

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 16/08/07

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/2007/1117	TEFFONT
SV 15:45	Mr B Hatt	REFUSAL
Page 4 – 6	TEFFONT WOODLANDS LTD B3089 TEFFONT SALISBURY ERECTION OF FORESTRY WORKERS BUILDING	FONTHILL & NADDER WARD Councillor Parker

2	S/2007/1105	MERE
SV 15:00	Mr O Marigold	APPROVED WITH CONDITIONS
Page 7 – 16	ARCHSTONE LIFESTYLE HOMES LIMITED FORMER CASTLE HILL GARAGE CASTLE STREET MERE REDEVELOPMENT OF SITE INCLUDING CONVERSION OF VACANT LISTED BUILDING TO PROVIDE 13 RETIREMENT HOMES	WESTON & MERE WARD Councillor Jeans Councillor Mrs Spencer
3	S/2007/1104	MERE
SV 15:00	Mr O Marigold	APPROVED WITH CONDITIONS
Page 17 – 21	ARCHSTONE LIFESTYLE HOMES LIMITED FORMER CASTLE HILL GARAGE CASTLE STREET MERE CONVERSION OF LISTED BUILDING TO RETIREMENT HOMES	WESTON & MERE WARD Councillor Jeans Councillor Mrs Spencer

4	S/2007/1309 Mr W Simmonds	DONHEAD ST MARY APPROVED WITH CONDITIONS
Page 22 – 23	MR J MEEKER ABERFELDIE PECKONS HILL LUDWELL SHAFTESBURY CONVERSION OF LOFT, ENLARGEMENT OF EXISTING REAR PORCH, ERECTION OF CONSERVATORY & INSTALLATION OF SOLAR PANELS	DONHEAD WARD Councillor Cole-Morgan
5	S/2007/1158 Mr Shane Verrion	BROADCHALKE PART APPROVED/REFUSED
Page 24 – 26	T.K. JEANS AND SONS LTD LAND ADJACENT TO BROADCHALKE PRIMARY SCHOOL KNIGHTON ROAD BROADCHALKE FELL 6X HORSE CHESTNUT TREES	CHALKE VALLEY WARD Councillor Draper

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/1117		
Applicant/ Agent:	NIGEL LILLEY		
Location:	TEFFONT WOODLANDS B3089 TEFFONT SALISBURY SP3 5RR		
Proposal:	ERECTION OF FORESTRY WORKERS BUILDING		
Parish/ Ward	TEFFONT		
Conservation Area:	TEFFONT MAGNA &	LB Grade:	
	EVIAS		
Date Valid:	1 June 2007	Expiry Date	27 July 2007
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Parker has requested that this item be determined by Committee due to:

- the controversial nature of the application

SITE AND ITS SURROUNDINGS

The woodland and site area are situated off the B3089 between Dinton and Teffont. The site lies within a conservation area and an Area of Outstanding Natural Beauty. The proposal is within the Teffont woodlands, which has approval from the Forestry Commission for tree felling.

THE PROPOSAL

The proposal is for the erection of a forestry workers building

PLANNING HISTORY

PN/07/8	timber framed building with feather edge cladding clay style roof to form office, staff WC, kitchen, tractor and machine store	PP required
		13/4/07
06/2485	Highway access woodland track and turning area	A/C 12/3/07

CONSULTATIONS

Conservation	No objections
Highways	No objections
Environment Agency	Connection should be made to main sewer in accordance with circular 3/99
Arboricultural Officer	Concerns over the size of the building
Environmental Health	No observations
Forestry Commission	No response
AONB Group	No response
Agricultural/forestry consultant	Comments received by email (full report to be reported separately)

REPRESENTATIONS

Advertisement	Yes	5/7/07
Site Notice displayed	Yes	5/7/07
Departure	No	
Neighbour notification	No	
Third Party responses	Yes	1 letter of complaint regard issues of flooding, the size of the building, and the degradation of the AONB 3 Letters of support
Parish Council response	Yes	Objection: the scale of the building is too large for the short period of forestry licence, further concerns regarding flooding and run off

MAIN ISSUES

principle of development, scale and design

POLICY CONTEXT

G2 – General Development
D1 – Good Design
C1 – Landscape
C2 - Landscape
C4 – Landscape Conservation
C5 – Landscape Conservation

PLANNING CONSIDERATIONS

Principle of development

The forestry consultants report is awaited but by email he highlighted a number of main issues relevant to the application:

- It would be more common practice for such a small area of woodland to be managed through the use of contractors, thus not requiring a building
- The applicant has chosen to manage the woodland using his own capital and time, with his own machinery. Machinery can be accommodated indoors or outdoors, but under cover prolongs its life.
- The area for staff facilities is needed as he plans to employ a member of staff and thus has a duty to provide amenities on site
- The building is significantly more costly than a conventional framed structure, with metal or fibre cement cladding.
- A large measure of the requirement is the personal choice of the applicant

Scale and design

It is accepted that a building of an appropriate scale and design may be acceptable in principle for this site given that the applicant intends to manage the woodland directly however, it is considered that the current proposal is unacceptable due to the impact that the building will have on the Area of Outstanding Natural Beauty.

Both the scale and design are considered to be unacceptable due to the size and domestic appearance of the building within its location. The size of the proposal in relation to the area of forest is considered to be too large. Whilst it is accepted that the applicants choice not to manage the woodland by contractors creates the need for an on-site building, the applicant has failed to demonstrate to the local authority a justification for a building of such a scale and appearance. In addition to the scale of the proposal the domestic appearance will result in the building looking out of place and creating residential like characteristic within the wooded countryside; something which is strongly resisted in the adopted Salisbury District Local Plan,

the Wiltshire Structure Plan and Planning Policy Statement 7: Sustainable Development in Rural Areas and is therefore contrary to policy.

Other issues

Concern has also been raised by the Environment Agency regarding the use of non-mains drainage facilities. The site lies within an area served by a public sewer and as such under circular 3/99 (Planning requirements in respect of the use on non-mains sewerage incorporating septic tanks in new development) is required to connect to this sewer. Exceptions can be made however the applicant has not provided any justification for the non-mains facilities and as such is a reason for refusal.

A concern from the parish council has been raised with regard to surface water drainage at the above site and the potential effect of the proposal on the surrounding areas drainage. The Environment Agency was consulted on this matter and has raised no objections to the proposal on these grounds. Therefore it is considered that the proposed surface water drainage for the development could be addressed by condition.

CONCLUSION

It is considered that on balance, although there is a need for a building within the woodlands to aid felling of the trees, the applicant has failed to demonstrate a need for a building of this size. The workers building will have a negative impact on the AONB and will create an unwanted residential feel to an area of wooded countryside. Furthermore the proposal will not be connected to the mains drainage system contrary to circular 3/99. The proposal is therefore recommended for refusal on these grounds.

RECOMMENDATION: REFUSAL

REASONS FOR REFUSAL:

1. The proposed Forestry Workers Building by reason of its size, permanent construction and domestic appearance would constitute a type and scale of development in the countryside detrimental to the visual quality of the Area of Outstanding Natural Beauty contrary to policies G2, D1, C1, C2, C4, C5 of the adopted Salisbury District Local Plan which seek to conserve the character and appearance of the countryside by restricting development to that which would maintain or enhance the environment and benefit the local economy
2. The proposed method of foul drainage would be contrary to policy G5 of the adopted Salisbury District Local Plan, which seeks to ensure new development in sewered areas will be connected to mains drainage in order to provide a means of drainage which will not adversely affect the environment. . Furthermore the applicant has not demonstrated to the Local Planning authority that the 11 tests of circular 3/99 can be met.

Part 2

Applications recommended for Approval

2

Application Number:	S/2007/1105		
Applicant/ Agent:	HUNTER PAGE PLANNING LTD		
Location:	FORMER CASTLE HILL GARAGE CASTLE STREET MERE WARMINSTER BA126JL		
Proposal:	REDEVELOPMENT OF SITE INCLUDING CONVERSION OF VACANT LISTED BUILDING TO PROVIDE 13 RETIREMENT HOMES		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	II
Date Valid:	31 May 2007	Expiry Date	30 August 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Spencer has requested that the application be heard at committee on the grounds of the degree of interest shown in the application.

SITE AND ITS SURROUNDINGS

The site is a former petrol station and garage situated within Castle Street in Mere. Castle Street is at this point predominantly residential in its nature consisting to the north of two storey-terraced houses which front onto the street. To the east are further residential properties situated within the conservation area the boundary for which runs along the eastern side of this site.

To the rear and situated at a lower level to the existing garage is a detached residential property known as Union House. To the west of the site is a further residential property. Castle Street is heavily parked with vehicles during the evening and at weekends. The site itself contains a listed building of some importance, which once formed part of the original workhouse on the site, and is a single storey building located on the western boundary. The building is listed grade II and is designed in the gothic style by Sir George Gilbert Scott.

The site has been cleared of all the buildings (other than the listed building) and currently consists of an open site.

THE PROPOSAL

The application proposes the creation of 13 retirement homes, of which 11 would be new build and two would be formed from the conversion of the existing building. The development would consist of three new-build blocks on three sides of the site, with the listed building forming the fourth (western) side of the site, the buildings being centred around a new proposed courtyard.

The new-build block on the north side of the site consists of a 2.5/3 storey building some 9.6m in height, with front gables and bay windows facing onto Castle Street. This would provide 4 x 2 bed apartments. On the eastern side, the proposed block would consist of a two storey building of 1.5/2 stories. The southern block (adjacent to Union House) would consist of a 1.5 storey building some 8.2m high (providing units 10 to 13). Also proposed are two car port buildings to the rear (south) of the site.

PLANNING HISTORY

89/1016	Internally illuminated post sign to replace existing	AC	04.09.85
89/1102	Extension	AC	09.08.89
91/957	Replacement kiosk	R	21.08.91
04/1259	Residential/office/retail development and alteration to access	W	21/07/04
04/1260	Conversion of office and stone rooms to single dwelling house after demolition of recent garage addition	W	29/07/04
04/2029 dwelling	Erection of 11 dwellings conversion of existing stores to	W	09/12/04
04/2030	Conversion of office and store rooms to a single dwelling house after demolition of recent (c1970) garage addition	W	09/12/04
05/0034	Erection of 11 dwellings and conversion of office and store	A/106	25/02/05
05/0037	Conversion of office to store/building to a single dwelling after demolition of attached 1960 garage.	A/LB	01/03/05
05/2609	Erection of 11 dwellings (amendment to existing approval)	AC	20/02/06

A listed building application – S/2007/1104 - for the development now proposed is also on the agenda

CONSULTATIONS

Highway Authority – initially expressed concerns regarding the lack of adequate car parking spaces for visitors, the position of gates, the provision of cycle parking and the adequacy of the footway along the front of the site. Amended plans have been submitted attempting to overcome these concerns.

Conservation – Object on the grounds of the height of the proposed building facing Castle Street and its impact on the character and appearance of the area and on the adjacent listed building. Also concerned about the design of the proposed car port. Have also requested further details in relation to the listed building, and additional details of the scheme.

Environment Agency – Object on the grounds that there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. This is because (1) the level of risk posed by the development is unacceptable (2) the application fails to provide assurance that the risks of pollution are understood (and a precautionary approach needs to be adopted in accordance with PPS25) and (3) the application should not be determined until information is provided that satisfies the LPA that the risk to controlled waters can be addressed.

However, subsequent land contamination information has been submitted to the Environment Agency which they are currently considering – the EA's further advice will be updated to members at committee.

Wessex Water – site lies within a foul sewered area

WCC Archaeology – application site lies within the probable extent of the medieval town. Recommend that an archaeological watching brief takes place during the initial stages of the development.

Environmental Health – This former garage and petrol filling station was identified on previous applications as contaminated land. The application acknowledges this and some of the decontamination work has been carried out – ie the underground tanks have been removed. There will still be a need for a condition to be attached to any approval.

Wiltshire Fire and Rescue – make comments relevant to the Building Regulations

CPRE – support the application. The proportions and style of the buildings are in keeping with the local design and materials, and are not over-large for the site. The location is good for the elderly being in range of the shops and facilities. Care should be taken to ensure that any historic features and archaeology is respected, recorded and if necessary preserved.

REPRESENTATIONS

Advertisement	Yes – expired 05/07/07
Site Notice displayed	Yes – expired 05/07/07
Departure	No
Neighbour notification	Yes – expired 22/06/07
Third Party responses	Yes – 5 letters raising the following concerns: <ul style="list-style-type: none">• Traffic congestion and lack of passing space on Castle Street• Highway safety• Loss of light to dwellings opposite the site on Castle Street, resulting from height of proposed unit on northern side.• Loss of views• Inadequate parking• Gated community out of place• Inadequate bin storage• Carport access aisle narrow and hazardous• Need to ensure no overlooking.
Parish Council response	Yes – recommend approval subject to conditions relating to traffic management measures (which should be agreed with the Parish Council) and relating to the need for a wider and safer pedestrian footway adjacent to the road.

MAIN ISSUES

Impact on the character and appearance of the area and the listed building and its setting
Impact on highway safety
Impact on neighbouring properties' living conditions
Environmental Health and pollution issues
Other matters

POLICY CONTEXT

G1, G2	General Development Criteria
D1	Design
H24	Housing for the Elderly
H16	Housing Policy Boundaries
CN3	Alterations to listed buildings and their settings
CN11	Development affecting views into and out of Conservation Areas
CN21	Archaeology

PLANNING CONSIDERATIONS

Impact on the character and appearance of the area and the listed building and its setting

The site lies outside of, but immediately adjacent to the Mere Conservation Area. Furthermore the site includes a Grade II listed building of importance.

The principle of built form on the site is not in question. Permission was approved in 2005 for 11 dwellings on the site, and this permission remains extant. The site lies within Mere's Housing Policy Boundary and policy H24 makes clear that housing for the elderly is acceptable within HPB's in principle.

This proposal has been designed so that the units facing Castle Street front onto the highway albeit with some stepping back of the building line. The design concept is to have the frontage development facing outward to the streetscape, linking with the neighbouring buildings. To the rear of the site regard has to be given to the position of Union House (further to the south), as well as to the extant permission.

The Conservation Officer has raised concerns regarding the height of the block to the front, and its impact on the dwellings opposite as well as on the setting of the listed building. For comparison purposes, the height of the front gables on the building fronting Castle Street is some 9.8m at its highest (excluding the chimneys) whereas the adjacent dwellings on Castle Street are between 8 and 9m in height, and are some 12 to 13m away. The listed building meanwhile is 7.8m in height and is some 8m away from the proposed unit. In comparison the 2005 approval proposed dwellings of some 8.5m in height some 10m away.

Although the proposed units would probably have a slightly greater impact on the street scene and the setting of the listed building, partly because of the increase in height and partly because of the use of full height front gables on this elevation, it is considered that the design of the proposed building is preferable to that of the approved scheme. Furthermore, it has to be remembered that until recently the site had two storey buildings of a utilitarian appearance (ie the garage)

On balance, despite the concerns of the Conservation Officer, it is considered that the proposal would not be unacceptably harmful to the character and appearance of the street scene or to the setting of the listed building.

In relation to the other proposed units, the design is considered to be a good attempt to try and achieve an interesting and traditional, somewhat gothic, form of buildings, reflective of the (relatively mixed) character and appearance of the surrounding area and of the listed building.

Also proposed are two carport buildings, together with an office (which it is understood would be staffed on a part-time basis). The Conservation Officer has expressed concern with the half-hipped form of the roof of these buildings, preferring full gable ends. However full gable ends would have a greater impact on neighbouring properties while a fully-hipped roof form would also achieve a better design without having greater impact. Subject to this change, therefore, it is considered that the car port buildings would have an acceptable appearance.

Conversion of Listed Building

The Conservation Officer does not object to the principle of the listed building, but is concerned that insufficient detail has been submitted with the application to be able to recommend approval. Some of the details can be required by condition (as they were with the previous scheme and with other similar schemes).

In particular the detail of the position of the new internal floor is necessary to be able to assess its impact. Provided that this information is submitted, and is acceptable, then it is considered that the proposal would not have a harmful impact on the listed building itself.

The Conservation Officer is concerned that it may not be possible to assess the impact on the listed building if amended plans are not submitted with sufficient time before the meeting. However these details are controllable through the listed building application. Therefore, if members are minded to approve the planning application it may be necessary to delegate approval of the listed building application to Head of Development Services to ensure acceptable details, assuming that members consider the principle of conversion is acceptable, bearing in mind that permission for conversion of this building (though not subdivision into two floors) has already been granted.

Impact on highway safety

The Highway Authority have raised initial concerns regarding the width of the footway to the front, the provision of cycle storage facilities, the position of gates and the number of visitor car parking spaces. The application originally proposed 13 car parking spaces and 2 visitors' spaces.

In response to these concerns the applicants have submitted amended plans showing an improved footway (to be some 2m wide), the removal of front gates (which it was concerned would impede the access of delivery vehicles) and an additional visitor parking space. The Highway Authority have confirmed that, other than the proposed cycle spaces, the amended details are acceptable.

In relation to cycle storage facilities, however, the proposed building would be of insufficient size to cater for an adequate number of cycles, and the Highway Authority remains of the view that permission should be refused on this ground alone. However, providing that details of a larger cycle storage building are submitted before the committee meeting, that are satisfactory to the Highway Authority, this would overcome the highway concerns.

The Highway Authority also require that a traffic management scheme is submitted in relation to Castle Street. This would probably take the form of a commuted sum (£6,000) - a similar contribution was sought in relation to the 2005 application and this was dealt with by condition. It is recommended that a similar condition is imposed now.

Subject to these requirements, the Highway Authority would not object to the proposed development. Therefore a highway safety reason for refusal could not be defended at appeal.

Impact on neighbouring properties' living conditions

Concerns have been expressed regarding the impact of the proposal in terms of the living conditions of neighbouring properties.

The site has residential properties on all four sides – two and three storey dwellings are adjacent to the site on the opposite side of Castle Street to the north of the site (dwellings between Corner Cottage and Lyndale are opposite the proposed development). To the east of the site Milestone and Seven Mile Cottage while to the south of the site (and lower down) is Union House. To the west is Waterford House, and Glendon (adjacent to the listed building).

The concerns of local residents essentially relate to three aspects; highway and pedestrian safety (addressed above), the impact in terms of loss of light (and views) from properties on Castle Street, and possible overlooking.

Careful consideration has been given to the impact on dwellings on the north side of Castle Street. It is accepted that the proposed units would be higher than both the buildings previously on the site, and the previously approved scheme in 2005.

The Building Research Establishment provide guidance calculations in relation to loss of light resulting from new development. It is generally accepted that should a new building cross a 45 degree line taken from the affected windows of the adjoining development, then light is likely to be lost to the neighbouring property.

In this case the highest part of the tallest proposed dwelling would not cross the 45 degree line when taken from the property closest to the proposal, and therefore it seems unlikely that there would be a loss of light to the neighbouring properties. On this basis, therefore, it is considered that refusal on the grounds of loss of light would not be defensible at appeal.

In relation to overlooking, the proposal would have living room windows at first and second floors facing the properties opposite on Castle Street, some 14m away. While this is below the normal 20m distance between opposing habitable room windows necessary to ensure privacy, this is a similar distance to the previously approved units. Furthermore, if the units had to be set back 20m for privacy reasons this would have clear implications for the design, and would result in a less traditional form of street pattern. It is therefore considered that the distance between the

dwelling would not be harmful to a significantly greater degree, to an extent that would warrant refusal.

On the eastern side, a number of first floor windows serving dining rooms, living rooms etc are proposed to face in the direction of Milestone and Severn Mile Cottage. However the neighbouring dwellings have only blank elevations on this side and it is considered that the proposal would not adversely harm the living conditions of Milestone or Severn Mile Cottage.

To the south (facing Union House, which is lower down than the application site) the previous proposal had only obscure-glazed windows serving bathrooms at first floor level facing in this direction. The current proposal maintains this, with the exception of two first floor windows at the eastern end of the south elevation, which would serve two bedrooms. These could not therefore be obscure glazed. However, these two windows would only overlook the end of Union House, where it has a single storey blank front gable. It is therefore considered that these windows would not result in a loss of privacy to Union House that would justify refusal of the proposal.

In relation to ground floor windows, the existing wall is to be replaced with one shown to be 1.9m in height. This would be sufficient to screen ground floor windows from Union House, particularly given the additional depth of 1.5m that Union House is set at.

To the west of the site the development would involve the conversion of the existing building (which is unlikely to affect the living conditions of the adjacent property to the west, Glendon), together with the erection of the two car port buildings. These buildings would themselves be relatively tall at 5.4m in height, though the pitched roof (which the Conservation Officer has asked should be fully-hipped) would limit the impact on Waterford House (adjacent to the site) and Union House. However it is considered that the distances involved (in relation to Union House), the screening, and the fact that Waterford House only appears to have a garage on this side, mean that the car ports would not harmfully affect the adjoining properties.

Overall it is considered that the proposed development would not result in harm, through either overlooking or loss of light, that would justify the refusal of planning permission.

Environmental Health and pollution issues

The Environment Agency have objected to the proposal on the basis that inadequate information has been submitted in relation to possible land contamination. They consider that adequate land contamination and remediation information should be submitted before the application is decided.

However, the fact remains that there is already a permission, that could still be implemented, that dealt with this issue by means of a condition (and this was a position with which the Environment Agency were satisfied with at the time). Furthermore the Council's own Environmental Health officer has advised that some decontamination work has already taken place, and have recommended that a condition is imposed.

In light of these factors, despite the objection from the Environment Agency, it is considered that this matter could reasonably be dealt with by means of a condition, and that this should not form a reason to refuse planning permission. In any case, subsequent land contamination information has been submitted to the Environment Agency which they are currently considering – the EA's further advice will be updated to members at committee.

Other matters

A public recreational open space contribution is necessary, though this is reduced for proposals for the elderly provided that occupation of the units is limited to that sector of the community. A contribution has been sought and provided this is submitted, a condition could be used to limit occupation.

Wiltshire County Council Archaeology have recommended that a condition is imposed in relation to archaeological works.

CONCLUSION

It is considered that the proposed development would not harm the character and appearance of the area or adjacent listed building, or the adjacent Conservation Area, or the setting of the listed building. It would not result in harm to the living conditions of nearby properties or highway safety, or any other material planning consideration . It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

RECOMMENDATION

That the application can be recommended for approval subject to the reasons and conditions set out below and

Subject to:

- A**
- (a) the submission of a unilateral agreement in accordance with policy R3 of the Adopted Salisbury District Local Plan before 29th August 2007**
 - (b) the submission of amended elevations showing the changes proposed to the scheme in relation to the removal of gates before the date of the committee meeting**
 - (c) the submission of internal details for the new floor within the listed building before the date of the committee meeting**
 - (d) the submission of a revised design for the car port buildings, using full hips rather than semi-hips before the date of the committee meeting**
 - (e) the submission of improved cycle storage facilities before the date of the committee meeting**
 - (f) the further comments of the Environment Agency**
- B** **should any of the above provisos not be met by 29th August 2007 the application be delegated to the HDS to refuse for non-compliance with the provisos**

REASON FOR APPROVAL:

The proposed development would not harm the character and appearance of the area or adjacent listed building, or the adjacent Conservation Area, or the setting of the listed building. It would not result in harm to the living conditions of nearby properties or 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. (A07A)
2. The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.
3. Before development is commenced, a schedule of external facing materials shall be submitted, and, here so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)
4. Before development is commenced, large scale details (not less than 1:10 scale) of the:

Chimney stacks, (to confirm height, corbel detailing and materials), eaves, gables, doors dormers and window sections of the buildings hereby approved, shall be submitted to, and approved in writing by the Local Planning authority, and the development shall thereafter accord with the approved scheme.

5. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings. (G20A amended)
6. No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority. (G21A)
7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. (G22A)
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (G23A)
9. No development shall commence until a desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed then using this information

-A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

- A site investigation should be designed for the site using this information and any diagrammatical representations. (Conceptual Model) Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a method statement detailing the remediation requirements.

The site investigation shall be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment shall be undertaken.

A method statement detailing the remediation requirements including measures to minimise the impact upon ground and surface waters, using the information obtained from the Site Investigation should be submitted to the Local Planning Authority. This Statement shall include the phasing for any required works. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

10. No construction work shall take place on Sundays or public holidays or outside the hours of 7.30am to 8.00pm, weekdays and 8.00am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings. (M03A)

11. Notwithstanding the provisions of Classes A-E inclusive 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 alterations nor extensions to the dwellings (including the insertion of any windows) 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)
12. 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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road. (V19A)
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed or inserted into the buildings hereby approved without the prior written consent of the Local Planning Authority.
14. No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
15. No built development shall take place until traffic management measures in Castle Street have been submitted to and agreed in writing by the Local Planning Authority.
16. The proposed bathroom windows in the first floor south facing elevation of the southern building hereby approved shall be obscure glazed and fixed shut at all times and shall be permanently maintained in this condition thereafter.
17. 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.
18. Before development commences, a scheme for the discharge of surface water from the buildings hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.
19. The development shall be occupied by persons above (and including) the age of 55 years and no other persons.
20. Before development commences full details of any cycle stores and bin stores to include elevations and external material treatments shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter accord with the approved scheme.

The reasons for the above conditions are listed below:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (1)
2. To ensure the exact finished floor level[s] of the building[s].
3. To secure a harmonious form of development.
4. To secure a harmonious form of development in the interests of the listed building
5. In the interests of the amenity and the environment of the development.
6. In the interests of the amenity and the environment of the development.
7. In the interests of the amenity and the environment of the development.
8. In the interests of the amenity and the environment of the development.
9. To ensure that the proposed development will not cause pollution of Controlled Waters.

10. To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.
11. To enable the Local Planning Authority to retain control over the development in the interests of amenity.
12. In order that visibility across the site may be protected in the interests of highway safety.
13. To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties.
14. To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.
15. In the interests of highway safety.
16. In the interests of the amenities of neighbouring dwelling[s].
17. In the interests of Highway Safety and the amenities of the locality.
18. To ensure that the development is provided with a satisfactory means of surface water disposal.
19. In the interests of the provision of recreational facilities and adequate car parking
20. To secure a harmonious form of development.

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

G1, G2	General Development Criteria
D1	Design
H24	Housing for the Elderly
H16	Housing Policy Boundaries
CN3	Alterations to listed buildings and their settings
CN11	Development affecting views into and out of Conservation Areas
CN21	Archaeology

INFORMATIVE: - ENV. AGENCY - SURFACE WATER, DRAINAGE, AND POLLUTION PREVENTION

Surface Water Drainage - reference Condition 20

The applicant states surface water is proposed to drain to soakaways. We have no objection to this provided that they are in accordance with the findings of any investigation report.

Pollution Prevention

Safeguards need to be sought from the applicant to minimise detrimental effects to the water interests of the site and the risks of pollution during the construction phase.

Such safeguards should cover the use of plant and machinery, oils/chemicals.

INFORMATIVES

1. That the scheme put forward to comply with Condition 15 must be developed in conjunction with Wiltshire County Council Highway Authority and is likely to require a financial contribution in the region of £6000, which must be paid before works commence.
2. In relation to condition 5 the applicant should note that the local authority will expect the south facing boundary treatment that fronts Union house to consist of a 2m high stone wall the details of which will need to be agreed with the local authority in line with condition 6.

Application Number:	S/2007/1104		
Applicant/ Agent:	HUNTER PAGE PLANNING LTD		
Location:	FORMER CASTLE HILL GARAGE CASTLE STREET MERE WARMINSTER BA126JL		
Proposal:	CONVERSION OF LISTED BUILDING TO RETIREMENT HOMES		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	II
Date Valid:	31 May 2007	Expiry Date	26 July 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated power as the planning application is being considered at this meeting

SITE AND ITS SURROUNDINGS

The site is a former petrol station and garage situated within Castle Street in Mere. Castle Street is at this point predominantly residential in its nature consisting to the north of two storey-terraced houses which front onto the street. To the east are further residential properties situated within the conservation area the boundary for which runs along the eastern side of this site.

To the rear and situated at a lower level to the existing garage is a detached residential property known as Union House. To the west of the site is a further residential property. Castle Street is heavily parked with vehicles during the evening and at weekends. The site itself contains a listed building of some importance, which once formed part of the original workhouse on the site, and is a single storey building located on the western boundary. The building is listed grade II and is designed in the gothic style by Sir George Gilbert Scott.

The site has been cleared of all the buildings (other than the listed building) and currently consists of an open site.

THE PROPOSAL

The application proposes the creation of 13 retirement homes, of which 11 would be new build and two would be formed from the conversion of the existing building. The development would consist of three new-build blocks on three sides of the site, with the listed building forming the fourth (western) side of the site, the buildings being centred around a new proposed courtyard.

The new-build block on the north side of the site consists of a 2.5/3 storey building some 9.6m in height, with front gables and bay windows facing onto Castle Street. This would provide 4 x 2 bed apartments. On the eastern side, the proposed block would consist of a two storey building of 1.5/2 stories. The southern block (adjacent to Union House) would consist of a 1.5 storey building some 8.2m high (providing units 10 to 13). Also proposed are two car port buildings to the rear (south) of the site.

PLANNING HISTORY

89/1016	Internally illuminated post sign to replace existing	AC	04.09.85
89/1102	Extension	AC	09.08.89
91/957	Replacement kiosk	R	21.08.91
04/1259	Residential/office/retail development and alteration to access	W	21/07/04
04/1260	Conversion of office and stone rooms to single dwelling	W	29/07/04
Western Area Committee 16/08/2007			

house after demolition of recent garage addition

04/2029	Erection of 11 dwellings conversion of existing stores to dwelling	W	09/12/04
04/2030	Conversion of office and store rooms to a single dwelling house after demolition of recent (c1970) garage addition	W	09/12/04
05/0034	Erection of 11 dwellings and conversion of office and store	A/106	25/02/05
05/0037	Conversion of office to store/building to a single dwelling after demolition of attached 1960 garage.	A/LB	01/03/05
05/2609	Erection of 11 dwellings (amendment to existing approval)	AC	20/02/06

CONSULTATIONS

Conservation – Object on the grounds of the height of the proposed building facing Castle Street and its impact on the character and appearance of the area and on the adjacent listed building. Also concerned about the design of the proposed car port. Have also requested further details in relation to the listed building, and additional details of the scheme.

REPRESENTATIONS

Advertisement	Yes – expired 05/07/07
Site Notice displayed	Yes – expired 05/07/07
Departure	No
Neighbour notification	Yes – expired 22/06/07
Third Party responses	Yes – 5 letters raising the following concerns: <ul style="list-style-type: none">• Traffic congestion and lack of passing space on Castle Street• Highway safety• Loss of light to dwellings opposite the site on Castle Street, resulting from height of proposed unit on northern side.• Loss of views• Inadequate parking• Gated community out of place• Inadequate bin storage• Carport access aisle narrow and hazardous• Need to ensure no overlooking.
Parish Council response	Yes – recommend approval subject to conditions relating to traffic management measures (which should be agreed with the Parish Council) and relating to the need for a wider and safer pedestrian footway adjacent to the road.

MAIN ISSUES

Impact on the character and appearance of the area and the listed building and its setting

POLICY CONTEXT

H16	Housing Policy Boundaries
CN3	Alterations to listed buildings and their settings
CN11	Development affecting views into and out of Conservation Areas

PLANNING CONSIDERATIONS

Impact on the character and appearance of the area and the listed building's setting

The site lies outside of, but immediately adjacent to the Mere Conservation Area. Furthermore the site includes a Grade II listed building of importance.

The principle of built form on the site is not in question. Permission was approved in 2005 for 11 dwellings on the site, and this permission remains extant. The site lies within Mere's Housing Policy Boundary and policy H24 makes clear that housing for the elderly is acceptable within HPB's in principle.

This proposal has been designed so that the units facing Castle Street front onto the highway albeit with some stepping back of the building line. The design concept is to have the frontage development facing outward to the streetscape, linking with the neighbouring buildings. To the rear of the site regard has to be given to the position of Union House (further to the south), as well as to the extant permission.

The Conservation Officer has raised concerns regarding the height of the block to the front, and its impact on the dwellings opposite as well as on the setting of the listed building. For comparison purposes, the height of the front gables on the building fronting Castle Street is some 9.8m at its highest (excluding the chimneys) whereas the adjacent dwellings on Castle Street are between 8 and 9m in height, and are some 12 to 13m away. The listed building meanwhile is 7.8m in height and is some 8m away from the proposed unit. In comparison the 2005 approval proposed dwellings of some 8.5m in height some 10m away.

Although the proposed units would probably have a slightly greater impact on the street scene and the setting of the listed building, partly because of the increase in height and partly because of the use of full height front gables on this elevation, it is considered that the design of the proposed building is preferable to that of the approved scheme. Furthermore, it has to be remembered that until recently the site had two storey buildings of a utilitarian appearance (ie the garage) and also being close to the highway.

On balance, despite the concerns of the Conservation Officer, it is considered that the proposal would not be unacceptably harmful to the character and setting of the listed building.

In relation to the other proposed units, the design is considered to be a good attempt to try and achieve an interesting and traditional, somewhat gothic, form of buildings, reflective of the (relatively mixed) character and appearance of the surrounding area and of the listed building.

Also proposed are two carport buildings, together with an office (which it is understood would be staffed on a part-time basis). The Conservation Officer has expressed concern with the half-hipped form of the roof of these buildings, preferring full gable ends. However full gable ends would have a greater impact on neighbouring properties while a fully-hipped roof form would also achieve a better design without having greater impact. Subject to this change, therefore, it is considered that the car port buildings would have an acceptable appearance.

Conversion of Listed Building

The Conservation Officer does not object to the principle of the listed building, but is concerned that insufficient detail has been submitted with the application to be able to recommend approval. Some of the details can be required by condition (as they were with the previous scheme and with other similar schemes).

In particular the detail of the position of the new internal floor is necessary to be able to assess its impact. Provided that this information is submitted, and is acceptable, then it is considered that the proposal would not have a harmful impact on the listed building itself.

The Conservation Officer is concerned that it may not be possible to assess the impact on the listed building if amended plans are not submitted with sufficient time before the meeting. However these details are controllable through the listed building application (which is already 'out of date' and therefore less time sensitive). Therefore, if members are minded to approve the

planning application it may be necessary to delegate approval of the listed building application to Head of Planning to ensure acceptable details, assuming that members consider the principle of conversion is acceptable, bearing in mind that permission for conversion of this building (though not subdivision into two floors) has already been granted.

CONCLUSION

It is considered that the proposed development would not harm the character and appearance of the area or adjacent listed building, or the adjacent Conservation Area, or the setting of the listed building. It would not result in harm to the living conditions of nearby properties or highway safety, or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

RECOMMENDATION :-

The application be delegated to the HDS to approve for the reasons and subject to conditions below. Should the details of the internal floor not be resolved to the satisfaction of the Local Planning Authority on or before the 29th August 2007 the decision be delegated to the HDS to refuse for that reason.

REASON FOR APPROVAL

The proposed development would not harm the character and appearance of the area or adjacent listed building, or the adjacent Conservation Area, or the setting of the listed building. It would not result in harm to the living conditions of nearby properties or 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. (A07A)
2. The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.
3. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)
4. Before development is commenced, large scale details (not less than 1:10 scale) of the: Chimney stacks, (to confirm height, corbel detailing and materials), Eaves, gables, doors dormers and window sections of the buildings hereby approved, shall be submitted to, and approved in writing by the Local Planning authority, and the development shall thereafter accord with the approved scheme.
5. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings. (G20A amended)
6. No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority. (G21A)

The reasons for the above conditions are listed below:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (1)
2. To ensure the exact position of the buildings within the site.
3. To secure a harmonious form of development.
4. To secure a harmonious form of development in the interests of the listed building
5. In the interests of the amenity and the environment of the development.
6. In the interests of the amenity and the environment of the development.

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

CN3	Alterations to listed buildings and their settings
CN11	Development affecting views into and out of Conservation Areas
CN21	Archaeology

Application Number:	S/2007/1309		
Applicant/ Agent:	MR J MEEKER		
Location:	ABERFELDIE PECKONS HILL LUDWELL SHAFTESBURY SP7 0PN		
Proposal:	CONVERSION OF LOFT, ENLARGEMENT OF EXISTING REAR PORCH, ERECTION OF CONSERVATORY AND INSTALLATION OF SOLAR PANELS		
Parish/ Ward	DONHEAD ST MARY		
Conservation Area:		LB Grade:	
Date Valid:	26 June 2007	Expiry Date	21 August 2007
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Council employee application

SITE AND ITS SURROUNDINGS

'Aberfeldie' is a detached bungalow of reconstituted stone elevations situated within the settlement of Ludwell, a part of the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

THE PROPOSAL

The application proposes the conversion of the existing roof void to create additional ancillary accommodation and includes the insertion of a rear (north east) dormer. Also proposed is the construction of a small single storey utility room to the rear elevation and a conservatory to the front (south west) elevation, together with the addition of roof-mounted solar water heating apparatus to the existing south east (side) elevation of the property.

PLANNING HISTORY

None relevant

CONSULTATIONS

No consultations

REPRESENTATIONS

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

MAIN ISSUES

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

POLICY CONTEXT

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

PLANNING CONSIDERATIONS

The application proposes the conversion of the existing roof void to create additional ancillary accommodation in the form of two additional bedrooms including the insertion of a rear (north east) flat-roofed tile-hung dormer. Also proposed is the addition of a small single storey rear utility room extension, a modest front conservatory (set to the side of an existing front projecting element of the bungalow, and the addition of roof-mounted solar water heating apparatus to the existing south east (side) elevation of the property.

The proposed extension, conservatory and dormer window are of modest scale and are considered compatible in respect of the scale, design, character and materials of the existing property.

By reason of the proximity and orientation of the site to its nearest neighbours, it is considered the proposed development 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.

CONCLUSION

That the proposed development accords with the policies of the local plan, and in particular policies G2 (General Criteria for Development), D3 (Design) & C5 (Landscape Conservation), and should be approved subject to the standard 3 year time limit for commencement condition and matching materials condition for the walls of the extension and conservatory plinth walls.

RECOMMENDATION: APPROVE 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 single storey utility room extension and the dwarf walls of the conservatory hereby permitted shall match those used in the existing building. (D01A)

Reasons:

1. To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004. .0006 AMENDED
2. To ensure that the proposed extension and conservatory walls 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/2007/1158		
Applicant/ Agent:	MARK HINSLEY		
Location:	LAND ADJACENT TO BROADCHALKE PRIMARY SCHOOL KNIGHTON ROAD BROAD CHALKE SALISBURY SP5 5HX		
Proposal:	FELL 6 X HORSE CHESTNUT TREES		
Parish/ Ward	BROADCHALKE		
Conservation Area:		LB Grade:	
Date Valid:	6 June 2007	Expiry Date	1 August 2007
Case Officer:	Mr Shane Verrion	Contact Number:	01722 434416

REASON FOR REPORT TO MEMBERS

This item is before Members to consider a request to fell six trees that are protected by a Tree Preservation Order (TPO 341). A number of objections have been received so the Committee must determine the application.

Background:

An earlier application to fell these six trees was refused by Western Area Committee on 19th December 2006 because insufficient justification was provided to prove that felling was necessary.

The applicant has now employed the services of an Arboricultural Consultant, who has prepared a report which is attached at Appendix A.

The six Horse Chestnut trees are protected by Tree Preservation Order 341, which was confirmed on the 19th May 2005. The TPO was enacted because it was perceived that the trees were under threat from a proposed development of residential properties on the land adjacent to Knighton Road.

Objections:

Eight letters/e-mails of objection have been received.

The comments and reasons given for the retention of the trees include:

- The trees are beautiful in blossom each year, and add to the character of the area.
- It is important to preserve trees and save the environment.
- If they do not present a danger to the school what need is there to fell them?
- The bungalows and the school have been built in the full knowledge of the size and state of the trees.
- The trees offset some of the increased carbon emissions which have resulted from recent development.
- Permission to fell was refused six months ago. What has changed since?
- Is the application to fell the trees a prelude to a development application?
- Pruning/reducing the trees would be sufficient and give more light to the bungalows.
- The loss of the trees would deprive the children of the benefits they provide (visual amenity).
- The trees are a local landmark.
- Some houses nearby are named after the Chestnuts.

The Parish Council have also responded to say that they would be reluctant to see the loss of the trees but the matter should be determined by the Tree Officer at Salisbury District Council.

Comments on objection:

The six Horse Chestnuts are the largest trees in the vicinity and they do break up the hard lines of the surrounding buildings, giving a more rural feel to the area. They are generally of fine form and are good examples of their species.

All trees are important within the environment but trees cannot be retained if there are genuine concerns regarding safety. The planning permission for the school and nursery was granted with the position of the trees in mind. As such, the buildings are positioned outside of the target zones. The bungalows and the adjacent house are, however, within falling distance for a number of the trees.

The trees will negate the effects of some of the pollution caused by any increase in traffic, although the amount is unquantifiable.

Permission was previously refused because no justification was provided to warrant felling. The Tree Officers report to the Committee in December 2006 did indicate that problems had been identified with some of the trees (copy attached at appendix B). A Consultants Report has now been submitted which should be considered on its merit.

The removal of the Horse Chestnuts may be one less barrier to overcome to make way for development but it is important the future of the trees is determined on sound Arboricultural knowledge. A reduction in the size of one or more of the trees may be a viable option but only if the tree is considered to be structurally sound and worthy of retention. These Horse Chestnuts are very significant locally and therefore good justification is required before significant reduction or felling should be considered.

Consultants Report:

The Arboricultural Consultants Report refers to the trees as T1 to T6, with T1 being the tree closest to the Nursery (furthest West) and T6 being behind the bungalows (furthest East).

In summary the report states that the defects in trees T1 to T3 are considerably less than those in T4 to T6.

Specific defects were noted in trees T4 (previous major branch failure has left a cavity with decay, ribbing and bottling of trunk) and T5 (presence of bracket fungi, evidence of Phytophthora Bleeding Canker and significant lateral crack a on major limb) and the report concludes that these trees should be removed immediately on the grounds of safety. As a result T6 will be left exposed and should also be removed.

The report states that Horse Chestnuts suffer from structural defects and have soft weak timber. It suggests the trees are such a liability; they are not suitable for growing alongside a Primary School, and therefore recommends the removal of T1, T2 and T3 because Horse Chestnuts are inherently unsafe.

Conclusion:

The trees do make an important contribution to the visual amenity of the area but it is necessary to consider their current condition in reaching a decision on their future. On recent inspection trees T1 and T6 appeared to be in good condition, whereas T2 to T5 all had defects of varying degrees.

Problems identified with T2 and T3 were fairly superficial and not a great cause for concern.

The remaining two trees, T4 and T5, appear to have deteriorated since my last inspection, and subsequent report to the Western Area Committee in December 2006.

T4 has a cavity on the north-east side of the trunk with wet wood decay spreading into the heart of the tree. Additionally, the decay in the cavity left by previous major branch failure appears to be more extensive. Both conditions are noticeably worse than they were at my last inspection.

On T5 a longitudinal crack has appeared in the bark, on the trunk of the tree, at a height of approximately 2 meters. The cluster of bracket fungi (unidentified but not *Ganoderma applanatum*) indicates the possible presence of decay on the western side of the tree.

These defects, along with the other issues already identified are significant enough to warrant removal of the T4 and T5 given their close proximity to property and the fact that the bungalows on Knighton Road are in the target zone, should they suffer a structural failure. T6 will then be left exposed to the forces of the wind from a direction where it was previously protected. The tree already leans towards the house, adjacent to the bungalows, which could be severely damaged if it fell. Removal of T6 is therefore also recommended.

T1 to T3 are considered to be in reasonable health and as such should be retained. T3 will be opened up to the forces of the wind from an easterly direction so a reduction in its canopy could be considered (a separate application will be required). This would present an opportunity to clear low lateral branches away from the roof of the nearby bungalow.

It is not reasonable to assume that Horse Chestnut trees are inherently unsafe, or that they should not be permitted to grow close to a school. If a tree is inspected on a regular basis, and found to be in good condition, the land owner has fulfilled his legal obligation.

Options for consideration:

Members should consider the application and decide on one of the following options:

Approve the application

Refuse the application

Part approve/part refuse (permit felling of any one or more trees)

Recommendations:

I recommend this application for part approval/ part refusal. Trees T1 to T3 should be retained and T4 to T6 should be felled.

Suggested Conditions:

1. The approved works must be commenced within one year from the date of the decision notice. If works are not completed within that time, a new application must be made.

Reason: To ensure that the works undertaken are appropriate to the current state of the trees in relation to their surroundings.

2. A replacement tree, of a similar genus/species shall be planted to replace each tree that is lost. The new tree/s should be a heavy standard and should be planted in the next planting season and maintained in accordance with good practice. The exact position of the new tree/s should be agreed in writing with the Local Planning Authority before planting.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the existing tree or trees is maintained by the provision of adequate replacement.

3. The permitted works shall be carried out in accordance with BS3998:1989 Recommendations for Tree Work or as modified by subsequent research.

Reason: To ensure that works are undertaken in an appropriate manner that ensures the long term health, vitality and preservation of the tree.