

# 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*

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE

WESTERN AREA 6<sup>TH</sup> DECEMBER 2007

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

<b>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2007/1963	CHILMARK
SV  15:00	Mr O Marigold	APPROVE WITH CONDITIONS
Pages 3 - 10	CHILMARK ESTATES LTD C/O CAROL DOYLE BUILDINGS 1, 5 & 7 FORMER STATION HEADQUARTERS NORTH RAF CHILMARK SALISBURY WILTSHIRE SP3 5DU  CHANGE OF USE FROM MOD OFFICES AND WORKSHOPS TO B1 LIGHT INDUSTRIAL USE	FONTHILL & NADDER WARD  Councillor Parker
2	S/2007/1980	FOVANT
SV  15:30	Charlie Bruce-White	APPROVE WITH CONDITIONS
Pages 11 - 17	DAMEN ASSOCIATES LTD LAND ADJACENT TO BOWERBROOK HIGH STREET FOVANT SALISBURY WILTS SP3 5JL  CONSTRUCTION OF SINGLE DWELLING AND ALTERATIONS TO ACCESS	TISBURY & FOVANT WARD  Councillor Beattie Councillor Mrs Green

**ENFORCEMENT AGENDA ITEM:      FREESTANDING DIRECTIONAL SIGN ON THE  
SOUTH SIDE OF THE A303, CHARNAGE DOWN  
MERE**

# Part 2

## Applications recommended for Approval

1

Application Number:	S/2007/1963		
Applicant/ Agent:	CHILMARK ESTATES LTD		
Location:	FORMER STATION HQ NORTH, RAF CHILMARK CHILMARK SALISBURY SP3 5BF		
Proposal:	CHANGE OF USE FROM MOD OFFICES AND WORKSHOPS TO B1 LIGHT INDUSTRIAL USE		
Parish/ Ward	CHILMARK		
Conservation Area:	CHILMARK	LB Grade:	
Date Valid:	28 September 2007	Expiry Date	23 November 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Parker has requested that the application be heard at Western Area Committee on the grounds of highway matters, employment, sustainability, impact on local infrastructure and the future uses of site and neighbouring sites.

### SITE AND ITS SURROUNDINGS

The site consists of the former RAF Chilmark, in particular the former Station Headquarters North. The site lies in the open countryside and within the Cranborne Chase and West Wiltshire Downs AONB. The site itself is a mix of single and two storey buildings.

### THE PROPOSAL

The application proposes the change of use of buildings 1, 5 and 7 to office and workshop uses (ie within use class B1). Building 1 would be used as a workshop (it is a former RAF workshop) while buildings 5 and 7 would be used for offices (they are former RAF offices).

### PLANNING HISTORY

- S/2004/2436 Change of use of existing two storey building for B1 offices, alteration of existing access, approved with conditions on 25<sup>th</sup> January 2007
- S/2005/1300 Use of building for C2 (residential institution use) and alteration of existing access, approved with conditions on 26<sup>th</sup> August 2008.
- S/2007/1652 Change of use of buildings 5 and 7 for B1 office use and building 1 for B1 light industrial use, withdrawn on 10<sup>th</sup> September 2007. This was withdrawn because of an objection from the Environment Agency about an inadequate Flood Risk Assessment.

### CONSULTATIONS

**Highway Authority** – I confirm my recommendation as follows:

I note that the proposal includes a small industrial unit, which consists of 5 bays served by roller shutter doors. The size of this unit, at 212m<sup>2</sup>, is considered to be so small that it is unlikely to

encourage large service or delivery vehicles to use the premises, and the premises are more likely to be served by light commercial vehicles. Therefore I am satisfied that heavy vehicles, which could use the substandard and residential village roads in Chilmark, are unlikely to result from the development in significant numbers. However, as vehicles of this type are inevitable for any development, I will recommend a condition that a sign be installed at the exit to remind drivers of large or heavy vehicles to avoid the village route.

The office development is acceptable and I note that a development brief for the site was approved by the LPA in 2000. However, a previous condition on a previous submission to improve the access design has not been implemented and I will recommend a suitable condition. Also, as previously recommended, an approved travel plan is required in order to encourage alternatives to the private car in this location.

I therefore recommend that no highway objections are raised subject to the following conditions:-

1. The vehicular access shall be improved at its junction with the public highway to include visibility splays measured from 4.5m back along the centre line of the access to the extremities of the existing open frontage in both directions, 10m radius kerbs and an access width of 6.7m in accordance with further details which shall be submitted for approval in writing. The improved access shall be constructed in accordance with the approved details before the first use of the development.

Reason: in the interests of highway safety.

2. A revised travel plan shall be submitted for the written approval of the LPA prior to the first use of the development.

Reason: to encourage alternative and shared use travel to and from the site, in the interests of sustainability.

3. Before the start of the development, details of a sign to be located in an approved position at the site exit shall be submitted for the written approval of the LPA, the details of which shall indicate suitable wording to discourage large or heavy vehicles from turning right to enter the village of Chilmark; and the approved sign shall be installed before the first use of the development and thereafter maintained in good condition.

Reason; in the interests of highway safety.

**Environment Agency** no objection subject to an informative in relation to foul drainage and oil and chemical storage

**AONB group** the Team is normally supportive of positive re use proposals so long as they do not adversely influence the intrinsic character of the AONB and the reasons for which it was designated.

As you know the Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area, which straddles four counties and seven district councils. It is clear from the Act, subsequent government sponsored reports and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife scientific and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage and environmental capital.

The location is within a narrow valley that runs south eastwards in the Vale of Wardour landscape character area. Further details about the features and characteristics are in the Landscape Character Assessment 2003 which is I believe available in your office and can also be accessed from our website.

I believe my earlier comments are relevant to the current application. In particular the AONB team is concerned about potential impacts on tranquillity a key attribute of this AONB. We would there be concerned about extended working hours increased traffic in the AONB the use of

narrow AONB roads by large heavy lorries and light pollution. In relation to the latter issue I would strongly recommend that any external lighting be closely controlled and limited to only those lights that are absolutely essential for safety purposes.

Such lights should of course be directed downward and screened to ensure that no light is dissipated either upwards or sideways

The traffic matters could disrupt the tranquillity of not just the villages and their inhabitants but also the peaceful character of the AONB as a whole. Large and heavy lorries also have the potential to damage and erode the road verges as well as disrupting the journeys of AONB inhabitants. As you may know from other consultation responses the AONB team is concerned about the potential uses of the AONB by activities that are neither related to the AONB nor essential to be in the AONB.

**Wiltshire Fire and Rescue** 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 Firefighting Access: Consideration is to be given to ensure that access to the site for the purpose of firefighting 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 firefighting: 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 Firefighting and specific advice of the Fire Authority on location of fire hydrants.

**Environmental Health** I am not in principal against this application however I would like to inform you of the following: The area is known to have high radon levels and should more intrusive work have been applied for I would have been recommending a condition requiring a contaminated land survey

**Defence Estates** This application relates to a site outside of Ministry of Defence safeguarding areas. We can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

**Natural England** The application site is adjacent to the Chilmark Quarries SSSI, of national importance for its populations of hibernating bats.

The survey information provided by the applicant indicates that bats are using the habitats in the buildings which are the subject of this application. However, from the information provided, we are satisfied that the proposals should not have an impact on the bats, since there is no intention to access the roof spaces for any works relates to the change of use of the buildings.

## REPRESENTATIONS

Advertisement	Yes – expired 01/11/07
Site Notice displayed	Yes – expired 01/11/07
Departure	No
Neighbour notification	No
Third Party responses	No
Parish Council response	Yes – representations have been received from three parish councils:

**Chilmark PC**

Chilmark Parish Council, on consideration of the additional information provided in respect of access and travel plans relating to the former RAF station at Chilmark, now feel that the site should not be used for light industrial applications but would be suitable for further office development.

**Teffont PC**

Whilst the parish council recognises some buildings on the site are already used for office use and residential courses the councillors unanimously object to the Change of Use to Light Industrial for the following reasons:

1. The access to this remote site is via very narrow roads and lanes from all directions. Extending the use to Light Industrial would mean more traffic including larger vehicles using these small roads to support these businesses. This could also prove hazardous to office workers driving to and from work.

## Transport Plan Proposals

2. *No 4.5* [of the applicant's travel plan] *acknowledges that the road at Portash becomes narrow and therefore they would encourage car users to take other routes to the B3089 and A30.* This would put pressure on the Tisbury Dinton road, which in part is single track with very few passing places. The access onto the B3089 via Teffont Evias is at the T junction by the Lodge which is on a dangerous corner where there has already been a fatality.
3. *No 4.7 refers to employees choosing to walk to Chilmark.* This would be a long walk especially to the main road to catch a bus. The bus service locally is limited in all directions and Tisbury station some 2.5 miles away.

## Transport Plan Conclusion

4. *No 5.0 recognises that this proposal will mean an increase in the demand of movement.* A map showing alternative routes will not make any difference to the actual availability of alternative routes. The implementation of a Travel Plan offering other modes of transport sounds ideal but it actually offers no solution to the transport problems other than encouragement and better information. Employees will find it unworkable and will have little choice but to drive to work unless they live nearby.

The parish council strongly recommends that Change of Use to Light Industrial is not granted because the roads are not suitable to support this type of business.

**Dinton PC**

Dinton Parish Council is concerned about any Planning Application that would lead to an increase of HGV traffic using the B3089 through the village of Dinton. Within the application there is no detail as to the type of light industry which is likely to occupy the site but whatever the future use there is likely to be a number of deliveries and collections on a daily basis. The site can only be accessed via unclassified roads none of which can be described as particularly suitable for HGV traffic.

The most suitable HGV access route and the only HGV route authorised by the Motor Transport Section of No11 Maintenance Unit Royal Air Force Chilmark is turning off from the B3089 at Teffont Lodge and approaching the site via Ham Cross. The MT section of RAF Chilmark considered navigating the junction of the B3089 with the Ham Cross road when approaching from the west so dangerous that it was put into Station Standing Orders that all HGV vehicles needed to approach the junction from the east through Dinton. The alternative eastbound route via Teffont Evias was considered

unsuitable by mutual agreement between Teffont PC and the Commanding Officer.

Whilst Dinton PC has no objection to development on this site which is likely to lead to only an increase in PLG traffic we feel that we must object most strongly to increasing the industrial use of this site due to the increase in HGV movements that this would cause. It should be borne in mind that although this is the re-utilisation of existing buildings, the Air Ministry had good reason to locate an explosive maintenance depot in a remote location. The applicants' reasons for choosing to develop this site are probably not so safety minded

## **MAIN ISSUES**

Principle of development  
Impact on highway safety  
Other factors (flood risk, protected species)

## **POLICY CONTEXT**

Supplementary Planning Guidance 'Planning Brief RAF Chilmark'

G1, G2	General Development Criteria
C2	Development in the countryside
C4, C5	Development in the AONB
C22	Change of use of buildings in the countryside
C12	Protected Species
PPS25	Flood Risk
PPS7	Sustainable development in rural areas

## **PLANNING CONSIDERATIONS**

### ***Principle of development***

The site lies in the countryside where planning policies seek to encourage the re-use of existing buildings to business uses (including offices and light industrial use), under policy C22.

Furthermore, the adopted site-specific SPG makes clear that for the Headquarters North site, B1 employment uses (office/light industrial/high tech) would be acceptable, as would an education, an environment centre or a leisure use, or a mix of these uses. Indeed paragraph 7.3 says specifically that the existing buildings could be adapted to serve small scale B1 employment uses. It also says that the re-use of buildings for storage will generally not be permitted unless this is an ancillary to, and associated with, the employment activity on the sites or nearby.

The RAF Chilmark site is an existing built-up site with existing buildings, some of which already have a B1 employment use. The previous use of the buildings was respectively as offices and a workshop and, in principle at least, the proposed B1 uses would be appropriate and acceptable.

There has been some suggestion that the buildings could be put to some other use, for example as affordable housing. However such a use would not be acceptable in principle here because of the remote nature of the site (policy H26 requires that 'exception' affordable housing sites are located in a reasonably sustainable location) and given the presumption in favour of employment uses expressed in the SPG.

### **Impact on highway safety**

Three Parish Councils have expressed concern about the impact of the change of use on highway safety. There is particular concern that lorries from the light industrial element of the proposal (ie the workshop) would travel through the village of Chilmark as well as other local villages (for example Dinton) for which the road network is not suitable.

However, the fact remains that the SPG specifically says that B1 uses (including light industrial) would be acceptable for the site. Furthermore, planning permission was granted in 2004 for the use of the two storey building on the site (adjoining this application site) for B1 use with no restriction on the type of B1 use (although a subsequent application for a residential institutional use was granted and implemented).

In addition, it has to be expected that the building is used, rather than remaining empty, and any use is likely to generate a degree of additional traffic. The Highway Authority have not objected to the proposal and a refusal of the application (or the imposition of a condition restricting the use to offices only) would not be reasonable in light of their advice from a planning standpoint.

However, in light of the concerns expressed by the Parish Councils, the Highway Authority have recommended that a condition is imposed requiring an improved Travel Plan which will further encourage use via the more acceptable roads and discourage vehicular traffic from driving through Chilmark, as well as encouraging sustainable travel more generally (for example car sharing).

#### **Other factors (flood risk, protected species)**

The earlier application was withdrawn following an objection from the Environment Agency, on the grounds that inadequate information had been submitted with regard to flood risk. This information has now been provided, and the Environment Agency have now confirmed that they have no objection.

In relation to protected species, Natural England have made clear that survey information submitted would be acceptable and that the proposals would not harm protected species' interests.

#### **CONCLUSION**

The proposed change of use would not be unacceptable in principle, or demonstrably harm highway safety, the amenities of nearby properties, the character and appearance of the countryside/AONB or any other material planning consideration

#### **RECOMMENDATION: APPROVE**

#### **REASON FOR APPROVAL**

The proposed change of use would not be unacceptable in principle, or demonstrably harm highway safety, the amenities of nearby properties, the character and appearance of the countryside/AONB or any other material planning consideration

#### **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) Prior to the commencement of development, the vehicular access shall be improved at its junction with the public highway to include visibility splays measured from 4.5m back along the centre line of the access to the extremities of the existing open frontage in both directions, 10m radius kerbs and an access width of 6.7m, in accordance with further details that shall have been submitted to and approved, in writing, by the Local Planning Authority. The improved access shall be constructed in accordance with the approved details before the first use of this development.

Reason: in the interests of highway safety



- (3) A revised Travel Plan shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first use of the development hereby approved. The use shall thereafter be undertaken in full accordance with the approved Travel Plan.

Reason: in the interests of sustainability and highway safety

- (4) Prior to the commencement of development, details of a sign to be located in an approved position at the site exit shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include suitable wording to discourage any large or heavy vehicles from turning right to enter the village of Chilmark. The approved sign shall be installed before the first use of the development, and thereafter maintained.

Reason: in the interests of highway safety

- (5) The uses hereby approved are B1 (offices) in buildings 5 and 7, and B1 (light industrial) in building 1 (numbers as identified on the Chilmark Car Parking layout plan attached to the email from the applicants dated 29th October 2007. Notwithstanding the provisions of the Town and Country (Use Classes) Order 2007, only these uses shall take place within the respective buildings, and there shall be no other uses (including within Use Class B1, or the light industrial use of buildings 5 and 7) without the prior written consent of the Local Planning Authority.

Reason: the light industrial use of all of the buildings would raise further highway safety considerations

- (6) The development hereby approved shall take place in full accordance with the recommendations of the Protected Species survey (dated December 2006) and the Flood Risk Assessment (dated September 2007).

Reason : in the interests of protected species and reduction in flood risk

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

Supplementary Planning Guidance 'Planning Brief RAF Chilmark'

G1, G2	General Development Criteria
C2	Development in the countryside
C4, C5	Development in the AONB
C22	Change of use of buildings in the countryside
C12	Protected Species

PPS25	Flood Risk
PPS7	Sustainable development in rural areas

## INFORMATIVES

### (1) Foul Drainage

If there is any increase in effluent volume into an existing system a Consent to Discharge may be required. This must be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences. For information this process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of an application until all investigations associated with the determination have been completed and an evaluation of the proposal has been made. The applicant should contact the Environment Agency on 01258 483438 for further details on applying for a Consent to Discharge.

### (2) Oil or Chemical storage

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10 greater than the capacity of the storage tank or if more than one tank is involved the capacity of the largest tank within the bunded area. Hydraulically inter linked tanks

should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations (The Control of Pollution (Oil Storage) (England) Regulations 2001) a copy of which has been forwarded to the Applicant Agent.

### (3) Flood Risk

The Environment Agency can confirm that the FRA is considered by the Environment Agency to meet the requirements of Planning Policy Statement 25 'Development and Flood Risk' and that the proposed development is in accordance with the guidance contained therein.

The Environment Agency does not accept any liability for the detailed considerations contained within the FRA. Their letter does not constitute approval of those considerations nor does it constitute the Environment Agency's consent or approval that may be required under any other statutory provision, byelaw, order or regulation.

Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and the EA's letter does not absolve the developer of their responsibility to ensure a safe development.

Application Number:	S/2007/1980		
Applicant/ Agent:	DAMEN ASSOCIATES		
Location:	LAND ADJACENT BOWERBROOK HIGH STREET FOVANT SALISBURY SP3 5JL		
Proposal:	CONSTRUCTUON OF SINGLE DWELLING AND ALTERATIONS TO ACCESS		
Parish/ Ward	FOVANT		
Conservation Area:	FOVANT	LB Grade:	
Date Valid:	1 October 2007	Expiry Date	26 November 2007
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

### REASON FOR REPORT TO MEMBERS

Councillor Green has requested that the application go before committee, due to the concerns expressed by the Parish Council and several local residents.

### THE PROPOSAL

It is proposed to erect a new dwelling and to make alterations to the vehicular access. This application represents a re-submission of a previous unsuccessful scheme, which was refused for the following reasons:

The proposed dwelling, by reason of its half hipped roof, would not reflect the tradition form of dwellings within the Fovant Conservation Area where gable ends are a defining feature. Being in such a prominent location, the development would therefore be detrimental to the character of the Conservation Area, contrary to the objectives of Planning Policy Guidance 15: Planning and the Historic Environment and polices G2, D3, and CN8 of the adopted Salisbury District Local Plan.

The applicant has failed to satisfactorily demonstrate that the development would not have a detrimental impact upon protected species, which may be present due to the proximity of the application site to a water course known as Fovant Brook. The development would therefore be contrary to the objectives of Planning Policy Statement 9: [Biodiversity and Geological Conservation](#) and policy C12 of the adopted Salisbury District Local Plan.

The applicant has failed to satisfactorily demonstrate whether the proposed development would not add to or be prone to flood risk, contrary to the aims and guidance contained within Planning Policy Statement 25: Development and Flood Risk and policy G4 of the adopted Salisbury District Local Plan.

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

### PLANNING HISTORY

94/437	Felling of norway spruce tree and ash tree	NOBJ	28/4/94
04/2230	Fell one norway spruce	NOBJ	22/11/04
07/0765	Erect dwelling and alterations to access	REF	11/06/04

### CONSULTATIONS

Highways Officer	Objects due to unsafe access arrangement
Conservation Officer	No objection in principle, although concern raised over the set-back of the dwelling and the use of roof lights, and recommend several conditions if approved in order to achieve an appropriate quality finish.

Environment Agency	No objection, subject to Sequential and Exception tests, and conditions and informatives.
Natural England	Comments awaited on protected species survey. Members to be updated.

## REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	7 letters of objection/concern. Reasons include: overdevelopment, loss of river view, impact on flooding, impact on protected species, proximity to neighbouring dwelling, overbearing effect, loss of light to neighbour, inaccurate plans, unsatisfactory parking arrangement.
Parish Council response	Object. Reasons include: overbearing impact on neighbour, loss of light to neighbour, inadequate environmental statement, car parking concerns previously identified by WCC not addressed.

## MAIN ISSUES

1. The acceptability of the proposal given the policies of the Local Plan;
2. Character of the locality and amenity of the street scene;
3. Amenities of the occupiers of adjoining and near by property;
4. Highway considerations;
5. Flood risk;
6. Protected species.

## POLICY CONTEXT

Local Plan policies G1, G2, D2, H16, CN8, CN10, CN11, C4, C5, TR11, R2

Planning Policy Statement 3: *Housing*; Planning Policy Statement 9: [Biodiversity and Geological Conservation](#); Planning Policy Statement 25: *Development and Flood Risk*, Planning Policy Guidance 15: *Planning and the Historic Environment*.

## PLANNING CONSIDERATIONS

### Principle of development

The site is within the Housing Policy Boundary where the principle of new residential development is acceptable, subject to the criteria as set out in Policy H16 of the Local Plan. Of particular importance is that the proposal should not constitute inappropriate backland development and should not result in the loss of an open area which contributes to the character of the area.

Policy D2 of the Local Plan states that the design of the proposal should respect the character of the area, with particular regard to building lines, scale and height and plot widths.

PPS3 promotes a more efficient use of land, while at the same time ensuring a high quality design and environment which contributes to the maintenance and creation of sustainable communities. Furthermore, being within a Conservation Area, PPG15 states that Local Planning Authorities should give the highest priority to the objective of preserving or enhancing the character or appearance of the area.

### **Impact upon visual amenity**

It is noted that the size of the plot is reasonably small, measuring approximately 20 metres by 9 metres, although small plots, especially narrow ones, are not unusual within the Fovant Conservation Area. The scale of the dwelling proposed would be reasonably modest, and although two storey, its height would be approximately 8 metres. The layout of the dwelling within the plot would be with its side facing the road, which is a characteristic feature within the Conservation Area. It is not considered that the site, a former parking and garden area surfaced in gravel and woodchippings, makes a particularly important contribution to the character of the Conservation Area, and development would therefore be acceptable subject to an appropriately designed dwelling.

The design of the dwelling, comprising a simple stone and slate tiled cottage, would be generally appropriate. The Conservation Officer previously commented that the development takes into account the historic form of development, and is also of a scale and general design that reflects the historic grain, although significant concerns were expressed within the previous scheme due to the use of half hips. Full gables have now been incorporated to rectify this, and improvements have also been made to the design of the porch. The dwelling would sit atop a plinth, for the purposes of flood mitigation, although it is not considered that this has comprised the design or appearance of the dwelling.

The Conservation Officer still notes, however, several reservations about particular details. One of these relates to the use of roof lights on the south-east elevation of the dwelling, although subject to the agreement of conservation style roof lights that are flush with the roof slope, it is not considered that this comprises the overall design of the scheme so much as to warrant refusal. Another concern raised by the Conservation Officer relates to the set back of the building. However, the proposed building line appears logical, following that of the adjacent bungalow to which it most closely relates, and it is considered that the appearance of the front driveway can be made appropriate to the new dwelling and character of the area through the agreement of surface materials and landscaping, to be required via a planning condition.

### **Neighbouring amenity**

The proposed dwelling would be sited immediately adjacent to the bungalow known as Bowerbrook. The occupant of this dwelling has raised concerns regarding the overbearing impact and loss of light that could occur. A previous visit was made to this neighbouring property to make an assessment. Between the neighbouring dwelling and its boundary with the application site exists a covered car parking area. In the elevation of Bowerbrook that would directly face the side of the proposed dwelling exists the main entrance door, two small windows providing light to a kitchen, and one larger window providing light to a living room. It is noted that the application site is situated to the south-east of Bowerbrook and consequently there will be some loss of direct sun light to the rooms which these windows serve. However, it is noted that the neighbour's kitchen and living room enjoy their primary light source and aspect from other windows that exist in the front and rear elevations, which would not be significantly affected by the proposal, and it is therefore not considered that the new dwelling, even with the full gables as opposed to half hips, would result in such an overshadowing or overbearing effect so as to cause an unreasonable loss of amenity. Regarding any potential loss of amenity to the garden area of Bowerbrook, since the proposed dwelling would be built predominantly in line with the side of Bowerbrook, its rear curtilage would not be significantly affected.

As for any other impacts upon neighbours, it is considered that the proposed dwelling would be sited far enough away from others so as to not result in a detrimental overbearing or overshadowing effect, and that the dwelling has been designed so as to not cause significant overlooking. No windows are proposed in the side elevation which faces Bowerbrook, and although there would be some views into the curtilage of The Firs to rear, from a bedroom window, loss of privacy would not be significant due to the distance involved and the presence of a tree screen on the boundary of this neighbouring property. Overlooking from the roof lights towards Hope Cottage would not be significant, and it shall be conditioned that two of these roof lights, to serve a bathroom and shower room, be fitted with obscured glazing.

## **Highways implications**

Parking would be provided to the front of the dwelling, with enough space for two or three spaces laid out in a side-by-side arrangement. The Highways Officer has objected to this proposed arrangement, on the grounds that it would encourage vehicles to reverse onto the highway where visibility is poor. Based on this advice from the Local Highways Authority, the development would be contrary to policy G2 of the Local Plan.

It is a principle of planning that decision should be taken in accordance with the provisions of the development plan, unless other material considerations dictate. In this instance, the current arrangement and use of the site is a material consideration which needs to be taken into account. The site, before being bought by the current applicant, was previously used as a parking area to one of the dwellings on the opposite side of the High Street. This is consistent with the current layout of the site, which has a lay-by style parking space to the front, with a gravelled parking area behind, which can be accessed through a gateway.

This existing layout is not ideal for the following reasons: i) vehicles would be required to reverse into the lay-by space and difficulties would be presented for parked vehicles manoeuvring out of this space; ii) due to the proximity of the gated access to the carriageway edge, vehicles would obstruct the highway when opening/closing the gate to access/exit the gravelled parking area; iii) there are no turning facilities within the site for vehicles to both enter and leave in a forward gear.

Consequently, given the existing situation, it is not considered that the Local Planning Authority could reasonably defend a reason for refusal based upon the Local Highways Authority's objection, although it is accepted that a development with sufficient off-street parking and turning area is desirable. However, due to the small size of the plot, it has not been possible to negotiate significant improvements to the current arrangements.

## **Protected species**

Immediately to the rear of the dwelling exists Fovant Brook and thus part of the site includes the brook bank. The development could therefore potentially affect the habitat of water voles, which are a protected species. It is not considered that the present state of the site would offer significant habitat for any other protected species. Consequently the applicant has provided a protected species survey, specifically investigating the potential impact of the development upon water voles. At the time of writing this report, the survey was being verified by Natural England. Members shall be updated of their recommendations at the committee meeting. On the assumption that no objection is raised by Natural England, this report includes planning conditions to secure the recommendations that are set out within the protected species survey.

## **Flood risk**

Sequential Test – The site is within the Housing Policy Boundary, as designated within the Salisbury District Local Plan that was adopted in June, 2003. There are no allocated housing sites within the village of Fovant, and there is little land forthcoming within the Housing Policy Boundary for additional residential development that is in Flood Zone 1. Consequently, there appears to be no reasonably available alternative site in areas with a lower probability of flooding that would be appropriate for residential development.

Exceptions Test – a) development of the site offers sustainability benefits, providing additional housing in a settlement which is appropriate for modest growth due to its local services and access to public transport, and this benefit is considered to outweigh flood risk in the light of evidence submitted by the applicant which indicates no records of the site or nearby properties being flooded within the last 83 years; b) the site is situated on developable land, since it is within the Housing Policy Boundary; c) the Flood Risk Assessment, which the Environment Agency considers meets the requirements of PPS25, recommends that the dwelling be set 600mm above the extent of the flood risk area, and that roof rainwater be discharged to an underground strata via a soakaway, which is considered appropriate to make the development safe from flooding, without increasing flood risk elsewhere.

Consequently, it is considered that the development passes the Sequential and Exceptions Test, making the development acceptable to the Environment Agency, subject to conditions ensuring the incorporation of the Flood Risk Assessment recommendations.

#### **Other matters**

The applicants have submitted a method statement to indicate how pollution of the river is to be prevented during construction works, and the recommendations shall be included as a planning condition.

#### **CONCLUSION**

The new dwelling would be acceptable in principle and would not have a significant impact in design, amenity, highway, or environmental terms, and would preserve the character of the Conservation Area.

#### **RECOMMENDATION:APPROVAL**

#### **REASONS FOR APPROVAL**

The new dwelling would be acceptable in principle and would not have a significant impact in design, amenity, highway, or environmental terms, and would preserve the character of the Conservation Area.

#### **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 by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) 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.

Reason: To secure a harmonious form of development.

- (3) Before development is commenced, details of all new windows, including roof lights, and external doors shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and detailed sections and elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

- (4) Before development is commenced, details of all new rainwater goods shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

- (5) No development shall take place until details of the proposed means of enclosure for the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the first occupation of the dwelling.

Reason: In the interests of the visual amenity of the development.

- (6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted.

Reason: In the interests of the visual amenity of the development.

- (7) No development shall take place until a working method statement is submitted to and agreed in writing by the Local Planning Authority, detailing measures to minimise potential disturbance to watervolves during development, to be broadly in accordance with the protected species survey submitted as part of this application.

Reason: In the interests of protected species.

- (8) The bank/wall along the brook bank shall remain intact and shall not be replaced or modified, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protected species.

- (9) Notwithstanding the provisions of Classes A to E 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 dwellings nor the erection of any structures within the curtilages unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity

- (10) The proposed roof lights in the south-east elevation shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall be maintained in this condition thereafter.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

- (11) Other than those hereby agreed, there shall be no further windows inserted at first floor level into the dwelling hereby permitted.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

- (12) The development shall be carried out in accordance with the pollution prevention method statement submitted as part of this application.

Reason: To avoid pollution of the river system.

- (13) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.

Reason: In the interests neighbouring amenity.

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

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



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

Policy G1	Sustainable development
Policy G2	General Development Guidance
Policy D2	Infill development
Policy H16	Application of Housing Policy Boundaries
Policy CN8	Conservation Areas
Policy CN10	Conservation Areas
Policy CN11	Conservation Areas
Policy C4	AONB
Policy C5	AONB
Policy TR11	Off-street parking provision
Policy R2	Provision for recreational open space

**INFORMATIVES**

Planning permission does not absolve the developer from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of *Circular 06/2005*.

The developer's attention is drawn to the information contained with the Environment Agency's attached letter of 18<sup>th</sup> October regarding the following: terms of the Water Resources Act 1999 and the Land Drainage Byelaws; information relating to the requirements of water efficiency measures; and pollution prevention during construction.