Statement' and a 'Landscape and Visual Report'.

3. Site Description

The application site lies in open countryside, away from the 'Small Village' of Teffont and outside the Teffont Conservation Area. The site, Teffont and the surroundings lie within the Cranbourne Chase Area of Outstanding Natural Beauty.

The site itself mainly supports the Farmer Giles Farmstead visitor attraction. This comprises a number of contemporary agricultural buildings (used to display agricultural artifacts and to provide a cafe, souvenir shop and other facilities), incidental paraphernalia including a play area, a large visitors' car park, and small paddocks/enclosures for farm animals. In addition there are three holiday log cabins, a stored (not occupied) mobile home, stabling for the applicant's horses, and a horse exercise arena. The Farmer Giles Farmstead visitor

attraction is presently closed but the use as such has not been 'abandoned' for planning purposes.

The site gently rises from east to west (away from the public highway and site access). It also rises from approximately its centre line to the north and to the south. The existing buildings 'sit' in the central hollow created by these changing levels.

The site supports various trees, tree lines and tree groups. Most notable are a central group at the back of the existing car park which largely screen views to the land beyond, and a planted line of tall trees running just inside the northern edge of the site.

Beyond the site to its south-east side is a large farmyard in separate ownership supporting mainly contemporary farm buildings. On all sides of the site (and also beyond this adjoining farmyard) is open countryside. Teffont village lies to the south, some 250m away.

An extract from the local plan map showing the various designations follows:



4. Planning History

The Farmer Giles Farmstead has been the subject of many applications over the years. Notable applications include the following:

S/1987/0586 – “Erect agricultural building partly to incorporate viewing area for public to see working farm, to form car parking and improve vehicular access” - approved 01/07/87 - (this appears to be the earliest approval relating to the use of the site as a visitor attraction)

S/1988/1497 – “Use of land as picnic/recreation area, provision of tea room, construction of toilet block, extension of building to form entrance lobby” – approved 12/10/88

S/1989/0819 – “Change of use of part of building used in connection with Farmer Giles farmstead for the sale of tickets and as a shop” – approved 08/08/89

S/1989/0820 – “Make alterations to and change use of building approved under planning permission s/88/0134/tp for the display of agricultural machinery in connection with Farmer Giles” – approved 09/08/89

S/1989/0821 – “Extend area of tea room approved under planning permission- S/1988/1497” – approved 09/08/89

.....

S/1999/1927 – “Change of use to horse training area with erection of loose boxes” - approved 10/02/2000

S/2003/0727 – “Erect 3 holiday lodges” – approved 28/10/03

14/06726/OUT – “Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting” – refused 16/10/14. Reason for refusal follows:

- 1. The application site lies in open countryside and an Area of Outstanding Natural Beauty. Within the countryside there is effectively a presumption against new residential development except in limited circumstances not relevant to this case. This presumption is in the interests of sustainability and amenity. It follows that as a matter of principle the proposal comprises unacceptable development.*

In terms of harm, the proposal would introduce a house and its curtilage with inevitable domestic paraphernalia, and these would be visually intrusive and alien in such an isolated and rural location, distant from other residential properties or any settlement. By reason of their visibility and alien appearance, the house and its curtilage would detract from the wider appearance of the landscape, neither conserving nor enhancing its status as an Area of Outstanding Natural Beauty. There are no exceptional circumstances which would outweigh the harm to the countryside and landscape.

The proposal is, therefore, contrary to the principles of the settlement strategy set out in Policy CP1 of the South Wiltshire Core Strategy (and Policies CP1 and CP2 of the emerging Wiltshire Core Strategy) and 'Saved' Policies C2 and C4 of the Salisbury District Local Plan, and the guidance in the National Planning Policy Framework - paragraphs 109 and 115.

- 2. The development would be contrary to saved Policy R2 of the Salisbury District Local Plan, as provision for public open space has not been made.*

5. The Proposal

The proposal is to cease the farm attraction use and remove the majority of buildings, car parking areas and other paraphernalia associated with that use, and erect a single two-storey house with attached garage wing. The application is in outline form with all matters reserved except access and scale.

Buildings to be removed comprise the reception/ticket office and the main farmstead exhibit building (which also contains the souvenir shop, cafe and toilets). The car park and stored mobile home would also be removed. All land under the removed buildings and car park would be restored to pasture, although with a driveway retained to serve the proposed dwelling.

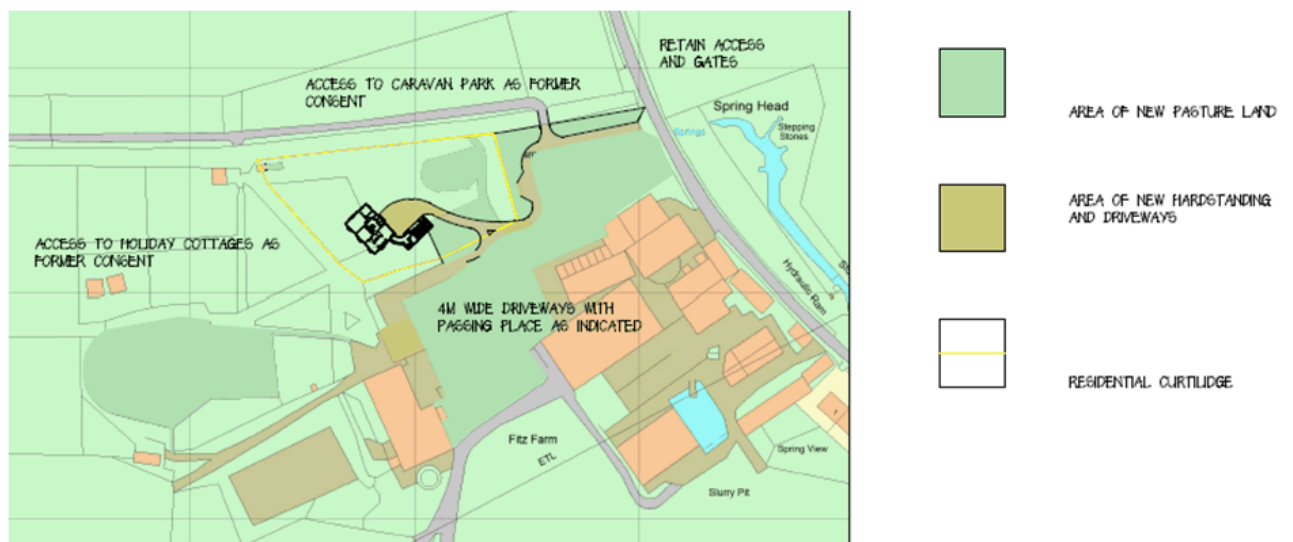


Plan showing buildings to be demolished

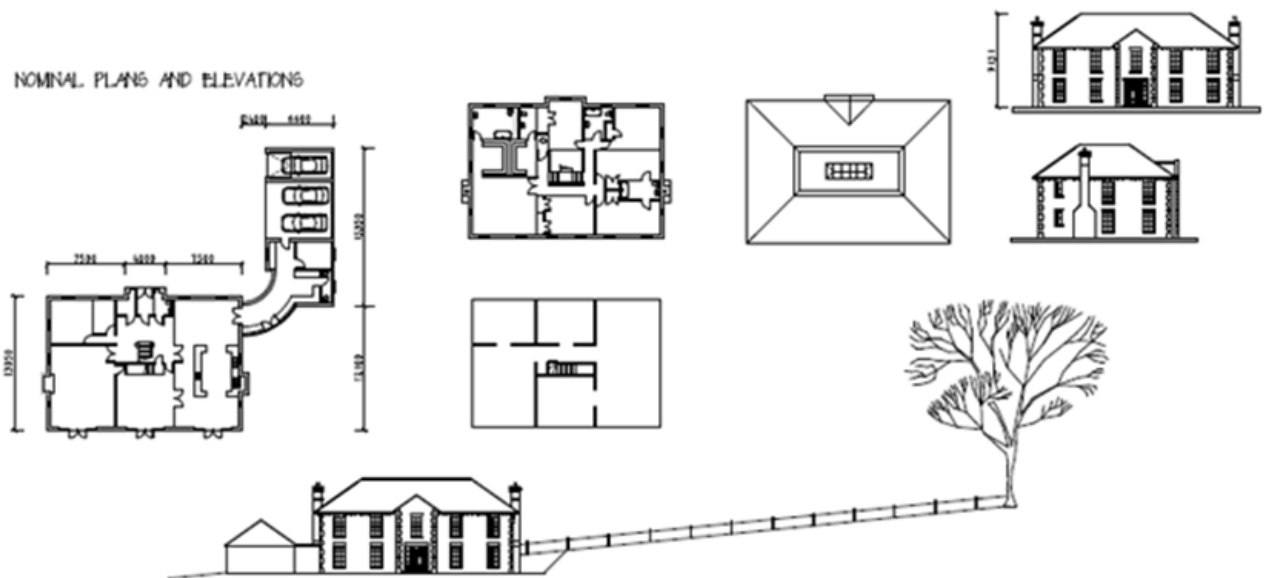
The proposed dwelling would be sited on presently open land to the north of the existing main exhibit building. Although an outline application, the scale parameters of the building are for consideration now. The drawings indicate a two storey house of some 600 sq m (including garaging), with ridge height of 9.2m. Siting is indicated to be approximately 100m from the public highway, beyond the central tree group which is indicated to be retained. In view of the change in levels across the site, the dwelling would be cut into the ground.

