

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 23/11/06

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
1	S/2006/1271	DINTON
	Mr O Marigold	APPROVED WITH CONDITIONS
	SITE ADJACENT TO FARTHING'S 2 BRATCH LANE DINTON SALISBURY SP3 5EB ERECTION OF TWO STOREY DWELLING	FONTHILL & NADDER Councillor Mrs Willan
2	S/2006/2166	SWALLOWCLIFFE
	Mr O Marigold	APPROVED WITH CONDITIONS
	LAND BETWEEN SPRING COTTAGE & WINGMORE SWALLOWCLIFFE SALISBURY SP3 5PA REVISION OF PREVIOUSLY APPROVED DWELLING TO INCLUDE CONSERVATORY	TISBURY & FOVANT Councillor Mrs Green Councillor Hooper
3	S/2006/1806	TISBURY
SV	Mr O Marigold	APPROVED WITH CONDITIONS
	LAND ADJACENT TO KNAPP COTTAGE KNAPP HILL WEST TISBURY SP3 6HZ CONSTRUCTION OF 3X3 BEDROOM DETACHED DWELLINGS AND NEW ACCESS ROAD	TISBURY & FOVANT Councillor Mrs Green Councillor Hooper

4	S/2006/1886	DINTON
SV	Mr W Simmonds	APPROVED WITH CONDITIONS
	WESTFIELDS LTD WESTFIELD PARK CATHERINE FORD ROAD DINTON SALISBURY SP3 5BT VARY CONDITION 1 OF PLANNING PERMISSION 2002/1169 TO ALLOW STORAGE OF TRAILERS OUTSIDE BUILDING 385	FONTHILL & NADDER Councillor Mrs Willan
5	S/2006/2097	TISBURY
	Mr W Simmonds	APPROVED WITH CONDITIONS
	MR AND MRS EDDOWES FAIRLAWN HIGH STREET TISBURY SALISBURY ERECT CONSERVATORY	TISBURY & FOVANT Councillor Mrs Green Councillor Hooper
6	S/2006/2145	DINTON
SV	Mr W Simmonds	APPROVED WITH CONDITIONS
	WESTFIELDS LTD WESTFIELD PARK CATHERINE FORD ROAD DINTON SALISBURY SP3 5BT RETENTION OF 4 PORTABLE OFFICE SUITES AND 1 NO PORTABLE WC COMPARTMENT	FONTHILL & NADDER Councillor Mrs Willan

ENFORCEMENT ITEM 7201 WESTFIELD PARK CATHERINE FORD ROAD DINTON

Part 1

Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2006/1271		
Applicant/ Agent:	R W WALLBRIDGE		
Location:	SITE ADJACENT TO FARTHINGS BRATCH LANE DINTON SALISBURY SP3 5EB		
Proposal:	ERECTION OF TWO STOREY DWELLING		
Parish/ Ward	DINTON		
Conservation Area:		LB Grade:	
Date Valid:	21 June 2006	Expiry Date	16 August 2006
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

The application represents a departure from the Local Plan, in that it lies outside of the Housing Policy Boundary.

SITE AND ITS SURROUNDINGS

The site consists of the garden of Farthings, Bratch Lane in Dinton. The site lies within the AONB

THE PROPOSAL

The proposal is for the erection of a two storey dwelling and garage

PLANNING HISTORY

78/683	Outline application for a bungalow and garage	W/D	06.10.78
84/947	Outline application for one dwelling, garage and access	R	16.08.84
84/1329	Outline application for one dwelling, garage and access	A	13.11.84
87/961	Outline application – Renewal for one dwelling, garage and use existing drive with Hammerhead, to serve existing and proposed dwelling	A	23.07.87
90/781	Outline application – Renewal of permission for one dwelling and garage and use of existing drive with Hammerhead to serve existing and proposed dwelling	AC	09.08.90
93/893	Outline application for Renewal as above	AC	10.08.93
96/642	Variation of Condition 2 of S/93/893 to allow submission of reserved matters within a further two years	AC	20.08.96

98/1106	One dwelling and garage and use of existing drive with Hammerhead to serve existing and proposed dwelling	AC	12.08.98
03/1075	Outline for dwelling and access renewal of s/98/1106	AC	5/9/03

CONSULTATIONS

Wessex Water – site is located within foul sewer area

Biological Records Centre – reptiles are a material consideration

Environmental Health – site is opposite existing village hall; the use of this facility has occasionally given rise to complaints of noise from nearby dwellings

Ministry of Defence – no objection

Highway Authority – no objection

REPRESENTATIONS

Advertisement	Yes – expired 20/07/06
Site Notice displayed	Yes – expired 20/07/06
Departure	Yes – the application would need to be heard at Planning and Regulatory Committee if approved.
Neighbour notification	Yes – initial consultation expired 12/07/06. Responses awaited for amended plans, expiring 13/11/06.
Third Party responses	No
Parish Council response	Yes – support: comment that Bratch Lane handles a large number of movements (responses awaited for amended plans)

MAIN ISSUES

Principle of Development
Design
Other matters

POLICY CONTEXT

H23, C1, C2, C4, C5, D2, 'Creating Places' SPG

PLANNING CONSIDERATIONS

Principle of Development

The site lies outside of the Housing policy Boundary and in the open countryside and AONB. As such new dwellings are normally unacceptable as a matter of principle.

However in this case the site has a history of permission for a dwelling being approved. Originally the site was within the HPB boundary but the boundary was tightened in the current 2003 local plan to run along the current boundary of Farthings.

In determining an outline application in 2003 (reference S/2003/1075), it was then considered that, despite the recent change to the boundary, because this had only just been changed, it would have been unreasonable to refuse permission at that time, but made clear that any subsequent application should be refused – an informative note was added to this effect.

The 2003 consent has now expired (reserved matters should have been submitted before 5th September 2006). However, the application now before you was submitted before the 2003 application expired (on 21st June 2006).

Notwithstanding the view expressed at the time of the 2003 application, because this current application could have been determined while the 2003 application remained extant, it would be difficult to refuse permission on the grounds of principle, because the principle had already been agreed after the boundary had changed. In fact the determination of this application has been delayed while officers sought to achieve a better design than proposed at first.

It is therefore considered that to refuse permission on the grounds of the principle of development would be difficult to defend, because of the planning history of the site. Nevertheless because it would represent a departure from the current Local Plan it would need to be heard at P&R.

