

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
WESTERN AREA 10 NOVEMBER 2005

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item Application No Parish/Ward
Page Officer Recommendation
Ward Councillors

1	S/2005/2097	FONTHILL BISHOP
	Miss A Rountree	REFUSAL
	LADY KEITH OF CASTLEACRE THE OLD DAIRY BARNS FONTHILL BISHOP SALISBURY	FONTHILL AND NADDER Cllr Mrs Willan
2	S/2005/1779	BOWERCHALKE
	Miss A Rountree	REFUSAL
	PAUL WILSON AND JEAN HALL LAND AT SIDE OF ROSE COTTAGE CHURCH STREET BOWERCHALKE SALISBURY	CHALKE VALLEY Cllr Draper

3	S/2005/1959	EAST KNOYLE
	Mr W Simmonds	APPROVED WITH CONDITIONS
	MR AND MRS SIMON STURDY RIDGWOOD PARK EAST KNOYLE SALISBURY	KNOYLE Cllr Couper
4	S/2005/1891	TISBURY
	Miss A Rountree	APPROVED WITH CONDITIONS
	MR AND MRS BARTON TISBURY DENTAL CENTRE HIGH STREET TISBURY	TISBURY AND FOVANT Cllr Mrs Green Cllr Hooper
5	S/2005/2056	EAST KNOYLE
	Miss A Rountree	APPROVED WITH CONDITIONS
	MR J HOBBS LAND ADJ TO STONEHAVEN LEIGH LANE EAST KNOYLE SALISBURY	KNOYLE Cllr Couper
6	S/2005/1355	TISBURY
	Mr S Llewelyn	APPROVED WITH CONDITIONS

	DOWNTON VILLAGE HOMES LIMITED LAND OFF DUCK STREET/ LADY DOWN VIEW TISBURY	TISBURY AND FOVANT Cllr Mrs Green Cllr Hooper
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AGENDA ITEM - MAJOR DEVELOPMENT TO THE EAST OF SHAFTESBURY

Part 1

Applications recommended for Refusal

1

Application Number:	S/2005/2097		
Applicant/ Agent:	NEALE GEAR		
Location:	THE OLD DAIRY BARNS FONTHILL BISHOP SALISBURY SP3 5SH		
Proposal:	REMOVE EXISTING BARN AND REPLACE WITH ANNEXE		
Parish/ Ward	FONTHILL BISHOP		
Conservation Area:	FONTHILL BISHOP	LB Grade:	
Date Valid:	12 October 2005	Expiry Date	7 December 2005
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

REASON FOR REPORT TO MEMBERS

Councillor Willan has requested that this item be determined by Committee due to the controversial nature of the application

SITE AND ITS SURROUNDINGS

The Old Dairy Barns are located on the northern edge of the village of Fonthill Bishop. The barn to which the application relates is to the rear of the main dwelling within a paddock and located on higher ground. The site is located outside the Housing Restraint Area of the village but within the Conservation Area and AONB.

THE PROPOSAL

Permission is sought for a detached carers annex to be erected to the rear of the main dwelling. An existing historic barn will be removed to facilitate this with the proposed building of the same footprint and similar size. The building will be clad with logs stained a light stone colour to contrast with the main dwelling and the hipped roof will be laid with plain clay tiles. The accommodation will consist of two bedrooms, a bathroom, living area and entrance lobby.

PLANNING HISTORY

2005/1149	Removal of Brick & Tile Laundry House, Rendered Block Work ,Toilets, Stone Accretion of South West Corner of Two Storey Barn 26/09/95	AC
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CONSULTATIONS

WCC Highways	- Awaited
Environmental Health Officer	- No Observations
Wessex Water Authority	- No Objections
Environment Agency	- Awaited
English Nature	- Awaited

REPRESENTATIONS

Advertisement	Yes	Expires 17/11/05
Site Notice displayed	Yes	Expires 24/11/05
Western Area Committee		10/11/2005

Departure	No	
Neighbour notification	Yes	Expires 09/11/05
Third Party responses	No	
Parish Council response	No	

MAIN ISSUES

Principle of Development
Impact on Surrounding Area
Impact on Neighbour
Impact on Protected Species

POLICY CONTEXT

Adopted SDLP Policy G2, H19, H33, C1, C2, C4, C5, CN8, CN9

PLANNING CONSIDERATIONS

Principle of Development

Permission is sought for a carers annex for the owner of the main dwelling who requires constant care. H33 is permissive of such accommodation providing that it is located wholly or partly in the main dwelling, forms an extension to the dwelling or is the conversion of a building within the residential curtilage and where an extension is proposed the new unit should be able to be reabsorbed into the main dwelling when it is no longer required. However, the proposed annex is completely separate from the main dwelling, located outside the residential curtilage and housing restraint area and capable of being occupied separately with its own access and garden area particularly by the incorporation of two bedrooms. In policy terms it therefore contrary to policy H33 and is viewed as a new dwelling in the open countryside.

Impact on Surrounding Area

Being located on higher ground the existing barn is quite visible in the surrounding area, particularly from the centre of the village to the south-west and as such the proposed new annex will be visible from the same points. In addition the Conservation Officer feels that the existing timber framed barn has a positive impact to make on the surrounding Conservation Area and believes that it should be retained. The retention of the existing barn is a material consideration as the building is over 115m³ and located within a Conservation Area meaning that Conservation Area Consent would be required for its demolition.

Impact on Neighbour

The site is located some distance from the neighbouring properties and as such is considered to have minimal impact on residential amenity.

Impact on Protected Species

Although English Nature have not provided their consultation response at the time of writing, many old buildings contain potential roosting sites for bats and nesting place for barn owls and as such a protected species survey should be carried out on the site. PPG 9 States that "the presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out would be likely to result in harm to the species or its habitat" and therefore the absence of such a survey is a reason for refusal. As such the proposal is contrary to policy C12 of the Adopted SDLP.

CONCLUSION

The proposed annex is contrary to both policy H33 which relates to accommodation for dependent persons and H19 if read as a new dwelling, being located outside the Housing Restraint Area. In addition the removal of the existing barn and the new building will be clearly visible in the wider area which is designated a Conservation Area and located within the AONB and as such is contrary to policies CN8, CN9, C4 and C5 of the Adopted SDLP. The failure to provide a protected species survey also adds a further reason for refusal being contrary to policy C12.

RECOMMENDATION

Refuse for the following reasons:-

1. The proposal neither forms an extension to the main dwelling nor a conversion of an existing building and is therefore contrary to policy H33 of the Adopted Salisbury District Local Plan in that it will constitute a new dwelling in the open countryside.
2. The building will be clearly visible from the wider area and in connection with the removal of the traditional barn the proposal is judged to be detrimental to the surrounding Area of Outstanding Natural Beauty and Conservation Area by virtue of its location on higher ground and is therefore contrary to policy CN8, CN9, C4 and C5 of the Adopted Salisbury District Local Plan.
3. Insufficient information has been supplied to demonstrate that the proposal will not harm protected species, contrary to policy C12 of the Adopted Salisbury District Local Plan and advice contained within PPG 9.

Application Number:	S/2005/1779		
Applicant/ Agent:	ROGER HILL ARCHITECT		
Location:	LAND AT SIDE OF ROSE COTTAGE CHURCH STREET BOWERCHALKE SALISBURY SP5 5AY		
Proposal:	ERECTION OF NEW HOUSE		
Parish/ Ward	BOWERCHALKE		
Conservation Area:		LB Grade:	
Date Valid:	5 September 2005	Expiry Date	31 October 2005
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

Rose Cottage is a thatched cottage set at right angles to Church Street in Bowerchalke with large garden to the north-east shielded from the road by mature hedging. It is located within the Housing Policy Boundary of the village and the Area of Outstanding Natural Beauty.

THE PROPOSAL

Permission is sought for a new dwelling to the north east of Rose Cottage within the existing garden with shared access serving both properties. The dwelling is two storey constructed from greenstone and reclaimed plain clay tiles and features an integrated car port to the east elevation.

PLANNING HISTORY

None

CONSULTATIONS

WCC Highways - Objection
Wessex Water Authority- No Objection
Environment Agency - No Objection

REPRESENTATIONS

Advertisement	Yes	Expired 06/10/05
Site Notice displayed	Yes	Expired 06/10/05
Departure	No	
Neighbour notification	Yes	Expired 26/09/05
Parish Council response	Yes	
Support Third Party responses	Yes	2 letters of objection regarding:
		1. Impact on Ash Tree located within the curtilage of the adjacent property
		2. Detrimental visual impact of infill development
		3. Impact on sunlight and view of property opposite
		4. Increase in noise and disturbance from construction and vehicles

Points 3 and 4 are not valid material planning considerations but the previous two points will be considered in the following report.

MAIN ISSUES

Scale & Design
Impact on Neighbour
Western Area Committee 10/11/2005

Impact on Tree
Impact on Protected Species
Impact on Highway

POLICY CONTEXT

Adopted Salisbury District Local Plan G1, G2, D2, C4, C5, C12.

PLANNING CONSIDERATIONS

Scale & Design

The Parish Council support the proposal but have some concern with infill development and the fact that the Garden of Rose Cottage will be reduced. While the principle of development on this site is acceptable there is concern that due to its mass and scale the proposed dwelling leaves little amenity space for Rose Cottage and the new dwelling. This in turn has a detrimental impact on the surrounding area which although outside the Conservation Area of the village is located within the AONB and is thus contrary to policy G1, C4, C5 and D2 of the Adopted SDLP.

Impact on Neighbour

There are no first floor windows proposed on either of the side elevations and is located a reasonable distance from the neighbouring dwellings so any impact on residential amenity is judged to be minimal.

Impact on Tree

This application fails to take into account the neighbouring ash tree and its root system. The proximity of the dwelling is such that it is within the root protection zone under the current BS5837:2005 which also does not allow for any working space. No information has been provided as to how the dwelling would be constructed and as such the application fails to take account of the neighbouring tree, which is an important feature in the surrounding area. As such the proposal may result in the decline or loss of an existing tree and fails to conserve the natural environment of the district and is contrary to policies G1 and G2 of the Adopted SDLP.

Impact on Protected Species

English Nature have suggested that there may be Badgers present on the site and have requested a protected species survey in order to ascertain the effect of such a development on their habitats. PPG 9 states that "the presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out would be likely to result in harm to the species or its habitat" and therefore the absence of such a survey is a reason for refusal. As such the proposal is contrary to policy C12 of the Adopted SDLP.

Impact on Highway

The proposal was considered by WCC Highways at pre-application stage and the principle of development was accepted subject to appropriate parking and access arrangements including visibility across the site frontage. The Highway Officer also sent a plan to the agent showing the visibility splay which would be required in association with the proposed access. The consultation response to this application states that WCC Highways would have no objection to the proposal providing amendments were made and a plan submitted which indicates the access, parking and visibility requirements as previous suggested. However, insufficient information has been submitted with the application to show the details required by WCC Highways and as such the proposal is contrary to policy G2 of the Adopted SDLP.

CONCLUSION

It was suggested that the application be withdrawn pending resubmission with a protected species survey, slightly smaller and differently configured dwelling to enable the root system of the tree to be protected and slightly more amenity space around the dwelling but the applicant declined to make such amendments. As such the combined impact of the mass and scale of the dwelling with associated loss of amenity space, the lack of protected species survey, the failure to create a vehicular access which would not prejudice highway safety, and the failure to consider the impact the proposal would have on the important adjacent mature tree are judged to create a sufficient argument for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. If carried out the proposed work would cause significant damage to the root system of a protected ash tree situated in the rear garden of the adjacent Apple Tree Cottage. As such the application fails to respect an existing beneficial landscape and conserve the natural environment of the district and is therefore contrary to policy G1 and G2 of the Adopted SDLP.
2. Insufficient information has been supplied to demonstrate that the proposal will not harm protected species, contrary to policy C12 of the Adopted Salisbury District Local Plan and advice contained within PPG 9.
3. Insufficient information has been submitted to demonstrate that appropriate parking and access arrangements including visibility across the site frontage can be achieved on the site in order to mitigate issues of highway safety. It is therefore contrary to policy G2 of the Adopted SDLP.
4. Notwithstanding that the erection of a dwelling upon the site is acceptable in principle, the dwelling proposed would represent a cramped form of development out of keeping with the locality and would provide insufficient amenity space for the occupiers of the proposed dwelling. It is therefore contrary to policy D2, G2, C4 and C5 of the Adopted SDLP.
5. The proposed development makes inadequate provision for recreational open space and as such is contrary to policy R2 of the Adopted Salisbury District Local Plan.

INFORMATIVE: - R2

You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed.

Part 2

Applications recommended for Approval

3

Application Number:	S/2005/1959		
Applicant/ Agent:	RALPH PERRY-ROBINSON		
Location:	RIDGEWOOD PARK EAST KNOYLE SALISBURY SP3 6BB		
Proposal:	EXTENSIONS & ALTERATIONS INCLUDING NEW ROOF & RAISING OF RIDGE HEIGHT		
Parish/ Ward	EAST KNOYLE		
Conservation Area:	LB Grade:		
Date Valid:	26 September 2005	Expiry Date	21 November 2005
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

The proposed development is considered to constitute a departure from Policy H31 of the adopted Salisbury District Local Plan.

The proposed development, being an extension to an existing dwelling in the countryside would, by virtue of the proposed increase in ridge height taken together with other alterations, is considered to substantially alter the character of the dwelling, contrary to Policy H31.

SITE AND ITS SURROUNDINGS

Ridgewood Park is a detached dwellinghouse, approached by a long private track, and situated in a particularly secluded position within approximately 25 hectares of agricultural land, enclosed by woodland plantation.

The existing building, being of 1960/1970s design and Bradstone elevations under a pitched tiled roof, is considered to be of little merit and consequently has little sympathy (in terms of design and materials) to the local landscape and surrounding Area of Outstanding Natural Beauty.

There are no neighbouring dwellings near to the property.

THE PROPOSAL

The application proposes a remodelling of the existing property by means of extensions and alterations, including a new roof, thereby raising the existing ridge height. The proposal also includes covering the existing Bradstone elevations with lime render, replacement of existing concrete roof tiles with clay or slate (to LPA approval) and the construction of a new brick stack replacement chimney.

The proposal largely retains the current footprint of the property, with the addition of a modest front two storey extension, side and rear first floor extensions, and a new pitched roof over existing flat roof side extension. The materials proposed for new extensions are lime rendered on natural Greensand stone plinth.

PLANNING HISTORY

S/87/1229 – Single storey extension. AC 18.08.87

S/05/1173 – Certificate of Lawfulness: Application to establish whether occupation of dwelling in breach of agricultural occupancy Condition is lawful. Certificate granted 08.08.05

Western Area Committee 10/11/2005

CONSULTATIONS

No consultations

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expires 07/11/05
Departure	Yes – expires 24/11/05
Neighbour notification	No near neighbours
Third Party responses	None
Parish Council response	Yes – No objections

MAIN ISSUES

Impact on surrounding AONB
Scale, design and materials

POLICY CONTEXT

Policy D3 (Design) seeks to ensure that extensions to existing properties are compatible in terms of the scale, design and character of the existing property and use complimentary materials

Policy H31 (Extensions in the Countryside) states that extensions in the countryside will be permitted provided that the extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling; the design of the extension is in keeping with that of the existing dwelling and uses complementary materials; and the extension would not create, or be capable of creating, a separate dwelling.

Policy C5 (Landscape Conservation) within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty small scale development proposals will only be permitted where they are in accordance with the policies of the local plan and provided that: the siting and scale are sympathetic with the landscape of the AONB in general and of the particular locality; and standards of landscaping and design are high, using materials that are appropriate to the locality and reflect the character of the area.

PLANNING CONSIDERATIONS

The application site is unusual insofar as it is contained within a large secluded area of countryside of approximately 25 hectares, surrounded by wooded plantation. The site is also set into the landscape topographically and consequently has very limited impact on the surrounding landscape.

The existing property, being a former agricultural workers dwelling, is of simple 1960/1970s design and constructed of relatively poor quality materials that do not particularly respect the character of the local landscape.

The proposed development would effectively remodel the property to produce a form and materials that are considered more appropriate to its setting locally and within the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

CONCLUSION

The proposed development, although a departure from Policy H31 of the adopted Local Plan, would not harm the landscape of the surrounding AONB in general and of the particular locality, would leave sufficient amenity space around the dwelling, and would result in building that is more appropriate in respect of scale, design and materials to the surrounding environment.

RECOMMENDATION

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed development would result in a building that was of a more appropriate scale, design and of more appropriate materials to the locality and would not harm the landscape of the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, in accordance with Policies D3 (Design) & C5 (Landscape Conservation) of the adopted Salisbury District Local Plan.

And subject to the following Conditions:-

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

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

(3) This development shall be in accordance with the amended drawing[s] deposited with the Local Planning Authority on 27 October 2005, unless otherwise agreed in writing by the Local Planning Authority. (B01A)

Reasons:

(1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

(2) To secure a harmonious form of development.

