

Deadline	18/06/09		
Application Number:	S/2009/0577		
Site Address:	WEST VIEW HIGH STREET ANSTY SALISBURY SP3 5QF		
Proposal:	REPLACEMENT TWO STOREY DWELLING HOUSE WITH DETACHED THREE BAY GARAGE BUILDING		
Applicant/ Agent:	MICHAEL LYONS ARCHITECTURE		
Parish:	ANSTY		
Grid Reference:	395538.3 126913.6		
Type of Application:	FULL		
Conservation Area:	ANSTY	LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

### Reason for the application being considered by Committee

Members of the August 6<sup>th</sup> SAC meeting deferred the item, so that a site visit could take place, and that the officer's could clarify to difference in size between the proposed dwelling and the existing bungalows. The following report has been adjusted to clarify this matter.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

### 2. Main Issues

The main issues to consider are :

Impact on amenities

Scale and design

Impact on Conservation Area and Area of Outstanding Natural Beauty

### 3. Site Description

West View is a detached bungalow located within a large site in the rural settlement of Ansty. The site is located adjacent to a Conservation Area and is within an Area of Outstanding Natural Beauty. The site is within the open countryside in the north east of Ansty. The site is accessed from the main road through the settlement via a driveway. To the north and east of the site is paddock which is owned by West View, to the west of the site is a native hedge boundary adjacent to the road and a Copper Beech hedge boundary to the neighbouring property to the west.

### 4. Planning History

Application number	Proposal	Decision
08/2123	Replacement dwelling and carport	WD

## 5. The Proposal

Permission is sought for a the demolition of an existing bungalow, its single garage, and some adjacent dilapidated outbuildings, and the construction of a replacement 2 storey dwelling with detached 3 bay garage.

The existing access and drive would remain as existing, although the gates would be repositioned further into the drive.

At members request, officers have measured the size of the proposals. The existing single storey property measures approximately 90sqm in area, and its existing single garage measures approximately 14.85sqm. The proposed two storey dwelling would measure approximately 145 square metres in floor area on each floor, (making approx 290sqm across two floors), and the proposed detached garage would measure approx 57.6 square metres in floor area.

Therefore, in terms of simply the footprint of the dwellings, (excluding garages), the proposed dwelling would have a footprint approximately 55sqm larger than the bungalow. In floor space terms (living space), the proposed two storey dwelling would be approximately 200 sqm larger than the existing bungalow.

To put this in context, the residential garden area as shown on the applicants plans measures approximately 3,314 sq metres in area.

## 6. Planning Policy

The following policies are considered relevant to this proposal

G2- General Criteria for development

D2- Good design

H30 – Replacement dwellings

C5 – Landscape Conservation of Area of Outstanding Natural Beauty

CN8 – Conservation Areas

## 7. Consultations

Town/ Parish council          Object on scale of proposal

Conservation – Objection over the impact on the conservation area

Wessex Water – No objections

WC Highways – No objection

Arboricultural Officer – No objections

Environment Agency – No objections

Environmental Health – No objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 28/05/09

## **9. Planning Considerations**

### **9.1 Impact on amenities**

The proposal is located outside the Special Restraint Area in Ansty and is within the open countryside. As such the principle of the proposal is acceptable as policy H20 is not relevant with policy H30 generally permitting appropriate replacement dwellings. The proposed replacement dwelling will due to its prominent location have an impact on the amenities of the surrounding area. The existing property is a single storey dwelling that whilst sited at the eastern edge of the site at the highest point is not a prominent feature within the landscape. The proposed replacement dwelling will introduce a more prominent feature into the area however it is not considered that this will be an oppressive or dominant feature due to the appropriate nature of the design which will be discussed further in the following section.

The proposal is to be sited at the north east of the site 35m from the southern boundary and 17m from the western boundary. The land bordering the eastern and northern boundaries is owned by West View and is an open field leading into a forested area further to the east. The proposal due to its location is considered to have a minimal impact on the amenities of the surrounding properties as there is a significant distance over 30m to the adjoining properties. The impact is further reduced by the adequate levels of screening on site which is surrounded by mature vegetation which is to be retained.

The proposed garage is located to the north of the site and will be well screened from view by trees to both side elevations. The siting of the proposed garage will ensure minimal impact on the amenities of the area due to the location of the building which is surrounded by paddock in the ownership of West View.

### **9.2 Impact on Conservation Area and Area of Outstanding Natural Beauty**

The addition of a second storey has raised some concerns from the Conservation Officer and Parish Council. Specifically the visibility and size of the proposal by nature of its larger elevations, increased height, and use of materials. The existing bungalow is set at an elevated position and can be seen from the road however it is set back into the site reducing its impact on the area. Whilst it is accepted the proposal will be more visible than the existing bungalow due to its increased height and overall scale it is considered that the appearance of a two storey dwellinghouse of appropriate design is not an uncommon feature within Ansty and the surrounding area and as such it is considered that the proposal will merge with the immediate area to a satisfactory degree. The parish council state that the proposal is out of character with the rural village however it is considered that the design of the proposal is considered to

respect the rural surroundings due to the traditional and simple design of the dwelling which utilises a traditional farm house gable to the west elevation and a central chimney and appropriate materials on a modest sized dwelling.

Further concerns have been raised by the Conservation Officer over the scale of the dwelling however it is considered that the site is of a suitable size to support a dwelling of this size. Whilst the creation of a two storey dwelling will inevitably result in a larger dwelling than the existing bungalow, in terms of footprint occupied on site, the proposal will result in an approximate increase in size over the existing bungalow of approximately 55sq metres (not including the existing and proposed garage buildings). It is not considered that an increase of 55 squared metres in footprint is significant enough on this large site to constitute a departure from policy H30 due to the minimal impact on the open countryside. Furthermore the impact of the property will be reduced as the dwelling will be set back into the site and will be set partially into the bank to reduce the overall scale of the dwelling and will be set back away from the adjoining road.

The proposed dwelling is to be constructed with Chilmark stone which is considered to be a significant aesthetic improvement on the existing brick construction and will weather over time blend to a greater degree with the surrounding rural landscape. In addition to the Chilmark stone painted timber windows and handmade clay tiles are to be used which will further aid the proposal to merge with the surrounding rural area.

The proposed garage is of a simple design to be expected for a building of this nature. The proposed materials of oak with feather edge boarding and a clay tile roof will respect the rural characteristics of the surrounding area and merge well with the proposed dwelling.

## **10. Conclusion**

Whilst the replacement dwelling is larger than the existing bungalow, the proposal is considered acceptable, as it would be more in keeping with character of the area and even though it is to be more visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H30 (Replacement dwelling in the countryside) of the adopted Salisbury District Local Plan.

## **Recommendation**

It is recommended that planning permission is granted, for the following reasons:

Whilst the replacement dwelling is larger than the existing bungalow, the proposal is considered acceptable, as it would be more in keeping with character of the area and even though it is to be more visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H30 (Replacement dwelling in the countryside) of the adopted Salisbury District Local Plan.

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

2 No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00 weekdays and 08:00 & 13:00 Saturdays

Reason (2): In the interests of neighbouring amenity

3. During demolition and construction of the buildings, no bonfires or burning of surplus materials or other waste shall take place on site.

Reason (3): In the interest of neighbouring amenity

4. Prior to the commencement of development a method statement specifying how the demolition and site clearance will be undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason (4): in the interest of neighbouring amenity

5. 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6. No development shall commence on site until a sample of stonework, to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.

REASON (6): In the interests of visual amenity and the character and appearance of the area.

POLICY-D2, CN8, C5

INFORMATIVE:

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the detailed design stage.

It is recommended that the developer should agree with Wessex

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense,

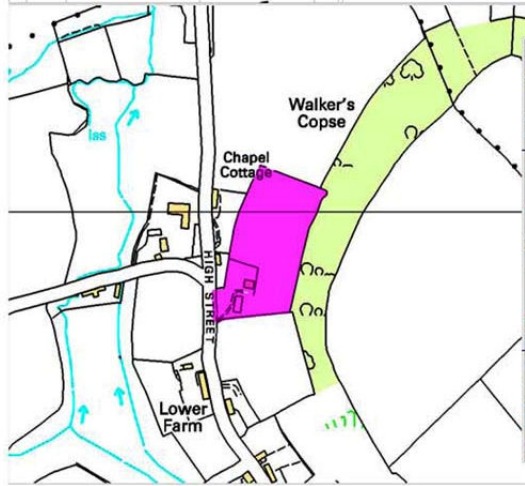
or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus

<b>Appendices:</b>	<b>None</b>
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<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• 348/P.05</li><li>• 348/P.04 A</li><li>• 348/P.03</li><li>• 348/P.02 A</li><li>• 348/P.01 A</li></ul>
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REPLACEMENT TWO STOREY DWELLING HOUSE WITH DETACHED THREE BAY GARAGE BUILDING

S/2009/577



**Wiltshire Council**  
Where everybody matters

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Deadline	07/08/09		
Application Number:	S/2009/0834		
Site Address:	NEW BARN FARM ANSTY SALISBURY SP3 5PX		
Proposal:	RETENTION OF MOBILE HOME TO PROVIDE RESIDENTIAL ACCOMMODATION IN ASSOCIATION WITH THE FARM SHOP/ENTERPRISE		
Applicant/ Agent:	MR SIMON CHAMBERS		
Parish:	ANSTYFOV/CHALKEVALLE		
Grid Reference:	394925.77 125580.4		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

Councillor Green has requested that this item be determined by Committee due to the impact of the proposal on the Area of Outstanding Natural Beauty.

This Committee item was deferred from the previous Southern Area Committee meeting on 06.08.09 to enable the Head of Development Services to undertake further negotiations with the applicant to ascertain the precise nature of the permission required and information from the applicant regarding the lack of any alternative accommodation.

The description of the proposed development has subsequently been amended to address a previous inaccuracy in respect of the duration for which the mobile home could be considered 'seasonally occupied'. All other circumstances of the application remain unchanged and the officer's report and recommendation set out below are unchanged.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

### 2. Main Issues

The main issues to consider are :

- (i) The principle of the proposed development
- (ii) Impact on the surrounding AONB
- (iii) Whether the provision of a dwelling within the site is justified in terms of agricultural need

### 3. Site Description

The mobile home is sited to the rear (south east) of the Ansty PYO Farm Shop building beyond



the car park, at Barnfield Farm, Ansty. The site lies within the general extent of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The owner's freehold ownership extends to approximately 20.6ha and the unit is currently run to produce fruit, vegetables and eggs for sale in the farm shop.

The mobile home is understood to be occupied by the owner's daughter and family as their permanent home. The owner's daughter is employed in the shop.

The mobile home comprises a two-bay static unit with a pitched roof and raised decking, stationed on a concrete slab.

#### 4. Planning History

Application number	Proposal	Decision
S/07/1508	Retention of mobile home to provide accommodation for agricultural worker	REF 24.10.07 (appeal dismissed 04.09.08)
S/09/0077	Use of land to station a mobile home throughout the year	REF 09.03.09

#### 5. The Proposal

The application seeks consent to retain the mobile home on the site permanently throughout the year, under the premise that it would be seasonally occupied for eleven months of the year, and vacated annually during the month of February (but retained on site)

#### 6. Planning Policy

The following policies are considered relevant to this proposal

The site lies in open countryside within the AONB. Saved SDLP policies G2 (General Criteria for Development); H23 (Housing outside Housing Policy Boundaries); H27 & H28 (Housing for Rural Workers); C2 (The Rural Environment); C4 & C5 (Landscape Conservation); C20 (Agriculture) R2 (Recreational Open Space) & PPS7 (Sustainable Development in Rural Areas).

Wiltshire and Swindon Structure Plan 2016-DP1, DP14, C8.

#### 7. Consultations

WCC Highways – No response received  
Ansty parish council – No response received

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters  
Expiry date 16.07.09

No third party representations were received in respect of the application

## **9. Planning Considerations**

### ***9.1 The principle of the proposed development***

The application seeks consent to retain the mobile home on the site permanently throughout the year, under the premise that it would be seasonally occupied for eleven months of the year, and vacated annually during the month of February (but retained on site).

Officers consider that the suggested proposal to vacate the mobile home for one calendar month per annum could not be adequately controlled by Condition. It is considered that such a Condition would fail the Governments tests as set out under Circular 11/95 (The Use of Conditions in Planning Permissions) insofar as the Condition could be deemed unreasonable in requiring a family unit to regularly vacate a dwelling for a temporary period, and, by reason of the relatively isolated and discrete location of the mobile home, being located behind the main farm shop building in the countryside, would be effectively unenforceable in terms of monitoring and checking that the Condition was being properly complied with.

Officers consider the circumstances and effect of the application to be materially the same as those considered under the previously refused scheme under planning reference S/2007/1508 (dismissed at appeal). The proposal is considered to be somewhat of a contrivance of the previously refused scheme, and tantamount in its circumstances and effect to the permanent retention of a mobile home used as a dwelling in the countryside.

In this respect it is considered the current application should be properly assessed against the relevant policies of the adopted local plan, together with the guidance set out in Planning Policy Statement 7 (PPS7) for the provision of an agricultural workers dwelling in the countryside.

### ***9.2 Impact on the AONB***

The proposed development, by virtue of the small size of the static mobile home and the secluded and well screened location in which it is situated, would not have an adverse visual impact on the landscape of the surrounding AONB. Similarly, by virtue of the distance between the mobile home and the nearest neighbouring residential properties, the proposal would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

### ***9.3 Whether the provision of a dwelling within the site is justified in terms of agricultural need***

The issue of whether the provision of a dwelling within the site is justified in terms of agricultural need has previously been assessed under application reference S/07/1508 and the subsequent appeal (reference APP/T3915/A/08/2064276).

Paragraph 10 of PPS7 makes it clear that new dwellings in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

It is clear that the effect of the current application is to propose the use of the existing static mobile home for residential accommodation on a permanent basis. PPS7 makes it clear that such applications for permanent dwellings should only be allowed where they are to support existing agricultural activities on well-established agricultural units, and must demonstrate:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. In addition, new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

The Council previously commissioned an Agricultural Assessment of the proposed development by Agricultural Planning Associates (the full report dated 28.09.07 is attached to this document at Appendix B) which assessed the existing farming practice and considered whether the proposal for a permanent agricultural workers dwelling on the land is justified under the guidance set out under PPS7.

The conclusion of the Agricultural Assessment was that the tests for a permanent dwelling, based on the existing functional need and financial tests as set out under Annex A to PPS7 were not met; the provision of an agricultural workers dwelling (temporary or otherwise) on the land was therefore not justified as the proposal failed the test for functional need. The report also highlighted that the applicant had failed to provide sufficient information in respect of

financial viability (the financial test).

The current application contains no further/supplementary information over that previously provided in 2007 to demonstrate that the activities and circumstances of the operations on the holding have altered or increased to a level where the provisions and requirements of PPS7 for the justification of an agricultural workers dwelling are met.

On the basis of the information provided by the applicant within the current application, and that contained with the previous (2007) application, and taking into consideration the assessment and decision of the Appeal Inspector who concluded that:

*“I find these considerations insufficient to outweigh the failure of the proposal to demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (particularly between the hours of 22:00 and 06:00 the following day), and that no other suitable and available accommodation exists elsewhere in the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.”*

Officers therefore remain of the opinion that the proposed development is discordant with policies H27 and H28 of the adopted local plan, and fails to satisfy the aims and objectives of PPS7.

## **10. Conclusion**

The circumstances and effect of the application are materially the same as those previously considered under the refused scheme under planning reference S/2007/1508 (dismissed at appeal). The current proposal is thereby considered in its intention and effect to be tantamount to the permanent retention of a dwelling in the countryside.

In this respect the proposal has been considered and assessed against the relevant saved policies of the adopted local plan, together with the guidance set out in Planning Policy Statement 7 (PPS7) for the provision of an agricultural workers dwelling in the countryside.

In the absence of any further/supplementary information over that previously provided in 2007 to demonstrate that the activities and circumstances of the operations on the holding have increased to a level where the provisions and requirements of PPS7 for the justification of an agricultural workers dwelling are met, officers remain of the opinion that the proposed development is discordant with policies H27 and H28 of the adopted local plan, and fails to satisfy the aims and objectives of PPS7.

## **Recommendation**

It is recommended that planning permission is refused for the following reasons:

1. The material change of use of the Land from a mixed use for agriculture and use as a caravan site for stationing a seasonally occupied mobile home, to a mixed use for agriculture and use as a caravan site for stationing an agricultural workers' mobile home for all year round residential occupation, fails to satisfy the test of functional need as set out within the guidance contained within Annex A to Planning Policy Statement 7 (Sustainable Development in Rural Areas). In particular there is no clearly established

need for a worker to be accommodated on or near the holding; and that the need cannot be fulfilled by any other accommodation in the area which is suitable and available for the worker concerned and therefore resulting in an unjustified and non-essential residential use in the open countryside, being contrary to saved policy H28 (ii) & (iv) and saved policies C2 and H23 of the adopted Salisbury District Local Plan, and; saved policy DP14 of the adopted Wiltshire and Swindon Structure Plan 2016.

2. This residential development is considered by the Local Planning Authority to be contrary to saved Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

Informative - It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if a relevant Section 106 Agreement is completed and a commuted sum paid towards the provision of public open space.

Appendices:	<p>Appendix A – Copy of Appeal Decision in respect of previous planning application S/2007/1508 dated 04.09.08 (Appeal Ref APP/T3915/A/08/2064276)</p> <p>Appendix B – Agricultural Assessment of planning application S/07/1508 produced by Agricultural Planning Associates dated 28.09.07</p>
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Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> <li>• Development Plan documents as detailed at 6 (above)</li> <li>• Circular 11/95 (The Use of Conditions in Planning Permissions)</li> <li>• Appeal Decision in respect of previous planning application S/2007/1508 dated 04.09.08 (Appeal Ref APP/T3915/A/08/2064276)</li> </ul>
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## Appeal Decision

Hearing held on 29 July 2008  
Site visit made on 29 July 2008

by **Philip Barton** MCD BA(Hons) MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
4 September 2008

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### Appeal Ref: APP/T3915/A/08/2064276

#### Ansty PYO & Farm Shop, Barnfield Farm, Ansty, Salisbury, Wiltshire SP3 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs O'Bourne against the decision of Salisbury District Council.
- The application, reference: S/2007/1508, dated 25 July 2007, was refused by notice dated 24 October 2007.
- The development proposed is the use of a mobile home between October and April, in addition to existing seasonal occupation – all year.

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#### Decision

1. I dismiss the appeal.

#### Procedural Matter

2. It was agreed at the hearing that a more accurate description of the proposal is: *a change of use from seasonally occupied mobile home to temporary agricultural worker's dwelling for occupation all year round*. I have determined the appeal accordingly.

#### Main Issue

3. The main issue in this case is whether an essential agricultural need for a dwelling in this location has been proven and, if not, whether any other considerations outweigh this, thereby justifying the granting of permission.

#### Planning Policy

4. The Council refers to saved Policies H27 and R2 of the *Adopted Salisbury District Local Plan* (LP) of June 2003 in its reasons for refusal. However, on 27 May 2008, the Council issued a correction to its decision notice stating that the application should properly have been assessed against saved LP Policy H28 (temporary dwellings) rather than LP Policy H27 (permanent dwellings) and that saved LP Policy R2 is not relevant. Consequently, at the hearing, the Council withdrew its second reason for refusal and I have assessed the appeal against saved LP Policy H28 only. This policy gives local expression to *Planning Policy Guidance Note (PPG) 7: The Countryside: Environmental Quality and Economic and Social Development*, published in 1997 and revised in 2001.
  5. Where emphasis differs between the reasoned justification for saved LP Policy H28 and *Planning Policy Statement 7: Sustainable Development in Rural Areas* (PPS7), published in 2004, the advice in PPS7 attracts more substantial weight.
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Otherwise, I consider there to be no significant difference between the content of saved LP Policy H28 and the advice found at Annex A of PPS7.

#### **Reasons**

6. The appellant confirmed that, in 2002, the mobile home replaced an existing one on the same pitch and has been occupied as a permanent family dwelling ever since. An occupant of the mobile home who manages the business was present at the hearing and she is convinced that a permanent human presence has been key to the success of the business and will continue to be necessary to ensure its long-term viability. The appellant points out that the business is a diversified rural enterprise and deserves to be supported because of the rôle it plays in the life of the local community, in particular by providing a recycling centre, children's playground and coffee shop. This view was enthusiastically supported by a number of local residents and their elected representatives who spoke at the hearing in support of the appeal.

#### *Functional need*

7. An extensive list of operations has been presented to me detailing the hard work that the employees of the enterprise undertake throughout the year. This includes the cultivation of several different types of fruit and vegetables. As far as livestock is concerned, there are (or soon will be) about 300 chickens, 50 turkeys and 8 maiden gilts (pigs) on site. In addition, bread and cakes are baked in the kitchens of the on-site barn. From what I was able to determine during the hearing and site visit, there is work-related activity on site from around 06:00, when the baking starts, to around 22:00 when the chickens are shut in for the night.
8. I accept that baking is a necessary activity within the diversified business model being used. However, from what I saw during my site visit, it is not of such a scale to represent a rural enterprise in itself and is certainly not an agricultural operation. I also accept that baking may well go on in the mobile home late into the night. Nevertheless, I see no essential functional need for the mobile home to be used for baking through the night when the facilities in the barn would be available for night shift workers, if necessary. Neither do I accept that there is an essential functional need related to the growing of fruit and vegetables. Careful monitoring of the weather and remote temperature alarm systems could assist in taking preventative action to protect sensitive plants.
9. An irrigation system is in place and moveable electrified stock control fencing is used to contain livestock as and when necessary. Having someone on site in case of leaks or animal escape is, in my view, convenient but not essential. General maintenance, monitoring rambblers crossing the land, pest control and livestock management are common problems faced by many farms where the farmhouse is sited away from fields where supervision is not possible. With regard to ensuring the safety of newborn piglets, the use of a farrowing ark would reduce the risk of crush injuries. Likewise, I am not convinced that the welfare of either the turkeys or the chickens demands a permanent human presence on site. Such close vigilance is not warranted in this case.

10. I note the reference to burglaries prior to the manager moving to the Farm, and to there being no further security problems during the time she has lived there. However, the issue of security, by itself, is not sufficient to justify the proposal.
11. I find that the proposal fails to satisfy the test of functional need described at Paragraph 4 of Annex A to PPS7 and referred to in Paragraph 12 (ii) of the same Annex. Neither would it accord, therefore, with saved LP Policy H28 (ii).

*Intent and financial basis*

12. With regard to the intention and ability to develop the enterprise, all parties agree that, since 2002, a firm intention to make a success of the enterprise has been evident and that this intention continues. Investment in new kitchen equipment, the irrigation system, table top fruit production and a new, larger hen-house are all evidence of this intention, in my view. Notwithstanding the production of additional financial information in support of the appeal, however, the Council maintains that the enterprise has not been planned on a sound financial basis. The financial information supplied in support of the appeal shows the enterprise making a pre-tax loss of £44,557 in 2002. By contrast, in 2007 it was £27,815 in profit. According to the manager, visitor numbers have risen to around 40,000 per year (based upon extrapolating from till receipts). These figures were not specifically disputed by the Council.
13. In my assessment, the enterprise is generating sufficient profit to sustain the planned expansion in relation to turkey and pig products. The public support that was obvious during the hearing, the extrapolation of visitor numbers and the level of custom that I witnessed during my site visit all contribute to what appears to be a thriving rural enterprise. I have seen no financial projections but, on the basis of an established pattern of growing profitability, I consider that the construction of a permanent dwelling may well be justified within the next 3 years. I find that the proposal would satisfy the financial tests described at Paragraph 12 (i) and (iii) of Annex A to PPS7 and would, therefore, accord with saved LP Policy H28 (i) and (iii).

*Availability of other accommodation*

14. Although the appellant apparently submitted evidence about the availability of accommodation elsewhere in the locality, this has become lost and no copies were retained. Consequently, I can only make a determination based upon what was said at the hearing and what I saw. According to local residents there are no properties in the area worth less than £250,000 and, despite the recent fall in house prices, on the basis of what I saw, I would deem this to be a conservative estimate. Evidence of the annual income of the manager who occupies the mobile home indicates that she would be very unlikely, on her own, to be able to obtain a mortgage of sufficient value to purchase a family home in the vicinity. However, she is married and I have been given no details of her husband's income (if any). Furthermore, the appellant is her mother and some help may, therefore, be available from family members.
15. Notwithstanding the potential unaffordability of market housing, any available agriculturally tied dwellings in the locality might be cheaper and then there is



the private rented market. Moreover, according to a prominent local resident, there is also a small amount of social housing on the outskirts of Ansty. It is a matter for the appellant to demonstrate that no other suitable and available accommodation exists. The loss of the appellant's research is unfortunate but without it I can only conclude that it remains to be proven that the proposal represents the only means of housing the manager and her family. I find that the proposal fails to satisfy the test at Paragraph 12 (iv) of Annex A to PPS7. Neither would it accord, therefore, with saved LP Policy H28 (iv).

*Other planning considerations*

16. All parties agree that the existing mobile home is causing no harm to the character and appearance of the area and is otherwise acceptable in planning terms. I concur with this view and find, therefore, that it satisfies the test at Paragraph 12 (v) of Annex A to PPS7.
17. The existing enterprise makes a valuable contribution to the sustainability of the local economy. These include hosting a recycling centre for the locality as well as reducing the carbon footprint of customers and the number of food miles travelled. The playground and coffee shop provide important and, from what I saw, very popular meeting places for the local community, which also contribute positively to community cohesion. Government guidance permits a decision maker to attach substantial weight to such matters. Nevertheless, in my assessment, were I to dismiss the appeal no significant disruption to the day to day management of the enterprise would result. Consequently none of these facilities are under threat. Therefore, in the context of this appeal, the sustainability of the enterprise attracts only limited weight.
18. Throughout my consideration of this case I have been keenly aware of the provisions of Article 8 of the *European Convention on Human Rights: The Right to Respect for Private and Family Life and for the Home*. Dismissal of the appeal may well lead to enforcement action that would deprive the manager, her husband and their young child of their home, thereby interfering with these rights. However, this is a qualified right and Article 8(2) provides that such interference may be justified where it is in the interests of the economic well-being of the country, which includes upholding planning policies. Given the background to the case and the clear legal status of the existing mobile home as a seasonal dwelling, however, I consider that the appellant has been fully aware of the possibility that her daughter might eventually lose her permanent home and has had adequate time to make alternative arrangements.

