

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE

Southern Area Committee 08/07/2004

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO. OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUNCILLORS	NOTES
1	S / 2004 / 385 Mrs J Wallace	VICAR AND PAROCHIAL CHURCH COUNCIL OF ST MARY'S ST MARY'S CHURCH WEST DEAN	APPC	WDEA	3 - 5	WINTERSLOW Cllrs Devine and Moss	
2	SV S / 2004 / 948 Mrs J Wallace	PRIME RESIDENTIAL LTD MILFORD FARM BARN PETERS FINGER ROAD	A106	LAVE	6 - 12	LAVERSTOCK & CLARENDON PARK Cllr Bissington and McLennan	
3	S / 2004 / 1055 Mr O Marigold	ALAN LOVERING FORD MILL FORD	APPC	LAVE	13 - 16	LAVERSTOCK & CLARENDON PARK Cllr Bissington and McLennan	

Agenda Item 11

Plans list item 3 (S/2004/1055 – Ford Mill, Ford) is shown as recommended for approval with conditions in this Precis list. The report correctly states that this application is recommended for refusal.

The report itself is not in error, only the précis list.

4	S / 2004 / 1061 Mr T Pizzey	MR M WADE TRAFALGAR HOUSE STANDLYNCH	A106	DOWN	17 - 22	DOWNTON & REDLYNCH Cllrs Anderson, Leo and Mrs Peach
5	S / 2004 / 1134 Mr R Hughes	MR AND MRS I DAVIES COWESFIELD HOUSE ROMSEY ROAD WHITEPARISH	APPC	WHIT	23 - 25	ALDERBURY & WHITEPARISH Cllrs Mrs Bissington, Britton and Randall
6	S / 2003 / 1802 Mr S Llewelyn	MR & MRS G READ CHAPEL HILL WEST GRIMSTEAD	A106	GRIM	26 - 33	ALDERBURY & WHITEPARISH Cllrs Mrs Bissington, Britton and Randall

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

Part 1

Applications recommended for Refusal

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal			
Location			

No Refusals

Part 2

Applications recommended for Approval

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal Location			

1	Case Officer Mrs J Wallace	Contact No 01722 434687	1
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S/2004/385	23/02/2004	19/04/2004 9:28:45 AM	VICAR AND PAROCHIAL CHURCH COUNCIL OF ST MARY'S
WDEA	WDE	II	CHRIS ROMAIN ARCHITECTURE
Easting: 425701.772399217	Northing: 127232.827930033		

PROPOSAL:	FULL APPLICATION - PROPOSED EXTENSION
LOCATION:	ST MARY'S CHURCH WEST DEAN SALISBURY SP5 1JQ

REASON FOR REPORT TO MEMBERS

Members delegated the decision to HDS to negotiate a revised plan for the extension in flint work. If the issue was unresolved then Committee wished to resolve the matter

SITE AND ITS SURROUNDINGS

St Mary's Church is a Victorian listed building of flint with Bath stone dressings to windows and doors under a tiled roof. The church is situated adjacent to an open area within the Conservation Area. The church is prominent in the landscape as it is set on rising ground.

THE PROPOSAL

It is proposed to erect a lean-to brick extension to the vestry at the rear of the building to provide a meeting room and a disabled w/c.

PLANNING HISTORY

Various tree works
1999/974 External Floodlights AC
2000/630 Upgrade and extend existing path AC

CONSULTATIONS

Environment Agency	No objection in principle, but informatives to applicant re. septic tank
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REPRESENTATIONS

Advertisement	Yes. Expiry date 25/03/04
Site Notice displayed	Yes. Expiry date 25/03/04
Departure	No
Neighbour notification	Yes. Expiry date 17/03/04
Neighbour response	none
CPRE	Proposed extension is simple and appropriate design but window design whilst not necessarily of gothic design should reflect quality of the building.
Parish Council	No objection in principle, but consider that extension should be in materials to match the church i.e. Red brick and flint with stone surrounds. The use of matching materials would allow the extension in time to blend imperceptibly with the original building. The Parish Council would not object to the revised scheme (shown on drawing 8250EXT/07D) of a brick extension with flint bands

POLICY CONTEXT

G2, CN3, CN5, and CN8 of Replacement Adopted Salisbury District Local Plan

MAIN ISSUES

Impact on amenities
Impact on Grade II Listed Church

PLANNING CONSIDERATIONS

The proposed extension at the rear of the church continues the line of the existing vestry, which is to the rear of the church, and the Conservation Officer considers that a lean-to extension would be acceptable as the roofline and walls would follow those of the existing rear outbuilding. The result of following the line of the existing vestry is that there will be no interference with the architectural form of the original building.

The extension will cover two of the existing windows in the main church building, but as these will remain in situ, this is considered acceptable.

The original plans (drawing 8250EXT/07) showed a brick extension using a salvaged stone surround to the door. This ensured that the extension was seen as an extension to the listed building, rather than masquerading as a part of the original building. The Conservation Officer considered that this would create an 'honest' extension to the building which subject to satisfactory details for the new windows and samples of the proposed brick was acceptable.

Following on from your meeting in May, the Applicant was requested to re-consider the materials. The applicant was unwilling to construct the extension with totally flint walls for space and cost considerations.

Plans have however, now been produced which show a brick extension with flint bands. The Applicant has sourced a flint knapper who would be able to knap not only the face but also the sides of the flints to make them reasonable square and thus the flint in the flint bands would be a close match to the flints in the existing flint walls. Unknapped flints or flint blocks are considered by the applicant's architect to be unsuitable because of the resulting high proportion of mortar.

However, the Conservation Officer considers that the brick and flint bands do not respect the existing character of the building and that the extension should be entirely brick which would visually indicate how the building was extended or if it were possible to exactly match the existing church; then flint would be acceptable, though this could trick an observer into thinking that the extension was part of the original building.

CONCLUSION

An extension to the church is required to provide additional facilities including a W/C. The principle of a lean-to extension in the position proposed is acceptable. There is however a difference of view as regards whether the extension should be of different materials thus making it visually very clear that it is an addition to the original building or whether it should reflect at least some of the materials used in the original building and use flint banding in the structure.

Consequently, an all brick extension is considered acceptable, but a brick and flint extension is considered unacceptable.

REASONS FOR APPROVAL

The proposed original brick extension will provide needed additional facilities and an extension will not be detrimental to the Listed Building in accordance with Local Plan policies.

RECOMMENDATION: **APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. Prior to the commencement of development, detailed drawings of the proposed new windows (1:5 sections and elevations) shall be submitted, and, approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)

Reason 0014 To secure a harmonious form of development.

3. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)

Reason 0014 To secure a harmonious form of development.

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

Policy	Purpose
G2	General principles of development
CN3	Protection of Listed Buildings
CN5	Protection of Curtilage of Listed Building
CN8	Enhance Conservation Area

Informative

Consent will be needed from the Environment Agency for the discharge of sewage. Under the terms of the Water Resources Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The Applicant is advised to contact the Hampshire Area Office (Environment Management Test Team) to discuss this matter further.

NOTES:

S/2004/948	26/04/2004	21/06/2004	PRIME RESIDENTIAL LTD
LAVE			PEGASUS PLANNING GROUP (A MACDONALD)
Easting: 415941.8	Northing: 129580.2		

PROPOSAL:	FULL APPLICATION - CONVERSION OF REDUNDANT FARM BUILDINGS TO TWO DWELLINGS PROVISION OF GARAGE AND AMENDMENTS TO HIGHWAY ACCESS
LOCATION:	MILFORD FARM BARNS PETERS FINGER ROAD SALISBURY SP1 1NJ

REASON FOR REPORT TO MEMBERS

Councillor McLennan has requested that this item be determined by Committee because of the controversial nature of the application

SITE AND ITS SURROUNDINGS

The site is directly accessed from Petersfinger road between Laverstock. This access is also used as access to the adjacent dwelling Milford Farm. The site consists of part of the former farmyard complex of Milford Farm and consists of Milford, Laverstock and the A36. Two of the three former agricultural buildings -a feather-boarded barn and a cowshed.

THE PROPOSAL

The proposal is for full planning permission to convert the barn and the cowshed to two separate four-bedroomed dwellings. It is proposed to restore and refurbish the timber barn to create one dwelling within the structure and erect a cart-shed style separate building for the parking of cars. To create the other dwelling with an integral double garage, it is also proposed to slightly extend the cowshed with a two-storey rear extension The farm yard would be largely converted to an open grassy area with trees, with more private amenity areas to the side and rear of the buildings

PLANNING HISTORY

03/2261 Conversion of redundant farm buildings to three dwellings, construction of garages, open parking area and formation of gardens Withdrawn

CONSULTATIONS

WCC Highways - I am aware of the existing substandard nature of the highway network in the vicinity of the site however, the proposal is the least worse option in highway terms as a commercial use would probably generate higher and more frequent traffic movements, therefore no objections subject to conditions regarding the gradient of the access, disposal of surface water away from the highway, creation of visibility splays, consolidation of access and entrance gates to be hung to open away from highway.

Environmental Health Officer - no observations

Environment Agency no objection in principle but Discharge Consent for septic tank will be required

Wiltshire and Swindon Biological records centre A protected species report will be required

English heritage The application site is immediately adjacent to Scheduled Monument (Wiltshire 740) Medieval Pottery Kilns. Provided the development is located outside the indicative red line on the scheduling map, Scheduled Monument consent will not be required. Great care should be exercised in order to make sure the scheduled monument remained unaffected.

County Archaeologist The area of the farm has been cut into the natural hill slope thus removing any likely archaeological features. I advise that the barns are recorded prior to the construction works with a watching brief during the initial stages of construction. This will form a programme of works and I recommend that any consent be appropriately conditioned to ensure this.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes expiry date 27/05/04
Departure	No
Neighbour notification	Yes expiry date 27/05/04
Third party response	4 letters of objection on the following grounds

The buildings have been part of a family farm for generations, and this traditional activity should not be compromised by the denying of appropriate buildings and facilities
The buildings were in agricultural use until tenancy was brought to an end by the freeholder, they are not genuinely redundant.
There is an agricultural need for these buildings
Applicant not proved that a reasonable attempt has been made to secure a suitable business use
Conversion costs of £125 per sq ft are significantly exaggerated. Reasonable costs would be £40 per sq ft. Grants are also available
There is a shortage of commercial property in Salisbury
Milford Farm has rights of way across areas identified as garden
Commercial uses and residential will be too close this will cause disturbance
Likelihood of complaints from future occupiers regarding comings and goings from Farm as access is shared
Increased traffic using entrance on a section of Petersfinger Road that is already dangerous due to expanding Nursing Home opposite

Parish Council response The council resolved to make no recommendation, as the vote was 5 for and 5 against

MAIN ISSUES

Principle of development
Impact on Special Landscape Area
Impact on neighbours
Highway safety
Other issues

POLICY CONTEXT

G2, H23, CN5, CN20, CN23, C7, C22, C24 and R2 of Replacement Adopted Salisbury District Local Plan

PLANNING CONSIDERATIONS

Principle of development

The proposed site of the new dwellings is within Open countryside as defined on the Proposals Map of the Local Plan. The change of use of buildings in the open countryside to alternative uses will be permitted, subject to the following criteria;

PPG 7 states that Local Planning Authorities states that when assessing applications for the reuse or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new uses are acceptable in planning terms.

It should not normally be necessary to consider whether the building is no longer needed for its present purpose. Evidence that a building is not redundant is not by itself sufficient ground for refusal of permission for the new use.

Policy C22 sets out the criteria for changes of use of agricultural buildings. The buildings comprise a feather boarded traditional barn and a former cow shed and hay loft of a variety of materials including cob. They are currently empty. The criteria are: -

*(i) the existing building is not the result of a temporary planning permission
(ii) the building is not made of flimsy prefabricated materials and is constructed in a permanent manner which enables its conversion without substantial reconstruction;
(iii) the building is not visually intrusive or inappropriate to its setting and can be adapted without detriment to its external appearance or harming its setting; and
(iv) the proposal does not involve additional development or require future extensions which would not be permitted under the policies of this Local Plan;
(v) the proposal will not prejudice the vitality of a nearby town or village
Where the proposal is for a mixed business/residential use, the residential element will be expected to be ancillary to the business use. Where the proposal is for full residential use, the Council will require the applicant to demonstrate that every reasonable attempt has been made to secure a suitable business or community re-use. The Council will seek, wherever possible, the removal of structures that are temporary and of insubstantial construction.*

(i) the proposal therefore needs to be accessed against this policy criteria as outlined in the following paragraph:- the existing building is not the result of a temporary planning permission. The buildings predate the introduction of planning control in 1948.

(ii) the building is not made of flimsy prefabricated materials and is constructed in a permanent manner which enables its conversion without substantial reconstruction. The applicant has submitted an assessment of the structure of the buildings, and has concluded that the majority of the principal buildings would be capable of conversion without substantial reconstruction.

The evidence, from a qualified structural engineer shows that conversion of the buildings is possible and the conversion proposed is feasible without substantial rebuilding.

The main structure of the barn is in a good state of repair with only remedial works required to the timber column bottoms and the wall plate.

As regards the cowshed, this is a less good state of repair. The timber trusses are decayed but could be strengthened in situ to an acceptable standard, the wall plate will need replacing, the hayloft section of the building needs the lintels replaced and the front piers rebuilt and tied into the existing structure and the rear cob wall needs replacing/rebuilding. The applicant states that the works to the cow shed do not amount to re-construction and that the Engineer considers that both buildings are capable of conversion

(iii) the building is not visually intrusive or inappropriate to its setting and can be adapted without detriment to its external appearance or harming its setting;
The buildings, which have a close relationship with the farmhouse, are of traditional construction and are not prominent in the landscape. They assist in defining the character of this area and though not listed of Historic or Archeological Importance are considered to be 'worthy of retention'.

(iv) the proposal does not involve additional development or require future extensions which would not be permitted under the policies of this Local Plan

The main barn is capable of being adapted to a residential use without any additions and the proposed scheme largely retains its internal openness of character the proposal increasing the floor space by inserting a small first floor area at each end of the barn.

The size and dimensions of the cowshed have resulted in a small rear two storey extension (45sqm) being proposed.

Car parking is provided for both dwellings either as a separate building or in the case of the cowsheds as an integral part of the scheme.

(v) the proposal will not prejudice the vitality of a nearby town or village.

As the proposed conversion of the barns is to a residential use, there will be no impact on the vitality of nearby settlements

Where the proposal for conversion of redundant buildings is for full residential use, applicants are required to demonstrate that every reasonable attempt has been made to secure a suitable business or community re-use. In this case evidence has been produced which indicates that because of the location and condition of the buildings, any commercial or community development would be severely limited.

Market feasibility of alternative uses of the buildings by Chartered Surveyor

The evidence of the commercial property agents Humberts is that the reuse of the site for commercial purposes is restricted by a number of physical constraints, particularly in terms of highway access. This includes the nearby narrow railway bridge and the weight restriction on the narrow river bridge at Milford Mill and the general nature of the narrow access road.

The conversion of agricultural buildings to commercial/employment uses have not proved overly popular and therefore supply now outstrips demand.

The cost of refurbishing the principle barn and restoring the cowsheds would be uneconomic in view of both rental levels and capital values that it could realistically be achieved for an office type use. The Agents have set out a worked example based on the conversion of the main barn to demonstrate beyond reasonable doubt that this is the case. Given that the cowsheds require greater work it can only be concluded that the deficit will be still greater.

In conclusion, commercial redevelopment is not a viable proposition for the following reasons

- 1) access to the site is poor
- 2) the cost of conversion works would make any commercial scheme unviable
- 3) total demand in the location is limited having regard to location and current demand
- 4) a residential use would be more 'user friendly' to this location than an employment use
- 5) Government planning policy is to reduce the need for travel and this site is close to schools and public transport

Archeological assessment

As the site is adjacent to a scheduled ancient monument the applicant has commissioned a report from Wessex Archaeological to advise on the impact of this development on the archaeological remains. The County Archaeologist having seen the report would like conditions applied to any grant of permission, which would assist in recording the site.

Visual impact

The barns lie within a Landscape Setting of Salisbury and Wilton and therefore any development should not have any adverse impact on the landscape. These buildings form part of the complex of farm buildings adjacent to the curtilage of an existing dwelling and appear visually to be part of the built up unit.

The proposed alterations to the buildings have been designed to make the scheme sympathetic to its surroundings and it is considered that the proposal would not adversely affect the setting of the adjacent dwelling of which the buildings are currently an ancillary feature. The dwellings would not be prominent in the landscape and the proposed materials and design would not be detrimental to the visual quality and character of the local landscape.

The proposed new dwellings are to be extended in a manner, which would reflect the design, and materials of the existing barns and outbuildings and overall the intention is to renovate the present buildings, introduce a very small new build element and to maintain the agricultural vernacular of the building. Whilst the barns are not listed the advice contained in PPG15 regarding how to convert Listed agricultural Buildings has been followed.

The majority of the existing buildings have been retained, the main structural elements are renovated and retained, the vernacular appearance is retained and the majority of the main barn retains its full internal height to show its origins.

Protected Species Report

Though the survey was compiled when the majority of bats are inactive the barn and the cowshed appear to be used by bats. It was difficult to assess from the evidence the level of this use whether it was a night roost or a roosting site. The timber frame provides bat roosting opportunities and the barn has a high potential as a hibernation site and may be used by bats

throughout the year. There was evidence of feeding bats and it is possible that bats could hibernate in the roof.

Brown long-eared bats are relatively wide spread in Wiltshire, however they and their roosts are fully protected and any works affecting the main barn and the storage buildings will require a license from DEFRA post planning consent

A number of swallow nests were found within the buildings. These are also protected and their nests are protected in the nesting season (usually March to September)

As the main barn has the potential to support hibernating bats, it will be important that they are not disturbed during the hibernation season i.e. November to March. Bat rescue procedures should be adopted prior to the commencement of conversion works. To maintain bat roosting opportunities the provision of roof internal spaces should be incorporated with bat access points to these spaces.

In view of the above and subject to English Nature's comments it the Committee are minded to approve the proposal, this application should be delegated to the HDS for decision subject to conditions relating to

1) A scheme relating to the carrying out of the development in such a manner so as to mitigate the effects of the development on the nature conservation interest of the site,

2) A scheme to conserve an established habitat for a protected species of wildlife.

Impact on neighbours

The proposed new dwellings would at its closest be approximately 20metres from the existing Milford Farmhouse, and have been carefully designed to reduce any overlooking or disturbance of the existing or proposed dwelling. The two new dwellings would be unlikely to have an adverse impact on the amenities of the adjacent property, and would presumably cause less disruption than the use of the buildings for commercial purposes.

Highway safety / Traffic

Concern has been expressed that the creation of these two new dwellings will interfere with the right as of way of the existing farmhouse.

However the agent confirms that the proposed access arrangement does not infringe on the neighbours rights of way and that the scheme has been designed to ensure that these rights are not compromised. The area of the farmyard, which is a right of way, is not impeded and all the proposed trees are set back behind these rights of way. Additionally the proposed scheme provides a much improved access arrangement for the farmyard area. The question of the private right of way is of course a legal issue rather than a material planning consideration

The Highway Authority is aware of the existing substandard nature of the highway network in the vicinity of the site however; any alternative use for the buildings, which would retain an agricultural or commercial use, would be likely to generate substantial more traffic and more frequent traffic movements than two dwellings. On the basis that the development is acceptable in terms of the Local Plan and its presumption in favour of the retention of traditional rural buildings the proposed conversion to two dwellings is the 'least worse' option in highway terms and it is therefore considered that to refuse this proposal on these grounds alone would be unreasonable as it could be considered that the replacement of the agricultural traffic with domestic traffic is an improvement in the overall situation.

Reason for Approval / Conclusion

The principle of the conversion of these redundant agricultural buildings to a residential use are considered acceptable and in accordance with the criteria of the Adopted Local Plan. In this case it is considered that sufficient supporting information has been provided to justify the retention of the buildings and their conversion to a residential use.

RECOMMENDATION: subject to the views of English Nature with regard to the protected species, and subject to:-

(a) The applicant and any other relevant parties undertaking, under Section 106 of the Principal Act to pay a commuted sum under policy R2 of the Salisbury District Local Plan within one month of the date of this letter,

then,

APPROVE subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

(2) 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 building

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

(3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include any means of enclosure; any trees to be retained and the method of protection during the period of construction, and any new hedge planting and grass planting.

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

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

Reason: To ensure maintenance in the interests of the amenity of the site

(5) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofing of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason: To secure a harmonious form of development.

(6) All window frames in the development hereby permitted shall be of timber finished with a dark stain, and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure a harmonious form of development.

(7) Before development commences, a scheme for the discharge of surface water from the building hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A)

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

(8) All waste from the building shall be taken to a suitably sized and constructed containment system, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the building. (L06A)

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

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

Reason 0122 To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.

(10) Notwithstanding the provisions of Classes A,B,C, D and 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 alteration or extension to the dwelling, 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.

(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 Policy R2 agreement

INFORMATIVES:

(1) Policy This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan

Policy Purpose

G2 general Criteria for development

H23, Open countryside

CN5, Setting of a listed building

CN20 Ancient monument,

CN23, Archaeological sites

C7, landscape setting of Salisbury

C22, change of use and conversion of agricultural buildings

C24 extensions to buildings in the open countryside

R2 open space provision

(2) Consent to Discharge – A Discharge Consent for the septic tank will be required.

Under the terms of the Water Resources Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld.

NOTES:

S/2004/1055	19/05/2004	14/07/2004	ALAN LOVERING
LAVE		II	TANNER AND TILLEY
Easting: 416463.7	Northings: 132934		

PROPOSAL:	FULL APPLICATION - DEMOLITION OF EXISTING DUTCH BARN AND OUTBUILDINGS AND CONSTRUCTION OF NEW MIXED USE BUILDING CONTAINING ADDITIONAL LIVING ACCOMMODATION. DISPLAY AREA, STABLING, GARAGE AND STORES
LOCATION:	FORD MILL FORD SALISBURY SP4 6DN

REASON FOR REPORT TO MEMBERS

At Councillor Bissington's wishes the item to be discussed by committee due to local concerns.

SITE AND ITS SURROUNDINGS

The property currently consists of a grade II listed house (the mill) with an existing large pole barn around 18 metres away from the house. The site is in close proximity to the River Bourne, and lies within the Area of High Ecological value. The site also lies outside the Housing Restraint Area, and therefore in the open countryside and Special Landscape Area.

THE PROPOSAL

This application proposes demolition of the existing pole barn and its replacement with a new building of reduced width and height when compared to the pole barn. The building would be used for living accommodation including bedroom, living room, kitchen, study, tack room, garage and an area shown as a 'museum', which it is understood would effectively store, rather than a separate use in its own right. The museum area would only be open to members of the public for a few days a year.

A unilateral undertaking under s106 of the Town and Country Planning Act has been submitted restricting the use of the dwelling to ancillary uses and preventing it being sold off from the main dwelling. The undertaking also ties a minimum of 50% of the new building being used for business and agricultural use and says that if the building is no longer required for uses ancillary to the site its use will be for business and agricultural use.

Members may recall a similar application being refused at Southern Area Committee on 28th October 2003.

PLANNING HISTORY

Demolition of existing Dutch barn and outbuildings construction of new mixed use building containing additional living accommodation, display area, stabling, garage and stores, accommodation for 'dependant persons', Refused on 28th October 2003 (S/2003/1782). Appeal withdrawn.

Demolition of existing Dutch barn and outbuildings construction of new mixed use building containing additional living accommodation, display area, stabling, garage and stores, accommodation for 'dependant persons', no decision (S/2003/1783LB).

CONSULTATIONS

WCC Highways:	No objection (to earlier application) subject to 'dependant use'.
Econ Development & Tourism:	No real impact from a tourism or economic development Perspective.
Environment Agency:	No objection subject to conditions.
English Nature:	No objection.
Conservation Team:	Existing Dutch barn is ungainly and its removal would be an improvement. The replacement barn is sensitively designed and would not detract from the listed building.
Archaeology:	No known archaeological site in the area of the proposal.

REPRESENTATIONS

Advertisement	Yes	EXPIRES 15/07/04
Site Notice displayed	Yes	expired 17/06/04
Departure	No	
Neighbour notification	Yes	expired 10/06/04
Neighbour response	Yes	one letter of objection relating to impact on flood plain and impact on highway safety
Parish Council response	No	

MAIN ISSUES

Principle of development and Impact on character and appearance of open countryside and Special Landscape Area,
Impact on flood plain,
Impact on adjacent listed building,
Impact on highway safety,
Impact on protected species

POLICY CONTEXT

G1, G4, C11, C12, C18, CN3, H23, H33, C2, C6

PLANNING CONSIDERATIONS

The proposed building is almost identical to that applied for in 2003 - the only difference being an increase in the width of the building by around a metre. This scheme was refused on two grounds; the 'in principle' objection what was tantamount to a new dwelling in the open countryside and the impact on protected species, the river system and SSSI.

Although the impact on protected species, the river system and SSSI have been overcome, with English Nature confirming that they have no objection, you officers remain of the view that the first reason for refusal has not been overcome.

The proposed building would contain facilities to enable the occupiers to live independently from the main dwelling. The facilities include bedroom, living room, kitchen, study, tack room, garage and an area shown as a 'museum', in a new building of a large size (albeit smaller than the current barn) separate from the main dwelling. It is considered that the building would go beyond what can reasonably be considered an ancillary building, and would form a dwelling in its own right.

Indeed, the unilateral agreement submitted by the applicants refers to the building as a 'dwelling unit' (but one which they say is ancillary – a contradiction in terms) and the applicant's wildlife survey consistently refers to a 'new dwelling'. If the building were to be ancillary to the main dwelling, a s106 agreement would not be necessary (with permission being required for a change of use to a separate dwelling) – this is a further indication that the building proposal goes beyond an ancillary use, and should be considered as a new dwelling.

As a new dwelling in the open countryside, it would be contrary to Local and national policies that seek to resist new residential accommodation outside areas defined as acceptable for such development in the Local Plan. Policy H33 does allow for accommodation for dependant persons where it would consist of an extension or the change of use of an existing building, but as this application proposes neither it would be contrary to this policy too.

Careful consideration has been given as to whether the unilateral undertaking submitted is sufficient to overcome the harm from this proposal in the open countryside. The harm from the building proposed comes from a number of factors. The primary harm is the physical impact. Although the existing agricultural building is of a large size, such agricultural buildings are accepted in the open countryside as an exception to the general rules of countryside restraint. The new building would have no such justification. Further, the new building would (being constructed to modern standards for a domestic purpose) be expected to remain for a much longer period than the current disused barn.

In addition, the proposed building would have a more domesticated appearance than the current building. It would have domestic windows on side and front elevations, apparent from the road. The application also includes domestic garden and decking, adding to the building's domestic appearance. There would also be the introduction of more people, more domestic paraphernalia, more vehicles, more movements etc – in short, greater urbanisation generally.

Despite the view of the Conservation Officer, It is also considered that the new building would visually compete with the existing listed mill. While this may also be the case with the current barn, at least the existing building tells of the agricultural setting of the mill and, in any case, this redundant barn would not be expected to remain in the long term.

It should also be noted that, if permission were granted for a large building for 'ancillary' residential use, it would be very difficult for the Authority to subsequently resist any future application for 'full' residential use of the building, because much of the harm (physical impact, additional movements etc) would have occurred anyway. Despite the undertaking submitted by the applicants, the residential accommodation, once granted, could not easily be re-absorbed into the accommodation in the main house, given its self contained nature.

None of this harm would be overcome by the provisions provided for in the unilateral undertaking. Indeed, even if the building were not considered to fall within the definition of a new dwelling, the harm caused to the character and appearance of the countryside and the setting of the listed building would justify refusal.

It is therefore recommended that permission be refused because of the impact of what would effectively be a new dwelling, on the open countryside, the Special Landscape Area and the adjacent listed building.

The remaining issues (impact on highway safety, impact on flooding) were considered during the previous application and were not considered to warrant refusal. There is no change to the scheme that would alter these considerations.

CONCLUSION

The proposal involves the erection of a new dwelling in the open countryside. Although the applicants have submitted a unilateral undertaking to restrict the use of the building to dependant persons, it would remain contrary to policy H33 and would harm the character and appearance of the open countryside, Special Landscape Area and the adjacent listed building.

RECOMMENDATION:

Subject to no new material considerations being raised in representations on or before 15th July which affect the recommendation:

REFUSE for the following reasons:

1. The proposed development would consist of a large unit of accommodation, with facilities capable of independent use in a new building separate to the existing dwelling. It is considered

that the development would be tantamount to a new dwelling in the countryside, and that the proposed building would be harmful to the rural character of the open countryside and Special Landscape Area and would adversely affect the setting of the adjacent listed building. In this respect it would be contrary to Replacement Salisbury District Local Plan policies G1, H23, H33, CN3, C2 and C6

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

- G1 General Development Criteria
 - H23 Development outside Housing Policy Boundaries
 - H33 Development for Dependant Persons
 - CN3 Development that affects the setting of a listed building
 - C2 Development in the countryside
 - C6 Development in Special Landscape Area
-

NOTES:

S/2004/1061	10/05/2004	05/07/2004	MR M WADE
DOWN		I	GERALD STEER RIBA
Easting: 418593.120345354	Northing: 123759.280162811		

PROPOSAL:	CHANGE OF USE - CHANGE OF USE OF USE OF MAIN HOUSE TO PERMIT HOLDING OF MUSICAL CONCERTS, WEDDING RECEPTIONS, CONFERENCES AND ASSOCIATED ACTIVITIES, CONSTRUCTION OF NEW DRIVE ACCESS AND ERECTION OF ENTRANCE LODGES
LOCATION:	TRAFALGAR HOUSE STANDLYNCH SALISBURY SP5 3QR

REASON FOR REPORT TO MEMBERS - 04/1061

Recommendation does not fully accord in part (lodges) with policy H23

SITE AND ITS SURROUNDINGS

Trafalgar House is an 18th Century country house of national importance. It is a Grade I LB set in substantial grounds, situated on high ground on the east bank of the River Avon near Standlynch, with access off Witherington Road, between the villages of Alderbury and Downton. The grounds are also included in the Register of Parks and Gardens of Special Historic Interest, Grade II.

THE PROPOSAL

The current proposal is for a partial change of use of the house to hold music and cultural events, conferences and wedding receptions, together with a new access and pair of entrance lodges. This is a re-submission of a previously approved scheme (excluding alterations to the main house), which has been partly implemented (see history below).

The applicant has submitted a design statement, which includes some explanatory background material, and is attached as an Appendix to this report.

PLANNING HISTORY

PP was granted for the same development on 15.01.98 under ref S/97/0702, but in addition included some alterations to the main house itself, omitted from the current application. An associated LB application was also granted consent on 03.10.97 under ref S/97/0703 for alterations to the south wing of the main house.

The applicant carried out certain development (the new access and entrance road) and has implemented the change of use by carrying events at the site. However, certain conditions on the original planning permission requiring approval of details prior to commencement of development had not been complied with. These were connected for the main part with the construction of the new lodges. The applicant was advised to ensure that the requirements of these conditions were satisfied before the planning permission expired to ensure that the permission remained extant. The details were submitted after the PP expired. Taking advice from the Council's Solicitor, it was held that in these circumstances, legally there could be no lawful permission for the development. As a way forward, the applicant was subsequently advised to submit a fresh application to cover the retrospective development and any development not yet undertaken, which the applicant still wished to carry out.

CONSULTATIONS

WCC Highways	- Object on the grounds that the visibility splays have not been provided to the standard of the previous recommendation (i.e. 4.5m X 120m).
WCC Library/ Museum	- No comments
Wessex Water Authority	- Not in the water authority's sewered area. LPA should be satisfied with surface water disposal.
Environment Agency	- Should connect to mains if available. If not feasible, a Discharge Consent will be required from the EA.
English Heritage	- No objections. Recommend further details of the new entrance gates be provided.
Historic Gardens Society	- Raise no objection but in respect of the lodges are concerned that there are no details of subsidiary development (e.g. garden equipment etc) which can be damaging to the historic landscape which should be included with the application and further suggest control over domestic paraphernalia and withdrawal of permitted development rights.
Wiltshire Gardens Trust	- Awaited.
EHO	- Awaited.

REPRESENTATIONS

Advertisement	Yes. Expiry Date: 10.06.04 & 08.07.04 (Departure)
Site Notice displayed	Yes. Expiry Date: 10.06.04
Departure	Yes (the lodges) H23.
Neighbour notification	Yes.
Third Party responses	No
Parish Council response	Yes. Objects on the grounds of inadequacy of approach roads, noise levels form functions, no information on siting of new lodges and existing new drive not shown on plans.

HDS Note: The PC has since been supplied with a copy of the design statement submitted by the applicant, which provides some further details. No further comments received from the PC have been received

MAIN ISSUES

1. Principle of Development 2. Impact on Trafalgar Park LB and Historic Garden. 3. Impact on SLA. 4.Highway issues. 5 Amenity 6. Public Recreational Open Space.

POLICY CONTEXT

G1, G2, D2, H23, CN3, CN4, CN18, C2, C6, C22, C23, R2 Salisbury District Local Plan
DP1, DP4, DP15, T5, C1, C9, HE5, HE7 Approved Wiltshire Structure Plan

PLANNING CONSIDERATIONS

Principle of Development

Planning permission has been previously granted for the same development as now proposed. Part has been implemented under the previous permission, as detailed above. The planning considerations are very similar to the previous application. In terms of any material change in circumstances, the former Local Plan has been replaced by the recently adopted Replacement Salisbury District Local Plan (June 2003) and the Wiltshire Structure Plan has been approved (Jan 2001). The policies and considerations are similar. PPG 15 also provides advice on development on conservation issues.

The change of use element of this proposal was originally considered to be generally acceptable in principle under the change of use policies of the former Local Plan, and this aspect the policy consideration has not materially changed, now under policy C23, relating to large houses in the Countryside, which contains a number of requirements for an acceptable proposal. In particular, it is considered that the principle of holding of events would not harm the architectural historic interest of the house, a specific requirement of the policy.

Regarding the Lodges, these buildings are proposed for security / staff purposes, which the applicant considers is an essential requirement. They are modest in scale with a traditional / classical design, part single storey with small attic accommodation. They would be located either side of the new drive, set back from the road on the same alignment as an existing post and rail fence. One contains habitable accommodation, in the form of a one bedroom (in attic) self contained dwelling unit, whilst the other comprises garage, security post and cloakroom with attic for storage of security equipment. The lodges were previously considered to represent an acceptable departure from housing policy which in this location would normally only permit new houses in the countryside where justified in connection with agriculture or forestry), subject to a Section 106 Agreement restricting the occupancy to staffing needs specifically in connection with Trafalgar Park. Such an Agreement is already in place and if this application is granted permission, a new agreement would be required.

In terms of the physical appearance of the site and surroundings, there appear to be no material changes, apart from the new access and drive which has been constructed. The conservation and landscape policy considerations remain largely the same, as discussed below.

The development is located in a relatively isolated location in the open countryside, and therefore, not readily accessible by modes of transport other than car/ coach. From purely a traffic point of view the development may not be considered sustainable. However, this should be judged against relevant policies, which in principle may allow changes of use in the countryside, and sustainable benefits in terms of the upkeep of this important Grade 1 Listed Building.

Impact on Trafalgar Park LB and Historic Garden

In considering planning applications for development which affects a listed building, Section 66 of the LB Act requires authorities to have special regard to the desirability of preserving the building or its setting or any features of architectural interest which it possesses. PPG15 confirms this with further advice and also confirms that the effect of development on a registered historic park or garden is a material consideration.

As stated above it is considered that the change of use element would not be harmful to the setting and character of the LB. The existing arrangements for parking are adequate, and no new large areas of hardstanding are required.

In terms of operational development, the proposed access (already constructed) and lodges are some distance from the house, and in a position such as not to adversely affect the setting of the house. The new drive provides where it sweeps behind the proposed lodges provides an impressive view of Trafalgar House (not previously available from the former access), before it rejoins the existing drive to the house. The proposed design and materials of the lodges are traditional and sympathetic to their purpose and setting. The creation of the access has opened up and changed the appearance of the road frontage, but again is not considered to have a detrimental impact on the setting of the LB or the historic garden. The comments of the Historic Garden Society are noted regarding ancillary residential paraphernalia. There are no proposals to erect any curtilage boundaries with the lodges, which would not have private gardens. In addition, a condition has been imposed withdrawing normal permitted development rights for ancillary residential development.

Impact on SLA

The proposed lodges and access will clearly change the view from the road. The access splays have resulted in some loss of hedgerow and the proposed lodges will be clearly visible, although set against a backdrop of trees and parkland. However, the relatively modest scale and sympathetic nature of the development is such that it is not considered to adversely affect the scenic qualities of the local or wider landscape, subject to the recommended conditions.

Highways

To meet highway safety requirements, adequate visibility splays have to be provided. A condition was placed on the original permission to provide splays of 4.5m by 120m. WCC have

objected on the basis that these splays have not been fully provided. However, the condition can be re-applied on a new permission and it would appear that the visibility could be improved by clearing some of the lower growing vegetation further from the access splay. Further comments from WCC may be submitted before the meeting on this issue. The access provides a considerable improvement on the former entrance to the north. The road infrastructure has limitations, being a rural C Class road. The Parish Council has raised concerns about levels of traffic. This was considered as part of the previous permission and restricted by condition the number of events. This could also be re-applied to the current application, as included in the list of conditions below.

Amenity

The Parish Council has objected about noise levels from events on the settlements of Standlynch and Charlton All Saints. There are dwellings in the area but it is not considered based on the frequency, nature of the events and location of the house, that there should be any undue noise disturbance to residences in the area as a result of the events or associated traffic. The LPA is not aware of complaints since the granting of the previous permission. The granting of planning permission also does not protect the applicant should a statutory nuisance be caused under environmental health legislation. The comments of the Council's EHO is awaited.

Public recreational open space

One of the lodges is a self-contained residential dwelling. Albeit for staff purposes, it is therefore subject to Policy R2 of the Adopted Replacement Salisbury District Local Plan. A financial contribution (Parish of Downton) can be requested in the normal manner as part of the Section 106 Agreement.

CONCLUSION

Planning permission has already been granted for the same development, and planning policy has changed little since the approval.

Therefore, given this planning history, subject to a Section 106 Agreement and appropriate conditions, it is considered that the proposal is acceptable, and would not result in any material harm to interests of acknowledged importance as detailed above.

RECOMMENDATION:

Subject to all persons concerned entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 in respect of:

- 1. Restriction of the occupancy of the residential accommodation in the lodges for staffing purposes only in connection with the running of Trafalgar Park; and**
- 2. Provision of public recreational open space, in accordance with Policy R2 of the Salisbury District Local Plan**

then,

APPROVE: for the following reasons

The proposal would not result in any material harm to the character and setting of the Listed Building or the registered Historic Garden, the Special Landscape Area, highway safety or the amenity of the surrounding area.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the proposed lodges 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.

Reason: 0015 To ensure that the external appearance of the proposed extension will relate appropriately to that of the existing building.

3. Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered (See British Standard BS 5837:1991, entitled 'Trees in relation to Construction'. (G15A)

Reason:0042 In the interests of the amenity and the environment of the development.

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

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

5. Before the access hereby permitted is brought into use, the area between the nearside carriageway edge and lines drawn between a point 4.5 metres back from the carriageway edge along the centre line of the access and points on the carriageway 120metres from and on both sides of the centre of the access shall be cleared of obstruction to visibility at and above a height of 1metre above the nearside carriageway level and thereafter maintained free of obstruction.

Reason: 0052 In the interests of highway safety.

6. This permission is for a partial change of use of the main house only for the holding of up to 2 business conferences per week, up to 30 concerts a year and 12 wedding receptions a year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and setting of the Listed Building and Historic Garden Park, the Special Landscape Area and in the interests of highway safety

7. Prior to commencement of development, detailed drawings of the design of the proposed metal entrance gates shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the details so approved.

Reason: In the interests of visual amenity

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

Policy G1 Sustainable criteria
Policy G2 General development Control Criteria
Policy D2 Design criteria
Policy H23 Application of Housing Policy
Policy CN3 Development affecting Listed Building
Policy CN4 Change of Use of Listed Buildings
Policy CN18 Development affecting Historic Gardens
Policy C2 Development in the countryside
Policy C6, Development affecting the Special landscape Area

Policy C22 Change of Use of buildings in the countryside
Policy C23 Change of Use of large houses in the countryside
Policy R2 Provision of public recreational open space

INFORMATIVES: -

1. If the applicant does not comply with 1 and 2 above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2.
 2. The applicant is advised that Discharge Consent will be required from the Environment Agency for the proposed foul water disposal.
-

NOTES:

S/2004/1134	25/05/2004	20/07/2004	MR AND MRS I DAVIES
WHIT			DAMEN ASSOCIATES
Easting: 426151	Northing: 124349.4		

PROPOSAL:	FULL APPLICATION - DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF REPLACEMENT DWELLING. C.O.U RESIDENTIAL - AGRICUTURAL AND C.O.U AGRICULTURAL - RESIDENTAIL TOGETHER WITH ASSOCIATED WORKS.
LOCATION:	COWESFIELD HOUSE ROMSEY ROAD WHITEPARISH SALISBURY SP5 2QY

REASON FOR REPORT TO MEMBERS

Recommendation conflicts in part from policy H30

SITE AND ITS SURROUNDINGS

This site has an interesting history, having once been part of the larger estate connected with Cowesfield Manor, a large house demolished in the mid 20th century.

The site is located in the open countryside of the SLA. The site contains a modern chalet bungalow, including outbuildings. The immediate area also contains numerous farm buildings, and the remains of the former Cowesfield manor house, and walled garden. The former coach house connected with the old manor house is located some distance to the west of the application site.

The site is reached via a narrow track with an access onto the A27 to the south.

THE PROPOSAL

It is proposed to demolish the existing chalet bungalow, and to construct a larger dwelling to the east. The application also seeks to clarify and confirm the extent of the residential cartilage of the new replacement dwelling.

A new driveway and turning area would be located to the north of the new dwelling, on the site of the former Manor House.

PLANNING HISTORY

S/04/512 – demolition of existing , and Erection of replacement dwelling. Refused 21/4/04, due to its non-compliance with policy H30.

CONSULTATIONS

WCC Highways	- No objections
WCC Library/ Museum	- No objections
Wessex Water Authority	- No objections
Environment Agency	- No objections

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 26/6/04
Departure	No
Neighbour notification	Yes. Expiry 16.06.04
Third party response	8 letters objecting to the proposal, in that:

- 1) Whilst large garages not included, could be built under pd rights
- 2) Concern that applicant has interest in adjacent land. Too many unknowns
- 3) Out of keeping with area
- 4) Road inadequate and floods
- 5) Multi-million pound house cannot co-exist with adjacent agricultural use.

Parish Council response

Objection, due to:

- a) Dwelling still significantly larger than existing contrary to policy
- b) If this application is passed, then there will be an application for a garage and outbuildings
- c) Out of keeping with area, only bungalows have been built in the last 50 years

MAIN ISSUES

Principle/planning history
Impact on wider countryside/SLA
Impact on amenities

POLICY CONTEXT

G2 D3 H30 SDLP

PLANNING CONSIDERATIONS

The existing site and dwelling are well screened, and not readily visible in the wider landscape. Given the historic use of the site a part of a larger manor house and grounds, the actual curtilage /garden area of the existing dwelling is rather indistinct, with much of the environs around the property being unkempt or disturbed land, which may well have been part of the much larger curtilage of the previous manor house.

The proposal involves a new replacement dwelling which is considered to be significantly larger than the existing chalet bungalow in terms of its overall scale, and which would not be sited on the same footprint as the existing dwelling.

Whilst the previous application for a replacement dwelling was refused by Members, it should be noted that two major changes have occurred. Firstly, the replacement dwelling would now be located closer to the existing site of the chalet bungalow, and secondly, the overall footprint and scale of the proposal has been reduced with the omission of the previously attached outbuildings and garage block. These changes bring the scheme more in line with policy H30.

It is considered that given the screened and secluded nature of the site, the replacement dwelling as proposed would have no greater impact than the existing dwelling despite its size and repositioning. Furthermore, the design of the new dwelling would be a significant improvement compared to the non-descript chalet bungalow, thereby improving the visual appearance of the area in general.

Furthermore, the positioning and enlargement of the redefined curtilage of the new dwelling is considered acceptable, as there is no intrusion into the open countryside surrounding the site, the boundary with which is cleared marked by various fences and other natural boundaries. The scale of the larger garden area and curtilage would also relate well to the proposed house, and would in any respect been much smaller than the previous historic cartilage related to the old manor house.

Given the isolated nature of the site, adjacent amenities would remain unaffected by this proposal, and there are no additional highway matters.

Any issues regarding the ownership or future use of the adjacent land are considered irrelevant to the determination of this application, particularly as the site is already used for residential purposes, and this residential use would simply be replaced and retained.

CONCLUSION

Officers consider that whilst the replacement dwelling is larger and somewhat grander than the chalet bungalow, its overall design would represent an improvement, and the overall scheme would facilitate an improvement of the site in general. The new house and the enlargement of the curtilage raises no adverse issues regarding the character of the surrounding countryside and surrounding amenities, which remain unaffected.

It is therefore considered that this revised scheme overcomes the previous objections and refusal reason.

RECOMMENDATION: **APPROVE** subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

(2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

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:0023 In order that the Local Planning Authority may retain planning control over the use of the premises.

And in accordance with the following policies of the Adopted Salisbury District Local Plan. G2, D3, H30.

NOTES:

S/2003/1802	20/08/2003	15/10/2003 12:33:41 PM	MR & MRS G READ
GRIM			NIGEL LILLEY
Easting: 420936.101333052	Northings: 126920.82051003		

PROPOSAL:	FULL APPLICATION - ERECTION OF TWO NEW SEMI DETACHED DWELLINGS AND ACCESS
LOCATION:	CHAPEL HILL WEST GRIMSTEAD SALISBURY SP5 3SG

REASON FOR REPORT TO MEMBERS

This application is brought before the Planning Committee at the request of Councillor Britton due to public interest and as the recommendation is contrary to the Parish Council's recommendation and is contrary to the comments of WCC Highways.

SITE AND ITS SURROUNDINGS

This site currently forms part of the extended residential curtilage of Rose Cottage that is one of a pair of semi-detached dwellings situated on the north eastern side of Chapel Hill in West Grimstead within the Housing Policy Boundary. The area of land forming the application site is predominantly laid as lawn and is set behind a hedge to the frontage boundary with Chapel Hill, although there is an opening at the south eastern end of the front boundary of the site that provides an informal vehicular access onto this grassed area. A bus stop is located on the grassed verge in close proximity to the south east of this access. The rear boundary of the site to No3 Greenfields, a detached bungalow, is demarcated by a panelled fence with some shrub planting in front.

PLANNING HISTORY

S/2003/1232 An earlier application to erect a pair of semi-detached dwellings with associated parking provision to be accessed off Chapel Hill was withdrawn in July 2003.

THE PROPOSAL

This application is a resubmission of the earlier application that was withdrawn in July 2003 (Ref: S/2003/1232) and seeks planning permission to erect a pair of semi-detached dwellings with associated vehicular access and parking provision.

CONSULTATIONS

WCC Highways: In response to the application as it was originally submitted, recommend refusal on the grounds that the constraints of the car parking area hinder access to the footpath between the proposed dwellings and the parking area that could lead to vehicles parking partially or totally within the public highway to the detriment of road safety. Additionally, in the interests of highway safety, it is considered that the proposal should include a 2.0m wide paved footway across the whole site frontage, the parking area should be properly consolidated and surfaced and provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway and the gradient should not exceed 1 in 15.

Comments are awaited following the submission of amended plans.

Wessex Water: The site is not located within Wessex Water's drainage area. With regards to water supply, the developer will need to agree a point of connection onto the system.

Southern Water: Verbally advised that there is no objection in principle. The site lies within a foul sewered area and the developer will need to agree a point of connection. The developer has proposed to dispose of surface water to soakaways and the Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

Environment Agency: No objection.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes - expired 25/09/03
Departure	No
Neighbour notification	Yes - expired 12/09/03
Third Party responses	Yes

Seven letters of representation have been received in response to the proposed development as it was originally submitted that raise the following concerns/objections:

- The proposed development will represent a cramped, overdevelopment of the plot that will be out of keeping with the character of the area;
- The proposed development will result in a loss of privacy and light by virtue of the proximity of the proposed dwellings to neighbouring properties;
- The retention of the existing vegetation to the rear boundary that provides some screening cannot be guaranteed;
- The proposed parking spaces will adversely affect the amenities of the neighbouring properties by virtue of noise from the vehicular movements;
- The parking space is still insufficient to accommodate four cars and will result in on-street parking in close proximity to a bus stop and the junction with Greenfields to the detriment of highway safety;
- The proposed level of parking provision would not be adequate to serve the proposed dwellings;
- The proposed vehicular access is located too close to the nearby bus stop and would pose a danger to highway safety;
- The proposed development, if allowed, would set a precedent for future similar applications; The reduction in the height of the hedge to the front boundary of the site would introduce a discontinuity in the hedge that would be unsightly;
- It is suggested that the erection of a single dwelling on this site would be more acceptable; and
- Although the proposal includes the deletion of the conservatories from the earlier scheme these could be built at a later date without requiring planning permission

One of these letters of representation does, however, state agreement with the contention of the applicant's agent that the provision of a footpath to the front of the site, as requested by WCC Highways, would unduly urbanise the street scene.

Following the submission of amended plans, a further period of neighbour notification was undertaken. This has elicited one additional letter of objection to the proposal that reiterates the objections that have previously been raised.

Parish Council: In response to the application as it was originally submitted, commented that the concerns raised in respect of the earlier application S/2003/1232 with regard to overlooking to the rear and the overdevelopment of the site have been taken into account with the new design, but there are still concerns regarding car parking.

Following the submission of amended plans, object to the application on the grounds that the car parking arrangements are unsatisfactory and will

be detrimental to highway safety and secondly that it is a cramped form of development that is unacceptable due to the close proximity to properties at the rear and is out of character with the area.

It is also advised that it is considered that the removal of the hedge and creation of a public footpath would urbanise the rural setting.

POLICY CONTEXT

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:

G2, D2, H16, C6, TR11 and R2.

MAIN ISSUES

1. Principle of Development
2. Impact on Character of Area
3. Impact on Neighbouring Amenities
4. Highway Issues
5. Policy R2 - Provision of Recreation Facilities

PLANNING CONSIDERATIONS

1. Principle of Development

The application site lies within the West Grimstead Housing Policy Boundary and therefore Policy H16 of the Adopted Replacement Salisbury District Local Plan (June 2003) is applicable to this proposal where the principle of infill and small-scale residential development is considered to be acceptable subject to various criteria.

The site is also located within the Special Landscape Area and therefore in accordance with Policy C6 of the Adopted Replacement Salisbury District Local Plan (June 2003) the proposed development must respect the quality of the landscape.

As the proposal is for residential development, Policy R2 will also be applicable. Owing to the number of units proposed a commuted sum is considered to be most appropriate way forward.

In the light of the above, the acceptability of the proposed residential development rests with the detailed considerations as set out below.

2. Impact on Character of Area

The application site is located within a section of West Grimstead that is characterised by a variety of property styles and sizes including detached, semi-detached and terraced dwellings of varying designs and exhibiting various materials including brick and rendered construction. The site in question is located within a section of Chapel Hill that is characterised by dwellings in fairly spacious sized plots that together with the boundary hedgerows that directly adjoin the carriageway creates a semi-rural character, although the development of "Greenfields" to the north east is of a more suburban character as is Chapel Hill to the north west of the application site. The existing property, "Rose Cottage", occupies a relatively large site and it is therefore considered that the existing site is capable of being severed in the manner proposed to form two additional plots of a size that will be in keeping with the size of other plots that are evident in the wider context of the surrounding vicinity. Although the proposal would give rise to a more dense development on this site, it is considered that the proposed dwellings have been laid out so that a reasonable sense of spaciousness is retained between them and the neighbouring properties. In this respect, the overall scale and massing of the proposed dwellings has been substantially reduced by virtue of a reduction in their overall width from 15.2 metres to 12.4 metres, thereby increasing the separation gap with the parent property, "Rose Cottage", and the side boundary of the site respectively. As such, it is considered that the dwellings would fit relatively comfortably within the site and would not appear unduly cramped in relation to the surrounding development.

With regards to the design and visual impact of the proposed development, it is inevitable that the proposed dwellings would alter the visual appearance of this section of the street scene. However, following negotiations with the applicant the design of the proposed dwellings has been amended from the original submission in order to reduce their overall scale and massing by virtue of a reduction in their width, such that it is considered that they would relate satisfactorily to the scale and massing of the existing properties at “Rose Cottage” and “Jasmine Cottage” and would be of more acceptable proportions in relation to the proposed plot size. As such, it is not considered that the dwellings would appear overbearing in the street scene. Whilst not directly replicating the design of “Rose Cottage” and “Jasmine Cottage”, it is considered that the dwellings will exhibit acceptable design details, such as window proportions and porch details, and subject to the use of appropriate materials it is considered that they will appear generally sympathetic to the surrounding area and would integrate harmoniously into this section of the street scene, particularly given the mixed design of dwellings in this location. The site also contains a hedgerow to the front boundary with Chapel Hill that makes a significant contribution towards the semi-rural character of this section of the street scene and importantly the proposed development involves the retention of this landscape feature that will ensure that the character in this immediate environment is preserved.

In light of the above considerations, it is considered that the overall design approach of the proposed development addresses the prominence of the site in an acceptable manner that maintains its semi-rural character whilst delivering a development of an acceptably high quality that respects the objectives of PPG3 in terms of respecting the character of the area whilst making an efficient use of a previously developed site.

3. Residential Amenities

With regards to residential amenity, the main impact of the proposed development would be in relation to No3 Greenfields that is located to the rear of the site. However, despite objections to the proposed development on the grounds that it will adversely affect the amenities of the neighbouring properties by virtue of a loss of privacy, loss of light and overbearing presence due to its close proximity it is not considered that this will be the case.

Whilst it is acknowledged that the proposed development would inevitably alter the relationship between the application site and No3 Greenfields and would alter the outlook from this neighbouring property, it is nevertheless considered that it would not be unduly harmful. In this respect, the proposed dwellings would be set about 6.5 metres off the rear boundary of the site at their closest point and would be separated from this neighbouring property by approximately 12 metres, such that it is considered that given this separation distance they would not result in a material loss of light or appear so oppressive as to warrant refusal. Furthermore, the application has been revised to reduce the overall width and massing of the dwellings thereby minimising their impact upon the neighbouring property to the rear and at the same time increasing their separation distance from the boundary slightly. In relation to the parent property, “Rose Cottage”, it is also considered that a sufficient separation gap would be retained so that no harm would occur from a loss of light or overbearing impact of the development, particularly given that the side elevation of this property only contains a single obscure glazed window.

With regards to the issue of privacy, the proposed dwellings have been designed with only a single window at first floor level in the rear elevation facing towards No3 Greenfields that would serve a bathroom and therefore could reasonably be obscure glazed thereby preventing any overlooking. Although the proposed dwellings also include a first floor window serving a bedroom in the respective side elevations that would allow some views overlooking the gardens of the neighbouring properties at “Rose Cottage” and “No3 Greenfields”, given that any views would be oblique, together with the nature of use of such rooms (not the principal habitable rooms of a dwelling), it is not considered that this would give rise to a material loss of privacy. With regards to the ground floor windows of the proposed dwellings, it is considered that any views towards the neighbouring properties could be adequately screened by the existing boundary treatments where they exist or suitable boundary treatments to the newly formed boundaries that can be secured by condition.

4. Highway Issues

With regards to the highway issues relating to the proposed development, WCC Highways have advised that whilst there is no highway objection to the principle of the proposal, the existing hedgerow to the front boundary of the site with Chapel Hill prevents reasonable visibility from the proposed access points and that the application should therefore be amended to provide an acceptable level of visibility by the removal of the hedgerow and the provision of a 2.0 metre wide paved footway across the whole of the site frontage, including "Rose Cottage" and "Jasmine Cottage".

Whilst it is acknowledged that this amendment is requested in the interests of highway safety, it is considered that the provision of visibility splays in accordance with the recommendations of WCC Highways has to be considered in conjunction with the impact that such provision would have upon the visual amenities of the site and the surrounding area. In this respect, it is considered that the removal of the hedgerow along this entire site frontage would have a significant adverse affect upon the semi-rural character of the site and surrounding area and would unduly urbanise the street scene. In balancing the merits of these two issues, the justification for the need for a paved footway along this entire frontage resulting from the erection of these two dwellings is questioned, while it is also considered that the visual restriction that the hedgerow provides to the carriageway serves to act as a natural form of traffic calming so that vehicle speeds are reduced along this section of the road. On balance, it is therefore considered that in this instance the advantages of retaining the existing hedgerow and semi-rural setting of the site and its immediate environment outweigh the necessity for improved visibility at this vehicular access point.

In respect of other highway matters, following negotiations with the applicant the proposed parking layout has been amended and it is now considered that sufficient room is provided between the parking spaces to allow adequate manoeuvrability between them. Furthermore, despite objections to the tandem arrangement of the parking spaces, it is considered that the proposal also includes an adequate level of on-site parking provision to serve the proposed dwellings. Whilst the proposed development would result in the loss of the informal parking that is currently available to "Rose Cottage" it is not considered that this would be harmful as it is also served by garaging accessed from "Greenfields".

5. Policy R2 - Provision of Recreation Facilities

In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan the provision of recreation facilities must be considered for all proposals for new residential development. This proposal would involve the creation of two additional 2-bed dwellings and therefore in accordance with Policy R2 of the Local Plan a recreational contribution would be required. This can be secured via a Section 106 Agreement.

CONCLUSION

It is considered that the proposed dwellings would be of an acceptably high quality of design and that they would be of a scale that is sympathetic to the surrounding properties, particularly those at Rose Cottage and Jasmine Cottage. The design approach would also retain a reasonable sense of spaciousness around the proposed dwellings and the neighbouring properties such that it would preserve the character of the area, whilst making an efficient use of previously developed land in accordance with the guidance contained in PPG3. Although the proposal does not adhere to the recommendations of WCC Highways it is considered that this is outweighed by the benefits of preserving the character of the site and surrounding area in this location through the retention of the existing hedgerow. In respect other issues, the proposed development would not materially affect the amenities of the neighbouring residential properties, while the requisite contribution towards the provision of recreational facilities can be secured via a Section 106 Agreement.

RECOMMENDATION: Subject to:

- (a) The applicant and any other relevant parties undertake, under Section 106 of the principal Act to pay a commuted sum under Policy R2 of the Replacement Salisbury District Local Plan within one month, 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 Policy R2 of the Salisbury District Local Plan.

REASONS FOR APPROVAL

It is considered that the proposed dwellings would be of an acceptably high quality of design and that they would be of a scale that is sympathetic to the surrounding properties. The design approach would also retain a reasonable sense of spaciousness around the proposed dwellings and the neighbouring properties such that it would preserve the character of the area, whilst making an efficient use of previously developed land. In respect other issues, the proposed development would not materially affect the amenities of the neighbouring residential properties. The proposed development will therefore comply with Policies G2, D2, H16, C6, TR11 and R2 of the Adopted Replacement Salisbury District Local Plan (June 2003).

Subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason –

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

- 2. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

Reason -

To ensure that the external appearance of the dwelling is satisfactory.

- 3. Prior to the commencement of development, details/a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to, and approved in writing by, the Local Planning Authority. The erection of the approved boundary treatment shall be completed before the dwelling is first occupied. Development shall be carried out in accordance with the approved details, maintained for a period of five years and thereafter retained.

Reason -

In the interests of visual amenity and privacy for the occupants of the neighbouring properties.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, no further windows (other than those expressly authorised by this permission) shall be inserted in the north west (side), north east (rear) and south east (side) elevations (such expression to include the roof and wall) of the dwellings hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority.

Reason -

To avoid loss of privacy to the neighbouring properties.

5. Before the dwelling is first occupied, the bathroom windows in the north east (rear) elevation of the dwellings hereby approved shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be of a fixed, or top opening vent only design so as to prevent the effect of obscure glazing being negated by reason of opening the window shall be retained in its condition thereafter.

Reason -

To protect the amenity and privacy of the adjoining properties.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason -

To enable the Local Planning Authority to retain control over the development in the interests of the character and appearance of the area and in the interests of neighbouring amenity due to the restricted size of the plots.

7. The dwelling hereby approved shall not be occupied until the access and parking as indicated on the approved plan has been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

In the interests of highway safety.

8. Prior to the commencement of development, a scheme for the discharge of surface water from the dwellings and areas of hard standing, hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall subsequently be carried in its entirety prior to the first occupation of the flats and thereafter retained.

Reason -

To ensure a satisfactory means of surface water disposal and to prevent the discharge of surface water onto the public highway.

9. Prior to the first occupation of the dwellings hereby approved the vehicular access and parking area as indicated on the approved plan shall be properly constructed, consolidated and surfaced (not loose stone or gravel), in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

In the interests of highway safety.

10. The existing hedgerow along the boundary of the site to Chapel Hill shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. Any such reinforcement shall be carried out during the planting season before development commences following the first occupation of the dwelling hereby approved and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

Reason -

In the interests of visual amenity and to preserve the character and appearance of the site and the surrounding area.

INFORMATIVE NOTES:

1. This permission has been taken in accordance with the following policies of the Adopted Replacement Salisbury District Local Plan: G2, D2, H16, C6, TR11 and R2.

Policy	Purpose
G2	General Criteria for Development
D2	Infill Development
H16	Housing Policy Boundary
C6	Special Landscape Area
TR11	Provision of Off-Street Parking
R2	Provision of Recreational Facilities

NOTES: