

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 6th MARCH 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

Item Page	Application No Officer	Parish/Ward Recommendation Ward Councillors
1.	S/2007/2495	BOWERCHALKE
SV 15:10	Charlie Bruce-White	REFUSAL
Pages 3 - 8	THE FORGE CHURCH STREET BOWERCHALKE SALISBURY ERECT NEW DWELLING AND FORM VEHICULAR ACCESS	CLLR DRAPER
2.	S/2007/2567	FOVANT
	Mr O Marigold	APPROVE WITH CONDITIONS
Pages 9 - 17	LAND ADJACENT WILLOWS MILL ORCHARD FOVANT SALIBURY ERECTION OF TWO STOREY DWELLING INCLUDING ROOFLIGHTS AND CHIMNEY AND ASSOCIATED WORKS	CLLR BEATTIE CLLR MRS GREEN

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/2495		
Applicant/ Agent:	MICHAEL LYONS ARCHITECTURE		
Location:	THE FORGE GARDEN, CHURCH STREET, BOWERCHALKE, SALISBURY SP5 5BE		
Proposal:	ERECT NEW DWELLING AND FORM VEHICULAR ACCESS		
Parish/ Ward	BOWERCHALKE		
Conservation Area:	BOWERCHALKE	LB Grade:	
Date Valid:	12 December 2007	Expiry Date	6 February 2008
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REASON FOR REPORT TO MEMBERS

Cllr Draper has requested that the application go before the Western Area Committee, due to the local interest taken in the application and the potential impact of the proposal on the character of the Bowerchalke Conservation Area and setting of adjacent listed buildings.

SITE AND ITS SURROUNDINGS

The site relates to the garden area to the side of a grade II listed dwelling known as "The Forge", situated on Church Street, within the Bowerchalke Conservation Area. This is within the Housing Policy Boundary and AONB.

THE PROPOSAL

It is proposed to erect a new dwelling and create a vehicular access onto Church Street. The development represents an amendment to a previously withdrawn application for a new dwelling on the site.

PLANNING HISTORY

07/1121 New dwelling, detached garage and new access WD 22/11/07

The above application was withdrawn, due to concerns expressed by the Local Planning Authority over:

1. The proximity of a proposed garage to The Forge and its location to the front of the plot, leading to an erosion of the open space to the side of The Forge, which was considered important to retain;
2. The general scale of the development, leading to a cramped appearance, further leading to an erosion of the open space to the side of The Forge;

3. The substantial use of render, as opposed to natural stone, which was considered important due to its close relationship with adjacent listed, stone buildings;
4. The bulk and proximity of the dwelling to the eastern boundary with the neighbouring dwelling, Hayes Barton.

The amendments proposed as part of the current application, in an attempt to overcome the above concerns, involve the omission of the garage and the replacement of render with natural stone. Furthermore, an accurate site survey of the plot has also been subsequently undertaken, which has had the effect of making the plot wider than as shown within the architect's original drawings, and the proposed dwelling is now shown as being located further from the boundary with Hayes Barton than previously indicated. The vehicular access has also been moderately shifted towards the south-west (the direction of The Forge).

CONSULTATIONS

English Heritage The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer The proposal to build a new house in the space between the Forge and Hayes Barton is a difficult one. The loss of the very important street fronting hedge is an issue as it affects all visitors' experience of the village and its Conservation Area. The space between the buildings, while apparently sizable on plan, is important in the setting and historical development of both neighbours, and the proposed building itself is substantial and will crowd The Forge particularly. The drawing of the site line along the eastern wall of The Forge is unfortunately close and cannot fail to have a significantly adverse impact on the setting of the listed building; I note the omission of the previously proposed garage, however this is almost irrelevant in the scale of the land rearrangement. The necessary access and visibility splays in such close proximity to The Forge does further harm to its setting (and that of the Conservation Area).

The design of the proposed dwelling, whilst not unattractive, gives the impression of a fairly grand house, yet the plot has dictated its arrangements and it feels much more like it is shoehorned in than it should. I won't deal with the design in further detail as I don't feel that the site is appropriate in the first place.

Highways Officer No objection (subject to standard access conditions)

Wessex Water Note that site is located outside of a Wessex Water sewered area.

Environment Agency Recommend planning condition to secure water efficiency measures. Note that a Consent to Discharge may be required.

Natural England No comment

REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes

Third Party responses 9 letters of support. Reasons include: appropriate to the character of the area.

