

Deadline	18/09/09		
Application Number:	S/2009/1173		
Site Address:	91 CASTLE ROAD SALISBURY SP1 3RW		
Proposal:	ERECTION OF A CHALET BUNGALOW AND OFF STREET PARKING		
Applicant/ Agent:	NIGEL J TUCKER		
Parish:	SALISBURY CITY COUNCILST FRAN/STRAT		
Grid Reference:	414356 131261		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

Reason for the application being considered by Committee

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

- The interest shown in the application

1. Purpose of Report

To consider the above application and the recommendation of the case officer to APPROVE the development subject to conditions.

2. Main Issues

1. Ownership/ dimensions of the site
2. Principle of Development
3. Scale, Design, Siting
4. Impact on Neighbouring Amenity
5. Public Open Space/ Highways Safety
6. Drainage

3. Site Description

The site forms the rear garden of a dwelling which fronts Castle Road, with a side frontage to Queensberry Road. The site lies within the Housing Policy Boundary for Salisbury, in an Area of Special Archaeological Significance and Water Source Catchment Area.

The area is characterised by mature housing, which is predominantly arranged in two-storey semi detached pairs, and immediately opposite the site is a chalet bungalow (Fairstone) which faces Queensberry Road. Some dwellings have been extended and altered to provide accommodation in the roof, including 91 Castle Road itself.

4. Planning History

S/1981/630	O/L erection of bungalow and construction of new access	R	Appeal dismissed
S/1989/0695	O/L erection of pair of semi detached dwellings with garages and new access	WD	
S/1995/1672	Construction of double garage and utility	AC	
S/1999/0496	Single storey rear extension	AC	
S/2006/0569	Proposed new dwelling	R	Appeal Dismissed
S/2006/1559	Proposed two storey dwelling	R	Appeal Dismissed
S/2007/1505	Proposed chalet bungalow	R	
S/2007/2361	Proposed chalet bungalow	AC	
S/2009/0300	Proposed chalet bungalow	WD	
S/2009/0573	Proposed chalet bungalow	WD	

Summary of Planning History

Members will note that the application site has a extensive site history, and therefore it may be beneficial to summarise the main issues relating to the site history:

In 2006, two applications for two-storey dwellings were refused and then later dismissed at appeal due to their scale and overbearing/ overlooking impacts. Following this appeal, a proposal was submitted for a redesigned dwelling (2007/1505) which showed the roofline lowered in height and with no windows to the rear. This scheme was also refused due to the height and scale of the building.

However, a further application (S/2007/2361) was submitted which was even lower/ smaller in scale than the previous scheme. This application was approved as per Officers recommendation by the former City Area Committee of Salisbury District Council.

(Two further schemes have been submitted and subsequently withdrawn in recent months, to enable discussions to take place with Officers regarding the accuracy of the submitted plans and the height of the proposed building.)

5. The Proposal

The applicant is proposing to erect a chalet bungalow with three dormer windows facing the road, with access taken from Queensberry Road. There are to be no windows on the rear elevation of the dwelling. An existing fir tree would be removed for parking provision and the existing 1.7m staggered boundary wall fronting the road would be part lowered and also part raised to a maximum of 2 metres in height.

The main differences between the previously approved dwelling (S/2007/2361) and the current scheme are outlined as follows:

- The dwelling has been 'set down' into the ground at the eastern end of the site, with the floor level of the proposed dwelling similar to 91 Castle Road. A small retaining wall will be built adjacent to the rear boundary.
- The depth of the application site (as indicated by the red line of the application site) has

been amended from 14 metres to 13.5 metres approx. (see reasons for these revisions outlined below)

- A 1.8 metre high close-boarded fence will be erected alongside the rear (southern) boundary of the site
- The dwelling has been resited slightly closer towards Queensbury Road (by approx. 500mm)
- The footprint of the dwelling has been revised, but the main bulk of the property is substantially the same (albeit set down into the ground)
- The ridge height has been increased from 6.25 metres to 6.7 metres at its ridgeline, to afford more headroom in the roofspace. However, now that the building is set down into the ground, the 'actual' building height is no higher than the previously approved dwelling.
- Eaves heights have been revised from 2.5 metres in height to 3.0 metres.
- Outbuildings will be repositioned around the site, with a summer house sited close to the road

6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

Adopted SDLP G2, C6, D2, H8, TR11, R2, PPS1, PPS3

7. Consultations

Highways

No objections, subject to conditions

Wessex Water

No objections, subject to informatives

8. Publicity

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

Expiry date 10/09/09

Third-Party Representations - 20 letters of support received, with the main points of support as follows:

- In keeping with the area
- No higher than the previous scheme
- Tasteful development will add balance and value to Queensbury Road
- Lower than the other properties in Queensbury Road
- Design is sympathetic to the surrounding area
- Off street parking will help alleviate parking in Queensbury Road
- Makes good use of a brown field site
- Good quiet property for retirement
- The old wall to the front will be replaced and visually enhanced

and 41 letters of objection received, with the main reasons for objection summarised as follows:

- would affect private garden,
- plenty of three/four beds in Salisbury,
- would dwarf low rise bungalow opposite,
- loss of light,
- overlooking to front and side,
- adverse impact on character of area,
- loss of outlook,
- would overbear privacy of garden for No 89,
- damage to hedge owned by No 89 and pressure for to fell due to proximity of ground floor windows,
- added congestion,
- garden would be too small for size of property,
- loss of balance in street,
- plot lacks sufficient depth and width,
- precedent for sheds, outbuildings and new dwellings close to the road within the area
- pressure for dormers and roof additions,
- over dominant,
- out of character with 30s style,
- amendments are insignificant,
- loss of rear garden for No 91,
- incorrect orientation,
- tandem, backland development,
- proximity to No 2 Queensbury Road garden,
- disruption during construction,
- loss of tree,
- impact on water table,
- impact on neighbouring retaining walls/ ground levels due to the excavated land,
- breach of human rights,
- 'garden grabbing'

9. Planning Considerations

9.1 Ownership/ Dimensions of Site

Members should note that the depth of the application site has been amended since the

approved 2007 application from 14 metres to 13.5 metres (approx). This follows the findings of an independent survey, which was carried out on behalf of the neighbouring property and subsequently agreed by the applicant. The land survey revealed that the applicant did not own all of the land within the applicant site (most notably the rearmost 0.5 metres closest to the neighbour's hedge), and the depth of the plot has now been amended to match with this independent survey.

Planning Officers have viewed the independent survey/ Land Registry Titles for 91 Castle Road, and are satisfied that the revised application site is fully owned by the applicant and that all of the correct ownership certificates have been signed.

Whilst objections have been received regarding covenants on the land, it should be noted that building covenants are regarded as civil matters, and should not be taken into consideration as a material planning consideration.

9.2 Principle of Development

Policy H8 states that infill development will normally be permitted within the Salisbury Housing Policy Boundary, subject to three criteria, relating to tandem/backland development, loss of important open spaces and the design policies of the local plan. The proposed site would represent the subdivision of an existing residential curtilage, and the new dwelling would be orientated towards and accessed from Queensberry Road. The development would therefore be neither backland nor tandem development.

When assessing the principle of development, it will be important to refer to the appeal decision for the previously refused two-storey dwellings (S/06/559 and S/06/1559). In the decision, the Inspector states that;

"In my view, there is no objection in principle to the erection of a dwelling on the appeal site, stated to be 0.09ha in extent. It is already in residential use and lies within a defined residential development area. Moreover, a precedent has already been set in the locality in that a number of rear gardens on corner sites have been developed as house plots in recent years. In fact, the appeal proposal is in full accord with central government advice, as set out in Planning Policy Statement 3 (PPS 3) on Housing, which encourages more effective and efficient use of previously-developed land in order to relieve pressure for further urban encroachment into the open countryside."

In light of the Appeal Inspector's judgement that the principle of residential development is acceptable, and to be consistent with local Plan Policy, it is considered that the principle of erecting a residential development in this location is acceptable, even with a reduction in the depth of the site.

9.3 Scale, Design, Siting

Height, Layout and Design

It is accepted that the depth of the site will result in the development coming within 1.5 metres of the centre of the hedge at No. 89 Castle Road and also relatively close to the frontage of Queensbury Road (approx 3.76 metres from the dwelling to the edge of the site). As the depth of the application site has been amended from 14 metres to 13.5 metres (approx), this is a factor that makes a judgment on whether the scheme is acceptable finely balanced.

The height of the building has been increased (from the previously approved 2007 scheme) from 6.25 metres to 6.7 metres at its ridgeline, and eaves heights have increased from 2.5 to 3 metres. However, the drop in levels has effectively 'cancelled' out this increased height in actual terms, meaning that the building will appear the same height when viewed from outside the plot. Although the dwelling will be higher than Fairstone opposite (which has a height of approx 5.4 metres), the property is still far lower than the other 2-storey dwelling's in Queensbury Road, and the height will be no more visually harmful than the approved 2007 scheme.

The design of the dwelling is similar to the design of 'Fairstone' opposite, the 'drop' in ground level (towards the east of the site) will not be prominent enough to harm visual amenity, and the ratio of amenity area to dwelling is considered comparable to other properties within the vicinity (including 'Fairstone' opposite). Whilst the footprint of the dwelling has been revised from the previous schemes, the changes are considered to be fairly minimal in relation to the overall bulk/ footprint of the property, and the dwelling is considered to 'sit' well within the site.

As such, notwithstanding the constraints of the site (including the depth mentioned above), the development is not considered to appear 'cramped' and will not represent an inappropriate tandem development in terms of its height, design or siting. Overall, it is considered that the built-form of the proposed dwelling will not detract from the open character of the surrounding area or visual amenity, and would have no more impact than the previously approved scheme.

Building Line

Concerns have been raised from Third Parties about the 'breach of building line' within Queensbury Road, which could create a precedent within the surrounding area. Planning Officers have fully considered these concerns and accept that the proposed dwelling will be sited further towards the road than the other properties on the south side of Queensbury Road. However, the Planning Inspectorate took the view (in 2006) that *'...neither do I consider the failure to follow the standard building line for the southern side of Queensbury Road to be, in itself, a drawback, particularly as the proposed building would be aligned with the return elevation of 91 Castle Road'*.

Whilst the current dwelling is to be sited slightly further forward (25cm approx) than the 'return' elevation of 91 Castle Road, Officers do not consider that this will cause significantly detrimental harm to visual amenity. The dwelling is set back a sufficient distance from the road to avoid being overly prominent, and the structure's siting will not overwhelm or compete with the adjoining properties in Queensbury Road.

The siting of a timber sunroom/ shed close to Queensbury Road will not be harmful to visual amenity, given its relatively small height/ footprint and its siting behind a 2 metre high wall/ apple tree. The shape and characteristics of this plot (with its main gardens running alongside the road) are different from most other properties in Queensbury Road (which generally follow of a linear pattern of development), and this application should not set a precedent for further development within the area, with each case judged on its individual merits.

It is considered that the building line of the proposed dwelling/ resited summerhouse will have no more impact on visual amenity than the previously approved scheme.

Increased Height of Walls to front elevation

Due to the size and shape of the plot, the main amenity space would be provided at the side of

the building (to the west). This positioning has prompted the desire to raise the existing boundary wall from pavement level from 1.7m approx to a maximum of 2 metres in height for a length of about 9.0 metres. The Planning Inspectorate in the 2006 appeal decision(s) concluded that rising of the walls would not be harmful to the settings of the wider area, and as such, raising the height of the walls in this location does not carry significant weight as to warrant refusal on visual amenity grounds. The raised height of the wall would have no more impact than the previously approved scheme.

Loss of Hedging/ Trees

The applicant has submitted a suitable tree survey which clearly identifies which trees/ hedges are to be retained and which are to be removed as part of the proposed development. The submitted survey has allowed Planning Officers to fully consider the loss/ retention of trees/ hedges on this site, and the impact that this will have on visual amenity.

The proposed dwelling would be positioned approximately 2 metres from the centre of the neighbouring hedge on the rear boundary and a 1.8 metre high close-boarded fence will be erected on the boundary adjacent to the hedge. Although not forming part of the application site, concerns have been raised from local residents that the development would cause damage to the hedge during construction, and also affect its longer-term health.

However, as the hedge is not considered to be worth of protection on its own merits in visual terms (ie- not worthy of protection based on its individual structure and form) and the applicant is proposing to erect screening in the form of a 1.8 metre high close-boarded fencing on the rear site boundary (approx 500mm from the centre of the neighbour's hedge), it is considered if the hedge were to be removed, this would not cause sufficient harm to visual/ residential amenity as to warrant refusing the application.

Whilst it may be desirable to ensure that the hedge is protected during construction (and this should be conditioned in an attempt to be neighbourly, as agreed by the applicant), the hedge is not considered to be significantly valuable in visual or amenity terms and any further harm caused to the neighbouring hedge should be regarded as a civil matter between the applicant and the adjoining landowner.

In summary, Planning Officers have fully considered the submitted tree survey, and raise no objections in visual/ amenity terms to the loss of the trees/ hedges around the site, including the large fir tree towards the eastern end of the site.

9.4 Impact on Neighbour Amenities

Overlooking

It is considered that overlooking will not occur to an unacceptable level. Whilst the ground floor windows are close to the rear boundary, a 2 metre hedge screens the neighbouring property, and the applicant proposes to erect a 1.8 metre close-boarded fence alongside the boundary. Overlooking across the road from the front from the dormer windows is not judged to occur to a harmful degree, given that overlooking from the front is not an unusual or principally unacceptable form of development. The position of the dormer windows is very similar to the previously approved application, and in terms of overlooking, no objections are raised.

Bulk and Dominance

The roofslope of the dwelling slopes down towards the boundary from the ridgeline, meaning that the highest point of the roof (6.7 metres) would be approximately 5.5 metres away from the boundary and 6 metres away from the centre of the neighbour's hedge. The eaves height (3 metres) would come within two metres of the boundary, but when considering the high hedging on the boundary and proposed 1.8 metre high fencing, the actual overdominating impact in terms of the dwelling's built-form and its relationship with the boundary would not be significant enough to warrant refusal.

The dwelling has been 'dug' down into the ground to minimise the overall height of the building when viewed from the adjacent properties, and the roofline is no higher in actual terms than the previously approved 2007 application. Whilst the roofline would be noticeable from the gardens of 89 Castle Road and 2 Queensbury Road, the overdominating impact of the development on residential amenity would not be significant enough to warrant refusal in this location.

Planning Officers have fully considered all of the Third-Party objections, the site history, the Appeal Inspector's comments and the reduced width of the site. On balance, it is considered that the overdominating impact of the proposal will not be significant enough to warrant refusal.

It should be noted that private views do not constitute material planning considerations.

Loss of Privacy

An important issue to consider in terms of neighbour amenity is whether there will be a loss of privacy, or whether the 'the perception' of privacy will be adversely affected by the new development, given that there will be a new dwelling (with kitchen windows and a utility room door) within two-metres of the boundary. There is a concern that the residents may feel 'hemmed in'.

Although the depth of the application site in terms of ownership has been amended from 14 metres to 13.5 metres (approx), the siting of the dwelling is to be no closer to the hedge than the previously approved 2007 application. It is considered that the siting of a new dwelling as proposed will not disrupt privacy to a significant degree. The height and scale of the dwelling (when 'dug' into the ground), coupled with the lack of rear windows at first floor level, ensures that the dwelling will be sufficiently well screened to the side/ rear, with ground-floor windows a suitable distance away from the boundary to ensure that neighbouring properties/ future occupants of the dwelling do not overbear each other or reduce privacy, and the scheme has been designed in such a way as to minimise any adverse impacts.

9.5 Public Open Space/ Highways Safety

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. As the applicant have already paid a commuted financial payment (for S/2007/2361), Officers deem that the scheme is in accordance with the requirements of policy R2 of the Adopted Local Plan.

Two off-street parking spaces with access will be provided at the eastern end of the application site. The Highway Team have been consulted on the application and raised no objection to highways safety, subject to conditions.

9.6 Drainage

Wessex Water have been consulted on the application, and raise no objections to the scheme subject to informatives in regard to the construction of the development. The 'digging' in of the eastern end of the site will not cause harmful impacts on the drainage capabilities of the area, and drainage details for the driveway will be required before development commences to prevent the discharge of surface water onto the highway.

The erection of retaining walls/ footings will be dealt with at the Building Control stage of development or under the Party Wall Act.

10. Conclusion

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H8 and D2. The principle of allowing a dwelling on this site is acceptable, and the dwelling has been set down into the ground to limit the overall ridge height when viewed from the streetscene/ neighbouring properties. When compared to the previously approved scheme (S/2007/2361), it is considered that the scale, design, siting and height of the proposed dwelling is acceptable, particularly in regard to the impact on neighbour amenity and preserving the character of Queensbury Road. Overall, it is considered that a new dwelling as proposed could be accommodated on this site without having an adverse impact upon the amenities and living environment enjoyed by residents, or detracting from the character of the area.

RECOMMENDATION:

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

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H8 and D2. The principle of allowing a dwelling on this site is acceptable, and the dwelling has been set down into the ground to limit the overall ridge height when viewed from the streetscene/ neighbouring properties. When compared to the previously approved scheme (S/2007/2361), it is considered that the scale, design, siting and height of the proposed dwelling is acceptable, particularly in regard to the impact on neighbour amenity and preserving the character of Queensbury Road. Overall, it is considered that a new dwelling as proposed could be accommodated on this site without having an adverse impact upon the amenities and living environment enjoyed by residents, or detracting from the character of the area.

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 County Planning Act 1990. As amended by section 5(1) of the Planning and Compulsory Purchase Act 2004

(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- Policy D2

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows at first floor on the south sloping roofslope or the gable ends of the dwelling.

Reason: To secure adequate standards of privacy for the occupants of neighbouring premises- Policy G2

(4) Notwithstanding the provisions of Class[es] A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To ensure that the Local Planning Authority retains control over any future extensions in the interests of residential amenity, the conservation area and setting of the adjacent listed building- Policy D2

(5) Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced parking space and vehicular access shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority prior to development commencing on the site.

Reason: In the interests of highway safety- Policy G2

(6) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of Highways Safety- Policy G2

(7) 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. Development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of sustainable development. Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies- Policy G2

(8) The hedging on the southern boundary shall be protected during the course of the development in accordance with details to be submitted to and agreed by the Local Planning Authority before development commences. If any hedging is removed, uprooted or dies during construction, another hedge shall be planted at the same place and that hedging shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure the retention and safeguarding of existing landscaping, in the interests of residential amenity- Policy D2

(9) The finished floor level of the proposed building shall be in accordance with details to be submitted to, and approved in writing by the Local Planning Authority before development is commenced. (C03A)

Reason: To ensure the exact finished floor level[s] of the buildings- Policy D2

INFORMATIVES:-

Wessex Water Authority

The development is located within a sewered area, with foul and surface water sewers.

It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets.

Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed as a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

The developer has not indicated how he proposes to dispose of surface water.

Please note the proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines.

It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site a connection onto Wessex Water infrastructure.

INFORMATIVES: WATER EFFICIENCY

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, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

Background Documents Used in the Preparation of	This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may
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this Report:	lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution. Drg. No. 0502/04 Rev. A, 0502/02 Rev. F, 0502/03 Rev. D
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ERECTION OF A CHALET BUNGALOW AND OFF STREET PARKING

S/2009/1173

Site Visit:



Wiltshire Council
Where everybody matters

91 CASTLE ROAD SALISBURY SP1 3RW

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Deadline	18/09/09		
Application Number:	S/2009/1098		
Site Address:	LAND ADJACENT ROOKWOOD COTTAGE TOLLARD ROYAL SALISBURY SP5 5PW		
Proposal:	ERECTION OF 1X 4 BED DWELLING		
Applicant/ Agent:	MIKE ETCHINGHAM - ETCHINGHAM MORRIS ARCHITECTURE		
Parish:	TOLLARD ROYALFOV/CHALKEVALLE		
Grid Reference:	394482 117778		
Type of Application:	FULL		
Conservation Area:	TOLLARD ROYAL	LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

Reason For The Application Being Considered By Committee

To consider the above application which was deferred at the last committee for a site visit following a call in by Councillor Green.

1. Purpose of Report

To consider the above application and the recommendation of the case officer to APPROVE the development subject to conditions.

Following completion of a S106 Unilateral Undertaking / agreement in respect of the following matters:

- (i) Recreational contributions as required under saved policy R2 of the adopted Salisbury District Local Plan.

2. Main Issues

The main issues to consider are :

1. Principle of development
2. Impact on residential amenities
3. Access and Parking
4. Impact on Conservation Area and Housing Restraint Area
5. Recreational Open Space

3. Site Description

The site is a plot of land adjacent to Rockwood Cottage within the rural settlement of Tollard Royal and is within an Area of Outstanding Natural Beauty, Conservation Area and a Housing

Restraint Area.

4. Planning History

Application number	Proposal	Decision
06/1252	Silvicultural thinning of sycamore and beech, fell 1x norwegian spruce	NOBJ 31/7/06
09/278	Erection of 4 bed dwelling and carport and associated works to vehicular access	WD

5. The Proposal

The proposal is for the erection of a two storey detached 4 bed dwelling and 2 parking spaces.

6. Planning Policy

The following policies are considered relevant to this proposal

- PPS1 PPS3
- G2- General Criteria for development
- D2, D3- Good design
- H19- Housing Restraint Area for Tollard Royal
- TR11 – Parking standards
- R2 – Outdoor sport and recreation facilities
- CN8 – Conservation Areas

7. Consultations

Highways

No objection in principle however concerns raised over parking provision

Environmental Health

No objection subject to condition

Wessex Water

No objection subject to informative

Wiltshire Fire & Rescue

No objections subject to sprinklers system

WCC archaeology

No objections

Arboricultural Officer

No objections

8. Publicity

The application was advertised by site notice/press notice /neighbour notification Expiry date 13/09/09

Neighbour notification Yes Expiry 03/09/09

Third Party responses Yes 4 letters of objection on the grounds of scale and design, overlooking, and parking, emergency vehicles.

9. Planning Considerations

9.1 Principle of development

The size of the application site is similar to other plots within the immediate surrounding area within Tollard Royal and is located off the B3081. The site lies between the residential properties of 'Rockwood Cottage', 'Gordon Cottage', 'Hope Cottage', and 'Church Hill Cottage' and is of a similar size plot to of each of these neighbouring sites which lends itself to appropriate residential development that is appropriate in form within this sensitive environment. The site lies within a Housing restraint Area which states that the erection of a new dwelling, will be acceptable only if the following criteria are met;

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

The following report assesses whether the proposal meets the above criteria.

9.2 Impact on residential amenities

The proposed dwelling is to be located on a currently vacant plot of land which is surrounded by existing properties along all adjoining boundaries. The plot is sited in an elevated position visible to the surrounding area. The proposed development is considered to have an impact on the surrounding properties due to the distance between them. The proposed dwelling is

approximately 9m from 'Gordon Cottage', 30m from 'Hope Cottage' and over 10m from 'Church Hill Cottage'.

Concerns have been raised over overlooking and whilst it is accepted that the location of proposed windows at both ground and first floor level will face adjoining properties it is considered that this impact is reduced significantly by the distance between the properties. The South Western elevation has four windows at first floor level serving 2 bedrooms and 2 bathrooms however is proposed to be approximately 10m to the closest dwelling 'Church Hill Cottage' which itself has a number of first floor windows facing the application site and as such is considered that the location of the windows is acceptable as there will be no significant detrimental impact on the amenities of the adjoining property. The North East elevation has 2 windows at first floor level serving 2 bedrooms and a roof light serving the landing area. Whilst the proposed dwelling will finish closer the adjoining property of 'Gordon Cottage' it is again considered that the siting of the windows will not have a detrimental impact on the amenities of the neighbouring property due to the adequate distance between the two.

9.3 Access and parking

The site is to be accessed by an existing shared access off the B3081 that serves The Flints, The Old School House, Spindle Berries, Rockwood Cottage and Gordon Cottage. Parking provision is to be provided within the existing parking area shared by the surrounding dwellings The Flints, The Old School House, Spindle Berries, Rockwood Cottage and Gordon Cottage with an additional space to be provided directly adjacent to a garage which was approved in a previous application (S/07/1921), creating a total provision of 2 spaces which is the maximum under parking standards Appendix V. This additional parking space will result in an increase in hard standing however it is considered that this will not be to the detriment of 'Rockwood Cottage'.

An objection has been received by Highways which raised concerns over an increased parking pressure on the Highway due to parking provision of 1 space. However an additional parking space has been provided which is considered to be acceptable in relation to the size of the dwelling and is at the maximum car parking standards as set out in appendix v of the adopted Salisbury District Local Plan.

9.4 Impact on Conservation Area and Housing Restraint Area

The immediate surrounding area is made up of modestly sized cottages and detached houses with good sized gardens that contribute to the characteristics of the area. The proposal is of a larger scale than any surrounding properties and it is considered that its scale whilst larger relates well to the overall size of the plot and immediately surrounding properties and would not introduce an awkward relationship and as such is considered to be acceptable.

The proposed detached house uses simple styling that utilises a brick and flint finish under a tiled roof. The dwelling itself will be located to the north east of the site which lies towards the lower end of the slope. The proposal also respects the characteristics of the surrounding conservation area with simple window design, painted timber window frames and is considered to be of a reasonable design and appearance. The proposed facing brickwork with flint coursed panels is considered to be acceptable and will merge well with other existing more recent properties such as The Flints and Chase Cottage as will the chimney stack and natural slate roof.

Whilst the site itself is currently made up of ageing woodland it is considered that from an

Arboricultural standpoint the trees are all of a poor quality and therefore has no concerns regarding the loss of trees are raised. As a result, a refusal based on the removal of the trees and the impact on the wider area would be difficult to support at appeal.

The proposal is considered to have a limited impact on the Conservation Area due to the scale and design of the proposal. Furthermore the location of the proposal which is set back from the B3081 reduces the impact on the Conservation Area further. The proposed dwelling is similar in design to more recently constructed properties which will ensure that the proposal does not introduce an incongruous feature into the area. The proposal is considered to be acceptable in terms of its impact on the Housing Restraint Area as the development is in keeping with surrounding properties, will not result in the loss of an open space as the land directly adjacent to the B3081 is Parish Council land and does not form part of this application, does not have an adverse impact on the character of Tollard Royal due to the appropriate scale and design, and has kept the loss of trees on site to a minimum.

9.5 Recreational open space

As an additional dwelling is being proposed, the applicant must comply with policy R2 of the SDLP. R2 is usually dealt with by a unilateral agreement.

10. Conclusion

The proposed development due to its location within a relatively uniformed area is considered to be acceptable and would introduce a development in harmony with the surrounding properties and Conservation Area. The scale, design, and highway safety of the proposal is considered to be acceptable and as such is in accordance with saved policies G2, D2, H19, TR11, R2, and CN8 of the adopted Salisbury District Plan. The proposal is therefore considered acceptable, subject to a 106 agreement to receive R2 money and suitable conditions.

Recommendation

Following completion of a legal agreement for the provision of an open space contribution in accordance with saved policy R2 of the adopted SDLP, then planning permission be **granted** for the following reasons:

The proposed development due to its location within a relatively uniformed area is considered to be acceptable and would introduce a development in harmony with the surrounding properties and Conservation Area. The scale, design, and highway safety of the proposal is considered to be acceptable and as such is in accordance with saved policies G2, D2, H19, TR11, R2, and CN8 of the adopted Salisbury District 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 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling or alterations to its roof including the insertion of any windows unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON: In the interests of visual and neighbouring amenity.

POLICY: G2

(3) Other than those hereby agreed, there shall be no further windows inserted at first floor level into the dwelling hereby permitted.

REASON: In the interests of visual and neighbouring amenity.

POLICY: G2

(4) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.

REASON: In the interest of neighbouring amenity

(5) The parking spaces as shown on plan ST274-32c are to be provided prior to the property first being brought into use

REASON: In the interests of highway safety

INFORMATIVE

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Location Plan: ST274-29c	received on 24/09/09
Site as existing: ST274-30	received on 24/07/09
Site Plan: ST274-32c	received on 24/09/09
Floor Plans: ST274-33	received on 24/07/09
Elevations (sheet 1): ST274-34a	received on 24/07/09
Elevations (sheet 2): ST274-35a	received on 24/07/09
Site Section ST274-37	received on 24/09/09
Site Section ST274-36a	received on 24/09/09

Appendices:	None
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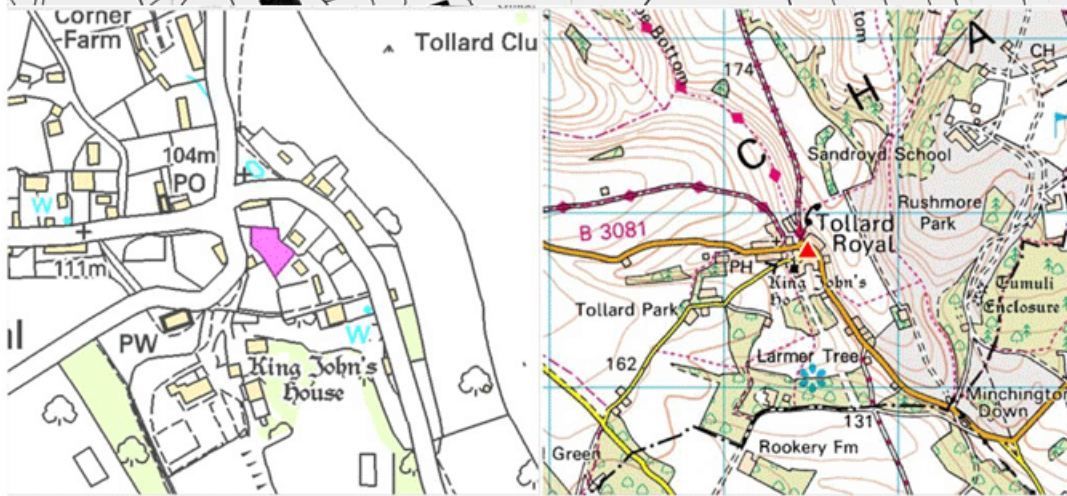
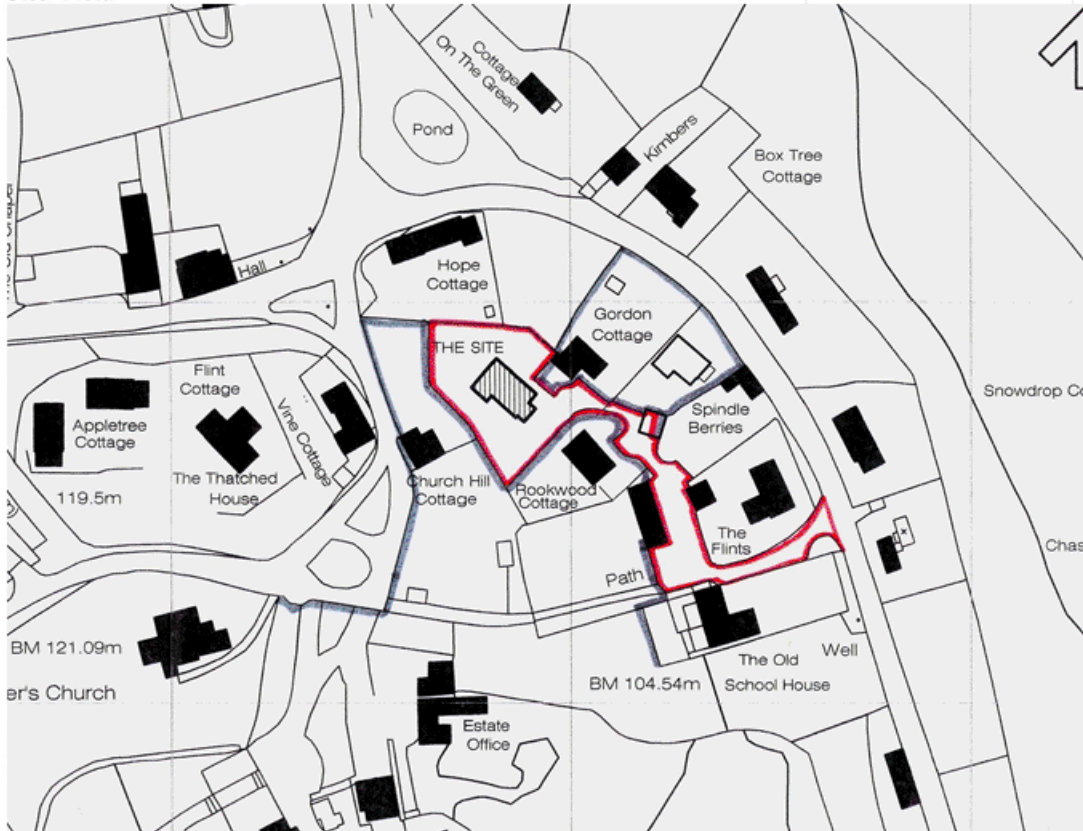
Background	Location Plan: ST274-29c
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Documents Used in the Preparation of this Report:	Site as existing: ST274-30 Site Plan: ST274-32c Floor Plans: ST274-33 Elevations (sheet 1): ST274-34a Elevations (sheet 2): ST274-35a Site Section ST274-37 Site Section ST274-36a
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ERECTION OF 1X 4 BED DWELLING

S/2009/1098

Site Visit:



ROOKWOOD COTT, TOLLARD ROYAL, SP5 5PW

SCALE: NTS DATE: 24/09/2009 10:09:55
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Deadline	29/04/09		
Application Number:	S/2009/0307		
Site Address:	CROSS KEYS FOVANT SALISBURY SP3 5JH		
Proposal:	SINGLE STOREY REAR EXTENSION AND INTERNAL ALTERATIONS AND CHANGE OF USE FROM DWELLING TO PUBLIC HOUSE AND DWELLING HOUSE		
Applicant/ Agent:	MRS PAULINE STORY		
Parish:	FOVANT		
Grid Reference:	400670 128515		
Type of Application:	FULL		
Conservation Area:		LB Grade:	II
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

Reason for the application being considered by committee

Councillor Deane requested that the application be considered by committee, should the recommendation not require that Cross Keys Cottage and the public house be tied by Section 106 Agreement for reasons of local concern.

1. Purpose of Report

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

Following completion of a S106 Unilateral Undertaking / agreement in respect of the following matters:

- (i) Recreational contributions in regard to Cross Keys Cottage as required under saved policy R2 of the adopted Salisbury District Local Plan.

2. Main Issues

1. Principle of development
2. Likely impact of the proposal on viability and other local facilities.
3. Impact on the amenity of neighbouring properties / should the property be tied?
4. Enforcement issues
5. Design/Character and appearance of the conservation Area / Impact on the Listed building
6. Highway Safety

3. Site Description

The site is located on a bend of the A30 main road opposite the Pembroke Arms Public

House. The site is within the Conservation Area and the Housing Policy Boundary of Fovant. The property itself formerly The Cross Keys Public House is a grade II Listed building.

4. Planning History		
Application number	Proposal	Decision
95/350	Change of use of right hand side of hotel to house	Approved with conditions 23 rd May 1995
98/0540	Six bedroom unit of accommodation	Approved with conditions 15 th June 1998
98/1440	Six bedroom motel unit	Approved with conditions 18 th Feb 1999
99/2047	Change of use of public house to dwelling	Approved with conditions 19 th April 2000
00/0001	Listed building change of use of house including internal staircase and one new door opening removal of urinals and removal of one toilet	Approved with conditions 7 th feb 2000
02/2196	Erect residential unit with associated access drive and parking	Approved with conditions 16 th Sept 2003
04/0484	Listed building, to move pedestrian access from main A30, 2 metres to the right in the wall by blocking existing access with stones from the wall and creating new wooden gateway, improving safety	Approved with conditions in 14 th April 2004
04/1704	Three bedroom bungalow	Withdrawn 27 th September 2004
06/2306	Single rear extension and internal alterations to form conversion of dwelling to public house	Withdrawn 9 th January 2007
06/2353	Single storey rear extension and internal alterations	Withdrawn 9 th January 2007
07/0634	Listed building, Single storey rear extension Internal alterations	Approved with conditions 17 th July 2007
07/0633	Single story rear extension, internal alterations, change of use to public house	Withdrawn 28 th February 2008

Summary of Planning History

The two 1998 applications as set out above cannot be implemented by reason of a Section 106 Agreement dated 19/04/2000 in relation to 99/2047. This agreement affectively revoked these approvals for the units of accommodation in favour of the change of use of the pub to residential. As such the accommodation units are not now material in considering this application.

Another later Section 106 Agreement dated 29/08/03 in relation to 02/2196 as above, also carried over the revocation of the 1998 applications whilst also ensuring the provision of pedestrian and vehicular access to and from the A30 to the proposed development via the existing access, and to ensure that the access is permitted to continue as a right / covenant should the development become separated from the remainder of the Cross Keys site.

With regard to application 2047, this proposal now under consideration will also provide a clarification as to what elements of the above approval have not been carried out in accordance with the approved plans. Following a site meeting the details recorded as not complying with the approved plans have been included in this application and are clearly illustrated on the plans. Notably the unit of accommodation forming the left hand side of the building is not accessible from the rest of the building, which is now the proposed new pub area.

5. The Proposal

This proposal is for a single storey rear extension and internal alterations to enable the conversion of the building from residential to a Public House and dwelling. This application is partially retrospective.

6. Planning Policy

The following policies are considered relevant to this proposal

- G1 Sustainable development
- G2 Criteria for development
- D3 Extensions
- CN3 Character and setting of listed buildings
- CN4 Change of use of listed buildings
- CN8 development in conservation areas

Planning Policy Guidance note 15, Planning and the Historic Environment

Planning Policy Statement 1, Delivering Sustainable Developments

7. Consultations

Parish Council

Support the proposal subject to conditions as follows:

- Section 106 agreement should ensure that Cross Keys Cottage remains in one ownership.
- Proposed ground floor alterations are not contentious
- Support the construction of the extension
- Disabled access to first floor function room will not be possible
- Recycling facilities currently on car park are should not be displaced to land to the south.
- There being at least one pub in the village is of great importance.

The full comments are appended to this report.

Highways

Observations are the same as the previous application S/2007/0633.

Previous comments:

Whilst I would not wish to raise a highway objection to the proposal I recommend that, in the interest of highway safety, the existing sub-standard vehicular access situated immediately to the east of Cross Keys be stopped up for vehicular use.

Environmental Health

Concerned of significant potential for nuisance being caused to the adjoining residential use. Further to this there is a significant risk of nuisance being caused to the adjoining residential use regarding odour from the kitchen and noise from any extraction equipment/ ducting. Having said this, I am not in principle against the application though if you are minded to grant planning permission I would recommend that Cross Keys Cottage be ancillary to the proposed public house and sold or rented as a separate entity in its self.

I would recommend standard condition to control hours of work and protect the nearby residence from noise and nuisance from construction and demolition work.

Wessex Water

No objection has been raised and standard advice has been given regarding the need to agree connection to Wessex Water infrastructure, water Supply and surface water disposal.

Wiltshire Council Archaeology

Nothing of archaeological interest is likely to be affected by the proposal and I therefore no comments to make.

8. Publicity

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

Expiry date 24/04/09

Third party comments:

6 letters of objection have been received.

Summary of key points raised

- Road is dangerous and proposal would make it worse particularly at access
- Transportation survey confirms that the road is dangerous
- Cross Keys should remain a single entity
- Government guidance states that rural sites should not be overdeveloped
- Noise would be generated spoiling the quiet location
- Fumes from kitchen would be a problem
- Increased traffic would cause safety issue
- Second pub in the village in current economic climate
- Property should not be divided off
- Proposal would have financial consequences for the existing public house
- In present climate public houses are closing at an alarming rate
- Two pubs would result in neither surviving
- One pub is enough for Fovant

Two letters of support have been received.
Summary of key points

- This is an excellent idea
- Cross Keys has been much missed
- It would be very convenient to walk to the Cross Keys
- Applicant is willing and able to provide needed service

9. Planning Considerations

9.1 Principle of development

This site is situated within the housing policy boundary, or development limits of Fovant where the principle of development for purposes such as this is acceptable. Any planning application within such areas will be assessed on its own merit and details whilst taking into account other relevant planning policy and guidance.

9.2 Likely impact of the proposal on viability and other local facilities

The planning history above confirms that the Cross Keys has closed as a business in the past following approval of the current residential use in 1999. The 1999 approval represented the removal / loss of a village facility. The principal consideration therefore was whether the loss detracted from the range of facilities available to Fovant. At the time the village was served by 2 public houses, the Cross Keys and the Pembroke Arms located immediately to the north of the Cross Keys at the A30 / High Street junction. Both establishments had restaurants and beer gardens. The Pembroke Arms offers accommodation. Given their proximity to each other, it was not possible to argue that they served a strategic purpose or identifiably different communities within the village. The use of either establishment was a matter of preference rather than location. Whilst the loss of the Cross Keys did remove choice, the village never the less retained a licensed pub and therefore access to this service was, and still is available. At the time as now, these material considerations were weighty and it would have been unreasonable from a planning point of view to have rejected the proposal. As such it is reasonable to conclude that the applicants had no overriding requirement to demonstrate that the pub was unviable at the time.

However, as with the previous application S/2007/0633, neighbour comments have been

received asking that the applicants should now demonstrate that the pub business in the form proposed would be viable thus promoting the proposed change of use. It is clear however, that policy PS3 of the SDLP is intended for use when a business is proposing closure and where a local facility or service will be lost to the local community following a statutory change of use. Again the 1999 application resulting in the loss of the pub was agreed on the basis that such facilities were still provided over the road thus serving the community. As such the proposal was not contrary to policy.

There is not a clear policy framework either nationally or in the local plan seeking to limit service provision in village communities. In fact the opposite is the case and policy would prescribe that additional community facilities should be encouraged where appropriate. As such it is considered that no material weight can be attributed to the comments relating to viability from a town and country planning standpoint. Therefore, it is considered to be unreasonable to resist this proposal for such reasons particularly in terms of refusing this proposal and any subsequent defence of the decision. It is not the purpose of the planning system to limit competition.

The consideration is therefore to what extent is this proposal appropriate with regard to other material planning considerations.

The applicants state that "the main criterion for the planning application is to change the use to Public House to include the reversion of the Cross keys to its original barn and stable form with ancillary accommodation including the extension as granted in the listed building permission of 17th July 2007".

In the previous application it was stated that "The Pembroke Arms opposite has recently applied for a wide ranging liquor and entertainment licence, running from 8 am to the following 3 am, which is likely to appeal to a young clientele. Therefore there is still a genuine need for a traditional public house to serve the older local population and the applicants have received numerous enquiries as to when The Cross Keys will reopen as the pub that it always was. It is worth bearing in mind that the licence only ceased in April 2006, and with the possible increase in activity and noise, which will be generated from the Pembroke Arms, the applicants consider that the continuation of the Cross Keys as a dwelling is unsuitable as it will also be subject to disturbance and noise".

Although the above are comments of the applicants and have not been repeated in this application, they are nevertheless valid from a planning standpoint in so far as local plan policy encourages a variety of community uses intended to serve the wider community. However, the issue of demand for the "traditional" type of pub, and whether any enquiries have subsequently been made giving support for this application is again not a planning matter but is a matter for market forces and local economic factors to decide. Nothing in this application suggests that this proposal would result in an unviable business or, that it would adversely affect any existing business. As such, the proposal cannot be considered contrary to a principle policy in this case, Policy G2 (ii) which sets out criteria against which developments should be considered whilst stressing the importance of avoidance of placing undue burden on existing and proposed services and facilities, (amongst other things). In this case there is no clear evidence that an undue burden would be placed on these things as a result if this proposal.

9.3 Impact on the amenity of neighbouring properties / should the property be tied?

As the planning history shows an approval was granted for the change of use of the right hand

section of the original pub / hotel to a separate residence. This change of use has not proved problematic in itself and no complaints relating to noise and disturbance when the Cross Keys was last in use as a pub had been reported. This issue was also part of the consideration of the application at the time and concerns were not raised.

With regard to this proposal the plans show that a unit of accommodation 'Cross Keys Cottage' is in the ownership of the applicant and is within the red line / site area. Discussions since the last application have been had with the applicants concerned with whether Cross Keys Cottage should form part of the proposal as an integral part legally tied to the pub business. It is considered that without the unit the overall area of buildings for the proposed use would be minimal and that this may possibly hinder future viability and potentially resulting in a conflict of uses where noise and disturbance could become an issue. Furthermore, it is not unusual nor is it unreasonable to expect that a public house has accommodation for tourists as overnight stay etc and for accommodation of the landlord / manager. Although the plans clearly show a bed-sit on the first floor next to the function room, the space it provides is very limited. The bed-sit will also share the bathroom / toilet with the function room which could prove problematic. Currently the first floor has accommodation and much of the facilities shown on the plans but, importantly, the remainder of the room is also part of the accommodation and thus it is amply spacious at the moment.

However, whilst the accommodation is considered to be limited and could be problematic, this proposal will provide accommodation related directly to the proposed use. This is expected to be landlord / manager accommodation and as such any conflicts with the use are unlikely. As discussed earlier it is reasonable to expect such accommodation with pubs, however this is an ideal rather than a requirement of planning. Whilst this would be an ideal' situation, it is a situation for which there is no strong planning basis with regard to this application other than for environmental health reasons – noise, smell and disturbance. However, as it is part of this proposal to provide it, this element of accommodation can be tied via a planning condition. A suitable condition will be used.

With regard to Cross Keys Cottage it is clear from the Environmental Health Officer's comments above, that concern is raised regarding noise, smell and disturbance. The comments suggest that the property should remain a single unit preventing Cross keys Cottage from being separated off.

Whilst the environmental health comments are material to the determination of this application, it is also considered that a consistent approach must be adopted for this site in common with others. In this respect the applicants have provided additional information in the form of a letter from 'Parker Bullen Solicitors'.

The letter explains amongst other things, that:

"A study of the nearby Pembroke Arms would be instructive. The position there is that similarly, part of the property was sold off to form a separate cottage but the planning permission for the creation of the separate cottage did not include any similar condition. This is despite the fact that, unlike the situation at the Cross Keys, part of the cottage actually overflies an area of the kitchen on the ground floor of the Pembroke Arms, and access to and egress from the rear door of the cottage passes directly in front of the kitchen door and two ground floor bedroom doors of the Pembroke Arms."

The applicants surmise that "the imposition of a condition on The Cross Keys in such circumstances would appear to be inconsistent with the approach previously adopted with the

Pembroke Arms and manifestly unfair”.

Whilst the environmental health concerns are clear, it is worth considering that processes including extraction, mechanical ventilation and odour control etc are all very strictly controlled under the environmental health regulations and building control. Thus, controls of such exist over and above planning regulations which would ensure their impacts are not unreasonable. Conditions will be imposed in line with common practice to secure agreement of such equipment in consultation with Environmental health officers.

It is considered therefore that concerns raised based on disturbance from the proposed use of the pub (kitchen in particular) to Cross Keys Cottage can be adequately dealt with without the need to tie the property as a single unit. In combination with the fact that there are no demonstrable planning reasons to require a single unit, and in the interest of consistency with other similar approved schemes, it is considered that a condition tying the property as a single unit should not be imposed.

9.4 Enforcement issues

As previously stated the plans subject to the 1999 approval, clearly illustrated that the unit of accommodation would be accessible via two doorways from the area now proposed as the bar. And in effect the 1999 approval granted permission for a single residential unit. However, the access doors are blocked up thus forming a separate unit contrary to the approved plans. This constitutes a breach of planning permission...

A further breach of the 1999 approval is that the existing internal layout has been altered via a lobby area just inside the end entrance door to the proposed bar area.

Other elements of the proposal to be rectified include the removal of some “Stud Partition” and a brick wall enclosing the old WCs

In addition to mitigating the internal breaches at this property, the application also seeks to mitigate external breaches of planning. These include the shed storage building to the rear and the fencing / means of enclosure that has been erected along the boundary with the road. Neither of these have the benefit of planning permission required in both cases.

In the event that members resolve to approve the plans without Cross Keys Cottage being tied to the pub so that it forms a single planning unit as it is within the red line, the Cottage will, in effect become a separate unit from the proposed pub. Cross Keys Cottage would no longer be a breach of planning control in that the works for the separation will have been made lawful. This application will therefore effectively approve Cross Keys Cottage as a separate dwelling unit and the application description has been amended accordingly. As such, it is considered reasonable that the cottage be subject to the requirements of policy R2 of the adopted local plan and a unilateral undertaking requiring payment of a recreation contribution will be forwarded in accordance with the policy.

