

**LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE**  
WESTERN AREA –20-05-04

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

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

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN-CILLORS	NOTES
1	<b>S / 2004 / 671</b> Mr O Marigold	MR & MRS C J H OVER WHITMARSH SUTTON ROW SUTTON MANDEVILLE	REF	SUTT	2-4	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	
2	<b>S / 2004 / 680</b> Mr S P Hawkins	R E MAIDMENT UNIT 1 WESTERN WORKS SUTTON MANDEVILLE	REF	SWAL	5-8	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	
3	<b>S / 2004 / 759</b> Mr O Marigold	ZEALS PARISH COUNCIL (MR K BYRNE) FORMER PICNIC SITE (A3092) ZEALS	REF	ZEAL	9-11	WESTERN & MERE Councillor Mr Jeans Councillor Mrs Spencer	
4 <b>SV</b>	<b>S / 2004 / 113</b> Mr S Llewelyn	DOWNTON VILLAGE HOMES LAND OFF DUCK STREET/ LADY DOWN VIEW TISBURY	A106	TISB	12-24	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper	

<b>5 SV</b>	<b>S / 2004 / 456</b> Miss A Rountree	GEORGE TYE GLADWYN HIGH STREET HINDON	APPC	HIND	25-27	KN OYLE Councillor Mr Couper
<b>6 SV</b>	<b>S / 2004 / 591</b> Mr O Marigold	MR & MRS CHAPMAN LAND ADJACENT TO FROG COTTAGE CHILMARK	A106	CHIL	28-32	FONTHILL & NADDER Councillor Mrs Willan
<b>7</b>	<b>S / 2004 / 649</b> Mr O Marigold	RICHARD MARTIN WILLAN BRIDGES COTTAGE TEFFONT EVIAS	APPC	TEFF	33-34	FONTHILL & NADDER Councillor Mrs Willan
<b>8</b>	<b>S / 2004 / 784</b> Miss A Rountree	NTL NTL TRANSMITTING STATION LAGPOND LANE SUTTON MANDEVILLE	APPC	SUTT	35-36	TISBURY & FOVANT Councillor Mrs Green Councillor Mr Hooper

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

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

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

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

# 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

**1 Case Officer Contact No 1**  
**Mr O Marigold 01722 434293**

S/2004/671	23/03/2004	18/05/2004 10:10:02	MR & MRS C J H OVER
SUTT			
Easting: 397465.4		Northing: 128979.6	

PROPOSAL:	FULL APPLICATION -DEMOLISH BUGALOW. ERECT TWO STOREY DWELLING.
LOCATION:	WHITMARSH SUTTON ROW SUTTON MANDEVILLE SALISBURY SP3 5NQ

### REASON FOR REPORT TO MEMBERS

At Councillor Green's request, due to local interest

### SITE AND ITS SURROUNDINGS

The site consists of a single storey dwelling located in the open countryside, and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### THE PROPOSAL

The application proposes to erect a replacement, two storey dwelling

### PLANNING HISTORY

Extension to existing bungalow, Approved with Conditions on 18<sup>th</sup> July 1988 (S/1988/992)  
 Erection of double garage, Approved with Conditions on 18<sup>th</sup> October 1992 (S/1992/1280)  
 Porch and stable with store, Approved with Conditions on 28<sup>th</sup> March 1998 (S/1998/171)

### CONSULTATIONS

None

### REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	expired 29/04/04
Departure	No	
Neighbour notification	Yes	expired 16/04/04
Neighbour response	Yes	

6 letters of support commenting that the proposed two storey dwelling would be appropriate to the plot and its setting, and that the dwelling's individual character will enhance the AONB.

1 letter of objection commenting that the existing dwelling is unobtrusive and that a two storey dwelling would have a considerable impact on the AONB.

Parish Council response            No

## **MAIN ISSUES**

Impact on the character and appearance of the open countryside and AONB

## **POLICY CONTEXT**

H30, C1, C2, C4, C5

## **PLANNING CONSIDERATIONS**

The site lies within the open countryside where Government advice requires strict control over new development. The site also lies within the Cranborne Chase and West Wiltshire Downs AONB, re-enforcing the need for careful control over development.

As a replacement dwelling, in order to be acceptable, the proposed dwelling would need to comply with Local Plan policy H30 in particular. This requires that, in the open countryside, replacement dwellings must not result in a building that is significantly larger than the building it replaces, and should not have any greater impact than the existing building.

In this instance, the proposed dwelling would have a significantly higher ridge line than the existing building – an increase of around 3.7 metres beyond the height of the current bungalow. While the current dwelling is unobtrusive, the proposed new dwelling would have a greater physical impact on the open countryside and AONB. The dwelling is visible from the driveway and, to some extent, through existing hedging in winter. The proposed dwelling, by reason of its increased height, would be more prominent.

In design terms, the existing dwelling has no particular architectural merit other than its unobtrusiveness. The design of the proposed dwelling has a somewhat 'top heavy' appearance, with an excessive roof form. Although the applicants have indicated a willingness to amend the proportions of the design, in light of the objections raised above to the size of the dwelling, it is not considered that the design amendments would be sufficient for a positive recommendation.

Although the applicants have highlighted one or two examples where a two storey dwelling has replaced a single storey bungalow. In the case of East Gate on Rectory Road, Sutton Mandeville (an example quoted by the applicant), the original dwelling was sited between existing two storey dwellings and the impact of that well-designed proposed was not considered to warrant refusal.

However, this was an exception to the general rule of limiting the cumulative impact of allowing larger and more prominent dwellings in the countryside, and the resultant long- term urbanising effect on the countryside. In this instance, however, there is no reason not to determine the application in accordance with Local Plan policy.

## **CONCLUSION**

The proposed replacement dwelling, by reason of its increase in size when compared to the existing dwelling, and because of its excessive roof form and design, would have a greater impact on the open countryside, harming its character and appearance, and failing to preserve the natural beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. It would therefore be contrary to policies H30, C1, C2, C4 and C5 of the Replacement Salisbury District Local Plan.

**RECOMMENDATION: REFUSE** for the following reasons:

The proposed replacement dwelling, by reason of its increase in size when compared to the existing dwelling, and because of its excessive roof form and design, would have a greater impact on the open countryside, harming its character and appearance, and failing to preserve the natural beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. It would therefore be contrary to policies H30, C1, C2, C4 and C5 of the Replacement Salisbury District Local Plan.

**INFORMATIVES: - POLICY**

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

- H30 Replacement dwellings in the open countryside
- C1 Development in the countryside
- C2 Development in the countryside
- C4 Development in AONBs
- C5 Development in AONBs

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**NOTES:**

S/2004/680	19/03/2004	14/05/2004 14:58:55	R E MAIDMENT
SWAL			
Easting: 397687.616986543	Northing: 127362.559170723		

PROPOSAL:	TO VARY CONDITION -VARIATION TO CONDITION 9 & 18 OF S/99/772 TO PERMIT OPERATING HOURS 7.30AM-6PM - MON-FRI AND 7.30AM - 1PM SATURDAY AND TO PERMIT THE RETENSION OF DIESEL FUEL TANK IN PRESENT POSITION
LOCATION:	UNIT 1 WESTERN WORKS SUTTON MANDEVILLE SALISBURY SP3 5NL

### REASON FOR REPORT TO MEMBERS

Councillor Mrs. Green has requested that this item be determined by Committee due to:

- the interest shown in the application
- the controversial nature of the application

### SITE AND ITS SURROUNDINGS

The site is a waste transfer station and recycling centre occupying a large part of the former Strainers Garage site on the A30, north-east of Swallowcliffe. The site and adjacent buildings occupy a relatively remote setting in open countryside, which forms part of the Cranborne Chase and West Wilshire Downs Area of Outstanding Natural Beauty. Nevertheless the site is adjoined on two sides by residential property. In particular on the south western side, the open yard of the permitted waste transfer site lies in close proximity to the adjoining bungalow and its private garden area.

The site comprises a large, hangar-like building that opens onto a hardsurfaced yard. This is separated from the A30 by a fence and a gated vehicular access and contains open storage of various items including sorted waste, plant, equipment, skips, vehicles and scrap metal. The yard extends around each side of the building. There is a range of buildings to the north east which contains an office, conveniences, vehicle workshop and so on. The site is fenced and there are limited public vantage points from which to view activities within the site.

### THE PROPOSAL

Planning permission was given for the use of part of the site as a waste transfer and waste reclamation site in 1995-S/95/320 dated 4<sup>th</sup> July 1995 refers. Subsequently permission was given in 1999 for variation of the operational terms and conditions of that permission –S/99/772 dated 9<sup>th</sup> September 1999 refers. Condition 9 of the latter permission states:

“The operational use of the premises shall be restricted to the following times:

Monday to Fridays - 8.00am to 6.00pm

Saturdays - 8.00am to 1.00pm

Sundays & Public Holidays - No use.”

The reason for imposing this condition was:

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

Condition 18 states:

“ Within 1 month of the date of this consent, details of all plant, machinery and equipment used on the site shall be submitted to the Local Planning Authority. No new plant, machinery or

equipment shall be introduced, or existing machinery altered or modified without the prior consent of the Local Planning Authority.”