Design and Impact on AONB

The site lies in the AONB and recent government advice, and the Council's recently adopted Supplementary Planning Guidance emphasises the importance of good design and a careful analysis of the surrounding context.

The surrounding area is mixed in terms of design, with no single uniform character. The proposed dwelling would be at the end of a row of five dwellings, all of which have varied and (in some cases) uninspiring designs. The proposed dwelling, which has been revised in light of concerns with the initial submission, is considered to have a reasonable design and it is not considered that refusal could be justified on design grounds.

Given that the principle of a dwelling has already been accepted, the specific impact of the proposed dwelling on the character and appearance of the countryside and AONB is considered acceptable. A screen hedge is proposed to be retained along the eastern elevation of the site which will help to ameliorate the impact of the dwelling. The removal of various trees is considered acceptable by the Council's arboriculturalist.

Other matters

A recreational open space contribution would be necessary and can be secured by unilateral agreement. The Highway Authority has raised no objection on the grounds of highway safety. The proposed dwelling would not harm the living conditions of the adjoining property.

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed dwelling, although outside of the Housing Policy Boundary, is considered acceptable in this instance because of the planning history of the site. It would have an acceptable design and would not harm the character and appearance of the area or AONB, or highway safety, or any other matters of acknowledged importance. It would therefore be acceptable having regard to policies H23, C1, C2, C4, C5, D2 and G2 of the Replacement Salisbury District Local Plan

And subject to the following conditions

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)
- (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 (0004 AMENDED)

- (2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- (2) in the interests of the character and appearance of the area
- (3) Prior to the commencement of development, details of the proposed window designs shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.
- (3) in the interests of the character and appearance of the area
- (4) 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(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)
- (4) in the interests of the character and appearance of the area
- (5) 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.
- (5) To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the visual amenity to be provided by the new landscaping and to ensure satisfactory appearance to the development.
- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the existing hedge or hedges which are to be retained, the minimum heights at which they will be maintained and appropriate trees within the hedge or hedges which shall be retained and allowed to grow on. The Plan shall also show where the hedgerows are to be reinforced with further planting, details of which indicated in a timetable of implementation. The hedges shall thereafter be maintained in accordance with the approved details.
- (6) To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the visual amenity to be provided by the new landscaping and to ensure satisfactory appearance to the development.
- (7) 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.
- (7) In the interests of the conservation of energy and water resources

And having regard to the following policy/policies of the adopted Salisbury District Local Plan:

- H23 Dwellings in the open countryside
- C1 Development in the countryside
- C2 Development in the countryside
- C4 Development in the AONB
- C5 Development in the AONB
- D2 Infill development

Application Number:	S/2006/2166		
Applicant/ Agent:	BARRIE TAYLOR ASSOCAITES		
Location:	LAND BETWEEN SPRING COTTAGE AND WINGMORE SWALLOWCLIFFE SALISBURY SP3 5PA		
Proposal:	REVISION OF PREVIOUSLY APPROVED DWELLING TO INCLUDE CONSERVATORY		
Parish/ Ward	SWALLOWCLIFFE		
Conservation Area:	SWALLOWCLIFFE	LB Grade:	
Date Valid:	23 October 2006	Expiry Date	18 December 2006
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

The application represents a departure from the policies of the Replacement Salisbury District Local Plan because the dwelling lies outside of the Housing Restraint Area boundary and in the open countryside.

SITE AND ITS SURROUNDINGS

The site consists of a dwelling currently under construction between Spring Cottage and Wingmore, Swallowcliffe. The site lies partly in the open countryside and partly within the Housing Restraint Area, and wholly within the AONB. The dwelling lies within a Conservation Area

THE PROPOSAL

The application proposes the erection of a conservatory to the dwelling under construction. However, because the dwelling has not yet been fully completed and occupied the application has to be made for the dwelling as a whole with the conservatory, rather than just the conservatory on its own.

PLANNING HISTORY

The relevant planning history is that permission was approved at appeal for a dwelling on this site in 1990 (under reference S/1988/0355). However because development (in relation to the access) was commenced before the permission expired, the applicants have been able to erect the dwelling without the need for a fresh planning application. An application in 2005 (S/2005/979) for a revised dwelling was withdrawn.

CONSULTATIONS

Highway Authority – response awaited

Wessex Water – no objection

Environmental Health – no observations

Environment Agency – no comment

REPRESENTATIONS

Advertisement	Yes – expires 23/11/06
Site Notice displayed	Yes – expires 23/11/06
Departure approved	Yes – the application would need to be heard at P&R if approved
Neighbour notification	Yes – expired 14/11/06
Third Party responses	No
Parish Council response	Yes – Spring Cottage has had a conservatory added since it was built

and it would seem churlish not to agree to this one. As the conservatory is located to the rear of the new house it will not adversely affect the occupants of the new dwelling

MAIN ISSUES

Impact of the proposal, bearing in mind the history of the site.

POLICY CONTEXT

H23	Development outside Housing Policy Boundaries
H19	Development within Housing Restraint Areas
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G2	General Development Criteria

PLANNING CONSIDERATIONS

Although the application is for both the dwelling (which has yet to be completed and occupied) and the conservatory, the fact remains that the dwelling is being constructed in accordance with the scheme approved on appeal in 1990. Therefore, even if this application were refused, the dwelling could remain as built. The planning considerations should therefore focus on the differences between the extant permission and the proposal – the only difference is the erection of a relatively large conservatory.

The dwelling as built lies partly beyond the Housing Restraint Area boundary and therefore in the open countryside. Therefore consideration needs to be given to the fact that the proposed addition would result in a larger dwelling in the open countryside than that approved.

In practice, however, the conservatory would have little impact on the character and appearance of the countryside. It would be screened from public views and the Conservation Area and would only be visible from the adjoining property, Spring Cottage.

The conservatory, although large in relation to the dwelling, would not harm the character and appearance of the countryside, the AONB, the Conservation Area or the neighbouring properties' amenities. It is therefore considered that permission should be granted for the dwelling with the conservatory.

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed dwelling differs from the extant scheme approved in 1990 only in that an additional conservatory is proposed. Therefore, although outside of the Housing Policy Boundary, the proposed dwelling and conservatory would not harm the character and appearance of the countryside or AONB beyond the extant scheme to an extent that would warrant refusal. It would not harm the amenities of neighbouring properties or any other matter of acknowledged importance, and would be acceptable having regard to policies H23, H19, C1, C2, C4 and C5 of the Replacement Salisbury District Local Plan

And subject to the following conditions

(1) Within one month of the date of this permission, samples of the materials to be used in the construction of the conservatory hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the agreed materials.

(1) in the interests of the character and appearance of the area

(2) No alteration to the external materials used in the construction of the dwelling hereby approved shall be made without the prior written consent of the Local Planning Authority.

(2) In the interests of the character and appearance of the Conservation Area and AONB

(3) No alteration to the means of access or turning area as built shall be made without the prior written consent of the Local Planning Authority

(3) in the interests of highway safety

(4) 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(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

(4) in the interests of the character and appearance of the area

This decision has been taken having regard to the following policies of the Replacement Salisbury District Local Plan:

H23	Development outside Housing Policy Boundaries
H19	Development within Housing Restraint Areas
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G2	General Development Criteria

Application Number:	S/2006/1806		
Applicant/ Agent:	LIONEL GREGORY LTD		
Location:	LAND ADJACENT TO KNAPP COTTAGE VICARAGE ROAD TISBURY SALISBURY SP3 6HZ		
Proposal:	CONSTRUCTION OF 3 X 3 BEDROOM DETACHED DWELLINGS AND NEW ACCESS ROAD		
Parish/ Ward	TISBURY		
Conservation Area:	TISBURY	LB Grade:	
Date Valid:	31 August 2006	Expiry Date	26 October 2006
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

The application represents a departure from the policies of the Replacement Salisbury District Local Plan, in that it involves the erection of three dwellings in the open countryside.

SITE AND ITS SURROUNDINGS

The site consists of land at Knapp Hill on Vicarage Road, West Tisbury. The site is undeveloped land, largely overgrown, adjoining Oddford Brook. The site lies outside of the Housing Policy Boundary and in the open countryside. It also lies within the AONB. Part of the site (at the 'front' of the site) lies in the Conservation Area. It also lies adjacent to the listed building at Knapp Cottage.

THE PROPOSAL

The application proposes the erection of 3, three-bedroom dwellings together with an access road, bin store etc.

PLANNING HISTORY

Outline planning permission 1158 for erection of three dwellings dated 23rd September 1960

Planning permission 4218/2755 dated 30th March 1967 for erection of 3 bungalows and vehicular accesses with sites for garages

Applications S/1986/1364 and S/1988/589 for residential development of the field including this site were refused in November 1986 and October 1988 respectively

An application for a Certificate of Lawfulness for the implementing three dwellings (the 1967 application) was withdrawn on 14th April 2003.

A subsequent application for a Certificate of Lawfulness was approved on 15th August 2003 (reference S/2003/1380)

An application for three four bedroom dwellings and access road was withdrawn on 21st February 2006 (S/2005/2452)

CONSULTATIONS

Highway Authority – Had expressed views on the sub-standard nature of Vicarage Road in the vicinity of the site, but on the basis of the extant planning permission for 3 dwellings on the site and the Certificate of Lawful use dated 15th August 2003, do not now feel able to sustain a highway objection to the current proposal subject to conditions.

Conservation - The amended scheme reflects the discussions with the agent at the pre-application stage. No objections to raise.

AONB group – Note that an old permission exists for this site even though it is a green space on the western side of Tisbury. AONBs concerns relate to the loss of green space, the encroachment on the valley, the potential for buildings to break the skyline and the appearance of Tisbury from the west and south. Suggest that the site warrants a detailed landscape plan and know that another Authority is concerned by the methodology used by the arboricultural consultant.

Proposed building designs protrude further from the slope than the earlier proposals and with the additional lower floor are likely to present more substantial and obvious structures in the scene. As the major aspect is southerly, care needed to avoid light coloured materials and reflective surfaces that could emphasise the presence of these buildings. There does not appear to be provision for using solar energy.

Wessex Water – development is located within a foul sewer area. Methods of ensuring the satisfactory disposal of surface water from the site should be investigated

English Nature – Based on the information provided, English Nature has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal, providing that measures described to protect badgers, nesting birds and reptiles and ensured through the use of planning conditions. English Nature also endorses the enhancements proposed for water voles and the hedge re-planting proposal.

Arboriculturalist – no objection

Forward Planning - The principle that development on this site can take place is accepted. However this application involves the encroachment onto, and suburbanisation of, open countryside in conflict with policy beyond that which is unavoidable under extant permissions [in relation to the extent of gardens]. However, a modified version of these proposals would be acceptable provided that the footprint of the extant permission was adhered to, and that the standards of design, materials and siting were to a high standard within the sensitive setting.

Environment Agency – no objection subject to conditions relating to flood risk, surface water control, biodiversity and water efficiency. Fully support the recommendations made within covering proposed mitigation for the impacts of the development.

REPRESENTATIONS

Advertisement	Yes – expired 05/10/06
Site Notice displayed	Yes – expired 05/10/06
Departure	Yes – if approved the application would need to be heard at P&R
Neighbour notification	Yes – expired 25/09/06
Third Party responses	Yes – 8 letters of objection relating to:
Impact on protected species	
Impact on AONB, Conservation Area, listed buildings	
Mass of proposed houses	
Inappropriate design	
Loss of light/sky view to adjoining properties from both dwellings and proposed planting	
Intrusion from chimneys	
Loss of privacy/overlooking of Tuckingmill Farm	
Dwellings are larger than those submitted in November 2005 (ie withdrawn application S/2005/2452)	
Increased risk of flooding	
Impact on highway safety from larger dwellings than those approved in 1960s	
Possibility of future development	
Loss of agricultural character	
Risk of subsidence	
Footbridges shown over Oddford Brook are on private land and are unacceptable	
Impact of waste bin enclosure on adjoining properties	
Question granting of Lawful Development Certificate	
Gardens have extended further into flood plain	

Proximity of plot 1 to active water vole burrows

Parish Council response Yes Object on grounds of loss of valuable site for wildlife and being outside of the Housing Policy Boundary. Confirmed that works to the original permission had started.

MAIN ISSUES

The principle of development
Design of the dwellings and Impact on the open countryside, Conservation Area, adjacent listed buildings and AONB
Impact on flooding
Impact on protected species
Impact on living conditions of nearby properties
Impact on Highway Safety
Recreational Open Space and other matters
Overall conclusion

POLICY CONTEXT

H22/H23	Development outside Housing Policy Boundaries
C1, C2	Development in the countryside
C4, C5	Development in AONBs
C12	Impact on protected species
G1, G2	General Development Criteria
D1	Infill Development
CN3	Setting of listed buildings
CN8	Conservation Areas
CN10	Loss of open spaces in Conservation Areas
R2	Recreational Open Space

PLANNING CONSIDERATIONS

The principle of development

The site lies outside of the Housing Policy Boundary and therefore in the countryside. As a result the erection of new dwellings would normally be unacceptable in principle, unless they were for affordable housing or for agricultural workers.

Furthermore, the site proposed for development consists of an attractive green valley that forms an area of open space that contributes to the character and appearance of the Conservation Area (and views in and out of the Conservation Area), and to the natural beauty of this part of the AONB.

It is therefore clear that the development of residential development on this site would harm these interests, and be contrary to various Local Plan policies, and would not normally be permitted.

In this case, however, an important material consideration is the fact that permission was granted in 1967 for three bungalows, and that the initial implementation of this permission was confirmed by the granting of a Certificate of Lawful Development in 2003. It is therefore a fact that the site can be developed for three houses, an access road and garages, despite the clear harm that this could cause.

The question is whether the development proposed now would be preferable to the applicant's clear 'fallback' position of completing the 1967 consent. This involves comparison between the extant and proposed scheme in terms of their impact.

Design and size of the dwellings and Impact on the open countryside, Conservation Area, adjacent listed buildings and AONB

The dwellings approved in 1967 were standard, unimaginative bungalows of little merit in design terms, using render and Redland tiles. The proposed dwellings would have a profile similar to the 1967 dwellings when viewed from the north but with a more imaginative design and materials (timber boarding on the upper floor walls and stone on the lower walls). The Council's Conservation Officer has raised no object to the proposed dwellings – indeed they reflect pre-application advice.

In terms of their height, the proposed dwellings would be no larger than the extant dwellings. They would be larger in floorspace and footprint, however. In terms of floorspace, it is argued by the applicants that although the extant dwellings are only single storey, because of their positioning on the site and the contours of the site there would inevitably be a 'void' area beneath the bungalows which could be utilised. The proposed dwellings are therefore two storey when viewed from the south but only single storey when viewed from the north.

In terms of the footprint the proposed dwellings are again larger than those approved in 1967. For comparison the footprint of the 1967 dwellings are 75 sq m, 63 sq m and 75 sq m respectively whereas the proposed dwellings would each have a footprint of approximately 116 sq m.

However, it has to be borne in mind that the 1967 approval included a garage for each dwelling (while the current proposal has integral garages), and furthermore, in granting permission in 1967 no permitted development rights were removed, allowing the occupiers to erect another 50 cubic metres per dwelling without needing permission, once the dwellings are built and occupied. Therefore the increase in size over the extant dwellings would not be unacceptable.

In terms of the visual impact of the proposed dwellings, they would be most visible when viewed from the south east. It is accepted that there would be more glass, and therefore more reflection, from the rear (south-east facing) elevations than the approved dwellings, but given that this enables greater utilisation of the site than leaving the 'void' area unused, it is considered that this is acceptable. The position of each dwelling is similar, though not identical, to the position of each approved dwelling.

In relation to existing trees, the Council's arboriculturalist has raised no objection. Consideration has been given to the impact of the bin store and the highway visibility improvements on the Conservation Area, AONB etc. Some domestication, resulting from the access improvements and driveway, is inevitable as a result of development on the site. Given the highway safety concerns (see below) it is considered that the impact of the provision of visibility splays is justified in this instance. No elevational details of the bin store have been submitted (these can be required by condition) but it is not considered that the position of the bin store would justify refusal.

The Council's forward planning section have raised concerns that the extent of garden proposed as part of the proposal is greater than that approved in 1967. Local and national advice is that the countryside should be protected for its own sake, and it is considered that there is not sufficient justification for larger gardens that extend further into the countryside and nearer to Oddford Brook. Provided amended plans are submitted reducing the size of the gardens to be no greater than those approved in 1967, then the current proposals would be no worse in this regard than the extant scheme.

Overall, it is considered that, bearing in mind the dwellings that could be erected on the site and the 'fallback' position, the proposed dwellings would be in improvement in design and that the increase in size would not harm the character and appearance of the countryside or the Conservation Area, AONB or the setting of nearby listed buildings.

Impact on flooding

Local residents have raised concerns regarding the impact of the dwellings on the risk of flooding. The Environment Agency are the lead advisers on the question of flood risk, both in terms of surface run-off and the effect of development in the flood plain.

In this case the Environment Agency have not objected, subject to various conditions, and the proposed dwellings would lie outside of the floodplain. The conditions would give the Authority greater control over the impact from surface water run off than would the continued implementation of the 1967 scheme. Therefore it is considered that flooding could not form a reason for refusal and the greater control available through condition is a factor in favour of allowing the proposal.

Impact on protected species

Local residents, including the Tisbury Natural History Society and the Parish Council, have raised concerns regarding the impact of the proposed development on protected species, particularly those inhabiting the Oddford Brook such as water voles. The applicant's ecologist's report has been considered by both English Nature (now Natural England) and the Environment Agency, neither of whom now object subject to development being undertaken in accordance with the recommendations of the ecologist, and subject to conditions. These include the provision of a buffer strip 5m from the brook.

Legislation and government advice on protected species has clearly changed significantly since 1967 but given that neither of the statutory bodies have objected, and given that the provision of the buffer strip and other conditions provide the Authority with greater control to secure the protection of the relevant species than would continued implementation of the 1967 scheme, it is considered that refusal on the grounds of protected species would not be defensible at appeal.

Impact on living conditions of nearby properties

Concerns have been expressed regarding the impact of the proposed dwellings on the living conditions of nearby dwellings, particularly those at Knapp Cottage and 1 and 2 Tuckingmill Farm. The impact on Knapp Cottage would be very limited given the topography of the land.

In relation to 1 and 2 Tuckingmill Farm, while the dwelling on plot 1 would have rear windows and a balcony facing south, the nearest buildings appear to be agricultural buildings rather than the neighbouring dwellings themselves and it is considered that the distance from the dwellings themselves, and the fact that the extant permission included a dwelling with some windows facing in this direction, means that a refusal on these grounds could not be defended at appeal. This is also true of the dwellings to the south of the site at Brook Close. Loss of private view (including sky view) is not a matter for which permission could reasonably be refused. Provided that the bin store is adequately screened there is no reason why it should harm the amenities of neighbouring properties.

Impact on Highway Safety

The Highway Authority have raised concerns regarding the impact on highway safety because of the sub-standard nature of the local road network, but accept that the existence of the 1967 scheme means that it would not be possible to refuse permission for three dwellings on these grounds.

In terms of accommodation, the 1967 dwellings were three bedroom, as are the dwellings proposed now. However, the current dwellings also include accommodation for a workshop/office to encourage working from home, to encourage sustainable development and reduce the number of traffic movements. This would at least help to limit the impact on highway safety. Furthermore, the applicants have also proposed visibility splays that would be an improvement over those contained within the 1967 scheme, further limiting the impact on highway safety.

Therefore refusal on the grounds of highway safety could not be justified at appeal, and the improvements in visibility, together with the 'live-work' aspect of the proposals, are factors in favour of the current scheme.

Recreational Open Space and other matters

The dwellings have been designed to be 'eco friendly' including use of a passive venting system, ground source heat pump, water saving measures, and wall and roof construction that is in excess of the requirements of the current Building regulations. This factor, and the 'live-work' aspect of the proposals are also points in favour of allowing the development.

A recreational open space contribution would not be required because there would be no more bedrooms than could be provided under the extant scheme.

Subsidence would be a matter for the Building Regulations. With regard to future development, the site as a whole remains outside of the Housing Policy Boundary (HPB) and any new dwellings would be resisted as a matter of principle. Whether or not the site remains outside of the HPB would be a matter for the next review of the Local Plan/Local Development Framework. The 'footbridges' over Oddford Brook do not form part of this planning application.

Overall conclusion

The advantages of allowing the proposed development over the extant 1967 scheme include the improvement in design, the improvement in highway visibility, the greater control over matters such as surface water run-off and protected species protection, and the sustainable nature of the development. The disadvantages of the current scheme over the 1967 scheme are the larger footprint and floorspace of the dwellings (though this increase is mitigated by a number of factors as outlined above).

On balance, it is considered that the advantages of allowing the scheme outweigh the disadvantages, and it is therefore recommended that permission should be granted subject to conditions and subject to amended plans being submitted with regard to the size of the gardens.

APPROVED WITH CONDITIONS

Reason for approval:

The proposed development, in that it would be preferable to the development that could be undertaken under an existing permission, would cause no greater harm to the character and appearance of the countryside, AONB, Conservation Area, adjacent listed buildings, highway safety, protected species, the amenities of nearby properties and flooding

And subject to the following conditions

(1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no above ground structures shall be erected within the floodplain and watercourse as delineated as land below 18.5m to the local datum shown on Plan Number 4477/04A.

(1) To maintain the flow and storage capacity of the watercourse; to prevent obstruction of access.

(2) There shall be no storage of any materials including soil within that part of the site liable to flood as shown as land lying below a level of 18.5m above local datum as shown on drawing No. 4477/04A

(2) To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

(3) The proposed minimum finished floor level of 19.90m above local datum shown on drawing number 4477/04D shall be implemented unless agreed otherwise in writing by the Local Planning Authority.

(3) To ensure that the development is subject to minimum risk of flooding.

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

(4) To prevent the increased risk of flooding

(5) Prior to the commencement, details of a buffer strip shall be submitted to and approved, in writing, by the Local Planning Authority. The buffer strip shall be at least 5 metres wide, shall be provided adjacent to the Oddford Brook, and shall consist of locally native plant species. This buffer strip shall be measured from the top of the bank and shall be free of structures, hard standing and fences. Development shall be undertaken in accordance with the details thereby approved.

(5) To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor including Water voles which is a Protected Species.

(6) No development approved by this permission shall be commenced until a landscape plan and a long-term ecological management plan for the site (including the buffer strip) have been submitted to and approved in writing by the Local Planning Authority. The plans shall be implemented as agreed in perpetuity.

(6) To protect/conservate the natural features and character of the area by promoting the conservation value of the Oddford Brook, the swamp area and the adjacent buffer.

(7) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

(7) In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies

(8) The area of private drive extending 5.0m back from the Vicarage Road carriageway edge shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the commencement of development.

(8) In the interests of highway safety

(9) Prior to the commencement of development, details of the proposed new passing space indicated on the submitted 1:200 scale site plan numbered 4477/04D shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

(9) In the interests of highway safety

(10) The development hereby permitted shall not be commenced until the visibility splays shown hatched on the submitted plan numbered 4477/04D have been provided. Nothing over 600mm above the adjoining carriageway level shall be planted, erected or maintained within the splay areas.

(10) In the interests of highway safety

(11) 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(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

(11) In the interests of the character and appearance of the countryside

(12) Prior to the commencement of development, details of the bin store shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

(12) in the interests of the character and appearance of the area

(13) Development shall be undertaken in full accordance with the applicant's ecological report dated August 2006.

(13) in the interests of protected species

(14) Within each dwelling, the use of workshop or office shall be used only for uses within classes B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), in association with the occupants of each respective dwelling. Each respective room shown as a workshop or office on the plans hereby approved shall not be used as a bedroom or for domestic residential accommodation, other than in association with the workshop or office use.

(14) To ensure that the dwellings remain in use as 'live/work' units, in the interests of sustainable development and highway safety, and in order to limit the pressure on recreational open space facilities, and to ensure that any workshop use is compatible with the amenities of adjoining residential properties

(15) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include 1:5 sections and elevations of the windows. Development shall be carried out in accordance with the approved details. (D04A)

INFORMATIVE:

Domestic gardens shall not be incorporated into the buffer zone to the watercourse. This is in order to avoid problems such as fragmentation of the buffer by fencing; the placing of garden rubbish near the bank; the introduction of non-native species into the buffer; and pressure for inappropriate bank retention works. The buffer should be extended to include the swamp area adjacent to the Oddford Brook, which is of "considerable ecological value" (2) and should be retained. Although the site has become degraded, with proper management the biodiversity interest could be greatly enhanced.

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, low-flush toilets, water butts, spray taps, low flow showers (3) and kitchen appliances (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development.

Sustainable Construction

We would encourage the design and construction of the development to include sustainable construction measures, such as those given in the Building Research Establishment (BRE) EcoHomes standards or similar. This allows the maximum preservation of natural resources during construction and improves energy efficiency and cost reduction during subsequent use.

Pollution Prevention

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests of the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

This decision has been taken having full regard to the following policies of the Replacement Salisbury District local Plan:

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

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)

H22/H23	Development outside Housing Policy Boundaries
C1, C2	Development in the countryside
C4, C5	Development in AONBs
C12	Impact on protected species
G1, G2	General Development Criteria
D1	Infill Development
CN3	Setting of listed buildings
CN8	Conservation Areas
CN10	Loss of open spaces in Conservation Areas
R2	Recreational Open Space

Application Number:	S/2006/1886		
Applicant/ Agent:	WOOLLEY & WALLIS		
Location:	WESTFIELDS LTD WESTFIELD PARK DINTON SALISBURY SP3 5BT		
Proposal:	VARY CONDITION 1 OF PLANNING PERMISSION 2002/1169 TO ALLOW STORAGE OF TRAILERS OUTSIDE BUILDING 385		
Parish/ Ward	DINTON		
Conservation Area:	LB Grade:		
Date Valid:	15 September 2006	Expiry Date:	10 November 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

Westfield Park is an approximately 19.5 hectare site occupying the area to the south of the B3089 Hindon Road in Dinton, between Catherine Ford Road to the east and Bratch Lane to the west, and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

The site was formerly RAF Baverstock prior to planning approval being granted in 1999 for the change of use of 14 former military buildings to B8 storage and one building to B1 office use, whereby Westfields Ltd began operating from the site providing storage within the 14 buildings. The planning consent was subsequently amended in 2001 and 2002 to allow the use of two areas of hardstanding for the storage of vehicles and flower pots, and to allow ancillary operations on the former rail transfer area towards the south east of the site.

THE PROPOSAL

The application seeks to vary Condition 1 of planning permission S/02/1169 to allow the storage of lorry trailers on an existing area of hardstanding adjacent to Building 385.

PLANNING HISTORY

79/360	Deemed app – Car park for council residence & alteration of access on land adjacent to rear of Catherine Road.	A	25.10.79
88/477	18/84 Fire protection measures.	A	8.6.88
88/1540	18/84 New offices – Baverstock Building B86.	A	21.9.88
99/1280	CoU of 14 buildings to class B8 and one building to class B1.	AC	16.10.00
01/1660	Section 73 application to vary condition 4 to planning permission S/99/1280 to permit the use of two hard standing areas for outside Storage of vehicles and flower pots.	AC	11.10.01
02/1169	Section 73 application to vary condition 1 to planning permission S/01/1660 to allow ancillary operations outside building on the area marked C (Hatched blue)	AC	24.09.02
05/0269	Retrospective – Retention Of Existing Earth Bunds	AC	07.04.05

CONSULTATIONS

WCC Highways - No Highway objection

SDC Environmental Health – Concerns in respect of noise generated by vehicle movements and consequent adverse impact on nearby residential uses: Any increase in vehicle movements will increase general noise in the area. Recommend if approved that control is exercised over hours of activity/vehicle movements and a restriction on use of any ancillary equipment on the vehicles e.g. refrigeration or heating units on trailers. Vehicles should not use gates onto Bratch Lane as would be likely to give rise to disturbance to a number of dwellings in the area.

REPRESENTATIONS

Advertisement No
Site Notice displayed Yes
Departure No
Neighbour notification Yes

Third Party responses Yes – Fifty five letters and emails objecting to the application on grounds including increased traffic through Dinton causing noise, disturbance, detriment to pedestrian safety, damage to the road surface, alleged structural damage to buildings from vibration, noise from vehicles within the Westfields site causing disturbance to nearby residents during the early hours, noise of containers being moved within the site, traffic congestion on B3089 during school peak times makes it difficult to pass when lorries are using the road & air 'pollution' from the site. In addition a letter was received from Richard Burden of the AONB Group who raised issues of any planting scheme should have a landscape management plan, and commented that whilst parking trailers could be a relatively minor matter in relation to the scale of the existing buildings, that is no justification for exacerbating a development that is not sympathetic to the scale and character of the AONB. There was one letter supporting the application, subject to access for vehicles remaining from Catherine Ford Road and not Bratch Lane.

Parish Council response Yes – Opposed to the application on grounds of intensification of the use of the site contrary to the original concept of the planning permission, suspect future breaches of planning control at the site, increase in traffic leading to structural damage to houses on B3089, noise pollution from the site, lack of information about the quantity or size of trailers to be stored and additional traffic movements likely to be generated, increase in traffic not suitable for C road at Catherine Ford Road, no benefit in the way of employment to local community & anticipated increased future use of Bratch Lane entrance.

MAIN ISSUES

Impact on AONB (Landscape Considerations)
Impact on Highway safety
Impact on neighbour amenity

POLICY CONTEXT

Policies G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation)

PLANNING CONSIDERATIONS

Impact on the AONB (Landscape Considerations)

Policies C1 and C2 of the adopted local plan relate to the rural environment of the district. Policy C1 states the District Council will endeavour to protect, restore and improve the natural beauty and amenity of the District, Policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment.

Policy C5 is specific to the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and seeks to ensure that development is sympathetic with the landscape of the AONB, and standards of landscaping and design are high. Regard should also be had to the social and economic well-being of the area.

It is considered that by reason of the existing screening around the proposed trailer parking area, together with the recently installed earth bunds and the proposed additional planting to the north east of the area of hardstanding, and the proposed trailer parking area being within the site of an existing commercial storage enterprise, the proposed development would not have an adverse impact on visual amenity within the landscape of the AONB in general or of the particular locality.

In respect of Policy C2, the proposed development, by reason of the commercial benefit it would bring to the existing business operations on the site, with the potential to sustain or increase the number and range of job opportunities (although no information has been provided by the applicant in respect of this) is considered to be of benefit to the local economy and, by reason of the existing and proposed screening and planting, would maintain or enhance the environment.

Impact on Highway Safety

Notwithstanding the numerous concerns of local residents in respect of traffic congestion, highway safety, pedestrian safety, pollution, vibration, damage to the roads and the unsuitability of local roads for use by large numbers of heavy goods vehicles, the Highways officer raises no Highway objection to the proposed development. The Head of Development Services therefore considers that concerns of Highway safety do not constitute a reason for refusal for this proposed development.

Some residents have complained of vibration caused by lorries using the roads apparently leading to structural damage to properties. Such issues are not material to the planning decision and constitute a private civil matter.

Impact on Neighbour Amenity

The potential for the proposed development to have an adverse impact on the amenity of nearby residents falls into two main categories – impact from noise and impact on visual amenity.

The proposed trailer park would be situated on an existing area of hardstanding adjacent to Building 385. As previously discussed the area of hardstanding is well screened from nearby residential development and the village hall and would not be conspicuous within the wider landscape by reason of existing and proposed screening and planting. Subject to a Condition restricting the parking of refrigerated or heated trailers in accordance with the comments of the Environmental Health officer, and the movement of trailers being restricted to the same operating hours specified within Condition 7 to the 1999 planning permission (i.e. no vehicle movements outside the hours of 0700 to 1900 Monday to Friday, 0700 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays), the development is not considered to be detrimental to the amenity of neighbouring residents or uses.

RECOMMENDATION

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation) of the adopted Salisbury District Local Plan.

And subject to the following Conditions:-

- (1) The storage of trailers shall be restricted to the area of hardstanding edged and hatched in blue on the plan(s) hereby approved unless otherwise agreed in writing by the Local Planning Authority Planning Authority.
- (2) There shall be no storage of trailers other than flat-bed trailers with no load attached. There shall be no refrigeration, heating or other apparatus attached to any trailer stored within the trailer parking area hereby approved at any time.
- (3) There shall be no delivery, collection, removal or other movement of trailers outside the hours of 0700 to 1900 Mondays to Fridays, 0700 to 1300 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

(4) The proposed tree planting shall be undertaken within the next planting season. If within a period of [five years] from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree 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. (G12A)

(5) This permission amends the planning permission granted on 16/10/00 under ref. 99/1280 and the variation to conditions of that permission granted 11/10/01 under reference 01/1660 and 24.09.02 under reference 02/1169 in respect of permitting the use of specified areas for storage /loading/unloading of specified goods. All other details of the development shall be as previously approved. This permission should therefore be read together with the previous permission 02/1169 and the other conditions applied thereto shall be equally applicable and binding.

(6) The use of Bratch Lane access shall be restricted to emergency vehicles only.

Reasons:

(1) In order that the Local Planning Authority may retain planning control over the use of the premises in the interests of visual and neighbour amenity.

(2) In the interests of visual amenity and the amenities of nearby neighbouring residents.

(3) In the interests of the amenities of nearby neighbouring residents.

(4) To enable the Local Planning Authority to secure a scheme of tree planting, in the interests of visual amenity.

(5) In order that the Local Planning Authority may retain planning control over the use of the premises in the interests of amenity.

(6) In the interests of amenity and highway safety.

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

G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation)

INFORMATIVE

You are requested to instruct all site users/drivers calling at the site of the hours of operation of the site (in advance where possible) and require that they do not arrive at the site before it opens. Waiting vehicles can cause noise and disturbance to the occupiers of a residential area.

Application Number:	S/2006/2097		
Applicant/ Agent:	CHRISTOPHER J GREENWOOD		
Location:	FAIRLAWN HIGH STREET TISBURY SALISBURY SP3 6HF		
Proposal:	ERECT CONSERVATORY		
Parish/ Ward	TISBURY		
Conservation Area:		LB Grade:	
Date Valid:	12 October 2006	Expiry Date	7 December 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Council employee application

SITE AND ITS SURROUNDINGS

Fairlawn is a detached bungalow situated within the settlement of Tisbury, being part of the wider Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the erection of a rear conservatory.

PLANNING HISTORY

S/00/1330 – Single storey extension and replacement pitched roof in lieu of flat roof

AC 30.08.00

CONSULTATIONS

No consultations

REPRESENTATIONS

Advertisement	No
Site Notice displayed	No
Departure	No
Neighbour notification	Yes
Third Party responses	None received
Parish Council response	Yes – Support the application

MAIN ISSUES

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

POLICY CONTEXT

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

PLANNING CONSIDERATIONS

The proposed rear conservatory is considered compatible in terms of the scale, design and character of the existing property and that it proposes the use of complementary materials. The development would integrate satisfactorily in relation to other properties and the overall landscape framework.

By reason of the existing approx 1.8 metre boundary fence between Fairlawn and its neighbour Little Court, the proposed conservatory would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

The siting and scale of the proposed development are considered sympathetic with the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, in general and with respect to the particular locality.

RECOMMENDATION

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), 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) The materials to be used in the construction of the external surfaces of the plinth walls of the development hereby permitted shall match those used in the existing building. (D01A)

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 (0004 AMENDED)

(2) To ensure that the proposed development will satisfactorily harmonise with the external appearance of the existing building.

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

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

Application Number:	S/2006/2145		
Applicant/ Agent:	WOOLLEY & WALLIS		
Location:	WESTFIELDS LTD WESTFIELD PARK DINTON SALISBURY SP3 5BT		
Proposal:	RETENTION OF 4 NO. PORTABLE OFFICE SUITES AND 1 NO. PORTABLE W.C. COMPARTMENT		
Parish/ Ward	DINTON		
Conservation Area:		LB Grade:	
Date Valid:	18 October 2006	Expiry Date	13 December 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

Westfield Park is an approximately 19.5 hectare site occupying the area to the south of the B3089 Hindon Road in Dinton, between Catherine Ford Road to the east and Bratch Lane to the west, and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty

The site was formerly RAF Baverstock prior to planning approval being granted in 1999 for the change of use of 14 former military buildings to B8 storage and one building to B1 office use, whereby Westfields Ltd began operating from the site providing storage within the 14 buildings. The planning consent was subsequently amended in 2001 and 2002 to allow the use of two areas of hardstanding for the storage of vehicles and flower pots, and to allow ancillary operations on the former rail transfer area towards the south east of the site.

