

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 & 19/07/07

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/2007/0989	DINTON
4 – 9	Mr O Marigold	APPROVED WITH CONDITIONS
SV 2.15pm	MR C DYER DINTON STORAGE THE BELT DINTON REPLACE MOBILE HOME WITH CHALET BUNGALOW	FONTHILL & NADDER WARD Councillor Parker
2	S/2007/0943	DONHEAD ST ANDREW
10 – 14	Mr O Marigold	APPROVED WITH CONDITIONS
SV 3.15pm	MR & MRS N H LOWE GOULDS FARM DONHEAD ST ANDREW SHAFTESBURY ERECT SINGLE PRIVATE DWELLING & GARAGE	DONHEAD WARD Councillor Cole-Morgan
3	S/2007/0640	TISBURY
15 – 31	Mr A Bidwell	APPROVED WITH CONDITIONS
SV 3.45pm	KINGSLEY JONES LTD MR ROGER JONES LAND ADJOINING LADY DOWN VIEW TISBURY SALISBURY ERECT 10 NEW HOUSES FORM NEW ACCESS AND ASSOCIATED PARKING	TISBURY & FOVANT WARD Councillor Beattie Councillor Mrs Green

Enforcement Agenda Item: Proposed alterations & 2 storey side extension (amendment S/06/1098) at The Barkers, Barkers Hill, Semley

Enforcement Agenda Item: Freestanding directional sign on the south side of the A303 Charnage Down Mere

Part 1

Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/0989		
Applicant/ Agent:	DAVID PARKER		
Location:	DINTON SALVAGE THE BELT DINTON SALISBURY SP3 4AP		
Proposal:	REPLACE MOBILE HOME WITH CHALET BUNGALOW		
Parish/ Ward	DINTON		
Conservation Area:		LB Grade:	
Date Valid:	16 May 2007	Expiry Date	11 July 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

A District Councillor is acting as the agent for the application

The application represents a departure from the adopted policies in the Local Plan and would need to be determined at Planning and Regulatory Panel

SITE AND ITS SURROUNDINGS

The site consists of land at Dinton Salvage, The Belt, Dinton. It is an existing established salvage yard located in the open countryside and the AONB. There is an existing mobile home on the site, permission for which was granted in 1992.

THE PROPOSAL

The application proposes replacing the existing mobile home with a permanent 'chalet' two bedroom dwelling. The dwelling would be sited on land next to the existing mobile home, although it is proposed to remove the mobile home on completion of the permanent dwelling.

PLANNING HISTORY

90/69	Application for established use 1: Scrap yard 2: Breakers 3: Retail - 2nd hand car spares	AC	06.06.90
91/1566	Application for established use for night watchman's caravan	R	04.03.92
92/10ENF	Removal of mobile home (claimed to be nightwatchman's caravan) from the land & permanent closure of unauthorised access by means of constructing a bank at least 300mm high topped with wire & fence post hedging		
92/1040	Positioning of mobile home within garden area & repositioning of buildings in scrap yard	AC	07.09.95
92/1044	Formation of agricultural access to copse	R	30.09.92

94/0262	Construction of access, formation of car park area for customer use	R	05.04.94
95/0102	Construction of access, formation of car park for customer use and realignment of hedgerows App Dis 10.01.96	R	06.04.95
97/1990	Replacement of mobile home with permanent dwelling	R	27.03.98

This application was refused for the following reasons:

1 *The proposed development is considered by the Local Planning Authority to be contrary to the Housing Policy H7 of the approved South Wiltshire Structure Plan and policies H23 H28 of the adopted Salisbury District Local Plan in that it is unrelated to any established village and the requirement for the dwelling has not been justified in connection with the needs of agriculture or forestry*

The proposed development is considered by the Local Planning Authority to be contrary to countryside policy C1D of the approved South Wiltshire Structure Plan in that it is neither essential to the local economy or desirable for the enjoyment of its amenities and would therefore be detrimental to the character of the designated Area of Outstanding Natural Beauty

CONSULTATIONS

Highway Authority no objection anticipated

Arboriculturalist no objection. TPO'd sycamore are at far western end of plot

WCC Archaeology no objection

Environmental Health Site is in proximity to an existing scrap metal/car breakers yard and between the B3089 road and the main Waterloo – Exeter railway line. Concerned that the site may be contaminated land; the proposed dwelling will be subject to noise from the road and railway, and its proximity to the scrap yard which would cause nuisance from noise, smells and fumes. Recommend conditions relating to (1) contaminated land survey (2) noise survey and soundproofing (3) condition limiting occupation of the dwelling to a person employed by the scrap yard

Wessex Water not located within a foul sewered area

CPRE accept that the present scrap business is an established fact in this location. It does a useful job in recycling old cars and provides some local employment. It manages to keep a low profile and generally to avoid being an eyesore. Support any permission that would legalise the present situation and ensure it is subject to future controls which protect the environment.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes – expired 14 th June 2007
Departure	Yes – if members agree with the recommendation to approve it would need to be heard at Planning and Regulatory Panel
Neighbour notification	No
Third Party responses	No
Parish Council response	Yes – no objection provided that (1) the existing vehicular access be improved before site work is commenced (2) the dwelling remain in perpetuity part of the adjoining business, Dinton Salvage, to be used solely to accommodate essential

personnel connected with the business and their immediate family

MAIN ISSUES

Principle
Impact on the character and appearance of the countryside/AONB
Impact on highway safety
Environmental Health issues
Other factors

POLICY CONTEXT

H23	Erection of dwellings in the countryside
H27	Dwellings for agricultural/forestry workers
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development criteria

Government advice in Planning Policy Statement Seven

PLANNING CONSIDERATIONS

Principle

The site lies in the open countryside and within the AONB where local and national policies advise that new development should be strictly controlled. In relation to dwellings policy H23 makes clear that on undeveloped land outside of Housing Policy Boundaries (such as this) new dwellings will not be permitted unless there is an agricultural justification under policy H27 (or an affordable housing justification).

As the proposal is not for an agricultural dwelling the proposal would be contrary to this Local Plan policy. Indeed permission for a permanent dwelling was refused on 'in principle' policy grounds in 1997.

However, there are a number of factors that justify an exception in this case. In particular, PPS7 (the Government's relatively recent advice on development in the countryside) has extended the scope of agricultural dwellings to include those relating to *rural based enterprises*.

