

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 - 26/10/06

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
	S/2006/1689	TEFFONT
1	Mr W Simmonds	REFUSAL
	MR PAUL HAYWARD THE LONG HOUSE TEFFONT SALISBURY RETROSPECTIVE – RETENTION OF MOBILE HOME TO PROVIDE ACCOMMODATION FOR AGRICULTURAL WORKER	FONTHILL & NADDER WARD Councillor Mrs Willan
2	S/2006/1849	CHILMARK
	Mr O Marigold	REFUSAL
SV 3:45pm	MR R HEWLETT ROCK COTTAGE PORTASH CHILMARK NEW BUILDING TO PROVIDE 2 NO STABLES, TRACTOR STORE AND HAY STORE	FONTHILL & NADDER WARD Councillor Mrs Willan
3	S/2006/1848	CHILMARK
	Mr O Marigold	APPROVED WITH CONDITIONS
SV 3:45pm	MR R HEWLETT ROCK COTTAGE PORTASH CHILMARK REPLACEMENT DWELLING AND VEHICULAR AND PEDESTRIAN ACCESS	FONTHILL & NADDER WARD Councillor Mrs Willan
4	S/2006/1927	CHILMARK
	Mr W Simmonds	APPROVED WITH CONDITIONS
	MS GARD 4 PARK DRIVE CHILMARK SALISBURY INSTALL SOLAR PANELS ON THE SOUTH EAST AND SOUTH WEST FACING ROOF	FONTHILL & NADDER WARD Councillor Mrs Willan

AGENDA ITEMS

TPO – Dinton Recreation Ground, Dinton

Western Area Committee 26/10/2006

Part 1

Applications recommended for Refusal

1

Application Number:	S/2006/1689		
Applicant/ Agent:	MR A S WILSON		
Location:	THE MOBILE HOME THE LONG HOUSE TEFFONT SALISBURY SP3 5RS		
Proposal:	RETROSPECTIVE - RETENTION OF MOBILE HOME TO PROVIDE ACCOMMODATION FOR AGRICUTURAL WORKER		
Parish/ Ward	TEFFONT		
Conservation Area:		LB Grade:	
Date Valid:	15 August 2006	Expiry Date	10 October 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers

SITE AND ITS SURROUNDINGS

The application site lies to the south east of Teffont Magna, being set back north of the B3089 Dinton Road within undulating wooded countryside which forms part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The applicant's freehold ownership extends to approximately 41ha of which approximately 25ha is arable grassland, 15ha is woodland and there are four small lakes for coarse fishing.

THE PROPOSAL

The application seeks the retention of an existing static mobile home within the holding to provide accommodation for one full-time agricultural worker.

PLANNING HISTORY

- S/1997/0769 - Retrospective application for four ponds amounting to 0.453 Hectares.
Retention of existing lakes.
Approved on 13.08.97
- S/2005/650 – Application for certificate of lawfulness: Mobile home used as separate unit of accommodation.
Refused on 25.05.05
- S/2005/1926 - Certificate of Lawfulness – Mobile home used as a separate unit of accommodation.
Refused on 14.11.05
- S/06/1721 – Erection of agricultural building
Approved on 05.10.06

CONSULTATIONS

WCC Highways - No objection if proposal accords with Local Planning Authority Plan policies, otherwise recommend refusal as contrary to PPG 13

SDC Forward Planning – Recommend refusal as contrary to Policy H27

Environmental Health – Applicant would require licence under Caravan Sites & Control of Development Act 1960 if application approved

Agricultural Planning Associates – Proposal is not warranted under Annex A to PPS7

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	None received
Parish Council response	Yes – Object on grounds of adverse impact on AONB, not justified on PPS7 grounds and outside of village HPB

MAIN ISSUES

Impact on AONB
Impact on neighbour amenity
Justification within the context of guidance contained in PPS7 Annex A

POLICY CONTEXT

Policies G2 (General Criteria for Development), H27 & H28 (Housing for Rural Workers), C1 & C2 (The Rural Environment), C4 & C5 (Landscape Conservation), C20 (Agriculture) & PPS7 (Sustainable Development in Rural Areas)

PLANNING CONSIDERATIONS

The proposed development, by virtue of the small size of the static mobile home and the secluded and well screened location in which it is situated, would not have an adverse visual impact on the landscape of the surrounding AONB. Similarly, by virtue of the distance between the mobile home and the nearest neighbouring residential properties, the proposal would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

The proposal was accompanied by a completed 'Development for Agricultural Purposes' information sheet and a separate supporting statement prepared on behalf of the applicant by BCM Rural Asset Management.

Paragraph 10 of PPS7 makes clear that new dwellings in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

The application proposes the use of the existing static mobile home for residential accommodation on a permanent basis for one full time worker on the land. PPS7 makes it clear that such applications for permanent dwellings should only be allowed where they are to support existing agricultural activities on well-established agricultural units, and must demonstrate:

- i. there is a clearly established *existing* functional need;
- ii. the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii. the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v. other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. In addition, new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

The principal economic activity on the holding is coarse angling from four small lakes. The ponds have been dug and equipped with angling stations to accommodate a maximum of 30 anglers, including facilities for disabled anglers. At present the facility is run at a low intensity.

The balance of the croppable land extends to 25ha (62 acres) of grassland. The remaining 15ha (39 acres) is woodland. The grassland is maintained by the applicant. The woodland is utilised by a neighbouring landowner who runs an extensive shoot.

The applicant plans to employ a new employee who will occupy the proposed development to enable the angling enterprise to be run more intensively. The applicant also proposes the introduction of a beef enterprise, to utilise the grassland. Some 60 suckler cows will be purchased. The animals will be spring calved and progeny reared for sale either as strong stores or as finished animals. The Local Planning Authority has recently given consent for the erection of a general purpose agricultural building on the holding to provide livestock accommodation during winter months and storage of agricultural tools and equipment. The investment in such a building adds weight to the applicant's intention to develop the agricultural enterprise on the holding, however, the functional need test for a permanent agricultural workers dwelling (as described in PPS7 Annex A) only considers existing need and not the requirement of supporting a new or developing farming activity.

The Council commissioned an Agricultural Assessment of the proposed development by Agricultural Planning Associates (the full report is attached to this document at Appendix A) which assessed the existing farming practice and considered whether the proposal for a permanent agricultural workers dwelling on the land is justified under the guidance set out under PPS7.

The conclusion of the Agricultural Assessment is that the tests for a permanent dwelling, based on the existing functional need and financial tests as set out under Annex A to PPS7 are not met at this stage; the provision of a permanent agricultural workers dwelling on the land is therefore not justified, however the report comments that the provision of a dwelling for a temporary period might be a more appropriate solution to the situation.

The proposed development is therefore also considered contrary to Policy H27 of the adopted Local Plan insofar as the applicant has failed to demonstrate a clearly established existing need for worker to be accommodated on or near the holding, and the unit and agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the worker concerned.

RECOMMENDATION

REFUSAL

Reasons for Refusal

1. The proposed use of the static mobile home to provide permanent residential accommodation for a full time agricultural worker employed on the agricultural holding fails to satisfy the tests of existing functional need and economic financial viability as set out within the guidance contained within Annex A to Planning Policy Statement 7 (Sustainable Development in Rural Areas). The applicant has failed to demonstrate a clearly established existing need for worker to be accommodated on or near the holding, that the unit and agricultural activity concerned have been established for at least three years and have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and that the need cannot be fulfilled by another dwelling on the unit, or any other accommodation in the area which is suitable and available for the worker concerned, contrary to Policy H27 of the adopted Salisbury District Local Plan.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

INFORMATIVE :

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if a relevant Section 106 Agreement is completed and a commuted sum paid towards the provision of public open space.

Application Number:	S/2006/1849		
Applicant/ Agent:	NIGEL LILLEY		
Location:	ROCK COTTAGE PORTASH CHILMARK SALISBURY SP3 5BW		
Proposal:	NEW BUILDING TO PROVIDE 2 NO STABLES, TRACTOR STORE AND HAY STORE		
Parish/ Ward	CHILMARK		
Conservation Area:	LB Grade:		
Date Valid:	7 September 2006	Expiry Date	2 November 2006
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Willan has asked that the application be heard at WAC (and a site visit held) on the grounds of the controversial nature of the site and the interest shown by the public.

SITE AND ITS SURROUNDINGS

The site consists of Rock Cottage, a small two storey dwelling lying in the open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the erection of a building to provide 2 stables, a tractor store and a hay store.

PLANNING HISTORY

Replacement dwelling and new vehicular access and pedestrian access, refused on 11 July 2006 (S/2006/1146) on the grounds of its design and size, the impact on the countryside and AONB and protected species.

New stabling and associated access, refused on 11th July 2006 (S/2006/1144) on the grounds of the size, height, scale and positioning of the stable building.

Construction of new access and driveway, refused on 11th July 2006 (S/2006/1145) - this application proposed an access serving the stable and dwelling, accessing the site from the south west. It was refused on the grounds of the incursion into the countryside, and its domesticating impact (as well as protected species).

An application has been submitted for a replacement dwelling (reference S/2006/1848) which is also being considered at this meeting.

CONSULTATIONS

Highway Authority – no objection subject to conditions relating to visibility splays, gates and driveway.

English Nature – endorse the comments from the survey and its recommendations.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expired 12/10/06
Departure	No
Neighbour notification	Yes – expired 29/09/06
Third Party responses	Yes – 1 letter raising the following points:

- Impact on character and appearance of countryside/AONB
- Impact on highway safety

Parish Council response Yes – Whilst this is a reduction in scope, size and height of a previous application the Parish Council is still of the view that it would be an intrusion into the open countryside and its proposed use would increase our concerns as to highway and public safety at this junction.

MAIN ISSUES

Principle of development and impact on countryside and AONB
 Impact on highway safety
 Impact on protected species
 Other considerations

POLICY CONTEXT

C1, C2	Development in the countryside
C4, C5	Development in the AONB
C12	Protected species
R1C	Outdoor recreational facilities

Principle of development and impact on countryside and AONB
 Impact on highway safety
 Impact on protected species
 Other considerations

PLANNING CONSIDERATIONS

Principle of development and impact on countryside and AONB

As a general rule, new development in the countryside and AONB should be resisted, in accordance with policies C1, C2, C4 and C5, and the advice in PPS7.

Policy R1C, however, advises that proposals for outdoor recreational facilities in the countryside may be permissible, but only where there is no adverse impact on the AONB, where it is not dependant on the erection of 'large' structures or buildings and where there would be no adverse impact on the amenities of others.

The siting of the proposed stable is outside of the residential curtilage. Outbuildings, in particular new residential buildings (such as garaging), would normally be resisted when outside of the curtilage of the dwelling. The proposed building does not have the traditional appearance of a stable, but appears more like a car port/garage building, and it is notable that the dwelling proposed in application S/2006/1878 proposes no garaging, yet this application proposes a building large enough to accommodate stabling with accommodation for a vehicle, although the applicants argue that this is for a tractor.

The proposed building would consist of a building measuring 12m in length, 4.4m in height and 5m in width, containing two stables, tractor and hay store and tack room and general storage above (though with no indication of how the first floor area is to be accessed).

The proposal is a reduction in size from that proposed earlier. However it remains a sizeable building. In general terms stable buildings would normally be expected to be low profile buildings with a maximum height of no more than around 3 metres - indeed the applicant's agent has quoted two examples of stables permitted elsewhere (not in the AONB) where the buildings were no greater than 3m (although they did have greater footprint). A further example quoted by the applicants involved a large stable but one where the Inspector only allowed the appeal because it was replacing an existing building.

Furthermore, it is not usual for stable buildings to include tractor accommodation, particularly given the relatively small size of the applicant's land holding. It is also unclear whether the

'general storage' referred to relates to purely equestrian-related storage or storage for the dwelling, although the applicants have argued that it would be only for equestrian use.

While a smaller scale stable building might be acceptable on this site, it is considered that the proposed building, because of its size, height and scale, would be excessively large given its countryside and AONB location.

Impact on highway safety

Concerns have been expressed regarding the additional traffic movements resulting from the proposed stable building. In this case the Highway Authority have not objected, but have recommended a condition preventing the use of the proposed vehicular access between the dwelling and the stables.

This would mean that vehicles accessing the stable and field would do so via an existing field access opposite Portash, limiting the number of movements leaving through the access provided for the dwelling.

Use of this field access in connection with agricultural or grazing purposes would be lawful and would not need permission. However it should be stressed that using this access to reach the dwelling would be resisted because it would represent a domesticating and urbanising intrusion into the open countryside - indeed a similar proposal (S/2006/1145) for a new access on the west side of the site was refused on this basis.

If permission were being approved, a condition could be imposed requiring that the stables were accessed only via the existing field access, and that the access between the dwelling and stable should be restricted to only a pedestrian access.

Impact on protected species

Permission was also refused on the grounds of an inadequate protected species survey. However, the applicants have submitted a more comprehensive survey which overcomes the previous reason for refusal.

Other considerations

The proposed stabling would not harm the living conditions of nearby properties.

RECOMMENDATION

REFUSAL

Reasons for Refusal:

1 The proposed stable building, by reason of its size, height and scale, would harm the character and appearance of the countryside and the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, contrary to policies C1, C2, C4, C5 and R1C of the Replacement Salisbury District Local Plan

This decision has been made on the basis of the land identified as a 'paddock' being used only for the grazing of horses, not for the recreational keeping of horses which would require a further planning application

Part 2

Applications recommended for Approval

3

Application Number:	S/2006/1848		
Applicant/ Agent:	NIGEL LILLEY		
Location:	ROCK COTTAGE PORTASH CHILMARK SALISBURY SP3 5BW		
Proposal:	REPLACEMENT DWELLING AND NEW VEHICULAR AND PEDESTRIAN ACCESS		
Parish/ Ward	CHILMARK		
Conservation Area:		LB Grade:	
Date Valid:	7 September 2006	Expiry Date	2 November 2006
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Willan has asked that the application be heard at WAC (and a site visit held) on the grounds of the controversial nature of the site and the interest shown by the public.

SITE AND ITS SURROUNDINGS

The site consists of Rock Cottage, a small two storey dwelling lying in the open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the erection of a replacement dwelling, together with a new vehicular access (the property has no vehicular access at present). A separate application (S/2006/1849) has been submitted for a stable block.

PLANNING HISTORY

Replacement dwelling and new vehicular access and pedestrian access, refused on 11 July 2006 (S/2006/1146) on the grounds of its design and size, the impact on the countryside and AONB and protected species.

New stabling and associated access, refused on 11th July 2006 (S/2006/1144) on the grounds of the size, height, scale and positioning of the stable building.

Construction of new access and driveway, refused on 11th July 2006 (S/2006/1145) - this application proposed an access serving the stable and dwelling, accessing the site from the south west. It was refused on the grounds of the incursion into the countryside, and its domesticating impact (as well as protected species).

An application has been submitted for a stable block (reference S/2006/1849) which is also being considered at this meeting.

CONSULTATIONS

Highway Authority – no objection subject to conditions relating to visibility splays, gates and driveway.

English Nature – endorse the comments from the applicant’s survey and its recommendations.

AONB group – comment on confusion regarding tree retention, need for landscaping scheme and need for appropriate materials

Wessex Water – site is within foul sewered area

Environment Agency – no objection subject to a energy/water efficiency condition

Environmental Health (commenting on earlier application) - Surface water drainage into soakaways should not impact on houses to the south of the property. Existing house is in a poor structural condition, in serious disrepair, lacks all basic amenities, is damp, poorly lit and inadequately heated. There are major structural defects and will lead to collapse of the dwelling in due course.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expired 12/10/06
Departure	No
Neighbour notification	Yes – expired 29/09/06
Third Party responses	Yes – 2 letters raising the following points:

- Impact on highway safety
- Access is on potentially very dangerous location
- Design of house
- Size of house re policy H30

Parish Council response Yes – The Parish Council would support and welcome a suitable replacement dwelling for Rock Cottage and recognise that the scope, size and height of the new proposal are a clear reduction on the previous application. However it is our view that the proposal would still seem to be in contravention of policy H30 and would be detrimental to the protection of the rural environment as required within the Replacement Salisbury District Local Plan.

In addition, we are still extremely concerned about the highway safety aspects of the proposal to create a new vehicular access to the site on what is a very hazardous junction of the C276, C301 and UC4220. There are no speed restrictions on this junction and visibility is very poor.

MAIN ISSUES

Principle of development and impact on countryside and AONB
Impact on highway safety
Impact on protected species
Other considerations

POLICY CONTEXT

C1, C2	Development in the countryside
C4, C5	Development in the AONB
C12	Protected species
H30	Replacement dwellings in the countryside

PLANNING CONSIDERATIONS

Principle of development and impact on countryside and AONB

The site lies in the open countryside and within the AONB, where new development should be strictly controlled in accordance with the advice in PPS7 and policies C1, C2, C4, C5. However, policy H30 does permit replacement dwellings where they comply with criteria relating to the size and impact, appropriate design, suitable siting, parking and access and where the existing dwelling has not been 'abandoned' [the dwelling was occupied until 2005 and cannot, therefore be considered to be 'abandoned'].

The previous proposal (S/2006/1146) was for a dwelling some 135% larger than the existing dwelling – 235 square metres compared to the existing 100 square metres. It also has a ridge height of some 9.4m (compared with 5.2m), a greater depth and length and a design that was not considered to be reflective of nearby properties. Permission was refused under delegated powers for the above reasons, and on the grounds of the lack of a protected species survey.

The current proposal is of a much smaller two-bedroom dwelling, with a floorspace of 169 square metres and a height of 6.8m. Although the increase in floorspace would still be some 69% (which would generally be considered to be 'significantly' larger), a material consideration in this case is the small size of the current dwelling and the very poor facilities contained within. To bring the dwelling up to modern standards some increase in the size of the dwelling is inevitable and it is considered that the size of dwelling proposed now would be acceptable in principle in terms of policy H30.

It should be noted, however, that any further extension of the dwelling in the future, or the erection of a larger replacement dwelling, should be resisted, given policy H30's stance that the size of such dwellings should be restricted in principle. In particular it should be noted that the proposed dwelling has no garage, although there is no reason why cars should necessarily be parked in an enclosed area and could not be parked within the drive.

The design now proposed would also be more acceptable. Rather than an expansive house previously refused, the proposal is now for a dwelling of simpler proportions, more akin to the existing property. The dwelling has been designed to appear as if it consists of an original cottage with extensions, as if its size had evolved over time.

Although the proposed 'side extension' is perhaps lengthier than might be the case had the dwelling really been extended over time (and projects slightly forward of the 'main' part of the dwelling), overall it is considered that the proposed design is an acceptable solution with an appropriate appearance. The materials would be Chilmark stone with dressed quoins and coursed stone facing, stone window surrounds, timber casement windows, clay tile roofing and a brickwork chimney. These would be acceptable.

In terms of the specific impact on the countryside (rather than the principle), much of the dwelling would be screened by the existing boundary planting, part of which would have to be re-sited in the interests of highway safety. The dwelling would be visible through the proposed entrance, but such visibility is inevitable if the property is to be re-used and accessed by domestic vehicles. The roof of the dwelling would project above the boundary hedging but this would not be apparent in views from the adjacent lane.

Overall, it is considered that the revised design would overcome the reasons for refusal identified during the previous application.

Impact on highway safety

The impact on highway safety did not form a reason for refusal during the previous application, because the Highway Authority did not object. This application proposes a smaller dwelling to that previously proposed and there is no reason to believe that the proposed dwelling would be worse in terms of its impact on highway safety than the earlier scheme.

To refuse permission for this proposal on highway safety grounds would be unsustainable at appeal given the stance of the Local Planning Authority during the previous application (particularly bearing in mind that an appeal could still be made against the last refusal) and given that Wiltshire County Council do not object now. Indeed, the Planning Authority would be a grave risk of losing costs if it tried to refuse permission on these grounds, without the professional support from the County Council's highway officers.

However, the Highway Authority have recommended conditions requiring adequate visibility splays, including requiring that visibility is maintained for 50m to the south. Provided that these conditions are imposed, refusal on the grounds of highway safety cannot be justified.

The Highway Authority have also recommended that the stable building proposed under application S/2006/1849 not be accessed through the dwelling's access, but through an existing field access. Consideration of this is given in the report on the stable application, but this would limit the number and type of movements proposed for the dwelling access and would make refusal on safety grounds even more difficult to defend.

Impact on protected species

Although a protected species survey was submitted during the previous application, this only covered bats and barn owls, and English Nature objected. The applicants have subsequently submitted a more comprehensive survey which English Nature have now said is satisfactory. Provided development is undertaken in accordance with the recommendations of the ecologist (including timings), this reason for refusal would be overcome.

Other considerations

The proposed dwelling would not harm the reasonable living conditions of nearby dwellings (in terms of overlooking, loss of light, over dominance etc), given the distances involved between this property and others.

RECOMMENDATION

APPROVE

Reason for approval

The proposed dwelling would be of an appropriate design and would not, bearing in mind the small size of the existing property, represent an unacceptable large increase in size. It would not harm highway safety, the interests of protected species, or the amenities of neighbouring properties. It would therefore comply with policies C1, C2, C4, C5 and H30 of the Replacement Salisbury District Local Plan

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

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

2 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, and the external finish and appearance shall remain as approved in perpetuity (D04A)

Reason : In the interests of the character and appearance of the open countryside and AONB

3 Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor

the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason : The site lies in the open countryside where the size of replacement dwellings is strictly controlled, in the interests of its overall character and appearance. Any further extension or building within the curtilage would harm the character and appearance of the countryside and AONB

4 Prior to the commencement of development of the dwelling hereby approved (including demolition) a recessed entrance having a minimum width of 2.4m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason : in the interests of highway safety

5 No development shall take place (including the commencement of the new vehicular access referred to in condition 4 above) until visibility has been provided at the access with nothing over 1m in height above the adjacent carriageway level being planted, erected or maintained in front of a line extending southwards from a point measured 2m back into the centre of the access from the carriageway edge, for a distance of 50 metres measured along the nearest carriageway edge, in accordance with the Wiltshire County Council plan (reference 01) attached to this decision notice. The area shall be maintained in this state in perpetuity.

Reason : in the interests of highway safety

6 Any entrance gates erected shall be hung to open away from the highway only, and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason : in the interests of highway safety.

7 The gradient of the accessway shall not at any point be steeper than 1 in 15 for a distance of 4.5m from its junction with the public highway.

Reason : in the interests of highway safety

8 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason : in the interests of the character and appearance of the area.

9 No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of the conservation of energy and water resources.

10 Development shall be undertaken in full accordance with the protected species surveys dated 22nd September 2006 (by the Badger Consultancy) and January 2006 (by ID Wildlife). In particular demolition shall not take place between November and March and the removal of scrub and tree cover shall not take place between March and August.

Reason : in the interests of protected species

11 Prior to the commencement of development, details of the post and rail fencing and of the surfacing material of the parking and turning area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

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

INFORMATIVES:

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

C1, C2	Development in the countryside
C4, C5	Development in the AONB
C12	Protected species
H30	Replacement dwellings in the countryside

Application Number:	S/2006/1927		
Applicant/ Agent:	SIMPLEE SOLAR LTD		
Location:	4 PARK DRIVE CHILMARK SALISBURY SP3 5AW		
Proposal:	INSTALL SOLAR PANELS ON THE SOUTH EAST AND SOUTH WEST FACING ROOF		
Parish/ Ward	CHILMARK		
Conservation Area:	LB Grade:		
Date Valid:	20 September 2006	Expiry Date	15 November 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Council/ member/ employee application

SITE AND ITS SURROUNDINGS

Number 4 Park Drive is a detached dwellinghouse situated within a residential cul-de-sac within the conservation area of Chilmark. The application site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the addition of roof mounted solar collector apparatus to the south east and south west elevations.

PLANNING HISTORY

None relevant

CONSULTATIONS

WCC Highways - No Highway objection
 Environmental Health – No observations
 Conservation Officer – No comment
 AONB Group – Support sustainability and the sensitive use of solar energy

REPRESENTATIONS

Advertisement Yes
 Site Notice displayed Yes – Expires 26.10.06
 Departure No
 Neighbour notification Yes – Expires 12.10.06
 Third Party responses None received to date
 Parish Council response None received to date

MAIN ISSUES

Impact on AONB
 Impact on conservation area
 Impact on neighbour amenity
 Scale, design & materials

POLICY CONTEXT

Policies G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & C5 (Landscape Conservation)

PLANNING CONSIDERATIONS

Park Drive consists of relatively modern houses set in a cul-de-sac development.

The proposed solar collectors would not be unduly prominent and it is considered they would not adversely affect the landscape of the surrounding AONB, or the existing character of the conservation area. The AONB group support and encourage the use of such apparatus within the AONB.

It is considered that the environmental and sustainability benefits of the proposed roof mounted apparatus outweighs any adverse impact on the street scene or wider conservation area.

RECOMMENDATION

Subject to no new third party responses raising material planning considerations being submitted in writing within the remaining consultation period (expires 26.10.06), Approve, subject to Conditions.

APPROVE

Reasons for Approval

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & 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)

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

2 As soon as practicable after the apparatus hereby approved is no longer functional or required it shall be removed in its entirety from the external roof of the property.

Reason : In the interests of visual amenity within the conservation area.

INFORMATIVE :

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

G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & C5 (Landscape Conservation)

Part 3
Applications recommended for the Observations of the
Area Committee

No Observations