**Conclusion**

19. I have found that there is evidence of a firm intention and ability to develop the enterprise; that the proposal has been planned on a sound financial basis, and that it would not cause any significant material harm to other normal planning requirements. However, I find these considerations insufficient to outweigh the failure of the proposal to demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (particularly between the hours of 22:00 and 06:00 the following day), and that no other suitable and available accommodation exists elsewhere

in the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Barton*

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Simon Chambers  
BSc(Hons) MA MRTPI

LPC (Trull) Limited  
Trull  
Tetbury  
Gloucestershire  
GL8 8SQ

Mr Mark Webb  
FRICS FAAV

WebbPaton Chartered Surveyors  
The Dairy  
Hook  
Wootton Bassett  
Wiltshire  
SN4 8EF

Karren Price

Ansty PYO & farm shop  
Ansty  
Wiltshire  
SP3 5PX

FOR THE LOCAL PLANNING AUTHORITY:

Mr Warren Simmonds  
BSc MSc MRTPI

Planning Office  
Salisbury District Council  
61 Wyndham Road  
Salisbury  
Wiltshire  
SP1 3AH

INTERESTED PERSONS:

Mr John Oldfield  
Chairman, Ansty Parish Council

Ansty Water Farm  
Ansty  
Wiltshire  
SP3 5OF

Lesley Simm  
Councillor, Ansty Parish Council

Wellesley House  
Ansty  
Wiltshire  
SP3 5PR

Morwenna Brewer

Shepherds Cottage  
Kings Lane  
Ansty  
Wiltshire  
SP3 5QA

APPEARANCES (continued)

INTERESTED PERSONS:

Julia Davies	Coombe House Ansty Wiltshire SP3 5QD
Rosemary Keating	Ansty Manor High Street Ansty Wiltshire SP3 5PX
Barrie Shore	99 Ansty Coombe Ansty Wiltshire SP3 5PZ

DOCUMENTS

- 1 Letter from P & RE Kimber concerning the delivery of fifty 6-week old turkey poults.

**AGRICULTURAL ASSESSMENT OF PLANNING APPLICATION IN ACCORDANCE  
WITH PLANNING POLICY STATEMENT SEVEN OF AUGUST 2004.**

<b>1.0 REFERENCE</b>	APA/04/025
1.1 Proposed Development	Stationing of Temporary Agricultural Worker's Dwelling.
1.2 Planning Authority	Salisbury District Council
1.3 Planning Application No.	07/01508
1.4 Applicant	Mrs J.O'Borne
1.5 Site Address	Barnfield Farm, Ansty, Salisbury

<b>Salisbury District Planning Department</b>
Rec. 11 OCT 2007
Acknowledged _____
Copy to _____
Action _____

**2.0 DESCRIPTION**

2.1 Location

The application site lies to the south west of Ansty village centre and immediately south of the A30 in open countryside, just north of the

2.2 Land

2.2.1 Area and tenure

The applicant's freehold extends to 20.6 ha (51 acres) at the application site.

2.2.2 Soil Type and Characteristics

The soils are classified in the Blewbury association, which is described as well drained calcareous clayey and fine silty soils over argillaceous chalk.

**3.0 FARMING PRACTICE**

Existing

3.1 The unit is run to produce fruit, vegetables and eggs for sale in the farm shop. In addition to the produce grown on the holding the shop also trades a degree of product which has been produced off site. Land use at the holding is divided between soft fruit, root vegetables, legumes and brassicas. The sole livestock on the holding at present are some 70 hens and bantams, which are kept to produce eggs.

Proposed

3.2 The applicant plans to expand the livestock enterprises. The number of laying hens will be increased to approximately 200. A Christmas turkey enterprise will be introduced; some 50 poults will be purchased and then reared on to a finished weight, for sale as table birds. A pork enterprise will be commenced, initially with six sows, then rising to eight. Finished animals from the pork enterprise will be butchered off site and then meat will be sold retail in the farm shop.

Comments

3.3 I understand the applicant and her husband purchased the holding in 1998, with additional land added in 2003.

Buildings

3.4 The main building on the holding is a steel framed shed, clad in profile steel sheet to the roof and elevations. The building has been divided to provide the farm shop, a refrigeration area and food preparation area and a separate agricultural store. There is an offlying storage shed.

#### 4.0 EXISTING ACCOMMODATION

Dwellings owned by applicant

4.1 The applicant and her husband live away from the site, in Tisbury. The applicant's daughter occupies the subject dwelling, which is a mobile home, stationed on site. I understand that the subject dwelling has planning permission to be stationed on the site from 1<sup>st</sup> March to 30<sup>th</sup> September in any year.

#### 5.0 LABOUR REQUIREMENTS

5.1 Existing

I understand that the unit employs three people full time, along with two part time workers on a year round basis and further casual labour in the summer months.

5.2 Anticipated if proposals undertaken

The applicant's business plan does not indicate any additional labour.

#### 6.0 FUNCTIONAL NEED

Existing

6.1 The existing business, whilst generating a need for labour input year round, does not in my opinion present a functional requirement for an essential presence on site at most times. Whilst there might be a requirement for a presence on site as a measure to provide additional security, Annex A to PPS7 only recognises security in terms of livestock.

Anticipated if Proposals Undertaken

6.2 The expansion of the business is centred around the introduction of a breeding pig unit, along with a small turkey enterprise. It is noted that the production of pork will be year round, thus six months and therefore at least half the farrowings will be covered by the seasonal presence of the subject dwelling. Similarly, the critical period for the turkeys is when they are very young and under heat. The birds will be brought onto the holding in June/July and then kept under heat for the first few weeks – a period already covered by the existing dwelling.

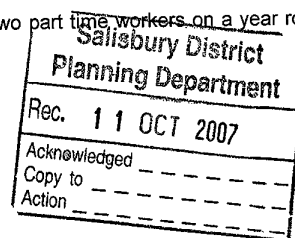
6.3 In my opinion the quantity of livestock that is proposed is comparatively low and does not generate a functional requirement that is sufficient to extend the occupation of the subject dwelling to a year round requirement.

#### 7.0 FINANCIAL TEST

Anticipated if Proposals Undertaken

7.1 I understand that the planning application seeks permission to station the subject dwelling permanently on the holding for a five year period. The applicant's case is that they propose an expansion of the business that warrants the dwelling year round. In support of their application the applicant has submitted a business plan. The business plan submitted takes the form of a single page tabled summary of actions over the next 18 months; the second strand to the submission (tabled some three weeks after my site visit) comprises gross margin data for the proposed livestock enterprises.

7.2 Paragraph 12 of Annex A requires that there is "clear evidence" that the proposed business has been planned on a sound financial basis. Whilst the submitted information shows the budgeted returns from the



proposed enterprises it does not give any indication of the overall operation of the business. There is thus no clear evidence of the overall financial planning of the business.

7.3 It is noted that whilst a temporary consent for a five year period is sought, the business proposals only cover the first two years of operation.

#### 8.0 GENERAL COMMENTS

8.1 The applicant and her husband have extensive experience in agriculture. I understand that their daughter has qualifications in agricultural business management. I have no doubt that there is sufficient skill and experience to implement the proposed enterprises.

#### 9.0 CONCLUSION AND OPINION

It is my opinion that the proposal does not meet the functional test. The business plan that has been submitted does not indicate the full impact of the proposals on the business; furthermore whilst a temporary consent for a five year period is sought, the proposals only cover the first two years of operation.

I trust the above provides you with the information required. If you require any further information, or clarification on the any aspect of the above, please do not hesitate to contact the writer.



A.M Coke BSc (Hons) MRICS, FAAV

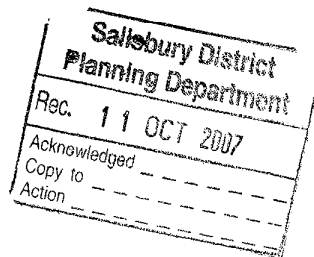
**Note:** This Report has been prepared on information provided by the Applicant and or the Applicant's Agent.

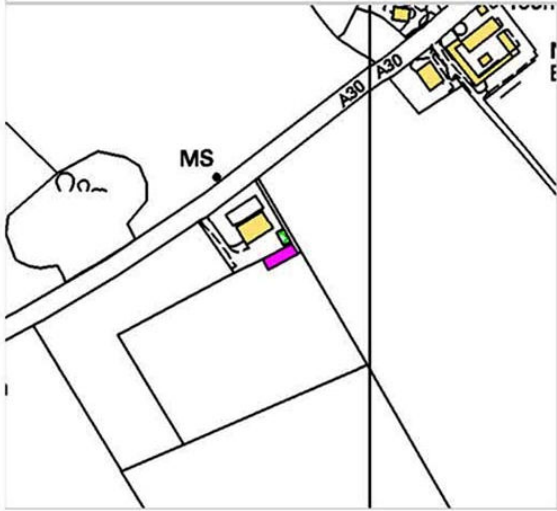
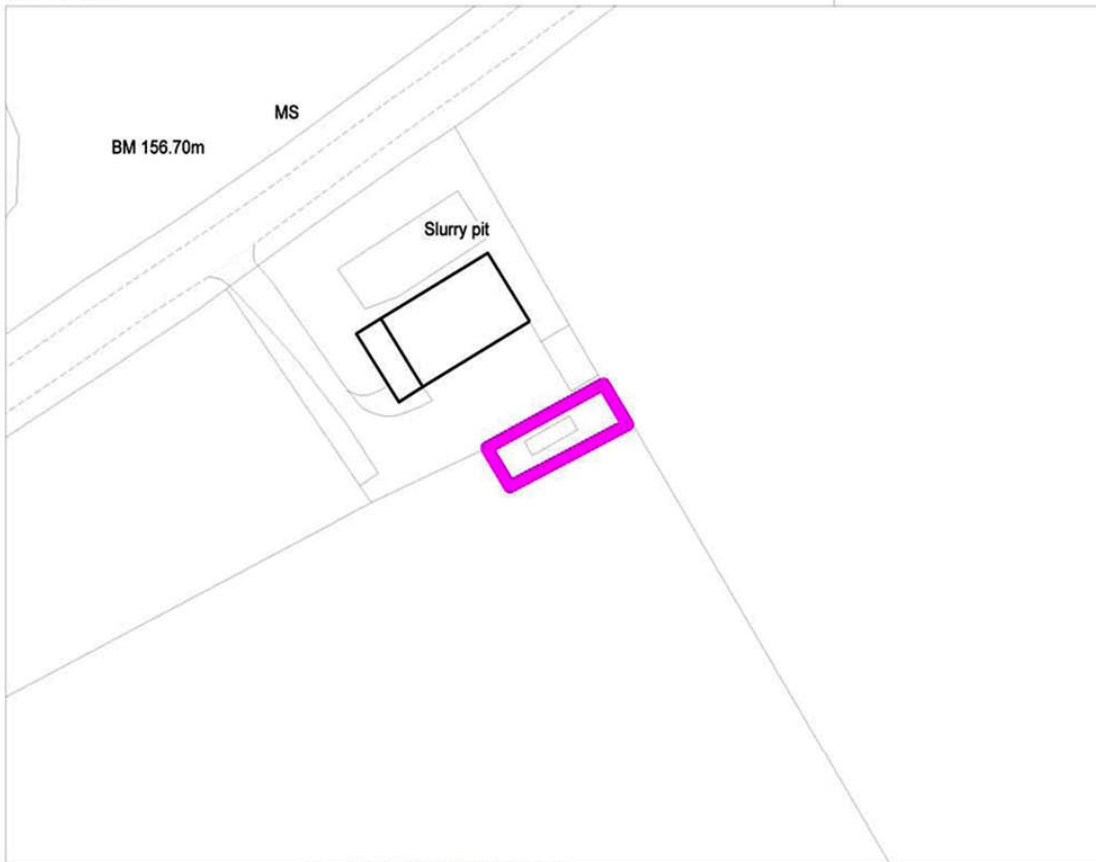
APA/04/025/AMC

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Date 28<sup>th</sup> September 2007

APA  
Halstead Farm  
47 High Street  
Easterton  
Devizes,  
SN10 4PE







Deadline	09/09/09		
Application Number:	S/2009/0828		
Site Address:	23-29 SALISBURY STREET AMESBURY SALISBURY SP4 7AW		
Proposal:	DEMOLITION AND RE-DEVELOPMENT OF EXISTING VACANT CLASS A1 FOODSTORE, CAR PARK, TOILET BLOCK AND REMOVAL OF TREES. ERECTION OF NEW A1 FOODSTORE WITH SURFACE LEVEL AND SINGLE STOREY DECK CAR PARK, LANDSCAPING, SERVICING & ASSOCIATED DEVELOPMENT INCLUDING RELOCATION OF EXISTING MONUMENT		
Applicant/ Agent:	WHITE YOUNG GREEN PLANNING		
Parish:	AMESBURY WEST		
Grid Reference:	415468.7 141465.6		
Type of Application:	FULL		
Conservation Area:	AMESBURY	LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434541

### Reason for the application being considered by Committee

Councillor Westmoreland has requested that this item be determined by Committee due to:

Scale of development

Visual impact upon the surrounding area

Relationship to adjoining properties

Design – bulk, height, general appearance

Environmental/highway impact

Car parking

And the effect on the conservation area

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

### 2. Main Issues

The main issues to consider are :

Differences between this and the previous proposal

Principle of development

Design and impact upon the character and appearance of the conservation area  
 Impact to residential amenity  
 Highways/transportation  
 Archaeology  
 Sustainability  
 Ecology  
 Environmental Impact Assessment  
 Appropriate Assessment

### 3. Site Description

The site extends to 0.95 hectares and comprises:

- The former two storey Co-op supermarket store (1,580 square metres gross external area). This building is of brick with a built frontage of approximately 25m to Salisbury Street.
- The Co-op owned car park and delivery area to the west of the store accessed from Salisbury Street, and a car park to the east of the store accessed from Salisbury Street. These car parks combined provide 54 parking spaces.
- The public car park with vehicular and pedestrian access from The Centre and pedestrian access only from Salisbury Street. The car park provides 111 spaces and includes the public toilets.

The site is designated in the adopted Salisbury District Local Plan as an Area of Special Archaeological Significance, a Conservation Area and Salisbury Street is designated as Primary Frontage.

### 4. Planning History

Application number	Proposal	Decision	
316	Erection of Nissen Hut for repair and renovation of showman's goods	AC	07/02/51
452	Erection of vehicular access and store	A	28/05/52
532	Retention of temporary workshop	AC	04/03/53
678	Retention of temporary hut	AC	03/03/54
1175	Retention of temporary workshop	AC	04/03/53
1923	Retention of Nissen hut	AC	01/02/61
2101	Extension of existing workshop and new lubrication and car washing bays.	A	13/09/61
2236	Agricultural showroom and café (future flats over)	AC	24/10/62

2763	Change of use from agricultural machinery showroom and café to supermarket including internal alterations	A	22/04/64
3768	O/L – new supermarket with store over and car parking	AC	20/10/69
3866	O/L – supermarket with store over and car parking	AC	26/01/70
TP/ADV/79	Erection of advertising sign at 74 Salisbury Street	R	05/08/59
TP/0671	Station with repair, service bay and car sales facilities	R	18/01/61
TP/1594	Change of use from residential to shop use within Class 1 of the T.C.P. Act (Use Classes) Order 50	AC	23/02/60
72/0343	O/L supermarket, car park and service yard	WD	28/11/72
73/0034	Alterations to workshop to form showroom at 74/76 Salisbury Street	A	21/05/73
73/0292	Erection of self-service store together with self-contained single dwelling unit and alterations to vehicular access	A	09/10/74
75/0506	Proposed self-service store	AC	30/07/75
77/134	Demolish existing buildings and construction of 2 retail shops with 1 <sup>st</sup> floor storage at 77 & 78 Salisbury street Amesbury	AC	07/09/77
77/0131	Erection of supermarket, formation of service area and car park and renewal of existing pavement crossing	A	22/07/77
77/147	Construction of roof across street frontage & re-siting of pavement crossing at Pitts of Amesbury	AC	22/07/77
78/780	Deemed application:- permanent permission for public car park at The Centre, Amesbury.	AC	04/09/78
79/23ADV	four advertisement signs in Amesbury:- Old Bus Station, Central Car Park, Recreation Ground	AC	12/06/81
79/1021	Erection of supermarket, formation of service area & car park. Renewal of existing pavement crossing at Chipperfields supermarket (vacant) & part of Pitts of Amesbury	AC	24/10/79
79/71/ADV	Internally illuminated projecting sign & single sided sign at Co-op supermarket	AC	20/02/80

81/425	Deemed application:- erection of public conveniences at public car park	AC	20/05/81
85/1458	Internally illuminated shop sign Co-op supermarket	AC	19/12/85
96/1608	C/U of retail supermarket to construct a first floor extension to provide 4 x A1 shops, Salisbury District Council offices D1 (potential health care trust resources centre) and B1 (Social Services)	AC	08/08/97
96/1829	Internally illuminated fascia signs	R	14/02/97
97/1959	Change of use – conversion of existing Co-operative store into 3 shops, one A2 unit and B1 offices	AC	27/01/98
98/0083	Proposed portacabins for temporary office accom. On exist. store car park for WCC Social Services and SDC	AC	20/03/98
99/1925	Erection Of Granite Replica Of The Original Amesbury Celtic Cross Approximately 10th Century Saxon Era Of Celtic Design	AC	17/12/99
01/1791	8 x graphic panels, 1 X logo & town name 3 x fascia signs, 1 x menu board	AC	01/11/01
04/1644	Installation of automatic Teller machine	AC	08/09/04
04/2526	Installation of automatic Teller machine (REVISED SCHEME)	AC	13/01/05
08/1035	Demolition and redevelopment of existing vacant foodstore car park, toilet block and removal of trees, erection of new A1 foodstore with deck car park, landscaping servicing and associated development including relocation of existing monument.	R	22/12/08
08/1036	Demolition & re- development of existing vacant class A1 foodstore, car park, toilet block and removal of trees.	R	22/12/08

## 5. The Proposal

It is proposed to demolish the existing building and toilet block on the car park and redevelop the site and car park to provide a new A1 foodstore. The new foodstore will consist of a 1,858 square metre net supermarket (3,008 square metre gross).

It is also proposed to relocate the existing vehicular access from The Centre to access a new

decked car park, and service access point. The decked car park will provide 161 parking spaces.

A pedestrian access will be provided between Salisbury Street, the foodstore and decked car park.

The application also proposes new landscaping following the removal of some of the trees within the existing Council owned car park and relocation of the existing monument.

## 6. Planning Policy

The following policies are considered relevant to this proposal Including PPGs

Salisbury District Council saved planning policies

G1	(Sustainable development)
G2	(General development criteria)
G3	(Water resources)
G5	(Drainage)
D1	(Design)
C12	(Protected species)
CN8	(Development in conservation areas)
CN9	(Demolition of buildings in conservation areas)
CN11	(Views into and out of conservation areas)
CN12	(Removal or improvement of features which detract from the quality of the conservation area)
CN17	(Trees in conservation areas)
CN21	(Archaeology)
S1	(Primary Frontage)
S3	(New retail development)
TR11	(Parking standard guidelines)
TR12	(New development infrastructure)

Amesbury Conservation Area Appraisal and Management Plan –  
Adopted 1<sup>st</sup> October 2008

Retail and Leisure needs survey (2006) GVA Grimley (RLNS)

GVA Grimley supplementary letter

Wiltshire Structure  
Plan 2016 'saved'  
policies:

DP1	(Sustainable development)
DP2	(Infrastructure)
DP5 & DP6	(Shopping development)
T5 & T6	(Sustainable transport modes/alternatives to private car use)

Wiltshire & Swindon  
Waste Local Plan  
2005

Policies 10 and 14

PPS1	Delivering Sustainable Development
PPS1	Planning & Climate Change Supplement to PPS1
PPS6	Planning for Town Centres
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology
PPG 24	Planning and Noise
PPG25	Flood Risk

## 7. Consultations

### English Nature

Provided that the council is satisfied that the surface drainage proposals are appropriate for the site then under regulation 48(3) of the Habitats Regulations 1994 and based on the pollution and surface water drainage statement it is our view that, either alone or in combination with other plans or projects, there is not likely to be significant effect on the important interest features of the River Avon Special Area of Conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest (SSSI).

### **Town council (Amesbury)**

- 1 Car decks will only increase the number of car parking spaces by a modest amount (39 spaces)
- 2 Repositioning of the ramp and entrance to the car park will introduce overlooking issues to the new flats on Old grammar school site.
- 3 Overlooking issues to properties on Salisbury Street and fairways Court.
- 4 There will be a loss of amenity space and parkland feel to the current car park. Loss of seating, Not practical to move the seating to the other side of the Centre as few people will cross the busy road
- 5 Design. Materials and positioning of car deck will be domineering and have long term maintenance issues. The colour of it is undesirable.
- 6 Positioning of another mini roundabout off the centre will be the fourth roundabout as well as two sets of traffic lights in a short length of the A345 through the town centre.
- 7 The amount of light pollution given off by the upper deck lighting plan will be intrusive to properties surrounding the site.
- 8 There is a lack of entrance and exit points from the car park to the school crossing.
- 9 Positioning of car decks and pedestrian exit will allow only access to Salisbury Street, the current car park allows access to North South and East without hindrance.
- 10 The size of the store is not much larger than the current Co op. The introduction of another medium sized store into the town will affect other shops including the greengrocer's bakers and Butchers. The town is already served well by convenience store and additional one will not stem the flow of residents looking for a better retail offer in Salisbury or Andover.
- 11 The shopfront design is domineering and modern in design. It does not match well with the street scene and the choice of some of the materials is out of character for the area. E.g. metal roof.
- 12 The proposal will result in the loss of public toilets which are well used by shoppers and tourists; this facility is considered essential for the growth in numbers to the town.
- 13 The proposals are within the towns conservation area yet there is little evidence to show any form of conservation
- 14 The position of goods inwards area is adjacent to the flats on the Old grammar school site; the noise from deliveries will be detrimental to the lifestyle of residents.
- 15 Position of ramp and entrance to car park will be hidden from view and will become target for youngsters with noisy motor cars the ramp will make an ideal race track to test their perceived skills. There is currently a problem with this type of activity which this will make worse.
- 16 Amesbury requires a larger Supermarket such as those proposed by ASDA and Tesco. The proposal will not meet the expectations of residents and they will be forced to travel elsewhere.

### **Parish council (Durrington)**

Although not in our "patch" residents of Durrington use Amesbury for shopping and are interested in its development.

We have no problems with the design of the proposed store.

Consider it essential that the free parking for up to three hours is retained as a condition of the car park. We consider that if charges are made the other car parks will have to charge as well and the consequence will be a marked decrease in the people from the outskirts of the town and surrounding villages using Amesbury for shopping.

We question the road access to the car park. Does it really need another roundabout? That will make four in about 200 metres. Is Amesbury competing with Milton Keynes for number of roundabouts? The existing road junction has worked well for a long time. Even with increased car park capacity road movements would not increase dramatically.

## **Highways Agency**

(Originally) The Agency is concerned that Amesbury will be over capacity during periods of maximum parking accumulation with the implementation of the proposed development. The Agency is also concerned over the discrepancies between the two sets of demand data for the capacity assessment of the A303 Countess Roundabout shown in various parts of the TA and requests that this issue is clarified or a second capacity assessment is carried out, with the demand data shown in the trip distribution diagrams. In order to ensure the developer has the time to produce the requested information, a direction of non approval for 6 months has been issued.

(Subsequently upon the receipt of further information)

The agency accepts the methodology used to calculate trip rates. It is considered that the submitted transport assessment is robust.

The agency considers that the capacity analysis is accurate. The analysis shows that although the junction will be over capacity during PM and Saturday peak hours, the impact from the development will be negligible.

As the development is predicted to have a negligible impact on the A303 Countess roundabout a travel plan would not be critical to ensure the safe and effective operation of the strategic road network. However as the applicant has outlined a framework travel plan in the transport assessment and the junction is close to capacity, the agency considers it may be beneficial to request a travel plan.

The agency has no objections to the proposals subject to a direction requiring a condition be placed on any grant of permission to secure a construction management plan.

## **Wiltshire Highways**

Previous concerns with this still apply, there can be considerable queuing on A345 which could extend across the roundabout and queues from the roundabout could potentially extend to the north back to the existing traffic signals. We therefore object to the proposals on these grounds.

Concerns could be removed by the imposition of a traffic light controlled junction.

Conditions regarding a management plan for the car park, a walking and cycling audit with contribution and a travel plan are suggested if the application were to be approved.

## **Environment Agency**

We have no objections to the development subject to conditions concerning water efficiency and surface water drainage.

## **Environmental Health**

Considers that there is either no information or the information is inadequate in respect of noise relating to the following-

- 1) The rear service yard and its location adjacent to blocks of flats at Rose walk where it is likely that significant disturbance may be caused to occupiers of those flats.



- 2) Noise from vehicles using the car park, because of the decked nature of the car park the effect of echoing and reverberation would be greater than at present.
- 3) Inadequate information has been provided on the positioning of the external plant that would serve the foodstore which could have an effect on the surrounding area
- 4) It is not clear from the plans whether lighting from the store would impact on no 21A Salisbury Street.

#### Air Quality

The council has a duty to consider the increase in air pollution with the development and would therefore seek a contribution to air quality monitoring from the development.

Further information has been supplied by the applicant in relation to these comments and further comments are therefore awaited.

#### **Wessex Water**

The developer is asked to consider Foul sewerage

As there is no public surface water sewer in the vicinity of the site the developer should consider use of a SUDS system. There are a number of highway drains crossing the site which the highways authority should be consulted on.

#### Sewage treatment

There is adequate capacity for the development.

#### Water supply

There is adequate mains water available

#### **Tree Officer**

Object to the application on the grounds of loss of trees. In particular loss of liquidambar north of the entrance to the car park which is good example in prominent position. Also Quercus robur to south of the entrance which is worthy of retention. Both are close to edge of development so design should have incorporated their retention.

Considers that there is clearly a conflict between some of the trees shown as retained and the development in terms of their viability further info in the form of a tree protection plan and arboricultural method statement would be required before level of risk could be assessed.

Also concern about the canopy spread of the trees which may be impacted by the height of the car park including vehicles.

Little consideration appears to have been given to the trees on site and some are well worthy of retention, As such I recommend the application for refusal.

#### **English Heritage**

Whilst the original scheme had some semblance of coherence and promoted distinctiveness within the context provided by the local vernacular, the current proposals offer a contextually

Southern Committee 27/08/2009

weak architectural treatment whose effect is that of a series of elements contrived in an attempt to mitigate the impact of what is a large form otherwise lacking in identity and conviction. Whatever the failings of the original submission, the latest offering is very much a step backwards in integrity and purpose and a fundamental review of the rationale for any supermarket building on this site is required. We would recommend that the application be taken before the South West Design Review Panel.

Further comments are awaited from English Heritage in relation to the revised scheme.

### **Spatial Planning**

The main issue is whether the application accords with PPS6 and policy S3 of the adopted local plan. The application site is a town centre site and therefore the principal of an A1 food store is acceptable and in accordance with PPS6 which promotes the town centre first approach. Also supported in policy S3

PPS 6 also sets out what steps an applicant should demonstrate to show that their development is acceptable.

*3.4 In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*

- a) the need for development (paragraphs 3.8–3.11);*
- b) that the development is of an appropriate scale (paragraph 3.12);*
- c) that there are no more central sites for the development (paragraphs 3.13–3.19);*
- d) that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
- e) that locations are accessible (paragraphs 3.24–3.27).*

As the proposal is within an existing centre, points a), c) d) and e) do not need to be addressed in depth. On the matter of b) the adopted development plan does not give any indicative limits for the scale of retail development in Amesbury, but it is acknowledged that Amesbury serves a large catchment area, and that a foodstore to serve this area, in the right location is broadly acceptable. The demand for improved retailing to keep pace with the level of growth in Amesbury is also acknowledged in the submission draft south Wiltshire Core Strategy in paragraphs 8.21 – 8.22

The previous retail advice from GVA Grimley is still relevant to this application. (letter date 13 march 08 attached as appendix to committee report for (S/2008/1035)

Therefore from a policy perspective, the proposal does not conflict with national or local policies on the location of retail development.

However, the case officer should be satisfied that the proposal is in accordance with the following policies, on which a planning judgment will have to be made.

G2(vi) (interfering , conflicting or overlooking adjoining dwellings  
D2 and CN8

As the proposal is a compatible town centre use and if the case office is satisfied that the proposal is in accordance with policies G2, D2 and CN8 then I raise NO POLICY OBJECTION to the proposal.

### **Conservation officer (original)**

Consider the revised design for the car park to be an improvement on previous scheme, as it enables more landscaping to be retained adjacent to the centre. The detailing and maintenance of the cladding would be critical in ensuring that the effect on the Centre is of a good quality, appropriate to the character of the conservation area.

Do not consider that the elevation on Salisbury street has been improved. Overall unity of building has been lost by breaking the frontage down into four component parts, considers this to be an artificial treatment that does not allow the façade to reflect the nature of the single use building. Also considers the way that the brick and render have been used to create a domestic scale of building and small windows at first floor would not be appropriate for this building type. Considers that a high quality contemporary design would be much more suited to the building type and yet could be designed in such a way as to pick up on the street rhythm, scale and materials and respect the traditional character of the conservation area.

Revised comments received following the revised plans.

There are still obviously issues surrounding the changing character of the high street which would result from the development of such a large building along a considerable part of the street frontage. Notwithstanding this, the revised design (Revision B, 31.7.09), which appears to have a more unified appearance, better reflects the nature of the single use building behind. In this respect it is a more honest expression of the building's function.

The quality of the materials and handling over the detailing would need to be of the highest standard in order for this modern and large scale building to preserve the character of the conservation area. I would suggest that this requires careful consideration and control to ensure its success.

### **Salisbury Civic Society**

The proposed double-decker car park (surface plus one raised level) would cause much harm to the character of the conservation area, in spite of the measures taken in this revised proposal. Any raised deck is too imposing for this area.

### **South Wiltshire CPRE**

The proposed double-decker car park (surface plus one raised level) would cause much harm to the character of the conservation area, in spite of the measures taken in this revised proposal. Any raised deck is too imposing for this area.

## **8. Publicity**

The application was advertised by site notice & press notice & neighbour notification  
Expiry date 16/7/2009

No of letters of objection that have been received 41, 2 letters of support  
Summary of key points raised in support :-

- 1) Whilst this is not the ideal solution anything is better than what has been there since the

Co op left it and another food store is infinitely better than a massive Weatherspoons or similar leisure facility.

- 2) Considers that the façade fits in very well visually with the building next door and is an improvement on the old Co op façade, like the green wall treatment.
- 3) Well aware that toilets often close at dusk and to have toilets that are regularly cleaned and looked after/paid for by the store would be a great improvement over the current facilities. Hotels and public houses welcome people for a comfort break with refreshments.
- 4) The Amesbury Christmas market will now have plenty of room on the new wider pavements as happens on other older towns which hold markets on the pavement.
- 5) Sorry that the tree of light will have to go but not end of world if further trees planted. Millennium cross has not been there very long and should not be difficult to move. A lot of daffodils have been trodden down.
- 6) Using the only area in the town so that people can walk to shop was bound to be an innovative plan but proposal is 1&2/3 the size the old Co-op with disabled and toddler parking spaces. Also Sainsbury is a quality shop which people would come in to Amesbury to shop at, hopefully reviving the town.
- 7) Hope that the council will pass innovative plan for a larger food store and retain the vitality and viability of Amesbury.

#### Summary of main points raised in objection :-

- 1) Will the toilets be open to the public at hours when the store is closed?
- 2) Existing car park is focus of community activity with car boots carol services, fund raising and the Christmas market taking place. This will not be retained.
- 3) Pedestrian access to the Barcroft medical centre how will this be achieved it is not clear from the plan? Flats and shops access at Stonehenge walk will also be curtailed.
- 4) Considered that new roundabout will be hazardous to school children
- 5) Concern that the Millennium monument has a time capsule underneath it which should not be unearthed.
- 6) Concern at the loss of the daffodils planted which were bought by residents of Amesbury from fundraising.
- 7) Concern is expressed at the loss of more trees as this adds to trees which have already been removed from the centre of Amesbury recently. It would appear that several of the trees are situated in front of the fire exit.
- 8) Consider that the windows on the Salisbury street frontage are out of keeping with the rest of the street. The blue glass entranceway is not considered appropriate to the area
- 9) It is questioned where the fire route to and from the shops is?
- 10) The land was given to the people of Amesbury and cannot therefore be sold to Sainsbury's
- 11) Considered that although another foodstore in Amesbury is much needed the scale of this development is out of proportion with the village of old Amesbury.
- 12) Car park is too large and not in keeping with the area
- 13) A roundabout pedestrian crossing and traffic lights all in such close proximity to one another will not be safe for pedestrians.
- 14) Welcome new store and welcome improvements to site but this is not a satisfactory proposal.
- 15) Concern about the removal of trees and vegetation.
- 16) Noise pollution from the refrigeration units will occur.
- 17) There may be noise from unloading operations taking place at night.
- 18) Is there a need for another supermarket given the Lidl and Co Op and the projected Tesco/Asda there are already other food shops in Amesbury

- 19) Considers the removal of the free car park is to take away one of Amesbury's main selling points.
- 20) Considers the introduction of a paid car park to be detrimental to parents who use it to pick their children up from school.
- 21) A second large supermarket in the centre of Amesbury would destroy the few remaining independent shops. Considered that the argument that the supermarket would attract more people is a spurious one. Salisbury Street would become a ghost town.
- 22) Concern expressed that another roundabout and set of traffic lights will upset the traffic flow. and result in traffic problems
- 23) Increase in traffic as a result of the store will result in accidents and possible injury.
- 24) Considered that the Co Op building on Salisbury Street would make an excellent site for a new Stonehenge visitor centre. Buses could be run out from the bus station to the henge which would reduce traffic congestion on Countess Road.
- 25) Considers changes to plans are insignificant and have done nothing to rectify the underlying problems.
- 26) Pollution, loss of privacy , and day light are considered to be problematic
- 27) Claim that Frobishers have had face to face meetings with residents is untrue.
- 28) The car park will overlook the privacy of residents surrounding the car park.
- 29) Noise and fumes from the additional vehicles and proposed car park will filter into surrounding homes.
- 30) Access to the delivery areas of existing stores will be restricted.
- 31) Value of property has been reduced.
- 32) Site at the Old Grammar school has now been completed and may of the properties are now tenanted and occupied the proposal makes no regard for the approved residential scheme at the old Grammar school.
- 33) Proposed vehicular access to the decked shopping area will pass within 5M of the front doors and windows of the three rear dwelling houses at the Grammar school site. There will be a significant increase in vehicular movements and noise, fumes close to these flats and houses.
- 34) Will be an overbearing effect on the Old Grammar school development.
- 35) Service area will be unacceptably close to residential properties causing noise and disturbance
- 36) Proposal does not show how future residents will be protected from noise.
- 37) Considers that the proposed development will be a danger to road users.
- 38) The application is in the sole name of Frobisher, there is no commitment by Sainsbury's to occupy this store if it were built. They own none of the land and there is no evidence provided that the land could be assembled in a timescale and at a cost that makes the development viable.
- 39) It is considered that in removing the ramp that was previously objected to this has had the effect of increasing the effect on the open space directly adjoining the centre by presenting a longer direct elevation.
- 40) The relocation of the ramp increases the effect on nearby residential properties.
- 41) The retention of trees as shown on the plan seems optimistic given their proximity to the built form. Given the considerable construction that will be required to take place in close proximity to the trees it is doubtful if these will survive. The car park will be hard up against the monument which would give an inappropriate setting for it. The timber cladding of the decked area is considered inappropriate and will further accentuate its effect on the surrounding area.
- 42) Considers that the moving of the roundabout from the Centre to the north fails to meet basic highway standards. The new roundabout junction is substandard. The operation of the car park will be unsatisfactory as it has insufficient spaces to cater for the demand for the supermarket alone. Considered that the spaces that are to be provided create

conditions at the entrance which will lead to congestion tail backs and unsafe conditions for vehicles. This will deter shoppers from using the town centre. There is no provision for recycling bins or a home shopping service.

- 43) The revisions have produced a uniform block of building broken only by two glazing elements giving little variety or relief to the street scene compared with the existing buildings or other elements of the conservation area located to the North West. Appendix 5 of the Amesbury Conservation area appraisal seeks improvements to the Salisbury Street frontage and it is doubtful whether this achieves that as required by policies CN10 and CN11
- 44) The development of a decked car parking area is contrary to the guidance in the adopted conservation area appraisal.
- 45) Considers that the store does not quantitatively or qualitatively meet the needs of food shopping in Amesbury.
- 46) It is considered that the net convenience sales area will not be substantially larger than that of the Co Op store and will not therefore attract substantially more trade. Its contribution to sustainable shopping patterns in Amesbury will therefore be modest.
- 47) Considers the case studies provided by the applicant lack detail and cannot be relied on to give an accurate representation of the clawback in trade that may occur in Amesbury.

## **9. Planning Considerations**

### ***9.1 Differences between this and the previous proposal***

The reasons for refusal of the previous application were –

- 1) The proposed development by reason of the height, mass (the physical volume), bulk (magnitude in three dimensions) and the location of the proposed decked car park and ramp in relation to neighbouring properties, gardens and window positions will severely impact on the amenity of the residential properties adjacent to the site, through a loss of outlook, privacy and the car park and ramp having an overbearing impact, contrary to saved policies G1, G2, D1, S1 and S3 of the adopted Salisbury District Local Plan.
- 2) The new decked car park, road access and ramp involves the removal of almost all of the existing site trees (including two commemorative trees) and grassed areas which contribute to the parkland character and appearance of this part of the conservation area, and will have a detrimental impact upon the character and appearance of the conservation area contrary to policies G1, G2, D1, CN8, CN9, CN11, CN17, S1 and S3 of the local plan.
- 3) The Amesbury Conservation Area Appraisal and Management Plan Adopted on the 1st October 2008 identifies that the urban historic core of the town centre is defined by buildings of modest scale which provide an overall consistency within the character area and the sense of being within a traditional small historic market town. The Appraisal concludes that the quality of future development on key sites within the historic core will have a fundamental effect on the special character of the conservation area. The existing Co-op building is not considered to contribute to the character and appearance of the conservation area and two elements of the building are identified in the Amesbury Conservation Area Appraisal and Management Plan as 'Intrusive elements or frontages'. However, the proposed scheme by reason of

the lack of detailing, the overall mass (the physical volume) and bulk (magnitude in three dimensions) of the Salisbury Street frontage will result in a large building which is not in keeping with the modest scale, character and appearance of buildings in the conservation area. Overall the proposed Salisbury Street frontage building will neither preserve nor enhance the character and appearance of the conservation area, contrary to policies G1, G2, D1, CN8, CN11, S1, and S3 of the local plan.

The main four differences between this and the previous application are-

- 1) The access to the first floor decked parking has now been moved from the North East to the North West side of the deck of the site.
- 2) The site access has now moved to the North of the site and incorporates a roundabout.
- 3) The Salisbury street frontage has been altered in order to address concerns over its effect on the conservation area and surrounding buildings.
- 4) The car park will be timber clad on its elevations where it faces the centre and has been moved back in order to preserve more of the trees and vegetation.

## **9.2. Principle of development**

Spatial planning have responded as above and have stated that the proposal does not conflict with national or local policies on the location of retail development. They have also stated that officers should be satisfied that the proposal is in accordance with saved local plan policies G2(vi), D2 and CN8. Therefore similar policy considerations apply as to the previous proposal.

Relevant Central Government policy guidance is set out in PPS6, published in 2005. The Government indicated its intention to issue a revised policy statement on retailing and town centres during 2007, At the time of writing the new PPS6 had yet to be published.

PPS6 places and emphasises the need to enhance the vitality and viability of existing centres and states that in order to achieve this aim, retail development should be focused in existing centres to strengthen and where appropriate regenerate them.

Guidance in PPG13 is also consistent with the key objectives of PPS6, endorsing the broad principles of the sequential approach and the need to ensure that wherever possible, new shopping is promoted in existing centres, which are more likely to offer a choice of access, particularly for those without a car.

Policy G1 supports a sustainable form of land-use and encourages the effective use of land in urban areas, particularly on previously developed sites. The site is designated as Primary Frontage in the adopted Salisbury District Local Plan. The supporting text to saved policy S1 of local plan states that the principal role of the Primary Frontage is to maintain the area as the retail centre and the change of use to non-retail uses will be resisted. Policy S3 of the local plan states that within the defined central shopping area of Amesbury, new retail development will be permitted subject to the site being well integrated with the existing shopping area, there being no adverse impact on the local environment and the site being accessible by a choice of a means of transport.

Saved policies CP5 and CP6 of the Wiltshire Structure Plan 2016 also support growth and development in existing centres. Therefore, in principle the use of the town centre site wholly for food retailing complies with planning policy.

Paragraph 3.8 of PPS6 advises that 'it is not necessary to demonstrate the need for retail

proposals within the primary shopping area' and it is not necessary to apply the sequential approach or demonstrate levels of impact for sites within the town centre (paragraphs 3.13 and 3.20 of PPS6). Nevertheless, previously the advice we have received from GVA Grimley is that both the former Co-op store and other local shopping provision in Amesbury, are trading at significantly higher sales densities than the expected average which therefore gives rise to capacity issues for additional convenience goods floorspace in Amesbury.

This was reflected in their assessment of capacity, which identified turnover in Amesbury of £18.2m rising to £19.6m in 2011. The assessment took £7.9m as a benchmark 'sales from existing floorspace' in Amesbury in 2011 giving rise to a notional surplus of £11.7m.

GVA Grimley has since reviewed the Amesbury convenience capacity modelling set out in the RLNS and now suggest that the study over stated the potential available turnover in Amesbury (£19.6m in 2011) which they now estimate to be £15.6m in 2011, reducing the notional surplus to £7.7m.

The former Co-op store is currently vacant, and on this basis, taking the average turnover of the new Co-op store at circa £7.3m, GVA Grimley advised that if the former Co-op store was either reoccupied entirely for convenience retailing by a replacement operator or redeveloped to provide a larger unit for a quality foodstore operator achieving a comparable turnover to the new Co-op store, that this would meet the identified quantitative and qualitative capacity. They also advised that this would be likely to secure an increase in market share and claw back trade into Amesbury Town Centre in line with national policy guidance.

Planning permission was granted and the development is now open for a Lidl store on land at Minton Distribution Park, and therefore the cumulative impact must be considered.

In the case of the current (called in) out-of-centre food superstore proposals, submitted by Tesco and Asda, GVA Grimley advised that the impact of allowing either of these proposals will be likely to have a 40% impact on the convenience retail sector of Amesbury Town Centre, and although the Co-op would still be likely to trade at or about company average, there would be a consequence of this level of impact for the vitality and viability of Amesbury Town Centre.

The supplementary guidance from GVA Grimley (attached at appendix 1) following the submission of the application for the redevelopment of the former Co-op, in relation to the Lidl application advised:

*'While we consider the potential redevelopment of the former Co-Op store for a Sainsbury's supermarket would meet an identified need, this option would still potentially leave a role for a discount foodstore operator in Amesbury. The Sainsbury's' proposals would meet any identified quantitative need, but we acknowledge that a discount foodstore would provide additional choice and would to some extent be complementary to the roles of the new Co-Op and a new Sainsbury's store. In the context of the likely performance of the town centre Co-op and a new Sainsbury's store in this scenario, we consider the impact of an out-of-centre discount superstore as proposed by Lidl would be unlikely in itself to seriously undermine the viability of either store.*

*In the context of the significant improvement to the performance of the town centre as a whole, we consider the impact of the proposal would be relatively modest.'*

GVA Grimley advised that the impact of the Lidl foodstore on Amesbury Town Centre would be relatively insignificant, and would meet a qualitative need providing additional and complementary choice to both the new Co-op and redeveloped former Co-op by a convenience



retailer, without having an undermining impact on the viability of the town centre.

The new Co-op store is currently overtrading and there is limited choice and competition for convenience retailing in Amesbury Town Centre. It is therefore considered that there is quantitative capacity for new convenience shopping provision in Amesbury.

This development in principle would meet the quantitative need for new convenience shopping provision and is a sequentially preferable site to an out-of-centre proposal. The fact that this proposal is an in town site and sequentially preferable as a site that complies with PPS6 therefore has to be weighed against any other material considerations below.

### **9.3. Design and impact upon the character and appearance of the conservation area**

PPS1 gives clear guidance to the Government's objective and commitment to promoting the efficient use of land, however, this must be balanced against the need to protect and improve the established character and local distinctiveness of existing areas and development should not be allowed if it would be out of character or harmful to its locality. PPS1 (para 34) states 'Design, which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

PPG15 'Planning and the Historic Environment' provides guidance on the management of the historic environment. PPG15 (paragraph 4.1) refers to Section 69 of The Planning (Listed Buildings and Conservation Areas) Act 1990 Act imposing a duty on local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

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

Following full public consultation, the Amesbury Conservation Appraisal and Management Plan was amended and subsequently presented to, and approved by, the Council's Cabinet on 1 October 2008.

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

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

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

## Salisbury street frontage

The current planning application as originally submitted showed a modern street frontage along Salisbury Street corresponding to a height in line with the ridge line of neighbouring properties on either side. The frontage was broken up by windows extending to the ridge line in three locations. The frontage employs two different surface treatments on this frontage including a red brick and a white render. It also has a standing seam roof finish in aluminium.

As can be seen from the above comments of the conservation officer. It was considered that this particular approach to the building created a frontage which did not reflect the single use of the building and was not appropriate to the streetscene and wider conservation area.

Similarly the design forum had concerns about this particular aspect to the proposal as indicated by the design forums comments below -

*The panel felt that the redesign for the car park layout was an improvement, and the proposal to retain more of the trees and grass verges was welcomed. It was felt that the car park should be locked on the ground floor as well as the first floor to prevent anti-social behaviour at night. The horizontal louvres could potentially act as a climbing frame, so this needs careful consideration.*

*It was considered that the proposals for the Salisbury Street frontage, however, were a backwards step. The previous choice of a modern monolithic architectural expression was much better suited to the use of the building. Whilst the panel felt that the continuous ridgeline better unified the whole building, it considered that the smaller first floor level windows and the use of brick and render created an unusual hybrid style that would neither be contemporary nor traditional, and the broken-up frontage would not reflect the large single-use building within.*

*The panel reiterated its previous comments that if individual outlets or franchises were allowed to operate on the Salisbury Street frontage this could preserve the shopping street, whilst enabling the supermarket to operate behind.*

English Heritage also objected to this street frontage as can be seen from their comments above they stated that -

*“the current proposals offer a contextually weak architectural treatment whose effect is that of a series of elements contrived in an attempt to mitigate the impact of what is a large form otherwise lacking in identity and conviction. Whatever the failings of the original submission, the latest offering is very much a step backwards in integrity and purpose and a fundamental review of the rationale for any supermarket building on this site is required.”*

These concerns were brought to the applicant's attention and shortly before the writing of this report new plans showing a revised Salisbury Street frontage were submitted to the local authority and this is the frontage now to be considered as part of this application. The Salisbury Street frontage is now shown as a building with a continuous ridgeline in line with the ridges of properties on either side. The materials have changed to timber louvred screen panels which are broken with red brickwork. The new building is less articulated than the previous proposal.

In respect of the new proposal the Conservation Officer has stated -

*There are still obviously issues surrounding the changing character of the high street which*

*would result from the development of such a large building along a considerable part of the street frontage. Notwithstanding this, the revised design (Revision B, 31.7.09), which appears to have a more unified appearance, better reflects the nature of the single use building behind. In this respect it is a more honest expression of the building's function.*

*The quality of the materials and handling over the detailing would need to be of the highest standard in order for this modern and large scale building to preserve the character of the conservation area. I would suggest that this requires careful consideration and control to ensure its success.*

As can be seen from the above comments the Conservation Officer considers the revised frontage to have a more unified appearance and better reflects the nature of the single use building behind it. None the less the officer also points out that there are still issues surrounding the changing character of the High street which would result from the development of such a large building along the street frontage.

At the time of writing plans of the street frontage had only recently been received and therefore comments from English Heritage on the revised street frontage were not available, however given that English Heritage previously stated that a fundamental review of the rationale for any supermarket building on the site was required it would seem unlikely that all their objections about the size of the building in the street frontage have been overcome.

The new Salisbury Street frontage results in a large building which will be by far the biggest structure within the centre of the conservation area, the latest frontage design as the conservation officer points out raises issues with regard to the way such a large structure will change the character of Salisbury Street. It is considered that the current proposal does not adequately address the previous reasons for refusal put forward by Salisbury District Council members which included

*- the proposed scheme by reason of the lack of detailing, the overall mass (the physical volume) and bulk (magnitude in three dimensions) of the Salisbury Street frontage will result in a large building which is not in keeping with the modest scale, character and appearance of buildings in the conservation area.*

#### Impact on The Centre (including trees)

Previously the planning application was refused on the grounds that –

*The new decked car park, road access and ramp involves the removal of almost all of the existing site trees (including two commemorative trees) and grassed areas which contribute to the parkland character and appearance of this part of the conservation area, and will have a detrimental impact upon the character and appearance of the conservation area contrary to policies G1, G2, D1, CN8, CN9, CN11, CN17, S1 and S3 of the local plan.*

This proposal has been moved back from the edge of the road around the Centre in order to preserve more of the trees that currently exist around the edge of the proposed new car park deck and also to plant additional trees to infill some of the gaps. This is in order to try to retain some of the parkland feel to the centre as currently exists. It is also proposed to clad the decked car park area with wooden cladding to ameliorate the effect it has on the area.

It can be seen from the comments of the Councils Tree Officer that he has concerns about both the loss of existing trees within the car park area and also that the retention of the trees

shown as retained would not be possible in the manner shown particularly along the frontage with the Centre. The applicants have just submitted further information in respect of the trees officers concerns however at the time of writing it had not been possible to obtain the officers views. If the further information changes his views an update on this will be brought to members at the meeting.

It is clear that a number of healthy trees which contribute to the character of the conservation area will have to be removed as part of this proposal. It appears at present that a number of trees shown to be retained may also not be able to and therefore this would leave the effect on the conservation area not dissimilar to that previously proposed. The wooden cladding whilst softening the effect of the car park will not disguise it and if trees cannot be retained the effect on the character of the conservation area will be significant. In view of this it is not considered that the previous reason for refusal has been overcome.

#### **9.4. Impact on residential amenity**

The previous planning application was refused on the grounds that the proposal and in particular the rear decked car park and ramps would have a significant effect on the residential amenity of surrounding occupiers. In order to address these concerns changes have been made (see above) and in particular the access to the site has been moved specifically to try and address these concerns.

Since the submission of the previous proposal the social housing at the Old Grammar School site (part of which fronts onto the Central car park) has been completed. This consists of a part two/part three storey block (with rooms in the roof) of houses and flats. These are now occupied and therefore the effect that this proposal would have on the occupiers of these dwellings needs to be considered. The applicants are proposing that the ramp serving the upper deck of the car park is located on this side of the development. It is situated 12.2M away from the windows to these properties at its nearest point. It is considered that the outlook from these properties would be significantly impaired and that the close proximity of the ramp and that there will be noise associated with the ramp that does not exist at present. (Vehicles will need to accelerate to get up the ramp and brake when coming down). The applicants have proposed trees in front of this block of flats but not only are they likely to block light to the flats and thus result in pressure to remove them in the future but they will also block views of the car park which was part of the reason these properties were designed to face the car park in order to help with surveillance.

It is considered that there will be an improvement to the property at no 21 the High Street at present this property sits next to the accessway to the rear delivery yard to the Old Co op store. If the store were to reopen in its present form this could cause noise and disturbance to that property which the proposal currently under consideration would eliminate. Similarly at present even without the store open this side access is being used as an additional informal car park where noise and disturbance from cars is prevalent. The elimination of this side access therefore is welcomed and is something that needs to be weighed against other material considerations.

Other properties that currently exist adjacent the car park and which have the potential to be effected by the proposal exist at Salisbury Street and no 3 Fairways Court both these properties are very close to the south eastern corner of the car park and the applicants have therefore moved the car park deck back from these properties to overcome the effect that it will have on these properties. The applicant has pointed out that previously at its nearest point the car park was 3.5M away from the nearest property (no 3 Fairways court) and now it is 5.5m

away. It is officer's opinion that this is still very close.

The nearest point to the back of the Salisbury street properties would be 6.3M. Similarly to properties at the Old Grammar school on the North west of the car park the outlook from properties on Salisbury Street would be impaired. Whilst some of these properties have a fence at present obscuring the first floor windows at least one other doesn't, the fact that the properties are also at a lower level does not help this relationship.

It can be seen from the above consultation responses that the environmental health officer has raised concerns in respect of a number of issues relating to noise and disturbance including that from the rear car park and service delivery area. At the time of writing the local authority had received an amended noise assessment but similarly to the information relating to trees, officers had not had time to consider this prior to writing this report. If the new information changes the Environmental Health officers views this will be reported to members

It can therefore be seen that the applicants have tried to improve the relationship of the proposal with surrounding properties and there would be improvements in amenity to at least one property merely by implementing the scheme, none the less there would in officers opinion still be issues with regard to the relationship between the car parked deck and several surrounding properties which are of significant concern and which in officers opinion are contrary to policy G2 (vi) of the saved policies of the adopted local plan.

### **9.5. Highways**

Previously the proposal did not raise issues with regard to highways that would constitute a reason for refusal of the application. This application did initially cause concern for the highways agency who issued a direction that planning permission not be granted because of the potential effect on the Countess roundabout. None the less following further information from the applicant with regard to traffic impacts and numbers the Highways Agency have withdrawn their objection.

Highways officers have expressed concern with this application that that the proposed roundabout access into the site would affect the functioning of the existing A345/High Street/London Road signals and double mini roundabout on the A345. They consider that queues could develop on the A345 which could extend across the roundabout and queues from the roundabout could potentially extend north back to the existing traffic signals they are therefore raising objections to the proposal on highway safety grounds.

In view of the highway safety comments from the Highways officer it is considered that this should constitute a reason for refusal of the application.

### **9.6. Archaeology**

The site lies within an area of special archaeological significance. Policy CN21 of the local plan relates to sites of potential archaeological interest, requiring an archaeological evaluation to be carried out before a planning application is determined. An archaeological evaluation of the site took place in July and August 2008. The evaluation involved excavation nineteen test pits across the proposal site. These found that the area surrounding the former Co-op was unlikely to contain archaeological features, although the ground level in the public car park had been built up and there is a potential to find archaeological features. The County Archaeologist has recommended an archaeological watching brief

## **9.7. Sustainability**

“Planning and Climate Change Supplement to Planning Policy Statement 1” was published on 17<sup>th</sup> December 2007. It supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and requires planning authorities to have regard to the PPS as a material consideration. Paragraph 30 states that planning authorities should encourage the delivery of sustainable buildings.

A Waste and Recycling Audit has been submitted with the application outlining proposals to ensure that all waste generated through the construction process and the subsequent operation and occupation of the new store will be appropriately managed and disposed of and includes steps to reduce, re-use and recycle any waste produced.

The Design and Access Statement includes a section on sustainability and how sustainable elements have been designed into the scheme to include:

- Use of materials which are capable of long-term maintenance and sympathetic repair and where possible being sourced locally.
- Rainwater harvesting
- Natural lighting via the fully glazed elevation to Salisbury Street and an automatic lighting system.
- Energy efficiency with the use of a well-insulated building
- Natural ventilation
- Internal door lobbies to restrict heat losses
- Landscaping scheme designed to have no planting irrigation after two years of establishment
- The scheme aims for a minimum ‘very good’ BREEAM rating

The proposal is in principle a sustainable re-development of a Brownfield site within the town centre of Amesbury.

## **9.8. Ecology**

Due to the extent of existing development on the site, it is considered that the site has a low level of interest for nature conservation and biodiversity. The applicants have submitted an ecological scoping survey which identifies the potential for roosting birds in the existing trees on site and moderate to high potential for roosting bats in the existing building. It goes on to identify measures that should be taken if the development were to be granted planning permission

## **9.9. Environmental Impact Assessment**

The development does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 but it does fall within Schedule 2 of the Regulations (as an ‘urban infrastructure project’).

The applicant made a request under regulation 22 (2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for the Secretary of State to make a screening direction under regulation 6(4) of the Regulations as to whether the previously submitted development was likely to have significant effects on the environment.

The Government Office for the South West (with the authority of the Secretary of State)

confirmed that in the opinion of the Secretary of State and, having taken into account the selection criteria in Schedule 3 to the 1999 Regulations, the previous proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

In the exercise of the powers conferred to the Secretary of State by regulation 6(4) of the 1999 Regulations the Secretary of State directed that the proposed development was not 'EIA development' and an Environmental Impact Assessment was not required. Given that this scheme in terms of its size and nature is substantially the same it is considered that this development will also not require an environmental impact assessment.

### **9.10. Appropriate Assessment**

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England's advice, other consultation responses and any other information available, the local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

An Appropriate Assessment has been undertaken. In light of Natural England's and the Environment Agency's advice, there is a potential for the development to have an affect on the SAC. However in view of the advice (including the previous direction from the Secretary of State that the previous proposal would not be likely to have significant effects on the environment) and subject to the imposition of conditions/informative (should the application be approved), it is considered that the development will not adversely affect the integrity of the European Site.

## **10. Conclusion**

In conclusion this proposal provides for a scheme that is located within a highly sustainable location and accords with current government guidance in terms of PPS6 about the location of new facilities. The proposal has had to deal with a significant number of issues some of which constituted the previous reasons for refusal of the last scheme.

As can be seen from the above, concerns still exist with the proximity of the car park to neighbouring properties and the effect on them that this will have. The Tree officer has raised concerns about the loss of trees on the site and the ability of the developer to retain those that are shown as retained, Concerns still exist regarding the Salisbury street frontage to the store and additionally highways are concerned from a safety point of view about the proposed roundabout and its impact on traffic.

The concerns that have been raised have to be weighed against the fact that Amesbury will gain a town centre store in a sustainable location which accords with central government

guidance with regard to the location of such stores. As stated above the constraints of the conservation area make this a difficult site to develop and this has to be taken into account. None the less it is currently considered that the potential adverse effects of this proposal outweigh its benefits and therefore it is recommended that this application is refused planning permission.

## **Recommendation**

It is recommended that planning permission is refused for the following reasons:

1. The proposed development by reason of the height, mass (the physical volume), bulk (magnitude in three dimensions) and the location of the proposed decked car park and ramp in relation to neighbouring properties, gardens and window positions will severely impact on the amenity of the residential properties adjacent to the site, through a loss of outlook, privacy and the car park and ramp having an overbearing impact, contrary to saved policies G1, G2, D1, S1 and S3 of the adopted Salisbury District Local Plan.
2. The new decked car park, involves the removal of many of the existing site trees and grassed areas which contribute to the parkland character and appearance of this part of the conservation area, it is considered that some of the trees shown as existing on the plans will be difficult to retain in their current position and form and the proposal will therefore have a detrimental impact upon the character and appearance of the conservation area contrary to saved policies G1, G2, D1, CN8, CN9, CN11, CN17, S1 and S3 of the Salisbury District Local Plan.
3. The Amesbury Conservation Area Appraisal and Management Plan Adopted on the 1st October 2008 identifies that the urban historic core of the town centre is defined by buildings of modest scale which provide an overall consistency within the character area and the sense of being within a traditional small historic market town. The Appraisal concludes that the quality of future development on key sites within the historic core will have a fundamental effect on the special character of the conservation area. The existing Co-op building is not considered to contribute to the character and appearance of the conservation area and two elements of the building are identified in the Amesbury Conservation Area Appraisal and Management Plan as 'Intrusive elements or frontages'. However, the proposed scheme by reason of the lack of detailing, the overall mass (the physical volume) and bulk (magnitude in three dimensions) of the Salisbury Street frontage will result in a large building which is not in keeping with the modest scale, character and appearance of buildings in the conservation area. Overall the proposed Salisbury Street frontage building will neither preserve nor enhance the character and appearance of the conservation area, contrary to saved policies G1, G2, D1, CN8, CN11, S1, and S3 of the Salisbury District Local Plan.
4. The proposed means of vehicular access by way of a mini-roundabout rather than a signalised junction, would introduce an uncontrolled junction onto the Principal Road A345 thereby leading to queuing and conditions which would be prejudicial to the safety and convenience of road users and contrary to policy G2 (i,ii) of the saved policies of the adopted local plan.

Appendices:	GVA grimley report
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<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> <li>• CHQ.09.8603-PL07B</li> <li>• CHQ.09.8603-PL12A</li> <li>• CHQ.09.9603-PL10B</li> <li>• CHQ.09.8603-PL08A</li> <li>• CHQ.09.8603-PL06A</li> <li>• CHQ.09.8603-PL09B</li> <li>• CHQ 09.9603-PL05</li> <li>• CHQ.09.8603-PL02</li> <li>• CHQ.09.8603-PL17</li> <li>• CHQ.09.8603-PL16</li> <li>• CHQ.09.8603-PL15</li> <li>• P152-526-F1</li> <li>• CHQ.09.8603-PL14</li> <li>• 687-08</li> <li>• 687-09</li> <li>• 697-01A</li> <li>• P152-526-F-ME</li> <li>• 3150</li> <li>• 687-07</li> <li>• CHQ.07.7481-PL11A</li> </ul>
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## Appendix A

### Supplementary advice on retail matters from GVA Grimley

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13 March 2008

**Ms Sarah Hughes**  
**Salisbury District Council**  
The Council House  
Bourne Hill  
Salisbury  
Wiltshire  
SP1 3UZ

chris.goddard@gvagrimley.co.uk  
Direct Line 020 7911 2202

Dear Sarah

#### **AMESBURY – SUPPLEMENTARY ADVICE ON RETAIL MATTERS**

Further to our review of the proposed Lidl Foodstore dated November 2007, and subsequent review of the Tesco/Asda Food Superstore proposals which we completed in January 2008 you have requested our supplementary views on a number of further matters which have arisen since then, in order to inform your recommendation and deliberations in respect of the current Amesbury proposals.

Specifically, you have requested clarification of the implications of the current application received to redevelop the former Co-op Store in Amesbury Town Centre, which we understand is to comprise a development of a new foodstore for Sainsbury's comprising 3,082 sq.m gross (1,858 sq.m net), and the deliverability of this option. You also requested clarification of the cumulative effects of the Council permitting all or a combination of the current out of centre proposals and, in the event that the Council resolved to approve more than one of the current out of centre stores and these were not 'called in', the probability of two stores actually being built.

The context for this advice is well rehearsed and on the basis of our review of the various Applicants' supporting statements, there is a degree of consensus emerging in respect of the baseline and impact issues emerging to date. Specifically, it is broadly common ground that the new Co-Op Store in Amesbury is trading very strongly and on current market shares there is expenditure capacity for reoccupation of the former Co-Op Store if this was a viable/available option.

We have previously concluded that if this store is only partially reoccupied by a smaller convenience operator or a retailer achieving a low turnover there is likely to be sufficient capacity based on constant market shares for a discount foodstore type operation such as Lidl in the Amesbury area, and have concluded that the impact of such a store is unlikely to materially affect the vitality and viability of Amesbury. If the former Co-Op Store was to be reoccupied or redeveloped for a similar size store capable of accommodating the requirements of a discount type food operator, this would go some way to meeting an identified need and provide choice/competition to the Co-op within the town centre, which is the preferred option in national policy terms.

As far as the current proposals for large out-of-centre food superstores are concerned, it is common ground that a store of this size is not supportable based on Amesbury's current market share, but there is a realistic expectation of a new large food superstore being able to increase the amount of trade retained in the Amesbury area, with the attendant benefits of increased choice/competition. The issue is the impact of such a development and, in the light of the latest proposals for the former Co-Op Store, whether a large quality foodstore could be accommodated in the town centre in line with policy guidance.

In common with the Applicants, we estimate the impact of a large food superstore outside Amesbury is likely to be circa 40% although the estimates vary depending on the turnover of the new store, the assumed turnover of the existing retailers in Amesbury and detailed trading assumptions. Assuming the impact of a single store is of this order of magnitude, our overall conclusion is that such a development would lead to a significant adverse impact on Amesbury Town Centre, but would be unlikely in itself to lead to the closure of the Co-Op Store. Failure to do so would potentially leave a decision to allow an out-of-centre proposal open to a 'call in' by the Secretary of State.

It follows from our analysis that in order to reach a decision on the current out-of-centre proposals, the Council needs to consider carefully the suitability, viability and availability of the former Co-Op Store and potentially adjoining properties and the potential to contribute to meeting identified needs within Amesbury Town Centre in accordance with national planning policy guidance. There is a clear requirement for both the Applicants promoting out-of-centre stores, and the Council to consider carefully the potential of this option before supporting less central options.

To date, there appears to have been little progress made towards securing a replacement convenience operator for the former Co-Op Store. We understand the original intention was to subdivide the unit and secure a replacement convenience operator for part of the unit which for the reasons outlined above would in our view still leave some surplus capacity even based on Amesbury's current market share, and would not provide effective choice and competition to the new Co-Op Store. There have been discussions between the Co-Op and Aldi in respect of the potential reoccupation of this unit for a discount foodstore. More recently an application has been submitted for a foodstore comprising 1,858 sq.m net sales floorspace, which would be likely to comprise circa 1,600 sq.m net convenience goods floorspace. We understand that this proposal would involve the acquisition of adjoining land, including a Council owned car park although we do not have full details of the proposals.

We have previously advised that the Council needs to have thoroughly examined the potential of this town centre opportunity to accommodate a replacement foodstore, or redevelopment for a larger store, before supporting any of the current out-of-centre proposals. We have reviewed the comments submitted by Lidl dated 8<sup>th</sup> February 2008 and the previous comments of Atisreal which consider the suitability, viability and availability of this unit for their requirements, and their views on the likelihood of the reoccupation of the unit by Aldi, or redevelopment for Sainsbury's. We understand that indications have been given by Co-Op at the unit and/or site could be available for an alternative convenience retail occupier, although from the evidence available to us there appears to be a significant degree of uncertainty as to the genuine availability and suitability of this unit for a discount foodstore.

In our view the examples provided elsewhere where the Co-Op appears to have sought to oppose the development of competing foodstores in similar situations, and the apparent contradictory evidence as to its intentions for the Amesbury Store do not in themselves justify discounting this option at the current time. However, we consider the Council needs to seek a clear commitment from the Co-Op as to its intentions for this unit in order to reach a decision as to whether this unit or wider site is likely to be suitable, viable and available to either an alternative discount foodstore, or to a larger quality supermarket, before it is able to support any of the current out-of-centre proposals.

If, on further investigation, the Council concludes that the former Co-Op Store would be suitable, viable and available for occupation by Aldi or another alternative discount foodstore this would meet the qualitative need for choice and competition and provide the benefits of a discount foodstore identified by Lidl. It would also go some way to meeting the identified capacity in Amesbury, based on current market shares, and reduce the level of over trading in the new Co-Op Store. In these circumstances, we consider the case for supporting an out-of-centre discount foodstore as proposed by Lidl would be significantly reduced.

In the case of a proposal for redevelopment of the former Co-Op Store, as part of a larger scheme to provide a store to accommodate a Sainsbury's, we have reviewed the comments of Atisreal in their letter dated 19th February 2008 and concur with their conclusion that, if viable, such a store would be likely to increase Amesbury's market share by changing the perception of Amesbury and providing a significant quantitative and qualitative improvement in the town's retail offer. This would substantially address the overtrading of the new Co-Op Store, but would be unlikely to seriously undermine its vitality and viability. The overall consequence of this option, if the Sainsbury's proposals are concluded to be suitable, viable and available, would be to provide materially improved convenience shopping facilities in Amesbury Town Centre, provide choice and competition, and to help to claw back into the town centre trade lost to competing large foodstores.

Subject to the realism of this option, and the Council's satisfying itself that it could genuinely be regarded as suitable, viable and available, we consider that such an option would largely meet a quantitative and qualitative need in Amesbury, and would materially reduce the justification for supporting any further out-of-centre convenience shopping provision in the area, in the current time.

We are not able to comment on the realism of this option without undertaking a detailed audit of the planning/highways issues involved and the owners/developers/retailers intentions and commitments. However, such a proposal would inevitably be complex and problematical in planning/implementation terms.

While we consider the potential redevelopment of the former Co-Op Store for a Sainsbury's supermarket would meet an identified need, this option would still potentially leave a role for a discount foodstore operator in Amesbury. The Sainsbury's proposals would meet any identified quantitative need, but we acknowledge that a discount foodstore would provide additional choice and would to some extent be complementary to the roles of the new Co-Op and a new Sainsbury's store. In the context of the likely performance of the town centre Co-Op and new Sainsbury's store in this scenario, we consider the impact of an out-of-centre discount superstore as proposed by Lidl would be unlikely in itself to seriously undermine the viability of either store.

In the context of the significant improvement to the performance of the town centre as a whole, we consider the impact of the proposal would be relatively modest.

In the case of the current out-of-centre food superstore proposals, submitted by Tesco and Asda, we have previously advised that the impact of either proposal is likely to be in the region of 40% on the convenience retail sector of Amesbury Town Centre. At these levels of impact, we anticipate that the new Co-Op Store in the town centre would still be likely to trade at or about company average and would not expect the store to close, although we still remain concerned about the consequence of this level of impact for the vitality and viability of Amesbury Town Centre. The consequence of the partial or total reoccupation of the former Co-Op unit in Amesbury Town Centre would be to reduce, to some extent, the current strong turnover of the Co-Op Store and as a consequence the impact of a large out-of-town centre on this town centre anchor store would be more pronounced although we still anticipate the store would be unlikely to close or be seriously affected in these circumstances.

In the event that the proposal to redevelop the former Co-Op Store to provide a larger unit for a quality foodstore operator like Sainsbury's was approved and implemented, for reasons outlined previously we consider this option would meet the quantitative and qualitative need and would be likely to secure an increase in market share and claw back trade into Amesbury Town Centre in line with national policy guidance. In these circumstances, the policy justification for supporting an out-of-centre large new superstore would be significantly diminished, based on the absence of need and the potential availability of a sequentially preferable site.

We also consider that in the event that the Council concludes the 'Sainsbury's' proposal can be regarded as suitable, viable and available, there must be a significant prospect that the grant of planning permission for a large out-of-centre superstore would be likely to prejudice this investment. We consider that it is extremely unlikely that a retailer like Sainsbury's would be prepared to commit to this development with the prospect of a large out-of-centre food superstore remaining. The prospect of prejudice to such a significant new town centre investment would further undermine the case for an out-of-centre food superstore in this scenario.

Finally, we have been asked to consider the issue of cumulative impact, and implications of the Council deciding to permit more than one of the current out-of-centre foodstore proposals. For reasons outlined above, we consider it is impossible to divorce this issue from the question of the potential re-occupation or redevelopment of the former Co-Op Store as this fundamentally affects the need and policy justification for any out-of-centre store, and also has a material bearing on the impact arguments.

If the Council concludes that there are no realistic options for re-occupation of the former Co-Op Store in its entirety, or redevelopment for a larger foodstore, we consider the impact of an out-of-centre discount foodstore as proposed by Lidl would be relatively insignificant. The Co-Op Store would be likely to continue to trade above average and the impact on other convenience retailers in the centre would be extremely limited. The impact of a large out-of-centre food superstore, as proposed by Tesco and Asda, would be circa 40%, and while the new Co-Op Store would still be likely to trade at or above company average in this scenario we consider the level of impact would be likely to lead to a pronounced adverse affect on Amesbury's vitality and viability.

We have not previously considered the cumulative impact of permitting both large out-of-centre food superstore proposals, and/or the Lidl proposal. Dealing first with the cumulative impact of allowing

one out-of-centre foodstore and the Lidl proposals, this would clearly lead to a level of impact above the circa 40% projected in the case of the food superstore proposals alone. There would be some element of “mutual impact” between the new food superstore and discount foodstore and for the reasons outlined previously, we consider the impact of the discount foodstore itself is unlikely to be significant. If a non food superstore and discount foodstore were permitted and developed this would compound our concern about the overall impact on the convenience retail sector of Amesbury based on its current representation (i.e. the new Co-op store) and could prejudice securing new investment in a replacement operator or wider redevelopment of the former Co-Op Store (if this proves a realistic option).

If the Council was minded to approve both the current out-of-centre food superstore proposals, and assuming the applications were not “called in” and both operators proceeded to build and open new stores, there would be a significant “mutual impact” between the stores themselves. Both stores would be likely to trade significantly below the retailers normal expectations, and in practice in our view the prospects of both operators building and opening new stores in the circumstances would be remote. However, in the unlikely event of both proposals being permitted and not called in by the Secretary of State, and ultimately being built and occupied, their cumulative impact on Amesbury Town Centre would be significantly above the 40% figure estimated for a single store.

At this level of impact, we consider the impact on the Co-Op, and ‘knock on’ effects on other retailers in Amesbury would be very significant, and would be likely to seriously undermine the vitality and viability of the town centre. In these circumstances, if the Council was minded to support an out-of-centre superstore, we would strongly advise against resolving to permit both.

I trust this clarifies our advice on this issue, but please do not hesitate to contact me if you need to discuss.

With best wishes,

Yours sincerely

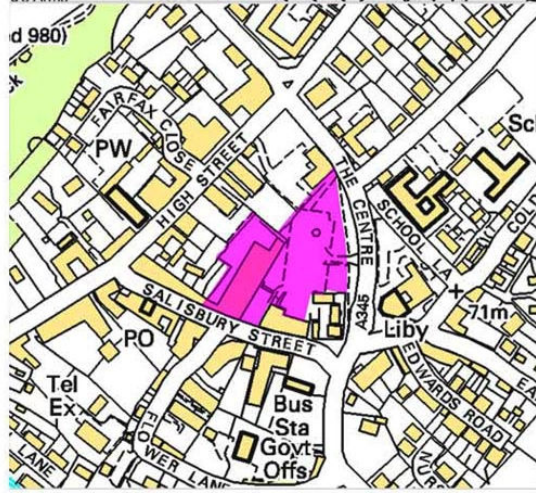
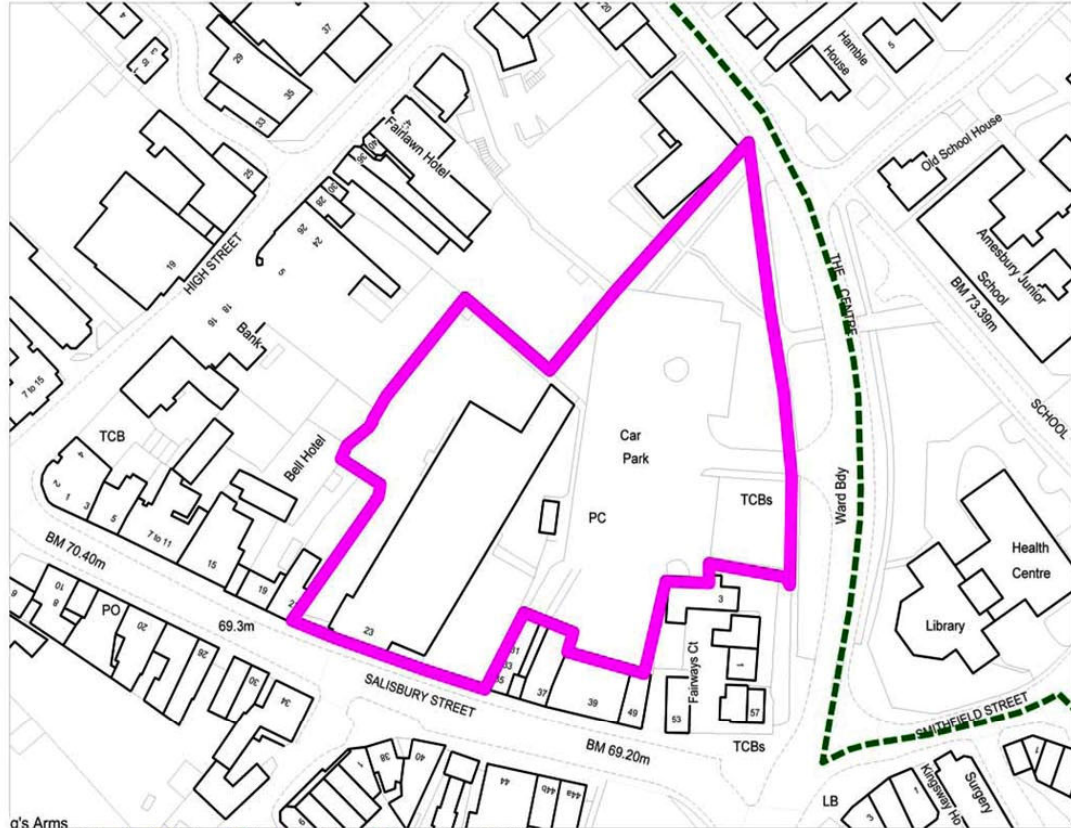
**CHRIS GODDARD**

**Executive Director**

For and On Behalf of GVA Grimley Ltd

S/2009/828

Site Visit:



**Wiltshire Council**  
Where everybody matters

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Deadline	11/09/09		
Application Number:	S/2009/0843		
Site Address:	LAND TO REAR OF 6 - 12 RINGWOOD AVENUE BOSCOMBE DOWN AMESBURY SALISBURY SP4 7PG		
Proposal:	RESIDENTIAL DEVELOPMENT COMPRISING 20 TWO AND THREE BED DETACHED, SEMI-DETACHED AND TERRACE DWELLINGS WITH ASSOCIATED ACCESS, GARAGING AND LANDSCAPING		
Applicant/ Agent:	MR SIMON PACKER		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416203.3 141073.5		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434541

### Reason for the application being considered by Committee

Councillor Noeken has requested that this item be determined by Committee due to:

Overdevelopment by virtue of a single narrow access leading to a cul de sac. Positioning of houses especially to the South gives the appearance of overcrowding.

Poor design, colours and choice of materials, completely out of character with surrounding developments. Metal roofs visually intrusive. Overlooking to the West of site. Parking an issue. Insufficient space for refuse and recycling. Etc

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be

GRANTED subject to a S106 agreement in respect of the provision of public open space in accordance with policy R2 of the adopted Salisbury District local plan.

Following completion of which within 3 months of the resolution of Members, the Area Development Manager be authorised to GRANT Planning Permission subject to conditions (and that should no agreement be completed with this time frame, the ADM be authorised to determine the application under his/her delegated powers).

### 2. Main Issues

The main issues to consider are :

- 1) The previous application and subsequent appeal decision
- 2) Design and appearance of the buildings
- 3) Overlooking

- 4) Highways issues
- 5) Amenity land
- 6) Affordable housing
- 7) Other Issues

### 3. Site Description

The site is an open piece of land situated on an estate of ex MOD houses located on land to the South of Amesbury. The area is well established and consists of predominantly semi detached and terraced houses of simple render and plain concrete tile design. The roads in the area have recently been brought up to adoptable standards and are adopted.

The site the subject of the application is one of a series of open spaces throughout the area, which characterise this part of the estate. The area of land is approached via a small access way past two blocks of residential garages. The site slopes gently from Southeast to Northwest. At present many of the houses that back on to this area of land have informal rear pedestrian access ways.

4. Planning History	Proposal	Decision
S/01/1887	Erection of 16 Houses with estate road and alteration to existing access	Refused Refused on grounds of <ol style="list-style-type: none"> <li>1) Design, Choice of materials and layout.</li> <li>1) Substandard access junction.</li> <li>2) Would introduce overlooking into rear gardens of Lyndhurst gardens.</li> <li>3) Archaeological field evaluation.</li> <li>4) Non provision of an on site children's play area.</li> </ol>
S/01/2290	Erection of 16 Houses and estate road and alterations to existing access	Refused Refused on grounds of <ol style="list-style-type: none"> <li>1) Loss of open Space</li> <li>2) Lack of provision of social infrastructure i.e. Education provision.</li> <li>3) Layout and Form of development failed to respect the character of the surrounding estate.</li> <li>4) Proposal will lead to increased flooding</li> <li>5) Absence of pedestrian footways that will give rise</li> </ol>



<p>S/2002/1195</p> <p>S/2006/2611</p>	<p>Upgrading of all roads, footways, including all necessary services and infrastructure to adoptable standards.</p> <p>Residential development comprising 20 two and three bed semi – detached dwellings, related access, Garage, and landscaping</p>	<p>to increased risk of vehicle/pedestrian conflict.</p> <p>6) Contrary to policy R2 because inadequate provision for public open space had been made.</p> <p>Appeal against the decision dismissed 6/8/02 on grounds of</p> <ol style="list-style-type: none"> <li>1) Lack of education facilities at the time in the area.</li> <li>2) The lack of provision of a contribution towards open space for people living on the development nor an adequate legal agreement for securing the open space opposite the site.</li> <li>3) The prematurity of the application given that the local road network at that time had not been upgraded and concerns about access into and out of the site.</li> </ol> <p>Approved 7/10/02 (the surrounding estate)</p> <p>Refused on grounds of</p> <ol style="list-style-type: none"> <li>1) The design of the proposal lacking in architectural detailing.</li> <li>2) The siting of plots 9 and 10 would overlook neighbouring properties.</li> <li>3) Capacity of the existing sewerage system</li> <li>4) Lack of provision for affordable housing</li> <li>5) Loss of an important and attractive open space.</li> </ol> <p>Appeal against the decision dismissed 13/6/2008 on grounds of</p>
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		<p>1) Overlooking from properties at the rear of the development.</p> <p>2) Design and appearance of the development lacking in character.</p>
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## 5. The Proposal

The proposal is for the erection of 20 new dwellings in a series of terraced, semi-detached and detached properties of 2 and 3 bedrooms. The mixture would be 13, 2 bedroom houses and 7, 3 bedroom houses. The proposals provide for 33 parking spaces (equivalent to 1.65 parking spaces per dwelling). The dwellings are designed in a modern manner with metal hipped roofs and part rendered walls. Access is proposed through the existing access way to the site with an additional pedestrian accessway proposed along the Eastern edge of the development. The applicant is offering as part of this proposal to provide affordable housing at 40% (8 of the proposed units). They are also offering an adjacent area of land as open space and a contribution under the councils saved policy R2 for the standard payment per property.

## 6. Planning Policy

The following saved policies are considered relevant to this proposal

H16	- Housing Policy Boundaries
D1	- Design extensive development
G2	- General Policies
H25	- Affordable Housing
R2	- Open Space provision
G9	- Additional Infrastructure
CN21	- Sites of Archaeological interest
CN22	- Preservation of archaeological remains
Adopted SPG	- Creating Places
Design Guide	

## 7. Consultations

### Town council Object

Overdevelopment of the site by virtue of a single narrow access leading to a cul-de-sac. The positioning of the houses especially to the South gives the appearance of overcrowding.

Poor design, colours and choice of materials, there is nothing in the area that matches the proposal and this development is completely out of character with the surrounding developments. The choice of a metal roof on the houses will be visually intrusive and it is suspected noisy. The design is reminiscent of prefab houses in post war Britain.

Overlooking is an issue to the West of the site especially as the ground level of the properties in Lyndhurst Road at this point is well below the site level. The developer's choice to have either high level windows of obscured glass in plots 10 and 11 will make them look more like

prisons when viewed from the rear.

Parking facilities for plots 3,4,5,6,7,8,9,13 and 14 are limited to what is effectively road side parking which will restrict not only second car ownership but visitor as well. There is only limited parking on the estate roads in general.

Insufficient space for refuse and recycling bins within the main just two small areas for communal bins, this is bound to lead to litter and rodent infestation.

Open space provision. There is a lack of detail on what may be offered or indeed provided on recreational provision, there is a considerable amount of background documentation in Appendix 7 of the planning Statement which covers the South Wilts area, but no detail on provision or indeed R2 funding. It is noted in a previous application this was raised in a report to Northern Area that the applicant had said an open space opposite the site had been offered to the Town Council with a commuted sum to upkeep it and that R2 funding would be provided for recreational facilities in the area. As far as can be ascertained the open space was never offered to the Council nor was a commuted sum paid.

Wild life it is noted in the ecological Appraisal that there is a possibility that the presence of slow worms *Anguis fragilis* could not be ruled out and that a reptile survey was recommended. This should be implemented before any construction work is implemented.

### **Highways**

(Original comment)

No Highway objection in principal however the scheme submitted is unacceptable for the following reasons:

Road layout outside plot 1 doesn't include a kerb radius

North Eastern corner of plot 2 appears to lie on the road kerb line

Angled kerb line fronting plot 20 serves no useful purpose and would be difficult to maintain

The use of the proposed echelon parking in front of plots 3-9 would be impracticable and would require vehicles to travel along and turn at the end of the estate road.

Vehicle turning area at the end of estate road isn't adequate for refuse vehicles.

There is no provision for casual visitor parking

The width of the footway at 1.2m is considered insufficient for pedestrian use and services.

(Following receipt of amended plans)

### **No objections**

### **Environment Agency**

No objections subject to a condition regarding water efficiency and pollution prevention during construction and an additional informative regarding surface water drainage.

## **Natural England**

No response received.

## **Wessex Water**

No objections subject to developer agreeing a point of connection to the system for disposal of foul flows.

Recommend a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex water systems and agree prior to the commencement of development any arrangements for the protection of infrastructure crossing the site.

## **Wiltshire Archaeologist**

An archaeological evaluation was carried out in 2001 and revealed plough marks which may date from the Romano- British period and an undated ditch. In order to determine the date of these features it would be of value to carry out a watching brief. Therefore recommend a condition requiring a watching brief.

## **Design Forum**

The site lies approximately 800m south east of Amesbury Town Centre, and is a rectangular-shaped landlocked plot set behind housing. A previous scheme for 20 houses was refused by committee and dismissed at appeal. The appeal inspector suggested that any revised scheme should be of a better quality and design, and have a distinct sense of place and character.

The current scheme is also for 20 houses, designed in a contemporary way, and developed in the 'Home zone' manner, i.e. intimate area of shared surfaces. Only one of the units is visible from outside the site (the south east corner, viewed from Ringwood Avenue). Mr Packer explained that the concept for the design stemmed from the military and utilitarian character of Boscombe Down. The proposed buildings are geometric, with simple, plain openings, and the house designs reflect the industrial aesthetic by the use of metal cladding, metal roofs, and blue engineering brickwork.

The panel considered that in general the design was an improvement on the previous scheme, and that the architects should be commended on this brave approach. It was understood that a pre-application scheme with flat roofs had been designed by the architect, but that the planning officer had warned him that a very modern approach would be unlikely to be well received by members or neighbours, and the architect then chose to revise the scheme to remove the flat roofs. The panel felt that this was a shame as the scheme might have been more innovative with flat roofs. As it was, the scheme presented seemed to be neither traditional nor contemporary.

The panel generally felt that the industrial aesthetic could work on residential buildings, although there were a certain number of technical issues that it felt would need to be resolved by the architect. These include the quality and detailing of the finishes, particularly the standing seam metal roofs and cladding. Details should be provided up front for these items. It was also felt that consideration needs to be given to the rainwater goods, and the impact of these on the design.

It was noted that there was no direct access to the gardens at the rear of the terrace, and it

was suggested that a rear alley could be provided without compromising the design or layout. The bin storage needs to be considered.

The panel felt that there was an opportunity to provide more landscaping and semi-mature trees to soften the inner courtyard and parking areas. The quality of the surface materials would be critical to the character of the space.

The panel commented on the fact that the architect had not mentioned sustainable measures, and there was no evidence of these on the drawings. The panel urged early consideration of this, as it might result in features that could have an impact on the design.

### **Housing Officer**

With regard to the overall affordable housing provision on the site I can confirm that the proposals are in line with the previous recommendations made and I am happy with the property types and mix of rented and intermediate rent.

### **Natural England**

Based on the information submitted Natural England is of the opinion that, either alone or in combination with other plans or projects, there may be a likely significant effect on the important interest features of the River Avon Special Area of conservation (SAC), or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest (SSSI)

Natural England is pleased to see the proposal for a Suds scheme and also energy and water efficiency measures.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 16/7/2009

26 letters of objection have been received.  
Summary of key points raised

- 1) Loss of green open space where children play
- 2) Increase in vehicular traffic to the surrounding area
- 3) Decrease in Children's safety
- 4) Overlooking of surrounding properties particularly at the Western end of development
- 5) Overshadowing of surrounding properties.
- 6) Development will cause flooding on or near adjacent properties
- 7) Loss of daylight to surrounding properties
- 8) Impact on infrastructure
- 9) Refuse vehicles may not be able to access site and therefore rubbish will need to be stacked at site entrance
- 10) Proposal will compromise existing rights of way through rear access gates
- 11) Restricted access will severely effect emergency vehicles, fire/ambulance services
- 12) Density of the development will cause serious harm to the character and appearance of the area.

- 13) Local amenities including Doctors, dentists, schools etc will be stretched to capacity particularly when further properties are built at Archers Gate and Solstice Park.
- 14) Access will be unsafe with 50 plus vehicles entering and exiting the development
- 15) Also concern about headlights at night, noise and fumes to existing residents
- 16) Concern that pavements should be installed on either side of the access.
- 17) Already plenty of allocated space for housing in Amesbury at Archers Gate
- 18) Insufficient parking spaces to meet the needs of potential residents leading to cars being parked on estate roads around the development.
- 19) Consider the overlooking of houses at the rear has increased.
- 20) Consider obscure glazing windows at the rear of new houses is not the solution to overlooking issues.
- 21) Any new boundary treatments intended to reduce overlooking would reduce the amount of daylight into the properties.
- 22) Design of properties considered out of keeping with the surrounding properties.
- 23) Entrance to development is situated between two ninety-degree bends, each with poor visibility due to bushes and cars parked on driveways. This will be made worse by additional traffic.
- 24) Concern is expressed about the drainage on the site.
- 25) Suggest land is purchased by the appropriate authority for the recreational use of residents.
- 26) Metal roofs are considered visually intrusive.
- 27) Insufficient space has been left for refuse and recycling.
- 28) Half the number of houses proposed designed in a better manner may be ok. The current application is too much.
- 29) Proposed development would threaten existing wildlife including frogs, buzzards, kestrels and butterflies
- 30) Concern is expressed that with the change from Salisbury to Wiltshire council applicant is trying to get permission for a development that has already been rejected at appeal.
- 31) Considered that application address should not read land to rear of 6-12 Ringwood Avenue as this is misleading.
- 32) Considers that rights of access onto land have existed for over 50 years.
- 33) Access through the existing estate is difficult for emergency vehicles; this development will make it worse.
- 34) Housing if built at the present time is likely to remain empty and unsold and become a haven for undesirables and vermin.
- 35) There is a deed of covenant on the land which prevents future development of the site.
- 36) Considered that a full site survey should be carried out by Natural England and the RSPCA before further development takes place.
- 37) The old sewers run underneath the existing houses and are 50 years old and would not be adequate to cope with the extra sewage.
- 38) Developments design contravenes planning policy statement three and the councils adopted SPG creating Places. Developments modern style will be at odds with existing property in the area.
- 39) The field forms a natural amphitheatre noises from any source created on the field are amplified. Excessive noise from a large number of residents grouped together would be a noise problem for residents.
- 40) How will access to the existing garages be maintained during construction?
- 41) There is no provision for Key workers in the proposed allocation.

## 9 Planning Considerations

### **9.1 The previous application and subsequent appeal decision**

The application site has been the subject of a number of planning applications over a number of years (see site history above), the last two of which were dismissed on appeal. Of most direct relevance to this planning application is the last application made on this site in 2006. This planning application was dismissed on appeal in 2008 (see appeal decision as appendix A) with the inspector stating that he considered there was potential for overlooking from the properties at the rear (West of the development) The overlooking he identified would be from upper floor windows.

The inspector also considered that the previous proposal did not create a distinctive sense of place which had its own identity. The previous scheme drew its design inspiration from the surrounding estate. In considering this the inspector stated "Reflecting their 1950's style construction as MOD housing, the surrounding dwellings are perhaps typical of their time and are fairly uninspiring in their style." The appeal proposal which partly reflected the style of the surrounding estate was also therefore dismissed on design grounds.

The inspector considered the issue of the principle of the development and particularly the contribution the open space made to the area, the inspector stated that the proposal site made "no meaningful contribution to the character of the wider residential estate in this part of Amesbury for which its retention for its open quality would be desirable" He did none the less also state that he was in no doubt that "in providing an open outlook at the rear of the enveloping houses, the residents derive significant amenity value from the land". He concluded however that "I am of the opinion that, even allowing for the undoubted informal usage of the land as open space, there are no supportable grounds for resisting development of the site in principle; nonetheless, appropriate contribution to open space and recreational provision should be made in conjunction with the development." Given that the inspector has considered that development could not be resisted in principle officers do not consider the current application could be refused on those grounds.

The overlooking and design concerns were therefore the two primary reasons for dismissing the appeal and it is these two points which it has to be considered whether this proposal has now addressed.

### **9.2 Design and appearance of the dwellings (including layout)**

The design and appearance of the dwellings has changed significantly as a result of the inspectors comments on the previous application at appeal. The inspector previously stated that "To my mind, in aiming to largely replicate that development" (the surrounding houses in Lyndhurst road and Ringwood Avenue) "the present proposal fails to take an opportunity to achieve an outcome of higher design quality. The inclusion of a few features in the scheme does not overcome the concern that, as described by the Council, the proposal represents a bland development in terms of its appearance."

In order to overcome this concern the applicants have adopted a radically different design approach which incorporates a modern architectural design coupled with a 'homezone' layout. The councils design forum have seen the revised plans and have commented as above, in particular they stated "The panel considered that in general the design was an improvement on the previous scheme, and that the architects should be commended on this brave approach"

It is considered that whilst the approach taken has produced a radically different design ethos

to that previously adopted and which exists in surrounding streets this can be supported by officers, as it is on the whole by the design forum, because the new development will be enclosed within the existing one and will only be glimpsed through the entranceway to the site. The opportunity therefore exists to create a character development that does not need to blend with the existing one and can have a character which differentiates from the surrounding properties.

Design forum did however raise a few queries in particular with regard to the roofs of the houses which they considered the details of which should be considered up front. It is officer's opinion that a satisfactory finish to these roofs could be achieved and details of these could be achieved via an appropriate condition.

Design forum also raised queries about the fact that there is no rear access to plots 4, 7 and 8 other than through the house itself. Whilst not on it's own a reason for refusal. It is clearly undesirable particularly as these properties have rear cycle stores and the bicycles would have to be taken through the houses.

In conclusion therefore with the exception of the rear access to the houses, officers consider the design of the proposal acceptable and has produced a highly individual form of development with its own distinct character which addresses the inspector's previous concern in this respect.

### **9.3 Overlooking**

The second reason for refusal identified by the planning inspector on appeal was that of overlooking, In particular the inspector identified overlooking from the first floor windows of the properties situated at the rear of the site. He stated "I consider that the potential for material overlooking would exist at all the proposed houses which would back onto the existing dwellings." He specifically referred to plots 9/10, 11/12 and 13/14. These plots at that point backed onto the rear of the site. The inspector agreed with the applicant that it would be possible to limit intervisibility at ground floor level by providing screen fencing. He however accepted that there would be overlooking from the positioning of the first floor windows particularly given the slope of the land on the site.

Saved policy G2 of the adopted local plan states new development will be considered against the following criteria:

*(vi) avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers.*

This application has addressed this issue by ensuring that only two of the units face the rear properties and that there is only one first floor window on these two properties which is a bathroom window of small size which is obscure glazed. There will therefore be no overlooking from plots 10 and 11 which are situated at the end of the street. Other properties are set into the site well over 20m in distance which officers consider is acceptable to continue to preserve the amenity of existing and prospective occupiers.

Officers therefore consider that the issue of overlooking has been overcome by the applicant and it is not considered that this new scheme creates any further issues in this respect.

### **9.4 Highways**



The inspector in considering the previous application raised no issues with regard to highways. However this scheme is different in many ways to that previously proposed (as outlined above). Therefore the implications of the new scheme need to be considered having particular regard to saved policy G2(i) of the adopted Salisbury local plan which states-

*New development will be considered against the following criteria –*

*(i) a satisfactory means of access and turning space within the site, where appropriate, together with parking in accordance with the guidance at Appendices V and VI of the Local Plan;*

An amended plan was received from the applicants to address issues that the Highways officer had raised. Following receipt of this amended plan issues that the Highway officer had raised including the inclusion of a sufficient turning area for refuse vehicles and issues with what had previously been Chevron parking have now been resolved.

Given that these objections from the Highways officer have been resolved it is considered that this part of the proposal accords with policy G2 of the adopted local plan and as such should not constitute a reason for refusal of the application.

### **9.5 Amenity land**

The application includes provision for handing to the council an additional piece of land which lies to the east of the proposal site. This additional piece of land is currently in the applicant's ownership. The inspector previously commented that if this were given to the council this would not be in lieu of the councils own requirements under policy R2 of the saved policies of the local plan. The inspector did not consider that the open space by itself contributed significantly to recreational facilities nor could it be used as such and was primarily useful as a visual area of open space. The applicant would therefore need to provide an appropriate financial payment under policy R2 of the saved policies of the local plan in addition to the open space. The Council would also require a payment in respect of the future upkeep of this land.

### **9.6 Affordable housing**

The applicant is proposing as part of the application that 40% of the residential units are made available as affordable housing. 40% equates to eight units of accommodation. 7 of the 8 units are proposed as 2 bedroom properties with the other a three bedroom house. It is envisaged that 4 of the two bed units will be for social affordable rent and 3 will be for shared equity. As can be seen from the above comments of the Housing officer. The offer of affordable housing is considered acceptable by officers

### **9.7 Other Issues**

Various other issues have been raised by objectors and the Town Council these include that of overcrowding, In this regard the number of dwellings is the same as that previously accepted by the inspector on appeal.

The issue of drainage and sewage provision has been raised by objectors. This issue again was also covered by the inspector on the previous appeal. The estates sewers were adopted by Wessex Water on the 1<sup>st</sup> April 2008 and Wessex Water and the environment agency have raised no objections to the proposal. The applicant has supplied the same details of a method to deal with foul drainage on the site as previously accepted on appeal.

The issue of wildlife on the site has been brought up by objectors to the scheme, the applicants previously undertook a wildlife survey with the former application which identified the potential for the existence of reptiles on the site and suggested that a wildlife survey be undertaken. This has been updated by the applicants and the site revisited in May 2009. The survey continues to recommend that a reptile survey be carried out if permission is granted and this can be conditioned.

## **10. Conclusion**

It is considered that this scheme has addressed the issues that were previously of concern to the planning inspector on the last scheme. The two issues of particular concern being overlooking from houses on the Western edge of the site and the design lacking its own particular character and appearance. Given this it is considered that the scheme makes good use of an available piece of land which the previous planning inspector has stated makes no meaningful contribution to the character of the wider residential estate. The provision of 20 dwellings in part as affordable housing would help towards the councils overall housing targets.

In light of the above the scheme as amended to address the highway concerns is considered acceptable and therefore should be granted planning permission.

## **Recommendation**

Subject to the signing of a Section 106 agreement at nil cost for off-site financial contributions towards public open space to accord with policy R2 of the adopted local plan, planning permission be granted for the following reason :-

Reason for Approval: The proposed use of the land for housing is considered to be a suitable use of this vacant site which it is not considered is an important open space that contributes significantly to the open character of the area and is considered therefore to comply with policies G2, D1 and H16 of the adopted local plan.

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.

2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development and to comply with policy D1 of the saved policies of the local plan.

3) No development shall take place until details of the treatment to all hard surfaces have been

submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenity and the environment of the development and to comply with policy D1 of the saved policies of the adopted local plan.

4) Before development commences, a scheme for the discharge of surface water from the building and hard surfaces hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal and to comply with policy G5 of the saved policies of the adopted local plan.

5) No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of any of the buildings.

Reason: In the interests of the amenity and the environment of the development and to comply with policy G2 (vi) of the saved policies of the adopted local plan.

6) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenity and the environment of the development and to comply with policy G2 (iv) of the saved policies of the adopted local plan.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity and the environment of the development and in order to comply with policy G2(iv) of the saved policies of the adopted local plan.

8) No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and 9.00 am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings and in order to comply with policy G2 (vi) of the saved policies of the adopted local plan.

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

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development"

10) Prior to the commencement of development details of covered cycle storage in accordance with the standards in the adopted local plan shall be submitted and agreed in writing with the local planning authority. Such details as agreed shall be implemented prior to first occupation of the development.

Reason: In order to ensure adequate provision is made for cycle parking in accordance with the adopted standards and in order to comply with policy TR14 of the saved policies of the adopted local plan.

11) Prior to commencement of development a waste audit shall be submitted and approved in writing detailing how waste during and after construction will be dealt with and the measures to be used to reduce such waste as is produced.

Reason: In order to reduce the amount of waste that this development will produce and to comply with policies contained within the Wiltshire structure plan.

12) No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In order to ensure any archaeological finds are correctly recorded and in order to comply with policy CN21 of the saved policies of the adopted local plan.

13) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason: In order to ensure that adequate sewerage is available for the development and in order to comply with policy G5 of the saved policies of the adopted local plan.

14) No development shall commence including site clearance works of any kind until the results of a reptile survey have been submitted to and approved by the local planning authority together with a mitigation scheme which identifies a suitable receptor site for reptiles if these are found. The mitigation scheme (if applicable) must explain the timing of mitigation works in relation to the development and all relevant mitigation works must be completed to the satisfaction of this authority before development, including before site clearance work begins on site.

Reason: In order to mitigate against the effects the development may have on reptiles at the site and in order to comply with policy C12 of the saved policies of the adopted local plan.

15) 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 first floor

west facing elevations of plots 10,11 and 12 above ground floor ceiling level of the development hereby permitted.

Reason: In order to ensure there is no overlooking of neighbouring properties and in order to comply with policy G2 (vi) of the saved policies of the adopted local plan.

#### INFORMATIVE

1) The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development.

Appendices:	Appendix A Inspectors Appeal decision.
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Background Documents Used in the Preparation of this Report:	Drawing no W302 W301 W201 W300 W200 W100 21/06  Design and Access statement Planning application supporting statement
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## Appeal Decision

Hearing held on 29 April 2008

by **Brian G Meardon** BA DipTP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

0117 372 6372  
email:enquiries@pins.gov.uk

Decision date:  
13 June 2008

**Appeal Ref: APP/T3915/A/08/2061603**  
**Land at Ringwood Avenue and Lyndhurst Road, Boscombe Down,**  
**Amesbury, Wiltshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Jacobs and Mr D Gerrard against the decision of Salisbury District Council.
- The application Ref S/2006/2611, dated 21 December 2006, was refused by notice dated 5 October 2007.
- The proposal is residential development comprising 20 two and three bed semi detached dwellings , related access, garaging and landscaping.

### Decision

1. The appeal is dismissed.

### Main issues

#### *Preliminary matters*

2. A proposal for development of the site with 16 houses was dismissed on appeal in 2002. Among several considerations at that time, the Inspector found the quality of the local road network to be so poor that it should not serve further development. The estate roads have since been upgraded, footpaths provided, and brought up to adoptable standard. Although not as yet formally adopted, the roads leading to the site are now capable of accommodating additional development.
3. One of the Council's reasons for refusing permission concerned the adequacy of the estate's foul sewerage system and its capacity to take further loading. A consultants' investigation on behalf of the appellants had identified sufficient capacity for the development; the proposals provide a scheme which includes the installation of a small pumping station and a length of new sewer to connect to the existing sewer on Ringwood Road to which no objection is raised by the Environment Agency and Wessex Water Authority. At the opening of the hearing, it was indicated that the Agency had notified the Council that, as from 1 April, the estate sewers were adopted as public sewers; as a consequence matters arising from the third reason for refusal were not pursued.
4. I was also informed that at an Extraordinary Meeting of the full Council in the preceding week it had been resolved to revoke the LDF process due to increasing concerns on several matters and the need for further extensive

consultations. The development plan remains the adopted Salisbury District Local Plan.

5. At the hearing, S106 Unilateral Undertakings were at draft stage; completed Undertakings have since been finalised.

*Issues*

6. The main issues are whether the proposal would comprise an unacceptable loss of open space and whether alternative recreation provision should be made; the effect of the proposal on the character and appearance of the area and the acceptability of the design of the scheme; the effect on neighbouring residential amenity; and whether a contribution should be made to affordable housing.

**Reasons**

*Open space*

7. The site is open undeveloped land lying to the rear of houses on Ringwood Avenue and Lyndhurst Road which largely surround it. Access would be taken from an existing access on to the former which currently serves around 30 garages. The land is under lawn grass although there are instances where residents have close mown portions adjacent to the back boundaries of their gardens. Most if not all of the properties have back gates onto the land and a number of pathway crossings are discernible through the rough sward.
8. Policy H16 in the Local Plan allows for residential development in Amesbury where, among other considerations, it would not result in loss of an open area which makes a positive contribution to the character of the settlement; the general criteria in G2 also include the aim to avoid loss of open areas which it is desirable to retain.
9. It is apparent that the occupiers of the houses bordering the site have made use of the land as an open space over many years. When acquiring their properties from the MOD they were led to understand that the land was for their recreational use and that a covenant protects it from development; the latter is however a not planning consideration to which I am able to ascribe weight. In the event the land was sold off by the MOD to the appellants about seventeen years ago.
10. The site therefore comprises private land with no public rights of access to it. This was the conclusion of the previous Inspector who also noted that the land is not identified in the Local Plan as either recreational open space, important open space or amenity open space. There has been no change to this position so that I am lead to the same conclusion.
11. The endeavour of the neighbouring residents to have the land registered as 'village green' has proved unsuccessful although land on the far side of Ringwood Avenue has been accorded such a designation. I was also advised that their seeking to register rights of way over the appeal land has also been rejected.
12. As part of the LDF process, a survey of open space commissioned by the Council concludes that in the 'Stonehenge area' which includes Amesbury there

is a surplus of some 17.7ha of amenity greenspace. The site is not identified as an area of important open space in the study. In these circumstances, where the site has not been recognised as an open space and there is an overall surplus of open space in the survey area, these considerations together with the absence of an open space designation in the adopted Local Plan lead me to conclude that there are no quantitative grounds to turn away development of the land.

13. Although the local Councillor indicates that, together with the other nearby land, the site was put forward as part of the survey, the results of the study were not put to the Council members. I cannot surmise whether circumstances might change as a consequence of the fresh start to the LDF process but, on the present facts, the land is unidentified as an open space to be safeguarded from development.
14. I am in no doubt that in providing an open outlook at the rear of the enveloping houses, the residents derive significant amenity value from the land. Because of its strongly contained nature, however, the site is hardly discernible to outside public view or appreciation such that it makes no meaningful contribution to the character of the wider residential estate in this part of Amesbury by which its retention for its open quality would be desirable. I therefore find no inherent conflict with the relevant policies in the Local Plan.
15. Allowing for the fact nonetheless that this private land has provided some informal recreation space to local residents, development of the site would increase the demands on open space and recreation facilities for all ages in the locality such that in my view a contribution in connection with the development should be made to such provisions. Policy R2 of the Local Plan is germane.
16. A S106 Undertaking makes two provisions. Under the first, the appellants agree to transfer to the Town Council the area of 'village green' on the other side of Ringwood Avenue; I understand that the Town Council is likely to respond favourably to this proposition. That land is however already protected by its village green status and therefore its transfer from the appellants' ownership would not in itself be a community gain arising from the development. That land is moreover essentially a visual amenity space largely surrounded by roads and therefore has little function as active recreation space.
17. I note that within easy walking distance of the site there is a sizeable recreational open space with some modest equipment for younger age children. The Council is committed to enhancement of the open spaces and recreational facilities in Amesbury. The S106 provides for a financial contribution of an agreed amount. In my view that component is not to be regarded as an alternative to the transfer of the land previously referred to but is a necessary provision to accord with the aims of the relevant policy.
18. Summarising therefore I am of the opinion that, even allowing for the undoubted informal usage of the land as open space, there are no supportable grounds for resisting development of the site in principle; nonetheless, appropriate contribution to open space and recreational provision should be made in conjunction with the development; the S106 Undertaking would satisfactorily achieve that objective.