The reason for imposing this condition was:

“In the interests of the residential amenities of the area.”

This application seeks variation of condition 9 to allow the premises to operate from 7.30am on Mondays to Saturdays and retain a diesel tank installed/moved from the interior of the building, in breach of condition 18.

The current application follows the refusal of application reference S/04/0079 under delegated powers on 4<sup>th</sup> March 2004, which sought amendment to the permitted hours of operation to allow the premises to operate from 7.00am and retention of the diesel tank, for the following reason:

“The variation of condition 9 on planning permission S/99/772 dated 9<sup>th</sup> September 1999 proposed to allow the waste transfer and reclamation station to commence operations at 7.00am Monday-Saturday, will result in undue noise and disturbance at the site from the starting and movements of heavy goods vehicles, their loading and unloading and associated activities and comings and goings to the site, all at a time of the day when adjoining residential occupiers could reasonably expect to enjoy a substantial degree of peace and quiet, particularly having regard to the largely rural character of the environs. This would be seriously detrimental to neighbouring amenities. Such harm would also be exacerbated by the variation of 18 on planning permission S/99/772 dated 9<sup>th</sup> September 1999 to allow retention of the diesel tank. To permit the application would therefore be contrary to policy G2 (vi) of the Adopted Replacement Salisbury District Local Plan.”

## **PLANNING HISTORY**

In addition to the above planning approvals and refusals, the site has a long and complex history.

Historically the site was used for the repair and maintenance of heavy motor vehicles on behalf of the MoD.

In September 2003, WAC authorised issue of a Breach of Condition Notice in relation to use of the site outside of the permitted operating hours in breach of condition 9 above and installation of the diesel tank, which it is now sought to retain, in breach of condition 18. The Notice was issued in December 2003.

Enforcement action was authorised by WAC in January 2004 in respect of use of the permitted use of the waste transfer station and adjoining land in association with a skip hire business run by the current applicant and a Notice subsequently issued in March.

## **CONSULTATIONS**

Housing & Health Officer - Maintains comments in respect of earlier (refused) application that.. “there has been a history of disturbance to the occupiers of the adjacent dwelling primarily caused by the operation of vehicle engines. The operator of the site was aware of the time limitations when other business was incorporated into the site use and I am concerned that if the hours were to be extended it would increase the disturbance to the neighbour. In the circumstances I recommend that this element of the application be refused. Whilst the position of the tank has concentrated some vehicle movements to the side of the site nearest to the neighbour the increase in disturbance is relatively low and I have no recommendations as regards this element. It is likely that other agencies will require the tank to be bunded to protect against spillage.”

Environment Agency - No objections subject to bunding of the oil tank and compliance with the Oil Storage Regulations.



## REPRESENTATIONS

Advertisement No  
Site Notice displayed Yes –expiry 29<sup>th</sup> April.  
Departure No  
Neighbour notification Yes –expiry 19<sup>th</sup> April.  
Neighbour response Yes- one letter received from adjoining resident objecting on grounds of extension to hours of operation exacerbating nuisance caused by noise and fumes from the site, reversing alarms and smoke particularly in the early morning, existing hours condition not being observed, lack of any meaningful attempt to compromise by the operator, fuelling facility close to boundary intensifies the use of the site close to their kitchen; historically there was not a refuelling facility at this site, incorrect plan does not show neighbours' kitchen and there are no rights of way across the yard

Parish Council response Yes- object. See no reason to change operating hours. Opposed to the previous application as the hours of use were restricted to specific times to minimise the effect of the use on neighbours and nothing has changed in the area to warrant a change to these timings. The arrival of HGVs at the site makes it more important that the existing timings are enforced. Oppose the fuel tank, as this would in effect accept the permanent presence of lorries on site. The tank should be positioned elsewhere to cause less irritation to neighbours through vehicle manoeuvring and turning and engines running -it could be placed on the eastern side of the workshop, although it is accepted that this is outside the red line. The plans are incorrect as a kitchen extension at Halstead, close to the site boundary is not shown and queries existence of right of way.

## MAIN ISSUES

Effect of varying the conditions on neighbouring residential amenities

## POLICY CONTEXT

RSDLP - policy E19 supports development within the boundaries of an existing employment site; policy G2 (vi) –development should avoid harm to neighbouring amenities. C4/C5 –conservation of the AONB.

## PLANNING CONSIDERATIONS

Hours of operation

As noted above, condition 9 was imposed on the permission for the waste transfer station in order to safeguard neighbouring amenities.

Variation in the condition in the manner proposed would have the effect of allowing operations at the site to begin at 7.30am, as opposed to 7.00am on the previous application. Such operations include the sorting and processing of materials using mechanical equipment, starting, running and movement of heavy goods vehicles, together with the movement of skips onto and off vehicles and associated activities, all in close proximity to residential property, as well as associated comings and goings to and from the site itself.

The noise and general disturbance generated by all the above activities would still occur earlier in the morning than currently permitted. i.e. a time of day when adjoining residents could reasonably expect to enjoy a large measure of peace and quiet, particularly having regard to the rural context of the locality.

There is little intervening space between the yard and the neighbours' property and few intervening features, apart from a boundary enclosure of tyres and some conifer trees, to diminish the effects of the noise and disturbance created. Similarly, the presence of the nearby A30 to the site and neighbouring property and general noise disturbance created by vehicles

using that road is not considered to offset the extended time of noise and disturbance arising from the use that would occur if the application were permitted.

As noted above, the Environmental Health Officer has maintained his earlier objection to extending the hours of operation as proposed, whilst recognising that it is proposed that the premises would now open for business ½ hour later than previously proposed.

Overall and on balance, and notwithstanding the applicant's proposal to now open at 7:30am rather than 7:00am, it is considered that formalising the extended hours of operation as proposed would still have a serious adverse effect on neighbouring residential amenities.

#### Oil tank

The oil tank is visually well contained within the yard is not intrusive in the wider surroundings. There is no objection in visual terms to its retention.

The purpose of imposing condition 18 to require prior approval of details of plant and approval on the site on the permission for the waste transfer station was also in order to safeguard neighbouring amenities.

In residential amenity terms, the tank is located on the part of the permitted site closest to the neighbour's garden and bungalow. Whilst this may have concentrated some vehicle movements closer to neighbouring property, it is considered on balance that any increase in disturbance caused by refueling operations at the tank within the permitted hours of operation is relatively low, when set against the context of existing vehicular and activities within the site.

However, if the oil tank remained in its current position and the hours of operation were extended to allow opening at 7:30am as proposed above rather than 8:00am, it is considered that there would also be the potential for additional noise and disturbance arising from heavy vehicle movements to and from the oil tank associated with refueling operations, in close proximity to neighbouring property, occurring early in the morning. This is considered to add to the objections already set out above concerning extending the hours of operation as proposed.

#### **CONCLUSION**

The harm to neighbouring amenities identified above which would occur if the latest application were permitted is still unacceptable. To permit the application would therefore be in conflict with policy G2 (vi) of the local plan.

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

The variation of condition 9 on planning permission S/99/772 dated 9<sup>th</sup> September 1999 proposed to allow the waste transfer and reclamation station to commence operations at 7.30am Monday-Saturday, would result in undue noise and disturbance at the site from the starting and movements of heavy goods vehicles, their loading and unloading and associated activities and comings and goings to the site, all at a time of the day when adjoining residential occupiers could reasonably expect to enjoy a substantial degree of peace and quiet, particularly having regard to the largely rural character of the environs, which is located in open countryside. This would be seriously detrimental to neighbouring amenities. Such harm would also be exacerbated by the variation of 18 on planning permission S/99/772 dated 9<sup>th</sup> September 1999 to allow retention of the diesel tank. To permit the application would therefore be contrary to policy G2 (vi) of the Adopted Replacement Salisbury District Local Plan.

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#### **NOTES:**

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**Case Officer**  
**Mr O Marigold**

**Contact No**  
**01722 434293**

3

S/2004/759	01/04/2004	27/05/2004 10:10:14	ZEALS PARISH COUNCIL (MR K BYRNE)
ZEAL			BONHAM DESIGN ARCHITECTS
Easting: 378881.460901022	Northing: 132200.008383512		

PROPOSAL:	O/L APPLICATION -COMMUNITY INDOOR BOWLING BUILDING TO SERVE COUNTY COMMUNITIES
LOCATION:	FORMER PICNIC SITE (A3092) ZEALS WARMINSTER BA126LL

**REASON FOR REPORT TO MEMBERS**

Contrary to Parish Council’s support for the application (the Parish Council are the applicants)

**SITE AND ITS SURROUNDINGS**

The site consists of a former picnic area to the north of the A303, close to the junction of the A303 and the A3092. The site currently consists of an area of hardstanding screened from the highway by tall trees, although part of the site is visible through the site entrance. The site lies within the countryside and AONB

**THE PROPOSAL**

The application has been submitted by Zeals Parish Council and is in outline only with all matters reserved. It proposes the erection of a ‘Community Indoor Bowling Building to serve County Communities’.

This is a re-submission following the earlier identical application, which was recommended for refusal by officers, recommended for approval by Western Area Committee and finally refused by Planning and Regulatory Committee.

**PLANNING HISTORY**

Parking for six lorries (mainly at weekends) and light storage, Refused on 14<sup>th</sup> February 2002 (01/2305)

Change of use to seasonal caravan and campsite for tourists and reception and toilet building, Withdrawn on 7<sup>th</sup> October 1993 (92/1657)

Community Indoor Bowling Building to serve County Communities, Refused on 17<sup>th</sup> February 2004 (S/2003/2195)

**CONSULTATIONS**

WCC Highways recommend refusal on grounds of failing to meet commitments to the Government’s Sustainable Development Strategy as set out in PPG13, to reduce the need to travel, influence the rate of growth and reduce the environmental impact of transport overall.

Wessex Water Authority not located in a sewered area . Council must be satisfied with any arrangement for disposal of fowl and surface water flows.

Community Planning Consultant supports the scheme as being good use of a derelict site with easy access providing a sporting facility for use by people throughout the area.

## REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	(expires 20/11/03)
Departure	No	
Neighbour notification	No	
Neighbour response	No	No letters submitted as part of LPA's notification, but 148 pro-forma letters of support were received from people supporting the bowling club facility being built here.
Parish Council response	No	(own application)

## MAIN ISSUES

Principle, including impact on need to travel and impact on countryside/AONB

## POLICY CONTEXT

PS1 relates to community facilities  
G1 relates to general development criteria  
C1, C2, C4 and C5

## PLANNING CONSIDERATIONS

The application proposes a 'community' indoor bowling building. It is understood that the facility is required following the closure of the Stour Vale Bowling Club in Gillingham, Dorset.

Assuming that the proposed use is considered to be a community facility, Local Plan policy PS1 only allows such buildings within or adjoining villages, whereas the proposed building would be located some way outside of Zeals. Policy PS1 does allow for the redevelopment of existing community facilities, but (on the basis that a picnic site is a community facility) to extend this principle to encompass the redevelopment of a picnic site to what could be a large building would set an unfortunate precedent. In your officer's opinion, therefore, it does not comply with policy PS1.

The proposed building would be serving a catchment far greater than Zeals itself including Gillingham, Mere, Milton and surrounding villages in Wiltshire, Dorset and Somerset. It would replace a use located in a built up area, a more sustainable location than that proposed here.

The information submitted by the applicants show that a large number of people would use the bowling club, the majority of which would come from Gillingham. This could result in a large number of journeys to a site in the open countryside. The applicants have argued that the members of the club would use a 'Wiggly Bus' scheme for which funding has been put in place and that members often share car journeys. While this would help to reduce the impact from the site, the long term retention of the bus scheme cannot be guaranteed, and it is unlikely that the bus could serve all members from a relatively large catchment area.

However, Government guidance is clear that such uses should be sequentially located, firstly in town centres then in out of centre locations and, only as a last resort, in out of town locations such as that proposed here. Of locations in the open countryside, the re-use of an existing building is preferable to a new building.

The bowling club have tried to re-locate to a number of sites within their catchment area without success, although one of these was ruled out because North Dorset District Council's planning department would not grant planning consent. However, given that sites within or adjacent to the villages and towns in the club's catchment area, or the re-use of existing buildings in the open countryside (for example agricultural buildings), would all provide preferable alternatives, it is not considered that an exception to policy should be made in this instance. North Dorset District Council's Local Plan allocates areas for more general community facilities in Gillingham, and the siting of the Bowling Club in or nearer to Gillingham would clearly be preferable to the proposed site here.

It is recognised that the site would be largely screened by trees and that the site does not make a positive contribution to the natural beauty of the area. However, a building on this site would result in a more built-up appearance, at odds with its location in the countryside and failing to preserve the natural beauty of the AONB.

The Highway Authority have objected to the unsustainable nature of the use, in that by locating a use in the countryside it is likely to encourage users to travel longer distances by car, contrary to Government aims to reduce the need to travel generally and to reduce car use in particular. This adds further weight to the objections in principle to this proposal.

## **CONCLUSION**

The proposed building and use, would fail to comply with policy PS1 and would result in the erection of a new building in the AONB and countryside without justification, harming its character and appearance. It would also encourage additional travelling by car, contrary to policy G1 and the Government's sustainable travel objectives.

**RECOMMENDATION: REFUSE** for the following reasons:

(1) The Council wishes to limit the proliferation of buildings in the open countryside and AONB in order to maintain its character and appearance. In that this proposal would result in an additional building, without special justification, it would harm the character and appearance of the countryside and AONB, contrary to policies C1, C2, C4 and C5 of the Adopted Replacement Salisbury Local Plan

(2) The proposed use, by reason of its siting outside of any settlement and in the open countryside, would generate an additional need to travel and would fail to comply with the Government's Sustainable Development Strategy as set out in PPG13. It would result in an unsustainable pattern of land use, contrary to policies, G1, RIA, RIB and RIC of the Adopted Replacement Salisbury Local Plan and DP1 of the approved Wiltshire Structure Plan 2011

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## **NOTES:**



The northern boundary of the site adjoins Duck Street, a narrow single width lane that falls sharply from the centre of Tisbury towards the edge of the valley before following it eastwards, which has a rural character defined by the boundary treatments of hedgerows and stone walls. The site is elevated above Duck Street though this difference in levels declines from east to west, while the boundary is defined by a grassed bank with shrub planting above that screens the site from Duck Street although this changes to a stone retaining wall at its eastern end where the difference in levels increases. There are two existing field accesses to Duck Street, the eastern one being at an acute angle and the western one being located adjacent close to Quince Cottage. On the northern side of Duck Street, opposite the application site, are a number of detached dwellings of varying styles and ages that are set at a lower level and beyond which is open countryside.

The site is located within the Housing Restraint Area and is further situated within the Tisbury Conservation Area and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

## **PLANNING HISTORY**

S/1989/2237 Outline planning permission for the erection of 23 residential dwellings together with the construction of a vehicular access, on a larger site area than that which forms the subject of this application, was refused in September 1990.

S/1998/1224 Planning permission was refused in December 1998 to erect a detached dwelling with associated vehicular access on land to the rear of Quince Cottage.

S/2002/0837 Of most relevance to the current proposal, planning permission was approved in September 2002 for the development of five 4-bedroom dwellings, garages and the construction of a vehicular access from Lady Down View.

## **THE PROPOSAL**

This application is a revised scheme to that previously approved by planning permission S/2002/0837 that granted consent for a development of five dwellings arranged in a courtyard and designed to resemble a traditional farm complex rather than conventional dwellings.

This current application also seeks planning permission for the erection of five dwellings (1x3-bed and 4x4-bed) in a courtyard arrangement with a central shared private courtyard that is enclosed by the buildings. The proposed dwellings are of different character and would be finished in a variety of materials including render, natural stone, clay stock facing brick, black stained feather edged weatherboarding, plain clay tiles and natural slate.

Vehicular access into the site is proposed to be achieved from the existing adopted road at Lady Down View and will wind down into the site to reach the natural ground level as quickly as possible and to provide a more gentle gradient and terminates in the shared central courtyard. The proposed access road within the site will be constructed to an adoptable standard although it will form an unadopted private access with only that section to the front of Nos4 and 5 Lady Down View being adopted by the Local Highway Authority. The proposed development also incorporates an informal pedestrian route across the site linking Lady Down View to Duck Street. The proposal also provides a viewpoint where the access road initially turns sharply through 90 degrees with views across the valley.

## **CONSULTATIONS**

WCC Highways No objection, subject to the access road being constructed to an adoptable standard to the front of Nos4 and 5 Lady Down View but as a shared private driveway within the site itself and subject to a condition requiring the submission of full engineering details of the access road to the front of Nos4 and 5 Lady Down View.

Wessex Water No objection. 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. A point of connection onto the water supply system should be agreed.

Environment Agency No objection, but advises that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate effectively.

CPRE Support. This is a difficult site because of its topography and the need to relate sensitively to surrounding listed buildings and this is a development that will contribute something new and of quality that is in keeping with the quality of the best surrounding dwellings. The house designs show great variety and originality.

English Heritage: Awaiting comments.

Wiltshire and Swindon Biological Records Centre:  
Protected species may be present on this site or nearby and therefore could be impacted by the proposed development.

Arboricultural Officer No objection, but highlights that the relationship between the proposed dwelling on Plot 3 and the adjacent trees on the southern bank of the site is not ideal and will result in a deprivation of natural light and sunlight to this property that contains living and dining rooms at its southern end. This is likely to lead to future pressure for the pruning or felling of these trees to improve light levels.

Architect's Panel Commented on the proposed development at the pre-application stage and advised that the design for the site will create a very sensitive and imaginative development.

## REPRESENTATIONS

Advertisement	Yes - expired 19/02/04
Site Notice displayed	Yes - expired 19/02/04
Departure	
Neighbour notification	Yes - expired 10/02/04
Neighbour response	Yes

Eight letters of representation (5 of objection and 3 of no objection) have been received in response to the proposed development that raise the following comments:

Duck Street is steep, narrow and winding and the proposed additional housing will generate a high volume of traffic in a road where this would be inconvenient and detrimental to highway safety;

Vehicular access should not be allowed to the site from Duck Street at any time during the construction period or thereafter as it is not suitable for wide vehicles or additional vehicular movement;

Vehicular access from Lady Down View is inappropriate as it is no wider than Duck Street and there is no pavement and vehicles accelerating up the slope into Lady Down View from the site will create a danger to highway safety;

The proposed development would adversely affect the landscape of the surrounding area;

The proximity of the proposed dwellings to Quince Cottage would adversely affect the amenities of the occupants of Quince Cottage;

The proposed 'roundhouse' will result in overlooking of the properties in Lady Down View and vice versa;

The proposed development, by virtue of the proposed design of the dwellings particularly the 'roundhouse' is inappropriate to the area and would be detrimental to the AONB and Conservation Area;

Clarification is sought in respect of the proposed boundary treatments;

The construction of the proposed development and access road may affect the foundations of the nearby dwellings;

The retaining wall adjacent to No5 Lady Down View must be reinstated; and

Lady Down View should be kept in a clean and tidy condition and free from building materials during the construction period



A further letter of representation expresses support for the proposed development on the grounds that the design of the proposed dwellings is original and contemporary and that the development represents a sensitive solution to this site.

Parish Council Object for the following reasons:-

The style and nature of the proposed dwellings are out of keeping with the surroundings in this Area of Outstanding Natural Beauty;

The Round house will be an eyesore from Duck Street and from across the valley. Its proposed height will adversely affect the adjoining properties in Lady Down View;

There is no provision for affordable housing in the proposals. This is not in accordance with the published strategic Salisbury District Local Plan; and

There are considerable concerns regarding safety issues relating to access to the site; increased use of Duck Street is eroding the banks; there is insufficient provision of pedestrian footpaths; there is no provision for retention or reinstatement of the retaining wall adjacent to No5 Lady Down View.

## **POLICY CONTEXT**

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

G1, G2, D2, H19, H25, CN3, CN5, CN8, CN10, CN11, C1, C2, C4, C5, TR11 and R2.

## **MAIN ISSUES**

1. Principle of Development
2. Affordable Housing
3. Impact on Character of Area/Conservation Area
4. Residential Amenity
5. Highway Issues
6. Drainage
7. Impact on Trees
8. Impact on Wildlife
9. Provision of Recreation Facilities

## **PLANNING CONSIDERATIONS**

1. Principle of Development

The application site lies within the Housing Restraint Area on the edge of the identified Housing Policy Boundary of Tisbury. Policy H19 of the Adopted Replacement Salisbury District Local Plan states:

*“Within the Housing Restraint Areas defined on the Proposals Map and listed below (list includes Tisbury), residential development, comprising the extension of an existing dwelling, the conversion of a single dwelling to form two or more units, or the erection of a new dwelling, will be acceptable only if the following criteria are met:*

*there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area;*

*there is no loss of an important open space which contributes to the special character of the area;*

*the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and*

*the development will be in keeping with the character of the neighbouring properties”.*

However, the land designation of the application site was an issue at the Local Plan Inquiry where the landowners sought to have the designation changed from that of a Housing Restraint Area to inclusion within the Housing Policy Boundary. In determining this issue the Local Plan Inspector recommended that no modification be made but advised:

*“The Council agree with the objector that a low-density development could enhance the Duck Street area but they argue that the Policy H18 HRA designation provides for such development... Thus it seems to me that there is not a great difference between the objector and the Council except that the policy states that development in HRAs will be limited to extensions, conversions and the erection of individual dwellings. However, the text elaborates by stating that whilst development is likely to be limited to single dwellings, there may be occasions when more than one dwelling will be acceptable, depending on the size of the plot.....I conclude that the HRA shows that it is a site regarded as being within the settlement, but highlights it is subject to severe constraints that require any development upon it to be restrained”.*

Consequently, in determining the previous approval of planning permission for the erection of five dwellings (Ref: S/2002/0837), it was considered that whilst the proposed development was strictly contrary to the letter of the policy that it complied with the spirit of the policy. It is therefore considered that the principle of the development of this site for the erection of five dwellings has been established by this previous approval of planning permission that remains extant. The issue of the principle of the proposed development is not therefore relevant to the consideration of this current proposal.

## 2. Affordable Housing

In accordance with Policy H25 of the Adopted Replacement Salisbury District Local Plan the provision of an element of affordable housing will be sought on appropriate where the site is greater than 0.5 hectares or the development is for 15 or more dwellings in settlements with a population of 3,000 or less. In this instance, the area of the application site as it was originally submitted was 0.76 hectares and therefore in accordance with Policy H25 of the Local Plan the proposed development represented a qualifying site for the provision of affordable housing.

Since the approval of the extant planning permission for the development of this site with five dwellings the Replacement Salisbury District Local Plan has been adopted. The site did not represent a qualifying site for the provision of an element of affordable housing at the time of determination of the extant planning permission in accordance with the policies of the then Adopted Local Plan (March 1996). Consequently, this site can be developed with five dwellings in accordance with the extant permission, where the provision of an element of affordable housing was not required.

The applicant, however, has subsequently reduced the extent of the application site to an area measuring 0.49 hectares by excluding the areas being retained as paddock/pasture. As a result, the proposed development no longer represents a qualifying site for the provision of an element of affordable housing in accordance with the thresholds specified by Policy H25 of the Adopted Replacement Salisbury District Local Plan but a condition is required withdrawing Permitted Development rights.

## 3. Impact on Character of Area/Conservation Area

The application site lies within the Tisbury Conservation Area where only development that preserves or enhances the character of the area will be permitted. This section of the Conservation Area is characterised by a mix of properties to Duck Street, that lies to the north of the application, including older dwellings such as Quince Cottage as well as modern infill developments and includes detached two-storey houses and single storey bungalows exhibiting a mixed pallet of materials including stone, render and brick with thatched and tiled roof forms. To the south of the site are the more recent residential developments of Lady Down View and Hill Close that are finished in reconstituted stone and concrete roof tiles. As such, it is considered that there is no clearly distinctive vernacular to the properties in the immediate surrounding vicinity.

At present the site is currently unused and consists of an open grassed field with mature trees at its eastern end and it has a neglected air. While there is no objection to the principle of residential development on this site given the extant planning permission, it is considered that any development of this site cannot preserve that character but with the adoption of a sympathetic design approach with regards to the design and layout of the proposed buildings it is possible to achieve a development that would respect the character and appearance of the surrounding area and actually enhance the character of the application site. It is also

considered important that the layout of the proposed development and the materials used respect the surrounding area given that the site is visible across the valley and from a distance.

In support of the proposal, the applicant has submitted a design statement that sets out a site analysis, the design principles and local features that have informed the design solution to the site that is proposed. The layout of the proposed development has been designed around a shared access that descends and winds across the site to provide a more gentle gradient terminating in a shared central courtyard area that is enclosed by the residential dwellings. The proposed development has also been arranged so that it is principally located towards the centre of the existing overall site area, such that a sense of spaciousness is retained to either side of the development. The proposed development of the site would also represent a density of only 10 dwellings per hectare and whilst this is substantially below the range of 30-50 dwellings per hectare advocated by the Government in PPG3, it is considered that this is acceptable given that the site lies within the Housing Restraint Area and that this level of density would more closely respect that of the surrounding development than those densities advocated in PPG3.

In terms of design, the proposed dwelling on Plot 1 is immediately viewed when entering the site and as such it has been designed with a circular turret at the southern end of the building linked to more subservient ancillary accommodation behind. This turret would form the tallest element of the proposed development by virtue of both its physical height and due to the gradient of the land. However, it is considered that the design of this dwelling is acceptable as it marks the entrance into the site and provides a strong focal point that creates an identity and distinctiveness to the proposed development. The dwelling on Plot 1 would also form a landmark building when the site is viewed across the valley from more distant views but at the same time would still be below the height of the dwellings in Lady Down View, while the visual bulk and mass of the turret of this building is constantly being reduced by virtue of its curved form.

With regards to Plot 2, the dwelling has been designed so that it presents a gable end to both the access road and the landscape of the valley beyond the site. The dwelling has also been designed so that it respects the gradient of the land and as such would appear single storey in height to the southern elevation facing the access road but would rise in height out of the ground to be two-storeys at its northern end. The diminished scale and massing of the dwelling that is presented to the southern elevation when entering the site would also act as a foil to the more substantial dwelling on Plot 1 that is to form the feature building at the entrance of the site. The use of a splayed buttress to the northern elevation also gives the visual impression of solidity and support to the building that is set into the bank.

The dwelling on Plot 3 has been designed with a strong gable feature at the southern end of the property that is viewed at the end of this section of the access road into the site before it turns the corner, while the main body of the dwelling extends towards the north and serves the draw the viewer's attention around the corner. This same general design approach is also applied to the design of the dwelling on Plot 5. This latter dwelling has a long and narrow form and is single storey with accommodation within the roof space and is finished in stone and a lightweight, timber clad aesthetic that gives the visual impression of a converted barn structure that would respect the rural character of Duck Street. This dwelling runs across the site from the end of the access road into the central courtyard and the dwelling on Plot 4. The dwelling on Plot 4 has been designed with an L-shaped form that encloses the central courtyard to the north eastern corner. As with the dwelling on Plot 2, this property has also been designed to respect the gradient of the site and is stepped so that the height of its wall plate increases from the southern to northern end of the dwelling. With regards to the proposed layout of the development it is considered that the dwellings on Plots 3 and 5 have been sited a sufficient distance from Quince Cottage so as not to disturb the setting of this listed building.

The proposed dwellings would be finished in a range of materials including render, natural stone, clay stock facing brick, black stained feather edged weatherboarding, plain clay tiles and natural slate. It is considered that these materials would respect the local character of the surrounding area and would enable the proposed development to blend harmoniously into the site and with the surrounding landscape.

With regards to the visual impact of the proposed development on this site and the surrounding area, it is considered that its impact on the existing landscape features is also of importance. In this respect, the layout of the proposed development has been designed so that the existing protected trees within and adjoining the site can be retained without any adverse impact, while the boundary vegetation to Duck Street that provides a semi-rural character will also be kept although this will need to be secured by condition.

Given the above circumstances, it is considered that the design approach adopted addresses the prominence and internal levels of the site in an acceptable manner that maintains its semi-rural character whilst delivering a development of a high quality that makes an efficient use of a constrained site.

#### 4. Residential Amenity

With regards to residential amenity, although the site is surrounded on three sides by other residential properties it is considered that the proposed dwellings are sufficiently distanced from the boundaries and these neighbouring properties that they would not appear overbearing or result in any loss of light.

Due to the gradient of the site, the properties that are situated in Lady Down View to the north are set at a considerably higher ground level than the proposed development, although their rear gardens fall away with the gradient of the land. Nevertheless, given that the ground and first floor levels of the round tower to the proposed dwelling on Plot 1 would be set at about 3 and 6 metres above the existing ground levels at the rearmost boundary of the properties in Lady Down View respectively, it is considered that the existing fencing/screening to the rear boundaries of the neighbouring properties would offer little or no protection against overlooking from the kitchen and living room windows on the southern side of the proposed dwelling at a back-to-back distance of 20 metres. Consequently, it is considered necessary to condition that two of the living windows and a glazed panel in the kitchen door are obscure glazed in order to preserve the privacy of the neighbouring residents. Although the proposal also includes first floor living room windows on the western side of the proposed dwelling on Plot 1 it is considered that any views from these towards the properties in Lady Down View would be sufficiently oblique or distanced so as not to cause any undue harm.

With regards to the issue of overlooking in respect of the other proposed dwellings, although the southern elevations of the proposed dwellings on Plots 2 and 3 both contain windows serving principal habitable rooms (living and dining rooms) given that these properties would be set at a considerably lower ground level than those properties in Lady Down View and Hill Close to the north no overlooking would occur. The only other property that may be affected by the proposed development in respect of overlooking is Quince Cottage that is located adjacent to the north western corner of the site. However, there is a reasonable level of vegetation screening to the boundaries with this property so that no overlooking would occur from the ground floor windows on the rear elevation of the dwelling on Plot 3, while the first floor windows at the northern end of this property are high level. Furthermore, the boundary screening would also prevent any overlooking from the door and sidelight windows in the western (side) elevation of the dwelling on Plot 5, while the northern elevation of the dwelling on Plot 3 is blank. As such, it is considered that no material loss of privacy would arise to the occupants of Quince Cottage.

#### 5. Highway Issues

This application proposed an adoptable vehicular access into the site from Lady Down View to serve the proposed dwellings and to enable access for refuse and emergency vehicles. WCC Highways, however, advised that if the proposed section of the vehicular access to the front of Nos4 and 5 Lady Down View that would connect the site to the adopted highway were constructed to an adoptable standard then the access road into the site could be constructed as a shared private driveway without future road adoption being necessary as it would only serve five dwellings. Although the proposed access road will still be built to an adoptable standard the applicant has confirmed that adoption of the access road will not now be sought at this time.

In order to provide a suitable vehicular access into the site it is necessary to elevate the initial section of the road above the existing ground levels and to wind the road down into the site to provide a gentler gradient. As such, the road turns sharply through 90 degrees and descends to

reach natural ground level as soon as possible before terminating in a shared private courtyard. WCC Highways, however, have no objection to the proposed road layout, while the raised level of the road would be substantially screened behind the proposed dwellings, particularly on Plots 1 and 2, so that it would not appear intrusive in this landscape. Despite the concerns of several local residents relating to highway safety, increased use of Duck Street and an insufficient provision of pedestrian footpaths, these concerns are not supported. In this respect, the proposal does not involve the provision of a vehicular access onto Duck Street but does include the provision of a public route through the site allowing pedestrian access from Lady Down View to Duck Street. Furthermore, with regards to the issue of highway safety, the proposal does not incorporate any dedicated pavements adjacent to the access road as it is designed as a shared surface road in the same manner as Lady Down View, while the principle of vehicular access off Lady Down View has previously been accepted by the approval of the extant scheme.

With regards to other highway issues, there is more than adequate on-site parking and turning provision to serve the proposed development, while sufficient space would be retained in front of the garages of Nos4 and 5 Lady Down View to allow for the retention of an acceptable level of parking for these dwellings.

#### 6. Drainage

With regards to foul drainage, the site is located within a foul sewered area and Wessex Water have raised no objection to a point of connection onto the existing foul drainage system for the satisfactory disposal of foul flows generated by the proposal.

There is a surface water drainage issue on this site, however, that needs to be addressed. Given that the site is located on a fairly steep slope it is considered appropriate to require details of the proposed arrangements for the satisfactory disposal of surface water from the proposed development in order to reduce potential run off and to ensure that the run off from the site when developed does not exceed that of its undeveloped state as this could otherwise lead to a problem with run off onto the highway of Duck Street. These details can be secured by condition. The Environment Agency also raises no objection to the proposal subject to there being no interruption to the surface water drainage system of the surrounding land as a result of the proposal.

With regards to road drainage it is proposed that the short extension of the existing road to the front of Nos4 and 5 Lady Down View together with any associated drainage will be adopted by Wiltshire County Council. It is therefore important that the location of this drainage infrastructure is identified and this can be secured by condition. The location of the drainage runs, soakaways and other underground services are also required as the site is used by badgers and contains some mature trees some of which are covered by a Tree Preservation Order.

#### 7. Impact on Trees

The application site contains several mature trees, some of which are covered by a Tree Preservation Order, that tend to form three groups and that form a feature of the site and this part of the Conservation Area.

Of particular importance is the small group of trees consisting of two Limes, a Blue Cedar, a Norway Spruce and a Red Horse Chestnut, that are located towards the north eastern corner of the site and the proposed dwelling on Plot 4. The two Lime trees are both mature specimens that are in a good condition and are of significant amenity value being very prominent in the street scene and from across the valley to the north and are protected by the TPO. In accordance with the advice contained in BS5837:1991 "Trees in Relation to Construction" these trees require a minimum protection zone of 6 metres. The proposed dwelling, however, would be sited some 7.5 metres from these trees at its closest point that would provide an adequate level of protection and a reasonable working area to accommodate the erection of scaffolding around the building. The Norway Spruce and Red Horse Chestnut are both young trees and therefore would require smaller root protection zones so that the proposed dwelling on Plot 4 would be sufficiently separated from them so as not to cause any harm, while the Blue Cedar that is also the subject of a TPO would also be well distanced from the proposed development that it would not be adversely affected.

A second group, consisting of Ash and Beech trees, is located on the bank along the southern boundary of the site and adjacent to Plot 3 of the proposed development and forms a coherent group covering a length of about 20 metres along this boundary. Although these trees are growing out of the bank and their root systems will not therefore be directly affected by the proposed dwelling, it is considered that they will be indirectly affected by the proposal. In this respect, it is considered that this group of trees, that are located on a south and south westerly aspect in relation to Plot 3 and are set above the level of the site, would result in a direct deprivation of natural light and sunlight levels to the southern end of the adjacent proposed dwelling that accommodates the principal habitable accommodation in the form of the living and dining rooms and their windows. As a result, it is considered that this is likely to lead to future pressure for the pruning and potential felling of these trees in order to improve the light levels. However, while the proposed tree-building relationship is not ideal it is not considered that it constitutes a sufficient reason for refusal in its own right. Furthermore, the site is also located within the Conservation Area and therefore any tree works will require notification to the Local Planning Authority where they can be resisted if warranted.

Whilst there is no fundamental arboricultural objection to the proposed development, it is considered appropriate to condition the requirement of the submission of an arboricultural method statement to include details of the proposed specification and alignment of protective fencing, the alignment and siting of drainage runs and service infrastructure, and details of the proposed areas for the storage of materials and concrete mixing.