Therefore provided that a dwelling can be justified on the basis of being justified by the criteria of policy H27 (agricultural dwellings), but for a rural based enterprise, then it is considered that there is scope for a dwelling to be acceptable in principle.

Indeed, similarly to the process for agricultural dwellings, the site has already been granted permission for a mobile home in 1992. The 1992 permission did not require that the mobile home had to be removed within 3 years (the normal limit to establish whether an agricultural business is sustainable in the long term) but the permission was made personal to Mr Dyer, who operates the business.

Policy H27 and PPS7 set out a number of criteria for agricultural/rural based enterprise's dwellings. These are that (1) there is a clearly established need for a dwelling on the holding (2) the need is full time worker (3) the unit and activity have been established for at least 3 years, and been profitable for at least 1 year and (4) the need cannot be accommodated by an existing dwelling. The policies also require that a dwelling is acceptably sited and not disproportionate in size.

Taking each criteria in turn, it is considered that the need for a dwelling on the site has been established. To some extent need was already established by the granting of permission without a time limit for a mobile home in 1992, but in any case further information has been submitted in relation to the operation of the business, which includes vehicle recovery on a 24-hour basis (approximately 20 vehicles are recovered a week), the need for strict supervision, disposal and

storage of hazardous waste, and security needs. It is also accepted that this need is on a full time basis rather than relating to only a part-time need.

In relation to the third criteria, the business has been established since at least 1990, when an established use certificate was issued. The applicants have submitted accounts (on a confidential basis) showing that the business has been profitable over the last four years (2004/2005 and 2005/2006). It is accepted that the need cannot be accommodated by any other dwelling.

Finally, it is considered that the size of the dwelling is not disproportionate to the need – the dwelling would only have two bedrooms with a floor space of some 137m² – within the limits of a normal agricultural dwelling to ensure that its size would not make it prohibitively expensive if ever the business did cease and the dwelling had to be made available to workers in other rural based enterprises.

Overall, therefore, it is considered that there is sufficient justification for a dwelling for the existing established rural based enterprise, and that this is sufficient reason for an exception to be made to the normal policies in the Local Plan.

Impact on the character and appearance of the countryside/AONB

The existing mobile home, and indeed the rest of the site, is largely screened by a belt of trees and hedging (including trees protected by a Tree Preservation Order) and the proposed dwelling would not be prominently visible behind these. The siting of the dwelling would be next to the existing mobile home, on currently undeveloped land.

While it would be preferable for the new dwelling to be sited in the same position as the existing one, provided that a condition is imposed preventing the retention of both, it is considered that the re-siting would not harm the character and appearance of the countryside or AONB.

Impact on highway safety and sustainability

The Highway Authority have not raised an objection to the proposed dwelling. It is recognised that the existing access is clearly sub-standard for this 60mph stretch of road, but the proposal would not increase the level of use over the existing authorised situation.

In relation to sustainability, although the dwelling would be located remote from services and facilities, this is almost always going to be the case for agricultural (and similar) dwellings, and of course the dwelling would be located close to the employment of the scrap yard, limiting employment-related journeys.

Environmental Health issues

Concerns have been expressed by Environmental Health regarding the possibility of contaminated land, and the living conditions of the occupiers of the dwelling bearing in mind the location of the dwelling in close proximity to the salvage yard, the railway line and the highway.

However, conditions are recommended to ensure that land contamination is remedied, ensuring that adequate noise insulation is provided and ensuring that occupation of the dwelling is limited to a person employed (or last employed) at Dinton Salvage.

Other factors

As a new permanent dwelling, a contribution towards recreational open space would be required in accordance with policy R2 – a point that the Parish Council have emphasised. A unilateral agreement has been forwarded to the applicant's agent for return by this meeting. Provided that this is received, and is complete, this would satisfy this policy.

CONCLUSION

The proposed dwelling would be acceptable in principle and would not harm the character and appearance of the area or AONB, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

REASONS FOR APPROVAL

The proposed dwelling would be acceptable in principle and would not harm the character and appearance of the area or AONB, highway safety or any other material planning consideration. It would therefore comply with the relevant policies 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

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. (D03A)

Reason:

In the interests of the character and appearance of the area

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot coloured blue on the plans hereby approved, or a widow or widower of such a person, or any resident dependants. (S02A)

Reason:

Planning permission would not have been granted for a dwelling on this site given Local Planning policies in this countryside location, and given the proximity of the existing salvage business.

4. Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results shall be provided to the Local Planning Authority

The investigation must include:

A full desk top survey of historic data

A conceptual model of the site identifying all potential and actual contaminants receptors and pathways pollution linkages

A risk assessment of the actual and potential pollution linkages identified

A remediation programme for contaminants identified

The remediation programme shall incorporate a validation protocol for the remediation work to be implemented confirming that the site is suitable for the consented use

The remediation programme shall be fully implemented and the validation report shall be submitted to and approved, in writing, by the Local planning authority prior to habitation of the property

Reason:

In the interests of amenity

5. Prior to the commencement of development the applicant shall undertake a noise survey to assess the noise exposure category in accordance with PPG 24. If the results of this survey indicate the site is in NEC category B or C a suitable scheme for soundproofing the dwelling must be submitted to and approved, in writing, by the Local Planning Authority.

Reason:

In the interests of amenity

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

H23	Erection of dwellings in the countryside
H27	Dwellings for agricultural/forestry workers
C1, C2	Development in the countryside
C4, C5	Development in the AONB
G1, G2	General Development criteria

Application Number:	S/2007/0943		
Applicant/ Agent:	SIMON RUTTER		
Location:	GOULDS FARM DONHEAD ST. ANDREW SHAFTESBURY SP7 9DZ		
Proposal:	ERECT SINGLE PRIVATE DWELLING WITH GARAGE		
Parish/ Ward	DONHEAD ST ANDREW		
Conservation Area:		LB Grade:	
Date Valid:	10 May 2007	Expiry Date	5 July 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Cole-Morgan requests that the application be heard at committee, on the grounds of the prominence of the site

SITE AND ITS SURROUNDINGS

The site consists of the garden of Goulds Farm, a dwelling on West End Lane in Donhead St Andrew. The surroundings consist of an essentially linear 'ribbon' pattern of dwellings running along West End Lane, with open countryside on either site.

The site lies within the Donhead St Andrew Housing Policy Boundary and forms part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the erection of a two storey dwelling and garage. The dwelling would have an overall height of 8m (at most) although the dwelling would be set into the ground by some 1.3m from road level.

PLANNING HISTORY

Various applications at Goulds Farm itself not relevant to this proposal

S/2006/1078 Formation of access, erection of single private dwelling with garage (outline application including siting and means of access), approved on 10th July 2006.

S/2006/2605 Erect single dwelling with garage (full application), withdrawn on 1st March 2007

CONSULTATIONS

Highway Authority no objection subject to conditions

Wessex Water located within a foul sewer area. Only where it is shown that connection to a public sewer is not feasible or practical should a sewage treatment plant be provided (as is proposed by the applicants)

Environmental Health no objection

REPRESENTATIONS

Advertisement No
 Site Notice displayed Yes – expired 14/06/07
 Departure No
 Neighbour notification Yes – expired 01/06/07
 Third Party responses Yes – one letter raising the following objections (summarised):

- Differences between the outline approval and the current application
- Although current proposal is smaller than that proposed by application S/2006/2605, it is still a lot larger than the outline footprint size (44% larger rather than 55%)
- Reductions in size have not been referred to in design statement
- Neither applications refer to the AONB or its importance
- Plans do not show extensions to Goulds Farmhouse or extensions to other properties (a plan showing these changes has been submitted by the objector)
- Prominence upon the landscape of the AONB is still a concern
- Ridge height and eaves span is far greater than that of Goulds Farmhouse and Michaelmas
- Elevated garden room to rear could compromise privacy and amenity of neighbours

Parish Council response Yes – Object on grounds of:

- Overall structure is too large for the plot size and exceeds the size of the outline approval
- Concerned at access to this narrow lane. It would seem that the position of the existing hedge and bank would have to be removed and replaced.
- 'Loggia', terrace and glazed doors are specifically mentioned yet not shown on the plans [officer's note - this was an error on the applicant's design and access statement – a revised statement has now been submitted]
- If there is to be a septic tank is there adequate room for its siting and will the access splay accommodate the necessary vehicle for emptying
- Are there any regulations regarding where the 'building line' should be taken?
- Design of garage roof store access from bathroom is unusual

MAIN ISSUES

Impact on character and appearance of the area and AONB

Impact of living conditions of nearby properties

Impact on highway safety

Other factors

POLICY CONTEXT

H16	Housing Policy Boundary
D2	Infill Development
G2	General Development Criteria
C5	Development in the AONB
R2	Recreational Open Space

PLANNING CONSIDERATIONS

Impact on character and appearance of the area and AONB

The site currently consists of the garden to Goulds Farm. From the highway, the site is relatively well screened by high hedging. The site is, however, prominent when viewed from the open countryside to the east and is visible from public footpaths.

Planning permission has already been granted at outline (including siting and means of access) for a dwelling on the site, and this permission remains extant. Therefore the question for members to consider is not whether the principle of a dwelling is acceptable, but whether the specifics of this proposal are harmful or not.

The dwelling proposed now would clearly have a larger footprint than that already granted permission. But that does not necessarily make it unacceptable. The proposed dwelling would be relatively large, being some 15m wide, 16.6m wide and 8m high, but then the plot is also relatively generous.

Furthermore, although the dwelling would have a higher ridge line and eaves height than surrounding properties, the street consists of a mix of various designs of dwelling. It is not considered that the proposal would be harmfully out of place or appear excessively out of scale.

Although the dwelling would be visible when viewed from the countryside to the east, it would be seen in the context of the existing ribbon development and would not appear incongruous. In terms of the building line, the outline approval is slightly further to the east than the proposed dwelling, and the siting is considered acceptable.

Overall, it is considered that the proposed dwelling would not harm the character and appearance of the area, or harm the natural beauty of the AONB.

Impact of living conditions of nearby properties

Consideration has been given to the impact on living conditions of nearby properties. The only properties that could be affected are Michaelmas (to the south) and Goulds Farm itself (to the north).

In relation to overlooking, no first floor windows are proposed on the elevation facing Michaelmas, and a condition is recommended to prevent the subsequent insertion of windows on this elevation. Although concerns have been expressed regarding the garden room, this would be a sufficient distance (more than 10m) from the boundary with Michaelmas to avoid unacceptable overlooking. In relation to Goulds Farm, again no first floor habitable-room windows would result in overlooking (only an ensuite bathroom window faces this way).

Consideration has also been given to the impact of the building on its neighbours in terms of loss of light and overdominance. However, bearing in mind the previous approval for a dwelling, the proposed siting and the orientation of the buildings, it is considered that the building would not have an unacceptable dominating impact or result in loss of light to harm the living conditions of either neighbouring properties.

Impact on highway safety

The Highway Authority have not objected to the proposal, subject to conditions. It is therefore considered that a refusal on highway safety grounds could not be defended at appeal.

Other factors

Wessex Water have commended that, as there is a public sewer nearby, connection should be made to this unless it can be demonstrated that such connection could not be made. A condition to this effect was imposed on the previous approval and it is recommended that a similar condition is imposed now.

As a new dwelling, a recreational open space contribution would need to be made in accordance with policy R2. An agreement has been sent to the agent to secure this and, provided that this is received and is complete before the committee meeting then this requirement would be satisfied.

CONCLUSION

The proposed dwelling would not harm the character and appearance of the area or the AONB, the living conditions of neighbouring properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

REASONS FOR APPROVAL

The proposed dwelling would not harm the character and appearance of the area or the AONB, the living conditions of neighbouring properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies 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
2. The materials used in the construction of the dwelling shall be those as specified on the application drawings (including the use of painted timber windows). Prior to the commencement of development samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the samples thereby approved.

Reason:
In the interests of the character and appearance of the area and AONB
3. Other than the windows hereby approved, no additional windows shall be inserted into the side elevations of the dwelling at first floor level, or into roof of the dwelling or garage, without the prior written consent of the Local Planning Authority, through a further planning application.

Reason:
In the interests of amenity
4. A recessed entrance having a minimum width of 3m 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 carriageway 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

Reason:
In the interests of Highway safety
5. Any entrance gates 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
6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority

Reason:
In the interests of Highway safety
7. Before the dwelling hereby permitted is first occupied the area between the nearside edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 1.0m above the nearside carriageway level and thereafter maintained free of obstruction at all times

Reason:
In the interests of Highway safety
8. 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)

Reason:

In the interests of the character and appearance of the area

9. Discharge of foul water shall be made to the public sewer unless it can be shown, prior to the commencement of development, that this is not feasible or practicable.

Reason:

In accordance with the advice in circular 03/99 and policy G5 of the Local Plan

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

- H16 Housing Policy Boundary
- D2 Infill Development
- G2 General Development Criteria
- C5 Development in the AONB
- R2 Recreational Open Space

Application Number:	S/2007/0640		
Applicant/ Agent:	PHILIP PROCTOR ASSOCIATES		
Location:	LAND ADJOINING LADY DOWN VIEW TISBURY SALISBURY SP3 6LL		
Proposal:	ERECT 10 NEW HOUSES FORM NEW ACCESS AND ASSOCIATED PARKING		
Parish/ Ward	TISBURY		
Conservation Area:	TISBURY	LB Grade:	
Date Valid:	26 March 2007	Expiry Date	25 June 2007
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

REASON FOR REPORT TO MEMBERS

This site is within the Housing Restraint Area of Tisbury and the proposal is considered to be a departure from policy H19 of the adopted Salisbury District Local Plan.

SITE AND ITS SURROUNDINGS

The site comprises an area of approximately 0.7 hectares and is located on the northern side of Tisbury overlooking the valley of the River Nadder, between the modern housing development at Lady Down View and Duck Street. The site is situated on a north-facing slope that falls steeply from Lady Down View towards Duck Street with a change in levels of some 12 metres and a gradient in the region of 1:10, as well as falling across the site from west to east. The site is currently unused and consists of grassland with mature trees at its eastern end, some of which are covered by a Tree Preservation Order.

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

PLANNING HISTORY

- S/1989/2237 Outline planning permission for the erection of 23 residential dwellings together with the construction of a vehicular access, on a larger site area than that which forms the subject of this application, was refused in September 1990.
- S/1998/1224 Planning permission was refused in December 1998 to erect a detached dwelling with associated vehicular access on land to the rear of Quince Cottage.
- S/2002/0837 In September 2002, planning permission was approved for the development of five 4-bedroom dwellings, garages and the construction of a vehicular access from Lady Down View.
- S/2004/0113 Planning permission was approved for a revised scheme to that approved by planning permission S/2002/0837 for the development of five dwellings, parking/garaging and the construction of a vehicular access from Lady Down View. *The scheme that was approved by this permission forms a substantial part of the current proposal.*
- S/2004/2529 An earlier application to erect nine dwellings, parking/garaging and the construction of a vehicular access from Lady Down View was withdrawn in December 2004. *This application proposed exactly the same site layout and general design of buildings as the scheme approved by planning permission S/2004/0113 except that some of the dwellings approved by that earlier scheme were to be sub-divided to create the additional dwellings.*
- S/2005/0642 Planning permission was refused in June 2005 to erect twelve dwellings, parking/garaging and the construction of a vehicular access from Lady Down View. This application was refused on the following grounds:

“1. The proposed development in comparison to the extant approval for the development of this site would result in the loss of an important area of open space that contributes to the open and rural character of the area and coupled with the intensification of development and general activity within the site would detrimental to the character and appearance of the Housing Restraint Area, the Conservation Area and the natural beauty of the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. As such, the proposed development would be contrary to Policies D1, H19, CN8, CN10, CN11 and C4 of the Adopted Replacement Salisbury District local Plan (June 2003).

2. In the absence of an ecological survey for the presence of protected species, it has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed development would not harm protected species or their habitats, contrary to Policy C11 of the Adopted Replacement Salisbury District Local Plan (June 2003).

3. The proposed development fails to make provision towards recreational open space contrary to the requirements of Policy R2 of the Adopted Replacement Salisbury District Local Plan (June 2003). As such, it would put an additional demand on existing recreational facilities and would set a precedent that would make it difficult for the Council to implement this policy effectively in the future”.

S/2005/1355 Erect ten dwellings and access road. Approved 31/03/06

THE PROPOSAL

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

The current proposal will result in a similar scheme to that approved under S/2005/1355 in that the basic layout in relation to the proposed road is the same as is the roads basic curved shape and access points. Also the proposal is similar in the way it uses the topography of the site by setting the dwellings into the slope thus reducing their overall visual scale.

Vehicular access into the site is proposed to be achieved from the existing adopted road at Lady Down View and will wind down into the site to reach the natural ground level as quickly as possible and to provide a more gentle gradient and terminating in a shared courtyard / turning area. The proposal also provides several viewpoints across adjacent valley as the access road winds downward in to the development

The previous approval was subject to a Section 106 Agreement. The terms of this agreement will be repeated and carried over, in the main in this proposal but will be subject to some amendments. The agreement for this proposal will provide the same level of affordable housing amounting to three units. These units will be No's 8, 9 and 10 at the entrance to the site.

CONSULTATIONS

Wiltshire County Highways:

The principle of this development has been agreed previously via similar submissions. The levels shown on the submitted drawings indicate that a suitable gradient can be provided for the access road, but a significant retaining wall is also required. I have separately received these details for checking, but consider that the details should be approved for planning purposes. Unfortunately, I am now aware that work has started on the site and that a previous consent allows a start to be made (subject to appropriate conditions being met). But as I am aware that the first work to be undertaken is the construction of the retaining wall, the developer should submit details via the LPA for approval asap and I consider a condition remains the appropriate method.

Other details, including parking level and design of accesses are acceptable, but I note that the details of the access where it passes Nos 4 and 5 Lady Down View are not shown in sufficient detail. This can be covered as previously by a condition.

I recommend no highway objection be raised subject to the following conditions (as previously recommended on S/2005/1355): -

1. Prior to the commencement of the development, full structural details of the proposed highway retaining wall and parapet shall be submitted to and approved by the LPA; and the retaining wall shall be constructed in accordance to the approved details prior to the first occupation of the development.
2. Prior to the commencement of the development, full engineering details of the proposed road construction, including longitudinal section, cross-sections, street lighting and road drainage shall be submitted for the written approval of the LPA; and the road shall be constructed in accordance with the approved details as far as the binder or basecourse before the first occupation of the development.
3. Prior to the commencement of the development, full engineering details of the access road where it fronts Nos 4 and 5 Lady Down View shall be submitted for the written approval of the LPA; and the access road fronting Nos 4 and 4 Lady Down View shall be constructed in accordance with the approved details as far as binder or basecourse prior to the first occupation of the development.

The reason for all of these conditions is in the interests of highway safety.

Wessex Water:

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

The developer has proposed to dispose of surface water to soakaways and the Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

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

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

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

Environmental Health:

No observations to make.

Wiltshire and Swindon Biological Records Centre:

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

REPRESENTATIONS

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

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

- Adequate fencing and hedging must be achieved to ensure privacy
- House roof heights are too great
- Natural stone must be used
- Propose scheme exceeds boundaries that were previously agreed to protect uncultivated area of ground.
- Proposal is likely to generate intensification of residential paraphernalia in garden areas.
- 10 dwellings will have a significant impact on light pollution.
- Loss of privacy through overlooking
- Development may affect foundations of some surrounding properties
- Thought should be given to a second access road off Duck Street

Parish Council Object for the following reasons:

- The application was not in keeping with what the village needs i e
- there is an inadequacy of start up homes and
- 3 storey houses are not typical of Tisbury except on the High Street
- and do not blend into the line of the hill

Wiltshire Fire and Rescue Services:

Having studied the proposals the following comment relating to necessary and appropriate fire safety measures is forwarded to you for consideration and inclusion within the proposed development

Fire Appliance Fire fighting Access

Consideration is to be given to ensure that access to the site for the purpose of fire fighting is adequate for the size of the development and the nature of the proposed use

Reference should be sought from guidance given in Building Regulation Approved Document B B5 Access and facilities for the Fire Service

Water supplies for fire fighting

Adequate consultation is to be undertaken between the Fire Authority and the developer to ensure that the site is provided with adequate water supplies for use by the fire service in the event of an outbreak of fire Such arrangements may include a water supply infrastructure suitable siting of hydrants and or access to appropriate open water Consideration should be given to the National Guidance Document on the Provision of Water for Fire fighting and specific advice of the Fire Authority on location of fire hydrants

POLICY CONTEXT

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

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

MAIN ISSUES

Principle of Development

Impact on Housing Restraint Area, AONB and Conservation Area

Design and Materials

Affordable Housing

Residential Amenity

Highway Issues

Drainage

Impact on Trees

Impact on Protected Species

Sustainable Development – Waste Audit and Provision for Recycling

Provision of Recreation Facilities

PLANNING CONSIDERATIONS

Principle of Development

The application site lies within the Housing Restraint Area on the edge of the identified Housing Policy Boundary of Tisbury. Policy H19 of the Adopted Salisbury District Local Plan (2003) states:

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

- I. there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area;*
- II. there is no loss of an important open space which contributes to the special character of the area;*
- III. the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and*
- IV. the development will be in keeping with the character of the neighbouring properties”.*

However, the supporting text to this policy stipulates that although in the main development is likely to be limited to a single dwelling there may be occasions where more than one dwelling will be acceptable, dependent on the size of the plot. With regards to this issue, the land designation of the application site was an issue at the Local Plan Inquiry where the landowners sought to have the designation changed from that of a Housing Restraint Area to inclusion within the Housing Policy Boundary. In determining this issue the Local Plan Inspector recommended that no modification be made but advised:

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

Consequently, in determining the original approval of planning permission for the erection of five dwellings (Ref: S/2002/0837) on this site and the subsequent revised scheme for the same number of dwellings (S/2004/0113), it was considered that whilst the proposed development was strictly contrary to the letter of the policy it complied with the spirit of the policy. The principle of the development of this site with more than one dwelling has therefore already been clearly established by these previous approvals, which remain extant, and is a material planning consideration of this current proposal. The key question, therefore, is whether the number of dwellings, the design layout and proposed materials are acceptable in relation to the character of the conservation area and to the appearance of the housing restraint area.

Impact on Housing Restraint Area, AONB and Conservation Area

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

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

At present the application site is currently undeveloped and until very recently consisted of unkempt and overgrown grassland and scrub with mature trees at its eastern end. The site contains some mature trees that are the subject of a Tree Preservation Order and are mainly located in the eastern part of the site. There is also substantial vegetation to the boundaries, including a line of trees within an old hedgerow to the boundary with Duck Street. The site currently forms a gap between the development in Duck Street and the more modern and higher density development at Lady Down View and Hill Close to the south and provides an important contribution to the rural character of Duck Street and this part of the settlement.

While there is no objection to the principle of residential development on this site, it is considered that any development of this site cannot preserve its existing character but with the adoption of a sympathetic design approach with regards to the design and layout of the proposed buildings it should be possible to achieve a development that would enhance the character and appearance of the surrounding area.

In considering the impact of any proposal for the development of this site, regard must be given to the extant permission for the erection of ten dwellings. While it is acknowledged that this proposal would represent a change from the appearance of the site at present, the overall design approaches adopted in this instances is considered to address and maintain the rural character of the site whilst delivering a development of a high quality appropriate for this Housing Restraint Area and the Conservation Area.

The proposed development repeats the general layout and built form of the previously approved scheme (S/2005/1355). However, unlike the previous proposal the current proposal will extend the built form beyond that previously accepted. This will occur mostly as a result of the design layout spreading the ten dwellings across the site in 7 sections as opposed to 5 and that the garden areas will include land that was previously outside residential curtilages. The main advantage of this is that the requirement to maintain this land, which under the previous

approval had to be retained to either side of the proposed built envelope as paddock/pasture and could not be sold, leased, rented or otherwise disposed of separately from the related dwellings will not be necessary in this case.

However, this land is considered to be visually important in maintaining the open characteristic of the site with particular regard to the views through the site to the countryside beyond. As such it is considered to remain relevant and to be reasonable to prevent the possibility of an intensification of the presence of associated domestic paraphernalia, patio or decking and ancillary structures such as sheds, greenhouses etc, as well as pressure for future extensions to the dwellings. As such a planning condition will be applied restricting permitted development protecting this important characteristic.

Subject to the imposition of this condition (amongst others) it is considered that no greater harm in comparison to the extant approval (S/2005/1355) would result from the encroachment of the built development beyond the building envelope previously accepted.

A further key element of this proposal that varies from the previous approved scheme relates to the positioning of House 1 and 2, in relation to Quince Cottage. The proposed position will place the houses further into the area reserved as pasture under the previous approval. It is important to consider this slight change in position in relation to comments relayed through the appeal decision, which upheld the officer recommendation to refuse planning application No S/2005/0642. The inspector considered (amongst other things) that whilst the proposal was of high quality and well designed and in this way would preserve and enhance the conservation, the open areas either side of the site were also important in maintaining the "loose-knit" and semi rural characteristic of the site and in preventing harm to the setting of Quince Cottage. Therefore any encroachment in to these open areas must form a material planning consideration for any proposal thereafter.

In considering this issue the extent to which an encroachment would occur is very important. In this case the encroachment is minimal and will result in a flipping of the building so that the rear elevation of the approved scheme becomes the front elevation of the proposed scheme. It is considered that this minimal change will not result in any unreasonable impacts on either the character of the conservation area, or on the setting of Quince Cottage.

Furthermore. It is clear from the planning history that residential development has been refused in this area under planning reference 1998/1224 as above. However, in this case the single dwelling and garage building proposed was set significantly further in to this area than now proposed. This resulted in a very different impact in relation to both the conservation area and Quince Cottage whereby most of the built form scale and massing would be facing Quince Cottage from an elevated position. For these reasons this historic refusal is not considered to be influential in determining this proposal an very limited material weight should be attributed to it.

Design & Materials

The form and layout of the development is similar to that approved under S/2005/1355. However, the proposal differs in that the units 3 and 4 in place of 5A, 5B, and 5C as previously approved, are orientated with the rear elevations facing Quince Cottage which is a neighbouring listed dwellinghouse. In terms of neighbour amenity, Quince Cottage is the property most likely to be affected by this proposal. However, the proposal will result in a "back to back" garden arrangement with ample spacing approximately 30 metres between the properties to prevent unreasonable levels of disturbance or any notable overlooking. In addition boundary treatments will be improved with planting as part of this proposal. In addition it is considered that the different orientation of house 3 and 4 in this proposal will result in a more open characteristic further preserving and enhancing the open characteristics of this site within the conservation area and particularly views through the site. The previous proposal orientated buildings at right angles to Quince Cottage backing onto the boundary of the site with Duck Street. Whilst it is clear that these dwellings had a lower ridge and overall design than the proposed dwellings their positioning would have restricted views through the site to the valley beyond. This issue was an important consideration at the time resulting in the orientation now proposed. As such it is considered that the proposed scheme provides a more appropriate design approach regarding these important issues and in relation to the general characteristics of this site.

Units 1 and 4 of the previous proposal have been replaced with units 6 and 7 but are positioned further away from the centre of the site towards the eastern boundary.

Units 8, 9 and 10 of the proposal are located in the same area of the site as units 2A and 2B were previously but, are in the form of two different units. Unit 8 is designed to provide a one off building along similar lines as the "tower" building of the previous approval. This will provide a unique element to the street scene when entering the site. Unit 9 and 10 are accommodated in a single semi detached dwelling orientated the same way as previously approved as 2A and 2B.

The dwellings are a mixture of two storey houses with roof rooms and in the case of unit 8 a two and a half storey dwelling.

In terms of materials this proposal is considered to provide a significant improvement over the previous approval. The materials are to comprise natural stone elevations with a mixture of slate and plain tiles for the roof treatment most of which will be finished with chimneys. On balance this mixture of materials are considered to be acceptable and should result in a high visual quality appropriate for this site within the housing restraint area and the Tisbury conservation area.

Affordable Housing

In accordance with Policy H25 of the Adopted Salisbury District Local Plan the provision of an element of affordable housing will be sought on appropriate sites where the site is greater than 0.5 hectares or the development is for 15 or more dwellings in settlements with a population of 3,000 or less. In this instance, the area of the application site measures 0.7 hectares and therefore in accordance with this policy the proposed development represents a qualifying site for the provision of affordable housing.

In negotiating the provision of affordable housing on qualifying sites, such as this, a general target of 40% affordable housing provision is sought within developments to meet the identified local need as demonstrated in the Housing Needs Survey. In this instance, however, the applicant has already entered into discussions with the Local Authority. As a result, the current proposal incorporates the provision of three affordable housing units, in accordance with the Council's previous target of 25% provision of the overall development, on the basis of shared equity provision. It is important to consider that since the previous approved scheme the council has adopted a higher threshold of 40% affordable which clearly is not achieved via this proposal. However, the previously approved scheme exceeded the 25% target and as this proposal has been materially commenced, it is implicit that no more than the 33% approved can be reasonably required with the current proposal, which is considered to have many other benefits over the previous scheme.

The proposed dwellings for affordable housing provision will be units 8, 9 and 10 and will be secured via a section 106 Agreement. In this case the agreement has been agreed by all parties and will be lawfully binding following the issue of this decision.

Residential Amenity

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

With regards to the issue of potential overlooking from the proposed dwellings, given that these properties would be set at a considerably lower ground level than those properties in Lady Down View and Hill Close to the south no overlooking from the proposed dwellings would occur.

Spacing between the proposed properties and the properties adjoining the site is considered to be more than adequate to prevent any unreasonable disturbance to neighbours.

Highway Issues

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

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

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

Under the previous proposal the layout of the units were arranged to allow access to Duck Street via a pedestrian footpath. It was intended that the footpath would ensure permeability through the site to Duck Street and the countryside beyond. However, this proposal does not provide a footpath link and unlike the previous proposal WCC has not raised the issue of a footpath link. It is considered that the location of the site in relation to existing points of access to Duck Street and to local services and facilities and the countryside, other than from this site, can be easily reached in a short walking distance. As such it is not considered that any surrounding residents will be adversely affected or unreasonably inconvenienced by the lack of a footpath.

Drainage

Wessex Water have raised no objection

Given that the site is located on a fairly steep slope it is considered appropriate to require details of the proposed arrangements for the satisfactory disposal of surface water from the proposed development in order to ensure that the run off from the site when developed does not exceed that of its undeveloped site. These details, however, can be secured by condition as advised by Wessex Water.

Impact on Trees

The application site contains several mature trees, some of which are covered by a Tree Preservation Order. These trees are 2 x Lime and a Pine. All of these trees contribute significantly to the visual quality of natural environment and as such should be protected throughout the construction period. Although these trees are at least 11 metres away from the nearest building House 6, conditions will be imposed to fence of these trees forming root protection zones in accordance with the BS standard for such fencing. These details will be secured via conditions.

Another important though unprotected group of trees consists of four Red Horse Chestnuts. These trees are located to the east of the proposed development and separated from the nearest of the proposed dwellings, house 7, by 9 metres. As such, they should not be adversely affected by the proposed development.

Furthermore, the site is also located within the Conservation Area and therefore any tree works would require notification to the Local Planning Authority where they could be resisted if warranted.

Although the trees that are protected by TPO's should not be detrimentally affected by this proposal, other trees on the site do add to the overall visual quality of the natural environment. In light of the above it is considered appropriate to condition the requirement of the submission of an arboricultural method statement to include details such as the proposed tree protection, the alignment and siting of service infrastructure/ drainage channels, the material storage and concrete mixing areas etc. It is also considered that the imposition of a condition requiring the submission of a full landscaping scheme is also appropriate.

Impact on Protected Species

In support of the previous approval, the applicant had submitted an updated survey of badger activity on the site in addition to that which had previously been undertaken in October 2003 and that identified amongst other things, the presence of a main sett located approximately 20 metres outside the south eastern corner of the site. The 2003 survey identified that the main sett was active. In this respect, all of the entrances that were visible were extremely active with evidence of recent sett excavations and activity. A single holed outlying sett in the bank to the southern boundary was also still present and appeared to be active at the time with evidence of excavations and a large number of fresh hairs both on and within the spoil material indicating that the entrance was active and in use by a group of badgers.

Having visited the site on several occasions it is unclear as to whether Badgers remain active on this site. However, The report "Survey of Badger Activity" submitted with the previous approved application was clear that badgers should be able to continue to forage in the same areas and as such the development must not adversely affect this. In this proposal the area previously covered in the section 106 Agreement remains garden as before making the risk of any harm to badgers no greater than before. The survey also identified that if more than six months elapse between the survey and the commencement of the development, a further update survey of badger activity should be carried out to ensure that the badger activity on and adjacent to the site has not increased, as badgers can increase their setts and territorial activities over a relatively short time scale.

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

With regards to the impact of the development on the badger's foraging habitat, it is stated within the survey that the land-take associated with the proposed development will be significantly less than the overall area of the site and in comparison to the likely size of this social group of badger's territory (which is likely to be approximately 50 hectares) this loss is unlikely to have any detrimental impacts on the overall availability of suitable foraging habitat within their territory. In this respect, the survey states that it is generally considered that over 25% of a social group's territory would have to be removed to have a detrimental impact on the group's welfare. With the previous application, it was considered that the proposed development, due to the creation of a number of residential gardens, was likely to improve the foraging value of the site for badgers from one that, at present, provides seasonally optimal foraging, to one of residential gardens that are the preferred foraging habitat of badgers living in the vicinity of suburban areas and that provides a more stable year round resource. Nevertheless, it is recommended that to ensure that the badgers are able to continue foraging within the site and to have continued access to the gardens adjoining the site and other areas within their territory, that any new fencing should be of a type and specification that will not restrict their movements, such as post and rail.

The applicants have further advised that a badger tunnel will be placed through the boundary of the site abutting Duck Street to accommodate the existing badger track that crosses the site.

In light of these measures and coupled with the abundance of large, well-established gardens surrounding the site and the extensive areas of grassland to the north of Duck Street, it is considered that the current proposed development would not have any detrimental impact on the welfare and future survival of the badger's in question, subject to the implementation of the recommendations for mitigation as set out in the survey. English Nature did not raise an objection in respect of the impact of the proposed development on badgers with the previous approval and as such it is considered appropriate to carry over all requirements of the mitigation in the survey to this proposal as well as the required update survey of badger activity.

Survey for Presence of Other Protected Species

With regards to the presence of other protected species on the site, English Nature previously recommended that an assessment of the site be undertaken and if any protected species are found to be present an assessment of the likely impact of the development on the population and suitable mitigation against the impact would be required prior to the determination of the application.

The applicants for the previous approved scheme had commissioned a survey report looking at the potential presence of protected species. This report identified that a medium sized slow worm population was present on the site. It also highlights that the confirmed presence of slow worms means that works associated with the proposed development (e.g. site clearance or ground-works) are likely to cause injury or death, resulting in an offence under the Wildlife and Countryside Act 1981 (as amended). The presence of slow worms on the site therefore warranted the requirement for a mitigation strategy in order to negate the impact of the proposed development on the slow worms. The report recommended that the reptile mitigation for this site should take the form of a translocation of the slow worms to a suitable receptor site. On inspection of the site it is clear that the translocation has been carried out in full and other than the area containing the badger activity, that the site has been top stripped.

In relation to the previous approval, English Nature had confirmed that they agree to the recommendations set out in the report for the protection of the slow worm population that had been identified on the site.

English Nature also advised that the applicant must ascertain whether there are any further protected species on site, for example European protected species such as bats and great crested newts, and that if it is found that they are present mitigation measures are proposed. English Nature also advised that it may be that the habitat is unsuitable for bats and great crested newts and that it might have already been deemed unnecessary for surveys of these species to be undertaken but if this is the case that confirmation is provided in writing.

However, while it is acknowledged that the site contains a number of trees that might provide a bat habitat the proposed development does not involve the removal of any of the larger trees or grant consent for any pruning works to them. It is also considered unlikely that great crested newts are present on the site given that there are no watercourses or ponds on the application site or adjacent sites and as the site has been stripped.

Nature Conservation

The site is located close to a tributary of the River Nadder that feeds into the River Avon System / Special Area of Conservation (SAC). It was stated within the previous application that the nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. English Nature, now Natural England had advised via the previous application that the development need not cause significant damage to the nature conservation interests of the Site of Special Scientific Interest or as was then, candidate Special Area of Conservation provided that the applicant can demonstrate that appropriate measures will be taken to ensure that the river system is protected from any pollution or other disturbance. This was secured by the imposition of a condition requiring a method statement detailing the potential risks and how these will be addressed, which will be carried over with this application.

Sustainable Development – Waste Audit and Provision for Recycling

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

In this instance, the application is not in accordance with Policy 10, as the applicant has not submitted a waste audit. However the previous approved application did provide a waste audit that was agreed as acceptable by WCC. However, as this is a new proposal made some time after the last approval, a further waste audit will be required with this proposal and will be secured by condition.

Provision of Recreation Facilities

In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan the provision of recreation facilities must be considered for all proposals for new residential development. In this case the Section 106 Agreement has secured this provision and as such the proposal is in accordance with policy R2.

Conclusion

It is considered that the proposed development would not result in additional harm to the character and appearance of the Housing Restraint Area, Conservation Area and the AONB in comparison to the previously approved scheme (S/2005/1355) This proposal is considered to be more appropriate than the previously approved scheme in terms of choice of materials, design, layout and mix of house types and sizes than the extant scheme. As such it is considered that the proposal will result in a high quality development with attractive building designs that although providing a development in variance to the previously approved scheme will not result in any unreasonable encroachment of the built form beyond the previously accepted building envelope or, areas identified as providing habitat for legally protected species or paddock.

On balance, it is considered that the improvements provided by the current proposal as set out above in comparison to the previously approved scheme (S/2005/1355) will result in a better development more in keeping with the intrinsic visual characteristics of the immediate surrounding environment, the housing restraint area and conservation area and the AONB.

RECOMMENDATION: APPROVE

Subject to all relevant parties entering into a Section 106 Agreement under the requirements of the Town and Country Planning Act 1990 relating to:

The provision of affordable housing;

The payment of a commuted sum under the requirements of Policy R2 of the Adopted Salisbury Local Plan (June 2003); and

REASONS FOR APPROVAL

The proposed development would not result in additional harm to the character and appearance of the Housing Restraint Area, Conservation Area and the AONB in comparison to the

previously approved scheme (S/2005/1355) This proposal is considered to be more appropriate than the previously approved scheme in terms of choice of materials design layout and mix of house types and sizes than the extant scheme. As such it is considered that the proposal will result in a high quality development with attractive building designs that although providing a development in variance to the previously approved scheme will not result in an encroachment of the built form beyond the previously accepted building envelope or, areas identified as providing habitat for legally protected species.

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

And subject to the following conditions:

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

Reason :

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended)

2. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence and where so required by the Local Planning Authority sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason :

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

3. No development shall take place until details illustrating (where appropriate) to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of the dwellings hereby approved and development shall be carried out in accordance with the approved details, maintained for a period of five years and thereafter retained.

Reason :

In the interests of neighbouring residential amenity and the environment of the development and to ensure that the proposed development will not harm the habitat of badgers on the site.

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

Upon approval:

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

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

Reason :

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

5. An arboricultural method statement providing comprehensive details of construction works in relation to trees being retained on, or adjacent to, the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- (a) A specification for protective fencing to trees during construction phases which complies with BS5837: 1991 and details of the timing for the erection of protective fencing and a plan indicating the alignment of the protective fencing;
 - (b) A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837: 1991;
 - (c) A schedule of tree works conforming to BS3998;
 - (d) Details of general arboricultural matters such as the area for storage of materials, site huts, concrete mixing and use of fires;
 - (e) Plans and particulars showing the siting of the service and piping infrastructure;
 - (f) Details of the works requiring arboricultural supervision to be carried out, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 - (g) Details of all other activities, which have implications for trees on or adjacent to the site.

Reason :

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

6. No development shall take place until details for the hard landscaping of the site, including full details of the surfacing materials and colours of all hard surfaces and kerbing, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason :

In the interests of the amenities of the site and to secure a well planned development.

7. No development shall commence until a scheme for the discharge of surface water from the dwellings and areas of hard standing, hereby approved, including a plan showing the alignment and siting of the service and drainage infrastructure and soakaways, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall subsequently be carried out in its entirety prior to the first occupation of the dwelling and thereafter retained.

Reason :

To ensure a satisfactory means of surface water disposal and to prevent the discharge of surface water onto the public highway given the gradient of the site and to ensure that the proposed development will not harm the habitat of badgers on the site.

8. The development shall be carried out in strict accordance with the recommendations and remediation measures detailed in the submitted survey of badger activity prepared by Ecological Planning and Research and dated February 2005, appended to planning reference S/2005/1355 unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason :

To ensure the adequate protection of a protected species.

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

Reason:

To establish the floor levels of the buildings in the interests of visual amenity and neighbouring amenity.

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

Reason :

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

11. No development shall commence until full structural details of the proposed highway retaining wall and parapets shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason :

In the interests of highway safety.

12. Prior to the first occupation of any of the dwellings, hereby approved, the access, turning space and garaging/parking as indicated on the approved plans shall be constructed and laid out, and these shall thereafter be retained and kept available for those purposes at all times.

Reason :

In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, including the conversion of the garage into living accommodation, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason :

To enable the Local Planning Authority to retain control over the development in the interests of the visual amenity of the site and locality which is located within the Tisbury

Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further fences, gates, walls or other means of enclosure as permitted by Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall be erected, other than those approved by condition of this permission, without formal planning permission first being obtained from the Local Planning Authority.

Reason :

To enable the Local Planning Authority to retain control over the development in the interests of the visual amenity of the development and the site which is located within the Tisbury Conservation Area and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

15. No construction work shall take place and no construction related vehicles shall enter or exit the site outside of the hours of 8:00am and 6:00pm on Monday to Friday, outside the hours of 8:00am and 1:00pm on Saturdays and at no time on Sundays or public holidays.

Reason :

To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

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

Reason :

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

17. No development shall commence until details of a waste audit including measures for the provision for recycling facilities within the completed development has been provided to and approved in writing by the LPA. The approved details shall be fully implemented prior to the first occupation of the dwellings hereby approved in accordance with the details unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason :

In the interests of sustainable development.

18. Measures shall be submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by vehicles leaving the site and must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway.

Reason:

In the interest of the clean cleanliness and safety of the surrounding highway network.

19. No development shall commence until an updated survey of badger activity has been carried out to the satisfaction of the LPA in consultation with Natural England. The Survey shall include the following:

1. A proper survey of evaluation
2. Impact assessment where necessary

3. Avoidance and mitigation measures where necessary

This work should be carried out by a competent ecologist. A list of these can be obtained from Environmental consultants directory, e-mail: post@ends.co.uk tel: 020 8267 8100.

If a badger is killed, injured or disturbed or its sett is interfered with because of the proposed development, a licence may be required. This and a leaflet on "Badgers and Development " can be obtained from Natural England at their head office on 01733 455000 or on www.naturalengland.org.uk.

If a species protected under schedule 2 of the Conservation (Natural Habitats &c.) Regulations, is discovered and likely to be disturbed or killed, or its breeding site or resting place is likely to be damaged or destroyed, a licence from the Department for the Environment, Food and Rural Affairs, (Defra) will be required. In every case, a licence cannot be granted unless, "there is no satisfactory alternative" and "the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range". (Reg 44(3)). Further information on defra licences can be found on www.defra.gov.uk or by contacting their Wildlife Management Team on 0845 6014523.

Reason:

In the interest the wellbeing of the protected species on the site.

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

Policy Purpose

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

Informative Notes:

1. The applicant's attention is drawn to the comments of Wessex Water, a copy of which is attached to this decision notice.
2. The applicant is advised that this approval of planning permission does not convey any approval for tree works. It is also advised that the site is the subject of a Tree Preservation Order and located within a conservation area so that separate consent(s) will be required to do any works to the trees.