*Character and appearance and design of the proposals*

19. Given my earlier conclusions and the fact that the site is surrounded by housing it can reasonably be concluded that development of the site would not be harmful to the character of the area. Local Plan policy D1 aims to ensure that development is compatible with or improves their surroundings, including such matters as heights and alignments of buildings, plot size, density and materials. PPS3 lays particular importance on design quality; design which is inappropriate in its context or which fails to take the opportunity for improving the character or quality of an area should not be accepted. The Council's SPG 'Creating Places' also provides guidance in relation to sustainable design.
20. In this part of the extensive former MOD estate, the development follows a generally grid-like pattern. Bordering the site are semi detached houses set to fairly regular spacings and to a consistent building line. Styled with rendered walls and hipped roofs, the houses generally have plain front facades although some have been altered by the addition of porches; nos 10 and 11 Ringwood Avenue, near the site entrance, have been significantly altered by extensions.
21. Although the County Council as highway authority initially raised objections, recognition of the more flexible approach to highways design in the subsequently published Manual for Streets led to the authority's acceptance of the scheme which provides for a shared surface road serving the development. A separate path provides the likely more desirable pedestrian route connecting with Ringwood Avenue.
22. The appellants indicate that the proposed scheme aims to reflect the surrounding development, responding by the use of semi detached pairs of houses with characteristic spacings, incorporating set back garages, in a simple layout pattern for the site. At a density of 38dph, I accept that the development would make an efficient use of the land. I note moreover that some design features are included on a few of the houses to add interest to the dwellings and that canopies feature throughout the development. The houses are proposed to be rendered although it was ventured at the hearing that the external treatment could be varied by the introduction of brick.
23. In the context of the aims of PPS3, I acknowledge that the development would be complementary to the neighbouring buildings in terms of scale and overall appearance, but on the other hand I do not consider that it creates a distinctive sense of place having its own particular identity. Reflecting their 1950s construction as MOD housing, the surrounding dwellings are perhaps typical of their time and are fairly uninspiring in their style.
24. To my mind, in aiming to largely replicate that development, the present proposal fails to take an opportunity to achieve an outcome of higher design quality. The inclusion of a few features in the scheme does not overcome the concern that, as described by the Council, the proposal represents a bland development in terms of its appearance.
25. On some detailed considerations, I judge that the proposals fall short. While for instance the dwellings would have hipped roofs, compensation for the deep plan form leads to a roof pitch which would be significantly at odds with the pitch of the surrounding houses such that there would be a notable discordance which militates against the acceptability of the scheme. While not cited in the

refusal notice but nonetheless in my view a material consideration, I also note that little regard has been taken of aspect and sunlighting in a number of the dwellings on the northern side of the proposed cul de sac which to my mind is inconsistent with the aim to create energy efficient sustainable dwellings.

26. I am given to understand that the layout follows the same broad principles as in the 2002 application when the Inspector took the view that the proposal would avoid conflict with the existing style and form of development in the locality. While I acknowledge the approach which has been adopted in the present proposal, I consider that in the light of the subsequently published aims of PPS3 in relation to design issues which are to be accorded weight, I conclude that the design of the proposal is not of sufficient quality to be granted permission.

*Residential amenity*

27. Design and layout considerations are also at the heart of this issue. From the proposed access point, the site has a cross-fall of around 3m towards the northwest corner of the land. Even more crucially, the land to the rear of the houses nos 56-46 Lyndhurst Road along this western boundary falls sharply away by between one and two metres to the base of the houses. As a consequence when standing on the site in positions where the new houses are proposed, it is easy to view into the rear gardens, ground floor rooms and into bedrooms at first floor which are at about eye level.
28. While the Council's reason for refusal is directed to the effect of the proposed pair of houses on plots 9 and 10, I consider that the potential for material overlooking would exist at all the proposed houses which would back onto the existing dwellings. I acknowledge that the closest proposed dwellings are at plots 9/10 which would be about 7m-9m from the boundary; even so and allowing for the alignment of the houses, those at plots 11/12 would be about 9m-10m and at plots 13/14 would be about 11m-13m from the boundary.
29. Accepting that in the latter instances there would be more than 20m between rear facing windows at the existing and proposed dwellings, I consider that insufficient account of the effect of the differing levels is taken in the scheme and the design of the dwellings in terms of overlooking and loss of privacy in the neighbouring properties.
30. I agree that it would be possible to limit intervisibility at ground floor level by providing screen fencing on the boundary. However, the strong degree of overlooking of the neighbouring gardens and rear rooms from the upper windows in the proposed houses would not be secured by such a measure. At the hearing it was suggested that the fenestration could be obscure glazed. However, as these windows serve bedrooms which are habitable rooms where occupants would reasonably expect to have an outlook I do not consider it appropriate to seek to overcome the adverse effect of the proposed development by such a device.
31. I therefore conclude that the living conditions of the neighbouring occupiers would be materially compromised due to significant overlooking and diminished privacy as a consequence of this proposed development. This conflict with a criterion of policy G2 adds to my conclusion under the preceding issue as to the unsatisfactory nature of the development.

*Affordable housing*

32. There is no disagreement as to the need for affordable housing provision in Amesbury. The question is whether development of the site should contribute to such provision bearing in mind relevant policies over the course of the application. The matter largely arises as a result of a land ownership dispute and its resolution which meant that from its initial submission in December 2006 the application was not determined until October 2007.
33. The appellants indicate that from pre-application discussions it was understood that no affordable housing contribution would be sought having regard to the thresholds comprised in policy H25 of the Local Plan. PPS3 *Housing* was published in November 2006 confirming the 15 dwelling threshold whereby affordable housing contribution would be required in new development. Para 8 of the PPS indicates that local planning authorities were not required to have regard to it as a material consideration until 1 April 2007, but that it may be capable of being a material consideration in particular circumstances prior to this date.
34. I have no reason to doubt that the application was submitted in good faith with its delineation of the site as understood to be owned by the appellants. In the event, a neighbouring occupier disputed this, claiming ownership of a strip adjacent to his rear boundary; at my visit I was shown the disputed boundary line. The matter was subsequently resolved by amending the red line to omit the disputed land thereby enabling the application to proceed.
35. Conflicting views were taken by officers as to the validity of the application in these circumstances. The Council's Solicitor considered that as there had been a technical failure to comply with the requirements in respect of ownership certificates the application could not therefore be entertained, and thus be regarded as invalid. On the other hand the Head of Development Control took the view that as the disputed land was small in extent and 'de minimis' the extant application could be amended by revision of the site delineation.
36. I take the same pragmatic view as in the latter conclusion and consider it not unreasonable for the application to have been amended by exclusion of the disputed land, thereby enabling its determination. In the interim, the provisions of PPS3 came into force and were a material consideration at the time that the application, now somewhat long in the tooth, came to be determined. As a material consideration and expression of national policy relating to affordable housing, it was appropriate that regard should be had to PPS3 in reaching a decision on the application. In view of the absence of a contribution to affordable housing as part of the proposals, I consider it not unreasonable for the Council to have included this matter in its refusal of permission.
37. Notwithstanding, the appellants have now provided a S106 Undertaking making agreed provision for affordable housing in association with the development. The Undertaking accordingly resolves this issue and would have been given weight had the proposals been acceptable on other counts.

*Other matters*

38. Among other matters raised, residents have concerns regarding the access. I have previously noted that the highway authority is satisfied with the proposals. The initial part of the access would continue to serve the adjacent blocks of garages. The scheme shows a differentiation in surfacing treatment to the access which is likely to regulate the course of vehicles using the road and the positioning of bollards which would influence the positioning of drivers exiting the garage court. It is not very likely that, exiting the garage court, a driver would turn into the development but rather would proceed to Ringwood Avenue. The positioning of the car leaving the court would therefore be such that there would be adequate visibility onto the proposed access to ensure safe movement and an awareness of any pedestrians who might be walking there rather than using the alternative footpath.
39. The occupier of 18 Lyndhurst Road pointed out that his side fence had been hit on two occasions by a vehicle at excessive speed. I note that the estate is now subject to a 20mph limit; in my perception from my visits vehicle speeds did not appear high. The access would connect to Ringwood Avenue at the outside of a bend across which there is clear visibility bearing in mind the open land opposite. From a point about 4.5m back on the access there is good visibility in either direction even allowing for the fence at no 18. In these circumstances, I do not consider that use of the proposed access by the development in addition to its current service of the garage court would result in unsafe conditions.
40. Although it was indicated that flooding occurs in the vicinity of the garages, there is nothing to suggest that this is more than a localised problem associated with the garages rather than being indicative of wider flooding issues. I can understand that that due to the sloping nature of the site, residents on the lower land are apprehensive of increased surface water run-off as a consequence of the development. While the scheme proposes soakaway drainage to each proposed property, there are no details of how surface water from the access road would be dealt with. Subject to implementation of a suitably designed scheme acceptable to the planning authority, however, I do not consider that development of the site would add unduly to flooding risk in the locality.

*Overall conclusions*

41. Although I consider that development of the site should not be resisted having regard to its use as open space, shortcomings in the design of the scheme and the adverse impact upon the amenity of neighbouring occupiers lead to the conclusion that the appeal should be dismissed. All other matters raised have been taken into account but they do not affect that conclusion.

*Brian G Meardon*

Inspector

APPEARANCES

FOR THE APPELLANTS

Mr S Packer - Director, Turley Associates, Brunswick House, 8-13 Brunswick Place, Southampton SO15 2AP

FOR THE LOCAL PLANNING AUTHORITY

Mrs J Howles - Area Team Leader, Salisbury District Council

Cllr J Noeken - District and County Cllr for Amesbury

INTERESTED PERSONS

Mr E Surgey - 18 Lyndhurst Road, Amesbury, Salisbury, Wiltshire, SP4 7PG  
(speaking for local residents)

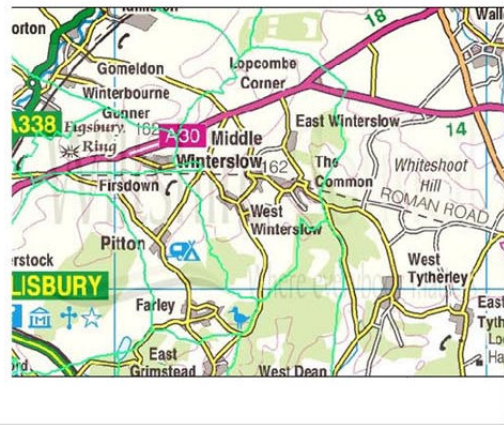
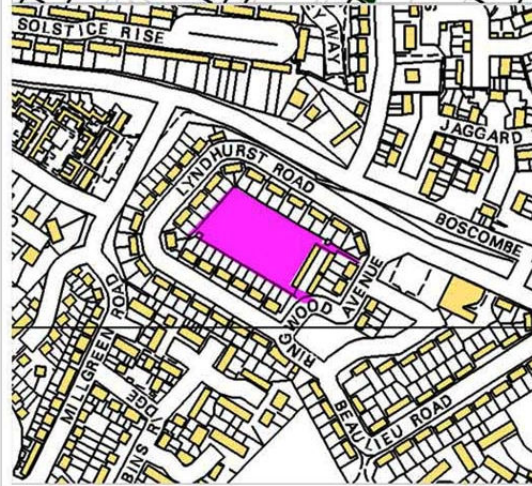
DOCUMENTS PUT IN AT THE HEARING

- Doc 1 - Notification letter of the hearing
- Doc 2 - Copy of Local Plan Policy H16
- Doc 3 - Copy e-mail from Wessex Water Authority
- Doc 4 - Motions to Extraordinary Meeting of Council

PLANS

Plans A - Application plans (note - layout plan is 4998/W100/RevG)

S/2009/843



**Wiltshire Council**  
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Deadline	11/02/09		
Application Number:	S/2008/2089		
Site Address:	SALISBURY & SOUTH WILTS SPORTS CLUB WILTON ROAD SALISBURY SP2 9NY		
Proposal:	DEMOLITION OF EXISTING CLUB HOUSE AND CONSTRUCTION OF 5 DWELLINGS WITH NEW ACCESS DRIVEWAY AND PARKING. CONSTRUCTION OF REPLACEMENT CLUBHOUSE ADJACENT TO ALL WEATHER PITCH, NEW SCOREBOARD, PROTECTIVE FENCING AND PARKING		
Applicant/ Agent:	RELPH ROSS PARTNERSHIP		
Parish:	QUIDHAMPTON		
Grid Reference:	412260 130682		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

### Reason for the application being considered by Committee

The Director of EDPH does not consider it prudent to exercise delegated powers given the significant public interest and that part of the development site is located outside the HPB, on recreational land protected by policy R5 of the Salisbury District Local Plan.

### 1. Purpose of Report

To consider the above application for 5 dwellings and replacement clubhouse, netting and scoreboard, and to recommend that planning permission be GRANTED subject to conditions

The applicant be invited to enter an Agreement in respect of the following matters:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use
- (iii) That the existing sports pavilion use is not removed until a suitable replacement facility is constructed and made available for use.

Following completion of which within 3 months of the resolution of Members, the Area Development Manager be authorised to GRANT Planning Permission subject to conditions (and that should no agreement be completed with this time frame, the ADM be authorised to determine the application under his/her delegated powers)

### 2. Main Issues

1. Principles of development outside HPB and loss of sports club/recreational facility/land

2. Impact on wider landscape
3. Impact on residential amenities
4. Impact on highway system
5. Ecological and drainage issues

### **3. Site Description**

The site is located in defined open countryside on the western edge of Salisbury city, adjacent to and with access off the busy A36 trunk road, which bounds the north of the site. The land to which the application relates forms part of the South Wiltshire Sports ground, which contains a number of sports facilities/pitches, together with an existing sports hall/clubhouse building. A driving range and pitch and putt course is located to the west of the sports ground.

To the immediate east of the application is located two residential dwellings and an existing hotel. To the south of the site is a linear housing development, the local school, and St John's church. There is also a small wooden secondary changing room/pavilion for use with the second cricket pitch only, located adjacent the southern boundary of the application site.

### **4.Planning History**

Various applications for sports/recreation related structures.

### **5.The Proposal**

It is proposed to demolish the existing club house situated adjacent the eastern boundary of the site, and build a bigger, replacement sports facility adjacent to the existing all weather pitch, on the western edge of the application site (to the north of the cricket pitch), adjacent to the existing parking area. 13 parking spaces would be provided adjacent the building, including some bike spaces.

On the site of the demolished sports building (and part of the existing grassed area), it is proposed to construct 5 two storey dwellings, with an associated driveway leading to the existing A36 access. 8 parking spaces would be provided. Following concerns expressed by third parties and the Local Planning Authority, the housing scheme has been adjusted to reposition the dwellings further away from the eastern boundary of the site, and the overall design adjusted to reduce the impact of the scheme on adjacent residential amenity.

As part of the proposal, it is also proposed to erect a new scoreboard to serve the cricket pitch. A new path is also shown dotted on the proposed plans, running from the school to the south of the site, through the church grounds, and across the playing pitches. 7.5m high safety netting is also proposed between the cricket pitch and the proposed dwellings (this would be lowered and stored away when not in use).

It is understood that part of the monies generated by the sale of the housing will in part be funding the new sports pavilion. However, it should note that this a private matter between the parties concerned, as this scheme does not warrant a formal "enabling" situation, as outlined by policy G10 of the local plan, which relates largely to nationally significant listed/protected buildings.



A transport report has been submitted as part of the application, as has a waste audit, and an ecological report.

## **6. Planning Policy**

The following policies are considered relevant to this proposal

PPG17	Sports and recreation
PPS3	Housing
PPS1	Sustainability
PPS13	Sustainable transport
PPS9	Biodiversity and ecology
Policy C7	Landscape setting of Salisbury and Wilton
Policy R1A & R5	Recreational open space protection
Policy D1	Design
Policy G2	General impacts of development
Policy H22	Use of brownfield land

## **7. Consultations**

### **Highways Agency**

Further to additional information being submitted, and a travel plan being drawn up to encourage sustainable transport to the site, no objections and withdrawal of Direction.

### **City Council**

None

### **WC Highways**

No objections, provided visibility from the access onto the A36 is improved and maintained.

### **Environment Agency**

No objections subject to conditions water efficiency, and pollution prevention

### **Wessex Water**

General information and advice regards connection to existing systems.

### **Sport England**

No objections to the proposal to replace the existing sports club facilities, and no objections to new dwellings being erected on site of former clubhouse. Consider that the proposals meet the various criteria in PPG17. The new clubhouse should be provided and made available for use prior to the commencement of the housing.

## **Wiltshire Fire and Rescue**

General information regards fire safety

## **WC Archaeology**

No comments. No known archaeological features within the area of the pavilion, and the clubhouse area is disturbed.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification

Expiry date: 11/02/09

281 letters/emails (including support from Bemerton St John School) received indicating that:

Fully support improved sports facilities

Will have wider community and health benefits

New pathway across site will help access and safety

1 letter of objecting/raising concerns:

New houses will adversely affect the amenities of occupiers of adjacent properties

Part of new housing/parking area is on R5 land outside HPB

Will affect the setting of Cherbury, a listed building

New scoreboard should be resited to limit impact on adjacent residential amenities and views

**COGS** – Welcome footpath link, but use and times should not be restricted, and should be accessible to cyclists. Such a path is necessary for safety. There is a need for a green travel plan in order to encourage sustainable access to the site.

**Design Forum** - The proposal is for a new sports' pavilion to replace the existing single-storey cricket pavilion and build 5 new houses. The sports' pavilion will be in a new location and the new houses located in the area of the existing pavilion.

The proposed sports' pavilion is a contemporary building. Part of the building (two thirds) is proposed to have a slate roof and the rounded end (that faces the cricket pitch) is proposed to have a zinc roof. Larch horizontal boarding is now being proposed for the elevations, rather than oak as was originally suggested. The boarding would be an engineered solution rather than shiplap and would be highly insulated.

The Forum welcomed the proposals but still had reservations about the proposed handling of the roof on the sports' pavilion. It was felt that the two elements needed to be better integrated and the general consensus was that the whole of the roof should be zinc rather than the mix of slate and zinc. The architect explained that the client was insisting on slate but that he did not consider that the junction would look uncomfortable in view of the over-sailing eaves detail of the slates.

The Forum welcomed the design of the cottages, which are conceived in the Wilton estate style.

## 9. Planning Considerations

### **9.1 Principles of development outside HPB and loss of sports club/recreational facility/land**

#### a) Replacement of existing clubhouse facility

Policy R1A of the Local Plan encourages the expansion of existing recreational facilities on the edge of settlements, subject to the landscape impact of such proposals, and subject to the sustainable accessibility of the proposals.

Policy R5 of the Local Plan covers the site of the proposed sports pavilion and the surrounding playing pitches, but specifically excludes the existing sports clubhouse. The policy states that:

“Development which would lead to the loss of public or private sports fields, other recreational open space, or school playing fields, will not be permitted unless:

- (i) sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or
- (ii) alternative equivalent provision is made available in the locality; or
- (iii) there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

The supporting text of the above policy also indicates that “..the redevelopment of private sites will only be allowed where the sports and recreation facilities can be best retained, and improved (including greater access for the public where appropriate) through the redevelopment of part of the site...”

The existing clubhouse is in a rather dilapidated condition and is showing its age, and has poor access arrangements for those with disabilities and poor standards of accommodation within existing changing rooms and associated facilities. The existing building also apparently suffers from increasing maintenance costs, and is poorly sited with respect to the cricket pitch which results in spectators looking into the glare of the sun in the evening.

The proposed replacement building would incorporate similar but enhanced facilities, including a social room with viewing gallery/balcony, a lift, a function room, a players lounge and bar, and several changing rooms. The intention is to build a new facility which is fully compliant with Sport England guidance standards, and to locate it in an easily accessible location adjacent the existing facilities which will encourage greater use of the building and sports field. The pavilion location will also allow good views over both the cricket ground and all weather pitches, and minimise existing “sun blinding” issues.

The replacement sports pavilion building would be sited on land currently designated within policy R5, and its construction would therefore in theory result in the loss of some existing open grassed play area. However, as the use of the pavilion building would be inherently tied to the improvement of the existing recreational area, and the exact site of the pavilion actually relates to ancillary grassed area adjacent to the formal cricket pitch, it is considered that the erection of the pavilion building in the chosen location accords with the aims of the recreational policies, in that no actual playing pitches are affected, and that overall recreational facilities will

be improved.

As the existing sports clubhouse site is not within policy R5, it is also considered that it would be difficult to argue that the site should be used to provide replacement playing pitch area which would be taken up by the new sports pavilion, particularly as the site of the existing club is located in a rather awkward corner location which is not entirely suited for use as formal playing pitches.

Consequently, the replacement of this building to provide better/improve recreational facilities would in officers opinion, accord with the aims of the recreational policies of the Local Plan, particular R5 (i). It would also accord with central government guidance on sporting facilities contained within PPG17, on which our policy R5 is based. Sport England has confirmed that this replacement is acceptable, (and indeed, as a separate funding agency, are funding part of the proposal).

#### b) Erection of dwellings outside the HPB

The proposed dwellings would be erected on land vacated by the demolished sports pavilion (which is not covered by policy R5), and also incorporate some areas of existing land around the existing building which are currently laid to grass, which fall within the policy R5 designation. All the land on which the dwellings and parking area are proposed is located outside the defined HPB (which covers the dwellings to the immediate east of the application site and the rest of the city centre).

Consequently, the proposed dwellings would be sited on land which would normally be only acceptable for housing in exceptional circumstances, and on land which forms an albeit small part of a wider recreational area, which is protected by policy R5.

Whilst the site of the existing sports club would ordinarily be referred to as “brown field” or “previously developed” as defined in PPS3, in this instance, as the land forms part of the wider recreation area, the site is covered by the guidance contained within PPG17. This document indicates that recreational land should not be regarded as brownfield land, in order to protect recreational land from development.

Therefore, on the face of it, given that the dwellings are not required for any “exceptional” purposes related to rural pursuits as explained in PPS7, the development of this site for housing would seem contrary to the aims of PPS17 and PPS7.

However, the planning arm of Sport England have not objected to the proposal, and indeed, as part of its role as a funding body, have actually played a part in funding the proposal to replace the existing sports club building. The body has also indicated that in its opinion, this proposal complies with the PPS17 guidance and that the land on which the existing sports pavilion is located could, in its opinion, be considered as being “previously developed”. As a consequence, given that Sport England are intrinsically involved in the guidance in PPG17, being the main consultee for that document, in officers opinion, it would be difficult to reject this application on the basis that it does not appear to comply with the guidance in PPG17.

Furthermore, whilst outside the defined HPB, the site does bound the HPB, and is in just as sustainable a position as the housing immediately adjacent, with easy access to the local services and the city centre. Therefore, given the positive stance of PPS3 to sustainable new housing development within or adjacent to existing main settlements, it would also seem difficult to object to the application on sustainability grounds.

Similarly, SDLP policy H22 also advises that dwellings will be permitted on previously developed land, (i) where such land is accessible by public transport, (ii) well related to the existing pattern of development, and (iii) not identified for an alternative form of development. (Whilst a small part of the land lies within the policy R5 designation, it is considered that for the reasons highlighted above, that this would be difficult to support on appeal)

Consequently, as the principle of dwellings on the proposed site would seem difficult to refute in reality, an assessment of the impacts of the proposal in other terms should now be undertaken. The following report addresses these issues.

However, without control, it would be possible for the existing sports clubhouse building to be replaced by the proposed housing, without the replacement sports pavilion being provided. This would result in the loss of part of the recreational facility, contrary to recreational planning policies. As a result, a condition or other mechanism is required to be imposed which ensures that the proposed clubhouse is provided prior to the existing facilities being permanently removed.

## **9.2 Design and visual impact on wider area**

### **9.2.1 Sports pavilion/scoreboard and netting**

The wider recreational land falls with the Landscape Setting of Salisbury and Wilton, and is covered by Policy C7, which states that:

“Within the Landscape Setting of Salisbury and Wilton as defined on the proposals map, new development will not be permitted during the lifetime of this plan to ensure there would be no detriment to the visual quality of the landscape and to enable allocated developments to be assimilated”

Policy C7 of the Local Plan seems on the face of it to allow no development within such an area. However, the supporting text of this policy is less equivocal, and indicates at para 7.16 that “..more positively , the LPA will actively encourage enjoyment of the countryside....through the extension of public access....”

However, given that it would be somewhat unreasonable to have a “blanket ban” on any/all development in such a locally designated area when we allow in principle some development within a nationally designated area such as the AONB, officers have for a number of years been taking a more pragmatic view, and assessing any proposed development for its actual impact and harm caused in a similar fashion as is done in the AONB.

Furthermore, the land covered by policy C7 in this instance is not in fact open countryside in the traditional sense, but is a collection of playing fields and a golf course, with a selection of paraphernalia associated with the sports use. In officers opinion, it would not be reasonable to impose a blanket ban on development in this area, as the area already contains various sporting paraphernalia. Instead, it would seem more reasonable to assess any proposal on this site against their impact on the generally open, recreational character of the site.

The existing sports pavilion is not of any particular architectural quality and its removal will generally improve the appearance of the site. However, given the relatively modest scale of the building, and its relatively secluded location, the existing building has no significant visual impact on the wider area, as adjacent buildings such as the hotel are more prominent.

Conversely, the replacement sports pavilion would be sites in a more open part of the site, and be of a larger scale than the existing building. Clearly, therefore, the new building will be more prominent in the landscape, and will be far more visible from the A36 road to the north of the site, and the road system to the south of the site.

However, in conjunction with the LPA and its design forum, the applicant has sought to design a building which would be robust in use and low in maintenance. This will include the introduction of a standing seam pre oxidised zinc roof on the southern end of the building facing the cricket square so as to minimise/resist any damage by balls. The remainder of the roofing would be natural slate, with untreated oak boarding on the upper elevations and brickwork at lower level (which would be in a contrasting buff colour with blue/black banding).

In officers opinion, the new sports pavilion would be an attractive building, which blends traditional pavilion/recreational building design cues such as a clock, pitched roofing, and balcony, on a contemporary building. It is considered that whilst the building would be prominent, it would be a positive addition to the site, and would not unduly detract from or be harmful to the open recreational character of the area.

In sustainability terms, the applicant has indicated that the building will meet or exceed building regulation requirements, and the large eaves will provide solar shading to upper floor rooms. The main function room will be naturally ventilated through adjustable baffles within the rooftop ventilators.

It is similarly considered that the proposed scoreboard, whilst relatively large and visible, would be a visual feature which one would expect to see adjacent to a sports pitch such as a cricket field. As a consequence it would not look out of place or unusual in this setting, and hence, it is not likely to detract from the character of the area.

It is also proposed to erect netting between the proposed dwellings and the cricket field. Whilst erected, it is conceded that such a structure would not be particularly attractive. However, as this is a temporary structure, its visual harm is somewhat limited. It is noted that there is a large amount of permanent fencing/netting already on the playing fields at the moment, and as a consequence, it is considered that the proposed netting would not look out of place or unusual in this setting, and hence, it is not likely to detract from the character of the area.

Whilst the netting and the scoreboard would be located within close proximity to Cherbury and would alter the character of the setting of the listed building when seen from the west, the existing setting of the listed building already contains the poor quality sports clubhouse and other recreational paraphernalia, and in a way, this development improves the setting of the listed building. Given that it is considered that the most important setting of this listed building is actually the environment around Church Lane and not the area around the rear of the building, it is considered that the proposed development would not adversely affect the general setting of the listed building in a manner which would warrant refusal.

### **9.2.2 Houses**

As stated, the proposed houses would be located on the site of the existing sports club building. In officers opinion, they are attractively designed, and would utilise materials which would reflect the traditional vernacular of the area, namely slate, with a sandy colour/buff colour brick, reminiscent of other dwellings in the area, including Wilton estate cottages.

Whilst the properties would be present a much larger massing than the single storey clubhouse

building currently on the site, and whilst they would ultimately be more prominent than the existing building, it is therefore considered that the houses would be a positive addition to the area, and would not unduly detract from the open character of the area, particular given their secluded siting, in the eastern corner of the playing field, and adjacent to the much larger hotel building.

Whilst the housing and their parking area would be located within close proximity to Cherbury and would alter the character of the setting of the listed building when seen from the west, the existing setting of the listed building already contains the poor quality sports clubhouse and other recreational paraphernalia, and in a way, this development improves the setting of the listed building. Given that it is considered that the most important setting of this listed building is actually the environment around Church Lane and not the area around the rear of the building, it is considered that the proposed development would not adversely affect the general setting of the listed building in a manner which would warrant refusal.

As a result, it is also considered that the proposals would not have such an adverse impact on the setting of Cherbury, a grade II listed building, as to warrant a refusal on that basis.

### **9.3 Impact on amenities**

#### **9.3.1 Sports club**

Currently, the existing sports club facilities are located directly adjacent to the eastern boundary of the site, adjacent to both the hotel and a residential property. It is considered that in general terms, the relocation of this use away from this boundary and existing neighbours will result in some form of improvement to existing amenities, through the reduction in general noise and disturbance. The removal of the building which is very close to the neighbouring garden area is also considered to be an improvement.

#### **9.3.2 Houses**

Concerns and objections have been raised by the owner of the dwelling immediately adjacent to the eastern boundary of the site for the planned houses (Cherbury). The objections relate to the loss of privacy and the creation of overshadowing, particularly in respect of the garden of Cherbury, which is located to the north of the dwelling, and which is directly adjacent to the planned housing site.

In an attempt to reduce the impact of the dwellings on this property, the LPA has sought to amend not only the general design of the dwellings, but also their location. As a result, the dwellings would now be sited between 10.2 metres (plots 1 & 2), 8.73m (plots 3 & 4), and 9.5m (plot 5) from the garden area of Cherbury. Furthermore, in order to reduce the impact of the scheme in terms of overlooking, some of the first floor windows at the rear of the houses have been relocated to the side elevations of the dwelling. Thus there would now be only 4 bedroom windows, and one bathroom window, facing directly towards the garden area of Cherbury. As well as these changes, the original rear projections on the dwellings have been softened from a full gable design to a hipped design, which softens the built form, and reduces the massing of the buildings, as seen from Cherbury. The applicant has also confirmed that the proposed car parking area would utilise a bound (not loose gravel) material, thus helping to reduce noise disturbance from vehicles.

Whilst it is acknowledged that (compared to the existing situation) the residential dwellings as planned would result in some loss of privacy to the occupiers of Cherbury, particularly caused

by overlooking from the remaining bedroom windows, and the general introduction of residential noise and disturbance, it is considered that the impact of the housing would not be so significant as to warrant refusal of the application, given that the level of amenity currently experienced by occupiers of Cherbury is already limited by the presence of the sports clubhouse and the sports pitches.

Given the distance of the dwellings from the garden area of Cherbury, and their positioning to the west of that dwelling and garden area, it is considered that the amount of overshadowing caused by the new houses to the adjacent dwellings and garden area is unlikely to be significant. The applicants submitted shadow diagrams support this view, and seem to indicate that any overshadowing will be confined to the rear gardens of the existing dwellings, and will not affect Cherbury.

#### c) Netting and scoreboard

Whilst objections have been raised to the proposed scoreboard, these seemed to be based on the fact that the scoreboard will be visible from adjacent dwellings to the immediate east of the site, which have traditionally enjoyed a relatively open view across the recreational land. Whilst it is considered that the scoreboard would be visible from the existing (and proposed) dwellings, the scoreboard is a relatively modest sized structure, and would be located some distance from the dwellings. As a result, the scoreboard would not be unduly prominent or oppressive, and would cause no overshadowing issues. The loss of what is a private view is not a material consideration which can be used to reject a planning application, although it remains officers opinion that whilst the scoreboard will be visible, it will only form a small part of the outlook which will remain available to existing and proposed housing.

The proposed netting would be visible from both the existing and proposed dwellings, and during times when the netting is erected, the outlook of the future occupiers of the proposed dwellings would be impaired in terms of a reduction in private view. However, the netting would be taken down when not in use, and the purpose of the netting would be to protect the proposed dwellings from ball strikes during cricket matches. As a result, the impact of this scheme on neighbour amenity is not considered so significant as to warrant refusal.

### **9.4 Impact on highway system**

#### (i) Traffic generation and access issues

The development would be serviced via the existing northern vehicular access into the site via the A36, adjacent to Skew bridge. The road in this area is within the 30mph designation. The existing vehicular access is utilised by users of the existing sports pitches, the existing clubhouse and the golf course, as well as the adjacent hotel. The access is therefore well used at the present time, and the Highway Authority or Highways Agency has not indicated that there is any significant accident record related to this stretch of road.

It is intended to reutilise the existing vehicular access onto A36, with only modest changes to remove some existing foliage around the access which currently restricts the site lines. The existing avenue of trees will remain unaffected.

The Highways Agency served a Direction of non approval on the LPA early in the lifetime of the application. The Agency were concerned that the proposed development, in particular the likely increase in the usage of the site resulting from the improved sports pavilion and facilities. Following protracted negotiations and discussions, further additional supporting information



was submitted by the applicant, which in summary, indicated that there would not be a significant change to the access demands for the site. (The applicants letter explaining the traffic generation issue from the applicants point of view is attached as an appendix)

Following the applicants reassurances, the Highways Agency now considers that subject to the drawing up of a travel plan which would encourage the accessing of the site by sustainable transport means, the likely increase in traffic resulting from this site as a result of the new proposals and the likely increase in popularity and use of the enhanced facilities, would be offset, and would not harm the highway system. The HA has now withdrawn its direction, and has indicated that it is happy for the application to be approved if the LPA wish it.

WC Highways has also confirmed that it is happy for the application to be approved, subject to a travel plan and visibility from the existing A36 access being improved and maintained.

It should also be noted that such a travel plan would seem to address most of the concerns of COGS.

#### (ii) Proposed path

The majority of the letters/emails of support relating to this application relate to the provision of a new pathway, across the application site from the school in the south, to the A36 road in the north.

An indicative path is shown on the submitted plans, leading from the proposed clubhouse site southwards across the existing open space, through the existing churchyard, and exiting onto the highway opposite the existing school. The provision of such a path has apparently resulted from local discussions between the landowners/applicants and the local people and the school, who wish to improve the safety of pupils accessing the school. The idea is that the proposed new path would be safer route than using the existing narrow highway system, much of which has no pavement.

It is acknowledged that such a path, for which there seems to be considerable local support, is not necessarily objectionable in planning terms, and it could be argued that a path in that location could enhance public access to the new sports pavilion, and improve access to and from the school and church for the future occupiers of the proposed new houses.

However, the Council's highways department has indicated that it does not require such a path as part of this application scheme, and that if it did, any path would have to be designed to adoptable standard, which would probably require a surfaced track with lighting, as well as a stipulation that it would be available for public access at all times.

It is understood that that the landowners and applicant would not necessarily wish such a path to be open at all times, largely for security reasons (the supporting information indicates 8am to 5pm Monday to Friday at school times). Instead, it is understood that there is agreement locally that any path would be made available only during the daytime, and in particular at school times, but would not be available for use in the evenings or night. It is further understood that the applicants would not wish to have a formally surfaced path way with lighting running through their open space. The Local Planning Authority agrees with this concern, as any formalised surfaced path would probably result in a visual intrusion into the landscape. Consequently, any path that is created will be a private path, not a public right of way, which would not be intended to be used for general public use in association with either the proposed houses or the new sports pavilion.

As a result, the officers are unable to “insist” on such a pathway being created as part of this proposal, as the need for it is not generated by the development but by the school. Furthermore, any such details would have to meet the requirements of the highway authority as outlined above. However, given the clear level of demand for such a path locally and the apparent willingness of the landowner/applicant to provide such a path, it is considered that a condition can be imposed which simply requests that the details of any path which is to be constructed be submitted to and agreed in writing by the Local Planning Authority, in order to control the visual impact of any such works on the surrounding area. Members should however note that such a condition would not control the timing of the provision of such a path.

### **9.5 Ecological issues**

Whilst the vast majority of the site is laid to cut grass, and will be unlikely to be capable of supporting protected species, the clubhouse has some potential to harbour bats.

An ecological assessment was submitted as part of the application. No evidence of protected species were found, although in officers opinion, the proposal should be conditioned so that it is carried out in accordance with the recommendation made by the bat report.

The site is located some distance from the AHEV, which includes the SSSI/SAC river system. Given the modest scale of the development proposed, and the fact the applicant has indicated that the development would be connected into the existing drainage system serving the clubhouse (which feeds into the drainage system in church lane, it is considered that the proposal would be unlikely to have any adverse impact on the sensitive area, as defined by the Habitat Regulations 1994, and EIA regulation 1999. The proposal would also therefore accord with the guidance given in PPS9.

## **10. Conclusion**

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the Salisbury District Local Plan. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the Salisbury District Local Plan. Whilst a small percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some effect on the amenities of the adjacent

dwellings and its garden area, taking into account the relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the Local Plan Authority or highway authority as part of this planning application scheme. Details of this path can however be secured via condition, to ensure that it would be of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

## Recommendation

Following completion of a legal agreement to secure the following:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use;

It is recommended that planning permission be granted for the following reasons:

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the SDLP. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the SDLP. Whilst a small percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some effect on the amenities of the adjacent dwellings and its garden area, taking into account the relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the LPA or highway authority as part of this planning application scheme. Details of this path can however be secured via condition, to ensure that it would be

of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

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

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

Reason (2): In the interests of visual amenity and the character and appearance of the area.

Policy - D1 visual appearance and impact

3) With regards to the replacement sports building, no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason (3): In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Policy- G2 & C7 protection of amenities and countryside

4) With regards to the proposed dwellings, no development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

Reason (4): To limit overlooking & loss of privacy to neighbouring property.

Policy - G2 impact on neighbour amenity

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

Reason (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions,

extensions or enlargements.

Policy - G2 & D2 general amenities and appearance of the area

6) With regards to the proposed dwellings, 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the walls and roofslope(s) of the development hereby permitted.

Reason (6): In the interests of residential amenity and privacy.

Policy - G2 general amenities

7) With regards to the sports pavillion building, no development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason (7): To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

Policy - G1 sustainable transport

8) No demolition of the existing sports clubhouse building shall take place until the new sports pavillion building hereby permitted has been erected and made available for use.

Reason (8): To ensure that the existing sports clubhouse facilities are maintained and replaced within a suitable time frame.

Policy R1A & R5 - Enhancement of recreational facilities

9) No development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall outline measures to encourage the use of sustainable transport options for persons accessing the recreational land; and indicate a timetable for implementation of those measures. The development shall be carried out in accordance with the agreed travel plan.

Reason (9): In order to reduce the reliance on the private car in the interest of sustainable development and the aims of PPS1 PPS3, and PPS13

Policy G1 - sustainability

10) No development shall commence until a scheme for the operation of the netting adjacent the cricket pitch shall be submitted to and approved in writing by the Local Planning Authority. The netting shall be operated in accordance with the agreed scheme.

Reason (10): In order to limit the impact of the netting on the visual character of the area and the amenities of adjacent residents.

Policy - C7 and D1 protection of visual amenities

11) No development shall commence until the existing access hardstanding area is improved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and visibility from the vehicular access onto the A36 has been improved, with no obstruction to visibility at and forward of a point measured from 2.4m back into the centre of the access to 160m to the west. The visibility splay so created shall be maintained in that condition thereafter.

Reason (11): In the interest of highway safety

Policy - G2 highway safety

12) Development shall be carried out in accordance with the recommendations made in the submitted ecology report from Clarke Webb Ecology Ltd dated 17th November 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason (12): In order to protect flora and fauna, in accordance with the aims of PPS9 and the habitats

13) No development shall commence until a scheme of water efficiency has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason (13): In the interest of water conservation.

Policy G2 G3 sustainable water conservation measures

INFORMATIVE

Regards water efficiency measures and pollution prevention measures, details can be found on the environment agency website . Regards pollution prevention during construction, safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Appendices:	Appendix A – Applicants justification for scheme and highways matters Appendix B – Site Location Map
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Background Documents Used in the Preparation of this Report:	List of plans Drawing No. 101 site plan (not in relation to dwellings) Drawing No. 102 floor plans of pavilion Drawing No. 103 elevations of pavilion Drawing no. 104 – details of scoreboard  Drawing 1377/105E Amended Floor plans Drawing 1377/106D Amended elevations Drawing 100C – Site location plan
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# Salisbury & South Wilts Sports Club

COPY FOR RICHARD HUGHES

Mrs J Ashman  
Highways Agency  
Network Planning Manager  
2/08K  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6HA

3<sup>rd</sup> June 2009

Your ref: HA/004/001/004010  
Wilts Planning ref: S/2008/2089

Dear Mrs Ashman,

The Sports Club wishes to thank the Highways Agency for supporting this meeting which gave us the opportunity to address concerns raised to date.

The Entrance

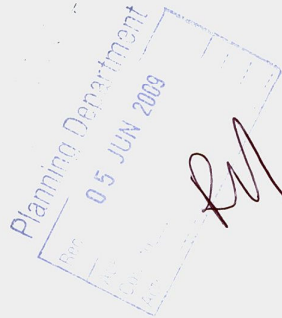
The Club notes that the visibility from the entrance can be significantly improved to a level acceptable to the Highways Agency by taking some immediate actions and setting regular maintenance in place:

- A. The signage for the golf driving Range set within the grounds some 10m west of the entrance will be moved at least 30 m to the west to offer no obstruction of vision as a car is approaching the exit point. I can confirm that arrangements for this have already been set in place and it should be moved at least 40 m west within our grounds within the next 10 days.
- B. The fencing to the west of the entrance for at least 30 m will be pulled back from the boundary to allow easier visibility to the west. All grass and other vegetation will be cut back and the Groundsman is instructed to include such cutting back on a regular maintenance scheme. I confirm that I have met with the groundsman and he will be doing this work in the coming week.
- C. The fencing on the east will be similarly set back to the existing tree line, vegetation cut back and an old vertical kerbstone between the edge of the pavement and the scrub will be removed to allow clear pedestrian access from the public footpath along the A36 straight into the entrance without going onto the part used by cars. Arrangements for this have also been set in place.

Social use – current and future

The Sports Club apologises for not making certain points clearer in its submissions.

A key element of our proposal is the anticipated social use of the new Clubhouse. As a 'not-for-profit' Amateur Sports Club, our primary purpose for social use is to provide hospitality in support of the sporting activities undertaken on site by our member sections and to generate an environment which encourages sporting participation. Secondly, it is to supplement the income necessary to finance the sporting activity and the operation of the sports facility to provide quality playing surfaces which again fulfils the Sport England expectations of increased participation.



Address  
Salisbury & South Wilts  
Sports Club  
Skew Bridge  
Wilton Road  
Salisbury  
SP2 9NY  
Tel 01722 327108  
Vat Reg.189 9291 91

EMAIL to Sec  
andrew.cooke5@tiscali.co.uk

Chairman  
Mr G Button  
Tel 01722 323285

Secretary  
Mr A. Cooke  
Tel 01722 556770

Treasurer  
Mrs J. Joyce  
Tel

**Incorporating**

South Wilts CC



Salisbury Hockey



Salisbury Golf Driving  
Range Ltd

SALISBURY  
BARBARIANS RFC

Associate Members  
Sarum Orienteers



# Salisbury & South Wilts Sports Club

Past social use had been significantly greater but as the existing building became more run down, many regular events have ceased or become poorly attended, such as skittle league evenings, darts league, pool evenings and general social events arranged by members.

The Club does host County grade cricket matches, occasional celebrity matches and for 20 years hosted an annual 3 day hockey Festival attended by over 30 teams. Our hope for the new club house is that some part of these activities will be regenerated.

The Sports club wishes to make it clear that it has no intention of becoming a commercial venue for non sporting events or any other events that would affect our sporting provisions. Every Saturday in the year, the social room in the new clubhouse will be required to provide teas/hospitality for visiting teams and officials and the rules of the leagues prevent us from not providing such hospitality.

We are a members club, open to all, and bound by the terms of our licence and constitution. We welcome social use by our members after they have played sport but we have no wish to be a letting venue for all sorts of parties that are not related to sport or our members and we would never want or allow functions to take place at weekends that in any way displaced or interfered with the sporting activities.

The requirement to offer community use of the new building was proposed by Salisbury District Council and members of the local community to address a shortfall in current local provision. We embraced this since we sought their support and funding but we have not yet had any firm expressions of interest from any such groups. If we did get any approaches we would anticipate them being related to sports or a health-related activity.

## Sports use – current and future

We hope that the site visit clearly conveyed the fact that in this proposal our grounds remain as they have been for many years with 2 cricket pitches, one synthetic pitch and one rugby pitch (winter use only). Current membership of the main member sections – cricket, hockey and rugby – means that these pitches are at or almost at capacity.

We also wish to point out that modest growth in member user numbers as presented in the KPI's is a condition of our major funders but that any significant increase in numbers would cause us to hire pitches off site and such arrangements already exist for cricket and hockey.

If required we can provide more detailed, sport by sport analysis of the figures, of current team levels and where any extra teams would be playing.

The Sports Development Officer is key component of the Sport England Hub Club Concept and they have allocated funding for this post for 3 years. This officer will be based on site and his or her role is to undertake a large part of our development programmes, internally and externally, but would spend a lot of time off site conducting coaching / taster sessions in schools and other clubs forging such links. We would encourage schools to send classes or teams along (as we have for many years) but when this happens, it invariably involves a single vehicular journey of a minibus.

Member sections already hold considerable regular committee, selection, development and other meetings at the club. Member sections already organise and run coach and official training course. We envisage the SDO simply looking to run the same at the new clubhouse.

## Provision of a footpath for local schoolchildren

The Sports Club was asked by the School, the local community and our District Councillors to provide a footpath across its grounds to allow parents and children who walk to Bemerton St John Junior School from St Andrews Road or north of the Wilton Road (A36) safe access to school rather than the daily dangers of Church Lane and crossing to Lower Road. This is a significant community concern. The Sports Club has agreed to this and included the route in its Planning Application. If our application is successful

# Salisbury & South Wilts Sports Club

we will work with the School, Wiltshire County Council, the Church and others to provide this permissive path.

## Travel plan

Our membership is from not just the Salisbury area but further afield in Wiltshire , Hampshire and Dorset. The Club already encourages car sharing, not just on coming to the Club but also for away Games where sensible meeting points are arranged and as few cars taken as possible.

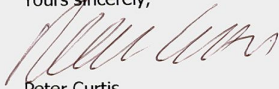
The Sports Club recognises the importance of sustainable travel policies and undertakes to produce a comprehensive travel plan which will be communicated members and posted on the Club's web sites.

## Conclusion

In addressing the concerns raised by your representative at the meeting either through actions now in hand or by the clarifications given above, I hope that the Highways Agency now has the assurance that our proposals for a new Clubhouse do not present a significant change to the access demands for the site and will be able to instruct the local Planning Authority accordingly.

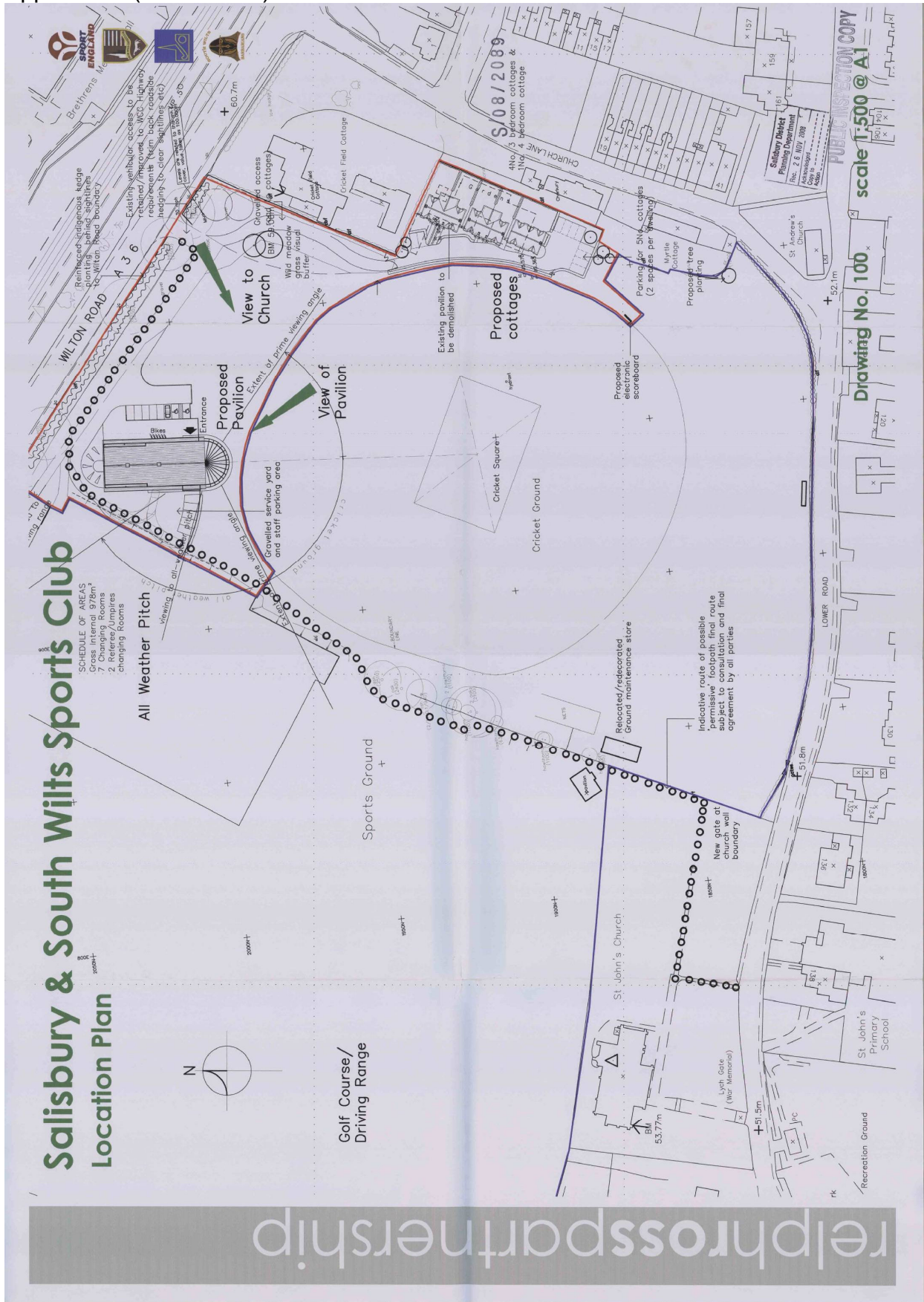
I would be happy to address any further concerns which you may have.

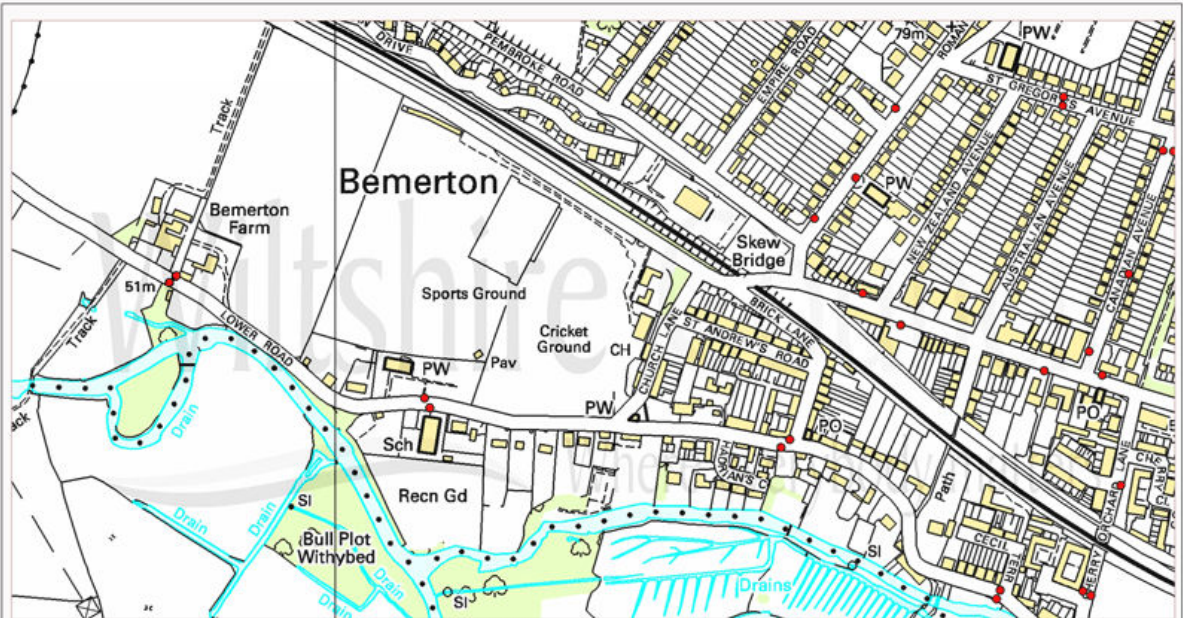
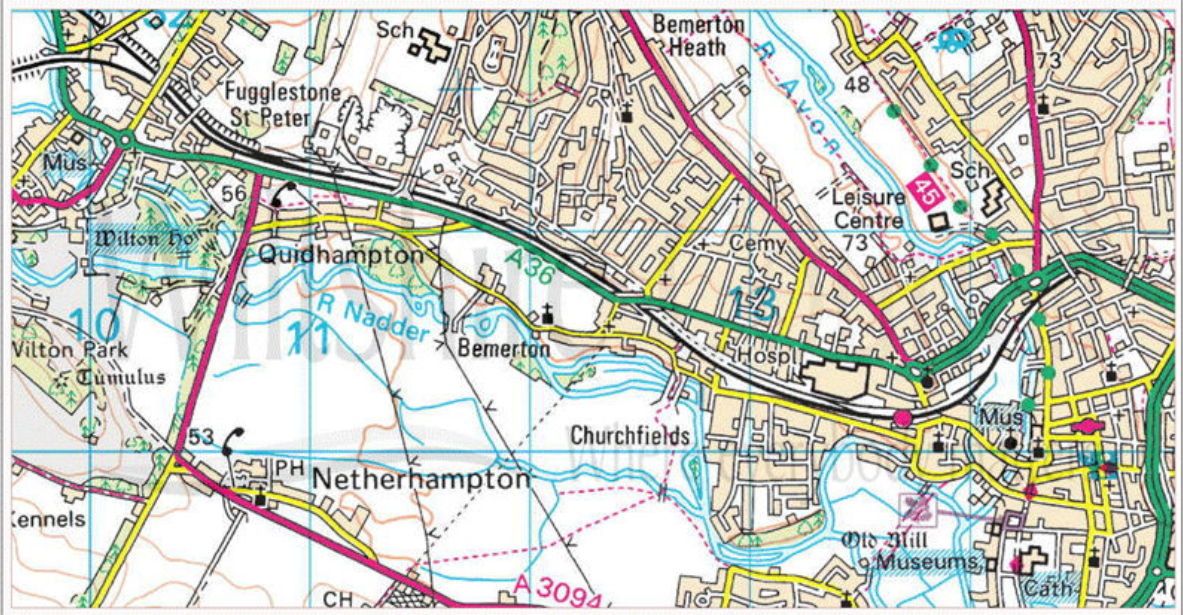
Yours sincerely,



Peter Curtis  
Chairman, Hub Club & Pavilion Committee

Copy:  
R Hughes Wiltshire Council Development Services







For red site boundary line please see Location Plan - Appendix B

Deadline	11/08/09		
Application Number:	S/2009/0844		
Site Address:	3 PARKLAND WAY PORTON SALISBURY SP4 0LY		
Proposal:	RETROSPECTIVE APPLICATION FOR ERECTION OF DECKING AND FENCING		
Applicant/ Agent:	MRS SANDRA WILSON		
Parish:	IDMISTONBOURNE/WOOD		
Grid Reference:	418661.8 136761.7		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### Reason for the application being considered by Committee

Council employee application to which objections have been received.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

### 2. Main Issues

The main issues to consider are:

1. The impact on protected species and wildlife (including the nearby River Avon SAC/SSSI, the Porton Meadows SSSI and the Porton East County Wildlife Site)
2. The impact in relation to flooding
3. The impact on the living conditions of nearby properties
4. The impact on the character and appearance of the area
5. Other factors

### 3. Site Description

The site consists of the rear garden of number 3, Parkland Way, Porton, a modern bungalow of brick and tile. The rear garden immediately adjoins The River Bourne, and the decking has been extended onto the river bank and beyond. Opposite the site, on the other side of the river, is another residential dwelling, Riverside, with its side elevation and part of its garden being visible from the decking.

In planning terms, the river forms the boundary of Porton's Housing Policy Boundary.

### 4. Planning History

Application number	Proposal	Decision
S/2008/0576	Conservatory to rear elevation	Approved with Conditions on 15 <sup>th</sup> May 2009

## 5. The Proposal

The application seeks retrospective consent for the erection of decking and associated fencing.

The decking consists of a wooden 'boardwalk' structure, measuring some 2.7m by around 20m. Its height from the bank is 1m to the bottom of the main deck, with fencing on top of this deck being another 1.2m high. In the centre of the decking is a gate set back from the edge of the decking, leading down to steps and a small lower deck or platform, which is over the river itself.

Side fencing has also been erected, projecting slightly beyond the edge of the decking itself. This application also includes trellis within the garden, with a height of 1.8m. Planning permission is required because the creation of the decking constitutes an engineering operation which is not 'permitted development' (ie the sort of development householders can undertake without needing consent) under the General permitted Development Order 1995.

## 6. Planning Policy

G1, G2 – General Development Criteria

D3 – Extensions to dwellings

C10 – Development affecting Sites of Special Scientific Interest

C11 – Development that could affect Areas of High Ecological Value

C12 – Development affecting protected species

PPS9 (Biodiversity), PPS25 (Flood Risk)

## 7. Consultations

### Natural England

This is Natural England's formal consultation response under Regulation 48(3) of the Habitats Regulations 1994[1].

The application lies on the banks of the River Bourne, which lies upstream of Porton Meadows SSSI and the River Avon System SSSI and the River Avon SAC. The proposed works will not directly impact on any of the designated sites.

However, the nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. The SAC qualifying features include one habitat (the watercourse characterised by floating *Ranunculus* (water crowfoot) and *Callitriche*

(starwort) vegetation) and five species (brook and sea lamprey, bullhead, salmon and Desmoulin's whorl snail). All are dependent upon the maintenance of high water quality and sympathetic habitat management.

Although approximately 3km upstream of the river SSSI and SAC Natural England would be concerned regarding the potential impact of the development on water quality from pollution during construction, for example through accidental spillage or runoff of soil etc.

#### Wider Biodiversity and protected species

In addition to our concerns under the Habitats Regulations, Natural England would also be concerned regarding the potential impact of the development on the existing river bank and river frontage habitat. River banks that occur within a garden setting, if managed sensitively, often provide valuable habitat and important wildlife corridors in terms of bankside and marginal plants that provide habitat for invertebrates, fish and small mammals such as the Water vole.

Natural England would recommend that the existing bank profile is retained and that a Method Statement is included with the application to ensure the protection of the water environment during construction.

#### Legally Protected Species

Please note it is the responsibility of the local planning authority to fully assess the impact of the proposal on Protected Species under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the Protection of Badgers Act 1992. Paragraph 98 of the Circular states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat." A list of all protected species of animals and plants can be found in Annex A of Circular 06/2005 accompanying PPS9. As this development has river frontage there is the potential to impact on the Water vole.

#### Idmiston Parish council

No Objections

#### County Ecologist

##### Relevant Policy and Guidance:

PPS9, ODPM Circular 06/2005, Habitats Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended)

##### Background:

I note that the River Avon adjacent to this application lies outside the River Avon SAC / SSSI. The application site lies about 50m upstream from the Porton Meadows SSSI which contains neutral grassland/swamp and 300 m downstream from Porton East, a county wildlife site comprising neutral grassland and noted as priority habitat in 1995.

I also note comments from local resident Mrs Julia Rampton that water voles have been seen in this section of the river recently. There is a water vole record from 2000 on land  
Southern Committee 27/08/2009



approximately 700m upstream of the application site. Aerial photographs for the application site dating from 2005/6 suggest the banks contained mature trees and therefore potentially habitat for bats and otters.

#### Key Issues:

The River Bourne is of value as wildlife habitat in its own right and also for its ability to link habitats together. This networking function is recognised under paragraph 12 of PPS9 which states:

“Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers, including those within urban areas.”

One issue for this application therefore is whether this development has compromised the local network of habitats. In particular whether species movement is reduced or prevented by the change of habitat this development has brought about.

The loss of riverbank habitat gives rise to protected species issues and as such it should have been accompanied by a protected species survey covering bats, water voles, breeding birds and otters. This would have identified whether any of these species would have been directly affected by the works and therefore whether avoidance or mitigation was appropriate.

In addition, due to its proximity to the river it should have been accompanied by a construction method statement.

#### Conclusions

If the decking were to be removed, vegetation would become re-established in time and the network could be reinstated. It is therefore appropriate to require the applicant to submit an ecological survey assessing the implications of the development for the movement of wildlife. This should identify whether it is possible to mitigate for any impacts caused.

For most protected species, it is not now possible to determine whether they were affected by the works. However, by undertaking a survey of the adjacent banks, it may be possible to determine how likely it was that water voles were present in the affected section of riverbank and whether mitigation is therefore appropriate. In a worst case scenario the decking may need to be reduced in size.

Although signs of pollution from construction may not now be evident, future cleaning of the decking may entail the use of chemicals which could spill directly into the river.

#### Ecological Recommendations

The applicant should submit an ecological survey to assess the impacts of the scheme on the ecological network and water voles and put forward relevant mitigation. In addition a working method statement should be submitted to demonstrate there will be no risk of harmful chemicals entering the river.

## Updated recommendations - 23 July 2009

In the light of information from the applicant which confirmed that the wall(s) were in place when she purchased the property and therefore before the decking was erected, there is no risk that water voles will have been using this section of the bank prior to the work.

I understand from the applicant that the banks were covered with brambles prior to the work. Although this would have provided cover for animals using the river I do not consider that its value would have been significant. This section of the river is clearly "urbanised" and I therefore have no objection to the application. There is still a need to seek assurance from the applicant of the methods and chemicals (if any) that will be used to clean the decking to ensure that water quality is maintained in the river.

## **Environment Agency**

We have no objection to the proposed development request that the following informative is included on any planning permission granted.

### Flood Risk

Developments of this nature within Flood Zone 3 (high risk), and within proximity of the Main River, would ordinarily require a supporting Flood Risk Assessment (FRA) in accordance with Planning Policy Statement 25 (PPS25) - Development & Flood Risk.

However, our Flood Risk Management Enforcement Engineer has visited the site and has taken a view in respect of the flood risk implications. Therefore, a FRA is not required for us to determine the flood risk associated with this application.

Providing that the modifications, to the dipping platform / step structure and side fencing, we have requested are undertaken we have no objection on flood risk grounds. We have requested the following:

- the boundary fencing that over hangs the watercourse be retreated behind the top of the bank; and
- the proposed steps are hinged parallel to the bank, or are removable and installed when access is required

The applicant should note that if these works are not undertaken then we have enforcement powers to take the further action to remedy the offending structures.

### Recommended informative

Any works in, under, over or within 8 metres / floodplain of the Main River will require prior Flood Defence Consent (FDC) from the Environment Agency under the Water Resources Act 1991 and Byelaws legislation.

It is understood that the summer house structure shown on the plans provided is within 8 metres of the Main River and has not at yet been constructed. Therefore, an application for FDC should be made in this respect. Please note that unlike planning permission, FDC can not be issued retrospectively. Further guidance in respect of FDC can be obtained from our Development & Flood Risk Officer - Daniel Griffin on (01258) 483351.

## 8. Publicity

The application was advertised by site notice and neighbour notification with an expiry date of 16<sup>th</sup> July 2009

10 letters of objection have been received, raising the following concerns (summarised):

- Impact on neighbouring properties by reason of its size, depth, width and height resulting in overlooking, loss of privacy and visually overbearing impact;
- Adverse impact on the amenity of the River Bourne by reason of an overbearing effect
- The hard landscaping and decking is totally out of keeping with the design and character of dwellings and gardens in the area
- Adverse impact on character and appearance of the area
- Impact on flood plain
- The destruction of habitat so close to the river has serious consequences for wildlife.
- Had this application not been retrospective Wiltshire Council would have insisted that tree cover be kept to screen out the intrusive conservatory recently erected at the rear of this property.
- The trend towards paving of front gardens and laying decking in the back has made many gardens no go areas for once common British birds. This type of development were to set a precedent in rural riverside locations having a devastating effect on the British bird
- The erection of a few panels of trellis fencing is a very poor substitute for the mature trees which previously provided screening and habitat for many beautiful wild
- Impact on the area of High Ecological Value (AHEV). This development has undoubtedly resulted in the loss of the characteristic wildlife habitat which typifies this AHEV and is damaging to the overall nature conservation value of the area
- The wider biodiversity interest of this area including water voles, kingfishers, bats and trout.
- During construction (when there was heavy rainfall) the River Bourne became very cloudy and dirty which appeared to be as a result of building materials entering the river having been washed down by surface water.
- Risk of damage to the river ecosystem through pollution during construction, either through accidental spillage or run off carrying exposed soil or building materials into the river.
- If planning permission is given for development such as this it would set a precedent for the destruction of wildlife habitat on riverbanks and in riverside gardens

- Decking is known to be noisy especially when raised above ground level as this is The proximity of the decking at 3 Parkland Way presents an overbearing and intrusive noise element for the occupiers of the property it fronts onto This noise has also been seen to have an adverse effect on wildlife
- Loss of privacy
- The short span of conifer hedging in the garden opposite 3 Parkland Way should be disregarded as it is more than 30 years old and is dying. Without this hedging the whole of the rear garden of the property this development fronts onto will be exposed to the decking, fencing, conservatory and bungalow at 3 Parkland Way.
- Errors in originally-submitted plans
- The fact that both side fences stick out over the river is unsightly and the lower decking is an intrusion over the river space
- Why was this allowed to be built
- Other non-planning related issues

6 letters of support have been received, including comments that the level of wildlife has not decreased since the construction of the decking, and that the decking actually provides shelter for some species.

## 9. Planning Considerations

### **9.1 The impact on protected species and wildlife (including the nearby River Avon SAC/SSSI, the Porton Meadows SSSI and the Porton East County Wildlife Site)**

Considerable concern has been expressed regarding the impact of the decking on wildlife interests by local residents. This concern principally relates to a perceived reduction in wildlife since the construction of the decking, specifically birds, water voles, bats and trout. It is argued that the decking has resulted in the loss of a habitat, and that this has had an adverse impact on these species.

Natural England and the Council's own ecologist have been consulted on the application. Natural England commented that the site is upstream from the River Avon SAC/SSSI and that the proposal would not directly impact on these sites.

They did express some concern regarding the possibility of pollution during construction (recommending a construction method statement) and also recommended that the existing bank profile is retained because of the valuable habitats that banksides provide. However, Natural England's policy is comment on retrospective applications as if development had not commenced, rather than to assess the impact of the development 'as built', limiting the usefulness of their comments. The recommended construction method statement, for example, would serve no purpose because construction has already taken place. Meanwhile, in relation to the profile of the bank, it is understood that the previous profile remains underneath the decking, which remains open to species other than where the supports have been erected.

The Council's ecologist, meanwhile, did initially require a protected species survey to establish what species could be affected by the development.

Subsequently, having received further information from the applicants, the ecologist has withdrawn her initial objection and no longer raises any objection subject to controls in relation to the cleaning of the decking, to prevent future contamination of the river (for example by chemical cleaning methods). She comments that the site's ecological value is unlikely to have been significant.

In light of these comments, it is considered that refusal of planning permission (and therefore the taking of enforcement action to secure removal of the decking) would be difficult to justify on grounds of the impact on wildlife or ecology. It is considered that the impact of the decking on wildlife or ecology has not been significant, and would not remain so. It does not have an adverse impact on the various Sites of Special Scientific Interest, the County Wildlife site or the Area of High Ecological Value. This conclusion represents an 'Appropriate Assessment' under the Habitat Regulations.

### ***9.2 The impact in relation to flooding***

Concern has also been expressed regarding the potential impact on flooding and flood risk to nearby properties and occupants. In light of the concerns expressed regarding the decking, an Enforcement Engineer from the Agency has visited the site and concluded that a Flood Risk Assessment is not necessary.

Furthermore, the Environment Agency (EA) has raised no objection to the application, subject to various modifications which can be secured by condition. On the basis of the EA's recommendation, refusal would also be difficult to justify on the grounds of flood risk. The proposal is considered acceptable within the terms of PPS25, subject to the changes recommended by the EA.

### ***9.3 The impact on the living conditions of nearby properties***

Considerable concern has been raised regarding the impact on the privacy of the property opposite the decking, Riverside. The concern relates to overlooking from users of the decking into the side garden and doorway of Riverside, as well as the overbearing impact of the structure. It is certainly true that the decking is clearly visible from Riverside, and that users of the decking have a view into the side garden of Riverside which was not available before the works were undertaken.

However, it is not considered that the effect is sufficiently harmful, in the public interest, to warrant refusal. Firstly, part of the impact to Riverside comes from the removal of the previous trees and vegetation by the applicants. However regrettable this may be, the fact remains that none of these trees or hedges etc were protected and so would not have required any form of planning consent. Therefore some overlooking (including from the relatively-recently built conservatory) would take place even if the decking were removed.

It is recognised that the decking does encourage use of the area nearest to Riverside; that its wooden construction (and resultant noise) adds to the impact, and that the decking effectively brings the 3 Parkland Way's garden somewhat closer to Riverside's garden.

However, it is common for amenity areas to be close to each other, especially in built-up

locations such as this. The decking only provides views into the side garden and side door of Riverside, rather than directly into habitable rooms.

Furthermore, Riverside has a larger area of garden to the rear which is at present screened by existing trees and vegetation, in which the occupants can reside in privacy, should they wish to. While the occupants argue that the trees are dying, any replacement of their trees is a matter for Riverside rather than a reason to insist that vegetation is provided or re-instated in the adjoining property's garden.

Overall, while the concerns of Riverside and of other properties are understood, the fact remains that there is no significant harm to the living conditions of this property or any other, and therefore it is not in the public interest to warrant refusal. It is considered that the development as built would comply with policy G2 of the Local Plan.

#### **9.4 The impact on the character and appearance of the area**

The impact of the decking on the character and appearance of the area has been raised by a number of local residents. It is argued that the decking is a stark, over-bearing structure, out of character with the surrounding rural setting and the river bank in particular.

In terms of public views of the decking, such views are only available from the bridge of the road to the east (ie Winterslow Road). The only view, however, is of a small part of the side fencing. Although it is accepted that slightly wider views may be available in the winter (when existing trees and vegetation are not in leaf), the fact remains that other domestic structures are more visible from the bridge, and that the decking does not appear harmful. It would be less visible if the side fencing is reduced in length as recommended by the Environment Agency. Little or no tangible views are available from the recreation ground to the west.

The decking and fencing is visible from Riverside and from neighbouring properties and, compared with the previous view it is accepted that the decking is more domestic and more intrusive. However, the planning system does not seek to protect private views and, as has already been said, the previous vegetation could have been removed, and a certain amount of fencing erected, without consent being required. The garden of 3 Parkland Way is in domestic use and domestic paraphernalia is entirely acceptable in such locations. While the decking is prominent and somewhat stark when viewed from Riverside in particular, as the structure weathers, its impact is likely to be reduced over time.

While concerns have been expressed about the harmful impact on the river-edge generally (and in terms of the precedent this might set), it is clear that properties that back onto the river already have hard, man-made boundaries, including garden retaining walls formed by blockwork or brickwork of properties immediately to the east and west. It is therefore considered that allowing this development would not create a new precedent for this stretch of riverbank.

Meanwhile, the trellis is unlikely to require permission, but it does help to screen the conservatory from Riverside. It is a domestic structure, entirely appropriate in a domestic garden.

Overall, it is not considered that the decking, fencing or trellis as built harms the character or appearance of the area, such that it would be in the public interest to require their removal. The works would comply with policies G2 and D3 in this respect.

### **9.5. Other factors**

The fact that the application is retrospective is not, in itself, a reason to refuse permission. While it is regrettable that work has been undertaken without first obtaining consent, the fact remains that the application has to be assessed on its planning merits, as built. It is considered that the decking is acceptable on its planning merits and that refusal of permission (and subsequent enforcement action) could not be justified on planning grounds.

The application plans did originally include revised positions of trellis, and a new summerhouse. However, revised drawings have been submitted limiting the application to just the trellis and decking as built. The future erection of a summerhouse, or of trellis, may not require planning permission, but in any case it does not form part of this application.

### **10. Conclusion**

The decking as built does not harm ecology or wildlife interests, including in relation to the River Avon SAC / SSSI, the Porton Meadows SSSI or the Porton East County Wildlife Site. It does not harm the living conditions of nearby properties, flooding interests, the character or appearance of the area, or any other material planning consideration. It therefore complies with saved policies G1, G2 (General Development Criteria), D3 (Extensions to dwellings), C10 (Development affecting Sites of Special Scientific Interest), C11 (Development that could affect Areas of High Ecological Value), C12 (Development affecting protected species) of the Adopted Salisbury District Local Plan.

### **Recommendation**

It is recommended that retrospective planning permission is granted for the following reason :-

The decking as built does not harm ecology or wildlife interests, including in relation to the River Avon SAC / SSSI, the Porton Meadows SSSI or the Porton East County Wildlife Site. It does not harm the living conditions of nearby properties, flooding interests, the character or appearance of the area, or any other material planning consideration. It therefore complies with saved policies G1, G2 (General Development Criteria), D3 (Extensions to dwellings), C10 (Development affecting Sites of Special Scientific Interest), C11 (Development that could affect Areas of High Ecological Value), C12 (Development affecting protected species) of the Adopted Salisbury District Local Plan.

And subject to the following conditions:

(1) Within one month of the date of this decision, a programme for ensuring that: (a) the boundary fencing that overhangs the watercourse be retreated behind the top of the bank; and (b) the steps as currently constructed are hinged parallel to the bank, or are removable and installed when access is required shall be submitted to and approved, in writing, by the Local Planning Authority. The approved programme of works shall be undertaken within three months of the date of this decision and the decking shall be maintained in that state in perpetuity.

Reason (1): in the interests of the river environment

Policy: Planning Policy Statement 25

(2) Within one month of the date of this decision, a scheme for the cleaning and maintaining of the decking shall be submitted to and approved, in writing, by the Local Planning Authority, and shall be implemented once approved by the Local Planning Authority. Cleaning and maintaining of the decking shall not thereafter take place other than in accordance with the approved scheme unless otherwise agreed, in writing, by the Local Planning Authority.

Reason (2): in the interest of the river and its species and their habitats.

Policy: C10, C11, C12 and Planning Policy Statement 9

**INFORMATIVE:**

The applicant is advised that any works in, under, over or within 8 metres / floodplain of the Main River will require prior Flood Defence Consent (FDC) from the Environment Agency under the Water Resources Act 1991 and Byelaws legislation.

It is understood that the summer house structure shown on the plans originally provided is within 8 metres of the Main River and has not yet been constructed. Therefore, an application for FDC should be made in this respect. Please note that unlike planning permission, FDC can not be issued retrospectively. Further guidance in respect of FDC can be obtained from the Environment Agency's Development & Flood Risk Officer - Daniel Griffin on (01258) 483351.

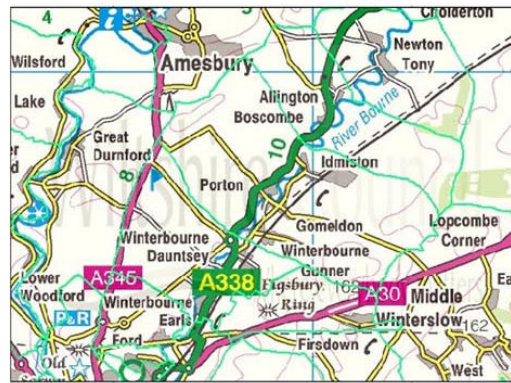
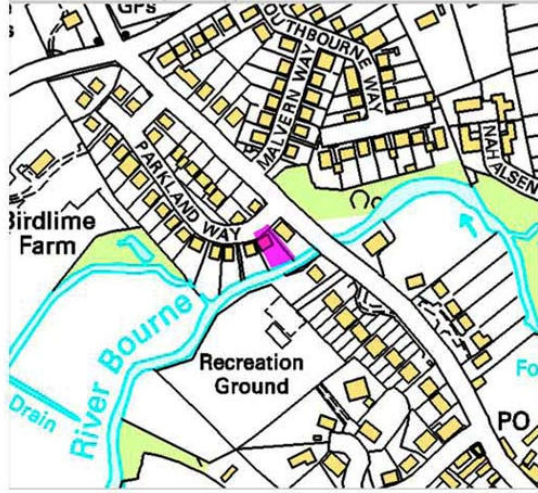
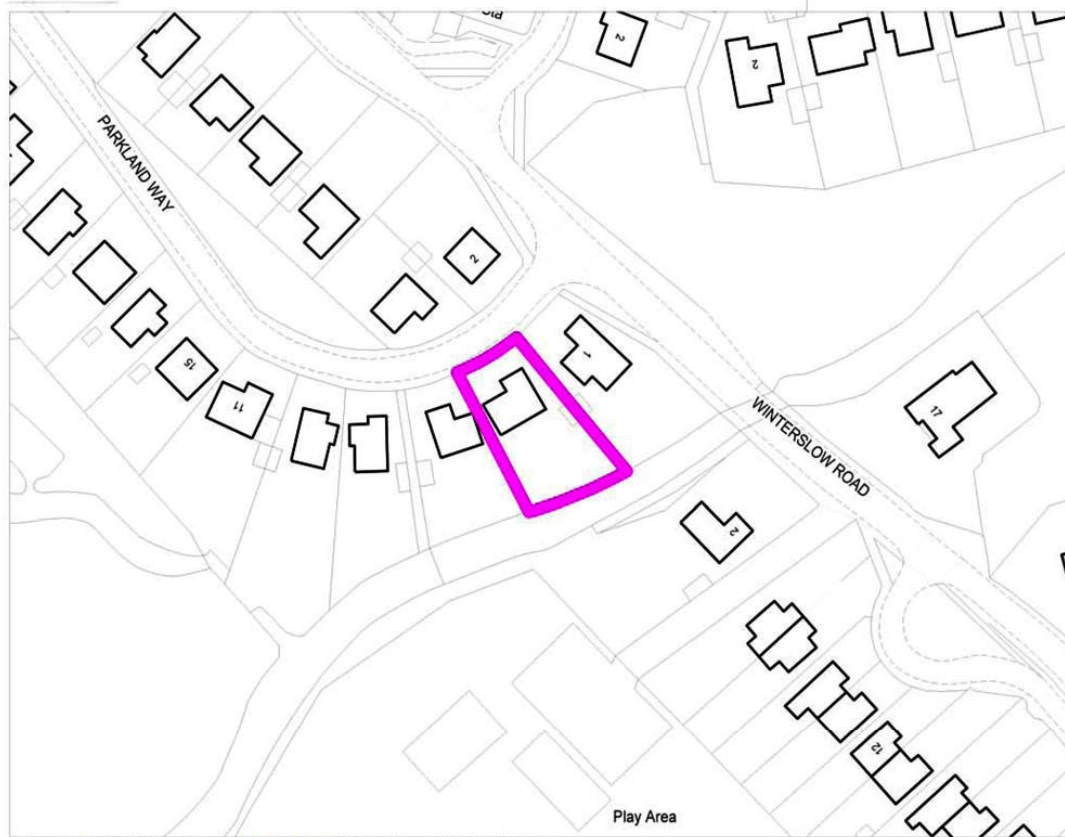
Appendices:	None
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Background Documents Used in the Preparation of this Report:	Amended plan/elevations received on 22 <sup>nd</sup> June 2009. Cross-section received 16 <sup>th</sup> June 2009. Site location/block plans received 16 <sup>th</sup> June 2009
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RETROSPECTIVE APPLICATION FOR ERECTION OF DECKING AND FENCING

S/2009/844



**Wiltshire Council**  
Where everybody matters

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