#### 8. Impact on Wildlife

In considering the extant scheme, a badger survey was carried out that identified the presence of a main sett located approximately 20 metres outside the south eastern corner of the site and badger routes through the site, although it was concluded that subject to the recommended mitigation measures being implemented that the proposed development would not cause damage to the sett or disturbance to the badgers.

In support of the current proposal, the applicant has submitted an updated survey of badger activity on the site that was undertaken in October 2003, together with an assessment of the impact of the proposed development and recommendations for mitigation. This survey confirmed the results of the previous survey and identified that the main sett was still present and active with the same level of activity evident, while a single holed outlying sett was also located about 1 metre outside the boundary of the site in the bank to the southern boundary. The survey also identified a fresh latrine and a number of fresh foraging scrapes and that the level of foraging within the site appears to have increased in comparison to that found during the previous survey, although this is likely to be related to the change in seasonal weather conditions and the fact that the surveys were carried out at different times of the year.

In assessing the impact of the proposed development, however, the report identifies that it will not have a direct impact on the main or outlying sett, but the site boundaries do come within the legally protected zone around each sett where activities likely to cause disturbance to setts are licensable. To avoid causing any unlawful disturbance and the need for a sett disturbance licence, it is recommended that any landscaping required within 20 metres of the main sett is undertaken by hand, while a protected zone should be created around the entrance hole of the outlying sett to a distance of 10 metres and between a distance of 10-20 metres that only hand digging should take place as the use of light machinery within 20 metres is licensable.

Although a number of badger foraging paths were evident within the site, it is considered that the level of foraging taking place within the field is generally relatively low in comparison to the size of the site and the activity of the main sett and is indicative that this site is not part of their prime foraging habitat. The land-take associated with the proposed development will also be significantly less than the overall area of the site and in comparison to the likely size of this social group of badger's territory (which is likely to be approximately 50 hectares) this loss is unlikely to have any detrimental impacts on the overall availability of suitable foraging habitat within their territory. In fact, it is considered that the proposed development is likely to improve the foraging value of the site from an area of poor quality habitat to one of residential gardens that is the preferred foraging habitat of suburban badgers. It is recommended, however, that to ensure that the badgers are able to continue foraging within the gardens of the proposed dwellings and have continued access to the gardens adjoining the site and other areas within

their territory, that all new fencing should be of a type and specification that will not restrict their movements.

Consequently, it is considered that the proposed development would not be expected to have any detrimental impact on the welfare and future survival of the social group of badgers in question subject to the implementation of the recommendations for mitigation.

#### 9. 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 an additional five dwellings (1x3-bed, 3x4-bed) and therefore in accordance with Policy R2 of the Local Plan a financial contribution towards the provision of off-site recreational facilities is required with this application. This can be secured via a Section 106 Agreement.

#### **Conclusion**

The principle of the development of this site for the erection of five dwellings has been established by the previous approval of planning permission in 2002 that remains extant. Although it will represent a significant change from the appearance of the site at present, the overall design approach adopted in this instance is considered to address the prominence and internal levels of the site in an acceptable manner that maintains its semi-rural character whilst delivering a development of a high quality and attractive house designs that makes an efficient use of a constrained site and that will enhance the character and appearance of the site. However, it is considered necessary that samples of the proposed materials are submitted for approval prior to the commencement of development, while the detail of how stone is laid is important and therefore a sample panel condition will also be required. A further aspect of importance is guarding against future inappropriate works by householders and for that reason it is recommended that permitted development rights for alterations, extensions, outbuildings and walls and fences be removed.

With regards to other issues it is considered that the proposal is acceptable in respect of its impact on residential amenity, trees and wildlife and subject to further details of the adoptable section of the access road, which can be secured by condition, no highway objection is raised.

#### **RECOMMENDATION:**

**GRANT SUBJECT TO A FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF RECREATIONAL FACILITIES IN ACCORDANCE WITH POLICY R2 OF THE ADOPTED SALISBURY DISTRICT LOCAL PLAN (June 2003).**

(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**

The overall design approach adopted in this instance is considered to address the prominence and internal levels of the site in an acceptable manner that maintains its semi-rural character whilst delivering a development of a high quality and attractive house designs that makes an efficient use of a constrained site and that will enhance the character and appearance of the site. The proposal would also retain the important landscape features of the site and would not have any detrimental impact on the welfare and future survival of the badger group on the site. The proposal will not harm the residential amenities of the surrounding properties and is considered to provide an acceptable access to the site and level of on-site parking and turning provision to serve the development.

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 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. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the dwellings is satisfactory and preserves or enhances the character and appearance of the Tisbury Conservation Area.

(3) Both in the first instance and upon all subsequent occasions, the windows coloured ORANGE on the approved plan on the southern elevation of the dwelling on Plot 1 shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

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

(4) No development shall take place until details/a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of the dwellings hereby approved. 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 neighbouring residential amenity and the environment of the development.

(5) No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval:

the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority; all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and the whole scheme shall be subsequently retained.

Reason: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

(6) An arboricultural method statement providing comprehensive details of construction works in relation to trees being retained on, or adjacent to, the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-



- (a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:1991 and details of the timing for the erection of protective fencing and a plan indicating the alignment of the protective fencing;
- (b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:1991;
- (c) a schedule of tree works conforming to BS3998;
- (d) details of general arboricultural matters such as the area for storage of materials, site huts, concrete mixing and use of fires;
- (e) plans and particulars showing the siting of the service and piping infrastructure;
- (f) details of the works requiring arboricultural supervision to be carried out, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- (g) details of all other activities which have implications for trees on or adjacent to the site.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

(7) No development shall take place until details of the treatment to all hard surfaces have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of highway safety.

(9) No development shall commence until a scheme for the discharge of surface water from the dwellings and areas of hard standing, hereby approved, including a plan showing the alignment and siting of the service and drainage infrastructure and soakaways, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall subsequently be carried out in its entirety prior to the first occupation of the dwelling 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 given the gradient of the site and to ensure that the proposed development will not harm the habitat of badgers on the site.

(10) Prior to the commencement of development, full engineering drawings showing the construction details of the section of the access road, hereby approved, to the front of Nos4 and 5 Lady Down View shall be submitted to, and approved in writing by, the Local Planning Authority. The access road shall thereafter be constructed in accordance with the approved details prior to the first occupation of the dwellings hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the access road is constructed to a satisfactory adoptable standard and in the interests of highway safety.

(11) No development shall take place until such time that the applicant has entered into a legal agreement with the Local Highway Authority in respect of the construction works and adoption of the access road to the front of Nos4 and 5 Lady Down View.

Reason: To ensure that the Local Planning Authority has control over the development and in the interests of highway safety.

(12) The development shall be carried out in strict accordance with the recommendations and remediation measures detailed in the submitted survey of badger activity prepared by Ecological Planning and Research and dated October 2003, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason: To ensure the adequate protection of a protected species.

(13) 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, B, C, D, E and F of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, including the conversion of the garage into living accommodation, 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 visual amenity of the locality which is located within the Tisbury Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and to enable the movement of badgers within the site.

(14) The finished floor levels shall be as shown on the approved plans unless otherwise agreed by the Local Planning Authority.

Reason: To establish the floor levels of the buildings.

**Informative Notes:**

1. In conjunction with Condition No4 above, the applicant is advised that it is expected that the boundary treatments between the curtilages of the dwellings hereby approved and the areas of pasture/paddock shall be in post and rail fencing to enable badgers to cross the site.
2. In conjunction with Condition No5 above, the applicant is advised that it is expected that the existing vegetation/landscaping along the boundary of the site with Duck Street will be retained as part of the landscaping scheme to be submitted for approval.
3. This permission has been taken in accordance with the following policies of the Replacement Salisbury District Local Plan: G1, G2, D2, H19, H25, CN3, CN5, CN8, CN10, CN11, C1, C2, C4, C5, TR11 and R2.

**Policy Purpose**

G1	General Principles of Sustainable Development
G2	General Criteria for Development
D2	Infill Development
H19	Housing Restraint Area
CN3	Impact on Character/Setting of a Listed Building
CN5	Impact on Character/Setting of a Listed Building
CN8	Impact on Character of a Conservation Area
CN10	Protection of Open Space within a Conservation Area
CN11	Protection of Views Into and Out of a Conservation Area
C1	To protect, restore and improve the natural beauty and amenity of the District
C2	To protect the countryside
C4	To protect the landscape of the CC&WWD Area of Outstanding Natural Beauty
C5	To protect the landscape of the CC&WWD Area of Outstanding Natural Beauty
TR11	Provision of Off-Street Parking
R2	Provision of Recreational Facilities

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**NOTES:**

S/2004/456	01/03/2004	26/04/2004 09:11:30	GEORGE TYE
HIND	HIN		CAROLINE TYE
Easting: 390891.9		Northing: 132959.6	

PROPOSAL:	FULL APPLICATION -EXTENSION TO THE REAR OF THE COTTAGE TO PROVIDE STUDY AND BEDROOM
LOCATION:	GLADWYN HIGH STREET HINDON SALISBURY SP3 6DJ

### REASON FOR REPORT TO MEMBERS

Deferred from the last meeting for a site visit.

### SITE AND ITS SURROUNDINGS

Gladwyn is a rendered, terraced property located at the top of Hindon High Street. The site is within the Conservation Area and Housing Policy Boundary of Hindon and the AONB.

### THE PROPOSAL

Permission is sought for a two-storey extension to the rear of the property. It will measure 3.9 metres by 4.1 metres with a pitched roof rising to a height of 5.5 metres adjoining that of the existing property. It will be constructed from rendered block work and reclaimed clay tiles and will contain a two light casement window on the west elevation and a roof light and patio doors on the south elevation. There is currently a dilapidated shed occupying the land required for the proposal.

### PLANNING HISTORY

None Relevant

### CONSULTATIONS

Conservation Officer - No Objections

### REPRESENTATIONS

Advertisement	Yes	Expired 01/04/04
Site Notice displayed	Yes	Expired 01/04/04
Departure	No	
Neighbour notification	Yes	Expired 25/02/04
Neighbour response	No	
Parish Council response	Yes	Objection -

" We feel that the proposed extension is too large for a small property and it would have an adverse affect on neighbours. The building line would protrude beyond that of the adjacent dwellings and would create an undesirable precedent for the terraces in this part of the Conservation Area. There would be an unacceptable impact on the Conservation Area from various view points, particularly from the nearby drive-way, but also from the public bridle-path."

### MAIN ISSUES

Scale & Design  
Impact on Neighbour

## **POLICY CONTEXT**

Adopted SDLP policy G2, D3, C5, CN8

## **PLANNING CONSIDERATIONS**

### Scale & Design

The existing property has a ground area of 70m<sup>2</sup> and the extension will create an additional 23m<sup>2</sup> (an approximately 25% increase). Therefore the proposal will remain subservient to the existing dwelling and is considered not dominate the terrace from the rear. Although from the block plan there appears to be some form of building line along the terrace, several other properties have had extensions to the rear. In addition the materials and design are traditional and are considered compatible with the dwelling and surrounding area further allowing it to harmonise.

### Impact on Neighbour

Due to the odd configuration of the gardens in this part of the terrace the windows to the side (south elevation) will overlook the garden of Gladwyn and will not impact on Barn Cottage. In the same way Barn Cottage should suffer minimal overshadowing. Lindon Cottage on the opposite side may suffer some slight overshadowing to their garden but they are located on slightly higher ground than Gladwyn reducing the impact slightly and there should be no loss of privacy. Therefore the impact is not considered detrimental enough to warrant refusal.

## **CONCLUSION**

The proposed extension is judged to comply with the relevant policies of the Adopted SDLP and it is not considered to have a detrimental impact on the visual amenity of the Conservation Area or the residential amenities of neighbouring properties.

## **RECOMMENDATION:**

**APPROVE:** for the following reasons

The proposal is considered to be compatible with the existing dwelling and surrounding area and will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers. Therefore it is considered to conform with Adopted SDLP G2, D3, C5 and CN8

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.

(2) The materials to be used in the construction of the external surfaces of the extension(s) hereby permitted shall match those used in the existing building. (D01A)

Reason: To secure a harmonious form of development.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed. (V20A)

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

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

Policy G2	General Development Guidance
Policy D3	General Design Guidance
Policy C5	Development within an AONB
Policy CN8	Development within a Conservation Area

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**NOTES:**

S/2004/591	16/03/2004	11/05/2004 09:12:43	MR & MRS CHAPMAN
CHIL	CHI		GRAHAM SAVAGE ASSOCIATES
Easting: 396954.244520962	Northing: 132429.700188994		

PROPOSAL:	FULL APPLICATION -CONSTRUCTION OF DETACHED HOUSE AND ANCILLARY WORKS (REVISED DESIGN)
LOCATION:	LAND ADJACENT TO FROG COTTAGE CHILMARK SALISBURY SP3 5BB

### REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

### SITE AND ITS SURROUNDINGS

The site consists of an area of garden associated with Frog Cottage, a Grade II listed building. The site contains a number of trees and lies within the Chilmark Conservation Area

### THE PROPOSAL

The application proposes the erection of a five-bedroomed dwelling and garage, including the removal of a number of trees.

### PLANNING HISTORY

New detached house and garage with associated works, Refused on 17<sup>th</sup> November 2003 (S/2003/2132)

### CONSULTATIONS

WCC Highways No objection

Wessex Water Authority Site lies within sewered area

Environmental Health Would wish to see a comprehensive site survey to establish adequate surface water drainage. However this could be dealt with by condition.

Arboriculturalist Subject to conditions and a variation in the species of one of the trees, raises no objection.

Conservation Officer Following negotiated amendments and provided details of stone tabling detailing are submitted, considers that there will not be an adverse impact on the Conservation Area or adjacent listed buildings

### REPRESENTATIONS

Advertisement	Yes	Expired 15/04/04
Site Notice displayed	Yes	Expired 15/04/04
Departure	No	
Neighbour notification	Yes	Expired 08/04/04
Neighbour response	Yes	7 letters of objection relating to: impact on character and appearance of Housing Policy Boundary, Conservation Area, AONB and adjacent listed building. Impact of construction traffic



harmful. Construction is a short term impact and is controllable under Environmental Health legislation.

With regard to loss of light, the distances involved and the dwelling's geographical orientation would be such that adjoining properties would not suffer a loss of sun or daylight that would significantly harm their reasonable living conditions. Similarly, it is considered that the proposal would not have an over-dominating impact on adjoining properties.

#### Impact on protected trees

The previous scheme was refused because of its impact on trees considered important to the character of the area. Subsequently, the applicants have commissioned a report from an arboriculturalist arguing that none of the trees proposed to be felled are of sufficient amenity value to warrant a Tree Preservation Order being imposed.

Concerns had been raised by the Council's arboriculturalist that pressure would be put on trees to be felled in the future, because of the position of windows and the potential for loss of light to these windows. However, the Council's arboriculturalist is now of the view that this would not warrant refusal.

The Tree officer's view is that the canopies of the Beech and Ash do not form the barrier to light they would appear to on the plans and therefore light levels on the southerly aspect would not be seriously affected. The Ash would have little or now impact on light levels, while no objection would be raised to the loss of the Maple. Reduction of the Beech's impact on light levels could be undertaken that would not harm its long term sustainability. The two pines, shown as dead, remain alive but are in decline. They have no impact on the proposed development but their loss would not warrant refusal. Similarly, the loss of the conifers currently on the site of the proposed garage would not justify refusal.

Overall, the Council's Arboriculturalist is of the view that, subject to conditions, planning permission could not now be reasonably refused on the grounds of impact on trees.

#### Surface Water Drainage

This lack of adequate information on this matter formed a reason for refusal of the earlier scheme. Frog Lane and the proposed site suffer from springs, which will need to be addressed. Following discussions between the Council's Environmental Health officers and the applicants, Environmental health consider that the impact of the scheme on surface water drainage could be overcome and should not, therefore, result in an 'in principle' objection to this application. Adequate details, including a comprehensive site survey, can be secured by condition.

#### Provision of Recreational Open Space

This can be secured by agreement under s106 of the Town and Country Planning Act 1990.

### **CONCLUSION**

The proposed development would preserve the character and appearance of the Conservation Area, the setting of the adjacent listed building and the Area of Outstanding Natural Beauty. It would not harm the living conditions of neighbouring properties or result in the loss of trees that would justify being preserved by a TPO. Adequate surface water drainage can be secured by condition. It is therefore recommended that permission be approved, subject to conditions and an agreement for recreational open space.

### **RECOMMENDATION:**

Subject to the submission an agreement under section 106 of the Town and Country Planning Act 1990 for the provision of public open space under policy R2 of the Replacement Salisbury District Local Plan,

**APPROVE:** for the following reasons



The proposed development would preserve the character and appearance of the Conservation Area, the setting of the adjacent listed building and the Area of Outstanding Natural Beauty. It would not harm the living conditions of neighbouring properties or result in the loss of trees that would justify being preserved by a TPO and adequate surface water drainage can be secured. The proposal would therefore comply with Replacement Salisbury District Local Plan policies G2, G4, H16, CN5, CN8 and R2

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) 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.

(3) No development shall take place until a comprehensive site survey is undertaken to establish the impact of the proposed development on surface water drainage including the means for adequately mitigating the impact of surface water drainage on the property and surrounding properties, the details and conclusions of which shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: In order to ensure adequate means of surface water drainage, in the interests of the living conditions of potential future occupants and neighbouring properties.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions 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: In the interests of the living conditions of surrounding properties

(5) Notwithstanding the provisions of the Town and Country Planning Act 1990, the first floor window serving Bathroom 4 on the east elevation and the first floor window serving the bathroom on the west elevation shall be obscure glazed and fixed shut, and shall remain in this state in perpetuity. No additional windows shall be inserted into the eastern or western elevations of the dwelling hereby approved.

Reason: In the interests of the living conditions of the adjoining properties

(6) An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:1991 and a plan indicating the alignment of the protective fencing;

b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;

- c) a schedule of tree works conforming to BS3998;
- d) details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- e) plans and particulars showing the siting of the service and piping infrastructure;
- f) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- g) details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- h) details of all other activities which have implications for trees on or adjacent to the site.

Reason: In order to preserve the visual amenities which at present exist on the site

(7) Replacement trees, as identified on the plans hereby approved, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The tree(s) shall be thereafter maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site

(8) No development shall take place until the following details have been submitted to and approved, in writing, by the local Planning Authority:  
 Elevations of the windows at 1:10 scale with vertical and horizontal sections of the windows at 1:5 scale  
 Elevations of the doors at 1:10 scale with a horizontal section at 1:5 scale  
 A section through the eaves at 1:5 scale  
 Details of the colour and type of rainwater goods  
 Details of the doors and lights of the conservatory at 1:10 scale with sections through the eaves and roof rafters, and a horizontal section through the windows, at 1:5 scale.  
 Development shall be undertaken in accordance with the details thereby approved.

Reason: In the interests of the character and appearance of the Conservation Area

(9) This development shall be in accordance with the amended drawing[s] ref: 2083:02b, 2083:07b and 2083.08a deposited with the Local Planning Authority on 4<sup>th</sup> May 2004, unless otherwise agreed in writing by the Local Planning Authority. (B01A)

Reason: For the avoidance of doubt

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

- G2 General development Criteria
- G4 Flooding
- H16 Housing Policy Boundary
- D2 Infill development
- CN5 Impact on setting of listed building
- CN8 Conservation Areas
- R2 Public open space

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**NOTES:**

S/2004/649	22/03/2004	17/05/2004 15:36:47	RICHARD MARTIN WILLAN
TEFF	TMA		
Easting: 398975.4	Northing: 131565.5		

PROPOSAL:	CHANGE OF USE -CHANGE OF USE FROM RESIDENTIAL TO OFFICE
LOCATION:	BRIDGES COTTAGE TEFFONT EVIAS SALISBURY SP3 5RG

### REASON FOR REPORT TO MEMBERS

Councillor Willan's application

### SITE AND ITS SURROUNDINGS

The site consists of a cottage within the curtilage of Bridges in Teffont. The site lies within the Conservation Area, AONB and a Special Restraint Area.

### THE PROPOSAL

The application proposes the change of use of the existing cottage to office use.

### PLANNING HISTORY

None

### CONSULTATIONS

WCC Highways no objection  
Environmental Health no comments  
Conservation Officer no comments

### REPRESENTATIONS

Advertisement	Yes	<b>expires 03/06/04</b>
Site Notice displayed	Yes	expired 22/04/04
Departure	No	
Neighbour notification	Yes	expired 15/04/04
Neighbour response	No	
Parish Council response	Yes	Support, but regret loss of relatively low cost rental dwelling

### MAIN ISSUES

Impact on living conditions of adjoining properties  
Impact on the character and appearance of Conservation Area  
Loss of residential unit

### POLICY CONTEXT

E18 (employment uses in Special Restraint Areas)

### PLANNING CONSIDERATIONS

This application proposes to convert this existing residential property into office use. Policy E18 deals specifically with new employment uses in Special Restraint Areas and requires that such uses are restricted to B1 uses, that the access is satisfactory, that the buildings are appropriate

to the character of the area, that there will be no outside storage and that the environment of a nearby dwelling will not be effected.

The building proposed to be converted is appropriate to the character of the village, the Highway Authority have not objected to the use of the current access and the Council's Environmental Health officers have no objections to the proposed change of use. As an office use (rather than a light industrial or storage use) there is unlikely to be any outside storage that would harm the character and appearance of the area.

Although the Parish Council's concerns are recognised, the Local plan's policies only require the retention of existing residential accommodation in Salisbury itself and the loss of the residential unit could not reasonably warrant refusal of permission.

## **CONCLUSION**

The proposed change of use would comply with the criteria of policy E18 and would not result in harm to the character and appearance of the Conservation Area or Special Restraint Area, the living conditions of adjoining properties or highway safety.

## **RECOMMENDATION:**

Subject to no new material considerations being raised by additional representation received on or before 3<sup>rd</sup> June 2004 **APPROVE:** for the following reasons

The proposed change of use would not result in harm to the character and appearance of the Conservation Area or Special Restraint Area, the living conditions of adjoining properties or highway safety. It would therefore comply with the criteria of Local Plan policy E18 of the Replacement Salisbury District Local Plan.

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) The premises shall be used for office use and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (V01A)

Reason: In the interests of the living conditions of adjoining residential properties

(3) Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any order revoking or re-enacting that order) no alterations to the external appearance of the building shall be made without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area

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

E18 Employment uses in Special Restraint Areas

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## **NOTES:**

S/2004/784	05/04/2004	31/05/2004 15:18:54	NTL
SUTT			M SMITH
Easting: 397659.929692507	Northing: 128408.892727911		

PROPOSAL:	FULL APPLICATION -INSTALLATION OF 10.6m DISH ANTENNA ON THE EXISTING TOWER
LOCATION:	NTL TRANSMITTING STATION LAGPOND LANE SUTTON ROW SUTTON MANDEVILLE SALISBURY SP3 5NQ

### REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

### SITE AND ITS SURROUNDINGS

The NTL Transmitting Station is located on the corner of Lagpond Lane and Sutton Road, Sutton Mandeville. It comprises of a 45-metre mast together with several small buildings and cabinets to house equipment, which are partially concealed by mature trees and hedging. The site is located within the AONB.

### THE PROPOSAL

Permission is sought for a 0.6 metre dish antenna located 35 metres above ground level on the existing mast.

### PLANNING HISTORY

89/1197	Erection of single storey building to house transmitting equipment with associated aerials on existing tower	AC	9.8.89
91/536	Provision of 1.5 x 1.25m gap kiosk for the housing of transmitter equipment with associated aerials at 26m height on existing mast (2no. dipoles and 1no. coliner)	AC	19.6.91
94/1752	Attachment of fully sectored antenna array, 4 microwave dishes of max, diameter of 0.6m together with associated ground equipment	AC	26.1.95
97/1374	To install 6 no. sector and 4 no. dish antenna onto existing tower structure with a 2.6 x 3.6m equipment cabin at ground level	A	8.10.97
98/1973	To install a paging system for BT; Equipment including: 1 x 3m aerial – vertical in its alignment at 40m, 1 x 0.9m satellite dish – fixed between 6-10m, 1 cabinet to be located in existing equipment room	AC	12.1.99
00/579	One x 0.6m dish, one x 0.3m dish and development ancillary thereto.	A	19.05.00
01/0592	0.6M Microwave dish	WD	23.04.01
01/0907	Provision of a 0.6m microwave dish at a height of 42.1m at NTL Tower, Sutton Row.	AC	06.07.01
01/1608	Installation of 4 x 4 stack Dipole antenna on the existing tower. 1 x equipment cabin and associated equipment for PSRCP.	AC	05.10.01
02/337	Installation of 4 4stack dipole antennae on the existing tower	AC	10/04/02
02/2075	To install 1 6m dish antenna at 32m for BT networks and systems	AC	13.12.02
02/2182	To install 3 Colinear antenna in place of 4 dipole antenna for NTL on behalf of Airwave MM02	AC	20.12.02
03/1048	Installation of 3.4 stack dipole antennas on the existing tower	AC	03.07.03

## REPRESENTATIONS

Advertisement	Yes	Expires 13/05/04
Site Notice displayed	Yes	Expires 13/05/04
Departure	No	
Neighbour notification	Yes	Expires 04/05/04
Neighbour response	No	
Parish Council response	Yes	Objection -

“The Parish Council routinely objects to additions to the antenna – possible health implications”

## MAIN ISSUES

Impact on AONB

## POLICY CONTEXT

Adopted SDLP policy G2, C5 and PS7

## PLANNING CONSIDERATIONS

### Impact on AONB

The proposed dish antenna is a small addition to an existing mast, which will have a negligible impact on the visual amenity of the surrounding area and will be largely shielded by trees. In addition, by mast sharing the need for further antenna in the surrounding area is reduced. Public health risks of such equipment are largely unknown but it is considered that a small addition such as this poses little additional threat. A declaration of ICNIRP compliance has been provided by NTL stating that:

“The proposed installation is designed so that its operation, combined with the operation of the existing equipment on site, in any areas to which the public are allowed by law to access, will not result in RF power densities exceeding the requirements of the Radio Frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) as expressed in the EU Council Recommendation of 23 July 1999 *on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300CHz)*”

## CONCLUSION

The proposed dish antenna is judged to comply with the relevant policies of the Adopted SDLP and it is not considered to have a detrimental impact on the visual amenity of the AONB

## RECOMMENDATION:

**APPROVE:** for the following reasons

The siting and scale of the proposal minimises the environmental impact of the apparatus and it will not have a detrimental impact on the surrounding Area of Outstanding Natural Beauty. It is therefore considered to conform with Adopted Salisbury District Local Plan policy G2, C5 and PS7.

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.

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

Policy G2	General Development Guidance
Policy C5	Development within an AONB
Policy PS7	Telecommunications Development

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## NOTES: