

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 – 03/04/08

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/2008/0408	DINTON
SV 15:35	Mr W Simmonds	REFUSAL
Pages 3 - 6	WESTFIELDS LTD WESTFIELD PARK DINTON SALISBURY ERECT 6NO POLES TO PROVIDE EXTERNAL LIGHTING AND CCTV SURVEILLANCE OF THE SITE (PART RETROSPECTIVE)	FONTHILL & NADDER Councillor Parker
2	S/2008/0316	WILTON
	Mr W Simmonds	APPROVE WITH CONDITIONS
Pages 7 - 9	42 NORTH STREET WILTON SP2 0HH CONVERSION OF SINGLE DWELLING INTO 2 NO FLATS	WILTON Councillor Edge Councillor Holt
3	S/2008/0057	DINTON
SV 15:10	Charlie Bruce-White	APPROVE WITH CONDITIONS
Pages 10 - 16	THE OLD BRICKYARD BRATCH LANE DINTON WILTSHIRE SP3 5EB CHANGE OF USE OF FORMER BRICKWORKS TO B1- B8 INCLUDING ALTERATIONS TO EXISTING BRICK BUILDINGS	FONTHILL & NADDER Councillor Parker

Part 1

Applications recommended for Refusal

1

Application Number:	S/2008/0408		
Applicant/ Agent:	MRS S MELLOW		
Location:	WESTFIELDS BUSINESS PARK LTD WESTFIELD PARK DINTON SALISBURY SP3 5BT		
Proposal:	ERECT 6NO POLES TO PROVIDE EXTERNAL LIGHTING AND CCTV SURVEILLANCE OF THE SITE (PART RETROSPECTIVE)		
Parish/ Ward	DINTON		
Conservation Area:	LB Grade:		
Date Valid:	27 February 2008	Expiry Date	23 April 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

COMMITTEE REPORT

Planning application S/08/0408 for which HDS did not consider it prudent to exercise delegated powers.

SITE AND ITS SURROUNDINGS

Westfield Park is an approximately 19.5 hectare site occupying the area to the south of the B3089 Hindon Road in Dinton, between Catherine Ford Road to the east and Bratch Lane to the west, and is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The site was formerly RAF Baverstock prior to planning approval being granted in 1999 for the change of use of 14 former military buildings to B8 storage and one building to B1 office use, whereby Westfields Ltd began operating from the site providing storage within the 14 buildings.

THE PROPOSAL

The application proposes the erection of six freestanding poles at locations dispersed around the interior of the site to provide security lighting and cctv coverage. The application is in part retrospective as four of the lighting/cctv posts have been constructed and are understood to be operational.

PLANNING APPLICATION HISTORY

79/360	Deemed app – Car park for council residence & alteration of access on land adjacent to rear of Catherine Ford Road.	A	25.10.79
88/477	18/84 Fire protection measures.	A	8.6.88
88/1540	18/84 New offices – Baverstock Building B86.	A	21.9.88
99/1280	CoU of 14 buildings to class B8 and one building to class B1.	AC	16.10.00
01/1660	Section 73 application to vary condition 4 to planning permission S/99/1280 to permit the use of two hard standing areas for outside storage of vehicles and flower pots.	AC	11.10.01
02/1169	Section 73 application to vary condition 1 to planning permission S/01/1660 to allow ancillary operations outside building on the area marked C (Hatched blue)	AC	24.09.02
05/0269	Retrospective – Retention Of Existing Earth Bunds	AC	07.04.05
06/1886	Vary Condition 1 of planning permission 02/1169 to		

	allow storage of trailers outside building 385	AC	07.12.06
06/2145	Retention of 4 portable offices and 1 portable toilet block	AC	07.12.06
06/2354	Vary condition 2 of planning permission 02/1169 to allow containers to be stacked 3 high outside building 386-389	REF	30.01.07
07/2464	External lighting and CCTV (part retrospective)	WD	07.02.08

CONSULTATIONS

WCC Highways –	No Highway objection
Crime Reduction officer –	No objections
Environmental Health –	The lighting is not likely to be a statutory nuisance or detrimental to the amenity of the environment: No objection subject to Condition re curfew time of 11.00 pm
Natural England –	No response received (no objection subject to Condition for previous application reference S/07/2464)
AONB Group –	Recommend refusal as proposal fails to meet the criteria for controlling light pollution within the AONB
Network Rail –	No response received