THE PROPOSAL

The application seeks retrospective consent to allow the retention of four portacabin type buildings and one portable toilet block building on an area of the site adjacent to Buildings 382, 384 and 385.

PLANNING HISTORY

79/360	Deemed app – Car park for council residence & alteration of access on land adjacent to rear of Catherine Road.	A	25.10.79
88/477	18/84 Fire protection measures.	A	8.6.88
88/1540	18/84 New offices – Baverstock Building B86.	A	21.9.88
99/1280	CoU of 14 buildings to class B8 and one building to class B1.	AC	16.10.00
01/1660	Section 73 application to vary condition 4 to planning permission S/99/1280 to permit the use of two hard standing areas for outside Storage of vehicles and flower pots.	AC	11.10.01
02/1169	Section 73 application to vary condition 1 to planning permission S/01/1660 to allow ancillary operations outside building on the Area marked C (Hatched blue)	AC	24.09.02
05/0269	Retrospective – Retention Of Existing Earth Bunds	AC	07.04.05

CONSULTATIONS

WCC Highways - No Highway objection
SDC Environmental Health – No observations

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	Yes – Five letters objecting to the application on grounds including increased traffic through Dinton causing noise and disturbance, alleged structural damage to buildings from vibration, noise from vehicles within the Westfields site causing disturbance to nearby residents during weekends & goods vehicles creating pollution in the surrounding area. There was one letter supporting the application, citing the employment benefits that Westfields brings to Dinton.
Parish Council response	Yes – Opposed to the application on grounds of lack of information in respect of foul and surface water disposal (further details of which have been requested of the applicant), insufficient information about the need for the offices & lack of information in respect of generation of increased traffic movements

MAIN ISSUES

Impact on AONB (Landscape Considerations)
Impact on Highway safety
Impact on neighbour amenity

POLICY CONTEXT

Policies G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation)

PLANNING CONSIDERATIONS

The application seeks retrospective consent to allow the retention of four portacabin type buildings and one portable toilet block building on an area of the site adjacent to Buildings 382, 384 and 385. Three of the buildings serve as ancillary offices to the adjacent storage buildings, one serves as a refectory for personnel working on the Westfields site generally (no food is provided, the building serves as a place to eat sandwiches etc only). The fifth portable building provides male and female toilet facilities.

Employment Policy

By reason of the six additional jobs created by the retention of the portable buildings, the development is considered to accord with Policy E16 of the adopted local plan which seeks to maintain or improve the number and range of job opportunities on land allocated or currently used for employment purposes.

Impact on the AONB (Landscape Considerations)

Policies C1 and C2 of the adopted local plan relate to the rural environment of the district. Policy C1 states the District Council will endeavour to protect, restore and improve the natural beauty and amenity of the District, Policy C2 states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment.

Policy C5 is specific to the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and seeks to ensure that development is sympathetic with the landscape of the AONB, and standards of landscaping and design are high. Regard should also be had to the social and economic well-being of the area.

It is considered that by reason of the existing screening around the area in which the portable buildings are located, together with the proposed additional supplementary planting, and with the site of the portable buildings being within the curtilage of an existing commercial storage premises, the proposed development would not be conspicuous within the wider landscape and

is not considered to be out of sympathy with, or to have an adverse impact on, visual amenity within the landscape of the AONB in general or of the particular locality.

In respect of Policy C2, the proposed development, by reason of the commercial benefit the portable buildings bring to the existing business operations on the site, bringing an increase in the number and range of job opportunities (the applicant has indicated that the presence of the portable buildings has provided six new jobs for office workers) is considered to be of benefit to the local economy and, by reason of the existing and proposed screening and planting, would maintain or enhance the environment.

Impact on Highway Safety

Notwithstanding the numerous concerns of local residents in respect of traffic congestion, highway safety, pollution, vibration and the unsuitability of local roads for use by large numbers of heavy goods vehicles, the Highways officer raises no Highway objection to the proposed development. The Head of Development Services therefore considers that concerns of Highway safety do not constitute a reason for refusal for this proposed development.

One resident has complained of vibration caused by lorries using the roads apparently leading to structural damage to his property. Such issues are not material to the planning decision and constitute a private civil matter.

Impact on Neighbour Amenity

The retention of the portable buildings, being ancillary to existing operations on the site, is not considered to constitute an intensification of the authorised use of the site that would require planning permission for change of use. The applicant has indicated that the presence of the portable buildings has provided six new jobs, and generated six corresponding additional vehicles visiting the site during a normal working day. The use of the buildings for B1 offices ancillary to existing operations on the site is considered to be compatible with the adjacent residential development as it would not lead to the generation of noise, dust, odour or other such nuisance to the detriment of the amenities of neighbouring residential occupiers. By reason of the existing and proposed planting, the retention of the buildings is not considered detrimental to the visual amenity of neighbouring residents.

The control of wider issues such as the hours of operation of the site, vehicle movements and the location of articles for storage remain controlled by Conditions attached to previous planning approvals relating to the authorised use of the site. Clarification from the applicant in respect of the disposal of foul and surface water from the portable buildings has been requested.

RECOMMENDATION

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation) of the adopted Salisbury District Local Plan.

And subject to the following Conditions:-

- (1) The portable buildings hereby permitted shall be removed and the land restored to its former condition within three calendar years of the granting of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority. (V11A)
- (2) The use of the portable buildings hereby approved shall remain ancillary to authorised storage uses on the Westfields site.

(3) The proposed tree planting shall be undertaken within the next planting season. If within a period of [five years] from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree 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. (G12A)

Reasons:

(1) The portable buildings, by reason of their prefabricated construction and materials, are not considered appropriate structures for permanent retention within the designated Area of Outstanding Natural Beauty.

(2) In order that the Local Planning Authority may retain planning control over the use of the portable buildings.

(3) To enable the Local Planning Authority to secure a scheme of tree planting, in the interests of visual amenity.

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

G2 (General Criteria for Development), E16 (Employment), C1 & C2 (The Rural Environment) & C5 (Landscape Conservation)

INFORMATIVE

The Conditions attached to previous planning approvals relevant to the Westfields site and operations thereon remain relevant and continue to apply.

Part 3
**Applications recommended for the Observations of the
Area Committee**

No Observations