3 letters of objection. Reasons include: impact upon setting of listed buildings; impact upon character and appearance of Conservation Area; impact upon residential amenity of Hayes Barton; possible drainage and sewerage issues.

Parish Council response Support. The modifications to the original proposal regarding the external facing, now to be natural stone, and the relocation of the dwelling to be 5 metres from the north-eastern boundary are entirely satisfactory and will enable the new property to be adequately located within the proposed part of the garden allocated to the new house.

MAIN ISSUES

- The acceptability of the proposal given the policies of the Local Plan;
- Character of the locality and amenity of the street scene;
- Setting of listed buildings;
- Amenities of the occupiers of adjoining and near by property;
- Highways implications.

POLICY CONTEXT

Local Plan policies G1, G2, D2, H16, CN5, CN8, CN10, CN11, C4, C5, TR11, TR14, R2

Planning Policy Statement 3: Housing; PPG15: Planning & 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 significant that the Conservation Officer has raised concerns over the principle of the site being developed. The site is situated within the curtilage of a listed building, The Forge, with another listed building situated adjacent, Hayes Barton. The Conservation Officer notes that a special feature of the setting of The Forge is its generous sized plot which, in combination with the large plot of Hayes Barton, forms a space that makes an important contribution to the character of the Conservation Area.

It does appear that the applicant's architect has had some regard to this issue, by the fact that the dwelling has been situated some distance back into the plot, by at least 20 metres, and has left the space to the front of the dwelling open. Consequently, other than streetscene views from directly in front of the site, the proposed dwelling would not be predominant and the site would, to some extent, still have the effect of being an open space.

A strong part of the streetscene's character, however, is derived from the existing enclosure to the front boundary of the site that is provided by the yew hedge, and it is relevant that the hedge would need to be removed, or at least significantly cut back, to make way for the new vehicular access that would serve the proposed dwelling. The submitted plans indicate that a hedgerow would be retained to either side of the access point, although at a slight skew angle to the road for the purposes of creating a visibility splay. It would be within the control of the Local Planning Authority to condition that the hedgerow be retained/reinforced/replanted and, given time, there is no reason why a front boundary hedge would not contribute to the character of the Conservation Area. However, its contribution would be weakened, due to the gap created by the access (approximately 6 metres), and the further distance it would be set back from the road.

Another concern expressed by the Conservation Officer is that the visibility splay of the new access would cut across the eastern wall of The Forge. However, due to the low height of the wall, no higher than one metre, it would not impinge upon the visibility splay, and therefore it could remain untouched.

Regarding the design of the proposed dwelling, this is considered to be of reasonably high quality, making use of appropriate materials to the locality. The Conservation Officer notes that the design of the dwelling gives the impression of a fairly grand house and suggests that this results in a dwelling that appears cramped within the plot. This issue, i.e. the potentially cramped appearance, and that of the concerns expressed previously regarding the loss of open space and garden area to the side of The Forge can be considered to be distinguishable issues. Looking at the scale of the proposed dwelling, the width of the plot, and the open area to its front, together with the existing pattern of development on Church Street and within the Conservation Area, the assertion that the development would be unduly cramped is considered difficult to justify.

The proposal would result in the loss of a mature ash tree which is fairly prominent within the streetscene. Although it does make a contribution to the character of the streetscene, and its loss is therefore regrettable, the Council's Tree Officer has examined the tree and noted that it has limitations which would make a Tree Preservation Order indefensible. The yew tree to the front corner of the site has been identified by the Tree Officer as being important to retain, however, and notes that an arboricultural method statement would be required to demonstrate how the construction works could be undertaken in a manner that would not affect its long term health or

amenity value. This could be secured by a planning condition, requiring the submission and agreement of a statement prior to commencement of works.

Neighbouring amenity

Hayes Barton

The proposed new dwelling would be sited approximately 5 metres from the boundary with the neighbouring dwelling at Hayes Barton. The proposed dwelling's facing elevation onto this neighbour would comprise a two storey section approximately 12 metres in width, 4.5 metres to eaves, and 7.5 metres to the ridge. Whilst this elevation of the dwelling would be clearly visible from the curtilage of Hayes Barton, given the proposed dwelling's distance from the boundary, the fact that it's roof would slope away from the boundary, and the extent of the curtilage of the neighbouring dwelling, it is not considered that the development would result in such a detrimental overbearing or overshadowing effect so as to warrant refusing the development.

Regarding privacy, it is noted that there would be two windows within the facing side elevation of the proposed dwelling. One window, however, would be at ground floor level and would not therefore result in any greater overlooking than from the existing garden. The other window would be at first floor level, and could potentially offer views into the curtilage of the neighbouring dwelling. However, it is relevant that the window would provide light to a bathroom, and that it would therefore be reasonable for the Local Planning Authority to control the type of glazing that would be fitted. Obscured glazing could be used to prevent views and, to further ensure that views are not possible, the use of a top opening vent, whereby the bottom section of the window is fixed shut, could be incorporated. This could be adequately controlled through a planning condition, which would prevent harmful overlooking, and it is therefore considered that objecting to this aspect of the proposal would be unreasonable. A planning condition could also be imposed to prevent any further windows being inserted at a later date into the facing north-east elevation without the further consent from the Local Planning Authority.

It is noted that there is also potential for overlooking from the window of bedroom 1. However, due to the distance that it would be situated from the boundary, any overlooking would be restricted to an oblique angle only, and it is not considered that this would result in an unreasonable loss of amenity to the neighbour. Furthermore, it is noted that there is a screen of planting on the boundary which would further prevent significant views.

The Forge

It is considered that the bulk of the proposed dwelling would be situated far enough away from The Forge and its curtilage so as to not have a significant overbearing or overshadowing impact. No windows are proposed at first floor level within the facing side elevation, and any overlooking from bedroom 3 within the rear elevation would be restricted to an oblique angle, to the far end of the curtilage.

Highways implications

The Local Highways Authority have raised no objection to the proposed development, subject to recommending planning conditions to ensure an appropriate access and surface water drainage.

Other matters

It is noted that a third party has raised concerns over potential drainage problems due to the relative levels between the site and neighbouring Hayes Barton. Requirements relating to soakaways are covered by the Building Regulations and the Environment Agency, and any future problems regarding drainage would be a civil matter between the respective land owners, rather than a planning consideration.

CONCLUSION

The area to the side of The Forge has been recognised as an important open space to retain, both due to its historical association with the listed building and the break it creates within the streetscene of the Conservation Area. Although the proposed development appears to recognise the importance of the open space, through the siting of the proposed dwelling and retention of an open area to its front, it would nevertheless lead to some erosion of this space. Given the strong objection of the Conservation Officer, and the recommendation of English Heritage which emphasises the importance of specialist conservation advice, on balance, it is considered that the erosion of the open space resulting from the proposed dwelling, together with the affect of the new access on the roadside hedgerow, would be significant enough so as to have a detrimental impact upon the setting of the listed building and character of the Conservation Area. The development would therefore be contrary to local national policy guidance, and is consequently recommended for refusal.

RECOMMENDATION: REFUSAL

Reasons for refusal:

1. The site is situated within the curtilage of a grade II listed building, and within a Conservation Area. A special feature of the setting of the listed building is its generous sized plot which, in combination with the large curtilage of the adjacent property, results in a characteristic open feature which makes an important contribution to the Conservation Area. The proposed new dwelling would seriously erode this space that is historically associated with the listed building and, as well as detrimentally affecting the appearance of a roadside hedgerow, would fail to preserve or enhance the setting of the listed building and character of the Conservation Area. The development would therefore be contrary to the aims and objectives of PPG15 and saved policies G1, G2, D2, CN5, CN8, CN10 and CN11 of the adopted Salisbury District Local Plan.
2. The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

INFORMATIVE:

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

Part 2

Applications recommended for Approval

2

Application Number:	S/2007/2567		
Applicant/ Agent:	DAMEN ASSOCIATES		
Location:	LAND ADJACENT WILLOWS MILL ORCHARD FOVANT SALISBURY SP3 5JS		
Proposal:	ERECTION OF TWO STOREY DWELLING INCLUDING ROOFLIGHTS AND CHIMNEY AND ASSOCIATED WORKS FOVANT		
Parish/ Ward	FOVANT		
Conservation Area:		LB Grade:	
Date Valid:	27 December 2007	Expiry Date	21 February 2008
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR COMMITTEE DETERMINATION

Councillor Green has requested that the application be heard at Western Area Committee on the grounds of the local interest expressed in the application.

SITE AND ITS SURROUNDINGS

The site consists of land adjacent to The Willows in Mill Orchard, Fovant. The site consists of a steeply-sloping site lying within the Housing Policy Boundary of Fovant and in the Cranborne Chase and West Wiltshire Downs AONB.

THE PROPOSAL

The application proposes the erection of one two-storey dwelling, including rooflights, chimney and associated works.

PLANNING HISTORY

S/2003/1532 Single bungalow and garage and construction of new access (outline), Approved with Conditions on 5th February 2004. On granting permission, members added two conditions (numbers 13 and 15) that have been referred to in this application. These stated that:

(13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall be single storey and shall contain no living accommodation at first floor (roof) level, and no rooflights shall be installed in the roof, without express planning permission having first been granted.

Reason (13): In order to maintain the reasonable living conditions of the adjoining residential properties.

(15) The dwelling hereby approved shall have an internal floorspace of no more than 90 square metres (including garage).

Reason (15): To ensure that the site is not overdeveloped, in the interests of maintaining the character of the area.

S/2006/0261 Construction of two storey dwelling and detached garage with formation of access and associated works, recommended for approval by officers but refused at Western Area Committee on 10th July 2006 for the following reasons:

(1) The proposed development, by reason of its size, height and scale, would represent a significant over-development of the site, harming the character and appearance of its part of the village and failing to maintain the natural beauty of the AONB. In this respect, the proposal is considered to be contrary to policies G2, C4 C5, H16 and D2 of the Replacement Salisbury District Local Plan.

(2) The proposed development, in that it does not make provision for recreational open space, would be contrary to policy R2 of the Replacement Salisbury District Local Plan.

S/2006/2017 In accordance with condition 3 of outline approval, application for approval of matters reserved for the construction of a dwelling with formation of access and associated works (revised proposal), Approved with Conditions on 21st December 2006

CONSULTATIONS

WCC Highways No objection subject to conditions imposed on previous outline consent

Environment Agency No objection subject to conditions and informatives

Environmental Health No observations

Natural England Based on the information received, Natural England have no objection to the proposed development. We consider that the proposal will not have a significant effect on any protected species

Wessex Water Development located within a foul sewer area

REPRESENTATIONS

Advertisement	Yes – expired 31/01/08
Site Notice displayed	Yes – expired 31/01/08
Departure	No
Neighbour notification	Yes – expired 21/01/08
Third Party responses	Yes – 5 letters raising the following concerns: <ul style="list-style-type: none">• Impact on sewage system• Additional inconvenience and noise

- Imposition of conditions on outline permission preventing conversion of roofspace and limiting size of dwelling to 90 square metres – this proposal would conflict with these conditions and the application shows flagrant disregard for the previous decisions of elected members
- Over-development of the site with the floor area being increased
- Greater level of occupancy (more cars/occupants etc) will result from larger dwelling
- Impact of privacy in garden from proposed first floor window (which would not be necessary if no accommodation at first floor)
- Impact of construction workers' vehicles

Parish Council response

Yes – Do not support the application for the following reasons:

- The proposed design constitutes over-development of that part of the village scene, taking into account non-compliance with outline permission conditions 13 and 15
- The design would introduce conflict with or overlooking of neighbouring property 'New Mill Cottage' to the detriment of existing occupiers contrary to Local Plan policy G2 (vi) and condition 13
- Policy H21 and H30 conflict as the proposal would substantially increase the occupancy footprint on the site, contrary to the intention of condition 15 of the outline planning permission
- Conflict with policies H16 (ii) and H17 as increased occupancy, vehicular intrusion and vehicular movements would detrimentally affect the character of that part of the settlement on the site and adversely impact on the rural character and aspect of that part of the village which lies within the West Wiltshire Downs and Cranborne Chase Area of Outstanding Natural Beauty, contrary to policy C5 and PPG7.
- The identified risk with respect to on-road parking road safety concerns, obstruction to public use of the highway and neighbours access attendant upon construction of a 2-storey dwelling with limited parking but with access/exit requirements.

In the event that the application were to be approved despite our recommendations to the contrary, we would suggest that: (1) the 'False Gable Door' be removed in total and replaced with a velux roof light, and (2) that a planting scheme be introduced along the NW boundary to prevent inadvertent overlooking of New Mill Cottage and

(3) vehicular width and weight restrictions be conditioned for contractors vehicles accessing the site in keeping with the size of the narrow lanes and the bridge at the junction with Mill Lane and Mary Barter Lane.

MAIN ISSUES

- Impact on character and appearance of the area
- Impact on living conditions of neighbouring properties
- Impact on highway safety
- Impact on Flood Risk
- Recreational Open Space
- Other matters (wildlife, sewage)

POLICY CONTEXT

H16	Housing Policy Boundary
D2	Infill Development
C4	Development in AONBs
G2	General Development Criteria
C12	Protected Species
R2	Recreational Open Space
PPS7	Sustainable Development in Rural Areas
PPS25	Development and Flood Risk

PLANNING CONSIDERATIONS

Impact on character and appearance of the area (including the AONB)

The site lies within Fovant's Housing Policy Boundary, on a site where planning permission has already been granted for a dwelling. In assessing the impact of the current proposal on the character and appearance of the area, consideration must therefore focus on a comparison between approved and proposed dwellings.

The dwelling approved in 2003 (outline) and 2006 (reserved matters) is a dwelling some 14.9m in length, with a height of 6.5m and a width of 8.5m (9.5m including porch). The dwelling is a two-bedroom dwelling with all accommodation at ground floor and an overall *floorspace* of 89.78 sq m. It also includes a false 'loft' door on the north west elevation, but no rooflights etc. That dwelling could be constructed without the need for further planning permission.

The dwelling now proposed would also be 14.9m in length, 6.5m in height and 8.5m in width (9.5m including porch). It does also include a chimney, 3 rooflights (2 to the front; 1 to the rear) and a window within the loft 'door'. The overall *floorspace* of the dwelling would be 140 sq m, although the *footprint* would be no different to the already-approved dwelling. It includes accommodation at first floor but the number of bedrooms would be unchanged (the lounge and kitchen areas are larger in this proposal).

The difference between the two dwellings therefore amounts to only the additional rooflights, chimney and window. It is considered that these changes to not materially harm the character and appearance of the area (either in terms of physical impact or additional intensification of use), and that to refuse permission on these grounds would be unsustainable at appeal.

The dwelling proposed now is different to that refused at committee under application S/2006/0261, in that that dwelling had a height of 7m, using dormer windows, and containing 3 bedrooms. That application also proposed a garage rather than the 'secure parking area' now proposed (and approved in the later 2006 application). However, the dwelling refused permission did have a reduced length (12.4m) and width (7m).

It is recognised that the outline application included conditions restricting the internal floorspace of the dwelling including garage to no more than 90 sq m, which this proposed dwelling would clearly exceed.

However the imposition of this condition was at members' request and was not supported by officers. It is considered that to try and defend a case at appeal that a dwelling of 91 sq m would be harmful, but that a dwelling of 90 sq m would not be harmful, where this is not defined in a specific policy, would be exceedingly difficult.

To try and refuse this application on the basis that it is larger than an arbitrarily-imposed floorspace condition on an earlier application would also be unsupportable at appeal. Indeed it would risk a successful award of costs being made against the Council on the grounds of unreasonableness.

The Parish Council has commented that the proposal would be contrary to policies H21 and H30. However neither of these policies have relevance to this case. The site does not lie in either a defined 'Special Restraint Area' (H21) or in the countryside (H30) where different considerations apply. The site is within Fovant's Housing Policy Boundary and H16 is the relevant policy.

Overall, it is considered that the proposed dwelling would not harm the character and appearance of the area, particularly when compared with the very similar dwelling already approved, which could be implemented under an existing permission. There would be no material difference to the natural beauty of the AONB.

Impact on living conditions of neighbouring properties

Concern has also been expressed regarding the impact of the proposed dwelling on the living conditions of occupiers of adjoining dwellings. At first floor level, the dwelling proposed now includes 2 rooflights facing to the south (serving a bedroom), a rooflight to the rear (serving the bathroom) and a window on the north west elevation serving a second bedroom.

To the south, the 2 rooflights would be more than 20m away from the nearest dwelling in that direction. It is worth noting that the application refused under application S/2006/0261 was not refused on the grounds of neighbours' living conditions although proposed 3 windows facing in this direction.

The rooflight to the rear would serve only a bathroom and the higher position of 'Willows' itself means that no unacceptable overlooking would result. A condition can be imposed requiring that this is obscure glazed and fixed shut.

The window proposed in the north west elevation would face towards New Mill Cottage and would serve a habitable room. However New Mill Cottage does not have first floor windows on its elevation facing the proposed dwelling and therefore there would be no overlooking into the dwelling itself. Concerns have been expressed regarding overlooking of that property's rear garden. However at 18m, the separation distance would be within acceptable limits for garden-to-window interrelationship, and would not warrant refusal.

It is recognised that condition 13 of the outline permission required that any development built under that permission should only be single storey and should not include accommodation at first floor level, In order to maintain the reasonable living conditions of the adjoining residential properties. However this condition was imposed at a time when there was very little detail of the dwelling proposed (the application was considering only the principle of development).

Given that a specific proposal is now for consideration, and that from a planning standpoint does not result in harm to the living conditions of nearby properties, it is considered that there is no substantive reason to refuse permission because the proposal does not comply with a condition on an earlier consent.

Impact on highway safety

Some concern has been raised in relation to the impact of additional vehicles (including construction vehicles) on highway safety. However, bearing in mind the extant permission, which would generate a similar level of noise and disturbance (both dwellings have the same number of bedrooms) it is not considered that the proposal would cause any greater harm. The Highway Authority have not objected to the application.

Impact on Flood Risk

Consideration has been given to the possible risk of flooding both to, and resulting from, the proposed dwelling. However, the Environment Agency has raised no objection to the application, subject to a condition in relation to floor levels and water efficiency.

Recreational Open Space

Policy R2 of the Local Plan requires that new residential development proposals must make provision for the additional impact on public recreational open space facilities, normally through a financial contribution.

In this case the appropriate legal agreement and sum was paid in connection with the approved reserved matters, and the terms of that agreement are such that its provisions (including the start date for the 5 year period in which the contribution has to be spent by the Parish or adjoining parishes) are binding in relation to a subsequent application to develop the land. Therefore, no further legal agreement is necessary for this application.

Other matters (wildlife, sewage)

The possibility of there being an impact on protected species and their habitat was raised during earlier applications. However, Natural England are satisfied that the proposal would be acceptable and have not objected.

In relation to sewage, although concern has been expressed at the ability of the public sewer to cope with the additional waste, the fact remains that there is a presumption that new development proposals should connect to the foul sewer. This is proposed and has been approved as part of the earlier scheme. Wessex Water, the Environment Agency or Environmental Health have not objected to the proposed use of the main sewer. It is not considered that sewage could form a defensible reason for refusal.

RECOMMENDATION:

It is recommended that planning permission be approved, subject to appropriate conditions.

APPROVE

Reason for approval:

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

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 amended by section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D03A)

Reason: In the interests of the character and appearance of the area.

3. Any gates provided to close the proposed access shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only. (I09A)

Reason: To ensure that a satisfactory form of access is provided in the interests of highway safety.

4. The gradient of the proposed access shall not exceed 1 in 15 for the first 4.5 metres as measured from the nearside edge of the carriageway. (I12A)

Reason: To ensure that a satisfactory form of access is provided in the interests of highway safety.

5. The accessway area between the edge of the carriageway and a point measured 4.5m back from the carriageway edge shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Before the access hereby approved is first brought into use a property consolidated and surfaced turning space for vehicles shall be constructed in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety.

8. The existing access shall be permanently stopped up when the new access is first brought into use.

Reason: In the interests of highway safety.

9. Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions or external alterations to the dwelling (including the insertion of rooflights or windows into the external elevations) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: To ensure that the Local Planning Authority has control over any future alterations, in the interests of the character and appearance of the area and amenities of neighbouring properties.

10. Flood levels within the dwelling shall be set at 83.6m and the secure parking area set at 83.1m to the datum given on drawing number 10307/1 dated September 07.

Reason: To minimise flood risk.

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

Reason: To prevent the increased risk of flooding.

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

Reason: In the interests of sustainable development and the prudent use of natural resources.

13. The bathroom window on the rear elevation of the dwelling hereby approved shall be obscure glazed and top-opening only, and shall remain in this state in perpetuity.

Reason: In the interests of the amenities of the property to the north.

14. This decision has been made on the basis that the site layout plan is at 1:100 scale, not 1:200 as shown.

Reason: For the purposes of clarification.

15. Prior to the commencement of development, details of the 'secure parking area' and of the retaining wall to the rear of the site shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: In the interests of the character and appearance of the area.

16. Prior to the commencement of development, details of the landscaping scheme and its proposed implementation, maintenance and retention shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details, and maintained as approved thereafter.

Reason: In the interests of the character and appearance of the area.

POLICY

This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

H16	Housing Policy Boundary
D2	Infill Development
C4	Development in AONBs
G2	General Development Criteria
C12	Protected Species
R2	Recreational Open Space
PPS7	Sustainable Development in Rural Areas
PPS25	Development and Flood Risk

INFORMATIVE:

The applicant is advised to note the informatives given by the Environment Agency in their letter of 22nd January 2008 in relation to water and energy efficiency measures and pollution prevention during construction, a copy of which was sent to the applicant's agent.