

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 09/10/08

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/2008/1173	FIRSDOWN
4 -14	Mrs J Wallace	APPROVE SUBJECT TO S106
	BERNARD EACOCK REAR OF 3 FIRS CLOSE FIRSDOWN SALISBURY ERECTION OF DWELLING	WINTERSLOW WARD Councillor Devine Councillor Moss
2	S/2008/1196	COOMBE BISSETT
15 - 20	Mr S Rennie	APPROVED WITH CONDITIONS
	WOOLEY & WALLIS HILLCREST BOARDING KENNELS BLANDFORD ROAD COOMBE BISSETT SALISBURY DEMOLISH EXISTING DWELLING TO EXPAND EXISTING PARKING AREA & DEMOLISH AN EXITING BARN IN ORDER TO ERECT A REPLACEMENT DWELLING IN A REVISED LOCATION	EBBLE WARD Councillor Rycroft

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2008/1173		
Applicant/ Agent:	BERNARD EACOCK LTD		
Location:	REAR OF 3 FIRS CLOSE FIRSDOWN SALISBURY SP5 1SG		
Proposal:	ERECTION OF DWELLING		
Parish/ Ward	FIRSDOWN		
Conservation Area:		LB Grade:	
Date Valid:	27 June 2008	Expiry Date	22 August 2008
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

REASON FOR REPORT TO MEMBERS

Councillors Devine and Moss have requested that this application be determined by Committee due to the interest shown in the application.

SITE AND ITS SURROUNDINGS

The site, which was originally part of the rear garden of No.3 Firs Close, has now been severed from that dwelling with a substantial fence and is now in another ownership.

The site is within an established residential area of primarily single storey dwellings with substantial gardens. The site contains a line of trees along the southern side of the site that contribute to the character of the area and that are protected by a Tree Preservation Order.

The site has a vehicular access off of a private drive. The private drive is accessed via Firs Road adjacent to No18 and currently serves 4 dwellings.

THE PROPOSAL

The proposal seeks full planning permission for the erection of a detached chalet bungalow on land to the rear of No3 Firs Close. It is proposed to provide vehicular access to the site via the existing private drive from Firs Road.

PLANNING HISTORY

There is a fairly extensive planning history relating to No3 Firs Road and the current application site.

No.3 Firs Close

S/2004/2123	Two-storey rear extension	W/D
S/2004/1543	Two-storey rear extension	Refused
S/2005/2107	Outline application for a 2 storey dwelling	Refused

This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and b) the existing amenities enjoyed by surrounding residents, particularly by reason of the loss of privacy, the dominating impact of a new dwelling in such a

backland location and the increased use of the private drive. Also no details regarding the disposal of foul water drainage had been submitted.

S/2006/0064 Outline application for a bungalow Refused

This application was refused on the grounds that the proposed development would be likely to have an adverse impact on a) the longevity and stability of the existing tree screen and because no satisfactory details regarding the disposal of foul water drainage had been submitted.

S/2006/0671 Outline application for a bungalow Refused

This application was refused for the following reason:

“Given the requirement for a suitable foul water drainage system to accompany any dwelling on this site, and the requirement to protect the longevity of the protected tree belt, it is considered that in the absence of suitably detailed information regarding such matters, and in the absence of suitable plans which demonstrate that adequate single storey residential accommodation can be provided on site within the restricted building envelope shown on the submitted plans, the Local Planning Authority remains of the opinion that the creation of a dwelling on this site would be likely to have an adverse impact on the protected trees, the local environment and general amenities. The proposal would therefore be contrary to policies G1, G2, G5 and H16 of the Salisbury District Local Plan and the guidance given in Circular 3/99”.

Land Rear of No.18 Firs Road

S/1974/0530	O/L 3 bungalows with garages	A
S/1984/0524	O/L 2 bungalows	R
S/1987/1553	O/L 2 dwellings	R
S/1988/0626	O/L one dwelling	R
S/1989/0159	Three bungalows & garages	R Appeal dismissed
S/1989/2099	Two bungalows and garages. Alteration to access at land at rear of 18 Firs Road	AC
S/1991/1838	Construction of a 4-bed bungalow and access at plot no. 1	AC
S/1991/1839	Construction of a 4-bed bungalow and access at plot no. 2	AC
S/2002/0052	Erection of a new bungalow. at 18 Firs Road.	R Appeal dismissed
S/2002/2294	One dwelling at rear of 18 Firs Road	R
S/2003/0527	One dwelling at rear of 18 Firs Road	R Appeal dismissed
S/2004/0348	New Bungalow at rear of 18 Firs Road	R
S/2004/1004	New Bungalow at rear of 18 Firs Road	R
S/2004/2264	New bungalow at rear of 18 Firs Road with access and parking	Withdrawn

S/2004/2462 New bungalow at rear of 18 Firs Road with access and parking. AC

No.18 Firs Road

S/2003/2361 Two storey extension and conservatory at rear of property R

S/2008/0490 New access to provide individual access to No.18 Withdrawn.

S/2008/1059 New separate access to serve dwelling AC 31/07/08

CONSULTATIONS

WCC Highways:

The development proposed will not have a significant impact on highway safety and therefore raise no highway objection.

Environment Agency:

No objection. Consent of the Environment Agency will be required for discharge of foul drainage. Only clean water must be discharged to soakaways.

Wessex Water:

Not a Wessex sewered area. No objection to connection to water mains, but need to agree details prior to development.

Environmental Health:

I have some reservations about this proposal in respect of surface and foul water disposal. The application only shows an indicative positioning of the foul system but as the site is relatively small this is probably the only possible location. The proposed proprietary system appears to be satisfactory. I think I would need to see details of the actual proposals for surface and foul water disposal as a condition of any approval. These should include drainage arrangements for any driveways or paths. In order to minimise water being introduced into the ground it may be appropriate to use the water from the proposed harvester tank to flush toilets etc

Suggest the following conditions be applied to any approval:

- Before development commences a scheme for the discharge of surface water from the building, driveway and paths shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.
- Before development commences details of the system for disposal of foul drainage to be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved.
- Due to the proximity of existing residential uses no delivery of plant, equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08 00 to 18 00 weekdays and 08 00 to 13 00 on Saturdays.

REPRESENTATIONS

Advertisement	Yes expiry date 31/07/08
Site notice	Yes expiry date 31/07/08
Neighbour notification	Yes expiry date 23/07/08
Third Party response	13 letters and e-mails have been received.

3 letters and e-mails have been received in support of the proposal on the following grounds:

- Design compliments existing dwellings in Firsdown
- Large empty site, suited for development, has been overgrown for a long time
- Brownfield small scale development should be welcomed
- Scheme well thought out – solar panels, grey water harvesting, sewage treatment plant, protection of trees

10 letters and e-mails have been received in objection to the proposal on the following grounds:

- Supporters have vested interests in the development/ unaffected
- Matter fully discussed at two public meetings, and refused. Should be the end of the matter, why does applicant persist?
- Development would be detrimental to locality, over development of area
- This is a garden, was separated off in 2005
- Change of character of area, becoming urban
- Dormer bungalow not in keeping with other bungalows in area
- Firsdown is semi-rural
- Change of character from small quiet village to overpopulated housing estate.
- Loss of amenities due to being overbearing, overlooking, noise and disturbance and loss of privacy
- Is backland development
- Solar panels etc will not work because of trees, likely therefore to be pressure to remove the trees in the future
- Mature trees to south must be protected
- Loss of natural habitat
- Northern boundary was removed when plot was cleared
- Southern boundary fence does not belong to applicant
- Would be 5 dwellings sharing a narrow access drive with no passing places
- Concerns regarding road safety
- Access on to Firs Road is dangerous, traffic exceeds the speed limit
- Access is in a state of disrepair
- Concerns regarding impact of construction traffic etc on foul drainage which goes under track
- Can the ground absorb all the water/surface water/foul drainage?
- Loss of value of property

Parish Council Object

The Council feels that there is no perceived overall change in this application compared with previous applications S/2005/2107, S/2006/671 and S/2006/64 and the Parish Council reiterates its previous objections, namely:

- The Council considers that this application contravenes H16 of the Salisbury District Local Plan.
- The Council believes that the proposed bungalow is overdevelopment of the plot. This application would contravene policies G2 and D3 of the Local Plan.
- The issue of access is a major concern because the dwelling would create excessive traffic alongside the neighbouring bungalows and would therefore be intrusive to their privacy.
- Concern and support regarding the amount of neighbours who have objected to this application and overall have an adverse impact on the local environment.

MAIN ISSUES

1. Principle of Development
2. Impact on Character of Area
3. Amenities of Neighbours

4. Highway Safety
5. Other Matters
6. Policy R2 - Provision of Recreation Facilities

POLICY CONTEXT

The following 'saved' policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are of relevance to this application: G1, G2, G5, D2, C6, H16 and R2.

MAIN PLANNING CONSIDERATIONS

1. Principle of Development

The application site originally formed part of the rear garden of No.3 Firs Close, a single storey detached dwelling house with vehicular access from Firs Close.

The site of the proposed dwelling has an access from the private driveway between Nos.16 and 18 Firs Road, which currently serves Nos.18a and 18b Firs Road as well as a new single storey dwelling immediately to the rear of No.18 Firs Road, known as No.18c Firs Road.

The site lies within the Firsdawn Housing Policy Boundary in a locality that is residential in character. As such, the principle of the residential development of the site is acceptable, subject to the development being in compliance with the criteria of the relevant planning policies of the Adopted Replacement Salisbury District Local Plan (June 2003).

The siting could be regarded as classic backland as well as tandem development. The supporting text to Policy H16 (Para 4.42), states that backland and tandem development will only be acceptable where there is:

- 1) a proper and safe means of access;
- 2) adequate space for parking and turning; and
- 3) adequate space between the existing and proposed developments to avoid spoiling the amenity of neighbouring dwellings.

The acceptability or otherwise of this proposal therefore requires an assessment as to whether these issues are satisfactorily complied with.

2. Impact on Character of Area

The Firsdawn area is largely characterised by dwellings in substantial plots with large rear gardens, although the plots in Firs Close are slightly more constrained, particularly in comparison with those in Firs Road.

Close to the site and using the same access, are two bungalows Nos.18a and 18b Firs Road that were approved following an appeal in the late 1980's. Also, opposite to the site is a similar sized site that was originally described as being to the rear of No.18 Firs Road and which is now occupied by a recently constructed bungalow that is known as No.18c Firs Road. This site was also granted permission for a new dwelling, following appeals. The appeal decisions relating to that site, as they are comparatively recent, are particularly relevant when considering this proposal.

In the first appeal relating to the site of No.18c Firs Road (2002/0052), the principle of a new dwelling on the plot was accepted. The appeal was dismissed only for the lack of a section 106 agreement in relation to a R2 payment for the provision of recreation facilities. The Inspector acknowledged in his decision notice that the plot would be smaller than adjacent plots, but stated that PPG3 made it clear that new development, "Must make the best use of available land. Low density development...can no longer be sustained." He concluded that, "While achieving a higher density, the proposal would not harm the character and appearance of the area to any unacceptable degree, and would not conflict with Policies G1 and H16. In the second appeal relating to this site (2003/0527), the Inspector considered that the proposed dormer bungalow would make "the site appear cramped and overdeveloped and would be

strongly out of keeping with its surroundings". He also considered that a dormer bungalow would give rise to "an unacceptable degree of overlooking of No.20 Firs Road".

As regards this current proposal, the site whilst not as large as many in the area is not dissimilar in size to the former appeal site opposite. Clearly its development will have some impact on the open character of the area through the intensifying of development. However, taking into account the Inspector's views on the appeal site opposite, national guidance as expressed in PPS3 and the more recent Inspector's decision regarding the proposed dwelling at the rear of No.64 Firs Road, it would be difficult to argue that the residential development of this site would constitute over-development of the site and be so out of character with the locality as to result in a cramped form of development.

However, the beech trees adjacent to the southern boundary of the site, which are the subject of a Tree Preservation Order, represent a constraint to the development of the application site.

Concerns were expressed with earlier applications, that while the site might be large enough to site a small dwelling far enough away from the beech trees to ensure their continued longevity and survival, this had not been adequately demonstrated. Neighbours have again raised concerns regarding the potential adverse impact of the development on these trees. In this case, the applicant has submitted a full arboricultural report with the application indicating the impact of the development on these protected trees, whilst a management plan to ensure their long-term viability already exists. In this respect, the applicant's consultant concludes that the development proposal will have no significant adverse effect on the health of the trees adjacent to the southern boundary of the site or the contribution that they make to the amenity or character of the area. The Council's Arboricultural Officer has assessed this report and agrees that the development of the site in the manner proposed with the access areas and garden adjacent to the root protection zone of the trees would not effect their long term viability and that appropriate measures can be implemented to protect the trees during the construction period, which can be secured by condition.

However, as well as considering the effect on the long term health of the trees, consideration must also be given to the living conditions within the proposed dwelling. In this case it needs to be demonstrated that it will be possible to locate a dwelling so as to take into account the shading of the garden and buildings which the trees will create, particularly as the trees are located to the south of the dwelling and the proposed private garden will be smaller than most in the locality.

The dwelling has been designed with an east/west aspect but the lounge (which is triple aspect) has two large windows on the southern boundary and bedroom no.1 above has an emergency access secondary window adjacent to the trees. The south facing lounge windows are positioned between 2 and 5 metres from the trees. As such, it is considered that given that the trees are located on the southern boundary of the site they will limit the daylight and sunlight to the habitable rooms that will be affected by shading. However, in support of the application the applicant has submitted an internal daylight and sunlight assessment report to determine whether the proposed dwelling will achieve satisfactory internal daylighting levels for the prospective occupants. In this respect, the environmental design consultant has assessed that the levels of daylight and sunlight will satisfy minimum standards and that as the lounge is multi-aspect and the east and west facades have very low levels of obstruction that the minimum standards required by good practice will be achieved.

The private garden of the proposed dwelling will be smaller than most in the locality but is considered to provide adequate amenity space. However, this amenity space will be affected to some extent by shading from the trees.

3. Amenities of Neighbours

The site is fairly level and slightly below the level of the access driveway. A fence and the group of trees to the southern boundary that form an important screen to the rear garden of No.16 Firs Road enclose the southern boundary of the site. As a result of their importance these trees were given the protection of a Tree Preservation Order. The boundary to the north is demarcated by fencing and hedgerow, although this is not substantial and views into the rear

garden of the adjacent property are possible, while a close-boarded 1.8m fence has been constructed to divide off the application site from No.3 Firs Road.

This application seeks permissions for a dormer bungalow with an overall height of approximately 6.3 metres and incorporates two bedrooms within the roof space that will be lit by a combination of rooflights, a gable window and dormer windows.

In view of the large rear gardens of Nos14 and16 Firs Road and the resultant separation distance between the proposed dwelling and these properties (over 30 metres), together with the substantial tree screen to the southern boundary, it would be difficult to argue that either the south facing dormer window to bedroom 2 or the bedroom window (Bed 1) in the southern gable would cause such a substantial loss of privacy as to warrant refusal on these grounds alone.

In relation to the north elevation of the proposed dwelling facing towards No.5 Firs Close, it is acknowledged that there are a number of windows that could potentially give rise to overlooking of the rear garden of this adjacent property. However, it is considered that a condition can reasonably be imposed requiring details of a new treatment to the northern boundary of the site that would have to be of a sufficient height and solidity to prevent any overlooking from the ground floor windows. Similarly, while the proposal also includes three rooflights to the northern elevation, two of these would serve a bathroom and attic storage and could therefore reasonably be conditioned to be obscure glazed. With regards to the third rooflight, that would serve a bedroom, this would primarily overlook the rearmost and least sensitive section of the neighbouring garden of No.5 Firs Close. Whilst the neighbours will undoubtedly be aware of the existence of a dwelling in this position, it would be difficult to argue that within a residential area such as this, that the proposal would result in such a material loss of amenity to the adjoining occupiers by reason of loss of privacy that a reason for refusal on these grounds could be substantiated on appeal.

In relation to No.3 Firs Close, there is a 1.8 metre high fence to the boundary with the application site that will screen any views from the ground floor windows in the rear elevation of the proposed dwelling and from the rear garden. The proposal, however, also includes the insertion of two rooflights in the rear elevation facing towards No.3 Firs Close. Nevertheless, one of these rooflights will serve a bathroom and therefore can reasonably be conditioned to be obscure glazed. Whilst the second rooflight, that will serve a bedroom, will overlook the rear garden of No.3 Firs Close there will be a separation distance of almost 20 metres between the two properties, which is not an uncommon relationship between properties, and therefore it is considered that the proposal would give rise to a material loss of privacy to such an extent that would justify refusal on these grounds. The proposed dwelling includes a dormer window to the front elevation that face towards No.18c Firs Road. However, given that there will be a separation distance between the front elevations of the two properties of almost 30 metres it is not considered that this will create any material loss of privacy.

The use of the driveway by the vehicles from an additional dwelling will undoubtedly cause some additional noise and disturbance to the occupiers of Nos.16 and 18 Firs Road, particularly whilst the dwelling is under construction. However, it would be difficult to argue that the additional disturbance created by the vehicular movement associated with the occupiers of one additional dwelling would create such an increase in noise and disturbance for a refusal on these grounds to be upheld on appeal.

4. Highway Safety

Whilst in this particular case, the proposed development could be considered to be both backland and tandem, as the plot is directly behind both of the existing dwellings at No.16 Firs Road and No.3 Firs Close, the plot would gain its access from an existing private driveway off Firs Road. Currently the three dwellings to the rear of No.18 Firs Road (two of which could also be described as being at the rear of Nos.5 and 7 Firs Close) all gain access from Firs Road using this access drive. The Local Highway Authority has no objection to up to five dwellings using a private access drive/road, and therefore considers it to be acceptable that an additional dwelling can use the access driveway.

Whilst the neighbours have expressed concerns about an increase in traffic generated from the proposed development, WCC Highways have not raised any objection to the proposal and it is therefore considered that it would be difficult to defend a refusal on these grounds at appeal.

5. Other matters

Government Circular 3/99 requires that all proposals where non-mains drainage is proposed include an assessment of the proposed drainage system against a series of tests so that any evidence of environmental damage can be identified.

This application, includes details of how foul and surface water is to be disposed of and confirmation that an application has been made to the Environment Agency for a Discharge Consent. Whilst the Environmental Health Officer, considers that the proposed proprietary system appears to be satisfactory, in view of the small size of the site, the details of the scheme for surface and foul water disposal should be a condition of any approval. In particular it is considered necessary to minimise water being introduced into the ground and therefore it may be appropriate to use the water from the proposed harvester tank to flush toilets. These are detailed issues that can be subject of a condition of any approval.

6. Policy R2 - Provision of Recreation Facilities

A contribution for recreational facilities would be required for the new dwelling as stated in the above policy. The applicant has stated his willingness to enter into a S106 Agreement.

Conclusion

The site is located within the Housing Policy Boundary and in view of recent Inspector's decisions, it is considered, in principle, that the residential development of the site is acceptable. Moreover, whilst it could be argued that the location of the site represents both backland and tandem development, it is not considered that the proposed development will cause any material harm to the amenities of the occupants of the neighbouring dwellings, while the Local Highway Authority considers that the vehicular access to the site is adequate and that there is sufficient space for parking and turning within the site.

On balance, it is considered that the applicant has sufficiently overcome the previous reasons for refusal. In this respect, whilst the trees on the southern boundary of the site form an important screen between the properties and constrain the location and design of a dwelling on the site, it is considered that the applicant has demonstrated that the proposed scheme whilst affected by the shade from the trees will slightly exceed the minimum levels of daylight and sunlight required by standard good practice.

Furthermore, it is also considered that the applicant has sufficiently demonstrated that the proposed development satisfies the tests set out in Circular 3/99 regarding the proposed treatment plant for it to be unreasonable to continue to maintain this as a reason for refusal.

RECOMMENDATION: APPROVE SUBJECT TO S106

REASON FOR APPROVAL

The site is located within the Housing Policy Boundary and in view of recent Inspector's decisions, it is considered, in principle, that the residential development of the site is acceptable. Moreover, whilst it could be argued that the location of the site represents both backland and tandem development, it is not considered that the proposed development will cause any material harm to the amenities of the occupants of the neighbouring dwellings, while the Local Highway Authority considers that the vehicular access to the site is adequate and that there is sufficient space for parking and turning within the site.

Whilst the trees on the southern boundary of the site form an important screen between the properties and constrain the location and design of a dwelling on the site, it is considered that the applicant has demonstrated that the proposed scheme whilst affected by the shade from the trees will slightly exceed the minimum levels of daylight and sunlight required by standard good practice. Furthermore, it is also considered that the applicant has demonstrated that the

proposed development satisfies the tests set out in Circular 3/99 regarding the proposed treatment plant for it to be unreasonable to continue to maintain this as a reason for refusal.

Therefore it is considered that the applicant has sufficiently overcome the previous reasons for refusal for this proposal to be considered to be acceptable in accordance with the Salisbury District Local Plan Policies.

SUBJECT TO

a) The applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum towards open space then this authority is minded to grant planning permission to the above application subject to the following conditions:

b) If the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policies G9 and R2.

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. No development shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

3. Notwithstanding the provisions of Class[es] A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no further windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed in the dwelling hereby approved.

Reason: To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking from windows or rooflights.

5. No development shall take place until details of a scheme for the discharge of surface water from the building, driveway and paths has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

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

6. No development shall take place until details of the system for disposal of foul drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: To ensure that the building is provided with a satisfactory means of foul drainage.

7. During construction works, which shall not include fitting out, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. There shall be no activities/working on Sundays, Bank and Public Holidays.

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

8. No development shall take place until a scheme for the provision of water efficiency measures has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed details prior to the first occupation of the dwelling.

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.

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

Reason: In the interests of the amenity and the environment of the development.

10. The development shall be undertaken in accordance with the detailed recommendations of the Arboricultural Method Statement dated 16 May 2008, ref. 7403-AIA-DC. The fencing, or other protection which is part of this approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and soft landscaping have been completed and all equipment, machinery and surplus materials removed from site, unless the prior approval of the Local Planning Authority has been given in writing.

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 most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

11. Both in the first instance and upon all subsequent occasions, the windows coloured ORANGE on the approved plan being the proposed bathroom and attic store rooflights in the northern roof elevation and the proposed bathroom rooflight in the eastern roof elevation shall be glazed with obscure glass to the satisfaction of the Local Planning Authority in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

Reason: To protect the amenity and privacy of the adjoining properties.

12. The dwelling hereby approved shall not be occupied until the turning space, parking and garaging as indicated on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason: In the interests of highway safety.

INFORMATIVE 1

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

POLICY	PURPOSE
G1	General aims of the Local Planning Policy Guidance
G2	General Criteria for Development
G5	Provision of Drainage
H16	Housing Policy Boundary
D2	Design Criteria for new dwellings
C6	Special Landscape Area
R2	Open Space contribution

INFORMATIVE 2 BOUNDARY TREATMENT

In relation to Condition 9 the Local Planning Authority would expect that the new treatment to the northern boundary of the site that would be of a sufficient height and solidity as to prevent any overlooking from the ground floor windows.

Application Number:	S/2008/1196		
Applicant/ Agent:	WOOLLEY & WALLIS		
Location:	HILLCREST BOARDING KENNELS BLANDFORD ROAD COOMBE BISSETT SALISBURY SP5 4LN		
Proposal:	DEMOLISH EXISTING DWELLING TO EXPAND EXISTING PARKING AREA & DEMOLISH AN EXITING BARN IN ORDER TO ERECT A REPLACEMENT DWELLING IN A REVISED LOCATION COOMBE BISSETT		
Parish/ Ward	COOMBE BISSETT		
Conservation Area:	LB Grade:		
Date Valid:	3 July 2008	Expiry Date	28 August 2008
Case Officer:	Mr S Rennie	Contact Number:	01722 434 398

REASON FOR REPORT TO MEMBERS

This application has been brought to Committee as it is not considered prudent to use delegated powers as the recommendation for approval is not in accordance with Policy H30 and therefore considered a departure.

SITE AND ITS SURROUNDINGS

Hillcrest Kennels are located off the Blandford Road to the south of the village of Coombe Bissett. The existing dwelling on the site is a single storey wooden clad building which is believed to have been constructed in 1934. It has not been occupied since last year when the occupants moved into a mobile home on the site. The rest of the buildings on the site are used in association with the kennels. The site is located within the open countryside of the AONB.

THE PROPOSAL

Permission is sought to demolish the existing dwelling to expand the customer parking area associated with the business use of the site as kennels/cattery and to demolish an existing barn in order to erect a replacement dwelling in a revised location.

PLANNING HISTORY

S/1991/1783	Erection of building to house incinerator to dispose of pets carcasses (retrospective).	AC	29.01.92
S/1993/484	Siting of 2-4 clinical waste roller bins and development of garden of rest as extension to pet crematorium.	AC	26.05.93
S/1996/761	Erect a 15m mast with sectored antennae 4. 0.6m microwave dishes and equipment cabinets in fenced compound with landscaping.	AC	13.09.96
S/1997/1500	To extend existing 15m mast to 20m to accommodate mast sharing by mercury. Provision of equipment cabin.	AC	25.11.97
S/2000/1959	Change of use to B1 workshops from chicken unit.	AC	14.09.01
S/2007/1179	Demolish existing dwelling to expand parking area and erect replacement dwelling in a revised location. This application was refused for the following reason:		

"The proposed dwelling represents an intrusion into the countryside for which there is no overriding need or justification contrary to policy H23, H30, C1, C2 and C5 and PPS7. In addition the lack of information submitted with regard to the drainage is contrary to policy G5 of the Adopted Salisbury District Local Plan."

CONSULTATIONS

WCC Highways:	No Objection
Environment Agency:	No Objection subject to condition regarding water efficiency
Wessex Water:	No Objection. Applicant to agree point of contact for water mains.
Forward Planning:	No objection to proposals though state that the proposals do not comply with the criteria of H30 and therefore should be considered a departure (See 'Principle of development' below)

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expired 07/08/08
Departure	No	
Neighbour notification	Yes	Expired 28/07/08
Third Party responses	No	
Parish Council response	Yes	Supported the application as even though the proposed replacement dwelling does not strictly comply with policy it should be considered acceptable with the removal of the existing dwelling considered an improvement.

POLICY CONTEXT

Policies G2, G5, C2 D2, C5 and H30 of the Adopted Replacement Salisbury District Local Plan (June 2003) are of relevance to this application. Also of relevance to this application is PPS7 - Sustainable Development in Rural Areas.

MAIN ISSUES

- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Drainage

PLANNING CONSIDERATIONS

Principle of Development

The proposal is for a replacement dwelling within a site used as a kennels/cattery. The existing dwelling is a small single storey 'hut' type construction of poor quality design and appearance. The proposal is to replace this dwelling, which is considered uninhabitable in its current state by the applicant, with a chalet style dwelling. The replacement dwelling is located within the existing kennel site, though not in the same position as the existing dwelling. The replacement dwelling is also significantly larger as it has a first floor area which increases the floor area substantially from that of the single storey existing dwelling. The site is considered to be of a mixed use of kennels/cattery with associated residential use. This is considered to also be the case as a result of the proposals, with the residential use on site to provide necessary accommodation for workers at the site to tend to the dogs and cats, with the dominant use still being the kennels/cattery.

The main policy of the Local Plan to consider in this circumstance is Policy H30 which concerns replacement dwellings in the countryside. The previous application (S/2007/1179) was not considered under this policy as the new dwelling proposed was on adjacent Greenfield land and not within the same site. This led to the refusal of this application. The current application

proposes a replacement dwelling located within the site in replacing an existing barn that is to the east of the site. Under Policy H30 a replacement dwelling will be permitted provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;*
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;*
- (iii) the siting of the replacement dwelling is closely related to that of the existing;*
- (iv) current parking and access standards can be met; and*
- (v) the existing dwelling has not been abandoned.*

Regarding criterion (i), based on the information submitted, the floor area of the existing dwelling is approximately 60 square metres, and the proposed replacement is approximately 90 square metres. It is acknowledged that the existing dwelling is unusually small and is of a low standard of construction and accommodation, though in purely policy terms the increase in size of the replacement dwelling in this application must be considered significant and therefore in conflict with this criterion.

Regarding criterion (iii), the siting of the replacement dwelling would be approximately 50 metres from that of the existing at their respective closest points. These two plots are within the same kennels site, though not at the same position within this site. The distance between the existing dwelling and the position of the proposed replacement are not particularly closely related and therefore does not meet the criteria of Policy H30, though it is noted that both positions are within the same large kennel site and therefore within the same context and not on adjacent land. A condition to remove the existing dwelling prior to commencement of development of the replacement dwelling is necessary as to assure that there will not be two dwellings on the site and that this proposal does not result in the creation of an additional dwelling rather than the replacement of the existing dwelling as proposed. This should not cause problems with regards the occupants of the existing dwelling whilst construction is underway on its replacement as they do not currently live in the existing dwelling. The poor standard of accommodation with the existing dwelling has led to the family already moving into a mobile home on the site, with the dwelling not having been occupied for about 9 months. However, it is considered that this situation does not constitute an abandoned dwelling as referred to in Policy H30.

It is clear that due to the significant increase in size of the replacement dwelling, and its reposition to the eastern side of the kennel site that the proposals are not in accordance with all the criteria of policy H30. It is therefore necessary to consider what factors may be present in this circumstance that would override the fact that the proposals are not in accordance with policy.

As mentioned above, this is considered a mixed use site of kennels/cattery with associated residential use. The occupier is stated to be Mrs Stuchfield with her husband and daughter who are partners in the business and are needed on site to deal with the day to day management which may also require work at night to care for the animals or also in relation to the businesses' role as SDC's dog pound, dealing with dangerous dogs with the police, and other aspects of the work that may require 24 hour service. It therefore seems reasonable for such an established business, which involves the caring of large amounts of domestic animals, to have workers living on site to be available at all hours for any emergency or unforeseen requirement. As the replacement dwelling is only favourably recommended because of the needs of the rural enterprise it is considered that a condition should be attached to the replacement dwelling to ensure it is to be used only by workers for the kennels/cattery. If it were not tied then this would create environmental health considerations that are not an issue if the dwelling is used in association with the kennel/cattery. An occupancy tie condition would therefore ensure that this replacement dwelling would be used in connection with the kennels/cattery for the future, which is considered reasonable and appropriate in these circumstances.

Visual Impact and position

The replacement dwelling shall replace a large unused and dilapidated barn to the eastern edge of the site, whereas the existing dwelling is to the western edge of the site at the end of the entrance drive in a prominent position for anyone entering the kennels. The additional height of the replacement dwelling, being that it is one and a half storeys, will make it more prominent

than the existing dwelling in general, especially when viewed when approaching from the east. However, the dwelling is set against a backdrop of other large barn buildings, some of a height comparable with the proposed dwelling. The chalet style of the proposed dwelling keeps the eaves lines and the overall ridge height lower than a standard two storey dwelling which mitigates its visual impact. The replacement dwelling, as it is clustered together with similar sized buildings, will not be overly prominent and therefore it is considered that it will not have a detrimental impact to the AONB or the qualities of the surrounding open countryside.

The design of the proposed dwelling is considered to be of a suitable standard, with timber walls and windows and a clay tiled roof, appropriate to a rural setting such as this. The proposed dwelling will not be read in the context of any other dwellings with the 'Scandinavian' style considered acceptable for this location, especially due to the use of timber for the walls in this rural location. It is also considered that the replacement dwelling is of a far improved appearance from the hut/shed type appearance of the existing dwelling.

The position of the replacement dwelling is set away from the main entrance and the main office, which is where most visitors to the site park their cars in what little space is necessary. The demolition of the existing dwelling will create additional parking space in an appropriate position at the end of the drive adjacent to the main office, whilst the replacement dwelling will make use of land currently occupied by an unused barn. The site is considered as a mixed use site of kennels/cattery with associated residential use, which is considered to still be the case and therefore no change of use is required as part of this application.

Impact on Residential Amenity

The proposed dwelling will be located some distance from other residential properties and therefore it is not judged to have a detrimental impact on residential amenity.

Impact on Highway Safety

The existing access to the A354 will be retained for access to the proposed dwelling and as such Wiltshire County Council have no objections to the proposal. Additional parking will be created as a result of the proposals with the new car park area proposed to replace the existing dwelling, as well as adequate parking for the proposed on site dwelling.

Impact on Drainage

The site is in a non-mains drains area, and therefore a new septic tank is proposed in close proximity to the dwelling. This is considered an acceptable form of foul drainage for a single dwelling in a non mains drainage area with no objections from the Environment Agency, though discharge consent will be required from them by the applicant.

CONCLUSION

The replacement dwelling is considered acceptable, though as a departure from policy H30 and its criteria, by reason of its reasoned necessity in relation to the kennels/cattery business, its good quality design and suitable position, with no detrimental impact to neighbour amenities or the local environment including the AONB.

RECOMMENDATION: APPROVE

REASON FOR APPROVAL

The replacement dwelling is considered acceptable, though as a departure from policy H30 and its criteria, by reason of its reasoned necessity in relation to the kennels/cattery business, its good quality design and suitable position, with no detrimental impact to neighbour amenities or the local environment including the AONB.

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D03A)

Reason: To secure a harmonious form of development.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the attached plan (Hillcrest Kennels), or a widow or widower of such a person, or any resident dependants. (S02A)

Reason: The site of the proposed dwelling is within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required.

4. No development associated with the construction of the dwelling, hereby approved, shall take place until the existing dwelling has been demolished in its entirety and the new car park area has been constructed and laid out.

Reason: To control the phasing of the development and assure against there being additional dwellings habitable on site rather than the replacement dwelling as hereby approved.

5. Prior to the first occupation of the replacement dwelling works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (L02A)

Reason: To ensure that the development is provided with a satisfactory means of drainage.

6. No development shall take place until full details of a landscaping scheme including all proposed hedge planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all landscaping shall be carried out in accordance with those details and at those times.

Reason: To enable the Local Planning Authority to secure a scheme of tree/hedge planting which relates satisfactorily to the characteristics and timing of the development, in the interests of visual amenity.

7. No development shall take place until details of the car park to replace the existing dwelling, to include details of layout and surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and subsequently retained and kept available for that purpose at all times.

Reason: In the interests of parking provision and visual amenity.

INFORMATIVES

1. SEPTIC TANK

If a new septic tank/treatment plant is proposed, or if there is any increase in effluent volume into an existing system, a Consent to Discharge will be required. This must be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences.

Please contact the Water Quality Consenting section at this office if you require further details on Consents to Discharge.

2. WATER MAINS

It is recommended that the applicant should agree with Wessex Water, prior to the commencements of any works on site, a connection into the Wessex Water infrastructure. Wessex Water can be contacted by telephone on 01225 526000.

This recommendation is in accordance with the following policies of the Adopted Salisbury District Local Plan:

- Policy D2 Purpose - Design criteria;
- Policy G2 Purpose - General principles of development;
- Policy C5 Purpose - Development within the AONB
- Policy G5 Purpose - Drainage, water supply and sewerage;

Part 3
Applications recommended for the Observations of the
Area Committee

No Observations