(3) For the avoidance of doubt.

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

Policies D3 (Design), H31 (Extensions in the Countryside) & C5 (Landscape Conservation)

Application Number:	S/2005/1891		
Applicant/ Agent:	VERWOOD DESIGN SERVICE		
Location:	TISBURY DENTAL PRACTICE HIGH STREET TISBURY SALISBURY SP3 6HD		
Proposal:	CONSTRUCT 2 NEW APARTMENTS WITHIN EXISTING ROOFSPACE OF DENTAL SURGERY		
Parish/ Ward	TISBURY		
Conservation Area:	TISBURY	LB Grade:	
Date Valid:	19 September 2005	Expiry Date	14 November 2005
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

REASON FOR REPORT TO MEMBERS

Contrary to statutory consultees (highways) recommendation

SITE AND ITS SURROUNDINGS

Tisbury Dental Surgery is a modern recently constructed two storey building situated off the High Street in Tisbury. It is located within the Housing Policy Boundary and Conservation Area of Tisbury and the AONB.

THE PROPOSAL

Permission is sought to convert the currently redundant loft space of the building into two residential apartments. To facilitate this two roof lights will be added to the south-east roof slope and three to the north-west roof slope to supplement the existing roof lights and gable windows. The flats will be accessed independently from the Dental Surgery and two parking spaces in the adjacent surgery car park will be reallocated to them.

PLANNING HISTORY

00/1005	Dentists Surgery	AC	15.09.00
00/1006	Demolition of existing single storey garage/petrol station buildings and ancillary equipment	AC	25.07.00

CONSULTATIONS

Wessex Water Authority - No Objection
WCC Highways - Object - The proposal would result in the loss of on-site vehicle parking facilities and would, therefore encourage parking on the highway with consequent risk of additional hazards to all users of the road

REPRESENTATIONS

Advertisement	Yes	Expired 20/10/05
Site Notice displayed	Yes	Expired 20/10/05
Departure	No	
Neighbour notification	Yes	Expired 11/10/05
Third Party responses	No	
Parish Council response	Yes	No Objection

MAIN ISSUES

Impact on Streetscene
Impact on Neighbour
Impact on Highway
Western Area Committee 10/11/2005

Compliance with Policy R2

POLICY CONTEXT

Adopted SDLP H16, G2, CN8, C4, C5, R2

PLANNING CONSIDERATIONS

Impact on Streetscene

The principle of further residential development in this location is accepted by policy H16 of the Adopted SDLP and the only external alteration being the insertion of five new roof lights the proposal is not judged to be detrimental to the surrounding area, which is, designated a conservation area and located within the AONB. There is no outdoor amenity space proposed for the flats but this is not considered necessary given that there are several green areas and sports facilities around Tisbury. However, it is considered prudent to condition that cycle parking and bin storage should be provided which there is room to do near to the entrance to the flats.

Impact on Neighbour

The building is some distance from the neighbouring properties bounded by a parking area to the north-west and south-west, the main road to the north-east and an access road to the south-east. The proposed additional roof lights are high level and are not considered to impact on the residential amenity of the neighbouring properties.

Impact on Highway

It is proposed that two parking spaces currently used by the dental surgery will be assigned to the apartments. The parking standards of the SDLP indicates a need for a maximum of five spaces per consulting room so on this basis the dentist surgery would require twenty spaces while there are currently only fourteen and as such WCC Highways Department have recommended refusal on the grounds that the loss of on site parking would encourage parking on the highway. However, WCC did not object to the original application for the dentists and it is considered that with on street parking outside the surgery and a public car park nearby the loss of two parking spaces will not be detrimental to the surgery, the guidelines set within the Local Plan being maximum standards.

Compliance with Policy R2

The applicants have entered into a Section 106 agreement agreeing to pay a contribution towards policy R2 if members are minded to approve the application.

CONCLUSION

The proposal is judged not to be harmful to visual amenity the surrounding area, have minimal impact on the residential amenity of surrounding dwellings, and the reduction in parking facilities for the dental surgery is not considered to detrimentally impact on highway safety given the amount of on-street and public car parking within the village. It is therefore judged to conform with policies H16, G2, CN8, C4, C5 and R2 of the Adopted SDLP.

RECOMMENDATION

APPROVED WITH CONDITIONS

Approve subject to receipt of R2 Contribution

Reason for approval

The proposal is considered to be compatible with the existing dwelling and surrounding area, will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers and will not prejudice highway safety. Therefore it is considered to conform with Adopted Salisbury District Local Plan H16, G2, CN8, C4, C5 and R2 of the Adopted Salisbury District Local Plan.

Subject to the following conditions:

Western Area Committee 10/11/2005

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 (1) of the Planning & Compulsory Purchase Act 2004.(0004)

2. The apartments hereby granted consent shall not be occupied until a scheme for the provision of cycle parking and bin storage has been submitted to, and approved in writing by, the Local Planning Authority, and carried out as approved

Reason. In the interests of amenity and the environment of the development and to apply with policy TR14 of the Adopted Salisbury District Local Plan.

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

Policy G2 General Development Guidance
Policy C4 Development within an Area of Outstanding Natural Beauty
Policy C5 Development within an Area of Outstanding Natural Beauty
Policy H16 Development within a Housing Policy Boundary
Policy CN8 Development within a Conservation Area
Policy R2 Contribution towards Public Open Space Provision
Policy TR14 Provision of cycle parking

Application Number:	S/2005/2056		
Applicant/ Agent:	SBH DESIGN LTD		
Location:	LAND ADJACENT STONEHAVEN LEIGH LANE EAST KNOYLE SALISBURY SP3 6AP		
Proposal:	ERECTION OF NEW DWELLING		
Parish/ Ward	EAST KNOYLE		
Conservation Area:	LB Grade:		
Date Valid:	12 October 2005	Expiry Date	7 December 2005
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

REASON FOR REPORT TO MEMBERS

Contrary to statutory consultee (highways) recommendation.

SITE AND ITS SURROUNDINGS

This application relates to works on a plot of land between Stonehaven and Westleigh in Leigh Lane, East Knoyle, currently within the ownership of the former. It is located within the identified Housing Policy Boundary of East Knoyle and the AONB.

THE PROPOSAL

Permission is sought for a 3 bedroom dwelling on the site constructed from rendered blockwork and natural stone. The north elevation of the dwelling is to form the boundary wall with Stonehaven. A parking area will be provided to the front of the property, which will accommodate two cars.

PLANNING HISTORY

Since members approved an application for a dwelling on this site the thatched roof has been replaced with plain clay tiles and some of the natural stone walling has been removed. In addition two roof lights will be added to the north elevation. Between this and the current application an application was submitted which saw an increase in roof height, use of Spanish Slate on the roof and three roof lights. This was refused under delegated powers for the following reason:

The alteration of materials combined with a slightly higher roof height and introduction of roof lights creates a more urban appearance of dwelling than the cottage style property granted consent earlier this year, which is detrimental to the streetscene and the wider AONB. As such the proposal is contrary to policy D2, C4, and C5 of the Adopted SDLP.

CONSULTATIONS

WCC Highways - Object (see below)
Wessex Water Authority- No Objection
Environment Agency - No Objection

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expires 10/11/05
Departure	No	
Neighbour notification	Yes	Expires 03/11/05
Third Party responses	No	
Parish Council response	Yes	Object on grounds of materials.

MAIN ISSUES

Scale & Design
Impact on Neighbour
Impact on Highway

POLICY CONTEXT

Adopted SDLP G2, D2, C4, C5, R2 and H16

PLANNING CONSIDERATIONS

Scale & Design

The previous consent accepts the principle of a dwelling on the site and the main consideration for this application is the alteration of design and materials. The Parish Council have objected to the proposal due to the larger expanse of rendered walls and the tiled roof. However, the use of Clay tiles instead of Spanish Slate, the reduction in roof height and the removal of one of the roof lights is considered on balance to overcome the previous reason for refusal. Although the original thatched design was preferable there are many other tiled properties in the area and the design of the property is traditional and judged to be in keeping with the surrounding area which is designated an Area of Outstanding Natural Beauty.

Impact on Neighbour

Although the plot size is narrow, the property is situated a reasonable distance from adjacent properties minimizing overshadowing, with the majority of the fenestration on the west and east elevations. The rooflights on the north elevation serve bathrooms only and subject to an obscure glazing condition should not be detrimental. In addition there is only one small first floor window proposed on the south elevation, which serves a landing. Therefore any impact from overlooking is considered minimal.

Impact on Highway

WCC Highways have objected to the proposal because Leigh Lane by reason of its sub-standard junction with Shaftesbury Road is deemed inadequate and unsuitable to serve as a means of access to the proposed development and vehicles leaving from the site would have restricted visibility causing a detriment to highway safety. However, given that consent has already been granted for a dwelling on this site this is not considered justifiable as a reason for refusal.

CONCLUSION

The amendments to the design overcome the previous reason for refusal and providing that a S106 agreement is completed with regard to policy R,2 and the relevant monies received, approval is recommended.

RECOMMENDATION

APPROVE: for the following reasons

The proposal is appropriate to the 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, D2, C4, C5, R2 and H16.

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 materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved

in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

(3) Notwithstanding the provisions of Classes A - H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions or alterations to the dwelling nor the addition of any new windows other than those shown on the drawings hereby approved 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.

Reason: To enable the Local Planning Authority to ensure that sufficient space is retained around the dwelling(s) and to reduce the potential for overlooking of neighbouring properties, in the interests of neighbourliness and amenity.

(4) The proposed access shall remain un gated.

Reason: In the interests of highway safety.

(5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

(6) Prior to the occupation of the dwelling the two parking spaces shall be constructed, surfaced and drained which shall then be retained thereafter unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety.

(7) The rooflights in the north elevation of the pitched roof shall be fitted with obscure glazed and fixed shut and shall in this state in perpetuity. (D13A)

Reason: 0018 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 D2	Infill Development
Policy C4	Development within the AONB
Policy C5	Development within the AONB
Policy H16	Development within a Housing Policy Boundary

INFORMATIVE: -

It has been pointed out by Wessex Water that a public foul sewer crosses the site. In view of this, it is advised that Wessex Water be contacted prior to the submission of a Building Regulations application so that arrangements may be made to protect the integrity of the pipe.

Wessex Water have also indicated that prior to the commencement of development it will be necessary for the developer to agree a point of connection onto the mains water and foul sewer. Wessex Water can be contacted on (01225) 526000.

Application Number:	S/2005/1355		
Applicant/ Agent:	MORGAN CAREY ARCHITECTS LIMITED		
Location:	LAND OFF DUCK STREET / LADY DOWN VIEW TISBURY SALISBURY SP3 6LJ		
Proposal:	ERECT TEN DWELLINGS AND ACCESS ROAD		
Parish/ Ward	TISBURY		
Conservation Area:	TISBURY	LB Grade:	
Date Valid:	4 July 2005	Expiry Date	29 August 2005
Case Officer:	Mr S Llewelyn	Contact Number:	01722 434659

REASON FOR REPORT TO MEMBERS

Councillor Hooper has requested that this item be determined by Committee due to the interest shown in the application and the recommendation departs from Policy H19 of the Adopted Salisbury District Local Plan (June 2003)

SITE AND ITS SURROUNDINGS

The site comprises an area of approximately 0.51 hectares and is located on the northern side of Tisbury overlooking the valley of the River Nadder, between the modern housing development at Lady Down View and Duck Street. The site is situated on a north-facing slope that falls steeply from Lady Down View towards Duck Street with a change in levels of some 12 metres and a gradient in the region of 1:10, as well as falling across the site from west to east. The site is currently unused and consists of grassland with mature trees at its eastern end, some of which are covered by a Tree Preservation Order.

The overall site is bounded to the east, south and western sides by residential properties. To the south of the site are the relatively modern two-storey brick and stone dwellings in Hill Close and Lady Down View that are elevated above the site and which benefit from substantial rural views above the roofline of the properties in Duck Street below and across the open countryside of the valley beyond. The southern boundary with Lady Down View and Hill Close is formed by a steep embankment where the site cuts into the ridge and in part is screened by dense tree and shrub planting, while the remainder of this boundary consists of intermittent shrub planting and dilapidated post/rail/wire/fencing with the exception of No6 Lady Down View that is demarcated by a close boarded fence. Vehicular access is to be formed from Lady Down View via an existing gap between the residential properties in this development. To the east and west of the site are older residential properties that front onto Duck Street. To the north west of the site is Quince Cottage, a Grade II listed building finished in stone and thatch, that fronts onto Duck Street.

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 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

Western Area Committee 10/11/2005

- 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 In September 2002, planning permission was approved for the development of five 4-bedroom dwellings, garages and the construction of a vehicular access from Lady Down View.
- S/2004/0113 Planning permission was approved for a revised scheme to that approved by planning permission S/2002/0837 for the development of five dwellings, parking/garaging and the construction of a vehicular access from Lady Down View. *The scheme that was approved by this permission forms a substantial part of the current proposal.*
- S/2004/2529 An earlier application to erect nine dwellings, parking/garaging and the construction of a vehicular access from Lady Down View was withdrawn in December 2004. *This application proposed exactly the same site layout and general design of buildings as the scheme approved by planning permission S/2004/0113 except that some of the dwellings approved by that earlier scheme were to be sub-divided to create the additional dwellings.*
- S/2005/0642 Most recently, planning permission was refused in June 2005 to erect twelve dwellings, parking/garaging and the construction of a vehicular access from Lady Down View. This application was refused on the following grounds:
- “1. *The proposed development in comparison to the extant approval for the development of this site would result in the loss of an important area of open space that contributes to the open and rural character of the area and coupled with the intensification of development and general activity within the site would detrimental to the character and appearance of the Housing Restraint Area, the Conservation Area and the natural beauty of the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. As such, the proposed development would be contrary to Policies D1, H19, CN8, CN10, CN11 and C4 of the Adopted Replacement Salisbury District local Plan (June 2003).*
 2. *In the absence of an ecological survey for the presence of protected species, it has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed development would not harm protected species or their habitats, contrary to Policy C11 of the Adopted Replacement Salisbury District Local Plan (June 2003).*
 3. *The proposed development fails to make provision towards recreational open space contrary to the requirements of Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003). As such, it would put an additional demand on existing recreational facilities and would set a precedent that would make it difficult for the Council to implement this policy effectively in the future”.*

An appeal has been lodged against this refusal of planning permission.

THE PROPOSAL

This current application seeks planning permission for the erection of ten dwellings with associated parking/garaging and the construction of a new vehicular access from Lady Down View.

The current proposal represents a revised scheme to that previously approved by planning permission S/2004/0113 that granted consent for a development of five dwellings (1x3-bed and

4x4-bed) in a courtyard arrangement with a central shared private courtyard enclosed by the buildings. This latest application largely repeats the layout and built form of this earlier scheme with the exception that some of the dwelling units are now proposed to be sub-divided to create the increase in the number of dwellings that is now proposed over and above the extant approval. In this respect, the individual dwelling unit on Plot 2 of the extant scheme is now sub-divided to provide a pair of dwellings while the dwellings on Plots 3 and 5 of the earlier approval are sub-divided to form three dwellings in each building. The dwellings on Plots 1 and 4 remain as individual dwelling units as previously approved.

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 terminating in a shared private central courtyard. The proposed access road within the site will be constructed to an adoptable standard but it is proposed that the extent of this access for adoption will terminate at the entrance to the central courtyard area. 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 imposition of conditions. See more detailed comments under 'planning considerations' below.

WCC Waste Planning: No objection.

Wessex Water: No objection. The site lies within a foul sewer area and the developer will need to agree a point of connection onto the system for the satisfactory disposal.

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.

The adjacent site is subject to an adoption agreement under Section 104 of the Water Industry Act 1991 that refers to the construction of sewers by the developer and the adoption of sewers by the sewerage undertaker. These sewers are currently private and it is advised that the applicant contact the appropriate party in order to obtain further details, as the proposals may affect this agreement. Permission to connect to these systems should also be obtained where connection is required.

It is also understood that there is a public surface water main crossing the site. A minimum 3.0metre easement to this apparatus is normally required for the purpose of maintenance and repair and to protect the integrity of Wessex systems. Diversion or protection works may need to be agreed.

A point of connection onto the water supply system should be agreed.

Environment Agency: No observations to make.

English Nature: Object on the grounds that a survey for the presence of all protected species has not been undertaken. See more detailed comments under 'planning considerations' below.

English Heritage: No observations to make. It is recommended that this application should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally.

Environmental Health: No observations to make.

Wiltshire and Swindon Biological Records Centre:

Comment that the presence of badgers has been reported at/near this site although there may also be other protected species present. Therefore a protected species survey is recommended.

REPRESENTATIONS

Advertisement	Yes - expired 11/08/05
Site Notice displayed	Yes - expired 11/08/05
Departure	Yes
Neighbour notification	Yes - expired 01/08/05
Neighbour response	Yes

Seventeen letters of representation have been received in response to the proposed development that have raised the following comments:

- The proposed development is contrary to the provisions of Policy H19 of the Adopted Replacement Salisbury District Local Plan (June 2003) by virtue of the number of dwellings proposed and their design, and represents an over-development of the site that would destroy the rural character of the site and surrounding area;
- The proposed retaining wall will adversely affect the appearance of the Conservation Area;
- The proximity of the proposed dwellings to Quince Cottage would adversely affect the setting of this Grade II listed building;
- 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. The 'roundhouse' will tower above the access road and will dwarf the houses in Lady Down View and will dominate the skyline;
- The proposed 'roundhouse' will result in overlooking of the properties in Lady Down View and vice versa;
- The traffic generated by the proposed development will be detrimental to the residential amenities of the occupants of the properties in Lady Down View by virtue of the noise, dust and fumes;
- The surrounding roads are not capable of accommodating the increase in traffic movements that will be generated;
- Vehicular access should not be allowed to the site from Duck Street as it is a steep, narrow and winding road that is not suitable for wide vehicles or the additional vehicular traffic generated by the development. This would be detrimental to highway safety;
- Vehicular access from Lady Down View is inappropriate as it is no wider than Duck Street and was built as a cul-de-sac with no provision for through traffic. It has no pavements and vehicles accelerating up the slope into Lady Down View from the site will create a danger to highway safety;
- It is questioned whether the construction of Lady Down View is capable of accommodating heavy site traffic;
- The proposal retains an access road which in the long term could allow more than 12 dwellings;
- There is insufficient parking provision within the development that will result in an overspill onto the adjacent roads;
- The proposed footpath will encourage pedestrian movements through the restrictive vehicular access point and will provide an easy access/escape route for criminals;
- The reasons for refusal to the earlier application for 12 dwellings on this site relating to the loss of an important area of open space to the detriment of the character and appearance of the Housing Restraint Area, the Conservation Area and the AONB and the absence of an ecological survey remain relevant to the current proposal;
- The site is a valuable and popular area of recreational use by local residents. This part of the village has no park or amenity space and the loss of this space would be significant to the local residents;
- The site is used by badgers and other wildlife and the development therefore raises ecological implications;

- The proposal will result in the loss of some small trees at the access from Lady Down View;
- There is a risk of flooding from run-off from development on such a steep site;
- Concern is raised regarding the future development of the areas of land that are left vacant;
- The proposal will have adverse impacts on waste management and concerns are raised as to whether the existing service and drainage infrastructure can accommodate the development; and
- The submitted drawings are misleading.

Parish Council Object for the following reasons:

- The proposed development is contrary to Policy H19 of the Local Plan;
- Only one of the dwellings is considered a starter home/potentially affordable;
- Any increase to the 5 dwellings already approved would increase traffic by residents and service vehicles to an unacceptable level;
- There is only one access point to the development;
- The proposed retaining wall is considered to be a potential eyesore; and
- The round house is out of keeping with the character of the neighbouring properties.

POLICY CONTEXT

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

G1, G2, D1, H19, H25, CN3, CN5, CN8, CN10, CN11, C1, C2, C4, C5, TR11 and R2.

MAIN ISSUES

1. Principle of Development
2. Impact on Housing Restraint Area, AONB and Conservation Area
3. Design
4. Affordable Housing
5. Residential Amenity
6. Highway Issues
7. Drainage
8. Impact on Trees
9. Impact on Protected Species
10. Nature Conservation
11. Sustainable Development – Waste Audit and Provision for Recycling
12. Educational Infrastructure Requirements
13. 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 Salisbury District Local Plan (2003) 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 supporting text to this policy stipulates that although in the main development is likely to be limited to a single dwelling there may be occasions where more than one dwelling will be acceptable, dependent on the size of the plot. With regards to this issue, 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 HRA’s 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 original approval of planning permission for the erection of five dwellings (Ref: S/2002/0837) on this site and the subsequent revised scheme for the same number of dwellings (S/2004/0113), it was considered that whilst the proposed development was strictly contrary to the letter of the policy it complied with the spirit of the policy. The principle of the development of this site with more than one dwelling has therefore already been clearly established by these previous approvals, which remain extant, and is not therefore relevant to the consideration of this current proposal. The key question, therefore, is whether the number of dwellings that is now proposed complies with the provisions of Policy H19 of the Adopted Salisbury District Local Plan (June 2003).

2. Impact on Housing Restraint Area, AONB and Conservation Area

As mentioned above, the key question therefore is whether the scale of the development that is now proposed respects the character of the Housing Restraint Area, the Tisbury Conservation Area and the AONB in which the application site is located.

The application site is located within the valley of the River Nadder on the northern side of Tisbury and is located on the southern side of Duck Street. Duck Street, itself, is a narrow road that falls steeply towards the edge of the valley before following it eastwards. It has a rural character that is derived from the irregular pattern of development and intermittent street scene that creates spaces and vistas between the buildings. This character is also derived from the dense hedgerows and random stone walls. The Housing Restraint Area and this section of the Tisbury Conservation Area is characterised by a mix of properties to Duck Street comprising a number of different styles and ages, including period properties such as Quince Cottage through to modern infill developments within the last 20 years. These properties exhibit a mixed pallet of materials including stone, render and brick with thatched and tiled roof forms. As such, it is considered that there is no clearly distinctive vernacular to the properties in the immediate surrounding vicinity. Beyond the dwellings on the northern side of Duck Street is open countryside that slopes upwards to the north. To the south of the site are the more recent residential developments of Lady Down View and Hill Close that are located on the ridgeline above the site and that dominate views towards the site from the AONB to the north. These are finished in reconstituted stone and concrete roof tiles.

At present the application site is currently unused and consists of unkempt and overgrown grassland and scrub with mature trees at its eastern end. The site has a neglected air and it has the character and appearance of an open field. Although the site contains some mature trees that are the subject of a Tree Preservation Order and mainly located in the eastern part of the site, there is also substantial vegetation to the boundaries, including a line of trees and bushes to the boundary with Duck Street, which contributes to the semi-rural character of the site and the surrounding area. The site currently forms a gap between the development in Duck Street and the more modern and higher density development at Lady Down View and Hill Close to the south and provides an important contribution to the rural character of Duck Street and this part

of the settlement. Together with this lower density development, the site represents an important buffer between the built form of the main settlement and the openness of the countryside to the north, whilst allowing the countryside to enter into the settlement. As such, the site represents an important area of open space that contributes to the character and appearance of the Housing Restraint Area and this section of the Tisbury Conservation Area, the value of which is further enhanced as it currently remains the only area of undeveloped land within this area of housing restraint.

While there is no objection to the principle of residential development on this site, it is considered that any development of this site cannot preserve its existing 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. In considering the impact of any proposal for the development of this site, however, regard must be given to the extant permission for the erection of five dwellings. In determining the previous applications (S/2002/0837 and S/2004/0113), while it was acknowledged that they would represent a significant change from the appearance of the site at present, the overall design approaches adopted in these instances were considered to address and maintain the rural character of the site whilst delivering a development of a high quality. Importantly, these development proposals recognised the need for a low density development approach that provided a sense of spaciousness within the development while the layout was arranged so that the dwellings were principally located towards the centre of the overall site thereby retaining strong gaps to the edge of the development that are important to the character and appearance of the Housing Restraint Area and the Conservation Area.

With regards to the current proposal, the proposed development repeats the general layout and built form of the previously approved scheme (S/2004/0113) with the exception that some of the dwellings previously approved are to be sub-divided to create the increase in the number of dwellings that are now proposed (now 10 dwellings as opposed to 5 dwellings). However, unlike the recently refused proposal for the erection of 12 dwellings on this site (S/2005/0642), critically the current proposal will not extend the built form beyond the building envelope that has previously been accepted by planning permission S/2004/0113, which in determining the refused scheme was considered to represent a significant incursion into an important area of open space that would otherwise be retained and therefore detrimental to the character and appearance of the Housing Restraint Area and the Conservation Area.

In determining the recently refused scheme (S/2005/0642), however, it was concluded that any greater harm in comparison to the extant approval (S/2004/0113) would not only arise from the encroachment of the built development beyond the building envelope previously accepted by planning permission S/2004/0113 but also from the intensification of development and general level of activity within the Housing Restraint Area associated with the increased density arising from the sub-division of some buildings to create 10 dwellings as opposed to 5 dwellings. In considering the current proposal it is also considered that this would be the case.

In this respect, it is considered that the sub-division of the plots in the manner proposed would result in an intensification of development in comparison to the extant scheme through the immediate requirement for the erection of additional boundary treatments between properties. Furthermore, the current proposal is also likely to generate an intensification of the presence of associated domestic paraphernalia, washing lines, patio or decking and ancillary structures such as sheds, greenhouses etc, as well as pressure for future extensions to the dwellings, all of which clearly marks out the land as being residential and that would detract from the rural character and natural appearance of the site, as does the presence of people using the gardens. Although, the erection of some of these structures could be controlled by the removal of permitted development rights it would ultimately be difficult to resist future applications for the erection of minor extensions to the dwellings, such as conservatories or single storey buildings, as well garden sheds or other similar outbuildings/structures as such proposals, in policy terms, would be acceptable. In addition, the current proposal would also result in an increase in the number of vehicular movements into and out of the site, the presence of parked cars and general presence of people/human activity, all of which would combine to further diminish the rural and open character of the site in comparison to the extant permission (S/2004/0113) to the detriment of the character and appearance of the Housing Restraint Area and the Conservation Area and the natural beauty of the AONB.

In determining the previously approved scheme (S/2004/0113) it was also considered appropriate to control through a Section 106 Agreement that two areas of land within the applicant's ownership that were indicated to be retained to either side of the proposed built envelope as paddock/pasture could not be sold, leased, rented or otherwise disposed of separately from the dwellings to be erected on Plots 1, 3 and 4 and that those areas of land shall not be built upon nor cultivated as garden. This restriction was required in the interests of highway safety and nature conservation and to ensure that the natural and uncultivated character and appearance of these areas of land was retained. In respect of the current proposal, however, the submitted plans indicate that one of these areas of land is no longer within the applicant's ownership, while it is considered that the objective of preserving the existing character and appearance of the other area of land to the east of Plots 1 and 4 can be secured via a condition requiring the submission of a scheme for the maintenance of this land as natural habitat.

3.Design

The form and layout of the development is as approved under S/2004/113. There are minor changes proposed to the fenestration to reflect the sub-division of the units 2,3 and 5.

4.Affordable Housing

In accordance with Policy H25 of the Adopted Salisbury District Local Plan the provision of an element of affordable housing will be sought on appropriate sites 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 measures 0.51 hectares and therefore in accordance with this policy the proposed development represents a qualifying site for the provision of affordable housing.

In negotiating the provision of affordable housing on qualifying sites, such as this, a general target of 25% affordable housing provision is sought within the development to meet the identified local need as demonstrated in the Housing Needs Survey. In this instance, however, the applicant has already entered into discussions with the Local Authority and a Registered Social Landlord concerning the provision of affordable housing within the development and the nature of the housing need. As a result, the current proposal incorporates the provision of three affordable housing units, in accordance with the Council's target of 25% provision of the overall development, on the basis of shared equity provision. The proposed dwellings for affordable housing provision have been identified as those on Plots 3A, 3B and 3C and these have been designed with input from the Registered Social Landlord. On this basis, there is no objection to the proposal in respect of this issue and this has also been confirmed by Housing Services. However, the provision of the affordable housing needs to be secured through a Section 106 Agreement.

In addition to the above, the previous application (S/2004/0113) which included no affordable housing element was approved subject to a clause in the Section 106 Agreement that stipulated "that any further application for further residential development which creates additional dwellings on the land edged in red and/or the land edged in blue or any part thereof will for the purposes of applying the Council's policies at the time of the application be treated as if the application were being made in respect of the whole of the red land and the blue land". Although the current application secures an appropriate level of provision of affordable housing in relation to the scale of the proposed development, given that the site area of the current application is the same as that of the previously approved scheme (S/2004/0113) and any further development on the adjacent sites that have been sub-divided from this application site could generate a requirement for an element of affordable housing provision when considered in conjunction with the current proposal, it is again considered appropriate to secure this clause via a Section 106 Agreement.

5.Residential Amenity

Although the site is surrounded on three sides by other residential properties it is considered that the proposed development would be sufficiently distanced from the boundaries of the site with these neighbouring properties that the proposed dwellings would not appear overbearing or result in any material loss of light. Plots 1 and 4 are as previously approved.

With regards to the issue of potential overlooking from the other proposed dwellings, while the southern elevations of the proposed dwellings on Plots 2A and 3A both contain windows serving principal habitable rooms (kitchen, 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 south no overlooking would occur.

In determining the previously approved application (S/2004/0113), however, it was considered that the proposed development would not harm the amenities of the occupants of Quince Cottage. The buildings that are now proposed to form Plots 3A-3C and 5A-5C would occupy the same position as the dwellings on Plots 3 and 5 of the earlier approved scheme and in this respect would not therefore alter the relationship with Quince Cottage (a grade II listed building). Furthermore, as with the previous application, it is considered there is a reasonable level of vegetation screening to the boundaries with Quince Cottage so that no overlooking would occur from the ground floor windows on the rear elevation of the dwellings on Plots 3B and 3C or from the entrance door and sidelight window in the side (west) elevation of the dwelling on Plot 5A. Although the proposed dwelling on Plot 3C does incorporate a first floor window in the rear elevation, the angle of view from this window would be sufficiently oblique so as not to be unduly harmful, while the northern elevation of this dwelling would only contain a small window to an en-suite bathroom that can be obscure glazed. In light of the above, it is considered that no material loss of privacy would arise to the occupants of Quince Cottage.

6. Highway Issues

The previously approved application for the development of this site (S/2004/0113) proposed that the vehicular access road would be constructed to an adoptable standard throughout the development although adoption by the Local Highway Authority would not be sought at that time. The current proposal, however, seeks adoption of the vehicular access road along its entire length up to the entrance into the shared courtyard that is to be retained in shared private ownership. This requirement for adoption by the Local Highway Authority principally arises from the number of dwellings served by the access road that unlike the earlier approved scheme exceeds the number of dwellings that is generally permitted off a private driveway ie. 5 dwellings.

The design, configuration and gradient has been previously accepted in respect of the earlier approved scheme and WCC Highways have advised that they have no objection to the proposed road layout. However, given that it is proposed that the access road will be adopted by the Local Highway Authority it is advised that full structural details of the proposed highway retaining wall and parapets, and full engineering details of the proposed road construction including a longitudinal section and details of road drainage, will be required prior to the commencement of development. This can be secured by condition.

With regards to other highway issues, local residents have raised a number of concerns in response to the proposed development relating to the capacity of the local highway infrastructure to support the additional traffic generated by the development and highway safety. No vehicular access is proposed to Duck Street while the principle of vehicular access off Lady Down View has previously been accepted by the approval of the extant schemes. WCC Highways have raised no objection to the intensification of use of this access that would arise from the current proposal over and above that associated with the extant schemes.

With regard to the provision of on-site parking, it is considered that there is more than adequate on-site parking in the form of dedicated parking/garaging serving individual dwellings and more informal parking areas to serve the proposed development. In addition, there is adequate on-site turning provision within the development.

7. Drainage

The site is located within a foul sewered area and Wessex Water have raised no objection

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 ensure that the run off from the site when developed does not exceed that of its undeveloped state. These details, however, can be secured by condition.

The access road is to be adopted by Wiltshire County Council, together with any associated drainage, up to the entrance to the shared courtyard. It is therefore important that this drainage infrastructure is acceptable, but 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.

8. 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 and the Housing Restraint 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 determining the previously approved application (S/2004/0113) it was considered that given that the proposed dwelling on Plot 4 would be sited some 7.5 metres from these trees at its closest point an adequate level of protection would be afforded to these trees and a reasonable working area to accommodate the erection of scaffolding around the building would also be provided. The Norway Spruce and Red Horse Chestnut are both young trees and therefore would require smaller root protection zone. It was previously determined 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 3A of the proposed development and forms a coherent group covering a length of about 20 metres along this boundary. These trees are growing out of the bank and are located on a south and south westerly aspect in relation to Plot 3 and set above the level of the site. They would cause some deprivation of natural light and sunlight levels to the living and dining rooms and their windows of plot 3. As a result, it was considered that the resultant relationship may 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 was not ideal it was not considered that it constituted a sufficient reason for refusal in its own right. Furthermore, the site is also located within the Conservation Area and therefore any tree works would require notification to the Local Planning Authority where they could be resisted if warranted. Given that the relationship between the proposed dwelling on Plot 3A and this group of trees is no worse than previously approved it is considered that there is no justification to raise an objection to the current proposal on arboricultural grounds.

The third group of trees consists of four Red Horse Chestnuts. These trees, however, are located to the east of the proposed development and separated from the closest of the proposed dwellings on Plot 1 by some 20 metres. As such, they would not be adversely affected by the proposed development.

In light of the above, there is no arboricultural objection to the proposed development. Nevertheless, it is considered appropriate to condition the requirement of the submission of an arboricultural method statement to include details such as the proposed tree protection, the alignment and siting of service infrastructure/ drainage channels, the material storage and concrete mixing areas etc. It is also considered that the imposition of a condition requiring the submission of a full landscaping scheme is appropriate in this instance.

9. Impact on Protected Species

i) Survey for Presence of Badger Activity

In support of the current proposal, the applicant has submitted an updated survey of badger activity on the site to that which had previously been undertaken in October 2003 and that identified the presence of a main sett located approximately 20 metres outside the south eastern corner of the site. This latest survey identifies that the main sett that was highlighted in the previous survey undertaken in October 2003 is still evident and extremely active and that the level of activity appears to have increased considerably since the previous survey. In this respect, all of the entrances that were visible were extremely active with evidence of recent sett excavations and activity. A single holed outlying sett in the bank to the southern boundary was also still present and appeared to be active with evidence of recent excavations and a large number of fresh hairs both on and within the spoil material indicating that the entrance is currently active and in use by the social group of badgers to which it belongs. The survey also identifies that badgers are still using the site for foraging and to access the wider countryside via Duck Street with an increased amount of badger activity evident across the whole site. In particular, a large amount of foraging activity was evident and there are a larger number of paths in use than were previously evident. However, the report states that the increased level of badger activity within the site is directly related to the time of year at which the survey was undertaken as badgers are beginning to become more active after their period of winter inactivity. Furthermore, the report claims that the females will have recently given birth and will be supporting dependent cubs resulting in a dramatic increase in their foraging, while the males will be travelling greater distances from the main sett as the weather improves and more food becomes available across their territory, hence the increase in the presence and use of paths across the site.

In assessing the impact of the current proposal, however, the report identifies that it will not have a direct impact on the main or outlying sett and therefore no licence will be required from English Nature for the closure of any sett. However, the site boundaries do come within the legally protected zone around each sett where activities likely to cause disturbance to setts are licensable and therefore sett disturbance licences are likely to be required. To avoid causing any unlawful disturbance and the need for sett disturbance licences, it is recommended that any landscaping required within 20 metres of the main sett is undertaken by hand and that a protected zone should be created around the entrance of the outlying sett to a distance of 10 metres, while outside of this area up to a distance of 20 metres only hand digging should take place as the use of light machinery is licensable.

With regards to the impact of the development on the badger's foraging habitat, it is stated that the land-take associated with the proposed development will 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 this respect, the report states that it is generally considered that over 25% of a social group's territory would have to be removed to have a detrimental impact on the group's welfare. Furthermore, it is considered that the proposed development, by virtue of the creation of a number of residential gardens, is likely to improve the foraging value of the site for badgers from one that, at present, provides seasonally optimal foraging, to one of residential gardens that are the preferred foraging habitat of badgers living in the vicinity of suburban areas and that provides a more stable year round resource. Nevertheless, it is recommended that to ensure that the badgers are able to continue foraging within the site and to have continued access to the gardens adjoining the site and other areas within their territory, that any new fencing should be of a type and specification that will not restrict their movements, such as post and rail.

In light of this and coupled with the abundance of large, well-established gardens surrounding the site and the extensive areas of grassland to the north of Duck Street, 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 badger's in question, subject to the implementation of the recommendations for mitigation. English Nature has not raised an objection in respect of the impact of the proposed development on badgers.

ii) Survey for Presence of Other Protected Species

With regards to the presence of other protected species on the site, English Nature has recommended that an assessment of the site be undertaken and if any protected species are found to be present an assessment of the likely impact of the development on the population

and suitable mitigation against the impact will be required prior to the determination of the application. In the absence of such a survey, English Nature raised an objection to the proposal.

In response to this initial objection, the applicant has commissioned a survey for the presence of protected species on the site and a report has been submitted that outlines the findings and recommended mitigation measures. This report identifies that the survey results indicate that a medium sized slow worm population is present on the site. It also highlights that the confirmed presence of slow worms means that works associated with the proposed development (e.g. site clearance or groundworks) are likely to cause injury or death, resulting in an offence under the Wildlife and Countryside Act 1981 (as amended). The presence of slow worms on the site therefore warrants the requirement for a mitigation strategy in order to negate the impact of the proposed development and in this instance the submitted report recommends that the reptile mitigation for this site should take the form of a translocation of the slow worms to a suitable receptor site.

Following consideration of the submitted ecological survey report, English Nature has confirmed that it endorses the recommendations set out in the report for the protection of the slow worm population that has been identified on the site, but is unable to remove its objection to the proposed development as not all protected species have been considered for this site. In this respect, English Nature advises that the applicant must ascertain whether there are any protected species on site, most importantly the European protected species such as bats and great crested newts, and that if it is found that they are present that mitigation measures are proposed. It is also advised that it may be that the habitat is unsuitable for bats and great crested newts and that it might have already been deemed unnecessary for surveys of these species to be undertaken but if this is the case that confirmation is provided in writing.

However, despite this continued objection and while it is acknowledged that the site does contain a number of trees that might provide a bat habitat the proposed development does not involve the removal of any of these trees or grant consent for any pruning works to them. It is also considered unlikely that great crested newts are present on the site given that there are no watercourses or ponds on the application site or adjacent sites. However, it is considered important that an appropriate scheme of mitigation measures is secured by condition.

10. Nature Conservation

The site is located close to a tributary to the River Nadder that feeds into the River Avon System Site of Special Scientific Interest (SSSI) and candidate Special Area of Conservation (cSAC). The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. English Nature, however, has advised that the development need not cause significant damage to the nature conservation interests of the Site of Special Scientific Interest or candidate Special Area of Conservation provided that the applicant can demonstrate that appropriate measures will be taken to ensure that the river system is protected from any pollution or other disturbance. This can be secured by the imposition of a condition requiring a method statement detailing the potential risks and how these will be addressed.

11. Sustainable Development – Waste Audit and Provision for Recycling

In respect of the proposed development, Policies 10 (Waste Audit) and 14 (Provision for Recycling) of the Wiltshire and Swindon Waste Local Plan 2011 are of relevance. Both of these policies seek to ensure that, from the outset, new development is implemented with the principle of sustainable development at its core. In this respect Policy 10 seeks to implement this approach through the requirement of applicant's to submit a waste audit to establish the volume, tonnage and nature of materials likely to arise from site demolition, excavation, clearance, preparation, storage and construction, and where these can be re-used within the development or off-site. Policy 14, however, seeks to ensure that waste can be easily segregated by occupiers of new development for collection or transfer to local recycling facilities and seeks the provision of local/neighbourhood scale recycling facilities where these would be appropriate to the scale of development proposed as well as encouraging the provision of designed-in facilities that allow the separate storage of kitchen, garden wastes and recyclable materials such as paper, glass, plastic and cans.

In this instance, in accordance with Policy 10 the applicant has submitted a waste audit. This identifies that the proposed development will require a certain amount of 'cut and fill' due to the gradients of the site but that it is expected that all material arising from excavations can be retained on site and used as fill. It also states that wherever possible recycled materials will be incorporated into the scheme, such as the use of recycled crushed concrete for all sub bases for roads, footpaths and drives. Any waste materials that cannot be retained on site will be sorted according to type and disposed of accordingly to recycling facilities or to companies that have facilities for the separation and recycling of waste materials. With regards to the provision of recycling facilities within the development itself, the applicant has confirmed that there will be space within all of the plots to provide 2x40 litre wheelie bins together with a compost bin and a kerbside recycling box. WCC Waste Planning have confirmed that the submitted proposals constitute an acceptable approach to both waste auditing and management of wastes on site and to the provision for re-cycling within the completed development.

12.Educational Infrastructure Requirements

Although no response has been received to this latest application from the Local Education Authority (WCC), in response to the earlier application, for the erection of 12 dwellings on this site it advised that the additional number of primary and secondary pupils which that development was likely to yield could be accommodated, and that there was no basis to seek a capital contribution towards the provision of educational infrastructure.

13.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 can be secured via a Section 106 Agreement.

Conclusion

In determining this application, it is considered that the proposed development would result in additional harm to the character and appearance of the Housing Restraint Area, Conservation Area and the AONB in comparison to the previously approved scheme (S/2004/0113) by virtue of the intensification of development and general activity within the site arising from the higher density of development that is now proposed. However, this must be balanced against aspects of the current proposal that are considered to be more beneficial than the previously approved scheme. In this respect, it is recognised that the current proposal would provide a better mix of house types and sizes than the extant scheme, comprising detached, semi-detached and terraced houses and ranging between 2-4 bedrooms and importantly providing a greater number of smaller properties (the current proposal consists of 1x2-bed, 8x3-bed and 1x4-bed dwellings compared to the approved scheme that provides 1x3-bed and 4x4-bed dwellings). Perhaps, more importantly, however, the current proposal also includes the provision of an element of affordable housing (30% of the overall scheme) that to some extent would obviously meet the local needs of Tisbury. Furthermore, it is also considered that the proposed development is of a high quality with attractive building designs that although providing a development of a greater density than that of the previously approved scheme, thereby making a more efficient use of the site in accordance with the latest Government guidance, critically does not give rise to an encroachment of the built form beyond the previously accepted building envelope.

In light of all of the above, on balance, it is considered that the benefits provided by the current proposal in comparison to the previously approved scheme (S/2004/0113) marginally outweigh the additional harm that would be caused by virtue of the increased density that is now proposed.

RECOMMENDATION: TO PLANNING AND REGULATORY PANEL:

APPROVE WITH CONDITION

**Subject to all relevant parties entering into a Section 106 Agreement under the requirements of the Town and Country Planning Act 1990 relating to:
The provision of 30% affordable housing;**

**The payment of a commuted sum under the requirements of Policy R2 of the Adopted Salisbury Local Plan (June 2003); and
Any future application for further residential development that creates additional dwellings on the land edged in red and/or the adjacent sites (identified as land edged in blue and land to the rear of Plots 3A-3C) or any part thereof shall be treated as if the application were being made in respect of the whole of the land edged in red and the adjacent sites (identified as land edged in blue and land to the rear of Plots 3A-3C) for the purposes of calculating the required provision of affordable housing.
A maintenance programme for the land edged blue.**

REASONS FOR APPROVAL

On balance of the considerations, while the proposed development would result in some additional harm to the character and appearance of the Housing Restraint Area, Tisbury Conservation Area and the AONB by virtue of the intensification of development and general activity within the site, in comparison to the previously approved scheme (S/2004/0113), it is considered that this harm is sufficiently offset, albeit marginally, by the benefits of a better mix of house types and sizes and the provision of an element of affordable housing that are brought forward with this current proposal.

In respect of other matters, it is considered that the proposed development would not have a detrimental impact upon the welfare and future survival of the badger group or slow worm population that has been identified to be present on the site or other protected species. The applicant has also proposed an acceptable approach to both waste auditing and management of wastes on site and to the provision for re-cycling within the completed development, while the requisite contribution towards the provision of off-site recreational facilities can be secured via a Section 106 Agreement.

As such, it is considered that the proposed development would comply with Policies G1, G2, D1, H19, H25, CN3, CN5, CN8, CN10, CN11, C1, C2, C4, C5, TR11 and R2 of the Adopted Salisbury District Local Plan (June 2003).

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.

Reason –

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

- (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) 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 and to ensure that the proposed development will not harm the habitat of badgers on the site.

- (4) 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;
- (c) 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
- (d) 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.

- (5) 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.

- (6) No development shall take place until details for the hard landscaping of the site, including full details of the surfacing materials and colours of all hard surfaces and kerbing, 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 amenities of the site and to secure a well planned development.

(7) 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.

- (8) 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 February 2005, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason –

To ensure the adequate protection of a protected species.

- (9) 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 in the interests of visual amenity and neighbouring amenity.

- (10) Prior to the commencement of development, full details of the road layout and construction including the access road where it fronts Nos4 and 5 Lady Down View shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until that part of the access road which serves it has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

Reason -

In the interests of highway and to ensure that an adequate means of access is available when the dwelling(s) are occupied.

- (11) Prior to the commencement of development, full structural details of the proposed highway retaining wall and parapets shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason -

In the interests of highway safety.

- (12) Prior to the first occupation of any of the dwellings, hereby approved, the access, turning space and thereafter be retained and kept available for those purposes at all times.

Reason -

In the interests of highway safety.

- (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 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 site and locality which is located within the Tisbury Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

(14) 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 fences, gates, walls or other means of enclosure as permitted by Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall be erected, other than those approved by this permission, without formal 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 development and the site which is located within the Tisbury Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

- (15) No construction work shall take place and no construction related vehicles shall enter or exit the site outside of the hours of 8:00am and 6:00pm on Monday to Friday, outside the hours of 8:00am and 1:00pm on Saturdays and at no time on Sundays or public holidays. This condition shall not apply to the internal fitting out of the dwellings hereby approved.

Reason -

otherwise have upon the amenities of nearby dwellings.

- (16) Prior to the commencement of development, a method statement detailing the potential risks from pollution during and after construction to the river system shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason –

To prevent damage to the river ecosystem through habitat loss and pollution both during and after construction.

- (17) Prior to the commencement of development (including the removal of herbage or the disturbance of topsoil), the site shall be cleared of all reptiles protected under the Wildlife and Countryside Act 1981 (and, if necessary, elements of their support habitat) in accordance with details of the timing and method of proposed rescue, protection and relocation of protected species and their habitat (including details of the proposed receptor site) to be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be subsequently carried out in strict accordance with the agreed details of methodology and programme.

Reason -

To ensure the protection and rescue of species protected under the Wildlife and Countryside Act 1981, the Habitats Regulations and the Berne Convention.

- (18) The development shall be carried out in strict accordance with the measures detailed in the submitted waste audit and the measures for the provision for recycling facilities within the completed development shall be provided prior to the first occupation of the dwellings hereby approved in accordance with the details outlined in the agent's letter dated 21st September 2005 and thereafter retained, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason –

In the interests of sustainable development.

- (19) The courtyard area shown on drawing 0310.34 shall not be sub-divided by any means and shall be kept clear of obstruction at all times.

Reason – In the interests of amenity and to ensure adequate turning facilities.

And in accordance with the following policies of the Adopted Salisbury District Local Plan (June 2003):

Policy	Purpose
G1	General Principles of Sustainable Development
G2	General Criteria for Development
D1	Extensive Development
H19	Development in the Housing Restraint Area
H25	Affordable Housing
CN3	Development Affecting the Setting of a Listed Building
CN5	Development Within the Curtilage of a Listed Building
CN8	Development in Conservation Areas
CN10	Development Affecting Open Spaces in Conservation Areas
CN11	Development Affecting Views Into and Out of Conservation Areas
C1	Development in the Countryside
C2	Development in the Countryside
C4	Development within the Area of Outstanding Natural Beauty
C5	Development within the Area of Outstanding Natural Beauty
TR11	Provision of Off-Street Parking
R2	Provision of Recreational Facilities

Informative Notes:

1. The applicant's attention is drawn to the comments of Wessex Water, a copy of which is attached to this decision notice. In this respect, Wessex Water has advised that there is a public water main crossing the site. Wessex Water normally requires a minimum 3.0metre easement width on either side of its apparatus for the purposes of maintenance and repair and therefore diversion or protection works may need to be agreed. It is also advised that the adjacent site is subject to an adoption agreement under Section 104 of the Water Industry Act 1991 (formerly Section 18 of the Public Health Act 1936). These sewers are currently private and it advised that the applicant contacts the appropriate party in order to obtain further details as the proposals may affect this agreement and permission to connect to these systems should also be obtained where connection is required.

2. In conjunction with Condition No16 above, an example building method statement provided by English Nature is enclosed with this decision notice. The applicant is therefore advised to contact English Nature at Wiltshire Team, Prince Maurice Court, Hambleton Avenue, Devizes, Wiltshire SN10 2RT (Tel:01380 721411) to discuss this matter further.

3. The applicant is advised that this approval of planning permission does not convey any approval for tree works. It is also advised that the site is the subject of a Tree Preservation Order and located within a conservation area so that separate consent(s) will be required to do any works to the trees. Furthermore, the applicant is advised that the trees on and adjacent to the site may provide a habitat for bats that are fully protected under the Wildlife and Countryside Act 1981 (as amended) and that it is an offence to intentionally kill, injure or disturb a bat or its' habitat. If any tree works are therefore proposed in the future, the applicant is advised that no works should be undertaken to trees without seeking specialist advice and in this respect the applicant is advised to contact English Nature at Prince Maurice Court, Hambleton Avenue, Devizes, Wiltshire SN10 2RT (Tel: 01380 726344).