9.5 Design / Character and appearance of the conservation Area / Impact on the Listed building

The applicants state under Design Criteria that the design of the building has been arranged to clearly differentiate between public and staff areas, with the proposed extension being used for the kitchen, cellar and washroom, and the original building for the bar, lounge and upstairs as a function room and staff bed-sit and bathroom. It is stated that the function room will serve

the needs of local societies in particular the local history interest group, which is desperately seeking a permanent base to house their military memorabilia and who have made enquiries to the applicants.

This new arrangement / layout will return the ground floor to its former barn-like and uncluttered interior which itself is appropriate from a listed building point of view.

The design shape and form of the proposed extension has been subject to extensive pre-application consultations following the withdrawal of the previous application. The proposed extension is considered to be closely reflective of the advice given and is now considered to be appropriately designed, in keeping with the existing building in terms of scale and massing and in terms of materials. As such the extension part of this proposal would respect the special architectural or historic interest of this grade II Listed building and, the character and appearance of the Conservation Area in accordance with policies CN3 and CN8 of the adopted SLP.

9.6 Highway Safety

As previously mentioned in this report the SDLP through policy G2, also seeks to avoid undue burden being placed on local roads and infrastructure. The Wiltshire Council Highways department have been consulted and in this case have not objected to the proposal. However this is subject to the stopping up of the existing sub-standard vehicular access immediately to the east of the building. The carrying out of this stopping up will be subject to a planning condition requiring completion prior to first use of the proposed development. The highways officer has not raised any concerns regarding the existing parking area to the side of the buildings accessed off the A30 further up the hill and away from the relatively sharp bend in the road. As such the car-parking areas as shown are satisfactory and will also be subject to conditions ensuring that the area is kept clear of obstruction for the proposed use.

It is clear in the letters received commenting on this proposal that highways safety is of significant concern locally. Neighbours for example have pointed out that several accidents have occurred adjacent to the site and that a recent accident resulted in a fatality.

Further to this a report has been commissioned by the owner of the Pembroke Arms opposite entitled "Transport Report" by: Gillian Palmer who is a qualified experience Transport Planner and Chartered Town Planner. The report concludes that the site is unsuitable to revert to commercial development given the road safety issues at the site and the environs and the inadequacy of the car park and its entrance to deal with the expected number of visitors' cars and size of servicing buildings. (The full report is attached as an appendix).

The report has been carefully examined by the Wiltshire Council Highways officers who have not added any further comments than those set out above. Therefore, the highways consideration is as set out above that no highway objections subject to the conditions as stated are raised to the proposal.

In answer to the issues raised by the Parish Council;

Whilst the PC supports this proposal, they have considered that the support is subject to conditions which are set out in their comments. However, the following section addressed those issues raised and the full comments are attached to this report.

- The PC would want to see a section 106 agreement ensuring that the property is

conditioned as a single unit:

This issue has been dealt with above.

- That the proposed ground floor alterations are not contentious:

This is dealt with in the report which considers that they are acceptable.

- The PC support the construction of the extension:

Dealt with in the above report.

- Disabled access to first floor function room will not be possible:

This issue is covered in the 'Design and Access Statement' 'Access Criteria'. It is clarified that "the redesign of the Cross Keys barn area has taken this into account. All new building work i.e. doorways, floor surfaces and toilets will be fully compliant with the latest regulations. It is felt at this point that wheelchair access to the upper floor will not be possible. The main entrance from the car park will have its wheelchair ramp much improved and access to the rear door of the main barn building will be down a ramp. Access to the central accommodation building of the original three, fronting the A30 will be via the original steps front and rear. This cannot be altered due to the nature of the original listed building being on several levels, but this part of the building has its own facilities within the listed building framework".

Whilst in this case disabled access does not raise concerns, disabled access is also a requirement of the building regulations and the proposal will have to fully comply with them.

- There being at least one pub in the village is of great importance:

This proposal will not result in the loss of a village pub.

- Recycling facilities currently on car park are should not be displaced to land to the south.

The issue has been raised by the Parish Council, due to the fact that in part the parking area provides space for a village recycling facility. Whilst this provides a useful service to the local community, these facilities are provided by the applicants as a gesture of good will. These issues however, do not constitute a material planning consideration and it is a matter for negotiations between the PC and the applicant.

10. Conclusion

As the committee will now be aware this site has attracted a great deal of interest over time, which has not necessarily always been planning related. However, a very extensive planning history does exist which although not completely, is presented above. This planning history has resulted in a great deal of change to both the site itself, and to the listed building. The changes have increased the numbers of planning units and potential built form on the site, to that illustrated in this application and has in some cases, resulted in detriment to the site and building. Notwithstanding any extant agreements made under previous planning applications, the main planning consideration in this case are derived from the saved policies contained within the adopted Salisbury District Local Plan and Government guidance and statements. In this respect some of the main issues and concerns raised by local people and immediate neighbours have been difficult to mitigate from a planning standpoint.

The issue of viability for example is one. However, in other cases and in particular design of

the extension and the improvement of the listed building, it is considered that this proposal will result in an acceptable development and a much improved site.

In addition having consulted the appropriate highways professionals the site can easily accommodate the required level of parking and turning and from a highway safety standpoint, will improve safety by stopping up an existing unsafe vehicular access in favour of a safe one.

As such it is a matter of balance whether this proposal is acceptable. It is considered that this proposal is in accordance with the overriding aims and objectives of current planning policy as set out above, and Government guidance resulting in a development that should be supported from a town and country planning standpoint,

Recommendation

Following completion of a legal agreement for the provision of an open space contribution in accordance with saved policy R2 of the adopted SDLP in respect of Cross Keys Cottage, then planning permission be **granted** for the following reasons:

The proposed development is considered to be well designed resulting in a significant visual improvement to the existing building whilst providing a community use against which no demonstrable harm is evident. The proposal is considered to be in accordance with the aims and objectives of policies G1 Sustainable development, G2 Criteria for development, D3 Extensions, CN3 Character and setting of listed buildings, CN4 Change of use of listed buildings, CN8 development in conservation areas.

And subject to the following conditions

(1) No construction of the extension hereby permitted shall commence until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY G2 General Development Control Criteria D3 Design of Extensions

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

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

POLICY-G2 - General Development Control Criteria D3 Design of Extensions

(3) No external construction works shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use

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

POLICY G2 General Development Control Criteria

(4) No external construction works shall commence on site until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

POLICY-CN5 Preservation of character and setting of Listed Buildings

(5) The external flue(s) shall be finished in a matt black colour and maintained as such thereafter.

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

POLICY-CN5 Preservation of character and setting of Listed Buildings

(6) Upon the public house hereby permitted being brought into use, the residential accommodation provided on the first floor of the public house premises (illustrated on the plans DB901 Floor Plans Proposed First Floor), shall be occupied ancillary to the use of the building as a public house as a single planning unit and shall not be occupied at any time by any persons unconnected with the public house.

Reason; The Local planning Authority wish to ensure that the accommodation remains available for the approved use and in the interest of the amenity of the occupiers of the accommodation.

(7) Within 1 month of the date of this permission the access situated immediately to the east of the building shall be permanently stopped up for vehicular use

Reason: In the interests of health and safety.

Policy G2 General Development Control Criteria to avoid conflict between adjoining uses .

INFORMATIVE:

The Developer is reminded of the requirement to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. This should be agreed as early as possible and certainly before the developer submits to the council any building regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex infrastructure crossing the site.

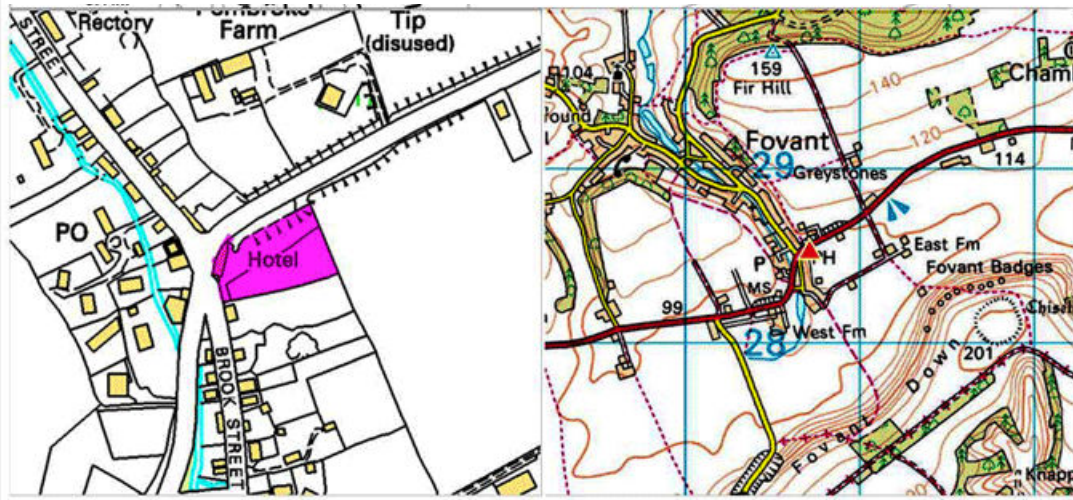
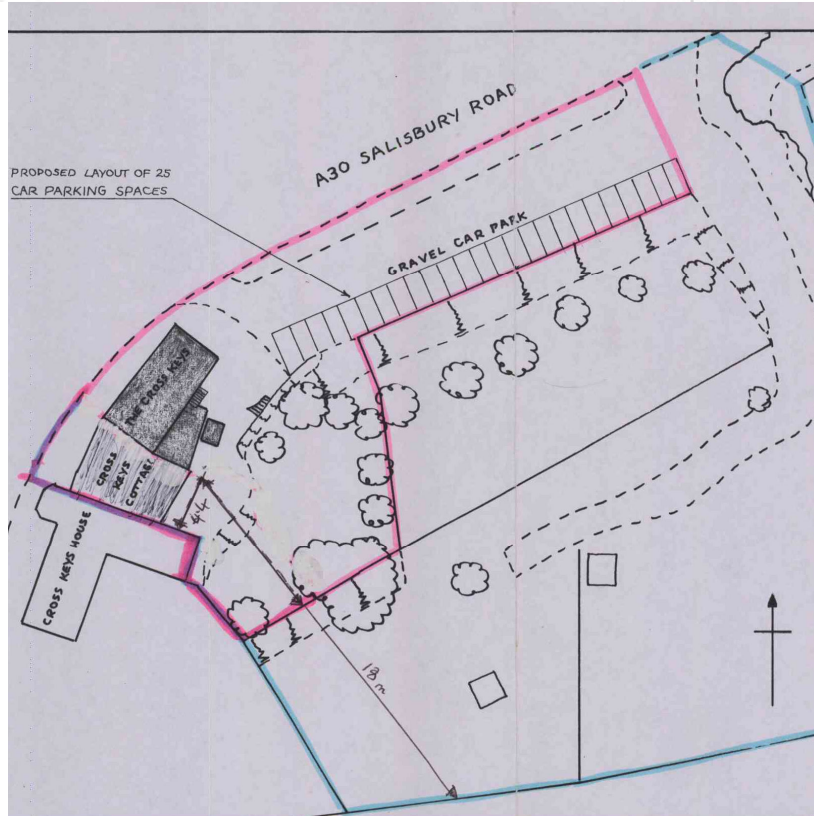
Appendices:

Appendix 1: Parish Council comments / received 30/03/09
Appendix 2: Transport Report Gillian Palmer/ received 06/04/09

Background Documents Used in the Preparation of this Report:	Drawing Nos; DB901 Floor Plans, Existing and Proposed DB902 Elevations and Block Plan 903 A Cross Keys cottage, Floor Plans 903 B Cross Keys cottage, Floor Plans 904 North Elevation to main road
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Site Visit:

S/2009/307



Wiltshire Council
Where everybody matters

CROSS KEYS FOVANT SALISBURY SP3 5JH

SCALE: NTS DATE: 19/10/2009 17:16:27
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Fovant Parish Council

Parish Clerk : Mrs Elizabeth Young

Telephone/Facsimile: +44 (0)1747 870528

APPLICATION REFERENCE NO: S/2009/0307

Proposal:

Full application: single story rear extension – internal alterations - change of use to public house

Address: The Cross Keys Shaftesbury Road Fovant

At a meeting held on Tuesday 24 March 2009 the Parish Council considered the above application and has the following response to make:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> No Comment | <input checked="" type="checkbox"/> Support (Subject to conditions as set out below) |
| <input type="checkbox"/> Support | <input type="checkbox"/> Not supported (For reasons as set out below) |

Councillors in attendance: R Bell; Mrs A Harris; A Phillips; Mrs G Law;

Declarations of Interest: Mrs P Story (applicant)

Please see following three pages.

EA YOUNG
Parish Clerk Fovant Parish Council

25.03.09

Application S/2009/0307

Background

Cross Keys is the section of the old Cross Keys Hotel remaining after Cross Keys House (the western part of the Cross Keys Hotel) was sold and became a residence. The remaining part of the old hotel, Cross Keys, has two visibly different sections, the one nearest to Cross Keys House having a lower roof line. Currently the owner and applicant uses the term "Cross Keys Cottage" to describe that section and "The Cross Keys" to describe the larger and higher section to the East. Those terms are used on the plans and will be used in this document.

An earlier application, S/2007/0633, similar to the present application, was approved by the Western Area Committee on 21 June 2007. However, it was conditional on a Section 106 agreement being signed which would bind Cross Keys Cottage to the Cross Keys. The Section 106 agreement was not signed so the grant of planning permission for building work and change of use to public house lay dormant. Subsequently the applicant withdrew the application. The present application is, in effect, a resubmission with only minor changes.

The Parish Council notes that "Cross Keys Cottage" has been physically separated from the rest of Cross Keys. Drawing DB901 shows the existing blocks as stud walls and their planned replacement with more substantial structures.

Section 106

The parish Council considers that, if change of use to public house is approved, there should be a Section 106 undertaking to ensure that the property in the ownership of the applicant adjoining the proposed public house (ie Cross Keys Cottage) shall not be sold off or let separately from the business and that approval of the application for change of use be conditional on the prior signing of the Section 106 undertaking. This repeats the Western Area Committee Resolution of 21 June 2007.

Recommended condition. Require Section 106 agreement

Internal alterations (ground floor)

The proposed internal alterations to the ground floor layout are not contentious.

Erection of a single story extension at the rear of Cross Keys providing kitchen, cellar and washrooms.

The Parish Council, having considered the extension plans and examined the existing facilities, and having regard to the construction materials specified and the roof pitch complementary to the existing listed building, support the construction of the extension regardless of whether or not change of use to Public House is approved.

Providing, on the first floor, a function room and staff bed-sit.

It is proposed that the first floor function room/staff bed-sit be reached by a flight of exterior stairs.

The Access Criteria section of the application states “It is felt at this point that wheelchair access to the function room on the first floor will not be possible”. (Application s/2007/0633 had also included the words “although the possibility of some form of external lift may be possible at a future date” but that is not in the present application.)

The Parish Council appreciates the difficulties of providing satisfactory access to the first floor. However, satisfactory access is not only needed for wheelchair users but also the elderly and children, and for the movement of food and drink.

The Parish Council considers that the provision of satisfactory access should be dealt with now and not deferred.

The Parish Council notes that the first floor bathroom facilities are “unisex” and are to be used by both members of the public using the function room and the occupant of the staff bed-sit. We question this arrangement and request that the planning staff check that this conforms to current rules and good practice.

Recommended condition. Provide disabled access to Function Room.

Recommended action by Planning Department. Review “unisex” toilet arrangements for conformity with current rules and good practice.

Recycling and parking

At present the owner and applicant allows part of the car park area to be used for a re-cycling site. The plan indicates that the whole area will be used for car parking associated with the proposed pub business of the Cross Keys. The Parish Council recommends that the recycling activity displaced should not be moved to ground to the south of the car park to avoid adverse impact on an important part of the AONB landscape.

Recommendation. That the recycling activity displaced should not be moved to ground to the south of the car park.

Change of use to Public House

The present application gave rise to two contrary threads of debate:

- a. Thread 1. The introduction of a second pub could result in the loss of both pubs because of:
 - (1) The available village trade being divided between both.
 - (2) Both having to pay business tax (not paid if a village has only one pub).
 - (3) Further reductions in sales while the country remains in recession.
- b. Thread 2. The desirability of encouraging new businesses.

