

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE SOUTHERN AREA – 30/09/04

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

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARIS H/ WARD	PAGE NOS	WARD & COUNCILLORS	NOTES
1	S / 2004 / 1711 Mrs J Wallace	KEITH DAVIES / KAREN WOODS LAND ON NEW ROAD NEW ROAD LANDFORD	REF	LAND	2 - 7	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Mr Britton Councillor Mr Randall	
2 SV	S / 2004 / 1461 Mrs J Wallace	THE ENDELL VETERINARY GROUP EQUINE HOSPITAL SOUTHAMPTON ROAD CLARENDON	APPC	CLAR	8 - 12	LAVERSTOCK & CLARENDON PARK Councillor Mr Bissington Councillor Mr McLennan	
3	S / 2004 / 1541 Mrs J Wallace	MS J DIXON WOODSIDE FARM BENTLEY WOOD FARLEY	APPC	WDEA	13 - 16	WINTERSLOW Councillor Mr Devine Councillor Mr Moss	
4	S / 2004 / 1649 Ms Jocelyn Sage	MR AND MRS PEACH CHALKHILL HOUSE BARFORD LANE DOWNTON	APPC	DOWN	17 - 18	DOWNTON & REDLYNCH Councillor Mr Anderson Councillor Mrs Peach Councillor Mr Leo	
5	S / 2004 / 1879 Ms B Jones	MR AND MRS R AUSTIN NANT PERIS LYNDHURST ROAD LANDFORD	APPC	LAND	19 - 23	ALDERBURY & WHITEPARISH Councillor Mrs Bissington Councillor Mr Randall Councillor Mr Britton	

SV = Site Visit for Members

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.
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App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed Agents Name	

Proposal Location

Case Officer Mrs J Wallace	Contact No 01722 434687
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S/2004/1711	06/08/2004	01/10/2004	KEITH DAVIES / KAREN WOODS
LAND			
Easting: 427060.26196909	Northing: 119281.598118544		

PROPOSAL:	CHANGE OF USE -CHANGE OF USE TO FALCON BREEDING AVIARYS AND EXPERIENCE DAYS
LOCATION:	LAND ON NEW ROAD NEW ROAD LANDFORD SALISBURY SP5 2AZ

REASONS FOR REPORT TO MEMBERS

HDS cannot exercise delegated powers due to the retrospective nature of this application and the possible need for future enforcement action

SITE AND ITS SURROUNDINGS

The site, which is part of a larger field is located in the New Forest Heritage Area and the designated New Forest National Park and has a gated vehicular access off New Road.

The whole area currently contains a large green container, an Aviary, a mobile home, a caravan and various other structures including goat pens, play house and trampoline.

The site, the subject the subject of this application, now extends to cover only the rear part of the area, in the treed area, an area of approximately 1 hectare.

THE PROPOSAL

This partially retrospective application relates the creation of a falconry breeding centre, three aviaries, an office building to contain a feed store, an office, wildlife rehabilitation hospital, incubator and brooder rooms, and a w/c, the temporary siting of a mobile home during construction of the buildings and the use of the land for experience days.

PLANNING HISTORY

2004/1711 CofU to falcon breeding centre, build aviaries and office and temporary siting of caravan. Refused for the following reason: -

The use of the land for a falconry breeding centre, and the erection of buildings ancillary to such a use contravenes New Forest policies HA1, HA9, and HA13, in that the proposal leads to an intensification of existing uses which increase human pressure on the forest, is not intended to serve local needs or essential for the management of the forest, and involves the development of a tourist attraction, which would threaten the quiet enjoyment of the area and would be likely to have an adverse impact on the SSSI and its ecology. Consequently, such a proposal also contravenes policy G2 and C10 of the Salisbury District Local Plan, and the guidance given in PPG7, PPG9, PPG17, and PPG21.

CONSULTATIONS

WCC Highways - the access point has very limited visibility, therefore a minimum visibility splay of 2m x 120m in each direction is required, which will require the removal of trees and shrubs which obstruct visibility. The access point shall be constructed in a bound material for a distance of 10metres from the edge of the carriageway and shall be a minimum width of 5.5 metres over this length. Positive drainage will be required to prevent water and debris washing on to the public highway. It is also considered that 6m radii at the access apron are required to protect the existing verge area from overrunning by delivery vehicles. Haunch protection will be required, though probably not full height kerbs subject to drainage being acceptable. The new access gates should be set a minimum of 6metres from carriageway edge. Whilst these could be conditioned, would recommend amended plans be submitted rather than the sub standard details currently submitted.

Environmental Health - no observations but mobile home will require a caravan licence

Wessex Water Authority - not yet received

Environment Agency - If a septic tank is the only feasible option for the disposal of foul water a Consent to Discharge will be required

Southern Water - The use of a septic tank would appear reasonable, as the public sewer is some distance

County Archaeologist - if permission is granted a condition should be imposed requiring that nothing be sited on the Bronze Age barrow

Econ.Develop. and Tourism - not yet received

English Nature - The land is adjacent to New Forest SSSI, which incorporates two international designations a candidate Special Area of Conservation (cSAC), and a Special Protection Area (SPA) the latter specifically for birds and the Falcons are not to be flown over these sites without prior discussions and if appropriate consent from the owners of the land and English Nature. EN considers that the flying of birds is not development and that therefore no planning conditions could be attached to any permission regarding the timing of flying. However, EN has no objections to the erection of the buildings, as no SSSI interest will be directly affected.

Wiltshire Wildlife Trust- not yet received

New Forest Committee- not yet received

NFDC - not yet received

REPRESENTATIONS

Advertisement Yes. Expiry date 30 September 2004

Site Notice displayed Yes. Expiry date 16 September 2004

Departure Yes. Policies HA9 and HA13

Neighbour notification Yes. Expiry date 1 March 2004

Neighbour response 7 letters of objection

Essentially the same application as before and as nothing has changed - it should again be refused for the same reasons as previously

Development has continued despite refusal of previous application
 Changing the character of the site
 Loss of wildlife, particularly the songbirds, because of over flying by predators
 Concerns re increased traffic creating highway safety hazards
 Concerns re access and parking
 Concerns that this is a tourist attraction, increasing traffic and visitors to quiet area
 Applicant states that there will be a maximum of 4 cars on site - frequently more - and a coach
 Object to commercial development of site
 Creating an amusement park
 Mobile Home/Caravan is on site and is being used continuously
 Large unsightly container on site
 Pile of telegraph poles on site
 Large groups of 20 plus are using site to practice archery
 Archery lessons have no relationship to falcon breeding

Parish Council response By a majority vote following discussion agreed to support application subject to following: -

- a) Caravan is to be removed, once log cabin constructed
- b) There is to be no human habitation
- c) Existing gates are to be changed to something more sympathetic to the area.

MAIN ISSUES

Principle, Impact on NFHA, and impact on amenities

POLICY CONTEXT

PPS7 PPG9 PPG17, PPG21

G2, C2, HA1, HA5, HA9, HA13, C10 SDLP

PLANNING CONSIDERATIONS

1. Principle

The site lies within the New Forest Heritage Area, and within the newly designated National Park. Policies HA9 and HA13 of Salisbury District Local Plan relate directly to tourist facilities in this area.

The government has indicated that for the purposes of planning, the area should be regarded as being protected as if it were already within a National Park.

Therefore, in terms of government guidance, Paragraph 27 of PPG 17 states that:

“ Designation of areas as National Parks or Areas of Outstanding Natural Beauty does not preclude the use of land for sporting and recreational activities”

Paragraph 21 of PPS7 states that

“...Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks where they should be given great weight in planning policies and development control decisions

Paragraph 5.13 of PPG21 further indicates that “...**New recreational uses which threaten the quiet enjoyment of the National Parks are, however, likely to be inappropriate**”.

This application also needs to be considered against the various New Forest Heritage Area policies in the Adopted Local Plan, in particular HA1, HA5, HA9, and HA13.

Therefore, in terms of the government guidance and local policy, it is considered that the key issues are the impact of the proposal on the character of the NFHA, and the impact on surrounding amenities of residents and other users of the Forest Area.

2. Impact on amenities

The details submitted with the application Appendix 1 state that the applicants business is the breeding and selling of falcons and hawks, providing pest control to neighbouring farmers and 'experience days' for groups of 2 to 4 people about 3 times a week. The applicant states that typically, a maximum of four cars a day will visit the site for these 'experience days'.

The applicant goes on to state that his aim is to alter the site as little as possible so that the experience of hawking is as natural as possible and because the breeding of hawks and falcons should be in solitude away from people. The applicant also rehabilitates sick and injured hawks (on a non-commercial basis), which also requires no contact with people. The applicant also maintains that as customers for the experience days have to book, he is not operation a tourist attraction. However, the facility does not serve local needs and will tend to increase the number of visitors to the area, which is now part of the New Forest National Park.

The site is located opposite residential dwellings, and the New Forest policies are basically framed to allow the quiet enjoyment of the area. The proposal as framed suggests that the site will only be used by a maximum of 6 people a day, but a proposal to house a large number of hawks on site will result either in visitors to the site or security cameras and floodlights to protect the valuable birds. Plans have been included in the application, which show security cameras with sensor lights being provided. It is considered, that the proposal would have an adverse impact on the amenities enjoyed by surrounding residential dwellings, and the proposal would also contravene the guidance given in PPS7 and PPG17.

The supporting text within the Local Plan states that 'The New Forest is subject to increasing pressure from visitors and recreational activities which have a detrimental effect on the ecology and landscape of the area. The Local Plan strictly limits all new recreational activities within the New Forest. The only exceptions to this will be if the recreation facility is to serve local needs or will not increase the number of visitors to the New Forest, for example, a village hall, children's play area, or if a facility is needed as part of a management initiative for the New Forest, for example, a small car park or interpretation centre. The value of tourism to the local economy is recognised by the District Council, but this does have to be reconciled with protecting the natural beauty of the Forest. Due to the increasing pressures on the New Forest from visitors, new tourist attractions will not be allowed within the Heritage Area.'

In your officer's opinion, the use of the land proposed, together with the buildings, lighting and cameras clearly contravenes several New Forest policies, such as HA1, HA9, and HA13, in that the proposal would create an outdoor recreation facility which would be likely to increase the number of visitors to the New Forest and would lead to an intensification of uses which will increase human pressure on the forest, and is not intended to serve local needs or considered to be essential for the management of the forest.

The proposal also involves the development of a tourist attraction. This is not permitted by Salisbury District Local Plan policy HA13.

3. Impact on visual character of NFHA landscape

In a purely visual sense, the proposed aviaries and office are to be located within woodland and though the site is prominent these buildings will not be conspicuous to the wider landscape of the New Forest. However, in anticipation of permission a mobile home, a caravan and various domestic artefacts have been placed on the site. These visually intrude into this rural location, and combined with the proposed four substantial buildings will generally affect the open visual quality of this part of the NFHA.

4. Employment

Policy HA5 allows small scale business development but only class B1 and B8. In this instance as the application is for falconry and 'experience days', which is regarded, as 'sui generis' (a use on its own). This policy is therefore not in respect of a sui generis use. Other policies specific to employment sites within the New Forest look at the limited extension, redevelopment or change of use of existing buildings and do not permit new/additional employment or business use. This proposal is thus contrary to Salisbury District Local Plan policies

5 Impact on SSSI, cSAC and SPA

The proposal lacks any detailed environmental assessment of the impact of the proposed use by the applicant of predatory birds close to an SSSI and two international wildlife protected designations (a candidate Special Area of Conservation (cSAC) and a Special Protection Area (SPA) the latter specifically for birds). English Nature does not regard the flying of birds as development but would require to be notified by the applicant before the hawks and falcons were flown over these sites. This development is likely therefore to result in a damaging impact on the wildlife within the SSSI, cSAC and SPA contrary to policy C10 that permits such development only where the importance of the development is sufficient to override nature conservation interests and the national policy to safeguard such sites in accordance with statutory obligations.

6. Highway impact

WCC Highways considered in reference to the previous application that the access point on to New Road had substandard visibility in both directions, restricted by the boundary line of trees, shrubs and undergrowth. It was considered that the introduction of a small business involving parties of visitors is significant enough to require substantial improvement in visibility and the design of the access. Extensive visibility splays of 120metres in each direction together with a large set back to the entrance access point are therefore required. Such improvements will have devastating visual impact on the New Forest Heritage Area and as the applicant does not own the land fronting on to the highway to the north -east of the site, he would anyway be unable to comply with the requirements of the Highway Authority. Due to the devastating visual impact on the New Forest Heritage Area of the highway requirements if these conditions were fulfilled, this is considered an additional reason for refusal.

CONCLUSION

Government guidance does not discount the development within the Forest Area Heritage Area or the designated National Park of tourist or recreational facilities, subject to their impacts. However, it is considered in this case that the proposal would add further pressure on the area, and introduce a use, which would be likely to have an adverse impact on the quiet enjoyment of the forest, and on its visual characteristics.

RECOMMENDATION: SUBJECT TO ANY COMMENTS BEING RECEIVED, WHICH MATERIALLY AFFECT THE RECOMMENDATION MADE IN THIS REPORT, THEN:

REFUSE for the following reasons:

(1) The use of the land for a falconry breeding centre, 'experience days' and the erection of buildings ancillary to such a use contravenes New Forest policies HA1, HA5, HA9, and HA13, in that the proposal will lead to an intensification of existing uses which would increase human pressure on the forest, is not intended to serve local needs or essential for the management of the forest, and involves the development of a tourist attraction, which would threaten the quiet enjoyment of the area. Consequently, such a proposal also contravenes policy G2 of the Salisbury District Local Plan, and the guidance given in PPS7, PPG17, and PPG21.

NOTES:

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

2	Case Officer Mrs J Wallace	Contact No 01722 434687	2
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S/2004/1461	02/07/2004	27/08/2004	THE ENDELL VETERINARY GROUP
CLAR			DAMEN ASSOCIATES
Easting: 417147.789172173	Northings: 128592.248758554		

PROPOSAL:	FULL APPLICATION -CONSTRUCTION OF DETACHED BUILDINGS TO ACCOMMODATE 13 STABLES WITH LABORATORY AND BUILDING SPECIFIC FOR INVESTIGATION PURPOSES AND FIRST FLOOR OUT OF HOURS STAFFING ACCOMODATION
LOCATION:	EQUINE HOSPITAL SOUTHAMPTON ROAD CLARENDON SALISBURY SP5 3DG

REASON FOR REPORT TO MEMBERS

Recommendation departs from policy C7.

SITE AND ITS SURROUNDINGS

Adjacent to a farm complex, the site has an access off the Old Southampton Road and is set well back from the road at the rear of a small field, (in separate ownership). The site for the proposed extension to the veterinary surgery forms the rear part of the existing equine site. The existing surgery is a modern building in a barn style with parking for visitors and staff to the front and grazing areas to the rear.

THE PROPOSAL

It is proposed to construct at the rear of the existing building a separate structure to provide 13 stables, a laboratory and on the first floor, out of hours' staff accommodation

PLANNING HISTORY

1987/1335 C/U Agricultural building to equestrian AC

1988/123 Construction of agricultural building and equestrian area AC

1994/1797 O/L further development of hospital facilities and alter access AC

1996/1181 Further development of hospital facilities and alter access AC

CONSULTATIONS

Environment Agency no objection in principle subject to conditions relating to surface water run-off

Wessex Water no objection

Highway Agency no comments

Environmental Health kitchen should ideally be a separate room as it is a fire escape route.

Use of accommodation should be limited to staff caring for horses on the site -suggest E03A (suitably amended) The adjacent land would appear to have been used as a licensed land fill site for disposal of soil etc

WCC Highways The access arrangements, which include excellent visibility to the south of the access and a well constructed access apron, are satisfactory for the proposed enlargement of the equine hospital. No highway objection is raised.

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes. Expiry date 12/08/04

Departure Yes

Neighbour notification Yes. Expiry date 30/07/04

Third Party response 3 letters of objection on the following grounds: -

Vehicles entering and leaving are slow moving

Increased risks of road accidents

Traffic speeds are excessive -speed limit required

Access is inadequate

Development is not suitable for this site

Alien design and materials

Development will be prominent

Culvert regularly floods

Road drain is blocked

Parish Council No comment

POLICY CONTEXT

G1, G2, D3, C7, E19, R2 and C24 of Replacement Adopted Salisbury District Local Plan

MAIN ISSUES

Scale and design of the buildings

Impact on landscape setting of Salisbury and Wilton

Employment

Staff accommodation

Highway safety

PLANNING CONSIDERATIONS

1. Scale and design of the buildings

The existing Vets buildings are sympathetic to the adjacent farm buildings, which are a varied mixture typical of agricultural units, in that the barns, stables and outbuildings are not of a uniform construction or appearance, whilst being typically 'agricultural' in character.

The proposed design of the 'hospital' extension continues the 'agricultural' theme in design, scale, height and materials and is considered acceptable in accordance with Salisbury District Local Plan policies.

2. Impact on landscape setting of Salisbury and Wilton

The site, which is located in the vicinity of a number of dwellings, adjacent to an existing farm complex, is at the rear of the existing equestrian hospital, which is outside both of the settlement boundaries of Alderbury and Salisbury but in close proximity to a small hamlet adjacent to the A36 Alderbury by-pass.

The site that is on a slight rise from the Old Southampton Road is well screened from the A36, by a substantial tree belt. As the A36 road is elevated above the site this results in the site being enclosed and sheltered with very restricted views both into and out of the site and to the north. The site is also well screened from the land to the south by a substantial mature tree belt.

The site does not encroach upon the chalk downlands which surrounds Salisbury being on the edge of the river valley in an enclosed bowl and as the proposed new buildings at the rear of the existing vets' surgery will be sited in close proximity to the existing farm buildings and the existing vet's buildings they will visually form part of the same development; it is considered that the proposed new buildings would not be prominent in the landscape and would not impair the quality of the landscape.

The site is located within the policy designation 'landscape setting of Salisbury and Wilton' where the policy states that 'no new development will be permitted'. However the supporting statement states that built development or changes of use of land will be permissible where, in addition to being fully in accordance with other relevant policies of this Local Plan, it can be demonstrated that the quality of the landscape will not be impaired.

Policy C7 adopts an essentially restrictive stance in order to protect the high quality of the landscape settings of Salisbury and Wilton to prevent the coalescence of the settlement with its surrounding settlements. The policy indicates that there should be no new development within the lifetime of the plan however, as this proposal, whilst large is an extension to an existing business on an existing developed site it is considered that in reality the proposal is not in conflict with the spirit of policy C7, which is intended to protect the visual quality of the landscape.

It is considered that the extension of this business by the addition of another building on a site, which is already developed and would have no additional impact on the landscape character of the area, is therefore acceptable in accordance with Local Plan policy C7.

3. Employment

In principle, the development is an extension of an existing business and as it is largely within the general outline of the site as identified in the original application could be considered to be a development within the confines of existing employment site. The S106 agreement limited the use of the land to the side and the front of the existing buildings to paddocks but did not affect this part of the site. Therefore the proposal broadly satisfies the criteria of policy E19.

4. Staff accommodation.

Government guidance in PPS7 encourages the provision of living accommodation where there is a need. The provision of accommodation on the first floor of this new building is to provide out of hours supervision for animals being cared for on site. Currently the occupants of Kennel Farm provide this supervision, but in view of the expansion of the premises and the increased need for supervision, it is considered reasonable to have dedicated sleeping accommodation on site. The use of these staff facilities should however, be limited to overnight use by carers of the animals on the site and not be used for long-term accommodation. Suitably conditioned the provision of this accommodation is considered acceptable

5. Highway safety

Concerns have been expressed by neighbours regarding the excessive speed of traffic in this area, and the problems that can be created by the egress of slow moving vehicles from the site. However, as the Highway Authorities have no objections to the extension of the facilities, a refusal on these grounds would be difficult to sustain.

R2

The residential accommodation is ancillary to the use of the equine hospital and does not provide a separate dwelling, which would be occupied on a full time basis. A contribution for recreational facilities would not therefore be required.

Other matters.

The surface water from the A36 crosses the site in a large culvert and is combined with the land and road drainage outside the site of this application. Concerns have been raised regarding the regular flooding of the C324 in the vicinity of this site; however, this matter is covered by other legislation as it is outside the site of this application.

REASONS FOR APPROVAL

The additional building is required to support the existing facilities and is considered acceptable in accordance with Salisbury District Local Plan policies

RECOMMENDATION: SUBJECT TO ANY COMMENTS BEING RECEIVED, WHICH MATERIALLY AFFECT THE RECOMMENDATION MADE IN THIS REPORT, 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. (0004)

(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) The building hereby approved shall be used for Horse Hospital facilities and for no other purposes whatsoever unless otherwise agreed by the Local Planning Authority upon submission of an application on that behalf

Reason: To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of amenity.

(4) The first floor staff accommodation hereby permitted shall be not be used other than as ancillary accommodation for the staff, employed at the site overnight or at weekends, whose main place of residence is elsewhere, who are caring for horses kept at the site. No one member of staff shall occupy the accommodation on a permanent basis, nor shall be it be occupied by persons who are not employed by the business operating at the site or sold, leased, rented or otherwise disposed of as a separate unit of accommodation."

Reason: In order that the Local Planning Authority may retain planning control over the use of the staff accommodation

(5) 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[s]. (G20A)

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

(6) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority the scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding

Informative 1

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

- G1 Sustainable development
- G2 Criteria for development,
- C6 Special Landscape Area,
- C7 Landscape Setting of Salisbury and Wilton,
- E19 Employment in the countryside,
- R2 Public open space contributions
- C24 Extensions to buildings in the countryside

Informative 2

The adjacent land would appear to have been used as a licensed land fill site for disposal of soil sub soil and other similar material.

NOTES:

S/2004/1541	16/07/2004	10/09/2004	MS J DIXON
WDEA			
Easting: 423956.499291778	Northing: 128659.641253829		

PROPOSAL:	FULL APPLICATION -CHANGE OF USE FROM AGRICULTURAL AND ERECTION OF 3 STABLES AND 1 HAY STORE AND HARDSTANDING FOR STABLE YARD
LOCATION:	WOODSIDE FARM BENTLEY WOOD FARLEY SALISBURY SP5 1AQ

REASON FOR REPORT TO MEMBERS

Enforcement Notice on this site has not yet been complied with

SITE AND ITS SURROUNDINGS

The application site encloses an area of about 2.29 hectares. It consists of a yard, which is separated from the adjacent wood, and adjacent agricultural land by a substantial block wall. The yard area has been partially built up so that it is level. Access to the yard is via a solid timber gate. In the yard at present, there are three van bodies, a tractor, a pickup truck and piles of bark, timber etc. A public footpath crosses the open agricultural land to the rear of the yard.

THE PROPOSAL

The applicant is seeking to provide a stable block of timber construction consisting of 3 stables and a haystore with a concrete yard (12.58m x 4m) in front and to change the use of the yard and the adjacent agricultural land (5.5acres) to equestrian uses.

It is proposed to reuse the existing site entrance and create a stable yard area of approximately 26m x 29m over the existing area currently laid to hardcore. An access track from this hardstanding (about which there are no details) is proposed into the surrounding agricultural land

PLANNING HISTORY

80/700	O/L Single detached residential / agricultural dwelling in connection with existing house and horse breeding	R
81/169	O/L Single detached dwelling in connection with existing horse breeding	R
91/1639	Erection of Stud Farm house	R
00/801	Construct forestry workers yard and buildings	R
01/2182	Erection of replacement agricultural building	Withdrawn
02/758	Appeal against Enforcement notice relating to hardstanding	Part Upheld
02/1369	Certificate of Lawfulness for use of existing hardstanding for forestry and agricultural operations.	R
03/1449	Erection of agricultural/forestry building and retention of hardstanding for wall	
	Withdrawn	

On the adjacent site on Howe Farm Road close to Keepers Cottage	
04/1161	Three pony stables and hay store with hardstanding and access AC

ENFORCEMENT HISTORY

2002/758 Enforcement Notice relating to hardstanding.

Appeal held in abeyance for a period of 5 months and then determined in November 2002.

Subsequently a Certificate of Lawfulness was refused and then a planning application withdrawn

The Enforcement Notice has still not been complied with

CONSULTATIONS

WCC Highways no objections

Rights of Way no response

Environmental Health Officer no observations

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes expiry date 26/08/04

Departure No

Neighbour notification No

Third party response none received

Parish Council response none received

MAIN ISSUES

Impact on Special Landscape Area

Enforcement Notice

Effect on highway safety

POLICY CONTEXT

The site is within the Special Landscape Area opposite an SSSI (Bentley Wood).

G2, C6 and C21 of Replacement Adopted Salisbury District Local Plan

PLANNING CONSIDERATIONS

The applicant submitted a supporting letter with his application and states that because the land is very exposed to wind and rain in winter and full sun in summer and the paddocks face south there is a requirement for stables to provide shelter for the animals. The applicant also proposes that if the hardstanding has been removed, (as required by the outstanding enforcement action) then she proposes to recreate a hardstanding area of a similar size with a new hardcore base and cover it with 100mm of scalpings topping with bark chippings left to self-seed.

PPS7 encourages Local Planning Authorities to adopt a positive attitude towards equestrian development in the countryside, which respects the rural environment however as this site has been in use as a yard in conjunction with forestry/storage and other uses against which there is an outstanding enforcement action, there is a need to ensure that these issues are resolved prior to any change of use.

In principle due to the small scale and low key nature of the proposed stables, and paddocks it is considered that the proposed change of use to the keeping and grazing of ponies would not be detrimental to the existing character of the area, or to the Special Landscape Area.

The proposed stable block would be of timber construction, in the northwest corner of the site.

East of the site is another pony paddock and small stable unit almost identical to this for which permission is sought; which was approved earlier this year.

The adjacent approval for land near Keepers Cottage, related to permission for 3stables and a haystore with a concrete yard to the front. The whole site, which included a pony paddock, extended to approximately 4.1 acres with a road frontage of 160metres. The stables and haystore had a small concrete yard of 4metres width and a surrounding area (23metres by 30metres) of hard standing with a driveway to link to the track as the soil is heavy clay and thus for much of the year it would be impossible to drive horse transport vehicles on to the land. This hardstanding is to consist of 100mm of hardcore covered by 100mm of scalpings, which would be left to self-seed back to grass

The proposed stable block in this application would also be sited parallel to Howe Farm Road. The area is a very large clearing in Bentley Wood and Keepers Cottage to the east is the nearest dwelling to the site.

Due to the remote location of the site, surrounded to the north, west and south by the woodland, it is not considered that the proposed small scale development would be detrimental to the character of the countryside and Special Landscape Area.

Enforcement Notice

However, it also proposed to create a substantial yard area over the area currently the subject of enforcement notice.

The yard was created without planning permission and has been used to store scrap vehicles, vehicle parts, a caravan and various building materials containers and other items.

The enforcement notice requires the removal of all the scrap vehicles, vehicle parts, caravan building materials, containers etc and the hardstanding.

The current timetable is to comply with this notice by 11 October 2004

This application by a prospective purchaser would seek to use the hard standing if it has not been removed from the site prior to purchase. However, approval of the use of the yard for stables would not negate the need to ensure that the terms of the Enforcement Notice were complied with prior to this change of use occurring.

Footpath

The access to the site is via an unmade track, which is designated as Footpath no. 19 off the C289 and a substantial gate has been erected to close off the access from the Fpno19. This development will obviously encourage an additional use of the public right of way; FP.no.19 as the vehicular traffic will use this for access. However, the track is already used by vehicles to access a number of houses and other uses and the Highway Authority has no objections to this proposal so it would be difficult to justify refusal on the grounds of an additional hazard to users of the footpath.

REASON FOR APPROVAL

Government guidance encourages Local Planning Authorities to adopt a positive attitude towards equestrian development in the countryside it is considered that due to the small scale and low key nature of the proposals, that the change of use to the keeping and grazing of ponies and the erection of stables, would, despite the previous use of the land against which enforcement action was authorised, not be detrimental to the existing character of the area, or to the Special Landscape Area.

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) 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] and ground surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

(3) Within one month of the date of this permission, a written scheme for the removal of the hardsurfacing of the yard area (except for the concrete area (4metres by 12.58metres) in front of the stables, shown on the two plans submitted with the application dated 16 July 2004) and for the removal from the land of all building materials, debris and rubble arising from compliance with the requirement to remove the hardstanding and for the removal from the land of the vehicles, vehicle parts, building materials, containers and any other items stored on the land as identified in the Enforcement Notice, dated 11th November 2002 shall be submitted to and approved by the Local Planning Authority

Reason: To ensure compliance with the Enforcement Notice dated 11/11/02, which seeks to protect the character and appearance of the surrounding countryside within a special landscape area.

(4) Within 3 months of the date of this permission, the scheme approved under Condition 3 shall have been fully implemented by removal of all the hardstanding (except the concrete area in front of the stables and its resulting material, together with vehicles, vehicle parts, building materials and any other items in accordance with the approved details.

Reason: To ensure compliance with the Enforcement Notice

INFORMATIVE:

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

G2 General criteria for development
C6 Development in the Special landscape Area
C21 Farm Diversification

NOTES:

S/2004/1649	30/07/2004	24/09/2004	MR AND MRS PEACH
DOWN	DOW	II	JOHN COLEMAN RIBA
Easting: 418162.9	Northing: 121650.6		

PROPOSAL:	LISTED BLDG (WKS) -RAISE HEIGHT OF GARDEN BOUNDARY WALL
LOCATION:	CHALKHILL HOUSE BARFORD LANE DOWNTON SALISBURY SP5 3QA

REASON FOR REPORT TO MEMBERS

Member application

SITE AND ITS SURROUNDINGS

Chalkhill House is a grade II listed building and the former vicarage to the parish church (church of St Lawrence). The list description says is of 17th century origins with a front range of 1784. It has Flemish bond brick, a tiled roof, brick stacks and small pane sash windows.

