

# 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 07 FEBRUARY 2008

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/2006/2384	TISBURY
SV 15:45	Mr O Marigold	REFUSAL
Pages 3 - 11	JOSHUA BERRY PYTHOUSE CLUB WEST HATCH TISBURY  REPLACE CLUBHOUSE INCLUDING TWO STOREY EXTENSIONS & CREATION OF CARETAKERS FLAT & ASSOCIATED WORKS	Councillor Beattie Councillor Mrs Green

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2006/2384		
Applicant/ Agent:	JOSHUA BERRY		
Location:	PYTHOUSE CLUB TISBURY SALISBURY SP3 6PD		
Proposal:	REPLACE CLUBHOUSE INCLUDING TWO STOREY EXTENSIONS AND CREATION OF CARETAKERS FLAT AND ASSOCIATED WORKS		
Parish/ Ward	TISBURY		
Conservation Area:		LB Grade:	
Date Valid:	16 November 2006	Expiry Date	11 January 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Green has requested that the application be heard at Western Area Committee, on the grounds of the extent of interest shown in the application.

### SITE AND ITS SURROUNDINGS

The site consists of the Pythouse Club, an existing two storey building with associated structures including a swimming pool and tennis court. Although the existing facility is used by a tennis club, it is accepted that the existing building is in a dilapidated and run-down state.

In planning terms the building lies in the open countryside and within the Cranborne Chase and West Wiltshire Downs AONB.

### THE PROPOSAL

The application proposes the replacement of the existing clubhouse with a new building. The replacement building would be essentially on the same site, but of a more modern design in comparison to the existing site and building. The building would, however, be larger in that it includes an extension to the eastern side.

The accommodation within the building would consist of replacement sports facilities including changing rooms, sauna, remedial rooms etc, yoga, gym, members' gallery etc. Also included, however, is a caretaker's one-bedroom residential flat, and accommodation consisting of 8 bedrooms for members. These two elements are new facilities (although there is a question about previous unauthorised residential use – see below).

Also proposed is a car parking area, two tennis courts, the re-location of the existing cricket pavilion, and associated landscaping.

### PLANNING HISTORY

### CONSULTATIONS

**Highway Authority** No objection subject to conditions

**Natural England** Remove their objection on the grounds that the application now contains sufficient information to demonstrate effect on legally protected

species of the development can be mitigated acceptably. Recommend conditions ensuring that development takes place in accordance with the revised mitigation report (dated 22<sup>nd</sup> January 2008) and a condition in relation to timing in relation to birds.

## **Forward Planning**

Key Policies are Salisbury District Local Plan Adopted 30th June 2003 G1, G2, C4, C5, C12, C24, PS1, R1C, T5, T6, H23, H27 [policy T5 has not been 'saved' so is no longer relevant].

Policy C4 will allow developments in the AONB if it does not harm the natural beauty of the landscape. The site is not well maintained and is an eyesore in the landscape. Though the proposal intends to build on previously non-developed area the applicants have shown that views will not be significantly altered.

Policy C5 states that small scale developments in the AONB must have a siting and scale sympathetic to the landscape and have high standards of landscaping and design with appropriate building materials reflecting the character of the area. The proposal exceeds the current footprint with a 2 storey extension to the east that is relatively large compared to the original building and will result in the main west elevation being shorter than the north elevation. The design and access statement submitted with the application describes the building materials as timber, brick and aluminium which although reflecting the mixture of building materials currently there may not be the most appropriate materials for an AONB site. Advice from the Design Forum will help conclude whether the proposed design and materials are of a high enough standard and reflect the area's character.

Policy C12 states that development affecting protected species will not be allowed unless it can be shown that there would be no adverse impact on protected species. The applicants submitted an ecology report stating that three species of bats were found residing in the clubhouse and that the site could also contain Great Crested Newts and native reptiles. The report suggests further surveys in spring and summer will reveal more information about the possible species present. It would be beneficial if the applicants carried out these further surveys and state what measures will be used to protect the wildlife before a decision is made. Consultations from Natural England and Wiltshire Wildlife Trust could also provide additional information. Until this happens it is considered that the application contains insufficient information on whether the development would have an adverse effect on the species identified.

Policy C24 will permit an extension to be built in the countryside if is sympathetic in scale within the existing curtilage and is in keeping with the character of the existing building and its surroundings. Although the extension is relatively large it is still sympathetic in scale and within the curtilage. As mentioned under policy C5 the proposed development is generally in keeping with the character of the existing building and surroundings however further advice should be sought from the Design Forum.

Policy G1 is concerned with promoting the vitality and viability of the local communities and the conservation of cultural heritage. It also aims to reduce the need for travel and encourage public transport cycling and walking. The vitality and viability of the local communities would not be encouraged by the development of a private membership club as local residents and other members of the public would not be able to use the facilities. However, it should be noted that the proposal would create employment opportunities and the cultural heritage of the site as a recreational facility will be preserved. The facility is located away from

settlements and it has been concluded that the 44 car parking spaces will encourage unnecessary private car use and should be reduced. The proposed construction of 12 cycle parking spaces will encourage cycling and local community use

Policy G2 states that new developments should have satisfactory access turning space and parking and will not place an undue burden on existing facilities services or roads. The proposal should respect the existing landscape and avoid the loss of important open spaces and natural features. The development should also have no conflict with nearby dwellings and result in minimal or no loss of forestry or agricultural land. The Highways Agency have suggested that alterations to the access will be required submitted maps show sufficient turning space and policy G1 deals with parking.

Policies C4 and C5 provide more information regarding how the proposal will respect the landscape. The proposal will create relatively little loss of features such as hedges and trees and the site is not located near other dwellings, agricultural land or forestry

The redevelopment or enlargement of existing community facilities located outside settlements will be permitted by policy PS1 because the proposed development is wholly inside the site's existing boundaries.

Policy R1C is concerned with the development of new outdoor recreation facilities in the countryside and mainly affects the proposed new swimming pool that will be moved southwards of the existing, poorly maintained, pool. According to the policy the development should not adversely impact on the amenities for local residents or be dependent upon the construction of large buildings. Policy G2 has shown that the proposal will not affect local amenities and the development of the pool is not reliant on the construction of the rest of the proposal. The development should also not adversely impact the AONB, therefore, further information is required about the pool site as stated in policy C12, as the area may have been re colonised by nature

#### Tourist Member's accommodation

Because the original building will be demolished and the proposed eight bedrooms for tourists and members will be housed in the new extension. Policy T5 will need to be satisfied as it relates to the development of new hotels in the open countryside. This policy categorically states that such developments built in the countryside and not related to any settlement are not permitted. [This policy has not been 'saved' as part of the LDF process and the advice in PPS7 is relevant instead – see below].

The applicants have suggested that the proposed new tourist or members' accommodation can be permitted under policy T6. This policy will allow the change of use of buildings to a site of tourist accommodation if the development has no adverse effects on the surrounding amenities and any extensions are subordinate in size and do not detract from the appearance and quality of the surroundings.

#### Residential flat

The proposal includes a caretaker's flat in a site outside the Housing Policy Boundary Policy H23 relates to residential development in these areas and states that such applications are restricted to affordable housing for local people and rural workers. The applicants have stated that this case can be justified by policy H27 which relates to rural worker accommodation

Policy H27 states that accommodation in the countryside is permitted for full time agricultural and forestry workers if alternative dwellings are not available or suitable and that there is an established need for the worker to be accommodated at the site. Unfortunately a caretaker is neither an agricultural nor a forestry worker however the applicants have suggested an

exception could be made. The applicants state that a full time residential caretaker is necessary for the business and must be located at the site to fulfil his job and prevent vandalism. The applicants have shown that planning permission for a residential caretaker was granted in 1993 and residential use has been associated with the site in the past. However planning permission would have been granted under a now obsolete local plan and any previous residential use has now ceased. They have also demonstrated that while the site was in a state of disrepair the area had been vandalised, however this does not establish whether vandalism would continue after the site was redeveloped. Therefore the proposal has not shown a clearly established existing need for workers to be accommodated at the site however it should be noted that a caretaker's flat could be described as ancillary accommodation.

Policy H27 also requires that the activity the residential worker is involved in must have been in business for the last three years and been in profit for at least one of those years. Although the site has been in use for 100 years the proposed development will dramatically change the current business at the site with additional buildings facilities and staff. The resulting business does not reflect its current use or its recent profitability therefore the application does not come from a proven successful business as requested by the policy.

### Recommendation

As the site is located in an AONB further surveys and consultations with Natural England the Wiltshire Wildlife Trust and the Design Forum should be sought regarding the protected species present and the proposed design and building materials before planning permission is considered.

Although the local plan seeks to encourage the development of community facilities this proposal is for a private members club that local residents may not be able to access easily. Possible discount memberships and access for non-members have been suggested but if these are not implemented the facilities will not be readily available for local residents.

The local plan restricts the construction of residential housing and new tourist accommodation in the countryside in order to preserve greenfield sites. Some residential housing is acceptable such as that for rural workers however the requirement for a caretaker to reside at the site has not been satisfactorily demonstrated. New build hotels in open countryside are not permitted by policy T5. In conclusion the Forward Planning Team recommend this proposal be refused.

<b>Environment Agency</b>	No objection subject to conditions in relation to foul drainage, flood risk and water and energy efficiency.
<b>Environmental Health</b>	No observations to make in connection with this application
<b>Wessex Water</b>	Disposal of foul drainage will be to a proposed septic tank

### **REPRESENTATIONS**

Advertisement	Yes – expired 21/12/06
Site Notice displayed	Yes – expired 21/12/06
Departure to be heard	Yes – if recommended for approval, the application would need at Planning and Regulatory Panel, because it would be a departure from the saved policies of the Adopted Local Plan (policies H23 and T7)
Neighbour notification	No
Third Party responses	Yes – <b>140</b> letters supporting the application
Parish Council response	No

### **MAIN ISSUES**

The principle of development and the impact on the countryside and AONB

Protected species  
Other factors

## **POLICY CONTEXT**

G1, G2	General Development Criteria
C2, C4, C5	Development in the countryside and AONB
C12	Protected species
PS1	Public Services
R1C	Outdoor recreational facilities
T6	Change of use of buildings to hotel, bed and breakfast etc accommodation
T7	Permanent holiday accommodation
H23	New Permanent dwellings in the countryside
H27	Agricultural workers' dwellings
R2	Public recreational open space facilities
PPS7	Sustainable Development in rural areas

DCLG advice '*Good Practice Guide on Planning for Tourism*'

## **PLANNING CONSIDERATIONS**

### ***The principle of development and the impact on the countryside and AONB***

The site is in the countryside and AONB where, as has been identified, local and national policies are clear in restricting new development. However, Policy PS1 of the Local Plan does support the development of *community* facilities. Policy R1C supports new outdoor recreation facilities provided that they are not dependant on the construction of large buildings. In the context of this site, this is taken to mean a building larger than the existing building.

Bearing in mind the social and economic benefits, it is considered that the replacement of the existing building with one providing facilities similar to those that exist already (but have fallen into disuse) would not be unacceptable in principle, provided that the emphasis is on providing facilities for the community rather than as an exclusive private club. Clarification and detail on the proposed membership criteria of the club, events, use, fees, catchments areas etc has been provided that shows that the club would be focused on local membership and activities (although the extent that this can be controlled in the long term future is questionable).

In relation to the proposed uses, however, it is considered that the tourist accommodation (eight bedrooms and guest accommodation) would not be acceptable, both because of the principle of such a use, and because of the additional two storey wing necessary to accommodate the bedrooms.

In terms of principle, as has already been identified by the Forward Planning Team, Local Plan policies do not support the provision of new-build tourist accommodation (as opposed to conversions of barns for example) in the open countryside. Policy T7 makes clear that new-build hotels or permanent tourist accommodation should not be permitted in the open countryside unrelated to existing settlements, while policy T6 supports 'hotel, guest house, bed and breakfast or self catering accommodation' only where it takes place through the conversion of an existing building. Policy T5 has not been 'saved'; instead PPS7 provides guidance on hotels in the countryside.

PPS7 makes clear that new building development in the countryside should be strictly controlled and specifically says that most tourist accommodation should be located within (or adjacent to) existing towns and villages.

PPS7 does support the replacement of buildings in the countryside, for economic development purposes, where such a building could be converted but where replacement would result in sustainable and environmental improvements.

While it is accepted that this does give some support for a replacement of the existing building (as accepted above), PPS7 also says that this does not apply to residential development, and that there will be cases where the size and scale of replacement buildings will not be acceptable. It is considered that this is one such case. Indeed the PPS specifically emphasises conversion (and not new build) as being acceptable for hotel or other serviced accommodation.

It is considered that it would be preferable for those making use of the bedroom accommodation (for example visiting teams) to make use of existing hotel and tourist accommodation in the local area (a number of which have been identified by the applicants) helping the local rural economy.

Even if this 'in principle' could be overcome, and notwithstanding the landscaping mitigation proposed, the wing proposed for the bedroom accommodation significantly adds to and extends the amount of development on this site. It is appreciated that at one time there was a boundary treatment surrounding the pool, but the pool site (other than the pool itself) has now blended into the landscape and has a rural feel.

Turning to the proposed permanent residential accommodation, the fact is that new dwellings in the countryside are unacceptable as a matter of principle. The only relevant exception is that provided in PPS7 for *rural-based enterprises*. This exception only allows for permanent accommodation for established enterprises - rather than new enterprises such as this - and then only where a financial and functional justification is provided as set out in annex A of PPS7 (ie similarly to agricultural dwellings).

In this case the essential justification for the dwelling is based on security needs, in relation to concerns that without continuous residential occupation the building would be subject to vandalism etc. From site visits, there is a degree of vandalism internally that has resulted from apparently unlawful occupation.

However, as members will be aware from dealing with agricultural dwellings, security needs cannot on their own form a justification for new residential accommodation in the open countryside, because this argument could be used for any enterprise operating in the countryside. It also seems unlikely that a new facility will not be provided with a high standard of security measures (alarms, movement sensors etc).

It is also argued that on-site accommodation is necessary to 'meet and greet' users of the club, and that members of the public will use facilities at irregular times of the day and night, but it is not considered that these justifications amount to the functional need required by PPS7. To the extent that the guest bedrooms require an on-site presence, this only adds to the demonstration that such uses are not normally acceptable in principle in the countryside other than through conversion or extension of existing buildings.

Even if there is a need for on-site accommodation, it is considered that this should be provided only by means of temporary accommodation, at least for the first three years of the enterprise while it becomes established. Indeed, this was how the caretaker's accommodation was provided from 1980 to 1988.

The projected profits submitted show that the club would break even in the second year (albeit before tax, depreciation, capital repayments etc) and that the 'industry average' would be achieved by year five.

However, there is no guarantee that the enterprise would be successful and it is for this reason that permanent accommodation is not permitted until the business becomes established. If the business is not successful then the Authority would be left with a dwelling in the countryside which it would find difficult to resist being used as an unrestricted unit of accommodation.

Nevertheless, it is accepted that there are additional factors to be taken into account in this case. One is the potential for a lawful use to have been established through use by a caretaker until 1995 and a subsequent unlawful occupation later on.

From visiting the site, it appears that the unlawful use of the building as residential accommodation had clearly ceased some time ago. Furthermore the accommodation between 1980 and 1988 was (according to the applicant's evidence) provided by a caravan rather than as



a dwelling and therefore this does not establish a use that could assist a case in favour of a permanent dwellinghouse or flat.

Between 1997 and 2003 there is some evidence to suggest that there was residential occupation of part of the building itself. However, this evidence is not of sufficient standard to issue a Lawful Development Certificate and, crucially, it appears that the residential occupation during this time was not continuous, casting considerable doubt as to whether residential use has established immunity from enforcement action (notwithstanding the fact that it ceased some time ago anyway). Therefore the history of unlawful residential uses carries very little weight and does not provide a 'fallback' position for the applicants.

A second factor was the previous planning application. However, no formal decision was made and, even if it had been, this would have lapsed by now. Any resolution to grant made in the 1990s would have been made under very different policies and this can also be given little weight.

Overall, it is considered that although the replacement of the existing building would not, of itself, be unacceptable, planning policies clearly weigh against the guest and residential accommodation elements of the proposals.

Other than the 'in principle' objections, it is considered that the proposed design would be acceptable, being a contemporary re-interpretation of the existing clubhouse, with design elements incorporated from the current building.

Considering the landscape impact (bearing in mind the AONB designation), the applicant's landscape assessment accepts that the building is visible from a number of positions (both relatively close to and from some distance away).

A scheme of landscaping would help to mitigate the impact of the proposals (including the other aspects of the development including car parking, tennis courts etc) and it is considered that were it not for the proposed projection, the size and design of the replacement building would not be unacceptable.

However, the extension proposed significantly increases the amount of development, being two storey and extending built form (and effectively extending the footprint) to the east, whereas at present on this side there is only the disused swimming pool and a single storey outbuilding, neither of which are particularly prominent or visible and (at least in relation to the pool) does not adversely impact on the landscape. The extension intrudes into an essentially undeveloped part of the site, and it is considered that this would have an adverse impact on the character and appearance of this part of the AONB.

### ***Protected species***

When originally consulted, Natural England objected on the grounds that the application contained insufficient information to be sure that the proposed development would not have an adverse impact on legally protected species, specifically bats, reptiles and great crested newts.

In particular, an initial ecological survey had identified that the existing clubhouse supports a maternity roost of brown long-eared bat and possible maternity roosts of serotine and greater horseshoe bats, the latter being nationally endangered. Natural England were concerned that there needs to be conclusive demonstration that there would be no impact on the favourable conservation status of bats as a result of the development.

The initial ecological survey identified that further detailed survey work was required over the summer months to establish the status of the roost and the number of bats present, as well as a detailed mitigation strategy. In addition a survey for reptiles and great crested newts was also considered necessary but again could only be undertaken at the appropriate time of year.

Natural England have now confirmed that the additional survey information and recommendations (including a mitigation report strategy with specific details including location of bat boxes, times of work etc) are satisfactory for the proposed development not to harm the interests of protected species, and have lifted their objection, subject to conditions.

### ***Sustainable development***

Consideration has also been given to the sustainability of the site. On one hand, the site is inherently unsustainable, being located in the open countryside and away from existing services and facilities.

On the other hand, it is an existing site with an existing use. A new building will provide the opportunity to use sustainable materials and energy-reduction measures, although the conversion of the existing building would be the normally-preferable 'recycling' of an existing building. Encouraging a business in a remote location would encourage greater traffic movements, but having living accommodation on-site could mean less trips than would use of existing facilities. A new dwelling in the countryside would normally be considered unsustainable, agricultural dwellings are accepted as an exception. Therefore if the justification for a dwelling were accepted in principle (as being necessary for the running of the business), sustainability would not form a reason for refusal.

It is considered that the sustainability merits and de-merits are finely balanced, both 'for and 'against' and that, although sustainability does not weigh heavily in favour of the proposal, neither should this issue form a reason for refusal. The County Council have not objected on the grounds of sustainability.

### **Other factors**

Consideration has been given to the impact of the proposal on flood risk, but the Environment Agency have not objected on this basis, subject to the imposition of a suitable condition requiring a scheme of surface water run-off limitation.

Consideration has also been given to the proposed septic tank. Septic tanks are usually the least-preferred foul drainage option, in accordance with circular 3/99 and the Environment Agency and Wessex Water will often object if such provision is proposed without good justification.

In this case, however, the Environment Agency has not objected, but has recommended a condition to ensure that a septic tank is the only available option (possibly because of the need to discharge swimming pool filter backwash).

In relation to highway safety, the Highway Authority have not objected subject to conditions requiring details of the visibility splay and other conditions.

In relation to public recreational open space associated with the dwelling, while in theory the dwelling should make a contribution to the Parish facilities (under policy R2), given the range of private facilities that would be available to the caretaker, it would seem that in this case requiring a contribution (and refusing permission in its absence) would be difficult to defend at appeal.

### **RECOMMENDATION**

### **REFUSAL**

Refuse for the following Reasons

1. The proposed development, in that it would result in a new unit of residential accommodation in the open countryside, without sufficient justification, and the provision of new-build 'tourist' accommodation in the open countryside, would be unacceptable as a matter of principle given the strict planning policies that apply to the open countryside and AONB, necessary in order to maintain the countryside's overall character and appearance. In this respect the development would be contrary to policies C2, H23, T6 and T7 of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 7
2. The size of the proposed development, in particular proposed two storey eastern extension, by reason of size, height and length, would have an adverse impact on the

character and appearance of this part of the countryside and the AONB, contrary to policies C2, C4, C5 and R1C of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 7

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

G1, G2	General Development Criteria
C2, C4, C5	Development in the countryside and AONB
C12	Protected species
PS1	Public Services
R1C	Outdoor recreational facilities
T6	Change of use of buildings to hotel, bed and breakfast etc accommodation
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H23	New Permanent dwellings in the countryside
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