A driveway would be created to serve the dwelling. It would utilise the existing access to the visitor attraction. Width would be approximately 4m for the majority of its length.

One visitor attraction building would be retained to accommodate the applicant's horses.



Site Plan – Proposed



Indicative plans/elevations of proposed house

6. Relevant Planning Policy

Wiltshire Core Strategy:

CP1 – Settlement strategy

CP2 – Delivery Strategy

CP3 – Infrastructure requirements

CP48 – Supporting rural life

CP51 – Landscape

CP57 – Ensuring high quality design and place shaping

Salisbury District Local Plan ('saved' policies):

none

Other considerations:

Teffont Village Design Statement

Cranbourne Chase AONB Management Plan

7. Consultations

Teffont PC

Support subject to conditions.

Suggested special conditions based on local knowledge -

- Teffont PC is uneasy that this is presented as an outline application. In supporting it the PC wishes to make it clear that such support does not imply future support of any full application, and that the PC expects in due course to consider any such application.
- The PC recognises this site as a key location on a main entrance to the village from the A303. The PC's prime concern is to limit the visual impact upon entry to the village.

- The PC is concerned at the degree of excavation that may potentially be necessary to reduce the visual impact, including potential impact on water tables and run-off.
- The PC's previous support was on the basis of the offered cessation of Farmer Giles Farmstead as an open farm. The PC's current support is subject to such a closure and the removal of redundant buildings as stated in the application.
- Teffont PC's support is on the basis that, if permitted, there shall be no further residential or commercial infill development.

Wiltshire Council Highways

Recommendation is similar to that for the earlier 14/06726/OUT application.

On the basis that the traffic generated by the proposed new dwelling would be likely to be significantly less than that generated by the current use of the site, no highway safety objection in principle. Also no highway objections to the use of the existing site access as proposed.

On the basis that the Farmer Giles Farmstead would cease, the current car park and certain buildings would be removed from the site and the new dwelling would not create a precedent for further dwellings, no highway objection to the proposed development on transport sustainability grounds.

Farmer Giles Farmstead is advertised by brown and white tourism signs. In the event of this attraction ceasing, the cost of removing these will be sought from the owner.

Wiltshire Council Public Protection

No objection in principle. There is a good separation between the proposed site for the dwelling and the adjacent farmyard.

There is potential for disturbance from the adjacent campsite. This department has experience of investigating noise problems where residential properties that are not associated with a nearby campsite are impacted by noise from campers. It is reasonably foreseeable that should the house and campsite be owned by different people in the future then residents of the property may be disturbed by noise from the use of the campsite. It is therefore recommended that the occupation of the proposed residential property is tied to the use of the campsite through a condition.

Wiltshire Council Ecologist

The application is supported by an Extended Phase 1 Habitat Survey and Daytime Bat and Nesting Bird Survey (Sedgehill Ecology, July 2014). Appendix VIII contains the results of the inspection for bats and birds carried out in June 2014. The conclusions of the survey note that the buildings due to be demolished do not currently contain bats and from the description and photographs submitted it appears that the risk of bats occurring in the future is low. The development lies 1.6km from the Chilmark Quarries SAC which is notified for hibernating bats. Therefore although the site is unlikely to provide roosting potential for these bats, it is within the foraging range of greater horseshoe, lesser horseshoe and possibly Bechsteins bats. Tree planting such as the line of beech trees along the northern boundary and around the car park could provide foraging habitat for these species and should therefore be retained as part of future plans for the site. 6

Two pairs of sparrows were found nesting in one of the buildings. New provision for nesting birds is proposed by way of bird boxes. The only other protected species which the consultant considered could be present on site, are reptiles and recommendations are provided to discourage these from occupying areas due for construction in advance of works taking place.

The description of the two ponds (one of which is reported to be filled) demonstrates that these hold little potential for great crested newts.

The intentions of the applicant / recommendations of the report regarding enhancement are noted: namely the provision of bats boxes, a wildlife pond and sowing of a chalk grassland wildflower mix immediately to the south of the line of beech trees. These measures for enhancement are welcomed but the range of calcareous wildflowers that succeed in the shade of the beech trees may be limited and it is suggested therefore that a less shaded position is found if possible.

A condition and informative are recommended in line with the Council's policies for retention of existing wildlife habitat / enhancement in accordance with core policy CP50 in the core strategy as well as paragraph 109 and 118 of the NPPF.

Wiltshire Council Spatial Planning

Objection - The proposal would result in the development of an isolated dwelling in the undeveloped countryside, which is not in accordance with national and local policy. It is not felt that adequate justification to deviate from this policy position has been provided.

Wessex Water

No objection, subject to other necessary consents in place.

Wiltshire Fire & Rescue Service

Recommends measures to improve safety and reduce property loss.

8. Publicity

The application was publicised by way of a site notice and letters to near neighbouring residential properties. Two third party representations of support have been received and eight third party representations of objection. Comments have also been made by the Cranbourne Chase AONB group.

The support is summarised as follows:

- The underlying basis of the application – to 'trade' the visitor attraction and some associated buildings for a small equestrian/farmstead with dwelling – is sound and in the interests of the village. Retention of the stable building and holiday lodges is not inappropriate and compliments the overall use of the site;
- The proposal would result in a visual improvement at the entrance to the village and within the AONB, subject to appropriate controls to ensure removal of existing buildings and hardstandings. The two existing farmsteads are mostly a blot on the landscape and intrusions in the AONB. These material considerations make the proposal acceptable;

- An on-site dwelling would add security to the site and all remaining buildings/uses. The site has a history of thefts, trespass, etc.;
- A well-designed dwelling would cause no demonstrable harm to the environment, particularly if built in accordance with 'green' principles;
- Retention of the lodges will allow visitors to continue to enjoy the area;
- NPPF allows very occasionally isolated new houses of exceptional quality and innovation;
- There are brownfield sites that could be less tastefully developed under other planning policies and guidance.

The objections are summarised as follows:

- Previous application refused – nothing changed to allow different decision now;
- Contrary to Core Strategy. New housing not allowed in countryside except in exceptional circumstances;
- Contrary to NPPF – “.... Great weight should be given to conserving landscape and scenic beauty in ... AONB's ...”;
- No benefit to Teffont;
- A house would detract from AONB, and have much greater impact than existing buildings / car park to be removed. Car park is not intrusive in any event. L&V Report does not demonstrate acceptable impact;
- House is too big. House is on open land – not on footprint of existing building. House is not a conversion;
- Because outline, insufficient detail to properly assess quality of design. Not necessarily an objection to modest house on site of existing buildings.
- Unanswered questions in respect of holiday lodges and camp/caravan sites – which are required by condition on their planning permission to be removed if FGF business ceases;
- Visitor numbers, and resulting impact of traffic, etc., on Teffont exaggerated. Farm Giles Farmstead appears to be uneconomic as a visitor attraction and an alternative use for the site is needed;
- Potential adverse impact from construction on springs;
- Not in accordance with Teffont VDS;
- No other precedents in area – this will set precedent.

The Cranbourne Chase AONB group states the following:

The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital. The AONB Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally important area. The national Planning Practice Guidance [Natural Environment paragraph 004] confirms that the AONB and its Management Plan are material considerations in planning.

The National Planning Policy Framework states (paragraph 109) that the planning system should contribute to and enhance the natural and local environment by protecting

and enhancing valued landscapes which include AONBs. Furthermore it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 14 footnote 9, due to other policies relating to AONBs elsewhere within the Framework. It also states (paragraph 115) that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in these areas.

The site is in the West Wiltshire Downs landscape character area.

.....

I note that there are at least three specialist consultants involved in this application. Red line area and architectural matters being dealt with by Nigel Lilley, the Planning Design and Access Statement being handled by Allen Planning Ltd, and a Landscape and Visual Report being provided by WH Landscape Consultancy Ltd.

The proposal is for the removal of some buildings to the south of the existing car park, which would itself be removed, and the building of a house. The proposed development would involve cutting a trackway in a north-westerly direction to reach a site north of the retained barn (which accommodates stables for a number of horses) where the proposed new development would be the construction of a significant house and triple garage on an area that is currently grass paddocks.

The red line area includes the car park, a significant part of the area to the west of it, as well as the existing farm type buildings on the site. However, the plan with the red line from the architect shows two ponds further to the west. The smaller one no longer exists. The larger pond is outside of the application area but, nevertheless, is shown on the drawing that is entitled 'Finished areas for residential use and farm / equestrian use' as having been filled in. It appears, therefore, that a significant engineering exercise is being proposed that is outside of the red line application area.

The Planning, Design and Access Statement dated February 2015 appears to be based on the premise that the site is within the category of previously developed land. However, the definition of previously developed land in the Glossary to the NPPF is quite clear that the definition excludes 'land that is or has been occupied by agricultural or forestry buildings'. It would appear, therefore, that the basis on which this Planning, Design and Access Statement is predicated is ill-founded.

Furthermore the focus on planning policy (Section 4) misinterprets the application of paragraph 14 of the NPPF as I have set out above. Moreover, the document fails to refer to paragraph 116 of NPPF which relates to major developments in designated areas such as AONBs. The red line area is clearly sufficiently large to fall within the definition of major development in relation to the way the application is handled. Whether, when it comes to the actual decision making process, it is felt to be sufficiently large to be a major development, is a matter for the decision maker. Nevertheless, the proposals relate to a significant area of land involving changes of use, removal of significant buildings that are not at the end of their functional life, and the removal of a substantial area of surfaced car parking. There also appears, as I have already pointed out, to be a pond filling exercise which covers an area very nearly as large as the car park. A crucial feature of paragraph 116 of the NPPF is the need to

demonstrate exceptional circumstances, which does not appear to have been done.

The Planning, Design and Access Statement helpfully indicates key policies in the Wiltshire Core Strategy 2015. However, particularly in light of the decision recently at Chilmark, the proposed development at Farmer Giles, on the edge of the settlement, does not appear to be 'infill'. Although paragraph 4.17 of the supporting statement relates to Core Policy 51, which requires proposals for development within or affecting Areas of Outstanding Natural Beauty to demonstrate that they have taken account of the Objectives, Policies and Actions set out in the AONB Management Plan, neither the Statement, nor any of the other submitted application material, demonstrate how the Management Plan has been taken into account. The proposal is, therefore, also lacking in respect of policy CP51.

The Planning, Design and Access Statement fails to acknowledge that the existing buildings have weathered over the years and formed part of the larger group of buildings that appear as one with the farm buildings on the neighbouring site. The practicality of being able to return the car park and the concrete bases of the farm building to pasture as a realistic and affordable proposal does have to be questioned. Furthermore, the existence of the three tourist lodges is given scant attention within the application. It would appear that they would be features in the view from the proposed site of the proposed house.

Paragraph 6.4 continues to assert that the site is 'brownfield' whereas Farmer Giles has clearly been a farm diversification exercise based on agricultural activities. Furthermore, the fact that this additional activity has not really been operating for the last two years, but agricultural and equine activities have continued, suggests that this is still fundamentally an agricultural holding.

I also note that the paragraph quoted from the Planning Authority's letter of 16 May 2014 in paragraph 6.8 of the Planning, Design and Access Statement referring to changes likely to enhance the countryside and its status as AONB were not based on any input from the AONB team, and before the planning office had received any advice on the landscape or visual impacts of the proposals.

Paragraph 6.11, again, asserts that the site is previously developed land despite national and local policy. Paragraph 6.13 states 'where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting'. This is misleading as the proposal is not for the re-use of buildings but for the demolition of buildings that clearly still have quite a significant useful life.

The extracts from the Landscape Report that are included in the Planning, Design and Access Statement are, out of necessity, brief and edited. They do, therefore, tend to emphasise the assertions that are then put forward without any significant, substantive reasoning or evidence behind them. Furthermore, without details of the way the access route would be cut into the hillside, the house itself set into the sloping ground, together with details of the height of the proposed building, it is not feasible to make a realistic assessment as to whether or not such a building could be accommodated within the existing topography of what is quite a complex site. It would, therefore, not be reasonable to leave the primary consideration of the development proposal, namely the installation of a significant house and triple garage, to be addressed at the reserved matters stage.

The AONB has to **advise** you that the continued assertion that the development site is previously developed land in paragraph 7.1, is not founded in national or local policy and the actual proposed location for the house is clearly, currently, a greenfield in any sense of that terminology.

The removal of buildings that have weathered into the local scene is a matter that I shall return to later but in the **considered opinion** of the AONB little would be gained and there could be a considerable loss by the removal of the main agricultural style building on the site. Furthermore, the assertion that the car park area is 'visually prominent' in paragraph 7.5 is not supported by evidence. The reference to ecological enhancement is also unsupported and, therefore, I would **suggest**, irrelevant.

As I am confident you will be aware, the AONB Management Plan is supportive of affordable housing within the AONB where this provision does not conflict with Conservation Area or Listed Building issues (Policy VRC4). Market housing should be provided in line with national and local policies and it is acknowledged that exceptions can be made in the interests of the welfare of livestock.

When I met Councillor Deane and Mrs Corrie on site it was explained to me there had been concern expressed from the planning office about the visibility of buildings on the site. I did, therefore, take the opportunity at the time of year when screening by vegetation is at a minimum to evaluate the visibility of the existing site from the primary area where it can be perceived by the public, namely the road from the A303 into the village.

I **concluded** that the only place whence the car park is visible is from the entrance to that car park. The belt of evergreen trees on the northern side of the car park provides significant, all season screening.

I also noted that along the northern boundary of the overall, blue line, area there is a substantial belt of mature Beech trees. On inspection I found that on the northern side of that there has been additional planting of Beech trees, and that these are now approaching a third of the height of the main line of trees. Clearly during the summer these would provide a significant visual barrier. However, during winter there is a thinning of the screening effect in an area from approximately ground level up to about 4 metres. That could be mitigated by an evergreen planting scheme. The current tree screen still has some effect and whilst it was not possible to see specific buildings and structures on the site there was, at late morning, some reflection I shine from some roofs within the site (e.g. from the tourist lodges). The substantial agricultural buildings were not visible.

Driving down the road towards the village I did note that there was a barn roof that was not screened by the evergreen trees beside the car park and this was fairly constantly within the view. When I arrived at the entrance to Farmer Giles it became clear that the visible roof is not on the Farmer Giles site. It is on the land adjacent to it, and is a roof that is within the property of the neighbouring group of farm buildings on the southern side of Farmer Giles. It does, therefore, appear that the removal of an existing agricultural building on the Farmer Giles site that still has useful life would not provide any measurable benefit to the AONB. As I have mentioned in my previous letter (19th August 2014) the loss of Farmer Giles visitor activities could be seen as a loss to the rural economy of the AONB.

*In the light of my site visit and assessment of one of the key issues relating to landscape matters, I now turn to the submitted Landscape and Visual report. It is noticeable that the report was provided after the development scheme had been decided upon and therefore it does not follow best practice of informing the applicant and other advisors of the site opportunities and the potential options for achieving a development that could integrate with the landscape. I note that it was carried out prior to the adoption of the Wiltshire Core Strategy and therefore the policy references within it have been **superseded**. I understand that the report was not commissioned as a detailed Landscape and Visual Impact Appraisal and therefore elements that I would, as a professional landscape architect, have anticipated do not appear. I note, for example, that reference is made to a number of landscape character assessments, but these are simply 'cut and paste' extracts without any analysis or synthesis to establish the landscape context for the proposal. Similarly, reference has not been made to the AONB's Landscape Sensitivity Study 2007.*

Possibly because the work was undertaken after the scheme had been prepared, the framework of the report does not cover 'avoidance of impacts' in addition to 'mitigation' after impacts have been avoided. Furthermore, the report says very little about the scale, form and impacts of the proposed development, and mixes baseline description work with assertions about whether or not the development would have landscape or visual impacts. Paragraph 3.7.9, for example, is an assertion that does not give reasons and is based on characteristics of a development that have not been clearly described.

*Possibly because the Wiltshire Core Strategy had not been adopted the advice in connection with Policy 51 is **out of date** and inappropriate. Nevertheless that could have been picked up from the Core Strategy Examination track changes version of the Core Strategy that the Inspector was making his decision upon.*

Unfortunately the viewpoint findings are based on a 50 mm focal length lens to a traditional SLR camera despite the well publicized work of the University of Stirling indicating that a 75–80 mm lens more realistically represents the view as perceived by the human eye. Furthermore, the viewpoints seem to be from specific, rather than representative, positions and, therefore, structures in the foreground of photographs can have an inappropriate influence on the character of the scene in contrast to the scene when viewed in real life on site. Viewpoint 4 appears to have the 'site of proposed house' positioned significantly nearer to the east than would be the actual case and so could be misleading.

The Landscape Report in Section 5 moves to mitigation and enhancements but does not indicate how the substantial concrete platform for the existing farm buildings and the compacted hard surface for the car park could be restored to the pasture and paddocks indicated on the architect's plans. The proposals may, therefore, not be achievable.

*From my detailed appraisal of the submitted documentation and site visit I **conclude** that if a case is to be made for a house on this property, then a detailed application is needed so that all relevant issues can be evaluated in relation to this edge of village situation within the sensitive landscape of the Area of Outstanding Natural Beauty.*

I understand from my site visit that currently there is livestock on site and that it would be highly likely to continue. I also noted that there are other locations on site where a

property could be located with less ground works and less cutting into the topography of the landscape. Regardless of any observations on the scale and form of the proposed house and garages, the current proposal appears to involve substantial earthworks and cutting into the landscape that do not enhance the amenities of the site or provide for more effective oversight of the holding and its animals.

The AONB does, therefore, most strongly recommend that if the applicant wishes to proceed a full detailed application should be made. In the light of my site visit I would also strongly advise that the fundamentals of the proposal are reappraised, not just in relation to landscape issues, but also the objectives and policies of the adopted AONB Management Plan.

9. Planning Considerations

Principle

The first issue relevant to the consideration of this application is the principle of what is proposed.

Planning law requires local planning authorities to determine applications in accordance with the development plan, unless material considerations indicate otherwise. If the development plan contains material policies and there are no other material considerations then planning applications are required to be determined in accordance with the development plan. Where there are other material considerations, the development plan will be the starting point, and other material considerations should be taken into account in reaching the decision. Such considerations will include whether the plan policies are relevant and up to date.

Case law relating to material considerations states that *“in principle ... any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances”*, (Stringer v MHLG 1971). Material considerations must be genuine planning considerations - that is, they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the planning application(s) concerned, (R v Westminster CC ex-parte Monahan 1989).

Core Policy 1 of the Wiltshire Core Strategy sets out the ‘Settlement Strategy’ for the county, and identifies four tiers of settlement – Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. Within the Settlement Strategy Teffont is identified as being a Small Village. Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development, and there is a general presumption against development outside of these. That said, some very modest development may be appropriate at Small Villages to respond to local needs and to contribute to the vitality of rural communities.

Core Policy 2 of the Wiltshire Core Strategy sets out the ‘Delivery Strategy’. It identifies the scale of growth appropriate within each settlement tier. The policy states that at the Small Villages such as Teffont development will be limited to infill within the existing built area where this seeks to meet housing needs of the settlement or provide employment, services and facilities and provided that the development:

1. respects the existing character and form of the settlement;

2. does not elongate the village or impose development in sensitive landscape areas; and
3. does not consolidate an existing sporadic loose knit areas of development related to the settlement.

Infill is defined in the Core Strategy as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.

Core Policy 48 ('Supporting Rural Life') of the Wiltshire Core Strategy more specifically relates to rural areas. It states that outside the defined limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, and outside the existing built areas of Small Villages, proposals for residential development will be supported where these meet accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside, subject to appropriate evidence.

In this case the application site lies within the countryside, outside of Teffont. In essence a principal component of the proposal is to erect a house on the site which is neither essential to support a rural enterprise nor to provide affordable housing under the limited circumstances allowed by Policy CP48. It follows that the proposal is not in accordance with the settlement and delivery strategies of the Core Strategy, and does not comply with any of the 'rural life' exceptions set out in CP48, and so as a matter of principle conflicts with the Core Strategy.

That said, it is considered that in this case there are 'material considerations' which do, exceptionally, 'tip the balance' away from the usual presumption against otherwise unacceptable development in the countryside. These material considerations are the visible improvements to the site and surrounding AONB resulting from the cessation of the existing use and the removal of the related operational development from the site; and the benefits to certain principles of sustainable development and the general tranquillity of Teffont, again, arising from the permanent cessation of the existing use and the removal of its associated traffic (albeit limited traffic at this time in view of the present 'mothballed' status of the farm attraction). It is considered that the weight to be attached to these considerations as material considerations is sufficiently high to override the policy position. This is explained in greater detail in the following sections of the report.

AONB

The Countryside and Rights of Way Act 2000 states that "*a local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area*"; and "*in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*".

Core Policy 51 of the Wiltshire Core Strategy states that "*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures*". The policy further states that "*Proposals should be informed by and sympathetic to the* "

distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies”.

More specifically CP51 states that “.... proposals will need to demonstrate that aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures”. Relevant ‘aspects’ required to be conserved or enhanced include –

- *The locally distinctive character of settlements and their landscape settings; and*
- *The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.*

The NPPF states that “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”. In respect of ‘brownfield’ land the NPPF further states that “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

This application differs from the previous refused application in that it is accompanied by a Landscape and Visual Report. This provides an assessment of the landscape and visual impacts resulting from the proposal. It is informed by a number of reports including the Wiltshire Landscape Character Assessment (2005), the Salisbury District Landscape Character Assessment (2008), and the Cranbourne Chase and West Wiltshire Downs AONB Integrated Landscape Character Assessment (2003). It identifies the effects of the development, the magnitude of those effects and their nature and significance, and possible mitigation measures.

The report is highly detailed. It summarises the outcomes of its assessment as follows:

“The purpose of this report is to provide an assessment of the application on the landscape and visual aspects of the surrounding countryside. It has been made apparent through a desk study and site visit that the proposed dwelling will have limited detrimental and landscape and visual impacts and is well contained by existing buildings and the landform and tree cover. The following observations have been made which counter Reason for Refusal No. 1:

1. *The dwelling is located on the developed edge of the village of Teffont Magna, and within 1km of the village of Chilmark. The dwelling will also be within close proximity to two other dwellings within the curtilage of the farmstead. These factors mean that although the dwelling will be sited in a rural location, it is not seen to be an isolated feature remote from existing development.*
2. *The location of the dwelling on the lower part of the slope within the site ensures that the dwelling will neither break the skyline nor be seen out of context of the existing buildings in the Farmer Giles Farmstead. The existing boundary vegetation also filters the majority of the public views into the site.*
3. *The landscape will be enhanced from its existing state by the removal of redundant farm buildings and a car park to make way for the regeneration of pastoral land. This additional pastoral land more than compensates for the footprint of the*

house and driveway. Additional trees and hedgerows will also be planted on the development site's boundaries, thus contributing to habitat creation and wildlife corridors to the wider countryside."