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes (Bratch Lane gates and Catherine Ford Road entrance)
Departure	No
Neighbour notification	Yes
Third Party responses	Yes – Two emails in support of the proposal on grounds of improved health and safety of workers and site security, One letter and two emails objecting to the proposal on grounds of lack of need for additional lighting at the site, light pollution to nearby residents, impact on wildlife being disturbed by the lights, adverse impact (light pollution) to night sky, adverse impact of proposed cctv cameras on nearby neighbours (overlooking/privacy) and impact of energy consumed by the proposed lights (CO ₂ emissions).
Parish Council response	- None received at time of writing

MAIN ISSUES

Impact on AONB
Impact on neighbour amenity
Impact on nature conservation

POLICY CONTEXT

Policies G2 (General Criteria for Development), D3 (Design), C2 (The Rural Environment), C5 (Landscape Conservation), C12 (Nature Conservation), PPS 7 (Sustainable Development in Rural Areas) & PPS 23 (Planning and Pollution Control)

PLANNING CONSIDERATIONS

The application proposes the erection of six freestanding poles at locations dispersed around the interior of the site to provide security lighting and cctv coverage. The application is in part retrospective as four of the lighting/cctv posts have been constructed and are operational. Each of the posts will provide four fixed angle floodlight units providing 400 watts of illumination per unit.

The applicant has stated the proposed lighting is intended to improve health and safety for persons working at the site in conditions of poor light, and to improve the security of the site.

The application is a resubmission of the previous application (reference S/07/2464) for the lighting and cctv posts which was withdrawn by the applicants pending the submission of additional information.

Impact on neighbour amenity

Policy G2 (viii) of the saved policies of the adopted local plan requires that development avoids detriment to public health or pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, effluent or vibration.

External illumination of the site has the potential to adversely affect the amenity of nearby residents, principally through glare and light trespass. Following the resubmission of the current application with additional technical information and with the angle of the lighting units being angled down as shown in the photographs submitted by the applicant, the Environmental Health officer makes no objection to the proposed development, subject to the imposition of a Condition preventing the use of the lights after 11.00 pm.

The presence of cctv cameras within the site has the potential to result in the overlooking of neighbouring residential premises, or to create the perception of being overlooked. The applicant has stated that cctv cameras will be programmed to only record images from within the boundary of the site, however it is accepted that this may be difficult to monitor and enforce. It should be noted that permitted development rights would allow multiple cctv cameras to be installed on each of the buildings within the site (up to four cameras on the side of each building, subject to conditions) without the need for planning consent.

Impact on nature conservation interests

The Governments advisory paper 'Lighting in the Countryside – Towards Good Practice' states that "the ecological effects of artificial lighting are still poorly understood, but an appreciation of the main impacts is nonetheless important. In general terms, ecologists would like to adopt a precautionary approach and to see mitigation of lighting impacts, especially close to sites of high conservation value or to known populations of rare species". Natural England has previously (planning reference S/07/2464) raised no objection to the proposed development, subject to a Condition that mitigation against any effects of the lighting is prepared by a suitably qualified bat consultant and agreed in writing by the Local Planning Authority.

Impact on the AONB

Policy C2 of the local plan states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and maintain or enhance the environment.

Policy C5 deals with development within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and restricts development that is out of sympathy with the landscape of the AONB.

Planning Policy Statement 7 (Sustainable Development in Rural Areas) makes it clear that nationally designated areas, including Areas of Outstanding Natural Beauty, have the highest status of protection in relation to landscape and scenic beauty and the conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

PPS 23 (Planning and Pollution Control) advises "the need to limit and, where possible, reduce the adverse impact of light pollution, e.g. on local amenity, rural tranquillity and nature conservation" and highlights that light pollution can form a material planning consideration in development control decisions.

The Governments own advisory paper 'Lighting in the Countryside – Towards Good Practice' highlights how the countryside may be sensitive to lighting impacts, and identifies that the presence of dark skies, being areas of countryside which retain a dark sky (sometimes known as 'dark landscapes'), should be recognised, and that such areas often correspond closely with designated landscapes such as National Parks and AONBs. The paper provides advice on designing lighting schemes to mitigate the effects of external illumination, including skyglow, glare, light trespass and scenic intrusion, for example the use of full horizontal cut-off luminaires (shrouds) on lighting units can significantly reduce skyglow.