We have no data about either of these two considerations. In view of the large number of village pubs closing, and the adverse social consequences of those closures, we consider it likely that there will have been formal studies at local and/or national level which could provide data on this matter. We therefore request SDC to seek information/evidence to inform the judgement which must be made.

We must stress that there being at least one pub in the village is of great importance to the whole village.

Recommended action by SDC/WCC. Investigate the availability of information relating to pub closures which may inform discussion and decision in this case.

Transportation Report

Cross keys, Fovant, Wilts SP3 5JH:

Application number S/09/0307.

Single storey rear extension, internal alterations, and change of use to public house.

Introduction.

I am Gillian Palmer BSc MSc MIHT, MCILT, MRTPI, Transport Planner and Chartered Town Planner. I have over 30 years experience of transport planning, including more than 20 years in dealing with the traffic, access and servicing aspects of planning applications. I have been retained by Mr Barrett of the Pembroke Arms to present this report in support of his objection to the above development.

My conclusion is that the site is unsuitable to revert to a commercial development given the road safety issues at the site and its environs and the inadequacy of the car park and its entrance to deal with the expected number of visitors' cars and size of servicing vehicles.

The Site.

I visited the site on 20th March 2009. The site is situated on the south side of the A30 Salisbury Road on the inward aspect of a sharp bend and on a downward gradient on the approach to Fovant village. The site comprises the eastern section of the building which I understand has been a pub/hotel dating back for centuries. The western most section is now a private house. The middle section is a separate cottage, currently

vacant. I understand that it is the Council's intention that this centre building be retained as ancillary residential accommodation to any proposed pub. The section of the building which is the subject of this application was converted to a private dwelling in 1999.

The site includes the original parking area for the previous pub. This is currently used by the applicant for parking, and recycling facilities are also located there. There are proposals for another dwelling to the south of the site (02/2196) which would also use the access to the car park. This car park originally had 2 entrances, one opening within 25 m of the apex of the sharp bend. It is likely in the past that the car park operated a one way arrangement, with vehicles accessing the car park from the east side and egressing via the western access. This would have obviated the need for vehicles to turn round within the site as they would be obliged to do now. This entrance was closed on the advice of the Highway Authority, and its closure was a condition of a previous application. The remaining entrance to the car park is 80 m from the apex of the bend. The main carriageway at this point is 7m wide

The Proposal.

The proposal is to convert the east part of the Cross Keys building back to a public house. This proposal is similar to S/2007/0633, (withdrawn). There is a long history of applications relating to this site which I will not rehearse in this report. The proposal comprises a ground floor bar area (approx 60 sq.m) and a single storey rear extension to provide kitchen and lavatory facilities.

A function room is proposed at first floor level (approx 35 sq.m.), and an extremely small residential bedsit is also proposed. It is of note that it is proposed that the residential bathroom would be used by the public. An outside seating area may also be incorporated, though this is not clear from the application drawings.

Previous Transportation History.

I have read the great deal of correspondence and reports provided to me by my client, and it is clear that this section of road causes great concern to residents, commercial occupiers and council Members and officers alike. There is a long history of discussions between the Highway Authority (WCC), Salisbury District Council, the Police and the Parish Council going back several years regarding traffic management measures to improve the safety record at this site.

Of particular concern is the speed of traffic approaching the bend and the tendency of drivers travelling south west to misread the sharp left hand bend in the road, with subsequent loss of control. I am advised that there have been 18 accidents in a 3 year period including both damage only and personal injury accidents. Several of the accidents have resulted in damage to buildings, causing the occupier of the Post Office to take steps to protect the property with barriers. I understand that there was fatal accident involving a motorcyclist in 2008. The accident record at this location should be well known to the Local Planning Authority. I note that the Highway Department (WCC) do not object to the proposal, and I am surprised that they have not commented on it in more detail, given the level of interest in road safety at this location. Various measures have been put forward to mitigate accident risk and some have been implemented. A traffic management scheme was introduced in October 2005, which included measures to make the island at the junction of more visible to drivers, and to improve carriageway markings, for example "*SLOW*" markings. Other measures relating to a signage review are on hold pending the results of a county wide review of speed limits. At present a 40 mph limit is in force, with reinforcement, as promoted by the Parish Council, by a vehicle activated flashing sign on the approach to the bend. The data from the speed sign shows a consistent 21% of vehicles sampled exceeding the speed limit.

The proposals for various safety measures at this site continue to be investigated by WCC and SDC, including further carriageway markings and signage. The authorities are rightly concerned to avoid over cluttering with signs.

Comments on the Application.

The car park measures approx 10 m in depth. This is not sufficient for cars to be parked at 90 degrees as shown on the proposed plan. They will need to be parked in an "echelon" arrangement in order to allow sufficient space (6m behind the vehicle) for drivers to manoeuvre in and out of the spaces. There is little space for vehicles to turn round within the existing site. It would not be possible to achieve 25 spaces as shown on the application drawing. Certainly the spaces shown are less than the normal standard of 4.8m x 2.4m. I calculate that approximately 15 - 17 spaces of an operational standard could be achieved.

The pub will generate both customer and servicing traffic. Although many visitors would be local people and therefore likely to travel on foot, the pub would inevitably attract customers from further afield who will arrive by car. The style and nature of a proposed pub cannot be controlled by planning conditions. Although a quiet traditional pub may be envisaged, any operator will be seeking to maximise customer numbers and therefore profit. An operator concentrating on good food for example may seek to attract customers from a wider area. If successful, the pub could accommodate 100 people (standing, depending on fire and other regulations), and the function room 20 seated, and possibly more standing. The garden area could accommodate an additional 30 or more people. The smoking laws mean that outside areas are used much more at all times of the year, and cannot just be regarded as "summer daytime" facilities.

Assuming that 30% would walk, and the other 70% would come by car, I estimate that 35% of customers would be car drivers. With 100 people in total, 35 cars would be generated, twice the capacity of the car park. Assuming a busy pub, people in the garden and a function on the first floor, then the capacity of the car park would be

exceeded on a regular basis. Some of the spaces would in any case be used by staff and any residential uses at the site. Overflow parking would result in an extremely dangerous situation with drivers tempted to park in unsuitable locations within the car park itself or on the public highway. The development would result in significant turning traffic in and out of the access, especially during the evening during the hours of darkness, and where there is no street lighting. This hazardous situation would be exacerbated if the car park was overfull.

The pub will require deliveries of beer, foods and other consumables, as well waste collections etc. I estimate that there could be at least 1 or 2 servicing trips per day, and I am concerned that problems that will occur with servicing of this site. I note that the site entrance is shared by a development site to the south. I attach a photograph provided by my client that shows the difficulties of a Large Goods Vehicle leaving the site. This would be exacerbated by parked vehicles within the site. I have checked the layout of the car park with vehicle template overlays produced by Autotrax to 1:200 scale. Large vehicles, for example a 9 metre refuse lorry, would not have sufficient space readily to turn round within the site, a manoeuvre that would be impossible if parked cars were present. When leaving the site, it would not be possible for drivers of large vehicles to position the vehicle correctly in order to achieve a left turn into the main road without going over to the opposite traffic lane. (see photo in Appendix) The situation would be compounded if a larger vehicle, e.g. 11m were to be attempting this manoeuvre.

The pub would give rise to increased pedestrian traffic. There are already problems for pedestrians crossing at this location, with poor sight lines, fast moving traffic, lack of street lighting and a complex road junction to contend with. The potential for vehicular/pedestrian conflict would be made worse by additional pedestrian volumes.

Summary and conclusion

A pub /inn has existed on this site in the past for centuries. However, the way the road now operates in terms of volume and speed of traffic, and the difficult conditions on the road at this location despite various measures to address them, means that in my opinion the site is *unsuitable in traffic and road safety terms to be reinstated as a public house*. The reasons are:

The car park is too small for the number of cars likely to be attracted to the proposed pub;
The layout of the car park could not be achieved as shown on the plan, and would achieve significantly fewer spaces;

There is insufficient space for goods vehicles to turn round in order to leave the site in a forward gear especially if cars were present;

The orientation of the entrance to the site would not allow large vehicles to leave, turning left, without crossing to the opposite side of the road;

Pedestrians attracted to the pub would be at risk crossing in this location, given the hazards present.

I would respectfully suggest that planning permission is refused for this commercial development.

GMP 6/4/09

*Gillian Palmer BSc MSc MIHT MCILT MRTPI
Transport Planner and Chartered Town Planner*







Deadline	08/10/09		
Application Number:	S/2009/1196		
Site Address:	8 JAMES STREET / 36 SIDNEY STREET SALISBURY SP2 7AL		
Proposal:	NEW 1 BED DWELLING		
Applicant/ Agent:	MR S P MANKIN		
Parish:	SALISBURY CITY COUNCILST PAULS		
Grid Reference:	413791 130491		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce- White	Contact Number:	01722 434682

Reason for the application being considered by Committee

Councillor Clewer (St Paul's ward) has requested that the application be determined by the Southern Area Committee due matters relating to the scale of development, relationship with adjoining properties, design, and the previous history of applications on the site which have been considered at the former City Area Committee.

1. Purpose of Report

To consider the above application and the recommendation of the case officer to APPROVE the development subject to conditions.

Following completion of a S106 Unilateral Undertaking / agreement in respect of the following matters:

- (i) Recreational contributions as required under saved policy R2 of the adopted Salisbury District Local Plan.

2. Main Issues

The main issue is whether the proposed amendments satisfactorily resolve the previous concerns of the Planning Inspectorate with regards to the design of the accommodation's internal layout, notably the provision of suitable household waste and recycling facilities.

3. Site Description

The site relates to an end of terrace dwelling, situated on the corner of Sidney Street and James Street, Salisbury. This is within the Salisbury Housing Policy Boundary.

4. Planning History

<i>App. No.</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
07/0836	New one bed flat with car port & convert four bed house into 2 no. two bed houses	WD	06.06.07
07/1438	New two bed flat with car port & convert four bed house into 2 no. two bed houses	R	27.90.07
07/2425	Erect single storey extension to create 1 bed dwelling and Convert existing into 2 no. 2 bed dwellings	R	27.02.08
		Appeal Dismissed	24.06.08
08/1679	Proposed 1 bed dwelling	R	10.02.09
		Appeal Dismissed	26.06.09

5. The Proposal

It is proposed to erect a single storey extension fronting onto James Street to provide an additional one bed dwelling. This represents a revised scheme to a previous application for a similar development (08/1679), with the following alterations:

- The provision of a larger internal storage area for household waste and recycling facilities.

6. Planning Policy

The following development plan policies are considered relevant to this proposal:

- Local Plan policies G1, G2, D2, D3, H8, TR11, TR14, R2
- PPS1: *Planning & Sustainable Development*; PPS3: *Housing*

7. Consultations

Highways Officer

Having regard to the site being within easy walking distance of public transport and other local facilities thus minimizing the need for a private car, I would not wish to raise a highway objection to the level of parking or to the layout generally. You will no doubt consider the requirements of Appendix VI of the Adopted Salisbury District Local Plan in respect of the provision of on-site cycle parking to be applicable here

8. Publicity

The application was advertised by neighbour notification and site notice

Publicity expiry date 17/09/09

5 letters of representation were received, objecting on the following grounds:

- Overdevelopment of cramped plot
- Inappropriate bin storage
- Out of keeping with Victorian streetscene
- Inadequate parking provision
- Loss of light to neighbouring property
- Increased levels of noise and disturbance

9. Planning Considerations

9.1 Living conditions of the future occupiers of the proposed accommodation

This is the key consideration, since it was the reason that the previous application was dismissed at appeal (decision appended in full). The Inspector commented on this aspect as follows:

Adequate storage for waste and re-cycling is essential, especially in the light of increasing requirements to re-cycle to reduce CO₂ emissions and tackle climate change. The kitchen/living room in the proposed dwelling would be very restricted in size. Whilst in most cases this could be made the subject of a condition, given the restricted layout of the proposed room and that the dwelling could be occupied by two people, I am not satisfied that satisfactory provision for a waste bin and the separate recycle bins would be possible in this case without loss of living space and the waste bin would also be unavoidably close to the living activities within this space, I therefore consider that the living conditions of future occupiers would be harmed.

The current application seeks to address the lack of bin storage facilities by increasing the size of an internal storage area which is accessed directly off a hall. This would potentially provide floor space for two wheelie bins (for general waste and plastic bottles / cardboard) and one bicycle, with a 'black box' for other recyclable items potentially stored on a shelf. However, the space would be tight and not particularly practical for access when in use for both bike and bin storage. It is noted, however, that the Council can operate alternative recycling facilities for households where storage of the standardised wheelie bins are impractical. This includes a re-usable bag for recycling plastic bottles and cardboard in place of a dedicated "blue top" wheelie bin, and the former is the prevalent system in place for the majority of existing properties in the area. On this basis the storage space could be made practical whilst still facilitating satisfactory household recycling and bicycle storage.

In terms of whether it would be appropriate to store waste and recycling bins internally rather

than externally, it is noted that the storage area would be accessed off the hall only, and separated from the main living spaces by two sets of doors. Furthermore, the applicant has indicated that the storage area would be ventilated through to the roof. Given these provisions, and the fact that a single bed dwelling would be likely to generate only a modest amount of waste, it is not considered that the proposed arrangement would result in unacceptable living conditions.

The increased size of the storage area would also moderately compromise the floor space to main living areas of the accommodation. However, whilst modest, it is considered that the physical space and facilities would be just about adequate to enable an acceptable quality of life for its future occupants, and the proposal would fulfil a need for modest sized accommodation in a sustainable town centre location.

9.2 Residential amenity of adjoining and nearby property

The Inspector commented on this consideration as follows:

The Council's reasons for refusal are not specific as to which adjacent residents it considers would be affected by the proposal. The resident at 38 Sidney Street, on the opposite corner to the site to the north has raised concern about overlooking, loss of light and loss of aspect. The rear kitchen window and conservatory face the street, opposite the appeal site but due to the separation across James Street and the existing effect of other buildings, I consider that there would not be a significant loss of sunlight to 38. Whilst there would be a change in the aspect to this property, with some loss of views of the sky, I consider that this would not be significantly harmful to the living conditions in the rear rooms or in the rear garden of this property.

The amenity of properties at 32 and 34 Sidney Street and 6 James Street has also been raised 34 is to the south and has a 2 storey rear extension along the boundary with the appeal site and the increase in height of the wall along the remainder of the boundary would not affect the amenity of this property. 32 is further to the south and would not be affected. 6 James Street is to the east and has a blank wall facing the rear boundary of the appeal site, so there would be no harmful effect to these occupiers. The living conditions of the adjacent residents would therefore be protected and the proposal would comply with the requirements of Policy G2 (vi) in this respect.

Within the current application the proposed dwelling's bulk, proximity to neighbours and window arrangements would remain unaltered from the appeal application. Although the City Area Committee previously expressed concerns over the impact of the dwelling on neighbours' amenities, a refusal on such grounds would now be difficult to defend at appeal given the Inspector's previous comments.

9.3 Character & appearance of the area

The Inspector commented on this as follows:

It is proposed to build a separate dwelling facing James Street, to the rear of 36, where there is an existing garage, which is an unattractive feature in the street scene, and a courtyard. The front of the proposed dwelling would be slightly higher than the existing garage, with a pitched roof above, and it would continue the building line and the window pattern of the existing frontage to this street. It would form a subservient link with the adjacent terrace and as long as the materials matched the existing property,

which could be obtained by condition, I consider that the character of the street would not be harmed.

Within the current application the external appearance of the proposed dwelling would be identical. Although the City Area Committee previously expressed concerns over the impact of the dwelling on the character and appearance of the area, a refusal on such grounds would now be difficult to defend at appeal given the Inspector's previous comments.

9.4 Highways implications

Having regard to the site being situated within a controlled parking zone and within easy walking distance of public transport and other local facilities, no objection is raised by the Highways Officer to the level of parking provision for the proposed development. The applicant/developer shall be informed, however, that the additional units may be excluded from applying for additional parking permits.

Since the Council did not resolve to refuse the previous application on highway grounds, and the highways implications for the current proposal are not materially different, a refusal on such grounds would be difficult to defend at appeal.

9.5 Policy R2

If the Committee resolve to approved the application it will be necessary for the applicant to enter into a legal agreement and make a financial contribution towards recreational open space in accordance with policy R2.