The report concludes as follows:

"The proposed dwelling will have a limited impact on both the landscape and visual amenity in the AONB setting, with the scope for enhancing a redundant piece of farmland on the northern edge of the Farmer Giles Farmstead. The new dwelling and associated landscape enhancements will have a positive impact on the landscape and setting of the farm as a result of the removal of the redundant barns and car park, and the restoration of the land to pasture."

These results and conclusions are accepted. The proposal is to cease the existing visitor attraction use and remove operational development associated with it. This includes demolition of two large contemporary buildings and removal of a car park and other related paraphernalia, and then the restoration of the land to pasture. In purely visual terms it is considered that restoration of the site in this manner would result in an enhancement in its appearance and the appearance of the wider landscape, and so fulfil the local planning authority's AONB 'duties' as referred to above.

The 'trade off' is the proposal to erect the dwelling on the site. Exceptionally this is considered acceptable in view of the overall improvements to the appearance of the site resulting from the restoration of the other parts to pasture, this leading to net enhancement of the AONB. This is the first material consideration which tips the balance in favour of the proposal.

The dwelling would be sited at least in part on a more open part of the site (presently partly occupied by a children's play area, which would be removed). However, siting it here would not be harmful to the general openness of the countryside, the location being largely screened by the lie of the land and/or established tree and hedgerow planting, and close to the existing buildings in any event. Although indicated to be a large house, the 'footprint' would be significantly smaller than that of the buildings and car park area to be removed. Any views of the dwelling from highways or other public vantage points would be distant and glimpsed only, and would not be inappropriate if towards a suitably designed house. As this is an outline application the design shown in the application particulars is illustrative only. It is not considered critical to the determination of this application to have the detailed design of the house presented now; nor is it considered critical to have a full landscape and visual impact assessment given the context of the site and the adequacy of the Landscape and Visual Report now accompanying the application.

Regarding the social and economic considerations, removal of the visitor attraction would inevitably result in the loss of a rural enterprise and related potential job opportunities. That said, the attraction is not considered to be a significant employer (particularly now it is 'mothballed'), and the visual enhancements stemming from the proposal are considered to outweigh the economic impacts in any event. This is considered further below.

To sum up on this issue, the enhancement to the AONB resulting from the overall 'package' of proposals is considered to be a material consideration which in this ¹ instance overrides the usual policy presumption against new residential development

outside of defined settlements.

Sustainability

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. It further states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) "..... replacing poor design with better design" . More specifically, the NPPF states that to fulfil the principles of sustainability local planning authorities should promote the development and diversification of agricultural and other land-based rural businesses; and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The NPPF further states in more general terms that local planning authorities should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

There are a number of issues to consider in relation to the application arising from these sustainability considerations. Firstly, the site lies in a less accessible part of the countryside and so it is inevitable that the proposed dwelling would generate trips by car rather than public transport. This less sustainable outcome must be balanced against the likely significant drop off in car trips made historically by visitors to the farmstead attraction. WC Highways consider that the overall reduction in trips by car to and from the site resulting from the proposal means a better and more sustainable position in these terms, and so no objection is raised for this reason.

Secondly, the proposal would result in the loss of a rural enterprise. This is unfortunate, although it is not considered that the farmstead necessarily made a significant contribution to the rural economy in any event. Furthermore, by virtue of the visual impact of the farmstead (and in particular its large car park at the front of the site) it is not considered that it necessarily satisfied the NPPF test requiring economic development to be respectful of the countryside. Nor is it considered that the location of the site, close to the edge of a village accessed via relatively narrow lanes, was necessarily suited to this form of enterprise which is dependent on car and coach borne visitors. On balance, it is, therefore, considered that the loss of the enterprise in this particular case would not conflict with the economic aspirations of sustainability policy.

To sum up this section of the report, it is considered that the proposal, although not strictly sustainable, would result in a more sustainable position than exists presently and would not adversely impact on the rural economy. To its merit, the proposal would reduce traffic in a rural village which would be beneficial to the environment in general. These second material considerations are considered to, again, tip the balance in favour of the proposal against the settlement strategy policies of the development plan.

Other matters

There are no residential amenity issues arising from this proposal in view of the distance of the site from other residential properties. WC Public Protection is satisfied that the proposed dwelling can be sufficiently distanced from the adjoining farmyard to ensure no loss of amenity to the new occupiers.

The Teffont Village Design Statement provides useful guidance and information on how new development should be designed to 'fit'. Notably the VDS states "*Good quality and interesting design really will enhance the surroundings. This does not mean the building need be more costly, just that attention is paid to detail such as placement, proportions and heights of buildings; their relationship to the size of the plot and their roof pitches and 'features'. They should also demonstrate sensitivity to the spirit of the entire village, the adjacent buildings and their occupants, and the environmental setting*". This is a material consideration to be given weight at the reserved matters stage when detailed design would be addressed.

Previously developed land

The response from the AONB group questions the applicant's reference to the site as being 'previously developed land' (or 'brownfield'). It also refers to the proposal as being 'major development'. On the first point, previously developed land is defined in the NPPF as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The wording of the exclusion as 'land that is or has been occupied by agricultural or forestry buildings' was examined in a high court case decided in January 2015. R (on the application of Lee Valley Regional Park Authority) v Broxbourne Borough Council. The question arose: if agricultural buildings had once occupied a site, whether they had changed their use long ago, or had been demolished and replaced with non-agricultural buildings with permission, would the site still be considered as previously developed land? It was held that to consider such land as previously developed land would introduce some very odd consequences which the judge could not accept had been intended. In other words, it cannot be argued that because land has previously been occupied by agricultural or forestry buildings it must remain as previously developed land.

The Farmer Giles Farmstead, although a farm-based attraction, is not a farm. As can be seen from the Planning History, the previous agricultural use has over the years been the subject of various changes of use to non-agricultural, sui generis uses. It follows that because it is occupied by permanent structures, and because these are no longer agricultural, the site does comprise previously developed land.

On the second point, the national Planning Practice Guidance refers to major development in AONB's in the following terms:

Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving

landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

In this case the proposal is to restore part of the site to open land and erect a single dwelling. Although these proposed works encompass a relatively large area of land they do not amount to 'major development' in quantity and in terms of the impact on their context. It follows that the presumption to refuse major development in the AONB does not apply.

Conditions are recommended to deal with the cessation of the visitor attraction use and the phasing of demolition and site clearance works. Conditions are also proposed to manage the use of the stabling building to be retained.

Saved policy R2 of the SDLP requires a contribution towards local recreation provision. However, recent changes to the National Planning Policy Guidance mean that this cannot be sought in this case.

There are no other issues arising, including highway safety and ecology.

RECOMMENDATION

Approve subject to the following conditions -

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

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

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

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

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

- (a) The layout of the development;
- (b) The external appearance of the development;
- (c) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country

Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 Prior to commencement of construction of the dwelling hereby approved all existing buildings indicated to be demolished on drawing no. FGr/pa/03a dated March 2014 and received by the lpa on 2 March 2015 and all of the existing open car park areas (with the exception of that part which will form the access drive to the dwelling as shown on drawing nos. DT/P/101A and FGr/pa/01B dated August 2014 and March 2014 respectively and received by the lpa on 2 February 2015) shall be demolished and the resulting waste materials removed from the site. Following removal of the waste materials and prior to occupation of the dwelling the land shall be re-graded to original levels which existed prior to construction of the farm buildings and hardstandings and laid out as new pasture land in accordance with drawing no. DT/P/101A dated August 2014 and received by the lpa on 2 February 2015. The new pasture land shall be retained as pasture land thereafter.

REASON: To accord with the terms of the planning application and to ensure that the development results in enhancement of the Area of Outstanding Natural Beauty which is one of the exceptional reasons planning permission has been granted in this case.

- 5 Prior to first occupation of the dwelling hereby approved the use of the site as a farm visitor attraction shall cease and thereafter that part of the site occupied by the dwelling and its curtilage shall be used for residential purposes, that part of the site occupied by the exhibit building/stabling to be retained shall be used for storage of equipment required for the maintenance of the site and stabling of horses (including for livery purposes but not as a riding school), and the remainder of the site (including the horse exercise arena) shall be used as farmland and/or for the grazing/exercising of horses.

REASON: To accord with the terms of the application and to reflect the special circumstances under which the development has been found to be acceptable - in particular, the resulting enhancement of the AONB as a consequence of the cessation of the farm visitor attraction use.

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

REASON: In the interests of visual amenity.

- 7 The domestic curtilage serving the dwelling hereby approved shall be limited to the area edged in yellow on drawing no. DT/P/101A dated March 2014 and received by the lpa on 2 February 2015. Prior to commencement of development details of the intended method of enclosing the domestic curtilage shall be submitted to the local planning authority for approval in writing. The approved method shall be implemented in full prior to the first occupation of the dwelling, and it shall be retained and maintained as approved in perpetuity thereafter.

REASON: To clarify the terms of the planning permission and to minimise domestic encroachment into the countryside in the interests of visual amenity.

- 8 Prior to commencement of construction of the dwelling hereby approved detailed drawings of the driveways within the site shall be submitted to the local planning authority for approval in writing. These drawings shall be at a scale no less than 1:200, and they shall specify the dimensions of the driveways, levels, the surfacing materials, and a programme for construction. The driveways shall be constructed in accordance with the approved drawings and programme, and permanently retained as constructed thereafter.

REASON: The application contains insufficient detail to enable this matter to be considered at this stage and to so ensure that the appearance of the AONB will be enhanced.

- 9 No external lighting shall be installed without the prior approval of the local planning authority. Where external lighting is required details of the lighting shall be first submitted to the local planning authority for approval in writing. The lighting shall then be installed strictly in accordance with the approved details, and retained and maintained as such thereafter.

REASON: To enable the local planning authority to retain control of external lighting having regard to the site's location within a remote and dark part of the Area of Outstanding Natural Beauty.

- 10 Before any works commence, details of a scheme for protecting and enhancing the landscape and ecology of the site shall be submitted to the local planning authority for approval in writing in line with the principles set out in the Extended Phase 1 Habitat Survey and Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology, July 2014). The scheme shall identify existing features of interest which will be retained and enhancement measures. The scheme shall be implemented in the first year following first occupation of the new dwelling.

REASON: In the interests of protecting protected species and enhancing habitats.

- 11 No construction or demolition machinery shall be operated on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan and residential curtilage plan undated and received by the lpa 23 February 2015; DT/P/101A dated August 2014 and received by the lpa 2 February 2015; FGr/pa/01B dated March 2014 and received by the lpa 2 February 2015; FGr/pa/03a (demolition plan) dated March 2014 and received by the lpa 2 February 2015.

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

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act

(1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Application Number	15/01047/OUT
Site Address	Farmer Giles Farmstead, Teffont, Salisbury, Wiltshire, SP3 5QY
Proposal	Demolition of some existing buildings and cessation of business. Erection of a dwelling all matters reserved save for access, scale and siting.
Case Officer	Andrew Guest



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Report Outline For Area Planning Committees

Report No. 3

Date of Meeting	21 May 2015
Application Number	14/11997/FUL
Site Address	Tollgate Road, St. Martin, Salisbury. SP1 2JJ
Proposal	Demolition of existing building and erection of 6th form college building with access, parking and multi use games area
Applicant	Mr Simon Firth
Town/Parish Council	Salisbury City
Ward	St Martins and Cathedral
Grid Ref	415093 129633
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called in to the Southern Area Committee by Cllr Ian Tomes on grounds of concern regarding the relationship of the proposed development to surrounding properties, environmental and Highway impact and neighbour amenity considerations.

1. Purpose of Report

To consider the recommendation of the Area Development (South) that the application should be **APPROVED** subject to conditions.

2. Report Summary

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

- I. Principle of the proposed development
- II. Scale, design, materials and impact on the character of the surrounding area
- III. Impact on adjacent listed building(s) and the adjoining conservation area
- IV. Archaeological considerations
- V. Highways considerations
- VI. Impact on the amenity of neighbours
- VII. Land contamination and remediation

The application has generated a total of 3 representations from third parties, as follows:

- One representation from an adjoining residential neighbour objecting to the proposed development on grounds including excessive height and consequent overlooking, amenity impacts from proposed bin store, adverse impact on the surrounding area and Highway (increased traffic) issues.
- One representation from a resident in Marina Road raising no objection in principle but raising concerns in respect of the architectural merits of the development and potential noise from air conditioning units.

- One representation from the churchwardens and PCC of St. Martin Parish raising no objection to the application, with comments in respect of working hours to preserve the peace during church services.

Salisbury City Council provided a consultation response of 'no observation' to the application

3. Site Description

The application site is located within the south eastern suburbs of Salisbury city, in a generally mixed residential/commercial area and in close proximity to the principal Wiltshire College Salisbury campus site. The site is within an Area of Archaeological Significance and has residential dwellinghouses on all sides (and on the opposite side of Tollgate Road). The site is adjacent to the designated conservation area (to the immediate west) and adjoins the Grade 1 listed St Martins Church.

Historically, the site was formerly a boot factory and then a clock factory, originally built by Moore Bros in 1892, but burned down in 1909.

The site is currently disused, containing redundant workshop building(s).



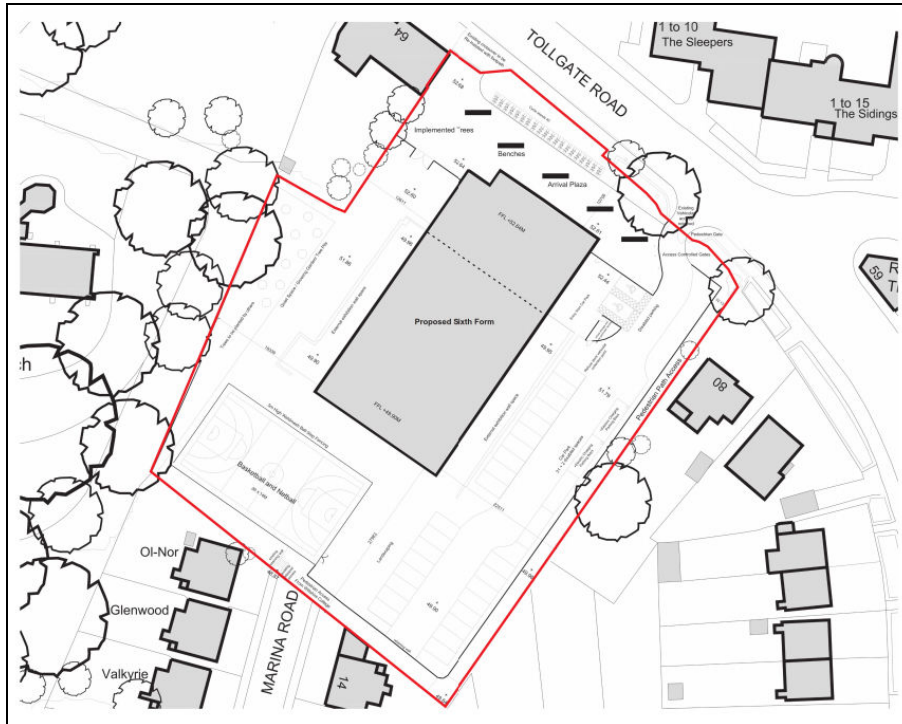
4. Planning History

S/1995/0135	Use of area cleared by demolition as additional car parking for college use
S/2000/0346	Demolition of existing buildings and construction of new building for use as an acoustic centre
S/2001/0360	Change of Use of building to aerobics studio and changing room plus provision of new entrance

14/10383/PREAPP Demolition of existing workshops (disused) and construction of new four storey 6th form college and associated parking and landscaping works and multi-use games area

5. The Proposal

The application proposes the demolition of the existing redundant former factory building and the erection of a new three/four storey 6th Form college building with associated access, parking and multi-use games area.



6. Local Planning Policy

- Adopted Wiltshire Core Strategy (WCS) policies CP35, CP57, CP58, CP63, CP64
- Saved local plan policies H8, PS5
- NPPF & NPPG

7. Summary of consultation responses

WC Highways – No Highway objection subject to a financial contribution towards cycle infrastructure improvements along Tollgate Road

Highways England – No objection subject to a financial contribution towards the A36 cycle infrastructure improvement scheme

WC Archaeology – No objection, subject to a Condition

Tree officer – No response received

Public Protection – No objection subject to Conditions including controls on the use of the proposed MUGA and appropriate land contamination investigation/remediation

Landscape Officer – No response received

Historic England – Concerns raised in respect of the proposal having an adverse impact on the setting of the adjacent listed church and surrounding conservation area

Conservation Officer – Agrees with and echo's the concerns expressed by Historic England

Sport England – No comment

WC Education – No response received

WC Drainage – Support, subject to Conditions

Environment Agency – No response received

WC Spatial Planning – No response received

WC Ecologist – No comments

WC Waste – No response received

Salisbury City Council – No observation

8. Publicity

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

The application has generated a total of 3 representations from third parties, as follows:

- One representation from an adjoining residential neighbour objecting to the proposed development on grounds including excessive height and consequent overlooking, amenity impacts from proposed bin store, adverse impact on the surrounding area and Highway (increased traffic) issues.
- One representation from a resident in Marina Road raising no objection in principle but raising concerns in respect of the architectural merits of the development and potential noise from air conditioning units.

- One representation from the churchwardens and PCC of St. Martin Parish raising no objection to the application, with comments in respect of working hours to preserve the peace during church services.

Salisbury City Council provided a consultation response of 'no observation' to the application

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of the proposed development

The application proposes the demolition of the existing redundant former factory building and the erection of a new three/four storey 6th Form college building with associated access, parking and multi-use games area. The proposal constitutes a change of use from the existing (redundant) B2 general industrial use to a non-residential college of further education (Use Class D1).

Saved local plan policy PS5 (Education) states that new education facilities required by the local Education Authority will be permitted on suitable sites within or adjoining settlements.

WCS Core Policy 35 deals with existing employment sites. The application site is not within the defined Principle Employment Area of Salisbury, outside of such areas CP35 acknowledges that some older employment sites may no longer be fit for purpose or that their role has changed. The overall employment land target (within the WCS) includes an allowance for the replacement of some sites, therefore, in some circumstances it may be appropriate to allow for the redevelopment (in whole or part) of existing employment sites for an alternative use, particularly where the site is not required to remain in its current use to support the local economy in the area, and in cases where it has remained unsold or un-let for a substantial period of time (at least 6 months).

The NPPF sets out how the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPA's should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted (NPPF para.72).

In Principle, the development of a new educational establishment is welcomed by National and Local Planning Policy. Furthermore, in general terms, the choice of site would seem to be appropriate, particularly given the synergy with the establish

College use of the larger site. The removal of dilapidated existing college building and the enhancement of the general street scene would also be welcomed.

Taking into account local plan and national planning policy, the proposed development is considered acceptable in principle.

9.2 Scale, design, materials and impact on the character of the surrounding area

The existing building(s) on the site are of single and two storey, predominantly flat-roofed form and occupy the central part of the northern end of the site (towards Tollgate Road). The remainder of the site is open and hard surfaced.

The proposed development consists of a new rectangular flat-roofed building of three storey height (with partial lower ground floor creating four stories at the rear). The principle access to the building is on the ground floor at the northern end (facing onto Tollgate Road) with vehicular and pedestrian access off of Tollgate Road incorporating a landscaped external 'Arrival Plaza' at the front of the site.

The area surrounding the application site is characterised by a diverse mix of built forms, ages and uses, including large commercial buildings, residential houses, apartments, the listed church to the west and the existing Wiltshire College buildings to the south and south west.

By reason of the existing diversity of building types, scales and the materials and finishes used in other buildings within the surrounding area it is considered the proposed 6th Form college building would not be out of keeping or otherwise unduly detrimental in terms of the existing character of the surrounding area.

9.3 Impact on adjacent listed building(s) and the adjoining conservation area

The site is adjacent to the designated conservation area (to the immediate west) and adjoins the Grade 1 listed St Martins Church. The consultation response from Historic England raises concerns in respect of the impact of the proposed development on the setting of the adjacent listed church, and the surrounding conservation area. The consultation response identifies that St Martins is grade I and forms part of the eastern end of the Milford Hill Conservation Area. The church sits centrally within a large churchyard that has a low boundary wall around its perimeter. The church is a major landmark in this part of the City, with its spire acting as a visual termination to the historic core of the City. The Church has strong architectural, historic, evidential and communal significance and dominates the end of St Martins Church Street, with a number of grade II listed houses along its length. The churchyard also provides an attractive open space for this part of the City, as identified in the Conservation Area Appraisal. The churchyard wall forms the boundary to the proposed development site that lies immediately to the east of the Church. To the south of the Church are the buildings belonging to Wiltshire College, however, there appears to be a good tree screen between these two areas (all of the trees are contained within the churchyard).

The Historic England consultation response concluded that, on the basis of the heritage assessment/information provided, the height and bulk of the proposed new

college building is likely to have a harmful impact on the settings of the conservation area and the grade I St Martins Church. The Wiltshire Council conservation officer echo's these concerns.

In response the applicant has submitted (May 2015) a revised Heritage Assessment for the proposed development, which has been forwarded to Historic England and the conservation officer for their further comments (comments are expected to be available prior to the Committee meeting and will be published to the Council's website when received and will be circulated in full to Members as late correspondence).

9.4 Archaeological considerations

The application site is within a designated Area of Special Archaeological Significance. The Assistant County Archaeologist has assessed the proposal and notes the archaeological assessment that accompanies the application recognises that there is particularly potential for Palaeolithic and medieval remains to be present on the site. The assessment also deals with the previous land use - it is possible that the 'made ground' deposits that are mentioned in the report are archaeological in origin, however the presence of brick fragments in at least some of them suggests that, if only in parts, they are likely to be of later date.

The Assistant County Archaeologist supports the application, subject to a Condition that a programme of archaeological works is carried out as part of any development (it is likely that this would take the form of an archaeological watching brief).

9.5 Highways considerations

Highways England has assessed the proposal and after a significant amount of additional liaison with the applicant have provided the following consultation response:

The applicant is seen to have an impact on the already congested A36(T) Southampton Rd/ Churchill Way East roundabout. Highways England therefore recommends that the developer endeavours to maximise sustainable trips in order to minimise the impact of vehicular trips at this junction. A cycle infrastructure improvement scheme is currently proposed along the A36(T) to form a link from Petersfinger Park and Ride to College Roundabout. It is recommended that prior to occupation of the approved development the applicant should provide a contribution of £25,000 towards this improvement scheme in order to encourage the transfer of trips from the private car to cycle to minimise the impact on the A36(T) roundabout.

Wiltshire Highways have also assessed the proposal and raise no Highway objection, subject to the applicant providing a financial contribution towards cycle infrastructure improvements along Tollgate Road.

The proposed development is considered acceptable in Highway safety terms.

9.6 Impact on the amenity of neighbours

The use of the proposed new building is a Class D1 non-residential institution (as defined within the Use Classes Order) to provide education facilities predominantly for 16 to 18 year olds in the form of a 6th Form College in association with the existing and adjacent Wiltshire College. The proposed development would therefore be generally limited to use during the daytime and on weekdays only, and only during weeks forming part of the academic year (being approximately 42 weeks of the year).

By reason of its academic function and use, it is considered the proposed development is less potentially onerous in terms of the amenity of neighbouring residents than a residential use such as a development of apartments or flats. However, the normal planning consideration in respect of the impact of the proposed development on the amenity of neighbouring residents and uses remain relevant and are considered below:

The proposed D1 academic use of the site would replace the existing authorised industrial use of the site (with the potential for adverse impacts on local amenity through noise, vibration, odour etc), and is considered to be a quieter, less intensive and generally more appropriate use in terms of its potential impacts on neighbouring residential amenity.

The proposed new building is taller than the existing workshop buildings, but is 'pulled-in' from the east and west side boundaries, thereby increasing the distance between the building and the closest neighbouring residential properties on either side.