The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty group is particularly concerned about light pollution and dark skies (following the commissioning of a study on light pollution) and has produced a Position Statement on Light Pollution which underlines the sensitivity of the AONB to light pollution and contains advice and criteria to mitigate the impacts of external illumination. Based on these documents the AONB group has concluded that the illumination produced by the twenty proposed floodlights would not be adequately controlled to prevent light pollution to the detriment of the AONB, and strongly recommends refusal of the application.

CONCLUSION

It is considered the principal concern in respect of the proposed development which has not been adequately addressed, and/or could not be adequately mitigated by Condition, is the impact of the proposed lighting on the general amenity of the designated AONB, and in particular the adverse impact of skyglow in the night sky. Whilst the ability to mitigate the impacts of illumination exists as described in the Governments advisory paper 'Lighting in the Countryside – Towards Good Practice', it is considered the applicant has failed to satisfactorily mitigate against the adverse effects of the lighting on the wider surrounding landscape, to the detriment of the existing character of the countryside and the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. In this respect, and taking into account the Local Plan policies and wider planning guidance detailed above, it is considered that the potential harm caused to the AONB brought about by the proposed development outweighs the benefits brought to the applicant in relation to the security of the site and the enhancement of safety for persons working within the site during periods of poor light.

RECOMMENDATION

That the application is refused for the following reasons:

REASONS FOR REFUSAL

The proposed development, by reason of the lack of mitigation against incidental horizontal and upward (reflected) light emission, is likely to contribute towards skyglow within, and thereby have an adverse and detrimental impact on, the night sky within the designated Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, contrary to Policies G2, C2 and C5 of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPS 7 (Sustainable Development in Rural Areas) and PPS 23 (Planning and Pollution Control).

Part 2

Applications recommended for Approval

2

Application Number:	S/2008/0316		
Applicant/ Agent:	EGG DESIGN GROUP		
Location:	42 NORTH STREET WILTON SALISBURY SP2 0HH		
Proposal:	CONVERSION OF SINGLE DWELLING INTO 2 NO FLATS		
Parish/ Ward	WILTON		
Conservation Area:	WILTON	LB Grade:	
Date Valid:	15 February 2008	Expiry Date	11 April 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

COMMITTEE REPORT

Planning application S/08/0316

This application has been called to Committee by Councillor Edge due to the interest shown in the application.

SITE AND ITS SURROUNDINGS

Number 42 North Street, Wilton is a terraced dwelling house with accommodation over three floors. The property has a pedestrian entrance to the front door from North Street and a pedestrian access to the rear via a private right of way across the back of numbers 38 and 40 North Street. To the rear (southeast) of the dwelling house is a small area of garden. It is understood that there is no parking provision for the property.

THE PROPOSAL

The application proposes the subdivision of the property into two one-bed flats. Also proposed is the enclosure (roofing over) of a narrow space immediately adjacent to the existing back door to create an enlarged ground floor kitchen.

PLANNING HISTORY

None relevant

CONSULTATIONS

WCC Highways – No Highway objection subject to provision of covered cycle parking spaces
 Environmental Health – Concern re arrangement of living accommodation
 Conservation officer – No objection

REPRESENTATIONS

Advertisement No
 Site Notice displayed Yes
 Departure No
 Neighbour notification Yes
 Third Party responses Yes – One letter of objection, objecting on grounds of visual amenity, and neighbour amenity in respect of incompatible arrangements of adjoining accommodation,

Parish Council response – Object on grounds of visual amenity, exacerbation of existing parking limitations, approval would set undesirable precedent

MAIN ISSUES

Impact on neighbour amenity
Impact on Conservation area
Scale, design & materials

POLICY CONTEXT

Policies G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & R2 (Open Space Provision)

PLANNING CONSIDERATIONS

The application proposes the subdivision of the property into two one-bed flats. Also proposed is the enclosure (roofing over) of a narrow space immediately adjacent to the existing back door to create an enlarged ground floor kitchen.

The existing property is a terraced dwellinghouse with accommodation over three floors. The property has a pedestrian entrance to the front door from North Street and a pedestrian access to the rear via a private right of way across the back of numbers 38 and 40 North Street. To the rear (southeast) of the dwellinghouse is a small area of garden. It is understood that there is no parking provision for the property.