10. Conclusion

Bearing in mind the previous appeal decision and comments of the Planning Inspectorate on application S/2008/1679, and the revisions now proposed within the current application, it is considered that the material concerns with the development have been overcome, and that the proposal would be acceptable in design, amenity and highway terms.

RECOMMENDATION

Following completion of a unilateral undertaking, whereby a commuted sum is paid towards the provision of off-site open space in accordance with saved policy R2 of the Salisbury District Local Plan, within one month, then planning permission is **granted** for the following reasons:

Bearing in mind the previous appeal decision and comments of the Planning Inspectorate on application S/2008/1679, and the revisions now proposed within the current application, it is considered that the material concerns with the development have been overcome, and that the proposal would be acceptable in design, amenity and highway terms. The development would therefore accord with the development plan and Government Guidance, having particular regard to saved Local Plan policies G1, G2, D2, D3, H8, TR11, TR14, R2 and PPS1 and the aims and objectives of PPS1 and PPS3.

And subject to the following conditions:

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

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

(2) No development shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: D2

(3) Notwithstanding the provisions of Classes A to C of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

Policy: G2, D2

(4) No further windows shall be inserted into the new 1 bed dwelling hereby permitted.

Reason: In the interests of visual amenity.

Policy: G2, D2

(5) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of neighbouring amenity.

Policy: G2

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref....07007/3....

Date Received....10.08.09....

Plan Ref....07007/4....

Date Received....10.08.09....

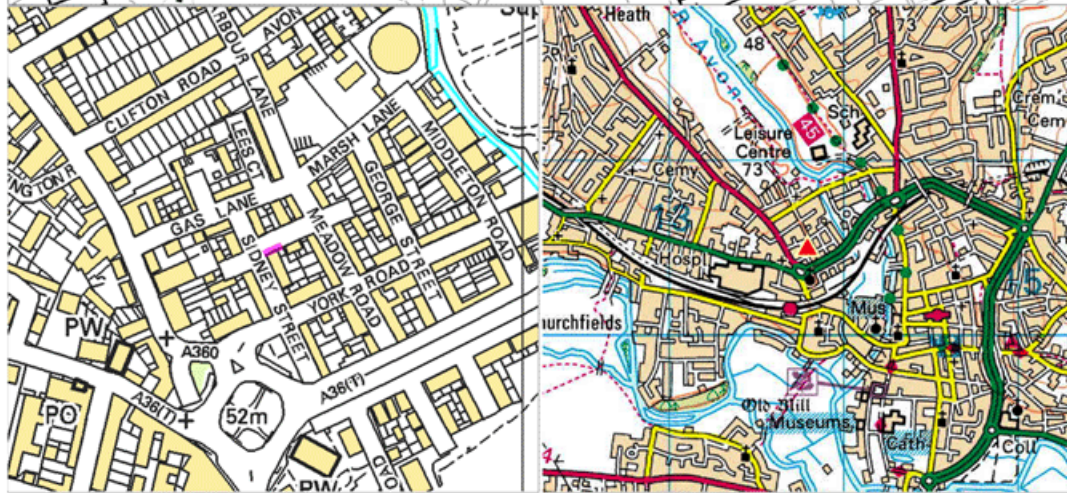
2. The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434735 should you require any further information regarding the issuing of residents parking permits by the Council.

3. It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

NEW 1 BED DWELLING

Site Visit:

S/2009/1196



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36 SIDNEY STREET SALISBURY SP2 7AL

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Appeal Decision

Site visit made on 26 May 2009

by **Jacqueline Wilkinson** Reg. Architect
IHBC

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:
26 June 2009

Appeal Ref: APP/Y3940/A/09/2099490
36 Sidney Street, Salisbury SP2 7AL

- 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 Womersley Smith against the decision of Salisbury District Council now replaced by Wiltshire Council.
- The application Ref S/2008/1679/FULL, dated 26 September 2008, was refused by notice dated 10 February 2009.
- The development proposed is a one bed dwelling.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, (ii) the living conditions of adjacent residents in terms of aspect, natural light and privacy and (iii) the living conditions of future occupiers of the proposed accommodation in terms of natural light and provision for waste disposal.

Reasons

Character and appearance.

3. James Street is a short street, with two small 2-storey terraces and return gable ends on three corner properties, with garden spaces behind. The appeal property, 36, is on the fourth corner and unusually has two frontages, one to James Street and one, with a small front area, to Sidney Street. Whilst it appears to have once been a shop, it is now a family dwelling.
4. It is proposed to build a separate dwelling facing James Street, to the rear of 36, where there is an existing garage, which is an unattractive feature in the street scene, and a courtyard. The front of the proposed dwelling would be slightly higher than the existing garage, with a pitched roof above, and it would continue the building line and the window pattern of the existing frontage to this street. It would form a subservient link with the adjacent terrace and as long as the materials matched the existing property (which could be obtained by condition) I consider that the character of the street would not be harmed.
5. The proposal would therefore comply with the requirements of Policy D2 (i) and (ii) of the Salisbury District Local Plan (Local Plan), which requires that infill

development respects and enhances local character in terms of lines, scale, height, massing and materials.

Living conditions

6. The Council has expressed concern about the poor natural lighting and the lack of bin storage for the proposed dwelling. The main windows would face north-west but as they would be on the pavement line, it would be likely that they would be curtained at most times. However the scheme provides for two roof-lights in the south facing roof slope which, although overshadowed to a degree by the rear extension on 34 to the south, would give the kitchen and lounge adequate sunlight and daylight.
7. Adequate storage for waste and re-cycling is essential, especially in the light of increasing requirements to re-cycle to reduce CO2 emissions and tackle climate change. The kitchen/living room in the proposed dwelling would be very restricted in size. Whilst in most cases this could be made the subject of a condition, given the restricted layout of the proposed room and that the dwelling could be occupied by two people, I am not satisfied that satisfactory provision for a waste bin and the separate recycle bins would be possible in this case without loss of living space and the waste bin would also be unavoidably close to the living activities within this space. I therefore consider that the living conditions of future occupiers would be harmed.
8. The proposal therefore, with respect to the future occupiers of the proposed dwelling, would not satisfy the requirement of Policy G2 (vi) of the Local Plan that development should not cause undue detriment to the existing occupiers.
9. The Council's reasons for refusal are not specific as to which adjacent residents it considers would be affected by the proposal. The resident at 38 Sidney Street, on the opposite corner to the site to the north, has raised concern about overlooking, loss of light and loss of aspect. The rear kitchen window and conservatory face the street, opposite the appeal site but due to the separation across James Street and the existing effect of other buildings, I consider that there would not be a significant loss of sunlight to 38. Whilst there would be a change in the aspect to this property, with some loss of views of the sky, I consider that this would not be significantly harmful to the living conditions in the rear rooms or in the rear garden of this property.
10. The amenity of properties at 32 and 34 Sidney Street and 6 James Street has also been raised. 34 is to the south and has a 2-storey rear extension along the boundary with the appeal site and the increase in height of the wall along the remainder of the boundary would not affect the amenity of this property. 32 is further to the south and would not be affected. 6 James Street is to the east and has a blank wall facing the rear boundary of the appeal site, so there would be no harmful effect to these occupiers. The living conditions of the adjacent residents would therefore be protected and the proposal would comply with the requirements of Policy G2 (vi) in this respect.
11. Notwithstanding that the proposal would not harm the amenities of the adjacent occupiers and that it would respect the character and appearance of the area, this would not outweigh the harm caused to the future occupiers of the proposed dwelling in terms of storage for waste, bearing in mind the increasing importance of recycling to tackle climate change.

12. For the above reasons and having taken into account all other matters raised, I conclude that this appeal should not succeed.

Jacqueline Wilkinson

INSPECTOR

Deadline	13/10/09		
Application Number:	S/2009/1225		
Site Address:	STREET FARM THE STREET KILMINGTON WARMINSTER BA126RW		
Proposal:	SLURRY LAGOON (REVISED POSITION) AND SOIL DISPOSAL AREA AND ASSOCIATED WORKS		
Applicant/ Agent:	DAVID FLETCHER		
Parish:	KILMINGTONMERE		
Grid Reference:	378460 135816		
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

The application is made by a relative of Councillor Jeans, and objections have been made to the application.

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 principle of development
2. The impact on the character and appearance, including on the AONB
3. The impact on the amenities of nearby properties
4. Other factors

3. Site Description

The site consists of Street Farm, in Kilmington, an established dairy farm of some 89ha with some 130 milking cows. The plans include land for the lagoon itself, and also a soil disposal area (ie for soil removed to create the lagoon) further to the north off Coker's Lane.

In planning terms both site lies within the countryside and Cranborne Chase and West Wiltshire Downs AONB, and within a groundwater Source Protection Area.

4. Planning History

Application number	Proposal	Decision
S/2009/0387	Proposed slurry lagoon	Withdrawn
S/2009/1130	Covered feed area	Approved with Conditions

5. The Proposal

The application proposes the creation of a slurry lagoon, soil disposal area and associated works. The lagoon has been proposed to ensure that, under the Nitrate Vulnerable Zones regulations there is five months slurry storage.

6. Planning Policy

The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan

C2 – Development in the Countryside
 C4, C5 – Development in the AONB
 C20 – Agricultural Development
 G1, G2 – General Development Criteria
 G8 – Groundwater Source protection Area

National Guidance

Planning Policy Statement Seven – Sustainable Development in Rural Areas

7. Consultations

Parish Council

No response to date

Environment Agency

No objection but recommend that an informative is imposed in relation to the Control of Pollution Regulations.

Environmental Health

Expressed initial concerns regarding the proximity of the lagoon 300 feet from residential property and that a nuisance could result from odour and/or flies. Similar concerns have been raised regarding lagoons (in other circumstances).

Subsequently, following discussions with the applicants, and the provision of a cover (and associated procedures), Environmental Health has confirmed that they have no objections.

8. Publicity

The application was advertised by site notice and neighbour notification with an expiry date of 17th September 2009.

2 letters of objection have been received, making the following comments:

- Concern about the large volume of flies and noxious odours from the lagoon and the impact on public health;
- Due to the damp climate a complete crust does not form on these lagoons and continuous puddles on the surface of the emit odours;
- Planning guidance recommends a 400m 'cordon sanitaire' between dwellings and slurry to prevent a risk of disease.

9. Planning Considerations

9.1 The principle of development

Local and national planning policies make clear that new development in the countryside should be strictly controlled, particularly within the sensitive AONB landscape. However, there is also scope for essential agricultural development to be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations.

The farm is within a Nitrate Vulnerable Zone and changes to these regulations have resulted in a need to have storage for a five month period. Without this storage it is argued that the dairy unit would have to be shut down.

In principle, it is considered that necessary agricultural development is acceptable on established agricultural units, subject to considerations in relation to the landscape impact and environmental and public health issues.

The two objections refer to a 'cordon sanitaire' of 400m between dwellings and structures used to store slurry. However the 400m separation distance within the General Permitted Development Order only means that full planning permission is required for slurry storage (which might otherwise be undertaken as 'permitted development'). This does not mean that slurry storage within that distance is prohibited - just that slurry storage within that distance requires the full assessment of a planning application.

9.2 The impact on the character and appearance, including on the AONB

The farm lies within the Cranborne Chase and West Wiltshire Downs AONB and is therefore sensitive in landscape terms.

The proposed lagoon could potentially be seen from a number of public viewpoints. To the south is a highway (The Street) and to the north is a public footpath running diagonally across the site, as well as Hairpit Lane further north. The ground slopes generally from north to south,

though this is a shallow fall.

From the north it is unlikely that the lagoon would be particularly visible because existing and proposed levels are little different, with only a slight rising at the top of each bank of the lagoon, which would be covered with top soil and grassed over. The same is true from the south, with proposed levels being not dissimilar from those existing. From this direction the existing farm buildings would also help to screen public views of the lagoon.

Meanwhile the proposed soil disposal area, and the haul route to be used to take the soil there, could be seen from Hairpit Lane, Coker's Lane and other footpaths. However the haul route is largely behind the existing hedging and in any case would only be used temporarily. The field to be used for the soil disposal would have a slightly different profile in parts but the soil would be spread over a relatively wide area, limiting its impact. The field is well screened in any case.

It is considered that the proposed lagoon and the associated soil disposal arrangements would not harm the character and appearance of the landscape, and that the natural beauty of the AONB would be maintained.

9.3 The impact on the amenities of nearby properties

Consideration has been given to the impact on nearby residential properties. An application was made originally for the lagoon to be positioned much closer to The Street and to Manor Farm (which includes a number of dwellings), opposite. However this application was withdrawn following local concerns, and the lagoon re-positioned further north and away from Manor Farm. The re-positioning does make it closer to a number of dwellings that front onto The Street, however, including Brookside Terrace and Street Farm Court.

The Council's Environmental Health officer initially raised concerns about the potential impact on neighbouring properties from odours and flies, concerns which have also been expressed by a number of local residents.

In light of these concerns, the applicants have proposed that a sealed floating cover is installed. This would cover the whole lagoon, with the edges sealed. The sheet floats on top of the liquid and rain water collected on the sheet is pumped off. The cover would prevent odours from being released and would also prevent flies and insects from breeding on the surface.

In terms of spreading, the usual time for this type of dairy farm is March/April when it is spread on the land (using a tractor-mounted dribble bar) before the land is ploughed. Spreading would be carried out when the wind is coming from the south west (the prevailing direction), to take smell away from residential properties.

In light of this, the Council's Environmental health officer has confirmed that he is satisfied with the proposals, subject to a condition securing that the cover and procedures set out by the applicant are employed. It is therefore considered that the proposal would comply with policy G2 of the Adopted Local Plan, and would not result in harm to the amenities of nearby properties.

9.4 Other factors

The site is within a Groundwater Protection Area and therefore Local Plan policy G8 applies. This policy seeks to prevent pollution of groundwater resources. The applicants have submitted a Construction Method Statement. The Environment Agency has confirmed that they have no

objection to the proposal but have recommended informatives relating to other relevant pollution legislation.

There is no reason to believe that the proposals would harm the interests of protected species.

The proposals would not have an adverse impact in terms of highway safety. Only a small part of the unclassified (and in parts overgrown) Hairpits Lane would be used for soil disposal and the applicants state that there would be less daily vehicle movements as a result of the storage of slurry.

10. Conclusion and Reason for Approval

The proposed development would not harm the character or appearance of the landscape or the natural beauty of the AONB. The amenities of nearby properties would not be harmed, nor would groundwater resources, the interests of protected species, highway safety or any other material consideration. The proposal would therefore comply with saved policies C2 (Development in the Countryside), C4, C5 (Development in the AONB), C20 (Agricultural Development), G1, G2 (General Development Criteria) and G8 (Groundwater Source protection Area) of the Adopted Salisbury District Local Plan.

Recommendation

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

The proposed development would not harm the character or appearance of the landscape or the natural beauty of the AONB. The amenities of nearby properties would not be harmed, nor would groundwater resources, the interests of protected species, highway safety or any other material consideration. The proposal would therefore comply with saved policies C2 (Development in the Countryside), C4, C5 (Development in the AONB), C20 (Agricultural Development), G1, G2 (General Development Criteria) and G8

And subject to the following conditions:

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

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

(2) The development hereby approved shall be undertaken and subsequently used in full accordance with the details as submitted with the application, including the provision of a sealed floating cover over the lagoon, as set out in the applicant's agent's letter dated 18th September 2009.

REASON: In the interests of the amenities of nearby properties

POLICY: G2

(3) The development hereby approved shall be undertaken in accordance with the Construction Method Statement submitted with the application, unless otherwise approved.

REASON: in the interests of the protection of groundwater resources

POLICY: G8

Informatives

(1) This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution:

Layout plan and sections H1209/1 Rev A, received 11th August 2009

Sections drawing H1209/2, received 26th June 2009

Location plan H1209/3 Rev A, received 26th June 2009

Soil disposal site sections, received 11th August 2009

(2) Advice from the Environment Agency –

The proposed slurry lagoon will call for the construction of raised retaining embankments. Although the size of the lagoon is small, and the retaining embankments relatively low, we recommend the construction works are supervised by a competent Civil Engineer in order to ensure that any slurry/water retained above natural ground level does not constitute a flood risk to others. It should be noted that if the structure were to fail the owner might be liable under common law for any resultant loss to others.

The facilities must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. Under the terms of these regulations the person who proposes to have control over any relevant storage installation is required to serve notice on the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The subsequent disposal of collected wastes must be in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

Discharge of silty or discoloured water from excavations during construction should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. You will need to inform the Environment Agency if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

The Environment Agency must be notified immediately of any incident likely to cause pollution on 0800 807060.

Appendices:	None
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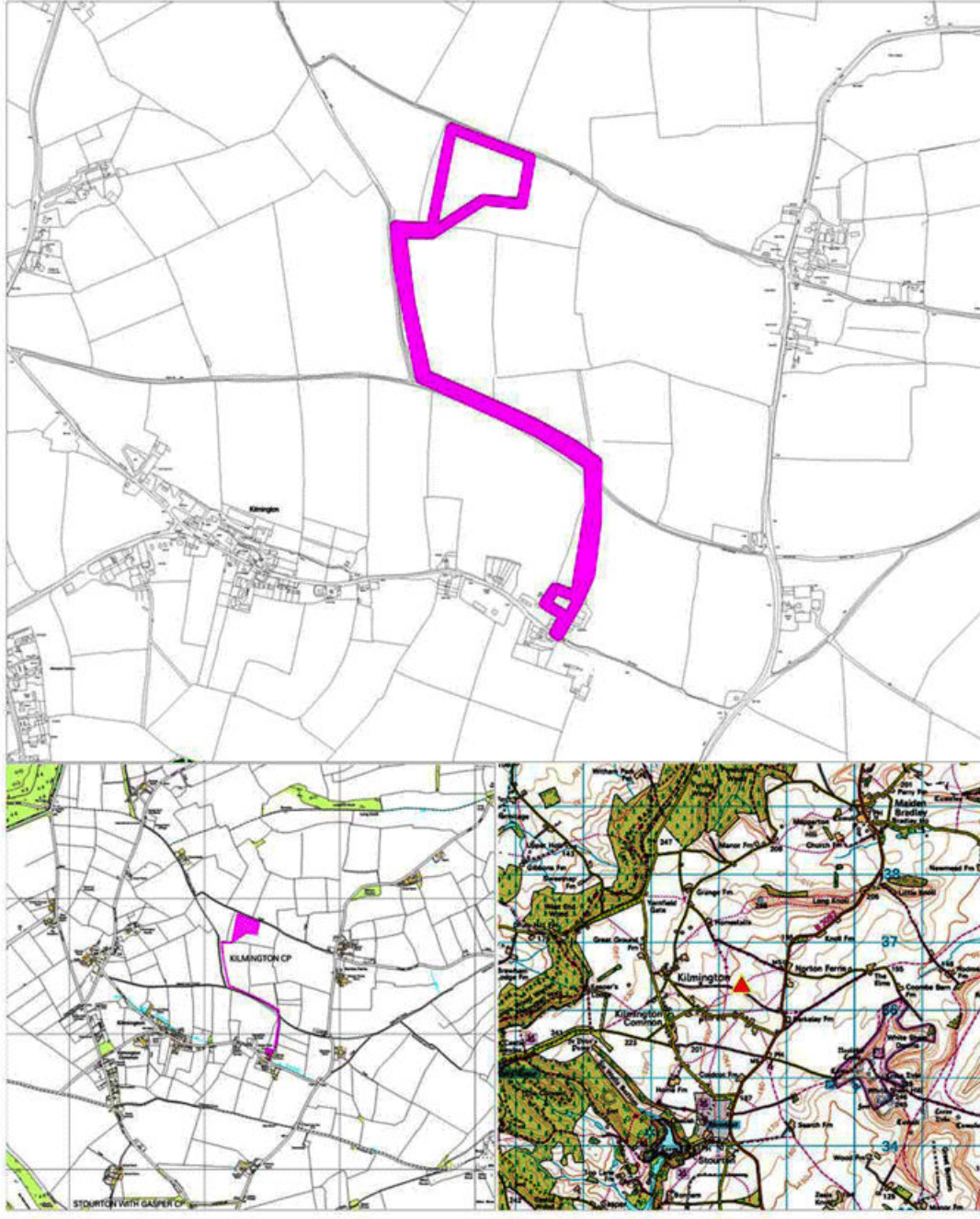
Background	See above
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Documents Used in the Preparation of this Report:	
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SLURRY LAGOON (REVISED POSITION) AND SOIL DISPOSAL AREA AND ASSOCIATED WORKS

S/2009/1225

Site Visit:



Wiltshire Council
Where everybody matters

STREET FARM THE STREET KILMINGTON BA126RV

SCALE: NTS DATE: 19/10/2009 17:33:21
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Deadline	16/10/09		
Application Number:	S/2009/1234		
Site Address:	BROOKLANDS POLICEMANS CORNER WINTERBOURNE GUNNER SALISBURY SP4 6JG		
Proposal:	CREATE NEW DWELLING, GARAGE AND ACCESS		
Applicant/ Agent:	NIGEL LILLEY		
Parish:	WINTERBOURNEBOURNE/WOOD		
Grid Reference:	418001 135338		
Type of Application:	FULL		
Conservation Area:	WINTERBOURNE GUNNER	LB Grade:	
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

Reason for report to members

Councillor Hewitt 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
- Little difference to original application

1. Purpose of Report

To consider the above application and the recommendation of the case officer to APPROVE the development subject to conditions.

2. Main Issues

1. Background
2. Principle of development
3. Scale, Design, Siting/ Impact on setting of adjacent Grade I listed building & adjacent Conservation Area
4. Archaeology
5. Residential amenity
6. Highway safety
7. Protected Species
8. SSSI/SAC/Ecology
9. Trees
10. R2

3. Site Description

The site is designated as a Housing Restraint Area, an Area of High Ecological Value (AHEV) and a Special Landscape Area. The site is also on the boundary of a Conservation Area and is outside the floodplain but is close to the River Bourne, which is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and an Area of High Ecological Value. St Mary's Church the rear of the site is a Grade I listed building.

4. Planning History

S/1981/640	O/L application for dwelling, garage and access	R
S/1998/1774	Two storey rear extension to Riverside House	AC
S/2002/1592	Construction of a single dwelling and re-use of existing access.	WD
S/2007/2523	Erection of boarding cattery (Riverside House).	AC
S/2008/1544	New dwelling with garage and access	R App. Dismissed

5. The Proposal

The proposal (RESUB) is to subdivide the garden to create a building plot for a two storey dwelling, with a detached garage and new vehicular access.

The layout of the garage/ access/ turning area is identical to the previous scheme, and the siting of the dwelling is very similar to the previous application. The main differences between the scheme dismissed at appeal and the current proposal are summarised as follows:

- The depth of the dwelling has been reduced from 9.7 metres to 8 metres, and the rear third of the property has been stepped down in height from the main ridgeline, with a single storey element added to part of the rear elevation
- The side elevation facing the conservation area/ open fields (south east) has been redesigned, with the brickwork/ eave lines broken up' into sections, and a chimney and first-floor windows added.
- The front elevation has been redesigned to include a central pitched-roofed two-storey projection. Bay windows have been inserted to either side of this, with alterations to the porch and fenestration details. The windows at first floor level has been widened and reduced from 5 to 3 and widened, and the two chimneys have been removed.

6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Salisbury District Local Plan 'saved' policies:

- G1 (Sustainable development)
- G2 (General Criteria)
- D2 (Design)
- CN5 (Development affecting the setting of listed buildings)
- CN11 (Views into and out of Conservation Areas).
- H19 (Housing Restraint Areas)
- C6 (Development in Special Landscape Areas)
- C11 (Development affecting Areas of High Ecological Value)
- C12 (protected species)
- CN21 (Archaeology)
- R2 (recreational open space)

- Government guidance:
- PPS1 – Sustainable development
- PPS 3 –Housing
- PPS 9 – Protected Species
- PPG15: Planning and the Historic Environment

7. Consultations

WCC Highways

My highway recommendations are the same for the previous application S/08/1544. No objection, subject to the following conditions:

- 1) Before the dwelling hereby approved is first occupied a 1.5m wide paved footway extending from the new site access southwards to link with the existing paved footway shall be constructed as part of the development in accordance with details to be agreed. The applicant should be advised that a legal agreement with the County Council will be required to achieve this.

- 2) A recessed entrance having a minimum width of 4.0m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

- 3) The gradient of the proposed drive shall not be steeper than 1 in 15.

- 4) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

- 5) Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

Wessex Water Authority

No objections, subject to informatives

English Heritage

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

Conservation Officer

No comments received, presumably because no objections were raised on the previous application. The comments from the previous scheme are as follows:

Having visited the site and viewed from the accessible sides, I have no objections to the proposal. The site itself is outside of the conservation area, however it is bounded by it on three sides, and the church is also within the CA.

Providing that the southeastern boundary hedging and trees are retained, as well as the church's metal fence at the rear, I see no reason to think that the setting of the listed church or the conservation area would be adversely affected. The dwelling would be quite a distance from the church and the churchyard, and there is unlikely to be a sense of overbearing development or significant overlooking. I would suggest that PD rights in respect of fences be withdrawn, so that the natural rural feel when walking the footpath to the church is retained – a closeboarded 2m fence here would be unduly suburban and widely visible from within the CA.

WCC Archaeology

The site lies immediately to the south west of St Mary's Church which is known to date from the 13th century. It is surrounded on all but its western side by earthworks which were surveyed in 1983 and thought to be the remains of buildings and other settlement features of Medieval date.

I therefore recommended that an archaeological evaluation should take place on a previous application (S/2002/1592). This evaluation was carried out in October 2007 and identified a former field boundary ditch containing some 12th and 13th century pottery shards. An area of modern disturbance was also uncovered.

In light of the results of the evaluation I do not consider that any further investigation is required, and I therefore have no comments to make on the application. The evaluation report will be held by this service as a record of the site and will be available to inform research on the heritage of the area.

Arboricultural Officer

I have no objection to this application

Environment Agency

We do not wish to provide any comment regarding the above planning application.

CPRE

The proposal would be outside the housing policy boundary and the built conservation area, but within a housing restraint area. As such, it is to be resisted

8. Publicity

The application was advertised by site notice / neighbour notification

Expiry date 17/09/09

Third-Party Representations - 5 letters of support received

Parish Council - Object to the application, with the main points of objection summarised as follows:

- Despite minimal reductions to the scale of the building, it remains a massive building with similar elevations
- The footpath leading to the Church runs directly adjacent to the development site. The scheme will compromise the processional and devotional aspect for people using the footpath to access the church, who will not have to walk alongside a modern property. The scheme denigrates Church Land.
- The Parish Council will be applying for the 'gap' in the conservation area to be closed
- The development will affect the SSSI
- The development will increase flood risk, and create surface-water run-off to the church, footpath and highway
- The development will adversely affect protected species such as badgers who have setts within the proposed development site
- The tree reports are out of date
- The scheme conflicts with the appeal decision

9. Planning Considerations

9.1 Background

The previous application for a new dwelling was dismissed at appeal, with the Inspector citing the following reasons for dismissal (summarised):

- *No objection to the principle of development, as the site lies within a Housing Restraint Area However;*
- *The front façade is lacking any form of vertical articulation, and would appear out of scale and over-long. The windows are grouped towards either end of the elevation, exaggerating its awkward proportions.*
- *The rear elevation would be more clearly articulated, although the two flanking elements would overwhelm what one would expect to be the architecturally dominant central bay.*
- *The side elevation (the elevation most visible to the public) is uncharacteristically deep, creating a lengthy and uninteresting expanse of brickwork with somewhat arbitrarily placed windows, and would be out of keeping with the neighbouring properties and thus in conflict with policy H19. Furthermore,*
- *Due to the depth and proximity to the lane, and notwithstanding the boundary screening, the bulky side elevation would be a dominant and discordant feature that would significantly detract from the relative openness of the appeal site.*
- *In conclusion, the proposed development would fail to preserve the character and appearance of this key location within the conservation area, thus conflicting with*

policies CN11 and D3 and with the criteria of policy H19.

This new proposal therefore has to be considered in the light of the Inspector's comments on the previous applicaiton, and the differences between the two schemes critically examined.

9.2 Principle of development

The site is designated as a Housing Restraint Area in the local plan, where the principle of the erection of a new dwelling will be acceptable where there will be no adverse impact to the character of the settlement, there is no loss of an important open space which contributes to the character of the area, does not require the loss of features such as trees which contribute to the character of the area, and that the development is in keeping with the character of neighbouring properties.

Policy H19 describes that the character of the Housing Restraint Areas is normally derived from an open, loose knit pattern of development and the underpinning principle of the Housing Restraint Area is to ensure that development will not have an adverse impact on the character of the settlement.

Policy D2 states that proposals should respect or the enhance the character or appearance of the area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

The site is located adjacent to the conservation area. Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of presence or enhancing the character or appearance of the conservation area and policy CN11 refers specifically to safeguarding views into and out of conservation areas.

St Mary's Church is grade I listed and the listed building policy CN5 requires that development within or outside of the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building.

PPS3 and 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 residential areas and should not be allowed if it would be out of character or harmful to its locality.

Considering the proposal against current local plan policy, a proposal for development within the curtilage of Brooklands, is not therefore unacceptable in principle, provided that it can demonstrate appropriate scale, design and impact upon the adjacent listed building, conservation area, special landscape area and other considerations outlined below.

9.3 Scale, Design/ Siting/ Impact on Grade I listed building & adjacent Conservation Area

The proposed dwelling is set back within the site (in line with Brooklands) on the site of an overgrown tennis court. It is proposed to excavate the currently raised tennis court, with the ridge height of the proposed dwelling comparable to Brooklands.

To the front of the site, a new vehicular access will be created which will be sited roughly centrally within the plot. This will create an opening in the existing boundary wall/ hedging,

through which views of the front elevation of the dwelling will be visible. The works will require the erection of low retaining walls to form visibility splays, with brick piers at the entrance gateway adjoining the existing boundary wall. This arrangement is similar to the access at Brooklands, and it is therefore considered that the proposed scheme will not appear incongruous or detract from the visual amenity of the streetscene, or adversely harm the 'green' appearance of this stretch of road.

Regarding the front elevation, the proposed revisions are considered to be an improvement in terms of articulation. The rear elevation still includes two large central bays in relation to a smaller central bay, however the depth of the two-storey level is reduced (see below) and the height of the two-storey rear sections is lower than the ridge height of the main dwelling.

To the side of the site, the footpath which leads to the Church runs immediately adjacent to the application site, with the open fields (conservation area) beyond this. The Inspector concluded that as this side elevation was the most visible/ prominent to the public, it was therefore the most important to protect in terms of visual amenity. To overcome the Inspector's concerns, the applicant now proposes to reduce the depth of the dwelling from 9.7 metres to 8 metres, lowering the roofline of the rear section of the property, and breaking up the large expanse of brickwork at the side via the insertion of first-floor windows and a chimney.

Officers consider that the revisions add 'interest' to the side elevation by breaking up the dwelling into 'sections', and the reduced depth/ lowered ridgelines are effective in reducing the overall bulk of the building. When viewed from the footpath and open fields, the openness of the site will be maintained, and subject to screening being protected via condition, it is considered that the development will not adversely harm the visual amenity of the conservation area/ church footpath.

To the rear of the site, there are high levels of screening and a 30+ metre distance between the dwelling and the church/ churchyard (Grade 1 listed). Due to these high levels of screening and long distance, the dwelling is not considered to be overbearing or overly prominent when viewed from the rear, and provided that screening and boundary fencing is maintained (via condition), no objections are raised in regards to the impact on the grade 1 listed building/ conservation area.

English Heritage have raised no objections to the scheme, and the Conservation Officer offers no further comments.

Summary of Design Issues

Officers have fully considered the concerns raised by the Parish Council in regard to the revised design of the dwelling, especially in regard to the impact on visual amenity of the church, fields and footpath adjacent to the site. Overall, when assessed against the Appeal Inspector's comments in regard to windows, the expanses of brickwork, the depth of building and the general design code, it is considered that the revised proposal has overcome the previous reasons for refusal in design terms, and the scheme will not have a detrimental or harmful impact on the settings of the grade I listed church, the footpath, the open characteristics of the application site or the wider conservation area.

9.4 Archaeology

The application includes an archaeological evaluation and the County Archaeologist has advised that no further archaeological investigations are required and has no comments to

make on the application.

9.5 Impact to residential amenity

Brooklands has principle elevations to the front and rear, although it does have a first floor and ground floor window on the side elevation overlooking the development site.

The proposed dwelling has been designed with principal elevations to the front and rear, with only ground floor windows on the side elevation. Subject to a condition restricting additional windows being added at first floor, it is considered that the development will not have an adverse impact on overlooking and that residential amenity will be preserved.

9.6 Highway safety

Wiltshire County Council highways raise no objections to the proposal subject to conditions, including the requirement for a pavement access to the new dwelling to join up with the existing pavement that currently extends as far as the church entrance.

9.7 Protected species

Planning authorities are required to take account of the presence of protected species, when considering applications for planning permission. A protected species survey of the site has been included with the application. This survey raises no particular issues with regards to protected species on the site, although the applicant is advised to undertake certain precautions with regard to the possibility of badgers entering the development site, that wild birds are protected under the Wildlife and Countryside Act 1981 and to consider amphibians and reptiles during the construction works.

The protected species legislation applies independently of planning permission, and the developer has legal obligations towards any protected species that may be present.

9.8 SSSI/SAC/Ecology

The application is designated as an Area of High Ecological Value and in the vicinity of the River Avon Special Area of Conservation and Site of Special Scientific Interest. A construction method statement has been submitted with the application addressing how pollution to the river will be prevented. Subject to a condition requiring the development to be completed in accordance with the method statement, it is considered that the development, either alone or in combination with other plans or projects is not likely to have a significant effect on the important interest features of the River Avon SAC, or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest.

9.9 Trees

It is proposed to retain the mature trees to the south east boundary of the site with the church footpath. The Arboricultural officer has raised no objections to the application. The submitted landscaping scheme and tree protection measures should be carried out by condition of approval.

9.10 R2

The scheme relates to the creation of new residential development and in order to comply with

the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. Applicants are now required to sign agreements during the course of the application. The applicant has signed and returned the agreement and payment.

10. Conclusion

Officers have taken into account the changes made to the design of the proposed new dwelling which are considered to satisfy the Inspector's concerns over the previously dismissed appeal. Subject to conditions, (including landscaping and tree protection conditions), it is considered that the proposed development respects the character and appearance of the adjacent conservation area, setting of the adjacent listed building, housing restraint area and special landscape area and will not result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents, or highway safety.

Recommendation

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

The proposed development has been considered against the requirements of Local Plan policies G1, G2, D2, H19, CN5, CN8, CN11. It is considered that the proposed development respects the character and appearance of the adjacent conservation area, setting of the adjacent listed building, housing restraint area and special landscape area and will not result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents, or highway safety.

And subject to the following conditions:

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

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

(2) 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 ensure that the dwellings are appropriately detailed due to the site being adjacent to the Conservation Area- Policy CN8, CN11

(3) Before the development begins, a detailed scheme for the construction of a 1.5m wide paved footway extending from the new site access to link with the existing paved footway shall be submitted to and approved in writing by the Local Planning Authority. The paved footway shall be constructed in accordance with the approved details prior to the dwelling hereby approved being first occupied.

Reason: In the interests of highway safety- Policy G2

(4) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be completed in accordance with the agreed details before the first occupation of the new dwelling hereby approved.

Reason: In the interests of highway safety- Policy G2

(5) A recessed entrance having a minimum width of 4.0m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority. The recessed entrance and agreed surfacing shall be completed in accordance with the agreed details prior to the first occupation of the new dwelling hereby approved.

Reason: In the interests of highway safety- Policy G2

(6) Notwithstanding the provisions of Class[es] A to E of Schedule 2 (Part 1) and Class A of Schedule 2 (Part 2) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures, fences, walls or other means of enclosure within the curtilage unless hereby approved or otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity- Policy G2, D2

(7) Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

Reason - In the interests of highway safety- Policy G2

(8) The gradient of the access shall not exceed 1 in 15 for a distance of 4.5m back from the carriageway edge.

Reason - In the interests of highway safety- Policy G2

(9) The development hereby approved shall be completed in accordance with the River Pollution Method Statement detailing measures to limit the risks of pollution during construction works to the river system received by this office on the 5th September 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent habitat loss, pollution and damage to the River Avon System Site of Special Scientific Interest and Special Area of Conservation during construction works, to ensure that the nature conservation interests of the SSSI/SAC are safeguarded- Policy G2, C11, C12

(10) 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 during the course of development (including details of protective fencing in accordance with BS 5837:2005 and other means needed to ensure that the trees to be retained will not be harmed during the development) and shall also include indications of all proposed trees/plants including species, numbers and heights. The scheme shall be completed in accordance with the agreed details unless the Local Planning Authority has given its prior written consent to any variation. The landscaping works and planting shall be carried out in accordance with a timetable of implementation to be agreed in writing with the Local Planning Authority.

If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure a satisfactory appearance to the development and ensure that the

amenity value of the most important trees and hedgerows growing within the site are adequately protected during the period of site clearance and construction- Policy CN8, CN11

(11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no first floor windows added to the side (north west) elevation of the dwelling.

Reason: To ensure that the Local Planning Authority retains control over any additional windows in the interests of residential amenity (to ensure adequate privacy for the occupants of neighbouring premises)- Policy G2

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE: Wiltshire County Council Highways

The applicant is advised that in order to comply with the above condition, it will be necessary for a Section 278 Agreement to be entered into with Wiltshire County Council as Highway Authority, and the work to construct the paved footway must be carried out to the full requirements of the County Council, in accordance with fully detailed drawings.

INFORMATIVE: Wessex Water

The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

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

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site a connection onto Wessex Water infrastructure.

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.

INFORMATIVE:- Protected Species

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present.

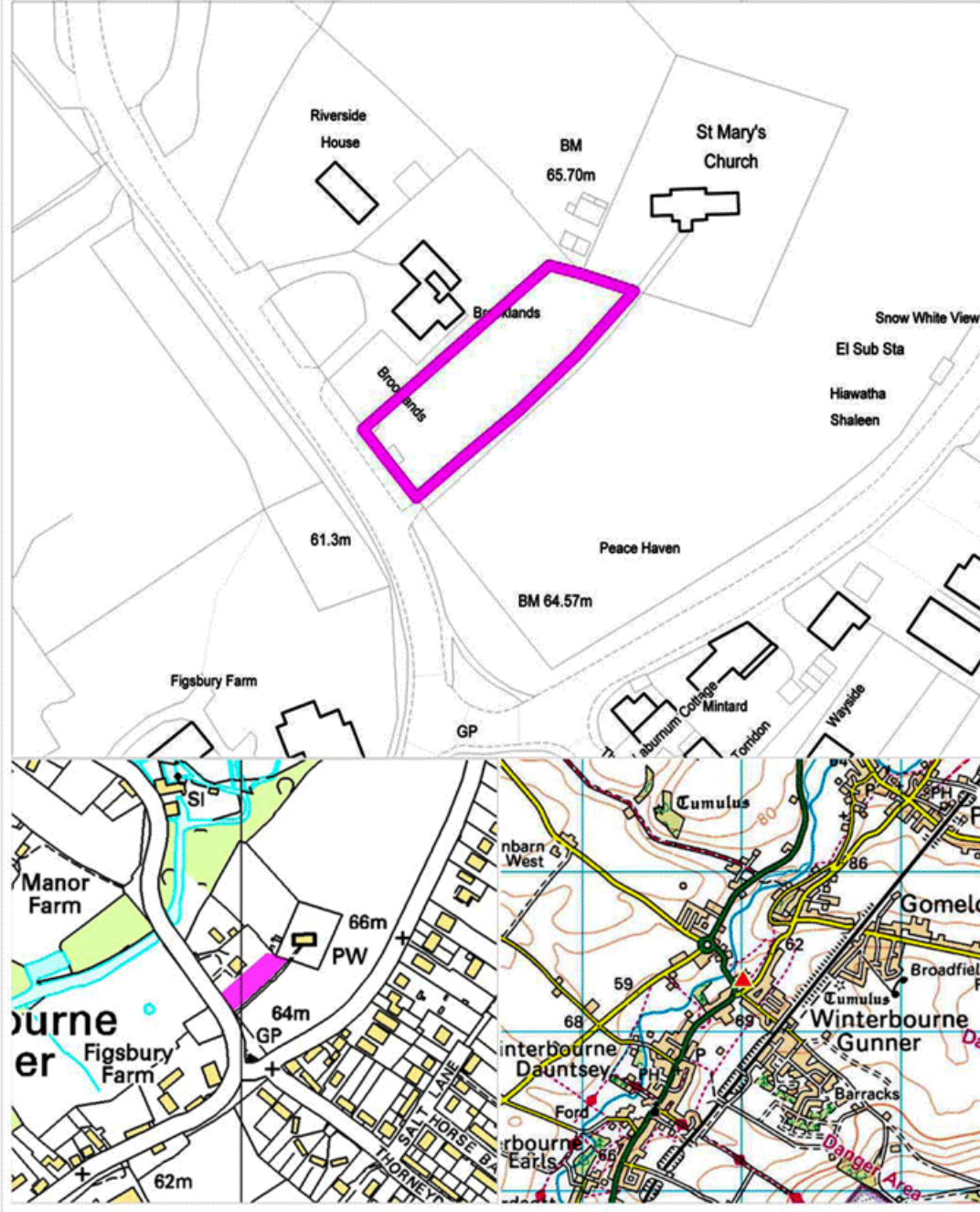
All species of bats and their roosts are legally protected. Bats may use trees with suitable holes, crevices or cavities for roosting at anytime of year but they are usually difficult to detect. If you think tree works may affect a bat roost, you should seek advice from a bat expert who will be able to advise on how to avoid harming bats. If bats are discovered during tree works, you should stop work immediately and consult Natural England at their Devizes office 01380 725 344.

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st August but it may occur outside this period. If there is a likelihood breeding birds are present, you must delay tree works until young birds have left the nest or the nest has been abandoned.

CREATE NEW DWELLING, GARAGE AND ACCESS

S/2009/1234

Site Visit:



Wiltshire Council
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BROOKLANDS POLICEMANS CORNER WINTERBRN

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Chartered Town Planners & Chartered Surveyors

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Mr T. Whippell
Wiltshire County Council
Planning Department
61 Wyndham Road
Salisbury
SP1 3AH

Planning Department	
01 OCT 2009	
Acknowledged	30th September 2009
Copy to	
Action	TW

Dear Mr. Whippell,

APP NO: S/09/1234 – Proposed new dwelling Brooklands, Winterbourne Gunner, Salisbury, SP4 6JG

I refer to the above application and particularly the consultation response of the Parish Council and the reasons given by the Ward Councillor for "calling in" the application to Planning Committee. I understand, in light of the above, that the application will now be presented to the Planning Committee in October and I would be grateful if these additional comments could be placed before the Planning Committee in full.

As you are aware this application follows detailed pre-application negotiations following dismissal of an appeal for a dwelling on the site earlier in the year. The Inspector's decision is a most material consideration in the determination of any subsequent application on the site in order to maintain a consistency of decision making.

I would like to highlight the main issues established by the Inspector in the recent appeal decision, in particular the fact that he accepts the principle of a dwelling on site and that the site did not form "important open space". The Inspector also raised no concerns with: -

- Highway safety
- Neighbour amenity
- Impact upon the listed building (The Church)
- Impact upon trees (on or off site)
- Impact upon ecology or the nearby SSSI
- Impact upon archeology
- Flood risk
- Car parking
- The siting of the dwelling
- The quantum or quality of on site amenity space

Parish Objection

The Parish raise a number of concerns and rather than address each one in turn I note that no objections have been received in terms of archaeology, flooding, impact on SSSI or impact upon the listed Church by any of the statutory consultees. In addition the Inspector raised no concerns in these respects either.

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Equally the Inspector in his decision letter (DCL) did not raise any issue with the principal of a dwelling on this plot and did not consider that the site constituted "important open space". (see paragraphs 5 & 6 of the DCL)

The Parish also object on the basis that the size and scale of the building is "massive" and would impact upon the character of the area and is also "very similar" to the previous proposal.

The Inspector's Objections

The Inspector's concerns related directly to the size/scale of the then proposed dwelling and the design of the front elevation, and helpfully when assessing local distinctiveness for any revised proposal he advises within paragraph 9 of the DCL that:

"The two existing houses are clearly of dissimilar appearance, yet they are of generally similar height and depth and both have strong symmetry, at least as far as the original part of Brooklands is concerned. The front façade of Riverside is wider than Brooklands, but this is balanced by the width of the windows, resulting in a generally harmonious appearance. To my mind, these are the only common distinctive characteristics that might be reflected in the proposed development on the appeal site in order to comply with policy H19. (my emphasis)

The Inspector's concerns are crystallised in paragraph 11 of the DCL where he advises that the "side elevation facing the church footpath would be uncharacteristically deep" and he adds in paragraph 14 that "due to its depth and proximity to the lane, the proposed development would be prominent in these views" and concludes that:-

"..... I consider that the bulky side elevation building would be a dominant and discordant feature that would significantly detract from the relative openness of the appeal site."

Turning to the front elevation the Inspector advises in paragraph 10 of the DCL that: -

"the height of the proposed house would be similar to its neighbours and the front facade would be the same width as Riverside. However, lacking the latter's wide windows, or any form or vertical articulation, the proposed façade would appear out of scale and over-long.

The revised scheme

The revised scheme seeks to address these concerns both in terms of the design approach to the front façade and also by reducing the depth/bulk of the side elevation facing the footpath. The Inspector, given the wording of his DCL, suggests that a dwelling which shares a similar height and depth and elevational treatment to the two neighbouring buildings would fulfil the tests of Policy H19.

Turning initially to the depth of the proposed dwelling this has been reduced to 8m in comparison to the previous scheme which proposed a 10m deep dwelling. This not only constitutes a reduction of some 20% but also results in a proposal which is the same depth as the neighbouring dwelling "Brooklands".

The boundary of the plot with the footpath (which serves the Church) is some 70m long with significant trees and boundary hedging along virtually the whole of its length. The built form of the proposed dwelling, which is also set back some 5.6m from the boundary, would constitute only 11% of the overall length of this boundary leaving a large "open view" around the proposed building.

The application proposal also employs a mix of eaves and ridge heights to reduce the massing of the roof and in addition fenestration is also introduced into this elevation to create further interest to the built form itself.

The revised scheme therefore respects the "locally distinctive" depth of dwellings in the immediate context of the site and the side elevation is significantly articulated to avoid a "*lengthy and uninteresting expanse of brickwork*" which concerned the Inspector.

Front Elevation

Clearly the Inspector considered that the width of façade of both "Brooklands" and "Riverside" were distinctive characteristics within the immediate context of the site and this is respected in this proposal which provides a width of frontage of some 13m identical to that of "Riverside".

Equally the Inspector was concerned that fenestration, as then proposed, appeared out of scale and the revised design and location of fenestration now presents a well balanced and proportioned façade.

Following discussions with officers the central section of the front façade has been brought forward to create a vertical emphasis to the elevation thereby resulting in the remaining two elements taking the appearance of being "set back" much in the same manner as "Brooklands" itself.

These fundamental design changes would result in a dwelling which would possess a "*strong symmetry*" in terms of both scale and design with the neighbouring properties.

Overall Size

The Parish Council claim that the proposed dwelling is "*massive*" yet it shares a similar height, depth and façade as the two neighbouring dwellings which the Inspector described as forming the immediate context for any redevelopment proposal to follow.

The proposed development would have a footprint of circa 104m² on a plot of some 1,984m² resulting in coverage of only 6% of the overall site area. In addition the neighbouring property "Brooklands" has a footprint of some 160m² and given such a detailed assessment this dwelling cannot be described as "massive" in terms of its siting within the plot or in relation to its immediate neighbours.

Conclusions

The Inspector was clear that the principle of a two storey dwelling on this site was acceptable in policy terms and required a reduction in depth of the dwelling to reduce the impact of the side elevation from the footpath adjacent and also sought a treatment of front façade which respected neighbouring properties.

This application has been prepared to address the concerns of the Inspector and has also been amended following pre-application consultation with officers. The application clearly proposes fundamental changes to the scale and design treatment of the dwelling from that refused and dismissed at appeal.

It is submitted that the concerns of the Parish Council, however strongly held, do not warrant refusal of the application given the policies of the development plan and all material considerations. I therefore trust that officers will recommend this application for approval and that members of the Committee will accept this recommendation.

Mr A.M Allen
Director

The logo for wgdp, consisting of the lowercase letters 'wgdp' in a sans-serif font, with a vertical line passing through the 'g'.