The front elevation of the proposed building faces onto Tollgate Road which is a relatively wide two way road with pavements on either side. Directly opposite (to the north east) of the front of the site is a plumbers merchant commercial/industrial unit and a development of relatively new apartment buildings, set over three stories. By reason of the distance separating the front of the proposed 6th Form College building and the apartments on the opposite side of Tollgate Road, it is considered the proposed development would not result in undue impacts in terms of overlooking or overshadowing.

To the northwest of the application site there are dwellings on Tollgate Road, the closest of which is a detached two storey house (number 64) which has a rear garden curtilage enclosed by an approx. 2m tall brick boundary wall. There is a degree of existing natural screening within the garden of number 64. The outside area to the west of the proposed building (within the curtilage of the application site) is designated as a 'quiet space/growing garden' with trees to be planted. Taking into account that the proposed west facing side elevation of the 6th form building has no windows (only a pedestrian fire door serving the ground floor), it is considered the proposed development would not result in the undue overlooking or overshadowing of adjacent dwellings to the northwest or west of the application site.

To the rear (south west and south) of the application site is the proposed outdoor multi-use games area(MUGA) intended for basketball and netball. The proposed MUGA is within an area that is enclosed by an existing brick boundary wall of approximately 1.8m height. The applicant has submitted a management plan for the use of the proposed MUGA, to which the Public Protection officer has responded with the following comments:

“Initial we raised concerns with regards to the potential noise and lighting impact that the MUGA could have on the amenity levels at nearby residential properties. It has been clarified that there will be no floodlighting on the MUGA, though we would recommend a condition is attached to any planning permission granted to ensure floodlighting is not installed on the MUGA.

Although the MUGA will be positioned within close proximity to residential properties there is a brick built wall approximately 2.5 meters high along the bottom boundary of the site, providing some level of noise attenuation. As the nearest residential property is single storey, with no dormer/roof windows there will be no direct line of sight to the MUGA. In addition, the applicant has detailed that the MUGA will only be used for teaching purposes between the hours of 8.45am and 4.00pm, Monday to Friday and will not be used for community use in the evenings or at the weekends. Therefore, we would recommend that a condition is attached to any planning permission granted to restrict the hours of use for the MUGA to 8.45am to 4.00pm Monday to Friday only and no use on Saturdays, Sundays, Public or Bank Holidays”.

Subject to the restrictions set out within the Public Protection officer’s response (by Condition), it is considered the proposed development, including the MUGA, will not result in undue impacts in respect of neighbouring occupiers living adjacent to the site.

To the east of the application site are dwellings along Tollgate Road, and the adjoining rear gardens of properties on Marina Road. The closest neighbouring property to the application site is number 80 Tollgate Road – a detached two storey house with enclosed rear garden running approximately two thirds of the way down the south eastern boundary of the application site. The boundary between the application site and number 80 consists of a masonry wall of approximately 2.5m height. Within the northeast facing side elevation of number 80 is a first floor window with a view over the application site – this window serves a bedroom.

Whilst the proposed new building is of three storey height relative to number 80 Tollgate Road, the height is mitigated by the existing boundary wall and the increased separation distance between the proposed building and the side boundary. To further mitigate against undue overlooking of the bedroom and rear garden of number 80, a Condition can be imposed to ensure that (in addition to the first and second floor windows within the east facing side elevation that are already proposed as obscure glazed – labelled 3A on the proposed drawings), all of the remaining second floor windows within this elevation are obscure glazed for the lower 50%. The rooms at second floor level that are served by the windows within the east facing side elevation are science labs which will have fitted benches up to

the walls, thereby preventing occupiers from approaching right up to the windows on the inside.

Taking into consideration the academic nature and use of the proposed development, the significant boundary wall between the application site and number 80, the increased distance between the proposed building and the side boundary, and subject to the imposition of Conditions requiring potentially overlooking windows within the proposed east facing elevation to be obscure glazed as detailed above, it is considered the proposed development would not result in undue overlooking or other undue negative impacts on the amenity of the occupier(s) of number 80 or other adjacent dwellings.

9.7 Land contamination and remediation

The application site has had a variety of previous industrial uses over the last 100 years (the Moore Bros clock factory was built on the site in 1892, burned down 1909).

The Council's Senior Public Protection Officer has assessed the proposed development and concludes that the two Geotech reports submitted as part of the application sufficiently address the matter of the previous use of the site and have noted some issues related to contamination and proposed remediation (via scheme design / cover system).

The Senior Public Protection Officer recommends that a remediation strategy be agreed (by Condition) prior to the commencement of development or the occupation of the buildings.

10. Contributions required by legal agreement

Two one-off financial contributions are required for Highway infrastructure improvements as set out on the consultation responses of Highways England and Wiltshire Highways. The proposed development is considered to be zero rated in respect of contributions toward the Community Infrastructure Levy (CIL).

11. Conclusion

In Principle, the development of a new educational establishment is welcomed by National and Local Planning Policy. Furthermore, in general terms, the choice of site would seem to be appropriate, particularly given the synergy with the establish College use of the larger site. The removal of dilapidated existing college building and the enhancement of the general street scene would also be welcomed.

The area surrounding the application site is characterised by a diverse mix of built forms, ages and uses, including large commercial buildings, residential houses, apartments, the listed church to the west and the existing Wiltshire College buildings to the south and south west. By reason of the existing diversity of building types, scales and the materials and finishes used in other buildings within the surrounding area it is considered the proposed 6th Form college building would not be out of

keeping or otherwise unduly detrimental in terms of the existing character of the surrounding area.

Taking into consideration the academic nature and use of the proposed development, the significant boundary wall between the application site and adjoining residential properties, the increased distance between the proposed building and side boundaries, and subject to the imposition of Conditions to protect the amenity of neighbouring residents, it is considered the proposed development would not result in undue overlooking or other undue negative impacts on the amenity of the occupiers of adjacent dwellings.

The Historic England consultation response concludes that, on the basis of the heritage assessment/information provided, the height and bulk of the proposed new college building is likely to have a harmful impact on the settings of the conservation area and the grade I St Martins Church. The Wiltshire Council conservation officer echo's these concerns.

In response the applicant has submitted (May 2015) a revised Heritage Assessment for the proposed development, which has been forwarded to Historic England and the conservation officer for their further comments (comments are expected to be available prior to the Committee meeting and will be published to the Council's website when received and will be circulated in full to Members as late correspondence).

On balance, it is considered the public benefits (social, economic and community benefits) brought about through the provision of the proposed 6th form college development act to outweigh the potential harm to the setting of the adjacent listed church and surrounding conservation area, and the application accords with local plan policy and the aims and objectives of the NPPF and NPPG.

Recommendation

Approve subject to the following conditions –

It is recommended the application be **APPROVED**, subject to the applicant entering into relevant legal agreement(s) to ensure financial contributions are made in respect of improvements to local Highway infrastructure, and subject to the following Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 10005-04-P701 Revision B dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04v-vvP001 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P002 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P101 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P201 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P301 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P601 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P650 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P652 Revision B dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P653 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P654 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P656 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P657 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P751 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14.

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

3. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land

Contamination CLR11” and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme.

On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

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

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

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

Informative:

Further Recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

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

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

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of

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

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

7. There shall be no floodlighting or other illumination of the approved multi-use games area.

REASON: In the interests of the amenity of neighbouring residents

8. The use of the multi-use games area shall be restricted to between the hours of 8.45am to 4.00pm Mondays to Fridays only and there shall be no use on Saturdays, Sundays, Public or Bank Holidays.

REASON: In the interests of the amenity of neighbouring residents

9. Before the development hereby permitted is first occupied the windows labelled '3A' in the approved drawing (10005-04-P701) in the east facing side elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

10. Before the development hereby permitted is first occupied all of the top floor windows in the east facing side elevation (those not subject to Condition 9 above) shall be glazed with obscure glass to 50% of the glazed surface area (the bottom half) and these windows shall be permanently maintained with 50% of the glazed surface area (the bottom half) with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.

REASON: In the interests of neighbouring amenities

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

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

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Application Number	14/11997/FUL
Site Address	Tollgate Road, St. Martin, Salisbury. SP1 2JJ
Proposal	Demolition of existing building and erection of 6th form college building with access, parking and multi-use games area
Case Officer	Warren Simmonds



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