There are no alterations proposed to the front of the property. At the rear an existing narrow space immediately outside the rear door a small extension is proposed to provide an enlarged kitchen on the ground floor.

The proposed internal arrangements are for a ground floor flat accessed by the rear, and a split level flat over the first and second floors accessed via the existing front door.

The Environmental Health Officer (EHO) has expressed concerns with regard to the compatibility of the arrangement of internal accommodation (a concern also expressed in the letter of objection from a neighbour), however the EHO accepts that adequate soundproofing in accordance with current building regulations would mitigate these concerns and he therefore does not formally object to the proposed subdivision of the property. It is therefore considered that these concerns do not substantiate a reason for the refusal of the proposed development in planning terms.

The property is situated within a Housing Policy Boundary (H16) within which infilling, small scale development and redevelopment is acceptable in principle. The proposed single storey rear extension is small and is considered compatible with the scale, design and materials of the existing property. Due to the limited scale and extent of the proposed external alterations to the property, it is considered the proposal would not adversely affect the existing character of the surrounding Conservation Area.

The Highways officer has no objection to the proposed development, subject to the provision of covered cycle parking spaces in accordance with Appendix VI of the Local Plan. This could be achieved by making use of a part of the small rear garden area and could be imposed by Condition.

At the time of writing this report, the applicant/owner has not entered in to a legal agreement with the Council in respect of the provision of public recreational open space.

RECOMMENDATION

Provided the applicant/owner has made provision towards recreational open space in accordance with Policy R2 of the Local Plan by the date of Committee by means of a unilateral undertaking under Section 106 of the Town and Country Planning Act:

That the application is approved, subject to Conditions.

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & R2 (Open Space Provision) of the saved policies of the adopted Salisbury District Local Plan.

And subject to the following Conditions:-

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

1) 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 (0004 AMENDED)

(2) Prior to the first occupation of the subdivided property, provision for the covered parking of cycles shall be made within the rear garden area of the site in accordance with the cycle parking guidelines described within Appendix VI of the Local Plan in accordance with written details to be approved by the local planning authority.

2) To ensure the provision of covered cycle parking in accordance with Appendix VI of the local plan.

And in accordance with the following policies of the Adopted Salisbury District Local Plan.

G2 (General Criteria for Development), D3 (Design), CN8 (Conservation Areas) & R2 (Open Space Provision)

Application Number:	S/2008/0057		
Applicant/ Agent:	GRAHAM SAVAGE ASSOCIATES		
Location:	THE OLD BRICKYARD BRATCH LANE DINTON SALISBURY SP3 5EB		
Proposal:	CHANGE OF USE OF FORMER BRICKWORKS TO B1- B8 INCLUDING ALTERATIONS TO EXISTING BRICK BUILDINGS		
Parish/ Ward	DINTON		
Conservation Area:		LB Grade:	
Date Valid:	14 January 2008	Expiry Date	10 March 2008
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REASON FOR REPORT TO COMMITTEE

Cllr Parker has requested that the application be determined by the Western Area Committee, in order for members to consider issues of traffic, local employment, environmental impact and sustainability.

SITE AND ITS SURROUNDINGS

The site relates to the former brickworks on Bratch Lane, Dinton. This is immediately adjacent the Domoney Business Estate, which includes a number of industrial units including Domoney Woodwork. The site is within the countryside and AONB, although only about 150 metres from the edge of the built up area of Dinton village.

As the name suggests, the historical use of the site was as a brickworks, which operated from around the early part of the 20th Century up to World War II. Details of the precise use/s of the site since are not particularly clear, although the most recent use of the site is understood to be for agricultural purposes, with the brick building having been used as a grain drier and a modern barn having been erected for the storage of grain at some time around the 1990s. The site is currently not in use, and has been purchased by the owners of the adjacent Domoney site.

THE PROPOSAL

It is proposed to change the use of the land to B1 (business) and B8 (storage and distribution), and to alter the existing brick buildings to facilitate their re-use.

More specifically, the proposal can be considered in three parts:

the extension of the Domoney Woodwork yard at the western end of the site, effectively involving the hardsurfacing of an existing open area of grassland and incorporation into the existing Domoney yard. At the time of the officer site visit the Domoney yard was used to store materials up to a height of approximately 5 metres.

the refurbishment and re-use of the existing brick buildings, including a modest extension and removal of a covered area and shed, to be used for B1 / B8 purposes. Plans show the building to be converted in such a way that it would be possible for the brick buildings to be occupied by one or several businesses.

the reuse of the existing modern barn and surrounding hardsurfaced area to the east of the site for general storage purposes (B8).

B1 and B8 uses encompass a variety of potential business uses. For clarification, The Town and Country Planning (Use Classes) Order defines a B1 use as:

Use for all or any of the following purposes—

(a) as an office other than a use within class A2 (financial and professional services),

Western Area Committee 03/04/2008

*(b) for research and development of products or processes, or
(c) for any industrial process,
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

General industrial uses, e.g. manufacturing and industrial process, which could cause nuisance in residential areas are specifically excluded from B1 uses, and usually fall within the B2 uses class.

The same Order describes a B8 use as:

use for storage or as a distribution centre

PLANNING HISTORY

There is an extensive planning history for the adjacent Dinton Business Park, with only the following relating to the site itself:

96/1159 CoU for the provision of containers for storage of fireworks

01/1326 Renewal of planning permission S/96/1159 for the provision of containers for storage of fireworks

The above only related to the eastern most part of the site, and it is unknown as to whether the consents were ever implemented.

CONSULTATIONS

WCC Highways On the basis that this proposal includes the re-use of existing industrial buildings and is unlikely to lead to a significant increase in traffic I would not wish to raise a highway objection to the development proposed.

However, the existing advertisement in Bratch Lane at its junction with the B3089 does in my view restrict visibility at the junction and I recommend that it be resited as part of any planning permission to improve visibility from a minimum distance of 2.4m back from the B3089 carriageway. Furthermore, visibility towards the west for vehicles leaving Bratch Lane is somewhat restricted by vegetation, e.g. brambles growing up and out from the post and rail fence. I recommend that this vegetation be cut back and maintained as such.

Environmental Health Recommend planning conditions to control hours of deliveries / distribution, and further site investigations and remediation measures with regards to land contamination.

AONB Group Comment that the proposed use should not generate heavy goods traffic and suggest that a weight limit of 7.5 tonnes could be imposed.

Natural England No objection. Recommend that the mitigation proposals are assured through a planning condition, using the recommendations contained within the submitted Bat & Barn Owl survey.

Wiltshire Wildlife Agree with recommendations of the submitted Bat & Barn Owl survey. However, due to the adjacent wooded area and lake there may be potential for the site to provide a habitat for reptiles, which has not been considered within the survey. Consequently the following is recommended:

The footprint of the proposed works (including all ancillary activity) should be cut low (using strimmer/hand mower - not heavy ride-on mower). Ideally it should be cut as soon as possible before April, while reptiles are underground etc, and kept cut until the onset of works. The cuttings should be collected and stored off the footprint. There is an existing pile of cuttings that will need to be carefully removed by hand after April. Arguably all of the above should be

organised with and overseen by an ecologist. If the applicant is unable/unwilling to do the above then a survey in spring is required, to determine the need for and level of mitigation.

Environment Agency No objection. Recommend several informatives.

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry.....14/02/08
Departure	No	
Neighbour notification	Yes	Expiry.....04/02/08

Third Party responses 1 letter of support, subject to restriction to light industrial use.

4 letters of concern/objection. Reasons include:

Contrary to Dinton Parish Plan which indicates a desire for no expansion of industrial areas. Potential increase in traffic, including particular concerns over HGV traffic, since this is seen as a problem with other existing developments in the village.

Difficult to estimate the implications of the proposed B1/B8 use in terms of potential activities and traffic.

Impact on protected species need to be considered.

The rear access should not be used.

Concerns over container storage.

If approved, there need to be restrictions on the nature of activities undertaken, hours of operation, height of stored items, lighting, parking on Bratch Lane.

Parish Council response No objection, subject to conditions to control:

- Hours of operation
- Storage of non-hazardous items
- Height at which any containers are stored
- External lighting

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. Protected species.

POLICY CONTEXT

Local Plan policies G1, G2, D3, E17, E19, C4, C5, C12, C22, C24, TR11, TR14

PPS7: *Sustainable Development in Rural Areas*

PLANNING CONSIDERATIONS

Principle of development

PPS7 is generally supportive of economic development in rural areas that meet sustainability objectives and which do not harm the visual quality of the rural environment.

Policy E17 states that new business development (including B1 and B8 uses) involving the construction of new buildings or the conversion of existing buildings will be permitted on the edge of settlements, subject to the following criteria:

- services, access and the local highway network are satisfactory;
- the scale of the proposal is appropriate for the size of the settlement;
- the scale and design of the buildings are compatible with the character of the area;
- the development is easily accessible to the local workforce by a range of transport modes;
- the proposal will not detract from the amenities and character of the settlement;
- the environment of any nearby dwellings will not be adversely affected; and
- there will be no significant adverse impact on the surrounding landscape or nature conservation value of the area.

The development shall now be considered in relation to these criteria:

Services, access and the local highway network are satisfactory?

Access to the site is achieved from Bratch Lane, a relatively narrow unclassified road that feeds onto the B3089, and which only serves a limited number of premises, including the existing Domoney business park, village hall and a small number of dwellings.

Regarding visibility at the junction with the B3089, the Local Highways Authority have raised no objection, subject to improvements to the western visibility splay through the resiting of existing signage and cutting back of vegetation that is growing beyond a post and rail fence. This can be achieved through a planning condition.

Regarding vehicular movements, it is necessary to consider the nature of potential movements that could be generated from the existing use of the site in relation to that of the proposed. Although currently vacant, the site has an existing authorised use for the purposes of grain drying and storage, which could potentially resume. This use would have generated farm traffic, including tractors and trailers, and HGVs distributing the grain to further afield. The elements of the proposal relating to the extension of Domoney's yard and the reuse of the brick buildings are unlikely to result in significant HGV movement, rather smaller vehicles that would be more suited to Bratch Lane. The proposed storage element of the development to the eastern end of the site could generate larger vehicle movements. However, given the relatively limited area of the site devoted to this use and the nature of traffic that could currently be generated, the Local Highways Authority have raised no objection.

The scale of the proposal is appropriate for the size of the settlement?

Dinton is a relatively large village with a good range of local amenities, and has been earmarked as a "main village" within the Local Development Framework Core Strategy, with potential to accommodate modest growth including improved job opportunities on a local scale. Given that the development would be contained within the existing confines of the brickyard site, and the development involves the reuse of existing buildings on the site, it is not considered that the extent of development would be inappropriate or result in intrinsic harm to the overall character of the settlement.

The scale and design of the buildings are compatible with the character of the area?

The development would make use of existing buildings on site, and the extension and alterations to the existing brick buildings are considered to enhance their character.

The development is easily accessible to the local workforce by a range of transport modes?

The site is situated close to the built up area of Dinton, and would be easily accessible by foot, bicycle or from the nearby bus stop.

The proposal will not detract from the amenities and character of the settlement?

See above and below.

The environment of any nearby dwellings will not be adversely affected?

There are a number of dwellings situated to the south of the B3089 that are approximately 150 metres from the site, and separated by a wooded area. Given this distance and the less harmful nature of B1 and B8 uses, it is not considered that the principle of the development is unacceptable in environmental terms, and the Council's Environmental Health Officer has raised no objection. However, given the proximity of the access route to neighbouring dwellings, it is considered appropriate to control the hours of deliveries/distribution. The Environmental Health Officer has suggested that no deliveries shall be taken at or despatched from the site before 08:00 on any day, after 18:00 Monday to Friday and 13:00 on a Saturday nor at any time on Sundays, Bank or Public Holidays. This can be controlled through a planning condition.

There will be no significant adverse impact on the surrounding landscape or nature conservation value of the area?

The site benefits from generous screening around its boundaries, including a bund to its northern boundary. In terms of operational development, the provision of new hardsurfaces and the modest extension of the existing brick buildings would have minimal impact in landscape terms. The impact of storage and parked vehicles would be mitigated by existing screening, although it is considered necessary that there should be a restriction in terms of the height at which materials/goods can be stored, to ensure that it does not protrude significantly above the screening. Given the extent and height of existing features in and around the site, a height limit of 6 metres is considered appropriate, which can be controlled through a planning condition. Furthermore, it is also considered appropriate to control the means of external lighting, and a condition can be imposed to require further details to be submitted and agreed and, thereafter, any additional lighting only to be permitted through a new planning application.

Due to the potential for the existing buildings on site to provide a habitat for bats and barn owls, the applicant has commissioned an ecologist to conduct a protected species survey. Whilst evidence was found of bats and barn owls within some of the buildings, the conclusion of the survey was that the impact of the development would be minimal subject to mitigation measures. This has been verified by Natural England and Wiltshire Wildlife Trust. Consequently, it is not considered that the development would harmfully affect protected species or their habitats, subject to a planning condition to secure the mitigation measures.

It is noted that the adjacent wooded area and lake to the north of the site would be a likely habitat for reptiles, so the use of the site as habitat should not be ruled out. Whilst a lot of the site is already hardsurfaced or covered by buildings, there are some existing grassed areas which are to be hardsurfaced as part of the proposals. In association with Wiltshire Wildlife Trust, the applicant's ecologists have recommended a course of action to be followed, to mitigate against any potential impact upon reptiles. This essentially involves maintaining the existing grassed areas in a well cut state, prior to any development commencing, and ensuring that any existing cuttings are not removed during the hibernation period of reptiles.

CONCLUSION

The proposal would make appropriate use of existing developed land on the edge of a sustainable settlement, providing benefits to the rural economy whilst meeting sustainability objectives and, subject to conditions, would not significantly affect the environment or amenities of the area. Given the past and potential existing use of the site, it is not considered that the proposed use would be unacceptable in highway terms.

REASONS FOR APPROVAL:

The proposal would be acceptable in principle, making appropriate use of existing developed land on the edge of a sustainable settlement, providing benefits to the rural economy whilst meeting sustainability objectives and, subject to conditions, would not significantly affect the environment or amenities of the area. Given the past and potential existing use of the site, it is not considered that the proposed use would be unacceptable in highway terms. The development would therefore be generally in accordance with the provisions of the Development Plan.

And subject to the following conditions:

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.

Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to 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.

Before development is commenced, details of measures to improve the western visibility splay of the junction of Bratch Lane with the B3089 shall be submitted to and approved in writing by the local planning authority. The agreed details shall be carried out prior to the first use of the development hereby permitted and thereafter maintained as such in perpetuity.

Reason: In the interests of highways safety

No development shall take place until full details of both hard and soft landscape works, including new boundary treatment, 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.

A targeted Phase 2 site investigation is to be undertaken at the site as recommended by the Phase 1 desktop report completed by Alexander Associates. This will include soil surveys and a scheme to deal with any contamination of the site. The local planning authority may stipulate such depths and locations to be sampled as may be necessary. Details must be provided to the local planning authority of the extent of the contaminants and the suggested measures to be taken to avoid risk to the public when the site is developed/altered. Any scheme for the remediation of the site must be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: In order to resolve potential contamination issues of the site related to previous uses.

The premises hereby permitted shall be used only for the purposes set out under Classes B1 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interests of retaining planning control.

The height of any externally stored items shall not exceed 6 metres in height above unaltered ground levels.

Reason: In the interests of maintaining the character and appearance of the AONB.

No deliveries shall be taken at or despatched from the site before 08:00 on any day, after 18:00 Monday to Friday and 13:00 on a Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

Details of any floodlighting or other external lighting of the site and buildings shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and,

thereafter, any further external lighting shall only be agreed through the submission of a planning application.

Reason: In the interests of maintaining the character and appearance of the AONB.

The development shall be carried out in accordance with the recommendations contained within the submitted Bat & Barn Owl Survey undertaken by Chalkhill Environmental Consultants and, before development commences, details of provisions for a barn owl roost shall be submitted to and agreed in writing by the local planning authority and implemented prior to development commencing.

Reason: In the interests of protected species.

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

Policy G1	Sustainable development
Policy G2	General Development Guidance
Policy D3	Design of extensions
Policy E17	Employment development in or on the edge of settlements
Policy E19	Employment development within the countryside
Policy C4	AONB
Policy C5	AONB
Policy C12	Protected species
Policy C22	Conversion and reuse of buildings in the countryside
Policy C24	Extensions to buildings in the countryside
Policy TR11	Car parking provision
Policy TR14	Cycle parking provision

INFORMATIVE: Protected species

The applicant/developer is informed that this planning consent does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any license required as described in Part IV B of the *Circular 06/2005*.

INFORMATIVE: Environment Agency comments

The applicant/developer is informed of the information contained within the letter of 05/02/08 from the Environment Agency that is appended to this decision notice.