There are a number of small outbuildings and the site is enclosed by a brick wall.

THE PROPOSAL

The application is for raising the height of a section of wall that screens the house from a neighbouring property (the new vicarage).

PLANNING HISTORY

84/228 Conversion of old coach house into granny annex
99/1117 Reduce height of conifer hedge/trees

CONSULTATIONS

WCC Highways No
WCC Planning No
WCC Library/ Museum No
Environmental Health Yes – no comments received.
Wessex Water Authority No
Environment Agency No

REPRESENTATIONS

Advertisement Yes
Site Notice displayed Yes
Departure No
Third party notification Yes
Third party response No
Parish Council response Yes – no objections

MAIN ISSUES

Works to a curtilage listed structure involving the raising of the height of part of the wall.

POLICY CONTEXT

CN3 of the Replacement Salisbury District Local Plan.

PLANNING CONSIDERATIONS

The issue is the impact of the works on the character of a curtilage listed structure (grade II). The wall is possibly contemporary with the house and surrounds the property. The proposal is to raise the height of a section. Providing matching bricks and mortar are used, this will not have an adverse impact on either the wall or the house.

CONCLUSION – REASONS FOR APPROVAL:

The works are minor works involving the raising of the wall height along one section of the wall.

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

(1) The development for which permission is hereby granted must be commenced not later than the expiration of 5 years beginning with the date of this permission.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) The bricks and the pointing in the new section of wall should match in type, colour and texture the construction of the existing wall.

Reason: To secure a harmonious architectural treatment.

NOTES:

S/2004/1879	31/08/2004	26/10/2004	MR AND MRS R AUSTIN
LAND			DAMEN ASSOCIATES
Easting: 425578.1	Northings: 119162.5		

PROPOSAL:	O/L APPLICATION -DEMOLITION OF DWELLING AND REPLACEMENT WITH TWO DETACHED DWELLING INCLUDING ALTERATIONS TO FORM NEW ACCESS
LOCATION:	NANT PERIS LYNDHURST ROAD LANDFORD SALISBURY SP5 2AF

REASON FOR REPORT TO MEMBERS

Councillor Randall has requested that this item be determined by Committee due to: the controversial nature of the application, concerns regarding drainage and flooding in the vicinity, and concern that the development would set a precedent for increased residential densities on Lyndhurst Road.

SITE AND ITS SURROUNDINGS

The site lies within the Housing Policy Area for Landford, in the new Forest heritage Area and Special Landscape Area. The site forms the curtilage (0.137ha) of a detached bungalow, on Lyndhurst Road.

THE PROPOSAL

The applicant is seeking to demolish the existing dwelling and replace it with two detached dwellings. The proposal includes alterations to form a new access, and permission for the siting of the dwellings is also sought as part of the outline permission. The "blue line" on the application also includes adjacent Pinewood.

PLANNING HISTORY

76/1007	Change of use from shop to dwelling	AC	22/12/76
77/1011	Conversion of shop to dwelling	A	1/03/78

CONSULTATIONS

WCC Highways - **No objection** in principle, subject to conditions
 Environmental Health - **No objection** on flooding/drainage grounds following a site visit.

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 7/10/04
Departure	No	Expiry 30/9/04
Neighbour notification	Yes	
Third Party responses	Yes	Two letters of objection in grounds of flooding and drainage issues, highway safety, blighted view, impact on countryside.
Parish Council response	Yes	Objection on grounds of potential for flooding, and contrary to SDLP Policy

MAIN ISSUES

The main issue for the outline application is whether or not the principle of two dwellings on this site would be acceptable within the adopted policy context of the SDLP, highway safety, flooding and drainage issues, and neighbouring amenity.

POLICY CONTEXT

Adopted SDLP Policy G2, HA1, HA2, HA4, C6, TR11, R2.

PLANNING CONSIDERATIONS

Principle

The principle for the development is acceptable under Policy HA2, which states that within the New Forest village of Landford, new residential development will be permitted within the defined HPA, provided that no more than one dwelling is created by the subdivision of an existing residential curtilage. There are 4 criteria that also must be satisfied: no adverse impact on the settlement, no loss of an open area that contributes to the character of the area, minimum loss of trees, hedges and walls, and development would be in keeping with the character of neighbouring properties.

It is considered that criteria (ii) and (iii) are not applicable to the application. However, criteria (i) and (iv) should be considered:

Policy HA1 and C6 seek to protect the landscape character of the NFHA and SLA. The applicant has included an area of garden behind the existing property within the red line for the application. This area of land is currently in use as a garden area, with a further fence and hedgerow between the garden and countryside. There is also a swimming pool. It is considered that if the proposal is approved, the applicant's permitted development rights should be removed, to enable the LPA to retain control over development outside the Housing Policy Area.

Character of the settlement and character of neighbouring properties.

Properties in Lyndhurst Road and on the same side as Nant Peris are, in general, two storey chalet bungalows, with large dormers (eg adjacent Pinewood and Aunt's Cottage, and Lane End Farm). Properties on the opposite side of Lyndhurst Road form mixture of traditional two storey brick cottages (eg The Oaks and Manor Cottages) and modern dwellings (Coppins and Willows). The scale, design and appearance of the majority of the dwellings in the immediate vicinity is therefore mixed, but generally characterised by two storey, chalet bungalows and cottages, set close to the road frontage with front and rear gardens.

Nant Peris (measuring about 7m by 13m) sits within a large garden plot, measuring about 35m by 22m. The site is laid to lawn, cultivation and is partially overgrown. There is a 2m fence to the rear of the site. Given the size of the plot, it is therefore considered feasible for two chalet bungalows to be built on the site, without detriment to the existing character of the area in accordance with Policy HA1 and HA2.

Policy HA4 makes further provision for replacement dwellings in the NFHA. It is considered that the criteria of Policy HA4 could be satisfied by the outline proposal, as the replacement dwellings would have a similar floor area to Nant Peris and the footprint of one of the dwellings would closely relate to the existing.

Flooding and Drainage Issues

The EHO has visited the site. There are some minor land drainage problems in Lyndhurst Road, Landford associated with the general development of the area and loss of ditches that has occurred in the last 50 years. However, the EHO is unaware of any specific problems relating to this site. The ground conditions are not particularly good for soakaway drainage during prolonged periods of wet weather.

The sewer is also prone to surcharging during severe rainfall events and an additional dwelling will add to this problem. However, it is not considered that planning approval could be withheld on those grounds as the sewerage undertaker has a statutory duty to provide adequate drainage and cannot deny a sewer connection to a householder where a sewer is available.

There may be piped highway drainage or a surface water drain running across the frontage and this will need to be taken into account when constructing the new access. In order to minimise the impact that constructing a new access and two driveway/parking areas will have on rainwater run off it is recommended that a condition is applied to any approval to require submission of construction details of proposed access and driveway.

Neighbouring Amenity

As the application is in outline, the details of the design and external appearance of the proposed dwellings are not yet available. This would be given further consideration at a later (approval of reserved matters) stage. However, the site is considered to be large enough to accommodate two dwellings, with landscaping, amenity space and off road parking, without detriment to adjacent dwellings or the character of the area, in accordance with Policy G2 and TR11.

Highway Safety

No objection in principle, subject to conditions.

CONCLUSION

The demolition of the existing bungalow and replacement with two replacement chalet bungalows is considered to be acceptable in principle, and would not detrimentally affect the character of the New Forest Heritage Area, Special Landscape Area, neighbouring amenities or highway safety.

RECOMMENDATION:

APPROVE: for the following reasons

The proposed demolition of Nant Peris and replacement with two chalet bungalows would be acceptable within the adopted policy context of the Salisbury District Local Plan, and provided the development is appropriately screened from adjacent properties, and adequate arrangements are made for parking, turning, access and surface water run off, to the satisfaction of the Local Planning Authority.

And subject to the following CONDITIONS:-

(1) Approval of the details of the design, external appearance and landscaping (herein called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

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

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

(5) Development shall not commence until construction details of the proposed means of access and the driveway to the site have been submitted to and approved in writing by the Local Planning Authority. Adequate precautions shall be taken in order to prevent the discharge of surface water, loose material etc from the site onto the public highway, in accordance with the details to be agreed. The development shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

(6) Before the dwellings are first occupied, a paired access, each 4.4m wide shall be constructed 4.5m back from the carriageway edge, and its sides shall be splayed outwards at an angle of 45degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with the details to be agreed.

Reason: In the interests of highway safety

(7) Any entrance gates shall be hung to open away from the highway only and shall be set back a minimum of 4.5m from the carriageway edge.

Reason: In the interests of highway safety

(8) Before the dwellings are first occupied, a vehicle turning space shall be provided and maintained for that purpose only within each plot.

Reason: In the interests of highway safety

(9) The dwellings hereby approved shall be of a bungalow or “chalet” bungalow design, with the first floor accommodation provided in the roof.

Reason: In the interests of visual amenity.

(10) Development shall not commence until details of the visibility splays to be provided at the point of vehicular access have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

(12) No development shall take place until details of provision for recreational open space in accordance with Policy R2 of the adopted Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

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

(13) Notwithstanding the provisions of Class A to E of Schedule 2 (Part 1) to the Town & Country Planning (general Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no erection of any structures within the curtilages of the dwellings, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application on that behalf.

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

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

Policy G2	General Principles for Development
Policy HA1	New Forest Heritage Area
Policy HA2	Housing in the New Forest Heritage Area
Policy HA4	Replacement dwellings in New Forest Heritage Area
C6	Special Landscape Area
TR11	Parking Standards
R2	Public Open Space

INFORMATIVE: -

The applicant is advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed

NOTES: