

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

<b>AHEV</b>	-	<b>Area of High Ecological Value</b>
<b>AONB</b>	-	<b>Area of Outstanding Natural Beauty</b>
<b>CA</b>	-	<b>Conservation Area</b>
<b>CLA</b>	-	<b>County Land Agent</b>
<b>EHO</b>	-	<b>Environmental Health Officer</b>
<b>HDS</b>	-	<b>Head of Development Services</b>
<b>HPB</b>	-	<b>Housing Policy Boundary</b>
<b>HRA</b>	-	<b>Housing Restraint Area</b>
<b>LPA</b>	-	<b>Local Planning Authority</b>
<b>LB</b>	-	<b>Listed Building</b>
<b>NFHA</b>	-	<b>New Forest Heritage Area</b>
<b>NPLP</b>	-	<b>Northern Parishes Local Plan</b>
<b>PC</b>	-	<b>Parish Council</b>
<b>PPG</b>	-	<b>Planning Policy Guidance</b>
<b>SDLP</b>	-	<b>Salisbury District Local Plan</b>
<b>SEPLP</b>	-	<b>South Eastern Parishes Local Plan</b>
<b>SLA</b>	-	<b>Special Landscape Area</b>
<b>SRA</b>	-	<b>Special Restraint Area</b>
<b>SWSP</b>	-	<b>South Wiltshire Structure Plan</b>
<b>TPO</b>	-	<b>Tree Preservation Order</b>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE  
NORTHERN AREA - 29 MARCH 07

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

<b>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2006/2607	WYLYE
	Miss L Flindell	REFUSAL
	MR T STEVENSON LAND ADJACENT TO HOPE COTTAGE TOWNS END WYLYE  PROPOSED NEW DWELLING, GARAGE AND VEHICULAR ACCESS	TIL VALLEY AND WYLYE  Councillor Mills Councillor West
2	S/2006/2122	WINTERBOURNE STOKE
SV	Mr S Llewelyn	REFUSAL
	FOX GRANT LIMITED WISMA POULTRY FARM BERWICK ROAD BERWICK ST JAMES  DEMOLISH EXISTING DERELICT POULTRY SHEDS AND SILOS, STEEL FRAMED BARN AND ASSOCIATED OUTBUILDINGS. REDEVELOP SITE BY ERECTION OF REPLACEMENT DWELLING, STABLE BLOCK, LAMBING SHED AND STORES, OFFICE BUILDING, STORAGE BUILDING, CONSTRUCTION OF A MENAGE AND ASSOCIATED ACCESS AND LANDSCAPE WORKS	TIL VALLEY AND WYLYE  Councillor Mills Councillor West

3	S/2007/0248	DURNFORD
	Mrs B Jones	APPROVED WITH CONDITIONS
	WILSFORD & ESTATES LTD GREAT DURNFORD MANOR GREAT DURNFORD  RETENTION OF FISHING HUT TOGETHER WITH INSTALLATION OF CESSPIT, WATER SUPPLY AND SECURITY LIGHTING	LOWER WYLYE & WOODFORD VALLEY  Councillor Brady
4	S/2007/0227	ALLINGTON
SV	Mr A Madge	APPROVED WITH CONDITIONS
	MR ANDREW RHIND-TUTT NEW HOUSE BOURNE VIEW ALLINGTON  AMENDMENT TO APPLICATION S/04/1853 TO PROVIDE ALTERATIONS TO ACCOMMODATION AT LOWER GROUND FLOOR LEVEL TO INCLUDE A GARAGE AND EXTERNAL ELEVATIONAL CHANGES. ALSO TO INCLUDE ADDITIONAL DECKING AND BALCONY AREA TO SOUTH EAST ELEVATION	IDMISTON & WINTERBOURNE Councillor Hewitt Councillor Wren
5	S/2007/0387	WYLYE
SV	Mr Shane Verrion	PART APPROVED/REFUSED
	ANDREW STARR MANOR FARM FISHERTON DE LA MERE WARMINSTER  FELL A NUMBER OF BEECH TREES BORDERING THE A36 NEAR MANOR FARM	TIL VALLEY AND WYLYE  Councillor Mills Councillor West

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2006/2607		
Applicant/ Agent:	BILL LOWE DIPTP MRTPI CHARTERED TOWN PLANNER		
Location:	LAND ADJACENT TO HOPE COTTAGE TOWNS END WYLYE WARMINSTER BA120RW		
Proposal:	PROPOSED NEW DWELLING GARAGE AND VEHICULAR ACCESS		
Parish/ Ward	WYLYE		
Conservation Area:	WYLYE	LB Grade:	
Date Valid:	21 December 2006	Expiry Date:	15 February 2007
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

### REASON FOR REPORT TO MEMBERS

Councillor West has requested that this item be determined by Committee due to: the interest shown in the application

### SITE AND ITS SURROUNDINGS

The site is located within the Housing Policy Boundary and Conservation Area of Wylde and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site comprises the garden to Hope Cottage, a two storey semi-detached property of white painted rendered elevations under a slate roof (converted from a single residence under 1992/1691).

There is a railway line running to the south boundary of the site, and a mature hedge to the roadside.

Victoria Cottage is a stone and flint cottage with gable end fronting the road.

Levels rise into the site from the road with the hedge set on a small roadside bank.

### THE PROPOSAL

Construct detached dwelling, and new vehicular access with driveway and parking and detached garage.

### PLANNING HISTORY

1992/1691 03/02/1993	Subdivision of property to 2 dwellings and extension to each dwelling	AC
1992/1692 03/02/1993	Conservation Area Demolition of specific outbuildings	AC
2001/537 05/07/2001	Outline application - Dwelling adjacent to Hope Cottage and construction of new access	REF

Reason for refusal:

(1) The applicant's agent has been informed of Article 3 (2) of the Town and Country Planning (General Development Procedure) Order 1995. Although requested to do so the applicant has failed to provide the Local Planning Authority with sufficient information to be able to determine this application for a new dwelling in the Wylve Conservation Area.

2003/1398      Erection of dwelling  
27/08/2003

REF

Reasons for refusal:

(1) The proposed scale, massing and design of the half hipped dwelling on this small plot, is out of keeping with the character of development in the area and would result in a cramped form of development, detrimental to the character and appearance of the conservation area. The reduction in the height of the front hedge necessary to form a satisfactory access would result in damage to an important landscape feature. The proposal is therefore contrary to policies G2, D2 and CN8 of the Replacement Salisbury District Local Plan.

(2) The proposed dwelling would have an overbearing, overlooking impact on Victoria Cottage, to the detriment of the amenity of the occupiers of the adjoining property. This proposal is therefore contrary to policy G2(vi) of the Local Plan.

(3) The proposal would be contrary to policy R2 of the adopted Salisbury District Local Plan in that it makes no provision for recreational public open space.

## CONSULTATIONS

WCC Highways – No objection is raised subject to conditions.

Wessex Water – The development is located within a foul sewered 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.

The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

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.

Arboricultural Officer – Yew and Holly are significant trees and warrant retention. No objection if completed in accordance with the arboricultural report.

SDC Conservation - The proposed site of this new dwelling stands close to the western entrance to the Wylve Conservation Area on the southern side of the main road. The street at this point is very much split in its character, with the houses on the northern side (including the old pub) facing on to the street and standing at the very edge of the road in a very linear fashion; the other side, however, has historically been sparsely developed and two reasonably large properties stand gable end on to the road. These have large gardens running parallel with the road. No doubt this form of development has arisen due to the proximity of the railway line to the south.

The gap between Hope Cottage and Victoria Cottage comprises a significant part of the gateway to the conservation area, having the sense of space associated with historic village layouts and is particularly important to the CA. The fine mature hedgerow contributes hugely to this and its loss would have a negative impact on the CA.

If the principle of development here is deemed acceptable, then I have further issues with the design. The use of brick & flint is slightly unusual at this location as most houses in Wylve are either of stone, stone & flint, or painted brick; there are some examples of red brick from the 19<sup>th</sup> century however I'm not aware of any red brick & flint. Furthermore, flint block would not be acceptable under any circumstances in this location as it would be such a negative aspect and diminish the visual value of the other buildings where it has been done properly; I would prefer painted brick as this would soften the impact of the new house. The use of a single eaves

dormer is odd and very untraditional, presumably a result of the kitchen wing on the front of the house. Window details are sadly lacking, but would need to be timber and must be conditioned. In the interests of future owners, I note that the house will have virtually no useable garden as a result of the parking/turning arrangements.

In summary, to fill in the gap between these two historic houses would bring an unnecessarily suburban feel to the remaining unharmed portion of the south side of Towns End and spoil the valued historic character of this entrance to the Conservation Area.

## **REPRESENTATIONS**

Advertisement	Yes, expiry date 25 <sup>th</sup> January 2007
Site Notice displayed	Yes, expiry date 25 <sup>th</sup> January 2007
Departure	No
Neighbour notification	Yes, expiry date 11 <sup>th</sup> January 2007
Third Party responses	No
Parish Council response	None received

## **MAIN ISSUES**

Principle, scale and design, impact on conservation area, residential amenity.

## **POLICY CONTEXT**

Adopted Local Plan policies G2 (General), D2 (Design), H16 (Housing Policy Boundary), CN8 (Development in Conservation Areas), CN10 (Gaps within the Conservation Area), C4 & C5 (Development within the AONB), R2 (Public open space)

Loss of hedging

## **PLANNING CONSIDERATIONS**

The site is located within the Housing Policy Boundary, Conservation Area of Hanging Langford and Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjacent to a Grade II listed building. Policy H16 will apply, where the principle of new small-scale development and redevelopment is established as acceptable subject to the general, design, conservation and listed building policies of the local plan.

Planning permission has already been refused for the erection of a dwelling and creation of a new vehicular access for the reasons given above.

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. Section 54A of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local plan policies require that development within Conservation Areas should preserve or enhance the character of the area, where the form, scale and design of new development and the materials used, respect the character of the area, in accordance with policy CN8. Policy D2 states that proposals for street and infill development will be permitted where the proposals respect or enhance the character of appearance of an area.

Hope and Victoria Cottages are sited adjacent and at right angles to the road, with large gardens running parallel with the road.

Policy CN10 states that the loss of open spaces, gaps between buildings and gardens will not be permitted where this would detract from the special character of the Conservation Area.

The Conservation Officer has advised that the gap between Hope Cottage and Victoria Cottage comprises a significant part of the gateway into the conservation area, having the sense of space associated with historic village layouts and is particularly important to the Conservation Area.

The proposed vehicular access will also involve removal of part of the mature boundary hedge fronting the road, which makes a positive contribution to the appearance of the street scene and conservation area. The removal of this hedge and set back to create the necessary recessed entrance and visibility splays to meet highway requirements is considered to result in the loss of an important landscape feature and will have a negative impact upon the conservation area.

The impact to the hedge was a reason for refusal the scheme in 2001, which proposed a similar access arrangement, although the 2001 application proposed to retain the existing hedge and instead would have required a condition to lower it to 1m high for visibility purposes.

The architect's design and access statements outlines that the design of the dwelling has reflected the design of the surrounding dwellings, including The Old Swan which has a front eaves line broken by three dormers and that this is reflected in the front elevation treatment to the proposed house. The Conservation Officer considers that this is very untraditional feature.

The architect has stated that the single storey frontage bay has been added to reduce the overall scale of the house and that this is not out of context given the diversity of building styles in the locality.

It is proposed to use red brick to the external elevations with flint panels (the architect identifies the use of flint as a distinctive local building style). However, the Conservation Officer has questioned the use of brick and flint as most houses in Wylde are either of stone, stone and flint or painted brick. The quality of flint and flintwork is important to the overall appearance of development and the use of the flint block is not considered appropriate in this location, as this would devalue the visual value of the other buildings where it has been done properly.

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers.

Victoria Cottage has principal elevations facing east, with only small windows on the west elevation overlooking the development site.

1 & 2 Hope Cottages have principal elevations to the west and east with windows overlooking the development site at ground and first floor, although it is considered that the separation between proposed and existing dwellings would not result in a significant impact to residential amenity.

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. However, payment is only requested if the council is minded to approve the scheme. It will be necessary to include a reason for refusal relating to policy R2 in the event of an appeal against a decision to refuse the scheme.

## **CONCLUSION**

The site is located within the HPB where the principle of residential development is accepted subject to being considered against other relevant policies within the local plan.

However, the site is also within an AONB, and the Conservation Area.

There are concerns with the design and materials proposed, but the main concern is the loss of an important open gap and mature boundary hedge within the conservation area.

The gap between Hope Cottage and Victoria Cottage comprises a significant part of the gateway to the conservation area, having the sense of space associated with historic village layouts and

is particularly important to the Conservation Area. It is considered that the proposal to build a dwelling in the garden of Hope Cottage will result in the loss of an important gap within the conservation area,

The proposed vehicular access will also involve removal of part of the mature boundary hedge fronting the road, which makes a positive contribution to the appearance of the street scene and conservation area. The removal of this hedge and set back to create the necessary recessed entrance and visibility splays to meet highway requirements is considered to result in the loss of an important landscape feature and will have a negative impact upon the conservation area.

## **RECOMMEND REFUSAL**

### **REASONS FOR REFUSAL:-**

(1) The gap between Hope Cottage and Victoria Cottage comprises a significant part of the gateway to the conservation area, having the sense of space associated with historic village layouts and is particularly important to the Conservation Area. The proposal to build a dwelling in the garden of Hope Cottage will result in the loss of an important gap within the conservation area. The proposed vehicular access will also involve removal of part of the mature boundary hedge fronting the road, which makes a positive contribution to the appearance of the street scene and conservation area. The removal of this hedge and set back to create the necessary recessed entrance and visibility splays to meet highway requirements is considered to result in the loss of an important landscape feature. The development will have an adverse impact to the character and appearance of the conservation area and the surrounding landscape designated as an Area of Outstanding Natural Beauty for the reasons set out above, contrary to policies H16, G2, CN8, CN10, C4 and C5 of the Adopted Local Plan.

(2) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan (June 2003) because appropriate provision towards public recreational open space has not been made.

### **(3) INFORMATIVE:- R2 FOR REFUSAL**

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.



Application Number:	S/2006/2122		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Location:	WISMA FARM WINTERBOURNE STOKE SALISBURY SP3 4TQ		
Proposal:	DEMOLISH EXISTING DERELICT POULTRY SHEDS AND SILOS, STEEL FRAMED BARN AND ASSOCIATED OUTBUILDINGS. REDEVELOP SITE BY ERECTION OF REPLACEMENT DWELLING, STABLE BLOCK, LAMBING SHED AND STORES, OFFICE BUILDING, STORAGE BUILDING, CONSTRUCTION OF A MENAGE AND ASSOCIATED ACCESS AND LANDSCAPE WORKS.		
Parish/ Ward	WINTERBOURNE STOKE		
Conservation Area:		LB Grade:	
Date Valid:	16 October 2006	Expiry Date	11 December 2006
Case Officer:	Mr S Llewelyn	Contact Number:	01722 434659

### REASON FOR REPORT TO MEMBERS

Councillor West has requested that this item be determined by Committee due to the interest shown in the application

### SITE AND ITS SURROUNDINGS

The application site comprises a currently unused poultry farm that is located on the eastern side of the B3083, about 700 metres to the north of the village of Berwick St James and approximately 350 metres to the south of the junction of the B3083 with the A303. The site is also located a short distance (about 150 metres) to the south west of the settlement boundary of Winterbourne Stoke. The B3083, from which the site is accessed, links into the A303 west of Winterbourne Stoke and into the A36 at Stapleford.

The site extends to an area of about 2.16 hectares and was formerly used as a poultry farm and is occupied by two timber framed poultry sheds that are constructed from blockwork and timber boarding and measure about 80m x 15m, together with ancillary grain silos that are located at the eastern end of these units. The existing poultry sheds are both single storey and are relatively low-key buildings in terms of their overall height, although the grain silos stand at a much greater overall height. There are also two large areas of hardstanding to the southern side of the poultry sheds where two former poultry units that have been destroyed by fire previously stood. In addition, there is also a steel framed hay barn measuring about 12m x 18m that is located close to the site frontage and is enclosed by metal cladding to the road (west) elevation.

The site is also occupied by a detached, single storey bungalow that is located towards the south eastern corner of the site. The existing dwelling has a pitched roof form and is finished in render under a concrete tiled roof. As such, the site is clearly divided into two separate uses, the agricultural use that occupies about three quarters of the site area and the residential area that occupies the remainder of the site. There are also several small outbuildings scattered around the eastern end of the overall site.

The remainder of the site forms an open and grassed area that is largely devoid of vegetation and effectively forms an agricultural field. The site is generally level, although the area of land between the existing poultry sheds and the frontage boundary forms a small terrace at a slightly higher level to the rest of the site and there is a gentle slope down towards the east. The boundaries of the site are predominantly demarcated by post and wire fencing, although there is a conifer screen along part of the length of the northern boundary and a line of hawthorn trees along about half the length of the frontage boundary to the site.

The site has two vehicular access points from the B3083, one at each end of the frontage (western) boundary to the site.

The site is located outside of any settlement boundaries within the open countryside of the Special Landscape Area.

## THE PROPOSAL

This application seeks planning permission to demolish the existing bungalow, the redundant poultry sheds and silos, a steel framed hay barn and other outbuildings and to redevelop the whole site by the erection of a replacement dwelling together with an ancillary stable block, lambing shed and stores, an office building and storage building for employment purposes and the construction of a ménage for domestic use. The proposal also includes associated access works and landscaping.

It is proposed that the office and storage buildings will provide new employment facilities for the applicant's business to relocate from their existing premises at Lower Woodford. The office building will accommodate a reception area, offices, a meeting room and ancillary kitchen and toilet facilities on the ground floor with dry archive storage at the first floor level. The storage building will be used for the storage of sale boards, exhibition and auction displays, trailers and advertising hoardings associated with the business use as well as for the storage of equipment for use in the ménage. The storage building will also provide a secure cycle store, together with a locker room and shower/toilet facilities. These buildings will both be finished with timber cladding above a brick plinth under a slate/clay tile roof.

The proposed replacement dwelling has been designed with a fairly traditional façade to the principal front elevation to reflect the design of a manor/farmhouse and is proposed to be finished in brick and flint/stone elevations under a clay tile roof. The property will be two-storeys in height with a fairly steeply pitched hipped roof form and will accommodate the principal habitable accommodation (living room, dining room, kitchen etc) on the ground floor with 4 bedrooms and a bathroom at the first floor level.

The proposal also includes the erection of an associated stable block and domestic outbuildings. This will incorporate four loose boxes to house the applicant's own horses, a feed store, tack room, rug store, wash down and lorry/trailer park with a hay loft above. It will also provide a triple bay lambing shed, garden store and wood shed. The proposed ménage will measure 60m x 30m and will be enclosed by post and rail fencing. It will be finished in a rubber/sand surface treatment. It is proposed that the ménage will be used for the applicant's own private domestic use.

In addition to the above, this application includes the closure of the existing accesses at either end of the site frontage with the proposed development served by a new centrally positioned vehicular access. It is proposed that the main access driveway will lead to a parking and turning area to the front of the proposed replacement dwelling and to the stable block, while a secondary access will split off from this main driveway close to the access point and will provide access to the proposed office and storage building and associated parking spaces.

## PLANNING HISTORY

The planning history indicates a poultry use on this site dating back to 1973 with the earlier use of the site as a piggery. Since this date, there have been various applications relating to the poultry use of the site, including:

- S/1996/1202 Planning permission was refused for the provision of a mobile home for an agricultural worker in November 1996.
- S/2000/2036 In January 2001, planning permission was granted for the erection of a replacement agricultural building (poultry unit) to replace earlier units lost to fire. *This permission has not been implemented and has now lapsed.*
- S/2000/2037 At the same time, planning permission was also granted for the erection of a second agricultural building (poultry unit) to replace an earlier unit lost to fire. *This permission has not been implemented and has now lapsed.*

More recently, and of particular relevance to the current proposal, the planning history includes the following planning applications:

S/2003/0586 Planning permission was refused in June 2003 for alterations to and conversion of the former agricultural buildings to provide 11 B1/B8 industrial/storage units. This application was refused for the following reasons:

- “1. The proposed development, by virtue of its range of uses, scale and location represents a significant employment development which is likely to be served primarily by private motorised vehicles and therefore will increase the number and length of such trips, contrary to the aims to achieve sustainable patterns of development including influencing the rate of traffic growth and reducing the environmental impact of transport overall, as established by the Wiltshire Structure Plan Policy DP1, Replacement Salisbury District Local Plan Policy G1 and PPG13.*
- 2. In the absence of any Traffic Assessment the Local Planning Authority is not convinced that the resultant traffic arising from this development can be safely accommodated within existing road capacities, including the A.303, A.36 and B.3083 and therefore the scheme is considered to be contrary to the requirements of Policy G1 (iv) and C21 (ix) of the Adopted Salisbury District Local Plan, and policies G2 (ii) and C24 (ix) of the Replacement Salisbury District Local Plan.*
- 3. The County Class II road B3083, by reason of its restricted width, poor alignment and sub-standard junction with the Trunk Road A.36 at Stapleford is considered unsuited to serve as a means of access to the proposed development, contrary to the requirements of Policy G1 (iii) of the Adopted Salisbury District Local Plan and Policy G2 of the Replacement Salisbury District Local Plan.*
- 4. Vehicles resulting from the proposed development leaving the site access at a point where visibility from and of such vehicles is restricted, would be a source of danger to other road users to the detriment of highway safety, contrary to the requirements of Policy G1 (iii) of the Adopted Salisbury District Local Plan and Policy G2 of the Replacement Salisbury District Local Plan.*
- 5. The proposed development, by retaining two large and utilitarian structures, in addition to the introduction of vehicle parking areas and any ancillary outside storage and signage required for the normal operation of the resultant development will represent an alien and harmful form of development within the open countryside setting of the Special Landscape Area, contrary to the requirements of Policy C7 of the Adopted Salisbury District Local Plan and Policy C6 of the Replacement Salisbury District Local Plan”.*

S/2005/2522 A planning application to redevelop part of the site of Wisma Farm through the demolition of the existing poultry sheds and the erection of two office buildings, a store building, a manage and associated parking provision was withdrawn in January 2006.

There is no planning history relating to the existing bungalow on the site.

#### CONSULTATIONS

WCC Highways: Object on the grounds that by reason of its location the proposed development is unsustainable.

**Highways Agency: No objection and has confirmed that it does not propose to give a direction restricting the grant of planning permission.**

**WCC Archaeology: No objection, subject to the imposition of a condition requiring an archaeological watching brief takes place during the initial stages of construction.**

**Environment Agency:** No objection, subject to the imposition of conditions relating to land contamination, pollution prevention, foul and surface water drainage, water efficiency and flood risk.

**Wessex Water:** The site is not located within a Wessex Water sewered area. It is therefore advised that the Council is satisfied with any arrangements for the disposal of foul and surface water flows generated by the development.

It is also advised that there is a public water main crossing or very near the site and Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems.

It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal.

It is also advised that there is an oil pipeline either crossing or near the site.

Natural England: No objection.

Wiltshire Wildlife Trust: No objection.

Wiltshire and Swindon Biological Records Centre:

Although there are no records of bats at this site, a protected species survey is strongly recommended. Paragraph 47 of PPG9 states that, the presence of a protected species is a material consideration in determining a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

Environmental Health: No comments to make.

#### **REPRESENTATIONS**

Advertisement	Yes - expired 16/11/06
Site Notice displayed	Yes - expired 16/11/06
Departure	Yes
Neighbour notification	Yes - expired 07/11/06
Third Party Response	Yes

Six letters of representation have been received in response to the proposed development.

Of these letters, two have been submitted in objection to the proposal and raise the following objections/concerns:

- The conifer trees that are shown for felling as part of the landscape proposals are located on an area of land that is currently the subject of a land ownership dispute. Until this matter is resolved is not appropriate for them to form part of this application.
- There are adequate equestrian facilities in the area

The other four letters of representation have been submitted in support of the application for the following reasons:

- The present buildings that occupy the site, including the poultry sheds and the bungalow, are an eyesore and despoil the character of this area of the countryside.
- The proposed development will visually enhance this rather derelict and unsightly site, as well as the surrounding area.
- The proposed development may offer a small amount of employment to local people.
- The proposed dwelling is of a sensible size, given the size of other surrounding properties and is in keeping with the scale of the site. The existing bungalow is barely habitable.
- The proposed landscaping and tree-planting scheme should further enhance the property and the general surrounds.
- The use of the site as an equestrian centre is a welcome improvement to the site.
- Concerns relating to future use of the site by travellers

- Parish Council: Support the proposed development for the following reasons:
- It will enhance the Special Landscape Area.
  - The new vehicular access will improve highway safety and there will be a significant reduction in vehicle movements to and from the site in comparison to its former use as a chicken farm that was serviced by large HGV's on a 9-week cycle.

However, it is recommended that no trees or large bushes should be felled on the southern boundary of the site apart from two *Leylandii* trees. It is also suggested that a condition should be imposed removing any permitted development rights.

## **POLICY CONTEXT**

The following policies are relevant to the current proposal:

Adopted Salisbury District Local Plan (June 2003): G1, G2, G4, H30, E21, CN21, CN22, C1, C2, C6, C8, C12, TR11, TR14 and R1C.

Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006): DP1, DP3, DP9, DP14, T5, C1, C9 and HE2.

Also of relevance to this application are PPS1 "Delivering Sustainable Development", PPS7 "Sustainable Development in Rural Areas" and PPG13 "Transport".

## **MAIN ISSUES**

1. Principle of development
2. Visual Impact of Development upon the Landscape/Design
3. Sustainable Patterns of Development
4. Impact upon Highway Network
5. Residential Amenity
6. Flood Risk
7. Drainage
8. Impact on Protected Species
9. Nature Conservation
10. Archaeological Issues
11. Provision of Recreation Facilities

## **PLANNING CONSIDERATIONS**

### **1. Principle of Development**

The application site represents an agricultural site that lies outside of the settlement boundaries of Berwick St James and Winterbourne Stoke and forms part of the Special Landscape Area within the open countryside. The current application, however, proposes the redevelopment of the site for various forms of development and uses, including office development for employment purposes, equestrian-related uses including a ménage and stable block and the erection of a replacement residential dwelling. As such, this application represents a proposal that raises a number of complex policy issues.

Given the location of the site within the open countryside, the proposed development falls to be considered against the relevant countryside policies that represent an appropriate starting point for the assessment of this application. Within the open countryside, Government guidance set out in PPS7 "Sustainable Development in Rural Areas" makes it clear that new development should be strictly controlled and that there is a presumption against new development for which there is no demonstrable need. In this respect, PPS7 states at Paragraph 1 (iv) that, "*New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all*". The guidance also identifies at paragraph 15 that "*Planning authorities*

*should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced”.*

The countryside policies of the Adopted Salisbury District Local Plan uphold the guidance set out in PPS7 and in particular that new development should maintain or enhance the environment. Policies C1 and C2 seek to protect and conserve the character and appearance of the countryside and identify that development in the countryside will be strictly limited in order to fulfil the objective of conserving the countryside and will not be permitted unless it would benefit the local economy and maintain or enhance the environment. Policy C6 that deals specifically with development proposals in the parts of the countryside designated as a Special Landscape Area is also of particular relevance. This policy requires that development within the Special Landscape Area must have particular regard to the high quality of the landscape and that the siting and scale of development must also be sympathetic with the landscape and of a high standard of design.

#### **a) Employment Use**

With regards to the employment element of this application, it is proposed that the office and storage building will provide new employment facilities for Fox Grant Ltd. The applicant argues that due to the nature of this business (rural land and estate agency) it is desirable for their premises to be located within the area in which the business operates. It is recognised that in accordance with Policy C2 the proposed employment use would provide some benefit to the local economy and may provide employment opportunities for local people. The existing use of the site, however, is for agricultural purposes and although it is recognised that both national and local planning policy permit the redevelopment of previously-developed land, subject to the site specific circumstances and various criteria, agriculture is specifically excluded from the definition provided in PPS3 of previously-developed land. As such, the proposed demolition of the existing poultry sheds and erection of new employment premises on the site falls to be considered against the relevant policies of the Adopted Salisbury District Local Plan and in particular Policy E21 that relates specifically to the development of new employment sites. This policy prohibits the establishment of new development for employment purposes in the countryside and states that, *“Except as provided in policy E19, the development of new sites for employment purposes will not be permitted in the open countryside”*. Given that the site is divorced from the settlements of Berwick St James and Winterbourne Stoke, it therefore clearly lies within the open countryside. As such, from the outset it is considered that there is a fundamental objection to the principle of this aspect of the proposed development in this location, as it would contradict the unequivocal statement in Policy E21 that the development of new employment sites will not be permitted in the countryside.

The applicant, however, contends that Government advice is supportive of this aspect of the proposed development. In this respect, the applicant refers to guidance set out in Paragraph 19 of PPS7 that provides some scope for the replacement of buildings for economic development purposes. In this respect, Paragraph 19 of PPS7 states; *“The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes”*. It also states that this approach should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. However, the guidance also states that local planning authorities should set out the criteria that will be applied to the replacement of countryside buildings and that these should take account of the considerations set out in Paragraph 17 of PPS7 that apply to the conversion and re-use for economic purposes of existing buildings in the countryside.

As identified in Paragraph 17 of PPS7, the Government’s policy is to only support the re-use of “appropriately located” and “suitably constructed” existing buildings in the countryside. Therefore, this raises the question as to whether the existing buildings are suitable for conversion and worthy of retention. Further guidance on this issue is provided in Policy C22 of the Adopted Salisbury District Local Plan that relates to the change of use of buildings in the countryside. This policy indicates that, amongst other criteria, the building should not be made of flimsy prefabricated materials and is constructed in a permanent manner that enables its conversion without substantial reconstruction and that the building is not visually intrusive or

inappropriate to its setting. In this instance, the existing poultry sheds are constructed from timber sheeting and metal clad roofing and it is therefore considered that they are constructed from flimsy pre-fabricated materials and are not capable of conversion without substantial alteration for the office use proposed by this application. To some extent, this is evidenced by the applicant's planning statement that indicates that the conversion of the existing buildings is not particularly economic nor environmentally friendly having regard to their construction, design and relatively low height. Furthermore, a previous application for the conversion of the existing poultry sheds to provide 11 B1/B8 units was refused on the grounds that the development by reason of retaining the existing large and utilitarian structures that fail to make a positive contribution to the landscape and therefore are not worthy of retention would represent a harmful form of development within the open countryside. For these reasons, it is considered that the existing poultry sheds are not suitable for conversion or worthy of retention and therefore should not constitute existing buildings that are appropriate for replacement in accordance with Paragraph 19 of PPS7.

Furthermore, the Government advice at Paragraph 19 of PPS7 is only supportive of the replacement of existing buildings in the countryside where they are "suitably located" and would meet sustainable development objectives. Despite the assertion of the applicant that the site is well located it is not considered that this is the case. The thrust of the national guidance is to encourage development in sustainable locations, such as the larger urban areas, existing towns and other service centres, which offer a good range of community facilities and with good access to employment, housing, key services and infrastructure and which are served by public transport and offer the greatest opportunities for access by walking and cycling thereby reducing the dependency on the private car. This guidance is also echoed by Policy DP1 of the Wiltshire and Swindon Structure Plan 2016 and Policy G1 of the Adopted Salisbury District Local Plan that seek to ensure that development promotes a sustainable pattern of development that reduces the need to travel by car and encourages increased use of public transport, cycling and walking. By reason of its rural location outside of any settlement boundary, the site is remote from housing, services, other employment opportunities and is not well served by public transport. In this regard, it is not considered that the provision of a new employment site at this location is in any way sustainable, but would be contrary to the key aims of PPG13 "Transport" that has the twin aims of promoting patterns of development that would firstly, reduce reliance upon journeys made by private car and secondly, enable people to reach everyday destinations with less need to travel. This proposal would achieve neither and as such the site is not considered to be suitably located whereby the replacement of the existing buildings should be supported.

In light of the above considerations, it is considered that there is no clear policy support for the redevelopment of the site with an element of employment use in this location within the countryside. Indeed, this site has only previously been developed by reason of agricultural justification and it is considered that the employment use in the form of the proposed office and store buildings is not an appropriate form of development in this location where no overriding agricultural need can be demonstrated. As such, there is a fundamental policy objection to the principle of this aspect of the proposed development.

#### **b) Replacement Dwelling**

With regards to the proposed replacement dwelling, Policy H30 of the Adopted Salisbury District Local Plan that specifically relates to the replacement of existing dwellings in the countryside is directly relevant to this aspect of the application. This policy is permissive of such development, but only where, amongst other criteria, *"the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling"*. The explanatory text to this policy provides further advice in relation to the reason for this policy and states, *"A replacement dwelling should not be significantly larger than the one being replaced in order to maintain the overall character of the countryside. The fact that a house on a particular site would be unobtrusive is not considered sufficient justification for a substantial increase in size, as the cumulative impact of proposals, if not carefully controlled, would lead to the long-term erosion of the character of the District's countryside"*. This makes it clear that it is not just the site specific impact of a replacement dwelling that has to be considered, although this is of course of importance, but also the cumulative impact on the wider countryside of allowing significantly larger dwellings that would result in long-term harm to its character.

In this case, it is considered that the proposed replacement dwelling would be “*significantly larger*” than the existing dwelling. In terms of a comparison of the footprint of the proposed replacement dwelling with the existing dwelling, it is considered that the proposed increase would be from 165m<sup>2</sup> to 180m<sup>2</sup> – an increase of about only 9% that is well within the increase in size of the replacement dwelling that could be tolerated by this policy (an increase of about 30% in the size of the replacement dwelling is normally considered to represent an acceptable limit).

The replacement dwelling, however, is proposed to be two-storeys in height with the habitable accommodation provided on two separate floor levels whereas the existing dwelling is a single storey bungalow with the habitable accommodation restricted to the ground floor only. As such, in terms of floor space, it is considered that the replacement dwelling would represent a significant increase in comparison to the existing property. In support of the proposal, the applicant contends that when calculating the floor area of the existing dwelling an existing outbuilding, which it is argued forms a garage ancillary to the existing dwelling, should also be taken into consideration. On this basis, the applicant contends that the overall floor space would increase from a total of 210m<sup>2</sup> (existing dwelling and garage) to 272m<sup>2</sup> (replacement dwelling only). This would represent an increase of 62m<sup>2</sup>, which is equivalent to a 30% increase in the overall floor space.

The appropriateness of including this outbuilding in the calculations of the floor space of the existing dwelling, however, is questioned. In this respect, it is challenged whether this outbuilding can actually be construed to constitute a garage building as it very much has the physical appearance of a field shelter and at the time of the site visit was clearly being used as a form of stabling. In addition, the applicant’s calculations of the amount of floor space that will be created by the replacement dwelling is also questioned, and it is considered that the replacement dwelling will actually provide about 303m<sup>2</sup> of floor space as opposed to the 272m<sup>2</sup> quoted by the applicant in their supporting planning statement. On this basis, it is considered that the proposed increase in the floor space would be from 150m<sup>2</sup> to 303m<sup>2</sup> – an increase of 102% that is clearly significant. Even if it were accepted that the outbuilding in question is taken into consideration, the proposal would result in an increase in the overall floor space from 210m<sup>2</sup> (existing dwelling and garage) to 303m<sup>2</sup> (replacement dwelling only), which represents an increase of about 44%. This is still considered to be substantially greater than that considered acceptable (about 30% increase) in accordance with Policy H30 and is an indication that the replacement dwelling will be significantly larger than the existing dwelling contrary to this policy.

In terms of the physical size of the existing and replacement dwellings, the proposed dwelling would be some 9.0m high to the main ridge and 5.4m to the eaves level (in comparison to the ridge and eaves heights of the existing dwelling of 4.4m and 2.5m respectively), while the overall depth would be 17.1m (compared to 9.9m) and the width would be 16.2m (compared to 18.8m). As such, the replacement dwelling would result in an increase in the height and bulk and again it is considered that this clearly reflects that the replacement dwelling will be significantly larger than the existing dwelling. Furthermore, it is also clearly evident that as a result the volume of the replacement dwelling would be significantly greater than that of the existing dwelling.

In light of the assessment that the replacement dwelling would be significantly larger than the existing dwelling, it is considered that the proposed development will clearly be contrary to Policy H30. This requirement is a matter of principle and the policy identifies that even where a site is unobtrusive a significantly enlarged dwelling should be refused. In support of the proposal, the applicant has referred to other proposals in their planning statement that have been allowed elsewhere and that have resulted in significant increases as part of the justification. However, it is not considered that this overrides the presumption set out in Policy H30, while each proposal should be considered on its own merits. Simply because some proposals have been exceptionally allowed does not mean that every proposal should be – to accept this would be to undermine the efficacy of Local Plan policies that aim to prevent the cumulative impact of additional development on the countryside. As such, in the absence of any overriding justification for the proposed development there is also a principle policy objection to this aspect of the application.

### **c) Stable Block/Ménage**

As mentioned above, as a general rule, new development in the countryside should be strictly controlled and there is a general presumption against new development in the countryside for



which there is no demonstrable justification in accordance with the advice in PPS7 and the countryside policies of the Adopted Salisbury District Local Plan. The policy stance towards equine related activities, however, is more permissive. In this respect, paragraph 32 of PPS7 states, *"Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit well with farming activities and help to diversify rural economies"*. However, such development should maintain the environmental quality and countryside character. This advice is also echoed in Policy R1C of the Adopted Salisbury District Local Plan that also advises that proposals for outdoor recreational facilities in the countryside may be permissible provided that there will be no significant adverse impact on the surrounding landscape and where it is not dependent upon the construction of large structures or buildings. As such, an assessment of the visual impact of the proposed stable block and ménage on the surrounding landscape is required.

## **2. Visual Impact of Development upon the Landscape/Design**

With regards to the visual impact of the proposed development, as mentioned above Government guidance states that new development in the open countryside away from existing settlements should be strictly controlled and that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. In accordance with local plan policies, development proposals in the parts of the countryside designated as a Special Landscape Area must have regard to the high quality of the landscape and the siting and scale of development must be sympathetic with the landscape and of a high standard of design.

At present, the existing buildings are of a relatively low, single storey form and as such do not dominate any prominent or skyline location. Indeed, due to the relatively low lying position of the site, together with the topography of the surrounding landscape and existing tree cover, distant views of the site are limited. The existing poultry sheds by reason of their scale, reflective roof materials and the height of the grain silos, however, are more prominent features in the landscape when viewed from some more localised vantage points. In particular, there are clear views of the existing buildings when the site is approached from the A303 to the north as well as from the footpath that runs immediately adjacent to the eastern boundary of the site. Nevertheless, while it is recognised that the design of the existing poultry sheds is functional and the appearance of the site as a poultry farm does not enhance the visual qualities of the landscape character of the Special Landscape Area, it must be borne in mind that the design, layout and materials of the existing poultry units are typical of agricultural development in general and are of a format that is expected to be found in rural locations.

In considering the visual impact of the proposed development, the office and storage buildings have been designed to replicate traditional vernacular agricultural buildings with timber clad elevations under a slate/clay tiled roof. Whilst it is recognised that these buildings would generally be of an acceptable design and would occupy a substantially reduced footprint in comparison to the existing poultry units, it is also evident that due to the steeply pitched roof form they would be of a much greater overall height. In this respect, the proposed office and storage buildings would have an overall ridge height of about 6.8 metres and 7.6 metres respectively in comparison to the existing poultry sheds that are about only 3.5 metres in height. As such, it is considered that due to their overall ridge height and roof massing, the proposed office and storage buildings would be visually more prominent in the wider area.

With regards to the proposed replacement dwelling, in addition to the 'in principle' concerns outlined above, Policy H30 requires that the replacement dwelling *"has no greater impact than the existing dwelling"*. While it is recognised that the existing dwelling is of little or no architectural merit, due to its relatively modest scale and height, together with its siting towards the south eastern corner of the site, it is considered that the existing dwelling has little visual impact on the surrounding landscape. In contrast, the replacement dwelling has been designed as a more traditional farmhouse that reflects the local vernacular and in this respect will be two-storeys in height and finished in brick and flint/stone elevations with a clay tiled hipped roof. However, due to the significant increases identified above, and in particular the fact that the proposed replacement dwelling will be two-storeys in height, it is considered that it will be of significantly greater bulk, scale and physical mass and as such would be significantly more prominent in the countryside and the Special Landscape Area than the existing dwelling. In turn,

it is also considered that to some extent this would have the effect of giving the site a more domestic appearance to the detriment of the character and appearance of the countryside.

Turning to the proposed stable block, it is considered that in general terms stable buildings would normally be expected to be low profile buildings and restricted to a size that meets the required needs only. Whilst it is reasonably accepted that additional facilities such as tack rooms, feed stores etc may be required it is also considered that these should be designed as an integral part of the proposed building/structure to reflect the minimalist approach to the development. While a significantly smaller stable building might be considered to be acceptable on this site, in this instance, it is considered that the overall scale and massing of the proposed stable building would be excessive, measuring approximately 31m x 29m and 9 metres at its highest point. As such, it is considered that it would be visually intrusive within the Special Landscape Area. Furthermore, it is considered that insufficient evidence has been submitted to justify that all of the facilities are reasonably required, particularly at the scale that is proposed.

With regards to other aspects of the proposed development, it is accepted that the construction of a ménage will often have only a limited visual impact on the countryside and it is considered that this will be the case in this instance. However, whilst it is considered that the ménage is acceptable in its own right, it should be noted that it constitutes a further form of development to what is already considered to be an excessively large development. In addition, the proposal also includes the provision of paddock areas for the keeping of the applicants' own horses for recreation purposes, although it has been stated that this will be for grazing purposes only and the horses will not be exercised on the land. While this will result in the use of the land for non-agricultural purposes, it is not considered that the use of the land for this purpose is likely to have any more impact in visual terms over its use for agricultural grazing.

The current proposal also includes an enlargement of the proposed residential curtilage to the replacement dwelling in comparison to that of the existing dwelling on the site. In this respect, the applicant's agent has advised that the existing residential curtilage extends to approximately 1.1 acres, while the area of residential curtilage associated with the proposed replacement dwelling would be about 1.25 acres. While it is recognised that this represents a fairly limited extension to the residential curtilage it is nevertheless considered that it still constitutes an encroachment into the countryside for which there is no demonstrable justification. Furthermore, the extent of the existing residential curtilage identified by the applicant's agent is questioned. In this respect, it is argued that an area of land to the east of the existing dwelling forms part of the existing residential curtilage but given the physical appearance of this area of land and the fact that it is fenced off from the domestic garden it is questioned whether this is the case. If it were indeed the case that it does not form part of the existing curtilage, then the proposed development would represent a further unjustified encroachment into the countryside.

In support of the proposed development, the applicant has submitted a landscape appraisal that assesses the visual and landscape impact of the proposed development. This report concludes that the proposed development will have a positive visual impact on the landscape quality of the Special Landscape Area through the removal of the existing poultry sheds, that it is argued are unattractive and visually intrusive due to their scale and reflective materials, and their replacement with less intrusive development that reflect a more sympathetic design and use of materials. Furthermore, the proposal also includes the removal of the existing conifer screen to the northern boundary and the provision of extensive planting of native woodland as an intrinsic part of the development which it is argued will reduce the visual impact of the site and development in the local area, particularly in the longer term as the planting matures.

Whilst it is acknowledged that the proposed planting referred to in the submitted landscape appraisal would serve to provide some screening of the proposed development in the longer term, the submitted details provide only indicative details of the planting rather than a detailed planting scheme and as such it is difficult to assess the extent that this may mitigate views of the site and development. Furthermore, it should also be borne in mind that it would be difficult to retain control over this landscape planting in terms of its long term retention, while it will also take a considerable number of years for the planting to establish and mature to a size where it will provide an effective screen to the development. Of more importance, however, is the fact that although a development is unobtrusive or screened this is not by itself a good argument to allow a development that is otherwise excessive and for which there is no overriding need or justification, as it is an argument that could be repeated too often. To accept this argument

would undermine the 'in principle' objections to excessive development in the countryside and cumulatively would lead to the erosion of the character and appearance of the countryside over time.

Although it is the applicant's contention that the proposed development will enhance the visual appearance of the site by the removal of the existing poultry sheds, it must be borne in mind that the design, layout and materials of the existing poultry units are typical of agricultural development in general and are of a format that is reasonably expected to be found in rural locations. Indeed, the only reason that the site has been developed at all is due to an agricultural need. By contrast, it is considered that the current proposal will result in the undesirable proliferation of non-agricultural buildings in the countryside for which no overriding justification or need has been demonstrated, while the scattered arrangement of the development would amount to an undesirable encroachment into the countryside. As such, the proposal would be contrary to the desirability to preserve the countryside for its own sake. It is further considered that the proposed development could also act as a precedent for similar inappropriate schemes, if permitted, particularly as the circumstances surrounding the application are clearly not exceptional. In fact, there is an argument to say that the applicant has a responsibility to keep the site in a clean and tidy condition and that once the existing buildings cease to be required for agricultural purposes, and subject to them not being worthy of retention, as is considered to be the case in this instance, they should be demolished and the land restored as open countryside (agricultural field).

### **3. Sustainable Patterns of Development**

A key issue in the determination of this application is whether the proposed development would constitute a sustainable form of development in respect of the associated traffic generation given the location of the site outside of any settlement boundary and within the open countryside.

In support of the proposed development, the applicant has submitted a traffic assessment that has been prepared by a highway consultant that seeks to provide a comparison between the number of vehicular movements associated with the previous use of the site as a poultry farm and those that will be generated by the current proposal. It should be noted, however, that the report only compares the traffic generated by the proposed employment use on the site with the previous poultry farm use, as it is argued that any traffic generation from the replacement dwelling currently takes place with the existing dwelling and those associated with the ménage are ancillary to the residential use. The submitted report suggests that the previous use of the site as a poultry farm generated daily traffic flows for workers at the site, for deliveries of foodstuffs and for dispatching the product and any waste and that daily traffic generation in the region of 16-19 movements was typical. It is also suggested that TRICS data (database for traffic generation) indicates a normal daily flow of 14 trips per day to such an establishment. In comparison, it is indicated that in relation to the proposed development TRICS data advises that the likely traffic generation equates to 32 vehicular movements per day (23.7 movements related to the office building and 8.7 vehicle movements associated with the storage use). On the basis that the submitted report assumes a total of 18 vehicle movements per day associated with the previous use of the site as a poultry farm (average between 16-19 vehicle movements per day), the proposed development would generate an additional 14 vehicular movements per day over and above those associated with the previous use. It is the applicant's contention that this level of traffic generation is sustainable.

The submitted report, however, also considers the type of vehicle movements associated with the previous and proposed uses. In this respect, it is suggested that the previous use generated HGV and LGV movements and that it is generally held that an HGV movement is equivalent in most respects to at least 2 LGV movements, while the proposed use in comparison would not generate any HGV movements on any regular basis. As such, it is argued that the comparable traffic generation figures might be better expressed as being 32 vehicle movements per day for the proposed use as against 20 to 23 (average of say 22) vehicle movements per day for the previous use, a net increase of 10 vehicle movements per day. Furthermore, the submitted traffic assessment continues by arguing that the applicant has a reasonable record of the type and volume of vehicular movements generated by the existing business and identifies that this is in the region of 11-16 trips per day. It is therefore argued by the applicant that the proposal would not actually result in any increase in traffic generation in comparison to the previous use of the site.

With regards to the submitted traffic assessment, however, the conclusion that the actual increment in the volume of traffic generated by the proposed employment use would be nil in comparison to the previous use of the site as a poultry farm is questioned. Firstly, it is considered that the number of vehicular movements associated with the previous use of the site as a poultry farm can only represent a fall back position and be offset against the current proposal if there is a realistic likelihood of the existing poultry units being re-used for that purpose or an alternative agricultural use. The fact that these units have been disused for several years and this current application seeks their demolition, it is reasonable to assume that the prospects of the poultry operation being re-established or the buildings re-used is fairly limited.

WCC Highways have also questioned the traffic generation levels associated with the proposed development that are suggested in the submitted transport assessment. In this respect, while it is suggested that the existing business generates between 11-16 vehicular movements per day, by the applicant's own admission the proposed office building has been designed to accommodate not only the existing staffing levels of the business but it also makes provision for planned growth over the next few years. As such, it is almost inevitable that the volume of traffic movements generated by the proposed employment use will in time be greater than those currently generated. For this reason, it is not considered that the traffic movements generated by the existing business provides an appropriate basis on which to compare the traffic generation of the proposed development with the previous use. Instead, it is considered that TRICS that provides traffic generation data for different uses represents a more appropriate basis on which to assess this application, particularly given that the premises could be occupied by a different business in the future if this proposal is allowed. When considering the proposal against TRICS data, however, the County Highway Officer has advised that the proposed office and storage uses could potentially generate a substantially greater number of vehicular movements than is indicated in the submitted transport assessment. It should also be borne in mind that the information submitted in the transport assessment does not take account of the vehicular movements that will be associated with the proposed stable block, ménage and agricultural use (grazing of sheep), albeit that it is acknowledged that these uses/activities are not likely to generate a substantial number of vehicle movements. Furthermore, while it is proposed that the applicant's business will be relocated from its existing premises in Lower Woodford, the proposal would not necessarily result in the loss of the vehicular movements to and from the existing premises as they could be reoccupied by another business.

Despite the uncertainties relating to the submitted information in respect of the volume of traffic that is likely to be generated by the proposed development, even if the assertion of the highway consultant that TRICS data suggests that the proposed office and storage use will generate a total of 32 vehicular movements per day it is evident that this will still result in a net increase of 14 vehicle movements per day. In considering whether the proposal represents a sustainable form of development in terms of this level of traffic generation, it must be considered in relation to national planning guidance. Government guidance identifies that sustainable development is the core principle underpinning land use planning and that planning should facilitate and promote sustainable and inclusive patterns of development. As previously mentioned, the thrust of national guidance set out in the Government's planning policy statements/guidance notes is to encourage development in sustainable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure and which are served by public transport and offer the greatest opportunities for access by walking and cycling thereby reducing the dependency on the private car. With regards to development in rural areas, PPS7 identifies that one of the Government's key objectives is to promote sustainable patterns of development and that this should be achieved by focusing most development in, or next to, existing towns and villages. In terms of the location of development, PPS7 states *"Away from larger urban areas, planning authorities should focus new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling"*. This guidance is also echoed by Policy DP1 of the Wiltshire and Swindon Structure Plan 2016 and Policy G1 of the Adopted Salisbury District Local Plan that seek to achieve a sustainable pattern of development that reduces the number and length of journeys and need to travel by the private car.

It is acknowledged that the site is located on a bus route providing an hourly service during weekdays between Salisbury and Devizes. However, while this service frequency is good for a rural location it does not make this site one that is well served by public transport. In addition, it should be noted that the nearest bus stops to the application site are located in Winterbourne Stoke (on the A303) and in Berwick St James (at the Boot Inn), some distance from the site (approximately 900 metres in the case of the latter). Importantly, given the location of these bus stops in relation to the application site it is evident that there are no footways along the B3083 into Berwick St James and Winterbourne Stoke that is unlikely to encourage pedestrian movements to the site. In support of the application, the applicant also states that car sharing and other transport saving devices will be encouraged, while the proposal also includes the provision of cycle storage and changing/shower facilities to encourage cycling as a mode of transport. In addition, it is also stated that the applicant also intends to occupy the proposed replacement dwelling that will reduce the number of trips that they make as they will not have to travel to work. However, it is considered that by reason of the relatively isolated location of the site there are limited alternatives to car borne journeys and it is unlikely that the development will influence travel patterns. Even taking into account the measures proposed by the applicant to reduce journeys by the private car, it is considered that the development in this location will still be heavily dependent on journeys through the countryside by staff, visitors and service delivery vehicles and as such represents a significant and unsustainable form of development.

In light of the above considerations, it is considered that the proposed development by virtue of the location of the site outside of any settlement boundary and within the countryside will encourage traffic movements contrary to the principle of achieving a sustainable pattern of development that constitutes a key objective of the Government's planning policy. Although it is recognised that a certain volume of traffic movements took place in association with the previous use of the site as a poultry farm, it must be borne in mind that these were in association with an agricultural use that it is reasonable to expect to be found in this location. In contrast, in line with the Government's objective of creating sustainable patterns of development it is expected that an employment use of the kind proposed by this application should be located in, or next to, local service centres that are served by public transport and offer the greatest opportunities for access by walking and cycling and not in a countryside location such as this. While it is acknowledged that some journeys to and from the site could be undertaken by bus, it is considered that the location of the site will not encourage more sustainable travel patterns but will encourage additional vehicle trips and create further dependence on the private car for travel to and from the site contrary to the aims of local plan policies and the national guidance in PPS3, PPS7 and PPG13 that seek to discourage the reliance on the private car and locate development where there is easy access to services and a greater choice of modes of transport, other than the private car, in order to reduce the need for travel.

#### **4. Impact upon Highway Network**

With regards to other highway related matters, the submitted transport assessment also considers the proposal in terms of highway safety. At present, the site is served by two vehicular access points that are located at either end of the site frontage to the B3083. The submitted transport assessment, however, identifies that the visibility from both of the existing vehicular accesses is severely restricted and sub-standard, albeit that it is apparent that these accesses have been used safely. The current proposal, therefore, includes the provision of a new single vehicular access to the site that is centrally located along the site frontage. As a result, the submitted transport assessment identifies that it is evident that the repositioning of the vehicular access, together with the removal of the existing hedgerow/tree line adjacent to the road, would significantly improve the visibility along the B3083 and represents a highway benefit.

The submitted transport assessment also considers the suitability of the surrounding road network in serving the proposed development and in particular the junction alignments of the B3083 with the A303 and A36. This is of relevance to the current proposal as one of the reasons for refusal of an earlier application for the conversion of the agricultural buildings to provide 11 B1/B8 industrial/storage units (S/2003/0586) was based on the grounds that the B3083, by reason of its restricted width, poor alignment and sub-standard junction with the Trunk Road A.36 at Stapleford, was considered unsuitable to serve as a means of access to the proposed development. In support of the proposal, the submitted transport assessment concludes that the capacities of the overall road network and the junctions of the B3083 with the strategic network (A303 and A36) can adequately deal with any increased traffic movements

(based on generic traffic data for any similar office and storage use) arising from the proposed development. Although it is considered that the proposed office and storage use could actually generate a substantially greater volume of traffic than is predicted in the submitted transport assessment, it is nevertheless accepted that it is still unlikely to adversely affect the local road network and therefore no highway objection is raised in respect of this issue.

## **5. Residential Amenity**

With regards to the issue of residential amenity, it is not considered that the proposed development would result in any material harm to the amenities of the surrounding residential properties.

The nearest residential property to the application site, that is most likely to be affected by the proposed development, is "Over the Hill" that is located immediately adjacent to the south. The proposed replacement dwelling, however, would be distanced from this neighbouring property by about 70 metres at its closest and although it is proposed that the replacement dwelling would be two-storeys in height, in contrast the existing single storey bungalow on the site, it is considered that it would be sufficiently distanced so as not to cause any harm to neighbouring amenity.

Similarly, it is also considered that the proposed stable block, ménage and office and storage buildings that are even further distanced from this neighbouring property will not have any adverse affect upon the amenities of its occupants. Furthermore, while it is proposed that an area of land on the southern side of the site close to the boundary with this neighbouring property is proposed to be used as paddock for the grazing of horses for recreational purposes, as well as for the grazing of sheep for agricultural purposes, it is not considered that this will have any significantly greater impact upon the amenities of the neighbouring occupants than if this area of land were used for the grazing of horses for agricultural purposes for which no planning permission would be required. As such, it is considered that there is no justification to refuse the application on the basis of the impact of this aspect of the proposal on the amenities of the neighbouring property.

## **6. Flood Risk**

According to the Environment Agency's indicative flood maps, the application site lies within Flood Zone 1 that is land outside of the flood plain (i.e. areas not shown as within Flood Zone 2 or 3 on the flood maps) where there is than 1 in 1000 year chance of flooding from rivers or the sea. Within Flood Zone 1, the primary flood risk from new development is that posed either to the site or other sites by increases in surface water runoff.

In support of the application, the applicant has submitted a flood risk assessment. This assessment identifies that at present impermeable hard surfacing covers approximately 50% of the site area. The proposed development will result in a substantial reduction of the area of impermeable hard surfacing and as a result a reduction in the volume of surface water runoff. As such, it is advised that the proposed development will have a positive effect on flood risk elsewhere. In addition the flood risk assessment states that as the site lies on rising land outside of the 1 in 100 year flood zone, and some distance from the boundary of this flood zone, and having regard to the significant reduction in surface water runoff resulting from the development there are no implications for flooding when taking potential future climate change into account.

The Environment Agency has advised that the submitted flood risk assessment is considered to be acceptable and on the basis of the submitted details there is no objection to the proposed development.

## **7. Drainage**

With regards to the issue of drainage, the application site is not located within a sewered area for the disposal of foul or surface water drainage. Accordingly, it is proposed that the disposal of foul sewage will be a treatment plant that accords with the guidance contained in Circular 03/99 that advises that where connection to a public foul sewer is not feasible a sewage treatment

plant should be considered as the next preferred option of foul waste disposal. The Environment Agency has not raised an objection to the proposed development in respect of this issue.

## **8. Impact on Protected Species**

With regards to the impact of the proposed development on protected species, a protected species survey was undertaken in September 2006 and a report of the findings has been submitted in support of this application. This report identifies that no bats or bat droppings were found in any of the buildings, although there was evidence of discarded butterfly wings in the most northerly poultry house indicating that it has been used as a feeding roost by bats. A number of potential day roost sites, however, were identified at the existing bungalow and the poultry sheds. The survey also identifies that there is anecdotal evidence that Barn Owls have used a nest box provided in the hay barn, while pellets, mites and feathers from this species were also found in the barn and corroborates this anecdotal evidence. A similar indication of use by Little Owls was also found in the barn. In addition, the submitted report states that no indications of other protected species were found during the survey although the established hedgerow and tree line along the southern boundary and trees to the other boundaries all provide opportunities for birds to nest.

As mitigation, the submitted report recommends that the hay barn should be retained on site until other buildings have been constructed and suitable alternative roost sites have been made available to Barn and Little Owls. In this respect, it is suggested that the provision of a Barn Owl loft is more likely to be successful than a nest box. It is also recommended that bat boxes and bird nesting boxes should be introduced on to the site to compensate for potential bat roosts that will be lost as a result of the development. In addition, it is also recommended that caution must be taken when all roofing materials are removed and that they must be checked for roosting bats. In the event that bats are found to be present, it is advised that works must stop and expert advice sought, while if birds are found to be nesting they must not be disturbed.

In response to the submitted report, Natural England has advised that it is recommended that an informative be attached to any permission explaining the need to remove roofing materials by hand, especially those along the ridges and at gable ends, and to stop work and contact Natural England for further advice should bats or signs of bats be found during demolition/construction. It is also advised that the developer may wish to provide bat boxes on buildings as a biodiversity enhancement. With regards to the presence of nesting barn owls, it is advised that they are protected and it is therefore illegal to disturb this species whilst nesting. Demolition and construction works must, therefore, avoid disturbance to this part of the site during March to July, if barn owls are nesting. In addition, it is advised on conservation grounds that a replacement barn owl nest site, in the form of a barn owl loft should be provided in one of the new buildings. On this basis, and subject to the implementation of the mitigation measures recommended in the submitted protected species survey report, Natural England has confirmed that it has no objection to the proposed development.

## **9. Nature Conservation**

The site lies within the vicinity of the River Till Site of Scientific Special Interest (SSSI), a part of the River Avon System Special Area of Conservation (SAC). The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species, all of which are dependent upon the maintenance of high water quality and sympathetic habitat management. Any development within the vicinity of the river obviously carries a risk of damage to the river ecosystem through habitat loss and pollution both during and after construction, for example through accidental spillage or run-off carrying exposed soil or building materials into the river. In this instance, however, Natural England has advised that it has no objection to the proposed development provided that a condition is imposed to any permission requiring the submission of a method statement detailing the potential pollution risks to the river and how these will be addressed. It is advised, that subject to the imposition of such a condition, the development, either alone or in combination with other development proposals, would not be 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 Till Site of Special Scientific Interest (SSSI).

## **10. Archaeological Issues**

The application site is located within an Area of Special Archaeological Significance. The County Archaeological Officer has advised that features have been recorded from aerial photographs to the west of the site that are likely to be field systems while the medieval settlement of Winterbourne Stoke lies to the east. In light of the fact that part of the site has been terraced and disturbed by the construction of buildings, it is recommended that an archaeological watching brief takes place during the initial stages of construction that would allow an archaeological contractor to identify and record any archaeological features that may be uncovered. This can be secured by condition.

## **11. Provision of Recreation Facilities**

The proposed dwelling that is the subject of this application is a replacement dwelling for the existing bungalow on the site and therefore a contribution towards the provision of off-site recreational facilities in accordance with Policy R2 is not required with this application.

## **CONCLUSION**

In assessing this application, it is evident that there are aspects of the proposed development that would be beneficial, such as the provision of an employment site and local employment opportunities, the improvements to the access to the site in terms of highway safety and the visual enhancements to the site from the removal of the existing utilitarian poultry sheds. Indeed, letters of support for the proposed development from local residents and the Parish Council have to some extent supported these arguments.

Notwithstanding the above, any possible benefits arising from the development are not considered to override the fundamental policy objection to the proposed development of a new employment site in the countryside. Indeed, it is considered that the location of the site that lies outside of any settlement boundary and within the open countryside represents an unsustainable location for the proposed employment use where there are limited alternatives to car borne journeys. As such, the proposed development in this location will encourage additional vehicle trips and create further dependence of the private car for travel to, and from, the site contrary to the principles of achieving a sustainable pattern of development that constitutes a key objective of the Government's planning policy.

Furthermore, the replacement dwelling would be significantly larger than the existing dwelling and by reason of the increased bulk, scale and mass it is considered that it would be significantly more prominent in the countryside and the Special Landscape Area than the existing dwelling contrary to the requirements of Policy H30. It is further considered that the proposed development, by reason of the excessive scale and massing of the office, storage and stable buildings, would be visually intrusive and therefore fails to respect the character and high quality landscape of the Special Landscape Area. As a result, the proposal would result in the undesirable proliferation of non-agricultural buildings of an excessive scale in the countryside for which no overriding justification or need has been demonstrated, contrary to the desirability to preserve the countryside for its own sake. In addition, the approval of the proposed development on this site would create a precedent for similar sporadic development of isolated agricultural sites in the countryside, contrary to the tenet of sustainable development.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

1. As a matter of principle, in the interests of the character and appearance of the countryside, the Local Planning Authority considers that the establishment of new employment sites in the countryside should be resisted. In that the proposal represents the development of a new employment site in the countryside, other than by the conversion or replacement of suitably located and constructed existing buildings, for which there is no overriding justification it would be unacceptable in principle and contrary to Policies E21, C1, C2 and C6 of the Adopted Salisbury District Local Plan and Government guidance in PPS7 "Sustainable Development in Rural Areas".



2. The proposed development, with particular regard to the employment use, by reason of its location within the open countryside is likely to encourage additional vehicle trips and create further dependence on the private car for travel to, and from the site, contrary to the principles of achieving a sustainable pattern of development. As such, the proposed development is contrary to Policy G1 of the Adopted Salisbury District Local Plan (June 2003), Policy DP1 and DP3 of the Adopted Wiltshire and Swindon Structure Plan 2016 (April 2006) and the aims of PPS3 "Housing", PPS7 "Sustainable Development in Rural Areas" and PPG13 "Transport".
3. The proposed replacement dwelling would be significantly larger than the existing dwelling and as such would conflict with the principle of Policy H30 of the Adopted Salisbury District Local Plan (June 2003) that seeks to restrict the size of replacement dwellings so that they are not significantly larger than the dwelling that they replace in the interests of the character and appearance of the countryside. Furthermore, by reason of its greater scale, massing and height the replacement dwelling would be more prominent in the landscape than the existing dwelling to the detriment of the character and appearance of the countryside and high quality landscape of the Special Landscape Area. As such, the proposed development is contrary to Policies G1, C1, C2, C6 and H30 of the Adopted Salisbury District Local Plan (June 2003), Policy C9 of the Adopted Wiltshire and Swindon Structure Plan 2016 (April 2006) and the advice contained in PPS7 "Sustainable Development in Rural Areas".
4. The proposed development, by reason of the excessive scale and massing of the stable block, office and storage buildings, together with the cumulative impact of the development as a whole, would appear as an intrusive form of development and lead to an undesirable encroachment into the countryside and the proliferation of non-agricultural buildings/structures, for which there is no overriding justification, in the countryside and Special Landscape Area. As such, the proposal is contrary to Policies G1, C1, C2, C6, H30, E21 and R1C of the Adopted Salisbury District Local Plan (June 2003), Policy C9 of the Adopted Wiltshire and Swindon Structure Plan 2016 (April 2006) and the key aims of PPS7 "Sustainable Development in Rural Areas".

## Part 2

### Applications recommended for Approval

3

Application Number:	S/2007/0248		
Applicant/ Agent:	ITL ASSOCIATES		
Location:	GREAT DURNFORD MANOR GREAT DURNFORD SALISBURY SP4 6BA		
Proposal:	RETENTION OF FISHING HUT TOGETHER WITH INSTALLATION OF CESSPIT, WATER SUPPLY AND SECURITY LIGHTING		
Parish/ Ward	DURNFORD		
Conservation Area:	GREAT DURNFORD	LB Grade:	
Date Valid:	7 February 2007	Expiry Date	4 April 2007
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

#### REASON FOR REPORT TO MEMBERS

Councillor Brady has requested that this item be determined by Committee due to: the controversial nature of the application.

#### SITE AND ITS SURROUNDINGS

The site forms a small part of the Durnford Estate to the north of the Manor and on the east bank of the River Avon. To the west is The Lakehouse and its estate at Wilsford Cum Lake and to the east is Ham Wood. An existing timber fishing hut forms part of the application site, and was the subject of S/06/1201.

The site lies in an Area of High Ecological Value, adjacent to the River Avon SSSI and SAC, above the 1 in 100 year flood plain (including an allowance for climate change), in the Special Landscape Area and Area of Special Archaeological Significance. The site is also close to listed buildings (including The Lake House) and two Conservation Areas to the west and south.

#### THE PROPOSAL

The applicant is seeking to improve the utility of the fishing hut, by providing wc and kitchenette facilities for fishermen, who currently have to use facilities at the house. Approval is sought to install a cesspit to the south of the fishing hut, and to provide two 60 watt lights on the external north and south elevations of the building, angled downwards, to enable fishermen to see their way safely to and from the hut for one hour after dark, controlled by timer switch (See Condition 3 and 4 of S/06/1201).

A water supply would be taken from the existing 200mm water main which lies under the hut (and serves cattle troughs and farm buildings) and no engineering works are required to make the connection. An alarm cable would be linked to a warning light in the fishing hut from the cesspit, to warn when the pit is two thirds full and soon due for emptying.

An existing electrical supply terminates at the pump house and serves the treatment plant for the house. The applicant proposes to extend a trench (300mm deep) in the existing track to the fishing hut. These minor trench works are not considered to require planning permission in the view of officers.

The hut is accessed within the estate from an existing trackway, which runs north through the estate from the main entrance in the village to the south. There would be no change to existing access arrangements.

The proposed cesspit would hold 4,000 gallons and is suitable for standard domestic use, requiring emptying every 6-12 months due to predicted low usage.

## PLANNING HISTORY

S/06/1201      Erection of a Fishing Hut (retrospective)      Approved

### REASONS FOR APPROVAL:

In the absence of any objections in relation to the impact on archaeology, nearby watercourse, wildlife or natural habitat, and in the absence of any Policy objections as to the use of the development, it is considered that the scale, design, siting and materials of the fishing hut are appropriate to the general development criteria, in accordance with policies C1, C2, C6, C9, C10, C17, CN21, G1, G2, G4, G5, H23 and R1C of the adopted Salisbury District Local Plan, and the guidance given in PPS7 and PPS9.

And subject to the following conditions:

1. The hut shall only be used as an ancillary facility in association with fishing, and the maximum number of people (including fishermen partners) using the hut at any one time shall be no more than 14. Should the fishing use of the structure cease, the hut shall be removed, and the land restored to its former condition.

REASON In the interests of residential amenity, and to safeguard protected species.

2. No vehicular parking shall take place adjacent to the fishing hut, unless for maintenance purposes. All parking of vehicles for users of the fishing hut shall take place adjacent to Great Durnford Manor or in the service area in front of the sewage disposal system that serves the Manor.

REASON In the interests of pollution control and to safeguard protected species and the nearby watercourse.

3. The fishing hut shall only be used from dawn, and up to a maximum of one hour after dark, and shall not be used for overnight accommodation.

REASON In the interests of residential amenity, and to safeguard protected species.

4. There shall be no external lighting of the site or buildings without the prior written permission of the Local Planning Authority. (N01A)

REASON In the interests of residential amenity, and to safeguard protected species.

5. There shall be no water supply, surface water or foul sewage disposal installed at the fishing hut hereby approved, unless otherwise agreed in writing by this Authority. (D01A)

REASON To safeguard the nearby watercourse and SSSI/SAC.

### INFORMATIVE:

Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Avon, designated a 'main river'. The applicant should contact Mike Holm, in the Agency's Development Control Team to apply for Land Drainage Consent (tel: 01258 483437).

S/06/2572 Engineering Works Pursuant To Conditions 4 & 5 of Planning Consent S/2006/1201 To Allow For Lighting & Drainage Works. Installation of cesspit & 2 X 100 Watt Lights on Fishing Hut. *Invalid application.*

## CONSULTATIONS

<b>WCC Highways</b>	No objection
<b>Wiltshire Wildlife Trust</b>	No objection. The Trust supports the opinions of Natural England and the District Ecologist. We are pleased that efforts have been made to ensure that the sensitive ecosystem nearby will not be harmed through this development. We are satisfied with the standard of the method statement, adherence to which should be a condition if planning permission.
<b>Natural England Ecologist</b>	endorses and reiterates comments made by the District Ecologist
<b>District Ecologist</b>	No objection. See below.
<b>Conservation</b>	No objection
<b>WCC Library/ Museum</b>	No known archaeological sites – no issues raised.
<b>Housing &amp; Health Officer</b>	No observations
<b>Environment Agency</b>	No objection subject to conditions and informatives

## REPRESENTATIONS

Advertisement	Yes	Expiry 8/3/07
Site Notice displayed	Yes	Expiry 8/3/07
Departure	No	
Neighbour notification	Yes	Expiry 28/2/07
Third Party responses	Yes	One letter of objection on the following grounds (in summary):

There is already a septic tank on the site to the rear of the hut – request LPA check this anomaly.

Extra lighting not required in this isolated rural location. Would be detrimental to amenity. Internal lighting would be sufficient. Is there a health and safety regulation requiring this provision? If not, the lighting would be unnecessary and inappropriate in this location. Potential adverse impact on River Avon from possible discharge from cesspit (eg during emptying). Toilet facilities not essential for fishing hut. River Avon ecosystem must take priority and any risk of pollution must be avoided. Circular 3/99 assessment has not been submitted.

**Notes from HDS:** A circular 3/99 assessment has been submitted. The applicant's agent has submitted a letter categorically stating that there is no septic tank or any form of foul drainage system, and all necessary consents would be sought in the proper manner. The Health and Safety requirements for facilities are not considered to be a material land use planning consideration.

**Parish Council response** None received. Previous response to S/06/2572: At a recent meeting the PC decided to support the above application with the following condition: The track leading to the cesspit will be capable to allow the tanker to reach the cesspit in all weathers, particularly when it is wet.

**Notes from HDS:** The issue of the track was raised under the previous application. The enforcement officer has checked the track on site, and viewed historic aerial photographs. He is satisfied that because of the lack of any engineering works to create the track, and the fact that evidence shows that a track may have existed in the past, no further action is considered necessary.

## MAIN ISSUES

Principles and Planning History  
Non mains drainage – use of cesspool  
Impact on River Avon SSSI and SAC – Pollution, Flood Risk and Protected Species  
Impact on Neighbouring Amenities  
Impact on nearby Conservation Areas and settings of listed buildings  
Access and Highway Safety

## **POLICY CONTEXT**

Adopted Salisbury District Local Plan Policy G2, C10, C11, C12, C18, G4, G5, CN5, CN11  
The guidance in Circular 3/99 – Non mains drainage, PPS7, PPS25 and PPS9  
and the Conservation (Natural Habitats & c) Regulations 1994.

## **PLANNING CONSIDERATIONS**

### **Principles and Planning History**

The existing fishing hut was approved under S/06/1201, including conditions restricting the use of the hut, and strictly controlling installation of lighting, non mains drainage, water supply and surface water disposal. The reasons for these conditions related to residential amenity and the need to control any future impacts on protected species within the River Avon SSSI and SAC. The principle for the fishing hut is therefore established and is acceptable.

The adopted policies of the Salisbury District Local Plan set out the criteria for the additional proposals. The guidance in Circular 3/99 for non mains drainage installations and the Conservation (Natural Habitats & c) Regulations 1994 are also important material considerations for assessing the suitability of the site for installation of lighting and a cesspool. A 200mm water main already exists under the hut, and therefore, the proposed connection to this main is not considered to be material to the planning application, as no new service runs are proposed.

Electricity would be taken from the existing treatment installation on the estate to the south (please refer to the site plan) and a 300mm deep trench would be dug next to the existing track to provide a supply to the hut. These minor trench works are not considered to require planning permission in the view of officers.

The new issues for this application are considered to be the potential impacts from the cesspool, lighting and associated works on neighbouring amenities and the nature conservation interests of the River Avon.

### **Non Mains Drainage – Use of a Cesspool**

Circular 3/99 sets out guidance for the use and installation of non mains drainage. The applicant has submitted a statement by a qualified engineer (Graham Eves of PFA consulting), setting out the reasons for the proposal, and applying the sequential approach advocated by the Circular. There are no foul sewers in the vicinity of the site; the nearest is 4.5km to the south. A rising main and pumping station would therefore be required to make this connection, which is considered to be unfeasible.

The fishing hut is almost 200m from the existing estate treatment plant and it would be necessary to pump the effluent from the hut to the plant. A pumping station would therefore be required which would, in effect, comprise a storage tank of a similar nature to that presently proposed (albeit of a smaller capacity). The length of the rising main required would require extensive excavation and at both construction and operational stage.

Furthermore, the existing estate treatment plant is not presently operational, and is unlikely to be fully operational for some time. The extremely low flows from the fishing hut would not be sufficient to secure effective treatment if directed to the plant in the absence of any flows to the plant from the main house. It is concluded that the potential risk to the SSSI/SAC would be greater if a connection to the existing estate plant were to be made, than would be under the present proposals.

A treatment plant requires a regular and consistent flow to maintain bio systems. The low flow from the fishing hut would cause the system to work inefficiently, and could cause untreated effluent to discharge to the river or groundwater. A septic tank would also cause effluent discharge to the adjacent watercourse, and for this reason, a sealed system in the form of a cesspool has been proposed.

The circular states that, *“In principle, a properly constructed and maintained cesspool, being essentially a holding tank with no discharges, should not lead to environmental or public health problems....When considering a scheme proposing the use of cesspools, the LPA may wish to adopt the same process considering the possibility of significant problems arising ...and whether these problems can be overcome by the attachment of suitable conditions.”* The 11 tests of Circular 3/99 have been examined in the assessment by PFA, and it is concluded that the main risk would arise from overflow during emptying.

In terms of emptying, local licensed waste disposal operators have to meet onerous requirements of the EA in order to be licensed, and therefore, spillages are *extremely* rare. However, some operators may carry a spillage kit, which could comprise equipment to clean up any spillages and an emergency number for the EA. The applicant has submitted a typical flowchart procedure for dealing with spillages, including remediation. The risk of spillage during emptying is therefore considered to be extremely low, and given the proposed 6-12 month emptying requirement for this particular site, and the method statement submitted by the applicant, the likelihood of a spillage is negligible.

Klargester (the largest manufacturer of cesspools of this type) confirm that their units meet the British Board of Agreement Certificate 86/1700, and are tested by the manufacturer to ensure they are watertight. All reputable manufacturers are accredited under BS EN ISO9001:2000 Quality Management Systems. Compliance with the standards means the guarantees are sufficiently robust in terms of water tightness to avoid risk of pollution.

Officers are therefore satisfied, that subject to conditions requiring compliance of the cesspool with current standards, and installation of the alarm system, that the risk of pollution to the River Avon after installation would be negligible. It is therefore concluded that subject to these conditions, the proposal would comply with the guidance in Circular 3/99 and would pose negligible risk to the River Avon.

### **Impact on River Avon SSSI and SAC – Pollution and Impact on Protected Species**

The Habitat Regulations require the Local Planning Authority to consider whether there is likely to be any significant effects from the proposals upon the European site either alone or in combination with other plans or projects and if there are likely to be, to carry out an appropriate assessment. A method statement for the installation and emptying of the cesspit was submitted.

The District ecologist has considered the submission in terms of the impact of the proposed lighting on protected species, and the impact of the installation and subsequent maintenance of the cesspit. No objection has been raised to the proposal. The District ecologist stated, *“I note from the revised PFA report (29/1/07) that my concerns expressed in my email to you dated 5/1/07 have been addressed. In particular the applicant has submitted method statements for construction of the cesspit and routine emptying of the cess pit, both of which are acceptable. The applicant has also given further details to justify the frequency of the emptying which is expected to be at most every 6 months. I note that the wattage of the external lighting has been reduced to 60 watts. Consequently I have no objection to this application provided that the restrictions above can be incorporated into appropriate conditions.”* Both Wiltshire Wildlife Trust and Natural England have endorsed this view, and have raised no objections. Furthermore, the Environment Agency have raised no objection to the installation of the cesspool, subject to conditions requiring the final details of a sealed and watertight cesspool being agreed, including a level warning device.

On the basis of these comments, the LPA can conclude that subject to the conditions set by the EA, the mitigation proposals outlined in the method statements being put in place, and the lighting being restricted to 60 watts and angled downwards, there would be no likely significant effects from the proposals upon the European site (River Avon SSSI and SAC) either alone or in combination with other plans or projects and an appropriate assessment is not required. The

proposal would therefore comply, subject to appropriate conditions, with Policies C10, C11, C12 and C18 of the adopted local plan, and the guidance in PPS9 and the Conservation (Natural Habitats & c) Regulations 1994.

### **Flood Risk**

The site lies above the 1 in 100 year flood plain (including an allowance for climate change) of 62.3m AOD. The Environment Agency has confirmed that the report prepared by PFA consulting contains drawing W283/05a which forms a basic flood risk assessment for the site. It is noted that the cesspit is located on land outside the locally derived indicative floodplain. The FRA is considered to meet the requirements of PPS25 and that the proposed development is in accordance with that guidance. However, flood risk cannot be eliminated, and it is suggested that as an extra safeguard for the River Avon, a condition should be attached to any permission to restrict any emptying of the cesspit to times when the flood level is *below* 62.3m AOD. A Land Drainage Consent is not required. The proposal would therefore comply with Policy G2, G4 and G5 of the local plan.

### **Impact on Neighbouring Amenities, the nearby Conservation Area and settings of listed buildings.**

The principle for the fishing hut has already been accepted and planning permission has been granted. The works associated with the cesspit, water supply and electrical supply are not considered to have any visual or material impacts on the locality, or neighbouring amenities.

The two proposed lights for the north and south elevations would be lit for one hour after dark, and controlled by timer switch. Their power would be 60 watts, and the lights would be angled downwards. The Conservation Officer has visited the site, and has raised no objection to the proposals, which are considered to comply with Policy CN5 and CN11.

The fishing hut and its lights would be approximately 50m from the western bank of the Avon and The Lake House Estate. The Lake House itself is more than 200m away from the bank, and was not immediately visible during the site visit, due to distance and vegetation. A small fishing hut on the west bank is more than 100m to the northwest of the application hut. Therefore, the proposed 60 watt lights are not considered to have any material impact on the amenities of neighbours, and would not unduly disturb the occupiers of adjoining dwellings, in accordance with Policy G2.

### **Access and Highway Safety**

There is no proposed change to the current access arrangement to the fishing hut, which is via an existing track within the estate. The track is considered to be suitable for the infrequent emptying requirements of the cesspool (every 6-12 months), as it is maintained for and used by tractors and other estate vehicles. The applicant has stated that the track will take the weight of the cesspit emptying truck and the highway authority has raised no objection to the proposal.

### **CONCLUSION**

The principle for the proposed fishing hut has been accepted under S/06/1201. The proposed cesspool and lighting (and associated works) are not considered to have any likely significant effects upon the European site (River Avon SSSI and SAC) either alone or in combination with other plans or projects. It is also concluded that neighbouring amenities would not be unduly disturbed, and the proposal would safeguard views into and out of nearby Conservation Areas and would not harm the settings of listed buildings to the south and west of the site.

### **RECOMMENDATION: APPROVAL**

#### **For the following reasons:**

The proposal would be in accordance with the adopted policy provisions of the Salisbury District Local Plan and subject to conditions, would not have any likely significant effects upon the European site (River Avon SSSI and SAC) either alone or in combination with other plans or

projects. Neighbouring amenities would not be unduly disturbed, and the proposal would safeguard views into and out of nearby Conservation Areas and would not harm the settings of listed buildings to the south and west of the site. There would also be no impact on 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. (A07B)

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. The hut shall only be used as an ancillary facility in association with fishing, and the maximum number of people (including fishermen's partners) using the hut at any one time shall be no more than 14. Should the fishing use of the structure cease, the hut shall be removed, and the land restored to its former condition within one month of the use ceasing.

REASON In the interests of residential amenity, and to safeguard protected species.

3. No vehicular parking shall take place adjacent to the fishing hut, unless for maintenance purposes. All parking of vehicles for users of the fishing hut shall take place adjacent to Great Durnford Manor or in the service area in front of the sewage disposal system that serves the Manor.

REASON In the interests of pollution control and to safeguard protected species and the nearby watercourse.

4. The fishing hut hereby approved shall only be used from dawn, and up to a maximum of one hour after dark, and shall not be used for overnight accommodation. All internal and external lighting of the site and building hereby approved shall be switched off no more than one hour after dark.

REASON In the interests of residential amenity, and to safeguard protected species.

5. There shall be no additional external lighting of the site or buildings other than that expressly approved by this permission without the prior written permission of the Local Planning Authority. (N01A)

REASON In the interests of residential amenity, and to safeguard protected species.

6. There shall be no surface water disposal or alternative means of foul sewage disposal installed to serve the fishing hut hereby approved, unless otherwise agreed in writing by this Authority upon submission of a planning application in that behalf. (D01A)

REASON To safeguard the nearby watercourse and SSSI/SAC.

7. All foul drainage shall be contained within a sealed and watertight cesspool, which shall comply with BS EN ISO9001:2000 Quality Management Systems and the British Board of Agreement Certificate 86/1700 (or any subsequent standards). The make and manufacturer of the cesspool to be installed shall be provided in writing to the Local Planning Authority and agreed in writing before any installation takes place. The installation shall subsequently be installed in accordance with the agreed details and the Method Statement for Installation of Cesspit and Associated Drainage contained in Appendix 3 of the PFA Consulting Report dated 12 January 2007. Thereafter, the cesspool shall not be modified, except with the prior written approval of the Local Planning Authority.

REASON To safeguard the nearby watercourse and SSSI/SAC and to prevent pollution of groundwater.



8. Before installation of the cesspool hereby permitted, the applicant shall provide an appropriate permanent marker (eg a post or benchmark) on site to indicate the level of the 1 in 100 year floodplain at 62.3m AOD, in accordance with details to be agreed in writing by the Local Planning Authority. The marker shall be provided in an agreed position on a plan of the site to be submitted with the details. The cesspool hereby permitted shall not be emptied when the river flood level meets or exceeds 62.3m AOD.

REASON To safeguard the nearby watercourse and SSSI/SAC from pollution.

9. Before installation of the cesspool hereby permitted, the applicant shall provide a level warning device in the fishing hut to indicate when the cesspool needs emptying, in accordance with scheme details to be agreed in writing by the Local Planning Authority. The cesspool hereby permitted shall be emptied by a licensed waste disposal operator only, and in accordance with the Method Statement for Emptying Procedures contained in Appendix 4 of the PFA Consulting Report dated 18 January 2007.

REASON To safeguard the nearby watercourse and SSSI/SAC.

10. Before the installation of the lighting for the north and south elevation of the hut hereby approved, the applicant shall submit full details of the design and final position of the fitted lights, which shall be angled downwards and shall not exceed 60 watts each. The lighting shall be implemented in accordance with details to be agreed in writing by the Local Planning Authority and maintained in that condition thereafter.

REASON In the interests of the amenity of the locality, and to safeguard protected species.

**INFORMATIVE:**

Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Avon, designated a 'main river'.

**And in accordance with the following policies of the adopted Salisbury District Local Plan:**

Policy G2	General Principles for Development
Policy C10, C11, C12	Nature Conservation
Policy C18	Rivers
Policy G4	Flooding
Policy G5	Water Services
Policy CN5	Setting of Listed Buildings
Policy CN11	Views into and out of Conservation Areas

And the guidance in Circular 3/99 – Non mains drainage, PPS7, PPS25 and PPS9 and the Conservation (Natural Habitats & c) Regulations 1994.

Application Number:	S/2007/0227		
Applicant/ Agent:	MR ANDREW RHIND-TUTT		
Location:	NEW HOUSE REAR OF BOURNE VIEW ALLINGTON SALISBURY SP4 0AA		
Proposal:	AMENDMENT TO APPLICATION S/2004/1853 TO PROVIDE ALTERATIONS TO ACCOMODATION AT LOWER GROUND FLOOR LEVEL TO INCLUDE A GARAGE AND EXTERNAL ELEVATIONAL CHANGES. ALSO TO INCLUDE ADDITIONAL DECKING AND BALCONY AREA TO SOUTH EAST ELEVATION.		
Parish/ Ward	ALLINGTON		
Conservation Area:		LB Grade:	
Date Valid:	1 February 2007	Expiry Date:	29 March 2007
Case Officer:	Mr A Madge	Contact Number:	01722 434541

### REASON FOR REPORT TO MEMBERS

Cllr Hewitt has requested that the application be heard by members due to the interest shown in the application.

### SITE AND ITS SURROUNDINGS

The site is that of a new house situated in a small close of houses at Bourne View in Allington. The area contains a mixture of homes including bungalows, detached and semi detached dwellings of various ages. The area is quiet in its character

### THE PROPOSAL

The proposal is for various retrospective alterations to the dwelling house that has been created at Bourne view these are as follows –

On the front elevation, (South West elevation on plans)

- A new light tunnel in the front roof slope (appears as a velux).
- The dormer windows have been repositioned so that they have a more symmetrical appearance.
- Put in a new front door.
- Put a new Porch above the front door.
- Repositioned the other French windows.

On the North West elevation

- The Dormer window has been removed and velux introduced
- The garage door has been made smaller
- The rear door has been made smaller.

On the North East elevation

- The first floor window has been omitted
- The velux window has been moved and made wider

On the South East elevation

- Introduction of garage door
- Revealing of basement walls
- Insertion of new French windows
- Two small basement windows to garage
- Introduction of panel detailing at first floor

In addition the applicant has applied for planning permission for the erection of an area of decking above the basement garage entrance, which has yet to be constructed.

## PLANNING HISTORY

Very long planning history most recently –

04/0749 Erection of a six-bedroom house (previous permission S/2000/03 refers) refused  
25/05/04

04/1853 Amendment to application S/02/0003 to include additional bedroom, enlarged kitchen and utility room. Approved with conditions 17/01/05

## CONSULTATIONS

Wessex Water Authority- The development is located within a foul sewerage 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.

The developer has proposed to dispose of surface water to existing drainage already laid. It is advised that your council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

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.

Environment Agency – No further comments

## REPRESENTATIONS

Advertisement	No
Site Notice displayed	No
Departure	No
Neighbour notification	Yes Expired 26/2/07
Third Party responses	Yes

Red line boundary takes in a larger area than the original plan.

Number of parking spaces would suggest overuse of an already congested Bourne View.

Overall size of the property is too large in the countryside

Part 18 of the form suggests this is part of a larger application.

Do not want to see use made of the private lane to access this property.

Parish Council response            Yes Object

Planning permission was given with conditions for new buildings on the footprints of the old ones. How has the applicant managed to build two very sizeable properties on two very modest footprints of the old building and laundry?

Considers applicant should submit two applications, one for the built amendments and one for the new development not yet built.

Various points are made about the way the form is filled in.

Application form says that the development relates to an existing use on or nearby the site No details have been given. Are we to assume this is part of a larger plan to develop this site onto green field land?

## MAIN ISSUES

- 1) How the retrospective elements will affect amenity.
- 2) How the new decking will affect amenity.

## POLICY CONTEXT

G2 general policies, D2 Infill development, H16 Housing Policy boundaries, CN21 Archaeology C6 Special Landscape area.

## PLANNING CONSIDERATIONS

### South Western elevation

The introduction of the new sun pipe on this elevation (which appears as a rooflight) has no significant effect on the appearance of the property or on neighbouring properties.

The repositioning of the dormer windows on the front elevation so that they are more symmetrical than were previously approved could be said to be an improvement over that which was previously approved for this application although neither scheme are objectionable.

A front door has been put on this elevation with a new porch and the other windows on this elevation have been repositioned. This gives the house more character and has no significant adverse effects on either the appearance of the property or on neighbouring dwellings.

### North West elevation

Minor changes to the design of the dwelling have been made on this elevation including the removal of a dormer window and its replacement with a rooflight, the garage door has been made smaller as has the other exterior door to this elevation. Neither of these minor changes are considered by officers to be significant.

### North East elevation

The removal of the side window on this elevation is probably a benefit as although there would have been no direct overlooking of the neighbouring properties from this side window neighbours had concerns about the positioning of the window. The enlargement of the velux and its movement is also minimal and does not constitute a significant change that would warrant refusal of the application.

### South Eastern elevation

This is perhaps the elevation where the biggest changes can be seen. This is because the applicant has created a new entrance for vehicles to the basement parking area and exposed much of the external basement wall on this elevation included in this wall are two small windows serving the basement along with a hard standing/turning area outside the door. The application also involves the insertion of two French windows at ground floor level and a panel 'feature in the first floor'

The introduction of the basement garage door to access the basement parking area is not in itself considered to be an issue. The revealing of the basement wall makes the house appear much bigger than was anticipated but it is not considered that this makes the building unduly imposing and the building is no larger than was originally granted permission.

There is now a larger area for parking cars but the building still has use as a single residential property and could not be used for other uses without first gaining planning permission for some other form of use (which would seem highly unlikely given its limited access). None the less as a single dwelling no matter how many parking spaces there are. There will only be a limited number of vehicle movements given it is a single dwelling. Even though there are nine parking spaces there will only be a number of vehicle movements per day as it is a single dwelling house. Such a scenario is entirely different to for example several dwelling houses with nine parking spaces between them. The amount of traffic is determined by the amount of people

living on the premises and needing to enter and exit it with vehicles not on the number of cars or parking spaces.

#### Area of decking above basement area

With this application the applicant has also applied for, (but not yet constructed) an area of decking above the basement area which you would be able to look at from when stepping out the French windows above the basement. This is shown on the submitted plans. It is considered that this could have the potential to overlook neighbouring properties particularly that at 11-14 Bourne View. However it is also considered that this concern could be overcome with the imposition of a suitable condition requiring some form of screening adjacent this decking area by the retaining wall. This should overcome concerns as regards overlooking.

#### Parish Council Comments

This building is of an identical footprint (with the exception of the front porch) to that which was originally granted permission (see history).

Planning Law allows the applicant to submit both the proposed development and the retrospective changes on the one application.

The application site is contained within the same boundaries to that previously submitted.

The applicant has confirmed in writing that the development does not relate to a larger scheme that this is part of.

#### **CONCLUSION**

In conclusion whilst there are a quite a number of changes to this building externally very few are of any great significance one or two changes as outlined above are improvements to the appearance of the property/amenity of neighbours and it is only the changes to the South Eastern elevation that significantly effect the external appearance to any great degree. This is not considered to be so significantly detrimental that it would warrant refusal of permission.

The decking area could have the potential to overlook neighbouring properties gardens but government advice states that where such a concern can be overcome with the imposition of a suitable condition such a condition should be applied rather than refusing the application. It is considered that suitable screening could overcome the overlooking concern and therefore the decking is suitable with the imposition of this condition.

#### **RECOMMENDATION : Grant Planning permission**

For the following reasons-

It is considered that the proposal and the changes that have occurred to the dwelling since the original grant of planning permission are not significant enough to warrant refusal of planning permission and the erection of the decked area will with the imposition of a suitable condition not have an adverse effect on neighbouring properties. The proposal is therefore considered to comply with policy G2 and D2 of the adopted local plan.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

G2 general policies, D2 Infill development, H16 Housing Policy boundaries, CN21 Archaeology C6 Special Landscape area.

#### **APPROVED WITH 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).

(2) The garages shown on the approved drawings shall not be converted into a habitable room without the permission in writing of the Local Planning Authority.

Reason: To secure the retention of adequate off-street car parking provision

(3) Prior to the dwelling hereby approved being first occupied, the applicant, or his successor in title shall submit to and have approved in writing by the Local Planning Authority a landscape management plan for that land which falls within the red line but outside the domestic curtilage as shown on the approved plans and the agreed management plan shall be implemented thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity.

(4) Within 1 month of the date of this permission full details of all proposed tree and hedge planting, and the proposed times of planting, shall be submitted and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: In the interests of visual amenity.

(5) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

(6) The building shall not be occupied until the proposed means of vehicular access from the edge of the public highway to the front of the proposed new property has been constructed, surfaced and drained with a tarmac finish in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

(7) Prior to first occupation of the dwelling hereby approved a fence shall be erected along the boundary of the site and access thereto with no's 11 – 14 Bourne View in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties

(8) Any gate[s] provided to close the proposed access shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure that a satisfactory form of access is provided in the interests of highway safety.

(9) A scheme for the disposal of surface water so as to prevent its discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the dwelling hereby approved being first occupied.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

(10) Notwithstanding the provisions of Class[es] A-H 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 enable the Local Planning Authority to retain control over the development in the interests of amenity.

(11) There shall be no access to the field to the north and west of the site other than via the gate to the south west of the proposed chalet bungalow, as shown on the submitted two plans ART 300107. Access to the field via the gate to the north of the bungalow unit shall be permanently blocked up and the gate removed and shall remain so in perpetuity. Details of the nature and form of the blocking up shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. The works shall be carried out within three months of the date of their approval.

Reason: In the interests of residential amenity

(12) Within 1 month of the date of this permission or prior to occupation (whichever is the earlier), further details of the proposed decking above the basement area together with suitable details of screen fencing and/or planting adjacent to this area shall be submitted to and approved in writing by the Local Planning Authority. The works shall be correct and in accordance with the approved details prior to occupation of the dwelling.

Reason: In the interest of amenity for the occupants of neighbouring nearby dwellings

Application Number:	S/2007/0387		
Applicant/ Agent:	ANDREW STARR		
Location:	MANOR FARM FISHERTON DE LA MERE WARMINSTER BA12 0PY		
Proposal:	FELL A NUMBER OF BEECH TREES BORDERING THE A36 NEAR MANOR FARM		
Parish/ Ward	WYLYE		
Conservation Area:		LB Grade:	
Date Valid:	21 February 2007	Expiry Date	18 April 2007
Case Officer:	Mr Shane Verrion	Contact Number:	

### **Purpose of Report:**

This item is before Members because Councillor West has requested that this item be determined by Committee due to the prominent nature of the site and the public interest shown in the application.

### **Background:**

The application relates to the felling of 81 mature beech trees bordering the A36 near the village of Fisherton de la Mere in the interests of safety.

The application states that 31 of the trees require felling as a priority because of their poor condition, but further safety concerns are also raised regarding the remainder of the trees so they have also been included for consideration (see Appendix 1 – copy of Application).

The trees are located on the northern side of the A36, in a line stretching several hundred meters.

The 41 trees to the west of Manor Farm are all included in Tree Preservation Order (TPO) 311, which is an area order covering various trees, predominantly Beech. This order was made in March 2004 to protect the line of trees because of their impact on the landscape.

The remaining 40 trees specified in the application are not included in the TPO and are therefore not relevant to this application.

### **Objections:**

The deadline for representations is 22<sup>nd</sup> March 2007. Any correspondence received after the date of this report will be treated as late correspondence. So far 17 letters of Objection have been received, raising the following points:

- Only trees that present an imminent danger should be felled.
- The winter is not the best time to assess whether a tree is dying. A recent ariel photograph shows only one tree not in leaf.
- Whole trees do not need to be felled. Branches can be pruned and canopies reduced to improve safety.
- An independent survey should be carried out detailing the dimensions and defects, and to assess any health and safety issues.
- The trees make an important impact on the landscape and have high amenity value.
- Given current environmental issues, trees should be felled only as a last resort.



- The trees could be pollarded, then they will generate new growth.
- The trees are being removed to make way for development.
- The trees support and provide protection to wildlife including Birds, Bats and Owls.
- Bats, breeding birds and reptiles are protected by law and a Ecological Survey should be carried out before any trees are felled.
- The loss of the trees will increase noise and visual pollution.
- The prevailing wind will blow the trees away from the A36, not onto it.
- The trees are a local landmark.
- The trees are situated in an Area of Natural Outstanding Beauty.
- The trees have withstood recent winds that were the strongest since the severe gales of 1989.
- The site includes at least one ancient and veteran tree (634) that is worthy of retention.
- If felling is allowed local homeowners should be compensated for the loss in value of their properties and Council Tax should be reduced.
- Council Tax funds should not be used for felling until 3 independent opinions have been sought and agree with the necessity.
- A third party stated that the owner of the Manor has not been made aware of the proposal to fell trees between his driveway and the A36, and that permission would be required to access this private land.

#### **Comments on Objections:**

Most of the points raised are very valid but health and safety is of over-riding importance and if a tree is unsafe, so close to a major trunk road, permission should be granted for removal.

- Certain points have been raised that do require a specific response.
- This application has not been considered in connection with any development proposal and has been considered on its own merits.
- Mature Beech trees do not generally respond well to heavy pruning or pollarding.
- Trees are best able to cope with the forces of a prevailing wind. Winds from other directions are often a far more serious threat.
- The felling of these trees is not proposed by the Council, nor do they have any involvement in this application other than to consider it on its merits. Therefore, no Council Tax funds are being used and no compensation is likely to be payable.
- The trees in front of the Manor (shown as Area 1 on the TPO – Appendix 2) are not included in this application.
- The application must be considered as it stands. The applicant has claimed the trees specified are unsafe and the Local Planning Authority must now make a decision based on the information available. We are not in a position to ask for a full detailed survey but we can refuse consent if there is insufficient evidence to prove a tree is in a dangerous state.

#### **Conclusion:**

The local Planning Authority's Tree Officer has considered the application on a tree by tree basis and concluded, in the following table, which trees are currently considered to be in a dangerous state.

<b>Tree no.</b>	<b>Decision</b>	<b>Tree no.</b>	<b>Decision</b>	<b>Tree no.</b>	<b>Decision</b>
773	Retain	609	Retain	623	Fell
776	Retain	610	Retain	624	Retain
782	Retain	953	Retain	625	Retain
783	Retain	611	Fell	626	Fell
784	Retain	612	Retain	627	Retain
785	Retain	613	Retain	628	Fell
601	Retain	614	Fell	629	Fell
602	Retain	615	Retain	630	Retain
603	Fell	616	Retain	631	Retain
604	Retain	619	Fell	632	Retain
605	Fell	952	Retain	633	Fell
606	Fell	620	Retain	634	Retain
607	Fell	621	Retain	635	Retain
608	Fell	622	Retain		

In reaching a decision on each of the above the Tree Officer considered the comments made by the applicant and assessed the severity of the condition to determine whether the tree was safe. If, in the opinion of the Tree Officer (from his visual inspection) the safety of the tree is not considered to be of immediate concern, it is recommended that the tree be retained in the absence of any further detailed Arboricultural Report, which would justify otherwise.

Suggestions have been made that some trees could be reduced in size rather than felled. However, given their location, so close to a major trunk road it is not advisable to leave dead or dying trees standing.

It should be noted that some trees were heavily covered in Ivy and a thorough inspection was not possible.

In this instance the application related only to felling trees that were considered unsafe and no other operations were considered. It was felt that problems identified with a limited number of the trees could be resolved with careful pruning so felling was not necessary. Should the applicant wish to consider this option a further application will be required.

#### **Options for consideration:**

Members should consider the application and decide on one of the following options:

- a) **Approve the application**
- b) **Refuse the application**
- c) **Part approve/part refuse (permit felling of any one or more tree(s))**

#### **Recommendations:**

I recommend this application for part approval/part refusal in accordance with the above table, subject to no new information being received before the deadline for representations, which is 22<sup>nd</sup> March 2007.

#### **Approve**

The Local Planning Authority considers that the felling of tree numbers 603, 605, 606, 607, 608, 611, 614, 619, 623, 626, 628, 629, 633 is acceptable in the interests of safety and good arboricultural practice and can be mitigated with suitable replacement tree planting. The following conditions should apply:

(1) A replacement tree, of a genus/species (to be agreed in writing with the Local Planning Authority) shall be planted within twelve months, to replace each tree that is lost. The new tree(s) should be 'heavy standards' and each should be planted within 3 meters of the tree that is being removed. The tree(s) need to be maintained in accordance with good practice and any that do not survive will need to be replaced. The new tree(s), once planted, will be covered by the existing Tree Preservation Order.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the existing tree or trees is maintained by the provision of adequate replacement.

(2) The approved works must be commenced within one year from the date of the decision notice. If works are not completed within that time, a new application must be made.

Reason: To ensure that the works undertaken are appropriate to the current state of the trees in relation to their surroundings

### **Refuse**

The Local Planning Authority refuses to consent to the felling of tree numbers 773, 776, 782, 783, 784, 785, 601, 602, 604, 609, 610, 953, 612, 613, 615, 616, 952, 620, 621, 622, 624, 625, 627, 630, 631, 632, 634, 635 for the following reason:

On the basis of the information submitted with this application, the Local Planning Authority consider there to be insufficient justification to fell tree numbers 773, 776, 782, 783, 784, 785, 601, 602, 604, 609, 610, 953, 612, 613, 615, 616, 952, 620, 621, 622, 624, 625, 627, 630, 631, 632, 634, 635 in the interests of safety. These trees are considered desirable to retain in the landscape.

### **Informative**

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 725344.

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1<sup>st</sup> March and 31<sup>st</sup> 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.

### **Wards Affected:**

Till Valley & Wyllye

**Part 3**  
**Applications recommended for the Observations of the  
Area Committee**

No Observations