

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

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE SOUTHERN AREA 27 MARCH 2008

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/2578	LANDFORD
	Mr R Hughes	REFUSE
Pages 3 -10	ROBIN REAY LAND AT LANDFORD MANOR STOCK LANE LANDFORD SALISBURY ERECTION OF FIVE DETACHED HOUSES AS ENABLING DEVELOPMENT WITH ACCESS OFF STOCK LANE.	ALDERBURY & WHITEPARISH WARD Councillor Britton Councillor Clewer Councillor Randall
2	S/2008/0109	REDLYNCH
SV 15:00	JANET WALLACE	REFUSE
Pages 11 -17	MR ANTHONY STOCKEN FORMER SITE OF THE APPLE TREE INN DOWNTON HILL MORGANS VALE REDLYNCH SALISBURY ERECTION OF FIVE HOUSES (1 X DETACHED AND TERRACE OF 4) INCLUDING OFF STREET PARKING DRIVE	ALDERBURY & WHITEPARISH WARD Councillor Britton Councillor Clewer Councillor Randall
3	S/2008/0166	GRIMSTEAD
SV 15:30	JANET WALLACE	APPROVE WITH CONDITIONS
Pages 18 -24	JOHN A GOLDFINCH NOS. 1 AND 2 DROVE FARM COTTAGES EAST GRIMSTEAD SALISBURY OUTLINE PERMISSION FOR DEMOLITION OF EXISTING COTTAGES AND ERECTION OF 2 DETACHED DWELLINGS WITH GARAGES	ALDERBURY & WHITEPARISH WARD Councillor Britton Councillor Clewer Councillor Randall

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/2578		
Applicant/ Agent:	ROBIN REAY		
Location:	LANDFORD MANOR STOCK LANE LANDFORD SALISBURY		
Proposal:	ERECTION OF FIVE DETACHED HOUSES AS ENABLING DEVELOPMENT WITH ACCESS OFF STOCK LANE.		
Parish/ Ward	LANDFORD		
Conservation Area:		LB Grade:	
Date Valid:	31/12/07	Expiry Date	25/02/08
Case Officer:	Mr R Hughes	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Randall considers that the matter should be determined by Committee due to the interest shown in the application and the complicated planning history of the site.

SITE AND ITS SURROUNDINGS

Grade II * listed manor house situated within the New Forest Heritage Area, and visible from within the New Forest National Park to the south.

The manor house is currently being converted to three separate dwellings by virtue of planning permission S/2004/737.

The application site lies directly to the east of the existing manor house, and is now an empty site following demolition of the former utilitarian agricultural sheds some years ago.

The site and the manor house is accessed off Stock Lane.

THE PROPOSAL

It is proposed to construct 5 large detached dwellings on land to the east of Landford Manor. Access to the development would be gained via the existing vehicular access and driveway off Stock Lane, which passes the main Manor House to the south, and Cauldron Cottage to the north. To the north east is located an existing farm complex.

PLANNING HISTORY

The wider site including the manor house has a long planning history. However, in terms of the current application, the relevant application are considered to be:

S/1999/1966 & 1967 - Listed Building Consent and planning permission was granted to convert the manor house into 4 dwellings, and building a quadrangle of 4 dwellings on land to the immediate east.

S/2004/737 & 738 - Listed Building Consent and planning permission was granted to convert the manor house into 3 dwellings, and building a quadrangle of 4 dwellings on land to the immediate east.

More recently, application S/07/0936 relating to the erection of 6 dwellings on the application site (as enabling development) was eventually withdrawn, following concerns from the LPA.

S/07/1479 - Application for 5 dwellings as enabling development. Refused for the following reasons:

- “1. *The Local Planning Authority considers that, based on the information and details submitted so far, the proposed development of 5 dwellings would be unacceptable on the basis that no detailed justification has been submitted which indicates that the 5 dwellings as designed would be required to provide enabling development for works at the adjacent Grade II* listed manor house. It is considered that the current proposal does not demonstrate that the amount of development proposed is necessary to secure the future of the heritage asset, and hence, the proposal as currently justified is contrary to the aims of Policy G10 of the Adopted Salisbury District Local Plan (June 2003) and the guidance provided on enabling development in the English Heritage document “Enabling development and the Conservation of Heritage Assets”.*
2. *The scheme as currently designed consists of a seemingly random arrangement of dwellings of a design, scale, and juxtaposition that does not appear to have any historical justification either in itself, with the adjacent manor house, or the local area. Similarly, the details as submitted do not fully explain the visual impact of the development on the setting of the adjacent listed building or on the wider landscape. Consequently, it is considered that the current proposal would detract from, and thereby materially harm, the setting of the adjacent listed building, contrary to the aims of Policies D1, CN3 and CN5 of the Adopted Salisbury District Local Plan (June 2003), the guidance provided in PPG15, and the guidance provided regards enabling development contained within the document “Enabling development and the conservation of heritage assets”. In the opinion of the Local Planning Authority, the benefits of the scheme do not outweigh the disbenefits to the setting of the historic asset.*
3. *The Local Planning considers that, based on the information and details submitted so far, the proposed development of 5 dwellings would be unacceptable on the basis that no detailed justification has been submitted which indicates that the 5 dwellings as designed would be required to provide enabling development for works at the adjacent Grade II* listed manor house. It is therefore considered that, in the opinion of the Local Planning Authority, as the current proposal has not been fully justified in enabling development terms, the current proposal would fail the tests of Policy R2 of the Adopted Salisbury District Local Plan (June 2003) in that it makes no provision for public open space”.*

CONSULTATIONS

WCC Highways:	Whilst I have concerns in respect of the highway implications of this development, in view of your Council’s decision on the earlier proposals I would not wish to maintain my highway objection to the current application.
Housing & Health Officer:	No observations.
Highways Agency:	No comments.
English Heritage:	(Comments attached in full)
SDC Conservation:	Remain concerned about the design of the scheme as previous
Wiltshire Archaeological and Natural History Society:	We found it difficult to obtain any concept of the impact of the proposals on the setting of the listed manor house, and we consider the scheme as potentially impacting on the setting of the manor house and possibly rather dominant with their large structures. Whilst there is an attempt to create the impression of a farmyard setting, the units proposed are all very large houses not linked together in a farmyard plan but randomly placed in

their own gardens and with different materials used which, again, gives lack of cohesion. Units 3 & 4 are especially large, and unit 2 has too many rooflights, giving an unattractive appearance, possibly also at night.

REPRESENTATIONS

Advertisement	Yes. Expiry 31/01/08
Site Notice displayed	Yes. Expiry 31/01/08
Departure	No
Neighbour notification	Yes. Expiry 21/01/08
Third Party responses	2 letters of objection stating that:

- Development should be restricted to 4 dwellings;
- The size of the dwellings should be reduced; and
- The permitted development rights of the dwellings, particularly plot 1, should be restricted if allowed, to restrict impact on adjacent amenities.
- Also concern expressed regards the siting of new residential dwellings adjacent to a working farm.

Parish Council Response: This application seems only minimally different from the previous application. The Parish Council views therefore remain much the same. Issues raised regards private rights of access, and concern about lack of garaging for unit 5. Wished to see full English Heritage approval of the scheme.

CPRE: Little change from previous application, but it continues to be concerned that the development uses the least possible Greenfield area and imposes least on the listed building. Questions of profitability should remain subsidiary to these basic concerns, the latter being very much a concern of English Heritage.

MAIN ISSUES

- Enabling development principles
- Impact of new scheme on setting of adjacent listed building
- Impact on surrounding amenities
- Impact on highway system/sustainability
- Planning gains

POLICY CONTEXT

PPG15

English Heritage "Enabling development and the conservation of heritage assets" 2001

Policies CN3, CN5, G1, G2, D1, G10, and R2 of the Adopted Salisbury District Local Plan (June 2003).

PLANNING CONSIDERATIONS

1. General Principles and Planning History

The application site is located in the open countryside of the Special Landscape Area, on a site formerly used for agricultural purposes. In principle, housing development on this land would normally be considered unacceptable.

However, planning consent for a quadrangle of 4 dwellings already exists on this site, as it was intended that such a development would act as "enabling development", and hence fund the restoration of the Grade II* listed manor house adjacent to the site, which until recent years was in a poor state of repair.

At the time of writing, the structure and integrity of the manor house has in the opinion of the Local Planning Authority (and English Heritage) been repaired and restored to a satisfactory condition, as part of the existing planning permission to convert the building to 3 individual dwellings. Although internal works continue, it is the opinion of the Local Planning Authority that these are essentially “cosmetic” works, and are not integral to the structure of the building.

A 5 dwelling scheme has already been refused on this site, and therefore in the opinion of officers, the onus is therefore with the applicant to justify why the Local Planning Authority should approve a replacement development of 5 dwellings on the site, and why the revised scheme overcomes the previous reasons for refusal. The following paragraphs examine this issue.

2. Enabling Development Issues

Reason for refusal 1 of the previous application for 5 dwellings on this site revolved around the lack of evidence provided to prove why 5 dwellings were required to replace the already approved quadrangle scheme. Therefore, this revised application needs to be assessed against this refusal reason.

Enabling development is an accepted way of ensuring that some of the country’s most historic and interesting buildings can be retained and refurbished. However, it is not entered into lightly, and is often seen as the last resort in planning terms, and is normally only considered in exceptional circumstances. Policy G10 of the Adopted Salisbury District Local Plan deals specifically with enabling development, and briefly explains the premise of the system.

The English Heritage guidance document on enabling development contains useful information regards this subject and states at paragraph 6 & 7:

“6. Permission should only be granted if the asset is not materially harmed, and the applicant convincingly demonstrates that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests”.

“7. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises the disbenefits”.

The applicants’ claim that the restoration of the manor house has cost significantly more than originally estimated. Furthermore, they have also claimed that the permitted enabling development scheme of 4 dwellings is proving difficult to sell, and that there is little interest from the development community for the permitted concept of 4 large dwellings arranged as permitted. As a result, the applicants who have restored the manor house are unable to recoup the conversion costs.

Previously, when determining planning application S/2007/1479, very little financial evidence had been submitted that the scheme proposed for 5 dwellings would be comparable with the financial costs of the various works that may or may not have been incurred by the applicants regards the manor house restoration. In short, very little evidence had been submitted which justifies the revised scheme for 5 dwellings in the context of it being required as enabling development.

This revised scheme is accompanied by a financial appraisal document. This concludes that neither the original quadrangle scheme nor the currently suggested scheme of 5 dwellings would generate a profit. It also concludes that the 5 dwelling scheme subject of this application generates a reduced loss, as the expected income from selling the land to developers is greater. It also concludes that even after development profits, the expenditure has exceeded income by £248,508.

As the LPA has no in-house financial expert, it has relied, in this instance, on English Heritage to provide advice regards such matters, as that body is the originator, and therefore an expert, regards enabling development and the financial implications.

Unfortunately, the observational tone of the comments of English Heritage does not give a clear steer to the LPA in terms of the assessment of the submitted financial appraisal. It is therefore difficult for the LPA to properly assess the applicant's financial statement as it has relied on English Heritage to provide the sole advice regards the financial appraisal.

Nevertheless, in the opinion of the LPA, the financial appraisal (and other information) submitted with the application seems detailed, and from the applicant's point of view, justifies the requirement to construct 5 dwellings rather than the permitted 4 dwellings. As English Heritage has not objected to the contents of the financial appraisal, officers of the LPA must advise members that it would now seem very difficult to object to the current application on the same basis as previously outlined in refusal reason 1 to the previous application.

It is therefore officers' advice that this application has overcome the issues raised by reason for refusal 1 to the previous application (S/2007/1479), in so far as it relates to the financial appraisal and justification of the 5 dwelling scheme.

3. Design and Impact of Scheme on Setting of Adjacent Listed Building and Surrounding Landscape

Reason for refusal 2 regards the previous application relates to the impact of the scheme on the setting of the listed building and the wider landscape. This current application therefore needs to be assessed with regards this reason.

The site is located in an elevated prominent position, and is visible from the surrounding landscape to the south and east in particular. The countryside to the south of the site is located within the New Forest National Park. The site is also readily visible from the adjacent A36 road, and a public footpath that lies to the south east of the application site.

The basis of the applicants' argument is that the quadrangle of 4 dwellings that first gained approval many years ago would be a structure of substantial size, which would compete with the dominance of the adjacent manor house, and would be readily visible from the surrounding countryside.

Again, the Local Planning Authority agrees in principle with this argument, and in principle, does not disagree that it may be possible to achieve a "less intrusive" development on this site, which would respect the setting of the Listed Building to a greater degree, and would be less obvious in visual terms from the surrounding countryside. English Heritage also seems to have no objections to the principle of the original quadrangle design being replaced with a sympathetic scheme, but has qualified this several times in its current response by stating that it would rather the design be improved, and by placing the onus firmly on the LPA to consider the merits of the design against the merits of the previously approved scheme.

While the permitted quadrangle design was of a large scale, its overall design concept was intended to appear as an apparent conversion of buildings that might otherwise have been associated with the manor house. If the quadrangle were to be built out, it is the opinion of the LPA that the visual and historic linkages between the enabling development works and the listed house would not harm the setting of the listed building, or the general historic character of the area.

Therefore, it is the opinion of officers that any scheme that seeks to replace the permitted enabling scheme needs to have similar ambitions.

Unfortunately, the applicants have chosen not to alter the design of the scheme as objected to by officers previously. Whilst they have submitted some form of design justification for the design this time, in officers' opinion, this does not improve the acceptability of the scheme. Similarly, English Heritage states that "*...we consider that the design rationale should be more robust and convincing. As the proposals stand we are not convinced that the overall design and layout is an improvement on the approved scheme and we would advise that revisions are requested*".

Whilst it is considered that the scheme as currently proposed is not necessarily unattractive, the scheme as proposed seems to possess no historic basis, and is simply a collection of properties with a loose "agricultural" architectural language.

Consequently, the Local Planning Authority are being asked to reconsider favourably a scheme which has already been refused because it had not been architecturally justified in historic terms.

It therefore remains officers' opinion that the scheme as currently proposed would not be any less prominent in the surrounding landscape than the permitted quadrangle design. As a result, it is considered that the current scheme would detract from the setting of the adjacent listed building, and in officers' opinion, the current (unaltered) scheme fails to overcome the previous reasons for refusal.

4. Impact on Residential Amenities

Landford Manor is currently being divided into three independent dwelling units, with Unit 3 occupying the eastern flank of the manor house, which is located directly adjacent to the application site. The occupiers of this dwelling will be most directly affected by any development of this site. Third party comments have been received to this effect, in support of the revised scheme.

It is acknowledged that the permitted quadrangle scheme would produce a building of significant massing within close proximity to unit 3, and that the dominance of the permitted design would be likely to have an impact on the level of amenities enjoyed by the occupier of that residential unit. In comparison, it is also acknowledged that the revised design subject of this application would not have such a significantly dominating impact on the occupiers of unit 3, given the more fragmented nature of the design proposals.

The occupiers of the Coach House to the north west of the application site would similarly be affected by the permitted quadrangle scheme, mainly due to the siting and arrangement of the proposed car parking area close to its boundaries. The quadrangle itself, however, would be located some distance away to the south.

In contrast, the current proposal for 5 houses would result in the general built form of the development being closer to the Coach House, and it is likely that the amenities of the occupiers of that dwelling would be able to view several of the dwellings from the east/south east facing section of the property, which would reduce the sense of general openness achieved by the quadrangle scheme. Some general disturbance may be possible from the large rear garden of proposed Plot 1. However, overall, it is considered that the proposed dwellings would not so significantly affect the amenities of the occupiers of the Coach House to warrant refusal.

There is also a dwelling and farm complex located to the east of the site, and objections and concerns have been raised regarding this relationship. This dwelling would have been somewhat overlooked by the quadrangle design as permitted, although the LPA obviously determined in 1999 and in 2004 that the impacts of that scheme did not warrant refusal. This revised scheme places several dwellings close to the eastern boundary of the site, and it is likely that there would be some inter-relationship between these dwellings and the adjacent residential property. However, overall, it is considered that the actual harm caused to residential amenities would not be so significant as to warrant refusal, as the level of overlooking would be relatively low key. No overshadowing would result.

The LPA notes the submitted concerns regarding the siting of new residential development within close proximity to a working farm. However, a precedent has already been set with the approval of 4 dwellings on this site and the fact that permission could still be implemented. Furthermore, the identical previous application, although refused on other grounds, was not refused by members on grounds of impact on residential amenity. Therefore, officers must advise that to now add a reason for refusal related to the impact on residential amenity would be somewhat difficult to justify at appeal.

5. Impact on Highway System

WCC Highways have consistently objected to any development of this site, due to the unsustainable location of the site, divorced from shops and services. The LPA agree that the site is unsustainably located. However, in the interests of enabling development, it has previously been determined that the repair of the manor house carried more weight than the creation of unsustainable travel patterns.

This type of argument is important in this case because at the moment, the LPA remains to be convinced that the 5 dwellings as proposed have been justified in enabling development terms. Hence, to all intent, the 5 dwellings hereby applied for should be considered as 5 houses in the open countryside in an unsustainable location. Therefore, unless material considerations outweigh the harm caused by the 5 dwellings, then it follows that the dwellings must be determined in accordance with the sustainability policies of the Local Plan.

However, the previous enabling planning consent for 4 dwellings on this site is considered to be a material consideration. Furthermore, the adjacent site originally benefitted from planning permission for the conversion of the manor house to 4 dwellings, and hence historically, the wider manor house site originally benefitted from permissions for a total of 8 residential dwellings (4 in the manor house and 4 in the quadrangle).

This current application would also result in the same number of units on the wider site (5 on the enabling site, 3 in the manor house) as the 1999 and 2004 enabling consents. (If however future schemes are received proposing in excess of a total of 8 dwellings on the wider site – i.e. the manor house itself and the site subject of the application combined, then the LPA considers that the sustainability issues could be looked at afresh).

Consequently, in principle, it is considered that in sustainability terms, the impact of this revised scheme, in conjunction with the conversion of the manor house for 3 dwellings, would be likely to have no more impact in sustainability terms than the original 1999 or 2004 consent. Therefore, whilst the LPA accepts that the site is unsustainably located, regardless of whether the 5 houses now proposed have been justified in enabling terms, a refusal based on the unsustainable nature of the development would be difficult to support.

6. Open Space Contribution

Normally, housing development attracts certain planning gains, such as provision of open space, affordable housing, and other contributions. The LPA would normally require a payment towards off site recreational open space provision in the area, under Policy R2.

However, when enabling development is proposed, the primary aim of the development is to financially support works to an important building. Therefore, it is common practice that such contributions can often be waived, so that most or all financial gains from the development can be utilised for enabling purposes.

Previous reason for refusal 3 indicated that the LPA remained to be fully convinced that 5 dwellings as designed were justified in enabling terms, and until such time, the LPA must take the stance that the scheme could be capable of funding some planning gains. Consequently, it was considered that the scheme failed the requirements of Policy R2.

However, given the comments and apparent stance of English Heritage regards the submitted financial appraisal report, it is officers' advice to members that the refusal of the current scheme on these grounds (those outlined in reason 3 previously) would be difficult to substantiate on appeal.

7. Parish Council Concerns

The retention of private rights of access/rights of way when development is occurring is a private civil matter in this instance, and not a matter for the LPA.

The Parish Council has raised concerns that sufficient parking should be provided for all the units. Unit 5 would be served by 3 parking bays to the north of the dwelling. Whilst the Parish concerns are noted, a future application for a garage block will have to be treated on its merits.

CONCLUSIONS

In the opinion of the LPA and English Heritage, the repair of the heritage asset (Landford Manor) has already been achieved. English Heritage has indicated that as the revised scheme is contrary to enabling development policy, it is for the LPA to determine whether the new scheme is equivalent in terms of development and equal to or better in terms of design quality and impact on the setting of the listed building compared to the approved enabling scheme.

While the LPA considers that the revised scheme and information largely overcomes the issues raised by reasons for refusal 1 and 3 to the previous application, the scheme as designed is the same as previously refused, consisting of a seemingly random arrangement of dwellings of a design, scale, and juxtaposition that does not appear to have any historical justification either in itself, with the adjacent manor house, or the local area. Similarly, the details as submitted do not fully explain the visual impact of the development on the setting of the adjacent listed building or on the wider landscape. Consequently, it is considered that the current proposal would detract from, and thereby materially harm, the setting of the adjacent listed building. In the opinion of the Local Planning Authority, the visual benefits of the scheme do not outweigh the disbenefits to the setting of the historic asset or the conflict with enabling development policy.

RECOMMENDATION:

REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority and English Heritage, the repair of the heritage asset (Landford Manor) has already been achieved. English Heritage has indicated that as the revised scheme is contrary to enabling development policy, it is for the Local Planning Authority to determine whether the new scheme is equivalent in terms of development and equal to or better in terms of design quality and impact on the setting of the listed building compared to the approved enabling scheme.

The scheme as designed is the same as previously refused, consisting of a seemingly random arrangement of dwellings of a design, scale, and juxtaposition that does not appear to have any historical justification either in itself, with the adjacent manor house, or the local area. Similarly, the details as submitted do not fully explain the visual impact of the development on the setting of the adjacent listed building or on the wider landscape. Consequently, it is considered that the current proposal would detract from, and thereby materially harm, the setting of the adjacent listed building. In the opinion of the Local Planning Authority, any visual benefits of the scheme do not therefore outweigh the disbenefits to the setting of the historic asset or the conflict with enabling development policy.

Consequently, it is considered that the proposal is contrary to the aims of saved Policies D1, CN3, CN5, and G10 of the Adopted Salisbury District Local Plan (June 2003), the guidance provided in PPG15, and the guidance provided regards enabling development contained within the document "Enabling development and the conservation of heritage assets".

Application Number:	S/2008/0109		
Applicant/ Agent:	MR ANTHONY STOCKEN		
Location:	FORMER SITE OF THE APPLE TREE INN DOWNTON HILL MORGANS VALE REDLYNCHSALISBURY		
Proposal:	ERECTION OF FIVE HOUSES (1 X DETACHED AND TERRACE OF 4) INCLUDING OFF STREET PARKING DRIVE		
Parish/ Ward	REDLYNCH		
Conservation Area:		LB Grade:	
Date Valid:	18.01.08	Expiry Date	17.03.08
Case Officer:	Mrs Janet Wallace	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillors Launchbury and Morrison have requested that this item be determined by Committee due to the public interest shown in the application.

SITE AND ITS SURROUNDINGS

The site is that of the former Appletree Inn public house which burnt down in October 2003 and has now been cleared from the site. The only structure on the site is a single storey garage. There is a vehicular access from the adjacent Downton Hill.

THE PROPOSAL

This full application seeks permission to replace the former public house with a terrace of 4 three-bedroomed dwellings and to demolish the existing single storey garage and erect a further detached three-bedroomed dwelling. The vehicular access off Downton Hill is to be used. The scheme also incorporates a new footpath in front of the proposed dwellings and a slight widening of Downton Hill. On site parking facilities for 12 cars is also to be provided.

PLANNING HISTORY

Various applications connected with the former public house, but of relevance to this proposal.

2004/0303 Outline planning permission for 5 dwellings. Refused for the following reason:

"The proposal would result in the loss of a site which has until recently been used as a public house which was considered central to the economic and social life of the settlement of Morgans Vale, and the Local Planning Authority remains to be convinced that the previous public house use or the re-establishment of that facility would no longer be viable. The proposal is therefore considered to be contrary to policy PS3 of the adopted Salisbury District Local Plan".

This application was subject of an appeal that was dismissed.

2004/2097 Full application for 6 houses including off street parking with vehicular access. Refused for the following reason:

"Based on the information provided by the applicant, and by the independent consultant commissioned by the Council, the proposal would result in the loss of a facility which was central to the economic and social life of the settlement of Morgans Vale, and which could be viable if rebuilt.

The Local Planning Authority therefore remains to be convinced that the previous public house use or the re-establishment of that facility would no longer be viable. On that basis, the proposal is therefore considered to be contrary to policy PS3 of the adopted Salisbury District Local Plan".

This application was the subject of an appeal that was dismissed.

2008/0025 Erection of 5 houses (1 detached and a terrace of 4) including off street parking. Withdrawn as Invalid

CONSULTATIONS

WCC Highways There are certain concerns about the scale and accuracy of the drawing. I have checked with the earlier submission, S/2004/2097, and the rather sketchy design of the widened carriageway and footway (5.5m and 1.5m respectively) appears identical and was accepted subject to conditions.

However, the layout of the parking spaces is not acceptable and differs from the 2004 submission. Therefore, the layout as submitted is not acceptable. Amendments to the parking are required and would refer the agent to the earlier 2004 submission, for which the Highway Authority were prepared to offer conditional approval, with most parking spaces not shown tight against walled boundaries. The current drawing does appear to be similar to the 2004 submission in terms of boundaries and although rather sketchy, does not show up any serious omissions or inaccuracies.

Amended plans based on the 2004 submission have now been received and the Highway Authority's views are awaited.

Environmental Health The findings of the ground investigation and proposals for any remediation work that may be necessary must be forwarded to and approved by the local planning authority prior to the commencement of work in any affected areas. Also propose a restrictive condition re construction works times and a scheme for the control of dust.

Wessex Water There is a public sewer crossing the site. The integrity of Wessex systems must be protected. There is no information regarding the disposal of surface water. As there are no existing public/separate surface water sewers in the vicinity of the site, alternative methods of disposal must be investigated.

Bournemouth and West Hampshire Water Company
None received.

Wiltshire Fire and Rescue Services
Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers Rescue Services.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry date 21/02/08
Departure	No
Neighbour notification	Yes. Expiry date 12/02/08
Third Party response	Yes

2 letters of support, one from the owner of the site, raising the following comments:

1. Cannot put the clock back, a replacement would not replicate the previous building or its ambiance and viability of a new pub is questionable.
2. Pub no longer exists and therefore PS3 is no longer applicable. Supporting appeal decisions for this view appended.
3. Site is within HPB, housing is acceptable in principle and proposal is not overdevelopment.
4. Off-road parking conforms to current guidelines.
5. Advertised the site for sale for use as a public house and received no formal offers in excess of the asking price.

33 letters and e-mails of objection have been received to this application. An additional 11 objections were received to S/2008/0025 (an identical application) making a total of 44 objections) raising the following comments:

- Detrimental highway impacts on already crowded highway system
- Problems with services, lorries manoeuvring
- Serious impact on amenities – overlooking/loss of privacy/loss of light/overbearing
- Local Development framework puts greater emphasis on community facilities
- Loss of community facility- rebuild pub
- Rebuilt pub could incorporate a shop which would aid viability
- If non-viability is proved no objection to redevelopment of site for housing
- Increase in traffic from more houses
- Houses not in keeping with the area
- Overdevelopment of the site
- More high density housing will increase local imbalance
- Site was successfully marketed for the ‘rebuild of a public house’, but owners appear to only want a housing development
- The suggested precedents in Leicestershire and Hampshire are irrelevant
- Reiteration of the two Inspectors comments
- Plans are inaccurate and not up to date.
- More houses have been built since pub was burnt down, therefore would be likely to be more viable
- Concerns regarding drainage and soakaways on bungalows below
- Highlighted difficulties that service vehicles have in the area, oil delivery must be by a small tanker
- Road congestion makes difficulties for emergency vehicles
- Scheme would cause highway dangers
- Insufficient parking spaces provided for future residents or their visitors
- Will increase parking problems
- Area already very congested, exacerbated by vehicles from current building works in the area
- Cars will be encouraged to park on the street and narrow the road
- Replacement houses are too tall and will dominate all cottages/houses around
- Ridge height should relate to former Appletree Inn. The new Plum Tree House is too tall, very overpowering
- There are no footways, site is on junction of 3 roads, new houses will increase risk of accidents
- If the pub is not viable most of the traffic issues could be overcome by replacing the proposal with 2 single storey dwellings, which would be less intrusive for existing properties
- If the pub does not need to be rebuilt then the local community should be entitled to have some of their concerns on safety, privacy and open space met.
- Planning Application form is wrong there is a yew tree on the site and it must be retained

CPRE Objects to the application because of the number of letters of objection confirms that there remains a strong local demand for the pub to be reopened and there does not appear to have been sufficient attempt by the owners to attract a new licensee. This appears to run counter to the recommendations of the earlier Inspectors report. There is not a need for the sort of houses proposed in this rural community which has had its identity severely threatened by a large amount of recent similar house building. The real need for affordable and starter homes is not being met by this proposal. There appears to be insufficient car parking provision for five family homes proposed which will worsen an already inadequate local parking situation. Much weight should be given to the feelings of local people, who value their community and still harbour suspicion and some ill-will as a result of the loss of their local pub.

CAMRA Object to the loss of public house
Description of development is incorrect. It should refer to the change of use from public house to residential.
Morgans Vale is a distinct community with a significant population. This application is essentially identical to S/04/303 which was refused by SDC and dismissed on appeal.

The applicant's assertion of non-viability was not proven. This issue is still not addressed. The figures need to be inspected closely. The site is much more valuable to the applicants if developed as proposed rather than if a public house is rebuilt. This ignores the interests of the local residents and if the application is successful then this would send the wrong message to developers.

Parish Council Response

Object overdevelopment. Community wants a pub. Letters of objection received.

MAIN ISSUES

- Principle regarding loss of community facilities and planning history
- Impact on surrounding environs
- Impact on highway safety

POLICY CONTEXT

Saved policies G2, D2, PS3 and R2 of Adopted Replacement Salisbury District Local Plan

PLANNING CONSIDERATIONS

1. Principles and Planning History

a) Principle of Retention of Community Facility

This proposal raises difficult policy issues that Members last discussed when considering the earlier proposals for the erection of dwellings on this site in 2004. At that time Members considered that based on the evidence before them, the public house use was central to the economic and social life of the settlement and had not been shown to not be viable. Members should therefore consider this new proposal in the light of their previous reasons for refusal and the subsequent Inspectors decisions on the two appeals. (Attached).

Normally a proposal for the change of use of public houses to residential uses would be judged against various policy criteria, including policy PS3. Policy PS3 states that:-

"The change of use of premises within settlements that are currently used, or have been used for retailing, as a public house or to provide a community facility central to the economic and/or social life of the settlement, will only be permitted where the applicant can prove that the current or previous use is no longer viable".

However, in this case, the agent is asserting that an application for a change of use from a public house to housing is not relevant as the community facility is no longer in existence. In his view this means that there is 'nil' land use for planning purposes on this site. On this basis it is urged that the application for residential development should be considered on its own merits without regard to the previous use of the site.

However, Legal Advice is that without full details of the formal appeal decisions upon which he seeks to rely it is not possible to see what, if any, relevance the decisions may have on the current application. In contrast the two Inspectors' decisions on this site are extremely relevant and in the latest decision issued on 17 January 2006, the Inspector's views on the interpretation of PS3 in this particular situation where the public house has been destroyed by fire are very clear. This appeal decision is about this site specifically and addresses directly our local plan policy. Not to follow the two appeal decisions may well go outside the realms of reasonableness unless there are sound reasons to justify such a stance.

Moreover, though policy PS3 specifically relates to the change of use of premises, and does not appear to relate to the particular circumstances relating to this application, i.e. because the public house building has gone, Inspectors' have twice accepted that the objective of the policy, which is to restrict the loss of community facilities which are central to the life of settlements, is a reasonable criterion against which to judge this proposal. In both cases the Inspector concluded that the public house formed a central role in the community life of Morgans Vale. In this respect, the Appeal Inspectors made the following comments:

S/2004/0303 (APP/T3915/A/04/1150299) para 6, "I am therefore satisfied that the Apple Tree Inn formed a central role in the community life of Morgans Vale".

S/2004/2097 (APP/T3915/A/05/1190213) para 6, "I am therefore convinced that the Apple Tree Inn was a valuable community facility..."

Moreover, in both cases the Appeal Inspectors also agreed that it had not been shown that a rebuilt public house would not be viable.

S/2004/0303 (APP/T3915/A/04/1150299) para 7, "...by no means satisfied that the previous public house use of the site is no longer viable".

S/2004/2097 (APP/T3915/A/05/1190213) para 13, "I conclude on the evidence provided that a rebuilt public house on the site of the former Apple Tree Inn would be financially viable".

In both of these appeals, the Appeal Inspector then dismissed the appeal.

In this case, the applicant has not addressed any of the issues raised by these decisions. No evidence has been provided to dispute the role of the former public house in the local community.

No evidence has been submitted regarding the viability of a rebuilt public house. No information has been provided regarding the marketing of the building.

Therefore, as this application does not address the reasons for the Appeals having been dismissed it is considered that the reasons for the previous refusals of the residential redevelopment of the site have not been overcome.

b) Principle of Housing Development on the Site

The site lies within the HPB, and within an existing housing area. Therefore, in principle, notwithstanding the policy issues regarding policy PS3, the development of the site for housing is acceptable, subject to its impact on the surrounding environs.

2. Impact of Proposed Housing on Surrounding Environs

a) Impact on Character of Area

The existing surrounding established residential area contains dwellings of a variety of architectural styles, of various sizes and on various sized plots. Appletree Close to the rear of the site, consists generally of larger dwellings on larger plots but in the immediate vicinity, in the main, the dwellings are arranged in a relatively linear built form, facing the various main roads. It is therefore considered that the proposed linear style development, with the houses opening directly on to the proposed footway would be in keeping with the character of the surrounding area and the Inspectors comments regarding the previous application agreed that linear development would be in keeping with the area. Therefore a refusal on this basis would be difficult to support on appeal.

The submitted plans indicate that the proposed new dwellings will have a very simple architectural form which would be similar to the existing vernacular in the area and would be in keeping with the existing dwellings in the surrounding area. As there has been a lot of infill development of no particular character in this area, it is considered that disregarding the development that was formerly on this site, the proposed form, and scale of the proposed residential development would enhance the character and appearance of the area.

b) Impact on Amenities

The two previous schemes for five and six dwellings were not refused on amenity grounds. However, as this application differs from those in that a terrace of four dwellings is now proposed in the position where previously three dwellings (part of a terrace of 5) were proposed and also the former Plum Tree Cottage has now been rebuilt, it is necessary to re-consider the

issue of the impact of the proposed residential use on the amenities of the neighbouring properties.

This scheme now proposes 5 two storey dwellings on the site whose main aspects face north and south. In terms of the impact of the development on the amenities of the surrounding dwellings, it is considered that despite the site being elevated compared to that of the adjacent dwellings to the south and is located close to other adjacent existing dwellings, any impacts in terms of overshadowing would not be so significant as to warrant refusal on this basis alone.

The scheme will, however, change the relationships that adjacent residential properties have with the site. The former public house, with its low ridge, faced mainly into the car park area and apparently did not affect the privacy of adjacent residents. However, the dwellings on the northern side of Downton Hill will now have a number of windows facing directly towards them, in particular the windows will face towards the garden area of 'Corner House'. However, whilst the front elevations of plots 1 and 2 will face directly over the garden of 'Corner House', in each case one of the two first floor windows is a bathroom window which could be obscure glazed. Therefore whilst there would be some loss of privacy caused by the first floor bedroom windows it is considered that this would not be so significant as to warrant refusal.

On the southern side of the site, due to the elevated position, the rear windows of the proposed new houses will overlook the rear of No.9 Apple Tree Close as well as its gardens. However, because of the sloping nature of the land, both dwellings and garden areas are located several metres below the ground level of the site and therefore the rear windows of the proposed dwellings would have an oblique view and would be unlikely to look down into the existing garden areas.

So, whilst the inter-relationships between the dwellings will alter and the amenities enjoyed by adjacent dwellings will be reduced in comparison with both the existing situation and when the public house occupied the site, it is considered that this would not be so significant as to warrant refusal.

3. Impact on Highway/Parking

As previously, the general public has raised concerns regarding the highway aspects of the proposal. It is accepted that the existing highway network around the site is narrow and restricted, but the former public house had an access off Downton Hill. Obviously though recent developments in the area have served to heighten this concern.

However, as previously it is proposed to create a footpath and widen the narrow highway by setting the dwellings further into the site, in order to improve the situation locally. The plan shows that the vehicular access is proposed to be in a similar position as the former access to the public house and that parking is to be provided off the road with two parking spaces provided for each dwelling as well as two visitors spaces being provided. Whilst WCC highways have raised concerns regarding the adequacy of the spaces, it is expected that the revised plan, which is very similar to that provided in conjunction with the second 2004 application, will overcome these objections.

Members should also be aware that the previous applications that proposed either 5 or 6 dwellings were not refused on highway grounds and though this scheme proposes five dwellings rather than four new dwellings to replace the Apple Tree Inn, WCC Highways has indicated that in its view 12 parking spaces is adequate, as it exceeds the guidelines in the Local Plan which are 2 spaces per unit and 1 extra space per 5 units.

The Inspectors comments at both Appeals indicate that their views are that there would be no highway danger and that 2 parking spaces per dwelling would be adequate. As WCC Highways is likely to have no objections to the scheme, and the scheme has provided more than 2 parking spaces per dwelling, a refusal on parking and highway grounds would be difficult to substantiate on appeal.

4. Public Open Space – Policy R2

A contribution as regards public open space, will be required in pursuance of Policy R2.

CONCLUSION

The key issue to consider is whether this application overcomes the objections of the Appeal Inspectors to the previous schemes. There are therefore two distinct parts to this consideration. Firstly, whether the loss of the public house use is acceptable, and secondly, whether the proposed housing development is acceptable.

Previously based on the evidence of the objections from third parties and the Parish Council, both Members and the two Appeal Inspectors considered that the public house use had been central to the economic/social life of the settlement and that a re-built public house would be viable.

The first Inspector considered that there was a reasonable possibility that the public house use would be viable and in relation to the second appeal on S/2004/2097 the Inspector in dismissing that appeal in December 2004 agreed with the contention that it would be possible to rebuild a public house that would be viable.

Whilst, in this case, the agent is asserting that there is 'nil' land use for planning purposes on this site, legal advice is that the two Inspectors' decisions on this site are extremely relevant and not to follow the two appeal decisions may well go outside the realms of reasonableness unless there are sound reasons to justify such a stance. As no evidence has been provided which address the issues raised by the Inspectors it is considered that the reasons for refusal have not been overcome.

Notwithstanding the issues relating to the loss of a community facility it is considered that this application does not differ significantly from the 2004 application, in that the overall design of the scheme has not been significantly changed and whilst there are concerns relating to the loss of some amenities for some of the neighbouring properties, it is considered that these are not so significant as to warrant refusal. Therefore, in principle, the erection of 5 dwellings in a linear built form with access off the main road would be in keeping with the general character of the area.

Whilst there are concerns regarding the numbers of vehicles which will use the local road system, WCC Highways have no objections to this aspect, merely at this stage an objection to the proposed parking arrangements. Therefore a refusal on the basis of congestion and traffic hazards would appear to be difficult to support, particularly given that it is intended to reuse an existing vehicular access and improve the current situation by widening the narrow carriageway and by providing a public footpath.

RECOMMENDATION:

REFUSE for the following reasons

1. The proposal would result in the loss of a facility which was central to the economic and social life of the settlement of Morgans Vale and in the absence of any information the Local Planning Authority remains to be convinced that the previous public house use or the re-establishment of that facility would no longer be viable. On that basis, the proposal is therefore considered to be contrary to policy PS3 of the adopted Salisbury District Local Plan.
2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

R2 Informative

1. It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

Part 2

Applications recommended for Approval

Application Number:	S/2008/0166		
Applicant/ Agent:	JOHN A GOLDFINCH		
Location:	NOS. 1 AND 2 DROVE FARM COTTAGES EAST GRIMSTEAD SALISBURY		
Proposal:	OUTLINE PERMISSION FOR DEMOLITION OF EXISTING COTTAGES AND ERECTION OF 2 DETACHED DWELLINGS WITH GARAGES		
Parish/ Ward	GRIMSTEAD		
Conservation Area:		LB Grade:	
Date Valid:	28.01.08	Expiry Date	24.03.08
Case Officer:	Mrs J Wallace	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

The site is on the edge of an established residential area, adjacent to an unmade track that also serves Willow Cottage. The site consists of the whole plot of Nos. 1 and 2 Drove Cottages and includes the entire gardens of the dwellings, as well as the parking area accessed from the unmade track. The track is a public footpath and is not in the ownership of the applicant. The site slopes slightly to the south towards the river and is bounded by a substantial hedge on the western edge.

THE PROPOSAL

This application is in outline with only the means of access to be agreed but the applicant proposes to demolish the existing pair of semi-detached dwellings and erect two detached dwellings each with a detached single garage. The dwellings are shown as using the existing unmade access track off of the road. It is indicated in the design statement that the two dwellings will be designed not to match with one to be a two-storey dwelling and the other a one and a half storey dwelling.

PLANNING HISTORY

S/06/450 Demolish 2 cottages and erect 2 detached houses with garages W/D.

S/06/2364 Demolish 2 cottages and erect 2 detached houses with garages. Refused for the following reasons:

- “1. The proposal would by reason of the proposed size and siting of the dwellings represent a cramped form of over development, which would be unsympathetic to and out of keeping with the spacious character of the locality contrary to policies G2, D2 and H19 of the Salisbury District Local Plan.

2. On the basis of the information supplied, it has not been demonstrated that the development would not have an adverse impact on a legally protected species contrary to Salisbury District Local Plan policy C12”.

CONSULTATIONS

WCC Highways	No highway objection but recommend conditions regarding the improvement of the surface of the existing access lane/track, improvements to visibility splays, the disposal of surface water within the site so as to prevent its discharge onto the public highway (including the public right of way), and properly consolidated and surfaced access driveways.
Wessex Water	There is a water mains available in the vicinity, but the site is not in our sewered area.
Southern Water	There is a public foul sewer crossing the site that must be protected during construction. An appropriate condition should be attached to any consent. Connection points must be agreed.
Rights of Way	None received.
Wiltshire Fire and Rescue Services	Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers.
Natural England	No objections subject to a condition relating to the implementation of all the recommendations set out in the Impact Assessment and Recommendations sections of the Reports by ID Wildlife and 4Woods Ecology. A protected species licence will also be required before development takes place.

REPRESENTATIONS

Advertisement	Yes expiry date 28/02/08
Site Notice displayed	Yes expiry date 28/02/08
Neighbour notification	Yes expiry date 20/02/08
Third Party response	Yes

5 letters and e-mails of comment/objection have been received that raise the following issues:-

- Proposed dwellings are out of character with area.
- Proposed dwellings are too large.
- Replacement dwellings should be a more affordable pair of semi's suitable for young people of the village.
- Track is a public right of way.
- Concerns regarding effect of development on existing trees and hedges.
- Drainage concerns.
- The track provides access to Willow Cottage and the farmland, it must not be obstructed.
- Increasing the vehicular use of the drove, is likely to result in it being blocked.
- Applicant does not own the access track and may not have a right of vehicular access.
- Disputes land ownership. Area east of two sheds is not owned by applicant, though accept it has been used by occupiers of Drove Cottages for parking etc.

Parish Council Object. Concerns regarding increased traffic using track which is a public right of way and also the additional traffic onto the metalled road which is on a blind junction and therefore detrimental to highway safety.

The Parish Council is concerned that the proposed dwellings are too large for the size of the plot. Also the applicant does not own access track or the majority of the land east of the site.

There has recently been two accidents by the cottages and with two large properties proposed more traffic would be generated thus increasing the possibility of even more accidents. There is a right of way to the other cottage and the extra vehicles would cause a problem.

MAIN ISSUES

- Principle of development
- Impact on character of locality
- Impact on amenities
- Highway safety

POLICY CONTEXT

Saved policies G2, D2, C12, H19, TR11 and R2 of Adopted Salisbury District Local Plan June 2003.

PLANNING CONSIDERATIONS

1. Principle of Development

This site is included within the Housing Restraint Area of East Grimstead in the Replacement Salisbury District Local Plan. The principle of the residential redevelopment of the site is therefore acceptable if the criteria within the Local Plan, including those criteria in policies G2 and D3 can be met.

When considering the redevelopment of the site cognisance must be taken of the character of the area as well as the quality of the local environment. The appearance of the local area and the relationship of the proposed development to its surroundings are therefore material considerations.

2. Impact on Character of Locality

The character of this part of East Grimstead is derived from its informal pattern of development, the variety in the sizes of the dwellings, their plots and their designs. It should be noted, however, that within this part of East Grimstead the dwellings tend to face the public highway and to have their rear gardens secluded away from the public view.

In this case, the existing semi-detached pair of dwellings will be replaced by two detached dwellings with detached garages, which will be re-orientated on the plot so that they face on to the unmade track. Moreover, when the site is sub-divided in the manner proposed, each individual plot will be comparatively small and much smaller than the average plot in the immediate area. However, in itself, this does not constitute an automatic reason for refusal. If the proposal is acceptable in terms of the impact on the character of the area and the relationship to adjacent dwellings, then the smaller size of the plot and the unusual relationship to the street is not in itself unacceptable. It must also be borne in mind that the site currently accommodates two dwellings within plots of a similar overall size, albeit that they are configured in a different manner.

Whilst the earlier application proposed two dwellings with attached garages, this outline suggests two smaller dwellings and single garages. The overall footprint of the proposed dwellings and the garages will now be virtually identical to that of the existing dwellings garages and outbuildings that occupy the site.

Thus, whilst the proposed plots will be of a smaller overall size than others in the local area, the indicative sketches and information in the design statement suggests that overall the proportion of the site which will be developed, would be very similar to that currently existing.

The submitted plans indicate that the overall site coverage of the proposed dwellings, garaging and access in respect of the current scheme is substantially reduced in comparison with that of the previously refused scheme. As a result, it is considered that the proposed development results in a less cramped form of development that respects the open and spacious character of the Housing Restraint Area.

In combination, this is considered to largely overcome the previous objections to the proposed replacement dwellings that were the subject of the previous application and that were considered to be so substantial as to result in a perception of cramped over development that would result in a loss of the feeling of openness and space characteristic of Housing Restraint Areas.

3. Highway Safety

Concerns have been expressed regarding the increased use of the unmade access track, however, the access is already in use for the vehicles of the existing semi-detached pair of cottages and therefore refusal on these grounds is unlikely to be supported on appeal.

4. Saved Policy R2 - Recreation Provision

A contribution for recreational facilities would not be required for the replacement dwellings pursuant to the above policy.

5. Other Matters

a) Protected Species - Bats

A number of surveys for the presence of bats have been undertaken, and Natural England is now satisfied that the proposed development will not have an adverse impact on any protected species. As such, there is no objection to the proposal subject to the imposition of a condition requiring the implementation of the recommendations set out in the submitted survey reports.

b) Land Ownership.

The access track is of no known ownership and the applicant has included it within the red line of the application site, as it is the proposed means of access to the public highway. The correct notice has been advertised in the press.

The site of the proposal has also been amended since the earlier application (S/2006/2364) to exclude the small area of land to the east of the current site, whose ownership is disputed.

CONCLUSION

This application is for the redevelopment of a site which is currently occupied by two dwellings and whilst it will result in two plots which are smaller than the norm, within a Housing Restraint Area, the positioning of the proposed dwellings and the continued use of the existing access are considered to be in accordance with the Salisbury District Local Plan policies. Moreover, the smaller indicative footprint of the buildings, which would allow for the retention of the spacious feel of the area is now considered to overcome the previous reasons for refusal.

RECOMMENDATION: APPROVE

REASON FOR APPROVAL

This application for the replacement of two dwellings within the Housing Restraint Area of Winterslow and the continued use of the existing vehicular access is considered to be in accordance with the Salisbury District Local Plan policies.

And subject to the following conditions

1. Approval of the details of the scale, layout and appearance of the building[s] thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
(A01A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

2. Plans and particulars of the reserved matters referred to in condition 01 above, relating to the scale, layout and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A)

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved. A04B

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995. (0001)

5. No development, including demolition, shall commence until a detailed scheme to improve the existing access lane/track has been submitted to, and approved in writing by, the Local Planning Authority. The scheme to improve the access track/lane shall subsequently be constructed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.

6. Prior to the first occupation of the dwellings hereby approved, the access driveways shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

7. Prior to the commencement of development, including demolition, details of a scheme for the creation of improved visibility for the access driveways shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate visibility splays of 2m x 17m from each vehicular access point and throughout each splay there shall be no obstruction to visibility above a height of 900mm above the adjacent road/track level. The scheme to improve the visibility from the access driveways shall subsequently be constructed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason In the interests of highway safety.

8. Prior to the first occupation of the dwellings hereby approved, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway (including the public right of way), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. Development shall subsequently be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

9. No demolition and construction works shall take place and no deliveries shall be taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

10. No development, including demolition, shall be commenced until a scheme of water efficiency measures has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the agreed details.

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

11. No development, including demolition, shall be commenced until details of provision for recreational open space in accordance with the saved policy R2 of the Salisbury District Local Plan have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to comply with Policy R2 of the Salisbury District Local Plan.

12. Notwithstanding the provisions of Classes A to G 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. (V15A)

Reason To enable the Local Planning Authority to retain control over the development in the interests of amenity.

13. During construction works, all plant, machinery, and building materials shall be contained within the application site.

Reason: In order to limit the impact on the narrow access lane in the interests of the amenities of the neighbours and highway safety.

14. There shall be no external lighting of the track, the site or buildings without the prior approval, in writing, of the Local Planning Authority.

Reason: To avoid undue light spillage which would have an adverse impact upon a protected species.

15. No development, including demolition, shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details and the boundary treatment completed prior to the first occupation of the dwellings hereby approved.

Reason: To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

16. No development, including demolition, shall be commenced until a scheme for the full implementation of the Recommendations of the Reports regarding Protected Species prepared by ID Wildlife dated April 2006 and the 'Further Bat Surveys by 4Woods

Ecology dated October 2007 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the conservation of a protected species.

INFORMATIVE: 1 Policy

In accordance with the following saved policies of the Replacement Adopted Salisbury District Local Plan

Saved Policy	Purpose
G2	General criteria for development
D2	Design criteria for new dwellings
C12	Protected Species
H19	Housing Restraint Area,
TR11	Off street parking
R2	Contribution to Open Space provision

INFORMATIVE: 2 Highways

The access lane/track forms part of a registered footpath, No. 5 in the Parish of Grimstead, but is poor condition. The track/lane should therefore be improved to a standard similar to that of a shared private drive, which includes the use of a surface course of dense bitumen macadam or similar treatment. The improvement work shall also include a scheme to satisfactorily drain the surface so that no water enters the public highway.

INFORMATIVE 3 Bats Protected Species

Under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats etc.) Regulations 1994, all bats are legally protected. It is an offence to disturb or harm any bats. It is also an offence to disturb, obstruct, or damage any bat roost even if no bats are present at the time. Natural England is the statutory body with responsibility for all protected species, and grant the licenses needed to legally carry out works affecting them .

INFORMATIVE 4 Southern Water

A formal application for connection to the public sewage system is required in order to service this development. To initiate a sewage capacity check to identify the appropriate connection point for the development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (tel no. 01962 858 600)or www.southernwater.co.uk

INFORMATIVE 5 Wessex Water Infrastructure

The grant of planning permission does not where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such an agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.