

# 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 13/11/08

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

<b>Item Page</b>	<b>Application No Officer</b>	<b>Parish/Ward Recommendation Ward Councillors</b>
1	S/2008/1593	BISHOPSTONE
Pages 3 -11	Mr O Marigold	REFUSAL
SV 14:20	BRIMBLE LEA & PARTNERS LAND ADJACENT TO DROVE COTTAGE THE DROVE BISHOPSTONE SALISBURY SP5 4BP  DEMOLITION OF EXISTING STORAGE BUILDING AND ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE	CHALK VALLEY WARD Councillor Draper
2	S/2008/0779	TISBURY
Pages 12 - 50	Mr O Marigold	APPROVE SUBJECT TO S106
SV 15:00	MR DAVID LOHFINK LAND OFF HINDON LANE TISBURY SALISBURY SP3 6PU  MIXED USE DEVELOPMENT OF LAND TO COMPRISE AROUND 90 DWELLINGS AND 3800 SQUARE METRES OF B1 BUSINESS	TISBURY AND FOVANT WARD Councillor Beattie Councillor Mrs Green

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2008/1593		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Location:	LAND ADJACENT TO DROVE COTTAGE THE DROVE BISHOPSTONE SALISBURY SP5 4BP		
Proposal:	DEMOLITION OF EXISTING STORAGE BUILDING AND ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE		
Parish/ Ward	BISHOPSTONE		
Conservation Area:		LB Grade:	
Date Valid:	16 September 2008	Expiry Date	11 November 2008
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

### REASON FOR REPORT TO MEMBERS

Councillor Draper has asked that the application be heard at Western Area Committee on the grounds of local interest in the application.

### SITE AND ITS SURROUNDINGS

The site consists of land off The Drove in Bishopstone, behind existing dwellings. The land currently has an un-kempt appearance but it is understood (from investigations by the Council's enforcement team) that its previous use was for a mixture of agriculture and for the storage of builders materials since the 1940s.

In planning terms, most of the land lies within Bishopstone's Housing Restraint Area, although a triangle of land to the south of the site (behind the existing barn) lies beyond the boundary and therefore in the open countryside.

The whole site (and the village) is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

### THE PROPOSAL

The application proposes the demolition of the existing barn and the erection of one dwelling and garage, with access from the Drove between Drove Cottage and Greenfields.

The dwelling would be relatively large, measuring some 15.2m (length) by 6m (width excluding the 'extension'). The height of the dwelling would be 7.8m excluding the chimney. The materials would be a mixture of brick (on the front/rear elevations) and stone (sides), with a slate roof and timber doors and windows.

### PLANNING HISTORY

S/2006/0395	Erection of two dwellings, garages and access, refused on 5 <sup>th</sup> April 2006. Appeal dismissed – a copy of this appeal decision is included as an <b>appendix</b> to this decision.
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## **CONSULTATIONS**

### **Natural England**

Based on the information provided, Natural England have no objection to the proposed development subject to the inclusion of our recommended conditions and the proposal being carried out in strict accordance with the details of the application. Consider that the proposal will not have a significant effect on any protected species.

### **Environmental Health**

Express some concerns regarding this application particularly in respect of the disposal of foul drainage. The area is prone to high ground water particularly during the winter months and a number of the existing dwellings with septic tank drainage systems suffer from inundation with ground water and subsequent localised pollution when tanks surcharge.

They note that the proposal indicates the use of a Klargest treatment system which should produce a good quality effluent to standards required by an Environment Agency discharge consent.

Initial concerns were expressed regarding the potential for the system to fail at times of high groundwater. However, following further investigation, Environmental health officers are satisfied that this can be overcome by utilising a pumped outlet which provides a non-return valve. This would be housed in a small manhole next to the treatment system or enclosed within the moulding of the treatment plant and their initial concerns have now been overcome. A condition is recommended to secure that the pumped outlet forms part of the drainage system.

They also recommend that the following condition is applied to any approval to minimise the impact of the building works on the nearby houses.

"Due to the proximity of existing residential uses no delivery of plant, equipment or materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00, weekdays and 09.00 & 13.00 Saturdays."

### **Highway Authority**

On the basis of the existing use of the site it is my view that the traffic generated by the proposed single dwelling will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to the development proposed

### **Environment Agency**

We have no objection to the proposal as submitted but we wish to make the following comment and have the attached informative added to any planning permission granted.

The applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area served by a public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

Informative - If a new septic tank/treatment plant is the only

feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, Consent to Discharge may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact the Environment Agency on 08708 506506 for further details on Consents to Discharge.

## **Conservation**

Do not consider that the proposals would cause any further harm to the setting of the nearby listed building, and raise no objection.

## **REPRESENTATIONS**

Newspaper advertisement	Yes – expired 16/10/08
Site Notice displayed	Yes – expired 16/10/08
Departure	No
Neighbour notification	Yes – expired 08/10/08
Third Party responses	<p>Yes – <b>13</b> letters have been received objecting or expressing concerns in relation to the application. The issues raised are summarised in the points below:</p> <ul style="list-style-type: none"> <li>• The proposed development is backfill/backland development which is totally out of keeping and does not respect the character and appearance of the area, the scale of the area, heights and massing of adjoining buildings ;</li> <li>• The existing buildings are 5 to 5.5m high (older cottages) or 6 to 6.5m high (dormer-type house) compared to 7.8m for the proposed dwelling;</li> <li>• The site is within the nationally-designated AONB, confirmed by the Government as being of the highest status of landscape protection, where there is a need (policy C5) to protect, conserve and enhance the natural beauty and landscape;</li> <li>• Borderline of the Housing Restraint Area;</li> <li>• Development would add to the intensification of development with additional and unnecessary impact on the immediate area;</li> <li>• Careful consideration will need to be given to whether the incursion would harm the character and appearance of the countryside</li> <li>• Impact on neighbours' privacy (including psychological impact) from close proximity of dwelling and windows, in particular first floor, north-facing windows affecting Dairy Cottage;</li> <li>• Impact on highway safety in an area where the road used by cars merges into public foot/bridlepath. There has been an increase of vehicles in recent times and in a recent observation 11 vehicles were parked in vicinity of the site;</li> <li>• The area is subject to drainage problems already experienced by existing housing and a further dwelling will represent further saturation, exacerbating an on-going problem – it is untrue to say that the ground is free draining;</li> <li>• The site's appearance has come about because of the removal of the hedge surrounding Greenfields and the clearing of previous vegetable gardens. The existing building, proposed for demolition, was previously used as a garage.</li> <li>• Awareness should be made of ecological considerations;</li> </ul>

- The Planning Inspector's decision gave good sound reasons for dismissing the appeal at the time of the previous application.

11 letters have been received supporting the application. The reasons are summarised in the points below:

- The entire area is within the H19 area and would replace an existing and unsightly area;
- The proposal is for a single dwelling and the layout and design has been created to reflect the character of the hamlet;
- Any flooding at the bottom of the garden is no longer an issue all necessary steps have been taken to resolve it.
- Proposal would be the 'rounding off' of dwellings causing no harm to visual amenity.
- Some development in the village is essential in order to retain services and maintain a vibrant village community.

Parish Council response

Yes – express concern that:

- The erection of the house would be backland development which would be inappropriate in this location;
- The application is contrary to policy H19 since it is not in keeping with the character of the neighbouring properties;
- There have been ongoing problems with flooding in this general area of Croucheston. It is caused by high ground water levels. We consider that this application does not satisfactorily address the problem and, in fact, makes worse an already worrying issue for local residents.

### **MAIN ISSUES**

The principle of development

Design, layout and the impact on the character and appearance of the area

The impact of the existing and potential uses

Highway safety

Impact on neighbouring properties

Protected species

Drainage and sewerage

### **POLICY CONTEXT**

C2 Development in the countryside

C4, C5 Development in the AONB

H23 Development outside of Housing Policy Boundaries

H19 Development in Housing Restraint Areas

G2 General Development Criteria

G5 Drainage

D2 Infill Development

C12 Protected species

R2 Recreational Open Space

### **PLANNING CONSIDERATIONS**

The site was subject to a previous application (S/2006/0395) for the erection of two, two storey dwellings and garages. The application was refused on the grounds of: (1) the principle of part of one garage and part of the residential curtilage being new residential development in the open countryside; (2) the impact on the character of the area, bearing in mind its HRA and AONB designation; (3) protected species; (4) highway safety on narrow, poorly aligned roads; (5) recreational open space; and (6) the impact on neighbours from overlooking windows.

The applicant then appealed, and the Inspector dismissed the appeal, essentially agreeing with all of the Authority's concerns. Given its clear relevance to the case, a copy of the decision notice is included as an appendix to this report.

In contrast to the earlier proposal, the current application proposes a single, though relatively large, dwelling as opposed to the two proposed before. The built-form of the proposal has been sited closer to existing dwellings and away from the HRA boundary, although the red line still encompasses land outside of the HRA boundary.

### ***The Principle Of Development***

In relation to the part of the development outside of the HRA boundary (a triangle of land that is currently in agricultural use) the Inspector reached a judgement on the unacceptability of such a proposal by saying that:

*"...the triangle of land to its rear lie[s] outside the settlement boundary and is regarded as open countryside outside the policy area affected by H19. Therefore the development would be contrary to policy H23 that restricts development outside settlement boundaries. As the edges of settlements are particularly vulnerable to development pressure which if responded would lead to an incremental incursion or spreading of the built up area development should only be permitted where exceptions within the policy framework are met or where material considerations indicate otherwise. Here I find that neither of these circumstances applies and as the application site encompasses land outside the settlement boundary the appeal should fail"*

While the proposed development is preferable to that considered by the Inspector, in that there is no longer a part of a new garage within this triangle, the fact remains that an extension of the residential curtilage beyond the HRA boundary would be unacceptable in principle.

The applicants have subsequently suggested that the garden area could be amended to accord with the HRA boundary, but the fact remains that it has been included within the application 'red line' and that development (in the form of a package treatment plant), as well as some of the proposed landscaping, is included within the area. It is considered that any amendment to the boundaries and/or development contained within would need to be considered through a fresh application.

In relation to the aspect of the site within the HRA boundary, there was previously an objection on the basis that more than one dwelling was proposed, given that policy H19 generally discourages development in Housing Restraint Areas, and where it permits it this it should generally only be one dwelling.

The application now proposes only one dwelling, but policy H19 also contains other criteria (loss of 'important open space'; impact on the character and appearance of the area; a design in keeping with neighbouring properties; minimal loss of trees, hedges etc), which are considered below.

### ***Design, Layout And The Impact On The Character And Appearance Of The Area***

The Planning Inspector described the existing character of this part of Bishopstone as consisting of "a low density loose-knit part of the settlement with a rural atmosphere where individual dwellings front the rural lanes to create village streets."

The Inspector then went on to criticise the previous scheme by saying that:

*"...in contrast to the existing character the proposal would represent an introverted layout that would add nothing to the lanes character" and that "...the nature of the layout would not reflect the prevailing character of this part of the settlement. ...this failure would have an adverse impact upon its character".*

Officers are concerned that the current proposal does not overcome the concerns expressed previously particularly by the Inspector. The layout now proposed would not be so deep into the site, and the removal of the second dwelling would mean that development is set further back

from the southern boundary of the site, reducing its impact. However, the proposal would remain a 'backland' form of development, whose principal elevation would not front onto the highway but would face into the site at right angles to the highway, behind existing properties. The site is acknowledged as having a generally undeveloped and low density character, and the Inspector is critical of further residential development on the site.

The proposed 'backland' layout would clearly not reflect the existing character of the area as identified by the Inspector. The development would therefore conflict with H19 (i). Concerns in relation to this aspect have been consistently raised by the case officer throughout pre-application discussions.

Turning to the question of design, this part of the village has a range of architectural styles, ranging from 'traditional' cottages (such as Drove Cottage and the listed Old Rafters), to more suburban forms of development.

The Design and Access Statement does not identify from which existing dwellings the proposed design takes its architectural cues. The Inspector commented that earlier proposed dwellings, which had a height of between 7.3 and 7.8m, were generally in scale with the proportions of some of the other houses. The proposed dwelling is 7.8m across its full width; in comparison Drove Cottage has a height of 5.5m, whereas Dairy Cottage has a height of 7.3m.

On balance, it is considered that given its 'backland' and edge-of-settlement location, if a dwelling were to be acceptable, its height and design should reflect the best of the surrounding properties and should be of a subservient height and design to those surrounding the site. The proposed dwelling's design would make it appear bulkier (at least in length) than each of the earlier proposed dwelling, which had a ridge 'broken up' by subservient elements and dormers. Criticisms could also be made of the window alignments in the proposed dwelling, which lack symmetry for which no justification is given.

Overall, it is considered that the height and location particularly of the proposal would conflict with policy H19, and that this should form a reason for refusal.

### ***The Impact Of The Existing And Potential Uses***

A material consideration in determining this application is the potential fallback position – ie what uses the site could be put to, in the event of permission being refused.

The applicants have submitted a letter from the Council's Principal Enforcement Officer, expressing an informal opinion that the current use of the barn for a mixture of agriculture and the storage of builder's equipment is lawful. This is despite an intervening use as a domestic garage serving Greenfields, and based on an historic use since the 1940s. The letter makes clear, however, that this conclusion may be reviewed if there were further enquiries and/or a material change in the character of the use of the barn and/or the rest of the site.

The potential existing use of the barn has two implications for this application. Firstly, is the site considered an 'employment site' that should be protected under policy E16 (loss of employment sites) and secondly is the removal of the existing/potential use a sufficient benefit to justify approval despite the concerns expressed above. However, it should be stressed that the lawfulness of the potential storage use has not been confirmed through any Lawful Development Certificate and therefore the weight given to its impact is therefore limited.

On the first point, it is not considered that the loss of any existing use would on its own justify refusal. Enquiries made at the site of the Enforcement Officer's investigation show that no-one appears to be actually employed on the site and therefore refusal on this ground would be difficult to defend at appeal.

On the second point, use of the existing barn appears to be low-key and does not appear to significantly adversely affect on the character and appearance of the area, the living conditions of neighbouring properties or highway safety such that the benefits of the loss of the existing use would outweigh the harm from the proposed dwelling. Furthermore, a more intensive use of the site (which could cause harm) may require planning permission depending on its scale and extent.



Overall, it is considered that the impact of the current use as a potential 'fallback' is neutral in the determination of this application (although it may be a factor that lead to the Highway Authority's comments – see below).

### ***Drainage And Sewerage***

The question of surface water drainage and potential flooding is one that has raised particular local concern during both the current and previous applications. At the time of the earlier application this did not form a reason for refusal because the relevant consultees (ie environmental health and the Environment Agency) did not express concerns. The Inspector did not comment further on the matter.

As part of the current proposal, the applicants say that soakaways would be sufficient to deal with surface water and that a package sewage treatment plant, with capacity for up to nine residents, would be provided. The plant and the soakaway would be situated to the south west of the site (actually the 'triangle' of land outside of the HRA boundary).

The Council's Environmental Health officer has expressed concern regarding the disposal of foul drainage, commenting that the area is prone to high groundwater, particularly during the winter months. They are aware that a number of existing dwellings with septic tank drainage systems suffer from inundation with ground water and subsequently localised pollution when tanks discharge.

The Environmental Health officer goes on to say that the 'Klargester' treatment system proposed should produce a good quality effluent to standards required by the Environment Agency discharge consent, but there was initial concern that the potential remained for the system to fail at times of high groundwater, as there was no backflow prevention identified.

However, following further investigation, the Environmental Health officer is now satisfied that there is a way to overcome the potential for high groundwater levels to cause "backfilling" on a below ground system. The solution is to utilise a pumped outlet which provides a non-return valve. This would be housed in a small manhole next to the treatment system or could be enclosed within the moulding of the treatment plant.

Provided that a condition is imposed requiring prior approval of the foul drainage arrangements, so that we can ensure that a suitable pumped outlet is installed, then it is considered that there is no sound reason to refuse planning permission on drainage/flooding reasons.

### ***Highway Safety***

At the time of the earlier planning application, the Highway Authority objected to two dwellings on the basis of the poor quality of the local road network. The appeal Inspector upheld this view, saying that the restraint imposed by policy H19 was consistent with this highway objection. On the other hand, he also said that if the proposal did not conflict with policy H19 then he would not have accepted the highway objection, given that it was included within the H19 designation.

Officers' interpretation of this comment is that if only one dwelling had then been proposed (which would comply with policy H19 in principle even though the proposal would conflict in other respects) then the highway objection could not be sustained by the Inspector. The alternative interpretation, that any failure against H19 (for example on design issues) would automatically mean a highway safety objection would not make sense.

In any case, the Highway Authority has now made clear that they do not object to a single dwelling. In light of the Highway Authority's view, it is considered that an objection on highway safety grounds could not now be defended at appeal and that this should not form a reason for refusal.

### ***Impact On Neighbouring Properties***

Concern was expressed during the previous application and appeal that the development then proposed would result in unacceptable loss of privacy because of the position of windows

serving habitable rooms. This has been overcome, in that the proposed dwelling has only bathroom or landing windows at first floor to the rear and side (which could be obscure glazed/fixed shut if necessary), with the principal windows facing to the front. Ground floor windows would be obscured by boundary treatments.

The Inspector was clear in saying that, other than overlooking, the previous development would not result in unacceptable harm to neighbouring properties and this conclusion remains valid now. It is therefore considered that this should not form a reason for refusal.

### ***Protected Species***

The issue of protected species formed a reason for refusal against the previous application and this was supported by the Inspector at appeal, particularly in relation to agricultural land beyond the HRA boundary. With the current application, the applicants have submitted an ecological survey which demonstrates that there is no potential for dormice or amphibians and only limited potential for bats, slow worms, nesting birds and hedgehogs to occupy parts of the site.

Relevant recommendations have been made in relation to these species and these have been considered by Natural England, who now raise no objection to the application, subject to a condition. It is therefore considered that the protected species reason for refusal has been overcome.

### ***Recreational Open Space***

Policy R2 requires that all development proposals make provision for public recreational open space, usually by means of a financial contribution through a legal agreement. In its absence this should form a reason for refusal, although in the event of an appeal it is hoped that this reason should be overcome by the submission of the appropriate agreement.

## **RECOMMENDATION: REFUSE**

### **REASONS FOR REFUSAL**

- (1) The proposed development, by reason of its siting and layout, would result in an introverted and backland pattern of development that would not reflect the prevailing character of this part of Bishopstone. Nor does it reach the high standards required within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty because of its layout, width and height. The proposal would therefore have an adverse impact upon the character and appearance of the area, contrary to saved policies C4, C5 and H19 of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statements 1 and 7.
- (2) The proposed development, by reason of its inclusion of land outside of the Housing Restraint Area boundary as residential curtilage, would conflict with saved policies C2, H23, C4 and C5 of the Adopted Salisbury District Local Plan, and the advice in Planning Policy Statement 7, the aim of which is to restrict new residential development to designated areas, and to protect the natural beauty of the countryside and Area of Outstanding Natural Beauty.
- (3) The proposed development, in that it does not make adequate provision for public recreational open space, would be contrary to policy R2 of the Adopted Salisbury District Local Plan.

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

- C2 Development in the countryside
- C4, C5 Development in the AONB
- H23 Development outside of Housing Policy Boundaries
- H19 Development in Housing Restraint Areas
- G2 General Development Criteria
- G5 Drainage

D2 Infill Development  
C12 Protected species  
R2 Recreational Open Space



# Appeal Decision

Site visit made on 15 August 2006

by **R.M. Poppleton** DipTP; DMS; MRTPI; JP

an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
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Date: 8 September 2006

Appeal Ref: APP/T3915/A/06/2015547

Land adjacent to Drove Cottage, the Drove, Bishopstone, Salisbury, SP5 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Roger Wort against the decision of Salisbury District Council.
- The application Ref S/2006/395, dated 14 February 2006, was refused by notice dated 5 April 2006.
- The development proposed is the erection of two houses.

## Decision

1. I dismiss the appeal.

## Reasons

### General matters:

2. The main issues relate to the effect of the proposal upon the countryside having regard to the prevailing Development Plan policies<sup>1</sup> that identify the site as being within a Housing Restraint Area and within the Cranbourne Chase & West Wiltshire AONB; to the impact upon protected species<sup>2</sup>; to the effect upon highway safety and to the impact upon neighbouring residents<sup>3</sup>. Although reference is made by third parties to a possible effect upon drainage and flooding, this view is not supported by any technical evidence or views from the relevant authorities. Thus the Council has not included this in the reasons for refusal and I do not intend to comment upon the matter further.
3. Matters concerning the provision of open space referred to in the 5<sup>th</sup> reason for refusal have been resolved through the completion of a legal Agreement between the Council and the appellant. I therefore make no further comment about that matter. Furthermore, although reference has been made to a nearby Listed Building, no evidence has been submitted to identify it or to indicate whether or not its setting would be affected by the proposal. Accordingly, I am unable to come to any conclusions in this regard.
4. In response to the refusal of planning permission, a revised plan has been prepared (ref: 0601/11A) indicating a re-siting of the garage to house 2 and alternations to the position of the fenestration. These proposed amendments have not been consulted upon and their

<sup>1</sup> Wiltshire & Swindon Structure Plan adopted in 2006 : WSP policies C8, DP1, DP14,  
Replacement Salisbury District Local Plan adopted in June 2003 : LP policies C1, C2, C4, C5, H19, H23  
<sup>2</sup> LP policy C12  
<sup>3</sup> LP policies D2 & G2

inclusion as part of this appeal, has been objected to be the Council and by third parties. Although it is argued that the proposed amendments would overcome the concerns of overlooking, this would be achieved by repositioning the window concerned to look towards the north rather than to the west. As this is a matter likely to be commented upon by nearby third parties, its inclusion within the appeal documents would prejudice the Council's decision in the light of any representations that might be made. As to the repositioning of the garage, as will become evident, this alteration does not fundamentally alter the planning merits of the issue concerned. Therefore, I conclude that the revised plan should not be accepted and I will determine the appeal on the basis of the plan determined by the Council.

The impact upon the HRA and AONB

5. National guidance in PPS7 and local policy seek to safeguard the countryside from unnecessary development and to safeguard areas of important landscape quality. In this context the Structure Plan and the Local Plan policies, impose a restraint upon new housing in rural areas. Policy H19 is designed to give effect to this objective by limiting development within defined settlements boundaries, in the main, to single dwellings and only when this would not have an adverse impact on the settlement's character.
6. The defined settlement boundary in this case, runs through the rear part of the garage to plot two. Thus this portion of the garage and the triangle of land to its rear, lie outside the settlement boundary and is regarded as open countryside outside the policy area affected by H19. Therefore the development would be contrary to policy H23 that restricts development outside settlement boundaries. As the edges of settlements are particularly vulnerable to development pressure, which if responded would lead to an incremental incursion or spreading of the built-up area, development should only be permitted where exceptions within the policy framework are met, or where material considerations indicate otherwise. Here I find that neither of these circumstances applies and as the application site encompasses land outside the settlement boundary, the appeal should fail.
7. However, with regard to that part of the site that lies within the policy H19 area, it lies in a low density, loose knit part of the settlement with a rural atmosphere, where individual dwellings front the rural lanes to create village streets. The proximity of the open countryside defines the rural scene. In my view, by introducing further residential development here, as a replacement to the former storage building, would change its low density character and introduce a different form of layout to the rear of other houses. I recognise that this locality is not identified as being within a Conservation Area, or identified by any other special designation within the terms of H19. Moreover, this form of backland development would not, having regard to the use of the existing access, create unacceptable living conditions for neighbouring residents with the one exception noted below.
8. Even so, in contrast to the existing character, the proposal would represent an introverted layout that would add nothing to the lanes' character. Although the proposal takes architectural clues from surrounding building styles and is generally in scale with the proportions of some of the other houses, the nature of the layout would not reflect the prevailing character of this part of the settlement. Having regard to the objective of PPS1 to make places better through the design of layouts as well as of buildings themselves, this failure would have an adverse impact upon its character and conflict with the requirement

of policy H19(i). Not being an infill plot within an otherwise built-up frontage, arguments that the proposal complies with LO policy D2 do not alter this position.

9. Nor would it contribute towards the safeguarding of the natural beauty that the landscape designation seeks to achieve. Although the Design and Planning statements stress the limited visual exposure of the site from within the settlement, as well as the empathetic nature of the proposed architectural details, the site remains open to view from the countryside to the south. Whereas the removal of an industrial type building softens the urban edge, its replacement by two storey houses and associated structures would visually draw the urban edge towards the open countryside when viewed from, for example, from the gateway approximately 150 metres south along the lane. Views from the hillside to the south would similarly be affected, as shown in photograph 2. Whilst, the imposition of planning conditions may seek to prevent the erection of some ancillary domestic buildings, they would not be entirely successful in preventing the general urbanisation of the land through normal residential activity, fencing and other domestic paraphernalia.
10. Thus the expansion of the site beyond the defined settlement boundary would conflict with the aforementioned restraint policies, notably LP policies H19 & H23 and WSP policy DP14. The proposal would also fail to preserve the natural beauty of the AONB and conflict with LP policies C4 & C5 and WSP policy C8.

Impact on protected species

11. Being a site currently devoid of buildings and including some countryside, the possibility of it providing a wildlife habitat has been raised. English Nature has suggested that an ecological survey be carried out. Circular 6/2005<sup>4</sup> advises that it is essential that the presence, or otherwise, of protected species and the effect of any development should be established before planning permission is granted. However, it makes clear that the obligation to survey an area/site should prevail when there is a reasonable likelihood that a protected species is present. The English Nature checklist of situations where such a survey should be required has identified in this case, part of the site being 'greenfield and open green space'.
12. Bearing in mind the obligations under the Habitat Regulations 1994 [Reg.3(4)], I consider that given the considerable areas of hardcore and other building debris, together with its former use for land management agricultural activities and the storage of implements and other activities, and as cultivated garden, the description of the site as 'open green space' is not appropriate. However, the inclusion of farmland site, increases the likelihood that protected species may be affected. As the imposition of planning conditions in this regard are suitable only exceptionally, this matter should thus be resolved through an appropriate survey and report before permission is granted. Therefore there remains a potential conflict with LP policy C12.

Effect on highway safety

13. There is no doubt that the development would generate traffic utilising the existing network of narrow lanes, which typically lack footways, lighting and passing spaces, bounded by very narrow verges. The nature of the lanes and points of access clearly restricts speeds, but it is evident that these highways are unsuitable to serve significant new development and

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<sup>4</sup> Biodiversity and Geological Conservation - paragraph 99

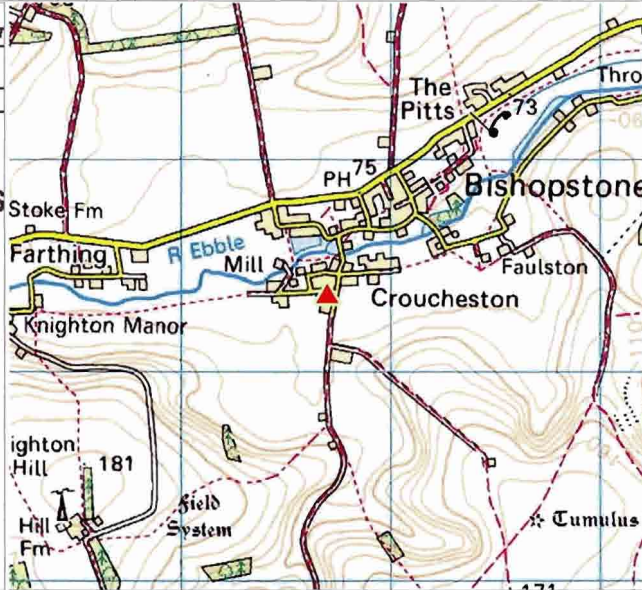
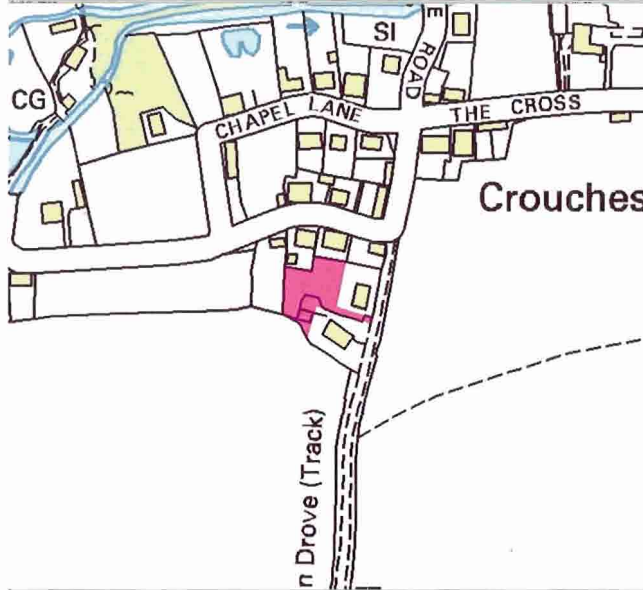
cannot meet nationally advised standards set out in Design Bulletin No.32. Further development would aggravate the already hazardous situation for highway users, especially pedestrians. Thus the policy of housing restraint and thereby limiting further traffic growth along these lanes through policy H19 is consistent with these circumstances. Logically, had the proposal met the terms of policy H19, the highway objection in this case, would not justify refusing permission. To do otherwise, would call into question the basis of the settlements inclusion within that policy. However, as noted above, I reach the alternative conclusion and thus the proposal also conflicts with policy G2(ii). I note that permission was granted some years ago for other development in the settlement, but given the current policy context, consider that this should not influence my conclusion.

Impact upon neighbouring residents,

14. With regard to the overlooking from windows in the proposed dwellings, given the scale of the houses, their fenestration and the position of neighbouring properties and their fenestration, I consider that with the exception of the first floor window facing westwards in house No.2, any loss of privacy would not be so severe as to harm the living conditions of neighbouring residents. In the matter of that window, the very close proximity to the boundary with the rear garden to South Farm would be un-neighbourly and interfere with the reasonable expectation of the household to enjoy the rear garden space. Whilst, that space currently appears not to be actively used for sitting out and passive recreation, the enjoyment of that option should not be harmed by this development. This harm could not be satisfactorily overcome through the imposition of landscaping conditions and thus the proposal conflicts with policy G2(vi).
15. I note the objections relating to a loss of views of the open countryside that are currently available, but conclude that although the development would have an effect, the impact would not be so severe in terms of outlook as to harm the residents' living conditions.
16. I conclude therefore that the current proposal fails to accord with local policy and must be rejected. I have had regard to all other matters raised, but find nothing to sway me from this position.

*R.M. Poppleton*

Inspector



## LAND ADJACENT TO DROVE COTTAGE

Site Visit 14:20

SCALE: NTS

DATE: 04/11/2008 08:55:22

DEPARTMENT: Planning

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## Part 2

### Applications recommended for Approval

2

Application Number:	S/2008/0779		
Applicant/ Agent:	MR DAVID LOHFINK		
Location:	LAND OFF HINDON LANE TISBURY SALISBURY SP3 6PU		
Proposal:	MIXED USE DEVELOPMENT OF LAND TO COMPROMISE AROUND 90 DWELLINGS AND 3800 SQUARE METRES OF B1 BUSINESS FLOORSPACE (INCLUDING ASSOCIATED HIGHWAY INFRASTRUCTURE) AND LANDSCAPING		
Parish/ Ward	TISBURY		
Conservation Area:	TISBURY	LB Grade:	
Date Valid:	22 April 2008	Expiry Date	22 July 2008
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

#### REASON FOR REPORT TO MEMBERS

Given the controversial nature of the application, it is considered that the application should be heard at Western Area Committee.

#### SITE AND ITS SURROUNDINGS

The site consists of around 4.1ha of land off Hindon Lane in Tisbury. It is located on the north western side of the village between Tisbury School (the former Nadder Middle School), and Hindon Lane.

The land is north east facing and falls from about 135m above Ordinance Datum on the southern boundary (adjoining the school) to about 125m above Ordinance Datum at the northern part of the site (next to Hindon Lane). There are two public rights of way running close to or on the site – one from Hindon Lane to Weaveland Road, and the other a bridleway to the south of the site.

The site forms two 'parcels' of land. One parcel (identified as 'A' by the applicants) is a central grassland field enclosed by hedgerows along the eastern and western boundaries, with the northern boundary abutting the gardens of dwellings along Hindon Lane. The southern boundary abuts the grounds of Tisbury School.

The other parcel ('B') is currently used for the storing of vehicles (cars and lorries), and is served by an access track from Hindon Lane. On its western side the site extends up to the boundary of the garden of 'The Gables'. The remaining part of this parcel is the corner of a much larger field, which extends westwards to Weaveland Farm.

In planning terms the whole site (other than a relatively small strip on the edge of the site, to be used for landscaping) is designated in the current local plan (policies H14 and E14A) as an area allocated for housing and employment uses, to be released during the lifetime of the current Local Plan.

The site also lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, an area statutorily designated as being of the highest status of protection in relation to landscape and natural beauty.

## THE PROPOSAL

The application is for outline planning permission (including access) for the erection of a mixed use development comprising of 'around' 90 dwellings and 3,800 m2 of B1 business floorspace including associated highway infrastructure. The highway infrastructure includes the provision of a roundabout at the junction of Hindon Lane and the proposed access road into the development.

Only the principle of development, together with 'access', is being considered at this stage. Should outline planning permission be granted, a further application would then need to be made for the layout, scale, appearance and landscaping of the site.

Never-the-less the applicants have submitted a layout (including the position of individual dwellings) which, although only indicative at this stage, is intended to be a clear indication of the layout and form that development will take on this site. This information helps to establish whether the site can be acceptably developed to the extent proposed.

In establishing the extent of consideration, regard has been given to the advice in Government Circular 01/2006. This advises that when considering 'access' (as this application does) this covers "...accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network."

Conversely, 'layout' (a matter which is not part of this application) includes "...the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development".

The two matters have a degree of overlap but the developer made clear that they do not intend for the internal access roads to be fixed through this application, and that this should be left to a future reserved matters application. In the event of outline permission being granted, this will be made clear as part of the conditions imposed.

## PLANNING HISTORY

There have been no recent planning applications of direct relevance to this application. However, there are site-specific Local Plan policies that relate to this site, and a relatively-recently adopted Development Brief specifically for this development.

## CONSULTATIONS

### Wiltshire County Council (Highway Authority)

I can confirm that the additional information received via Lawrence Rae Associates in their letter dated 20th August 2008 largely clarifies the position for this Authority. On the basis that the internal layout is only illustrative, I am prepared to offer a recommendation of no highway objection subject to the developer entering into a Section 106 Agreement for two travel plans, one for the residential element of the scheme and the second for the business uses element. I will also recommend conditions as below and confirm the following matters:

- The applicant has submitted a further drawing no. 2424/HA/1, showing a scheme for the construction of a new mini-roundabout to serve the site. The scheme also includes additional footways on Hindon Lane and two bus stops with bus shelters (although not shown diagrammatically), and the re-positioning of the existing 30mph limit with additional features and markings to highlight the speed limit change. The scheme is largely in conformity with the requirements for access laid down by this Authority, but must be subject to full vetting via the further submission of detail drawings: as the application is at outline stage, I am content to offer a Grampian style condition for these works to be further approved and constructed before any other development work is commenced within the development site.
- For clarity, the detail design of the mini-roundabout will be altered to reflect design changes which this Authority will require, so further detail drawings must be submitted at reserved matters planning stage. As stated in the Lawrence Rae letter, further changes

may be required following a stage 2 safety audit prior to final approval by this Authority and the works will be subject to a Section 278 Agreement with this Authority.

- The revised detail of the emergency access (shown on drawing 2424/HA/1) satisfies my requirement to provide an access which will be available for public use by cyclists and pedestrians only but, in an emergency, can also be used by a fire appliance. The route within the site must be made available for public use and therefore the design of the internal roads and footpaths/cycleways must accord with Manual For Streets and WCC requirements.
- I am satisfied that the additional traffic/census data shows there is sufficient correlation between this site and the site in Teignmouth to accept the traffic analysis as submitted. In fact the correlation shows both locations are likely to have very similar traffic patterns and the additional data is welcomed and appreciated.
- I note the comments by CG Fry that only 7 of the 8 properties in Hindon Lane will be provided with an opportunity for rear access as a goodwill gesture. This is welcomed and it was my understanding that this would be provided when full detail design is further submitted at reserved matters stage - I understand the technical difficulty in providing access to all 8 properties but the potential improvement to parking arrangements along Hindon Lane is welcomed. I would be grateful if this element of the scheme could be controlled by condition if appropriate or is it more appropriate to identify and deal at the reserved matters stage? The illustrative scheme did not take full account of this arrangement. I confirm that I am satisfied that access would be provided via the new site access.
- Further work has been undertaken by Lawrence Rae Associates on the travel plan for both site uses which has been welcomed by this Authority. However, there are three elements to the draft TP's which this Authority would wish to included and which will involve a financial contribution or commitment: a payment for WCC monitoring costs should be sought, annual season tickets for rail users to and from Salisbury for one year should be included and a contribution to cycle parking facilities within Tisbury should be sought. Therefore, The TP's should be included in the negotiation of the Section 106.

### **Wiltshire County Council (Archaeology)**

Within the area of the proposal we have recorded a series of worked flints including 13 scrapers dating from the Neolithic period 4000 2300BC. To the west of the Hindon Lane a series of earthworks have been identified which probably represent the remains of medieval settlement activity.

Given the presence of Neolithic finds on the site and the size of the proposal, I consider that there is the potential to uncover further archaeological finds or sites in the area. In order to assess the impact of development on archaeology, I recommend that an archaeological evaluation is carried out in accordance with PPG16 prior to the determining of the application.

In this case I would expect to see the evaluation comprising several stages as follows:

1. A field walking survey. This will identify the number and concentrations of finds across the area and give an indication of any underlying features;
2. Geophysical survey. This will aid the determination of the potential for below ground features of archaeology to survive;
3. Evaluation by trial trenching. Trenching will provide a detailed understanding of the below ground archaeology and the impact of the development. The sample size and location of the trenching will be dependent upon the outcome of the geophysical survey;

All the above investigations will need to be part of a Written Scheme of Investigation approved by this authority and followed by a report on the completion of the works.

If significant archaeological features are identified on the site it may be necessary for me to  
Western Area Committee 13/11/2008

recommend to you that a modification to the layout of the site is required or that further excavation will need to be specified by an appropriate planning condition to be carried out prior to development.

### **SDC Forward Planning**

Site History / description - The majority of the site is predominantly rough grassland. The northern part of the site is currently used for storing vehicles. Part of the allocation site, has been in effect removed from this development as the landowner constructed an individual property 'The Swedish House'.

Key Policies - SDLP policies (as detailed within the adopted development brief) – G1, G2, G5, G6, G9, D1, D6, D7, D8, H14, H25, E14A, TR1, TR12, TR11, TR13, TR14, R2, R4, R17, C4.

Adopted Hindon Lane, Tisbury development Brief (adopted as SPD)

The site is allocated within the adopted local plan under policies H14 and E14A. Policy H14 allocates the site for a mixed use development including, housing, employment, link road and other off site highway improvements, recreational open space and a swimming pool. A mix of housing types and sizes will be sought, including a proportion of affordable housing in accordance with the identified need in Tisbury.

The policy also phases the site whereby the highway improvements including traffic calming on Hindon Lane will be implemented before the housing development commences. In addition no more than half the houses are to be constructed until an agreed proportion of employment buildings have been constructed, the swimming pool site made available and the link road constructed. Planning obligations will also be requested on the site. Policy E14A allocates approximately 1.4ha of employment development.

The proposal is for an outline application for around 90 dwellings and 3800 sqm of B1 business floorspace. The site benefits from a development brief which has been adopted as a Supplementary Planning Document. This development brief is in conformity with the local plan. I shall now assess the outline application against this brief.

Overall there are several areas where the applicant appears to have adhered to the development brief. These areas include layout, which appears to have been only slightly amended, landscaping, ecology, building height, detailing and special features, accessibility, road access, contaminated land, drainage, car and cycle parking, movement, space hierarchy, open space, density, security, materials and public realm and public art. However there are some areas that need looking at in more detail.

Housing Numbers - With respect to housing numbers the site is providing for 90 dwellings, slightly more than the local plan policy, however it should be noted that this site falls within phase 2 of the local plan, namely after 2006. The plan period for the Regional Spatial Strategy (currently in draft format) ranges from 2006 to 2026. The total number of houses provided on this site can therefore be deducted from the total number suggested for the Nadder Valley community area within the Core Strategy Preferred Options.

When determining this application some consideration should be given as to whether an increased number of dwellings would be acceptable within the reserved matters / full application, to the community, to reduce the number that will be required to be delivered on other sites in the Nadder Valley area. However this would increase the density.

Affordable Housing - With respect to affordable housing provision it is confirmed that this is in line with pre-applications negotiations. The developer is proposing 40% affordable housing on 84 dwellings using a split of 40% shared ownership and 60% affordable rent. This was confirmed by the head of strategic housing at the time. Of the further 6 dwellings, these are to be provided on the land that was initially reserved for a new swimming pool. However both the district council and parish council acknowledge that this facility would be expensive to construct and run and therefore through negotiation with the parish council they have decided that in lieu of this they would prefer the construction of further dwellings for which the Parish council will then receive a commuted sum of £400,000 for indoor recreation use. This was agreed in

negotiation with the parish council. These dwellings do not count towards the affordable housing provision for this reason. Otherwise the sum that would be available to the parish would be substantially reduced.

Housing mix - For the reserved matters of full application housing mix needs to be further negotiated to ensure the correct mix for the Nadder Valley area is achieved.

As such the latest Housing Needs Study 2006 identifies the housing mix that should be delivered for both market housing and affordable housing. Within the Tisbury or Nadder Valley community area, the following splits have been identified as needed:

Market Housing:

1 bed 4%  
2 bed 10%  
3 bed 47%  
4+ bed 39%

Affordable housing

1 Bed 36%  
2 Bed 28%  
3+ Bed 36%

Of the Affordable rent 50% should be 1 bed and 50% should be 2 bed. Of the shared ownership 30% should be 1 bed, 16% should be 2 bed and 56% should be 3+ bed.

These are the splits that should be used in the Reserved Matters application.

Employment land - With respect to the employment opportunities the area proposed in this outline application, although less than the allocation, appear to be the same as that that was acceptable within the development brief and is therefore in accordance with this. This area was felt to be acceptable to the community at the time of consultation on the development brief. The employment is for small scale business provision which is in accordance with the Employment Land Review and the use class of B1 should ensure that more jobs are provided than could be with another use class on the site. Due to the small scale nature of business units these should integrate into the housing development.

Highways - With respect to highways it should be ensured that the Highways authority are happy with the changes proposed.

Sustainable development - Little mention is made of sustainability features of the proposed development including energy conservation. Although I believe this has now been confirmed through further correspondence with the application. The development brief requires all homes to be constructed to Ecohomes 'very good' standard. This should now be translated into the Code for Sustainable Homes and it has been confirmed that buildings will be constructed to a minimum of Code Level 3. This equates to the Ecohomes 'very good' standard. It should be ensured that both the housing and employment buildings are built to these standards. To note the commitment made within the development brief is to use materials that have a low ecological impact, high levels of insulation and draught proofing and double glazing, bin stores to facilitate recycling, solar access, water conservation, energy efficient white goods, low energy lighting, efficient heating and possible renewable energy. It needs to be ensured that any reserved matters application includes all of these aspects.

Accessibility - In addition the development brief, asks for 5 % of dwellings to be constructed to Lifetime Homes Standards. Although the design and access statement does suggest that a 'the small scale form of the units proposed will ensure access for the disabled there is no clarification of what this really means and whether this goes beyond Part M of the building regulations. The provision of Lifetime Homes should be ensured especially as there is a shortage of accessible accommodation within the district, especially wheelchair accommodation to meet the needs of those with disabilities and the elderly.

Phasing - Phasing of the site is important to ensure the delivery of employment land and highway improvements. It was for this reason that phasing was written into policy H14 itself.

The development brief states that 'highway improvements including traffic calming on Hindon Lane will be implemented before housing development commences' and that 'no more than 50% of houses are to be constructed until 50% of the employment buildings have been constructed and the swimming pool or other community uses sites made available. The highways land within the draft section 106 agreement appears to be phased correctly and a proposed phasing of affordable housing provision appears to be acceptable. However, the phasing of the employment land in the draft agreement does not appear to be in line with the development brief or policy H14. The draft section 106 agreement states that 'Not to allow occupation of more than 60 Dwellings until the first and second tranche of that part of Land to be used under Class B1 is constructed and available for use. And: Not to allow occupation of more than 80 Dwellings until the third tranche of that part of the Land to be used under Class B1 is constructed and available for use. It is suggested that this could be amended so that some of the employment land is available for use earlier in the development period.

Section 106 contributions - The draft section 106 agreements appears to deal with all other section 106 contributions, this includes the provision of R2, R4, education, highways, affordable housing and public art.

#### Recommendation of Forward Planning Section:

In accordance with Section 54A of the Town and County Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission can be granted subject to the following:

Highways are satisfactory with the scheme

Phasing through the section 106 agreement is confirmed

The provision of more accessible accommodation is confirmed

Construction to at least Code for Sustainable homes level 3 is confirmed

Construction of the employment land to an equally high efficiency level is confirmed

#### **Wiltshire County Council (Education):**

Based on the figures you have supplied, we do not have a case for a primary places contribution at this time. Tisbury St John's Primary has a capacity of 140 places and forecasts show that 50 will be available. The proposed development would generate a need for 25, which can be accommodated within the existing capacity of the school.

However, we can only give an indicative response to an outline application, as the final details of housing numbers/mix are not available at this stage and could be significantly different than that applied for at full planning /reserved matters. We would therefore carry out a further assessment at full planning/reserved matters, before confirming whether or not any contribution would be applicable. (The position is then checked again at the point of finalising the s106). Our assessment takes account not only of the capacity and pupil numbers/forecasts of the designated area school, but also of the impact upon availability of places of other housing development that comes forward within that designated area. Pupil number forecasts are due to be updated by the end of this year. Therefore, our position may change if there are:

- substantial increases in pupil number forecasts identified at the forthcoming update
- a reduction in the school's capacity (relatively unlikely)
- other significant housing developments come forward and are approved ahead of this application
- the number and mix of the proposed units varies materially from that quoted in the outline application
- All these except the last one increase in likelihood if there is a significant time lapse between outline planning and the finalisation of the housing numbers/mix.

These are therefore the caveats to our response. Having said that, SDC is better placed than us to know whether or not other housing proposals are going to arise in this area, and unless this is the case, and /or a substantial rise in pupil numbers is forecast in this year's update, then Tisbury is not one of our identified pressure points for primary school places provision in the county.

## **SDC Housing**

### Affordable Housing % / tenure splits

The tenure split of 60% rent 40% shared ownership was agreed some time ago, based on the affordable housing provision being 40% of the total number of dwellings. Housing initially considered that if the 'community land' is now going to be used for housing, that the affordable housing provision should represent 40% of the total units on the whole site (including those additional 6 units which would be built on that particular part of the site). However, the housing section now accepts the agreement that was made between the Parish Council, officers and the developer that the affordable housing percentage should exclude these dwellings.

### Other comments regarding the draft S106

The comments from the Parish Council in terms of the local connection criteria have been noted and it is agreed that we should include reference to West Tisbury. Also have no objection to the suggestion to cascade out to adjoining parishes before cascading out to the Salisbury District as a whole. It is also worth mentioning on the s106 that applicants should be registered on the Housing Register.

It is suggested that there should be a 'cascade' clause in the s106, in terms of the tenure split. Whilst we have been more flexible than usual in agreeing 40% shared ownership on the site rather than our standard 25%, we must take account of the current market conditions which are causing some issues with applicants being able to obtain mortgages for shared ownership schemes, particularly in rural areas where the 80% staircasing restriction applies. Another Registered Social Landlord (RSL) is currently experiencing difficulties selling 2 shared ownership houses in Tisbury for that reason. Obviously the completion of any dwellings on this site would be some way off yet, and hopefully the lending situation will have improved by then. However, it is believed that a cascade clause would be beneficial to all parties concerned to cover any future problems with saleability of shared ownership, when the developer could revert to affordable rented accommodation as a fallback.

If possible a clause should be inserted in the S106 to allow SDC to approve the RSL involved in the scheme. Whilst we cannot restrict any development to those RSL's who form part of our preferred partnership, we would prefer to have some control over which RSL carries out any development in our area, to ensure that they meet certain criteria (ie. have the necessary resources to provide an adequate management facility to the social housing provided on the site).

The RSL mentioned in the S106 has not made contact with the housing section and it would be advisable at this stage for them to contact us if they do intend on working with the developer on this scheme.

## **SDC Economic Development**

The E14A allocation provides for 1.4ha of employment space. I understand though that this outline application proposes just 3800sqm of B1 developed floorspace as part of the mixed use site.

Some rough number-crunching suggests that 3800sqm of built floorspace for B1 use would require about 0.54ha of land (based on a development density of 70% for B1 use, this allows for multiple storeys etc). This is clearly considerably less than the original 1.4ha allocation.

In the whole Tisbury Community Area there is approx 2.41ha of dedicated employment sites (see Employment Land Review, page 87). This comprises the 1.4ha E14A allocation, plus - Station Works 3.8ha; Station Yard 0.31ha; Old Dairy, Fonthill Bishop 0.26ha; and Manor Farm, Chilmark 0.44ha. The 1.4ha is therefore a significant portion of this. However, in terms of employment in the Tisbury CA, the majority of businesses (74%) are not located at dedicated employment sites and are found at other ad hoc locations.

I see that the parish council (28 May 2008 response) have concerns about the demand for employment space on the site, although they don't appear to have commented on the extent of

employment land provision as compared to the local plan allocation.

Not sure how Forward Planning will respond to what appears to be quite a significant decrease. I am also not sure about the current status of the Station Works site and how this may influence things.

If the development is phased, can provision be made for an agreed quantity of employment land with a 2nd phase based on assessment of demand / take-up of initial development? There will always be some demand for the right space at the right price / right place and it is extremely hard to speculatively forecast, particularly as there is no purpose built modern employment space in the area to compare with.

### **Wiltshire & Swindon Biological Records Centre**

The Wiltshire & Swindon Biological Records Centre screens all planning applications received by your Council for potential impacts on important wildlife sites and species. In carrying out the planning screen records for badgers and dormice were found at this site.

Dormice are fully protected by the Wildlife and Countryside Act 1981 as amended and the Habitats Regulations Planning Policy Statement PPS 9 paragraph 16 states that planning authorities should ensure that species which receive statutory protection under a range of legislative provisions should be protected from the adverse effect of development where appropriate by using planning conditions or obligations.

Badgers are fully protected by the Protection of Badgers Act 1992 Planning Policy Statement PPS 9 paragraph 16 states that planning authorities should ensure that species which receive statutory protection under a range of legislative provisions should be protected from the adverse effect of development where appropriate by using planning conditions or obligations.

The Government Circular 'Biodiversity and Geological Conservation', paragraph 99, states that the presence of protected species and how they would be affected by the proposal should be established before planning permission is granted.

### **Wiltshire Fire and Rescue Authority**

Having studied the proposals the following comments relating to necessary and appropriate fire safety measures are forwarded to you for consideration and inclusion within the proposed development.

#### Fire Appliance Firefighting Access

Consideration is to be given to ensure that access to the site for the purpose of firefighting is adequate for the size of the development and the nature of the proposed use.

Reference should be sought from guidance given in Building Regulation Approved Document B B5 Access and facilities for the Fire Service Water supplies for firefighting.

Adequate consultation is to be undertaken between the Fire Authority and the developer to ensure that the site is provided with adequate water supplies for use by the fire service in the event of an outbreak of fire. Such arrangements may include a water supply infrastructure suitable siting of hydrants and or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for firefighting and specific advice of the Fire Authority on location of fire hydrants

#### Domestic Sprinkler Protection

- A core objective of the Wiltshire Fire Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon.
- As you may well be aware residential sprinklers are not new. Though a British invention, the development has been pioneered in the United States, Australia and New Zealand



to name but three. In these countries there are whole communities which enjoy such installations and can boast a zero fatality rate from domestic fires.

- I would like to present to you these following short points for your consideration:
- Residential sprinklers work from the standard water mains. Usually a house does require a 32mm connection rather than the industry standard 25mm;
- They are surprisingly inexpensive to install particularly in a new building;
- They do not activate by accident causing unwanted damage;
- Only activated sprinkler heads will operate. Not the whole system as is often believed;
- They are not unsightly as they sit flush to the ceiling behind a flat cover;
- They cause less water damage in a fire than normal firefighting operations plus drastically reduce fire and smoke damage.

If you would like more information on these systems then please contact this Authority

The above mentioned recommendations are made without prejudice to the requirements or other standards proposed by the Planning or Building Regulations Authority.

### **Wessex Water**

Our engineers comments are as follows:

#### Foul Drainage

- There is a public foul sewer in the vicinity of the site.
- The sewerage system has adequate capacity to accept the proposed foul flows from the development.

#### Surface Water Drainage

- There are no surface water sewers in the vicinity of the site.
- It is noted that soakaways are proposed to serve this development.

#### Sewage Treatment

- There is sewage treatment capacity available.
- There is adequate capacity at the terminal pumping station.

#### Water Supply

- Off-site reinforcement in the form of a link main to the existing water supply network is required.
- Full details, potential options and costs will be available once a Section 41 application has been made to Wessex Water.

They have also responded directly to a Parish Councillor saying that the existing public foul sewer from the proposed point of connection in Hindon Lane to the sewage treatment works has capacity to accommodate the additional foul flows.

Tisbury sewage treatment works has capacity to accommodate the additional flows. Also in our current investment plan, 2005–2010, there is provision for substantial improvement works at Tisbury sewage treatment works. Work is programmed to start in January 2009 with completion due in December 2009.

## **AONB Group**

I commented on the consultation document relating to the development brief on the 26th September 2006. From studying the application documents it does not appear that much notice has been taken of the comments that were made then.

For the record it is appropriate to point out that the whole of Tisbury and the surrounding areas are within the AONB. The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve the outstanding natural beauty of this area which straddles four counties and seven district councils. It is clear from the Act, subsequent government sponsored reports and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage and environmental capital. Although it is often noted that AONBs and their management plans should take account of the economic and social wellbeing of communities, it should also be noted that where there is a conflict or potential conflict, conservation of natural beauty should take priority.

The location of the village is predominantly on the north facing slope of a valley that runs towards the River Nadder. However, with another valley to the east and a shallower one to the west, the actual site is above the main village on what appears to be a ridge which eventually slopes down into the main valley. It is within the Vale of Wardour landscape character area. Further details about the features and characteristics are in the Landscape Character Assessment 2003 which, I believe, is available in your office and can also be accessed from our website.

Despite having submitted detailed comments on the development brief to the District Council, the developers have not made any contact with the AONB Team in preparing their application. My earlier correspondence made it clear that the AONB is a national designation of national significance, yet nowhere is that national importance even mentioned in the application documents. It would appear, therefore, that neither the developer nor any of the consultants working for the developer have grasped the significance of the AONB designation.

As the AONB is a national matter, it is arguably the major policy issue to be considered in any proposal for development. The emerging Regional Spatial Strategy recognises the importance of AONBs, particularly policies ENV1 and ENV3. The key features of this AONB are readily accessible on the AONB Team's website.

As you know, a number of specialist studies have been commissioned by the AONB and these are available on our website. The one that is of particular relevance to the current application is the landscape sensitivity study. This shows the Tisbury area to be in an area of moderate to high landscape sensitivity, which is the fourth most sensitive category on a scale of five. Another particularly relevant document is the Landscape Character Assessment for the AONB and, again, there seems to be little regard for the information in that study or the findings of it.

In my previous comments, I mentioned that the analysis of the older buildings in Tisbury to inform the design process was a positive proposal. What does not seem to have been done is to undertake an assessment of the proportion of the various types of buildings, nor has there been any systematic analysis of the locations of those buildings within the structure of the Nadder Valley and the settlement of Tisbury. It is, however, fairly obvious that Tisbury is a valley side settlement. The longer established parts are neither right along the valley bottom nor on the higher ridges. This current proposal is therefore significantly out of character in being proposed on high ground above the general level of the established areas of the village.

The Historic Landscape Characterisation, currently nearing completion, indicates that the fields within which the new houses are proposed are 18th and 19th century enclosure, yet this feature seems to pass unrecognised. It would be entirely appropriate to maintain these boundaries and hence the historic structure in any development layout.

Whilst I recognise from the comments made in the Design and Access Statement that buildings will not be as high as originally contemplated, I notice that the layout plans show a very

substantial number of tall buildings with high rooflines to accommodate a third storey within the roof space. This is likely to create significant visual intrusion in the AONB. Such a number of high buildings will not only be visible from a number of aspects but will also serve to accentuate the existence of the development on high ground. This seems totally contrary to the accepted practise of aiding integration into a landscape by reducing the height of buildings on higher ground.

The site in question is adjacent to the Conservation Area so the Consultation Draft of the Tisbury Conservation Area Appraisal is relevant particularly if the proposals to add two parts of Hindon Lane are accepted. The draft policies recommendations for new small scale buildings in the Conservation Area or adjacent to it state that it is important to consider specifically surrounding skyline, rooflines and landmarks these comments must therefore be of even greater importance to a large scale development. This document from SDC seems to support the AONB s comments on the excessive heights of the proposed buildings.

The proposal seems to completely overlook the characteristics of the AONB which are the very rural nature and the tranquillity of the AONB. Development on Hindon Lane will quite obviously increase the traffic along that route and further northward through the historic landscapes of the Fonthill area. That additional traffic will be prejudicial to the tranquillity and rural character of the AONB.

In reference to the north west approach to Tisbury along Hindon Lane the Conservation Area Appraisal states that It forms an important and well defined approach from the north helped by the presence of long stone boundary walls but has a distinct informal character. This would be adversely affected by the heavy handed approach indicated in the plans eg the roundabout and general changes to the highway.

The draft Conservation Area Appraisal comments on the recent developments of indifferent quality which have meant that consideration has to be given to boundary changes to the Conservation Area. The current development proposal could be an opportunity to buck this trend but unfortunately neither the design quality nor the planned formal structure of the proposed housing seem to be in keeping with the informal piecemeal layout of adjacent areas such as the quarry.

As you know from responses to other planning applications the AONB is particularly concerned about the problems of light pollution and the loss of dark night skies. A position statement by the AONB is available on the AONB website It is however noticeable that the issue of lighting and street lighting does not appear to have been addressed in the application.

Clearly the proposed development will have a significant impact on the landscape and as you know the prime purpose of the AONB designation is to preserve and enhance natural beauty. The application and the proposals within it do not do that. It would seem therefore that the development is contrary to policy C4 of the District Local Plan. With regard to sustainable development there appears to be little in the application to indicate that individual buildings will use solar power or that there will be any group combined heat and power schemes.

I hope these comments are helpful to you and I would, of course, be happy to assist you further. I would stress however the AONB is a national designation recognising landscapes of national importance and development of this scale in an AONB is clearly a national policy issue Furthermore 14 days is a very short time to digest the large amount of information that the developer and their team have spent many months putting together.

Whilst it may appear to be a contribution to sustainability the provision of planning application documents on CD is in reality not so. It is not at all user friendly when it comes to comparing plans with statements and documents or different parts of plans or moving quickly from one document to another. To do this consultees need to make hard copies and it really should not be for consultees to have to cover the cost of carrying out such printing in addition to providing their time and expertise to contribute to the planning processes. The developer applicant should therefore provide sufficient hard copies for consultees to consider.

## **Natural England**

Based on the information provided Natural England have no objection to the proposed development subject to the inclusion of our recommended conditions and the proposal being carried out in strict accordance with the details of the application. The reason for this view is that we consider that the proposal will not have a significant effect on any protected species.

We advise that the mitigation proposals are assured through a planning condition using all the recommendations set out within the 'Discussion and Recommendations' sections within both the Extended Phase 1 and Dormouse Surveys, both undertaken by Michael Woods Associates in September and November 2006 respectively.

Please note that a Natural England European Protected Species Licence will be required before any of the works take place.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System'.

Paragraph 98 of the Circular states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

The applicants should be Informed that planning permission, if granted, does not absolve them from complying with the relevant law including obtaining and complying with the terms and conditions of any licences required as described In Part IV B of Circular 06/2005.

## **Environment Agency**

We have no objection to the above proposal subject to the inclusion of conditions detailed below:

### Flood Risk

A Flood Risk Assessment (FRA) by Laurence Rae Associates Ltd (Report No 2651 FRA 3) dated April 2008 has been submitted in support of the proposed development We rely on the accuracy and completeness of the FRA in undertaking our view and can take no responsibility for incorrect data or interpretation made by the authors. The responsibility for the checking of the design calculations and details remains with the developer or agents acting on his behalf.

Condition:

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water run off limitation incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved programme and details.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Informative:

It is essential the developer enters into a suitable legal agreement that provides for the satisfactory long term operation and maintenance of the surface water drainage scheme.

Condition:

No development approved by this permission shall be commenced until details of existing and proposed ground levels including overland flow routes and exceedence overflow protection in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 and finished floor levels has been submitted to and approved in writing by the

local planning authority. The scheme shall be completed in accordance with the approved programme and details.

Reason:

To minimise flood risk to the development, neighbouring property and Hindon Lane.

Informative:

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that owners of neighbouring land are not adversely affected.

#### Land Contamination

We have reviewed the Interpretative Report on the Ground Investigation submitted with the application, report number 61383 dated February 2007, and consider the investigation carried out in this area is not sufficient to determine whether contamination is present. The condition below is recommended to ensure a more thorough investigation of this area of the site.

Condition:

Prior to the commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:

1. A desk study identifying:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site;
3. The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
4. A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason:

The site overlies Limestone & Sandstone of Tisbury Member geology which is a Primary/Major aquifer. The site investigation carried out identifies Area 1 in the North west of the site as having a potential for contamination due to its previous uses, however the site investigation supplied has only two trial pits from this location which are shallow and do not reach the base of the made ground. Contaminant levels in samples from these trial pits are above the levels found in the other areas of the site.

Informative:

In relation to the proposed development in so far as it relates to land contamination the Environment Agency only considered issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority eg waste management licensing.

#### Pollution prevention during construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils, chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. We request that the following condition is included:

Condition:

No development approved by this permission shall be commenced until a Construction Environmental Management Plan incorporating pollution prevention measures has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason:

To prevent pollution of the water environment

#### Water efficiency

We strongly recommend water efficiency measures be incorporated into this scheme. It would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by the Planning Inspectorate.

Condition:

No development approved by this permission shall commence until a scheme for water 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 prudent use of natural resources.

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual flush toilets, water butts, spray taps, low flow showers, no power showers and white goods, where installed, with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. We would be happy to provide further advice when the applicant is designing the scheme.

#### Sustainable building and construction

We strongly recommend that the proposed development includes sustainable design and construction measures which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible preferably six. The applicant is advised to visit <http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards> for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and is compulsory for all housing from May 2008.

In a sustainable building minimal natural resources and renewables are used during construction

and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

### Summary

In summary we request conditions to cover the following material considerations:

- Surface water limitation
- Ground levels and finished floor levels
- Land contamination
- Pollution prevention Construction Environmental Management Plan
- Water efficiency

### **SDC Environmental Health**

Recommend the following conditions be applied to this application:

1. Due to the proximity of parts of the site to existing residential uses no delivery of plant equipment or materials demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 07:00 to 18:00 weekdays and 07:00 to 13:00 Saturdays.

Although the flood risk assessment and drainage strategy are satisfactory specific detailed design of the surface water disposal arrangements will be required when the design details of the development have been finalised.

2. Before development commences, a scheme for the discharge of surface water from the buildings hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be carried out as approved.

### **REPRESENTATIONS**

Advertisement	Yes – expired 22/05/08
Site Notice displayed	Yes – expired 22/05/08
Departure	No
Neighbour notification	Yes – expired 15/05/08
Third Party responses	Yes – 16 letters raising the following issues/concerns:

- Poor road network within Tisbury, in particular Hindon Lane is narrow, (not consistently 5.5m throughout its length) and lack of pavements;
- Concern at additional vehicles generated including large vehicles;
- Transport assessment is based on data from 2006. Traffic levels have been increasing recently and 243/232 vehicles were counted on 8<sup>th</sup>/13<sup>th</sup> May respectively. Peak-time traffic has increase by 27% in the past 18 years and levels for 2008 are already higher than the forecast made for 2016 made in the Transport Assessment;
- Unlikely that new occupiers will realistically access site by foot. Distances to site in TA are measured from centre of site (greater at furthest edges), site is uphill climb;
- Poor bus service (although increase in potential users may make service viable);
- TA assumes that the amount of traffic will decrease or remain static between 2011 and 2016 which is unrealistic;

- Concern at position of offices and small workshops among the houses;
- Increase in number of dwellings proposed to 90. This is beyond the 75 that the Inspector (at the Local Plan Inquiry) considered that the area could accommodate. Even if 6 are accepted because of the loss of the swimming pool area this only produces 81 dwellings;
- Noise and hours of work during construction;
- Phasing of development to ensure affordable/employment units are constructed;
- Potential for cars belonging to some properties in Hindon Lane to access/park from the rear;
- Discrepancies/inaccuracies with the submitted forms;
- Control over use of the emergency access;
- Impact of the 'Exceedance Overflow Protection' Area;
- Liability/positioning in relation to quarry to south of Rosebank;
- Impact on protected species;
- Impact on sewage system;
- Impact on local schools;
- Inadequate recreational facilities;
- Increase in noise and disturbance;
- Impact on property values;
- Opportunity has not been taken to provide through vehicular access from Hindon Lane to the school/leisure centre complex which would have allowed school coaches/staff vehicles to avoid the congested route through the village;
- Allowing vehicular access between the site and Weaveland Road would help spread the load of increased traffic. It would not be a 'rat run' to the village centre because Hindon Lane would still provide a quicker and more direct route;
- TA is not realistic;
- Development is out of scale and will produce a 'split' village (drawing life away from the High Street as the centre of the village);
- Increase in housing in the last 20 years means that saturation point has been reached;
- No need or interest for workshops or small industrial units;
- Far from contributing to the village, new residents will just encumber it by their traffic as they drive to work or shop outside;
- Landscaping on the western boundaries won't soften the impact on the AONB, just put a cosmetic fringe around it that won't even conceal the height of the proposed buildings;
- Traffic calming measures will just produce worse jams and queues of cars and lorries. Such measures reduce speed of traffic not volume;
- Risky social experiment of forcing a new community onto an old one, and of forcing affordable and non-affordable houses together. Reality is that friction will result;
- Preferable that Tisbury evolves in small steps rather than this out-of-scale proposal;
- Pressure from above to meet housing targets by building on Greenfield sites should be resisted;
- The brownfield station site is an alternative that, if used instead, would 'head off' objection to this proposal;
- SDC should insist that Central Government re-evaluates



new house building calculations, prevent all new development until this re-evaluation is available, insist that all future approvals are credited against the overall future building requirement; SDC should ignore timescale rules and put weight behind common sense and fairness to the communities;

- Residents of the houses at 1 – 8 Hindon Lane use the lane off Hindon Lane, proposed to be used as a public footpath, to access their properties. If the access is denied to these residents then they may have to park on Hindon Lane, resulting in more congestion and hazard;
- Increased population does not mean more business, just more movement;
- There are already vacant work space units waiting to be rented in the village and surrounding area;
- There is clearly a need for new housing;
- No concession has been made to creating open spaces or to address environmental or ecological concerns;
- Impact on sense of space of nearby properties; domination of existing dwellings on Hindon Lane by new dwellings' height;
- Object to idea that current footpath should be upgraded to a cycle route; track is already used by motorcycles (despite prohibition) and entry onto Hindon Lane is a blind corner, and onto narrow, poorly lit road. Footpath also implies lighting which will impact on property;
- 8 metre buffer, agreed at initial stages, between end of existing gardens and development has been reduced to only a few metres. Given restrictions on extensions etc in relation to subservience to the original building, suggest that this development needs to show subservience to existing houses by being lower in height, less dense and further away;
- Potential for water run-off both during and after building;
- Where has the swimming pool proposed to be next to the sports centre gone.

Parish Council response    Yes - Tisbury and West Tisbury Parish Councils have expressed considerable concern and consider that if the development were to go ahead on the scale proposed and on this peripheral site, it would have a very major and damaging impact on the village and on the surrounding area. The Parish Councils' specific concerns are that:

- The application is substantially different from the development brief. The application now relates to 90 dwellings rather than the 75 previously proposed. This exacerbates the impact on the village and the surrounding area, and increased density on the site will provide a poor quality of life for the eventual residents;
- The design of the development equates to one huge single-entrance cul-de-sac is inappropriate for an village and the AONB. This seems central to the developer's intentions;
- The PC objected to the planning brief's three storey houses. The outline application's 2.5 storey houses have not necessarily achieved any significant reduction on the height of the houses. Away from the High Street the Tisbury vernacular is rural and should not be subjected to an urban style;
- The design of the dwellings remains unclear. Preference for natural stone and absence of block/render;

- Many of the trees indicated are shown in private gardens and it is not clear how these will be provided or protected;
- Nothing is said in relation to street lighting;
- The PCs are not convinced that there will be sufficient demand for the employment units – particularly given the way that they are scattered within a housing development which will raise concerns over commercial traffic and security;
- Express concern that the industrial units will end up being converted to flats or shops (with impact on High Street);
- In light of current market conditions the developer is likely to want to delay or phase development. How would phasing be handled? The worst outcome would be a fully-serviced site and a half built development;
- One car space per house and one per commercial unit is a triumph of central government policy over common sense. The consequences will be up to 50 cars continually parked on already narrow roads. Fire engines need clear passage of some 2.8m; a realistic allowance for off-road parking needs to be made;
- 20mph speed limits are wishful thinking – the existing 30mph limit is widely ignored;
- The proposed installation of a roundabout on Hindon Lane is totally inappropriate in a rural village lane. In proposing it the developer is highlighting the traffic problems that will arise from development of this scale in this location;
- The proposal to build 40m of footway either side of the roundabout is pointless given the impossibility of extending that footway further towards the village centre. Adding a bus stop at this point will be equally pointless if the bus service remains as it is;
- The Transport Assessment makes a number of unreal assumptions. Residents will not all walk to the village given the walk of half a mile (uphill on return). Not all residents will be fit, able and willing to walk this distance especially if accompanied with children/shopping, as evidenced by Churchill Estate residents who drive. Danger of walking made worse by lack of footways on Hindon lane;
- There will be a substantial traffic generation from the estate. 90 houses plus employment will increase the number of cars in the village by up to 200, plus employment and school, traffic;
- All the extra traffic must pass through existing pinch points in nearby hamlets – an unreasonable imposition on surrounding hamlets;
- Hindon Lane is not sufficiently wide to accommodate passing buses and lorries;
- The TA assumes that TisBus (a volunteer service) can step to accommodate for the very limited commercial buses but there appear to be no proposals for the developer to contribute to the costs of running TisBus;
- Many new residents will drive to the railway station, exacerbating the parking problem at the station/Nadder Close car park;
- Construction traffic is barely mentioned – they will cause substantial disruption and impact on air quality;
- Outline application makes no mention of renewable energy, recycling, water reclamation etc;
- More provision needs to be made to accommodate species' habitats;
- If the surface water storage and drainage system fails

- would residents have any redress;
- PCs want assurance from Wessex Water that the existing foul drainage system can cope with 200 or so extra residents and that the treatment plant will have its capacity increased;
- Concern that the PCs would have to spend the financial contribution within five years of the date of the s106 agreement but the contribution will not be received until 24 hoses have been built (which might give little time to act);
- Parish Councillors propose that any new houses resulting from this application should be treated as part of the future contribution towards the 350+ houses likely to be imposed on the Tisbury area.

Separately Tisbury Parish Council has also made comments on the draft s106 legal agreement submitted by the developer. These are referred to in the relevant sections below.

## MAIN ISSUES

Whether development of the site for residential and employment uses is acceptable in principle  
 Whether the number of dwellings is acceptable, including the impact on the character and appearance of the area, AONB and adjacent Conservation Area  
 Whether the level of employment floorspace is acceptable  
 Means of access, highway safety and proposed improvements to public transport facilities  
 The provision of community facilities  
 Public recreational open space  
 Affordable Housing  
 The impact on protected species  
 The impact on the water environment (drainage, flooding)  
 The impact on neighbouring properties  
 The impact on archaeological features  
 Education facilities  
 Waste Management  
 Other factors

## POLICY CONTEXT

### Adopted Salisbury District Local Plan 2003 (saved policies)

H14	Land at Weaveland Road, Tisbury (housing)
E14A	Land at Weaveland Road, Tisbury (employment)
G1, G2	General Development Criteria
G5	Water Supply and Drainage
G6	Sustainable Development
G9	Planning Obligations
D1	Extensive Development Proposals
D6	Pedestrian Access and Permeability
D7	Site Analysis
D8	Public Art
H25	Affordable Housing
TR1	Sustainable Transportation
TR11	Parking Standards
TR12	Sustainable links in Development
TR13	Footpath Improvement
TR14	Cycle Parking
R2	Recreational Open Space
R4	Provision of contribution to indoor leisure facilities
R17	Public Rights of Way
C4, C5	Development in the AONB

## **C12 Protected species**

Adopted Wiltshire Structure Plan 2006

DP1 Pursuit of Sustainable Development

Supplementary Planning Guidance

Creating Places  
Sustainable Development  
Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

Government Guidance

PPS7, PPS1, PPS9, PPS22, circulars 11/95, 01/2005

### **PLANNING CONSIDERATIONS**

#### ***Whether Development Of The Site For Residential And Employment Uses Is Acceptable In Principle***

The starting point for considering this application is the Adopted Development Plan which remains primarily the saved policies in the Adopted Salisbury District Local Plan 2003. The relevant policies are the site-specific policies H14 (residential development) and E14A (employment land). These policies have been backed-up by the Adoption of a Development Brief for the site in 2006.

The Local Plan did identify this site as forming part of the second phase of development of the Local Plan (1999 – 2011) period, and the Council was required to make decisions about the release of development sites in the second phase, following an assessment of housing land supply.

On 7<sup>th</sup> June 2006 the Council's Cabinet delayed the release of this site (while allowing the release of two other sites elsewhere in the District) because an alternative 'brown field site' (the site at Station Works) was also being promoted as part of the Local Plan process.

The Council's Cabinet resolved to delay the release of the Hindon Lane site, for 6 months, until a marketing exercise had been undertaken to establish whether it would be retained in employment use.

Therefore, given that specific provision has been made in the current adopted Local Plan for the development of this site for a mix of residential and employment uses, and that this site has now been released for development under phase two of the current Local Plan, there is no doubt that development of this site is, in principle, acceptable.

Against this backdrop, to try and argue that development should not be permitted on this site (for instance because of the 'credit crunch') would have little chance of successful defence at appeal, and would risk a significant award of costs against the Council.

#### ***Whether The Amount Of Residential Development Is Acceptable And The Impact On The Character And Appearance Of The Area, Aonb And Adjacent Conservation Area***

This application is only in outline. Therefore issues relating to design, scale, appearance and landscaping will all be considered through future applications where much greater detail will be necessary. Indeed, many of these issues have already been considered to some extent through the Development Brief in any case. This gives a clear indication – as do the comments made through this application – what will be required by the developers in subsequent applications.

Nevertheless, as part of this application, consideration does have to be given to whether specifically 90 dwellings and 3,800 square metres of employment development can be accommodated in principle without demonstrably harming the character and appearance of the AONB, the adjacent Conservation Area and the area in general. Consideration also has to be given now to the specific visual impact of the means of access.

It has to be remembered that permission could only reasonably be refused now, at outline stage, if it was considered that the development proposed could not conceivably be acceptably undertaken – ie that 90 dwellings, however they were designed or laid out, would inevitably result in development that was (for example) too dense, or too tall, or out of character.

Government guidance in PPS3 says that “the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.

It should be borne in mind that the Adopted Local Plan policy (H14) does not set a specific figure for the number of dwellings proposed for this site. However the Development Brief does give a figure of 75 dwellings, a figure which is based upon the comments of the Planning Inspector following the Local Plan Inquiry and was included (‘an estimated 75 dwellings’) in the Local Plan under phase 2 (2006 to 2011). The development of the site for 90 dwellings as proposed now would clearly be an increase beyond the level envisaged during the Adopted of the Local Plan (in 2003) and at the time that the Development Brief was adopted (in 2006).

The applicants argue that, in addition to the 75 dwellings envisaged at the Development Brief stage, there has been further movement and discussion with local stakeholders since that brief was adopted. This has led to the removal of the ‘swimming pool’ element from the development and its replacement with housing, in the form of 6 additional dwellings (making 81 dwellings).

The Development Brief gave some flexibility for the use of this ‘community’ land, saying that ‘an indoor swimming pool or other community use’ is proposed, and that ‘if the community consider that this community land can be put to another beneficial use, this will be supported by the developer and Salisbury District Council. Any decision will be made in consultation with the community’.

It is now thought doubtful that a new swimming pool would be a practical or viable proposition so, instead of providing a pool a number of alternatives were considered. These included reserving it for a swimming pool (also thought unlikely to come to fruition), transferring the land to the Parish Council directly, or using it to provide additional parking to serve the adjoining leisure centre.

However, it is now proposed that a sum of money derived from the 6 dwellings (£400,000 – based on the applicant’s opinion of the residential market land value) would be paid directly to the Parish Council to be allocated to community recreation as it sees fit. It is understood that this arrangement has been agreed with the Parish Council.

The applicants also argue that, even at 90 dwellings, the development of this site as proposed has a density of around 36 dwelling per hectare which they claim is within the ‘PPS3 range’. In fact, PPS3 advises that 30 dwellings per hectare (dph) should be used as a national indicative minimum to guide decision-making, at least until local density policies are in place.

However, the Council’s Forward Planning officers do not object to the increase in housing numbers. The site falls within ‘phase 2’ of the local plan, namely after 2006 while the plan period for the Regional Spatial Strategy (currently in draft format) ranges from 2006 to 2026.

Therefore the Council’s Forward Planning department say that the total number of houses provided on this site *can* therefore be deducted from the total number suggested for the Nadder Valley community area within the Core Strategy Preferred Options.

Indeed, they say that some consideration should be given as to whether an *increased* number of dwellings (ie greater than the 90 proposed now) would be acceptable within a future application, to the community, to reduce the number that will be required to be delivered on other sites in the

Nadder Valley area.

Essentially, given strategic demand for greater housing development, and the fact that housing development should be focused in locations close to established 'built-up' areas with a range of services, employment opportunities and public transport facilities, (rather than in unsustainable sites in the open countryside), if this site is developed to a higher density, there will be less pressure for the development of other sites in and around Tisbury in the future.

Given that this site has already been earmarked for development, is immediately adjacent to the current established physical settlement boundary and is within walking distance of the centre of Tisbury (with its range of shops and services and reasonably good connections by train), it makes strategic sense for more rather than less development to be focused on this site.

The applicants also argue that the reduction in employment space (addressed below), and the fact that they have produced an indicative layout that shows that development would not be too cramped or dense, all point to the proposed figure of 90 dwellings being acceptable. It is also pointed out that, even excluding the 6 'swimming pool' dwellings, this will result in more affordable housing units.

Officers have considered the indicative layout plan submitted with the application. It is clear that the layout is based on the approved Master Plan that has already been approved through the Development Brief. To accommodate 90 dwellings on the site, the dwellings would clearly have to be two storey (as opposed to single storey), and the height of the dwellings is sensitive given the need to both minimise landscape intrusion yet also reflect the positive design characteristics of the village.

However, the work already undertaken at design brief stage envisaged primarily two storey development with some two-and-a-half forms (ie using dormers contained within roof spaces), and the applicants have indicated through the Design and Access statement that this is the intention with this development.

Although in one or two cases on the indicative layout there are separation distances that are lower than the normal standards (ie less than 20m window to window), guidance from CABE makes clear that such standards have to be applied flexibly (in order to achieve a design that reflects traditional vernacular) and, in any case, it is likely that any adverse overlooking between dwellings can be addressed at the Reserved Matters stage.

It is also considered that if the level of employment space proposed was as envisaged at Development Brief stage (ie 1.4ha) this, plus 75 dwellings and the swimming pool site, would have been likely to result in a more dense site (at least in 'physical' terms) than that proposed now.

It should also be remembered that the Development Brief was approved at a time when the then PPG3 encouraged densities of between 30 to 50 dwellings to encourage efficient use of land, and therefore the proposal has always been, and remains, at a relatively low density in that context.

Given the indicative layout submitted with the application, and the fact that it has already been accepted that a significant amount of development can take place on the site, there is no reason to believe that the development of 90 dwellings and 3,800 square metres of employment floorspace cannot be accommodated without harming the character and appearance of the area, the AONB or the adjacent Conservation Area.

In short, it is considered that the number of dwellings proposed now (essentially nine additional dwellings when the 'swimming pool' site is taken into account) would not result in an unacceptably cramped or dense development. Meanwhile, although the AONB group describe the roundabout etc as 'heavy handed', it is considered that the proposed means of access would not be visually unacceptable in its design.

### ***Whether The Level Of Employment Floorspace Is Acceptable***

In contrast to the increase in housing numbers, the amount of employment floorspace proposed now, at 3,800 m<sup>2</sup>, is a significant reduction from that set out both in the relevant Local Plan policy (E14A) and the Development Brief.

The Council's Economic Development department have calculated that the area proposed by the applicants in the indicative layout would only amount to some 0.54ha of land (based on a development density of 70% for B1 use, allowing for multiple stories etc). This is clearly considerably less than the original allocation of 'approximately 1.4ha'.

However, although the text of the brief mentions a requirement for 1.4ha, this is caveated stating that the requirement is only for 'up to' 1.4ha. Therefore the requirement set out in the Local Plan policy has already been diminished somewhat by the Development Brief.

In response to concerns in relation to the reduced employment floorspace, the applicants have submitted an employment/floorspace report by a recognized local estate agent (Woolley and Wallis) which provides an assessment about available employment space in and around Tisbury.

This says that because of schemes that were built in the late 1990s and early 2000s there has been an overall increase in supply creating an over-supply situation with worsening demand. They consider that the total available employment land stock within a 5 mile radius of Tisbury is approximately 28,500 square metres, and any further significant developments would undoubtedly affect the competing sites. In Tisbury itself they estimate that there is approximately 5,575 square meters of employment floorspace (essentially B1 and A3 uses but excluding public houses and community facilities).

Woolley and Wallis take the view that the 70% ratio suggested by Economic Development is high and not supported by precedent. They say that, on the basis of 70%, the resultant level of floorspace from 1.4 hectares would result in 9,000 square meters of employment floorspace, which would be excessive for Tisbury. They go on to say that the applicant's level of 3,800 square meters would still provide an additional 57% of employment accommodation over and above the existing small-to-medium sized accommodation already occupied.

In response to the Woolley and Wallis report, the Council's Economic Development department says that the overall picture of commercial market conditions in rural areas, as conveyed by the report, is understood although as this site is strategically allocated for the long term, Economic Development say that caution should be given to concerns about how long it may take to complete and fully let/sell such a development

While they consider that around 4000 square meters of floorspace would seem acceptable (based on the analysis of market supply) it is commented that this may require land space of about 1ha, although this should be clarified. However, given that the description of the development proposed is for '3,800 square meters of B1 business floorspace' it is considered that the extent of land which is required to provide the 3,800 square meters is essentially one for the reserved matters application.

In any case, the applicants have also argued that the reduction in floorspace is in accordance with the Development Brief's Master Plan. It is true that the Master Plan does identify an area for employment land that is broadly in line with that proposed in the indicative layout, and this has been accepted by Forward Planning as being accepted by the community's during the earlier consultation stages.

Overall, on balance, it is considered that the reduced amount of employment floorspace proposed in the application is acceptable, and that although this does not fully comply with the level set out in the Local Plan policy, that this should not result in a recommendation of refusal.

## **Highway Safety, Means Of Access And Proposed Improvements To Public Transport Facilities**

As an outline application, it is at this stage that consideration has to be given to whether the proposed development can be accepted in principle without compromising highway safety. The details of the means of access have to be considered at this stage, including (for example) the detail of the roundabout, treatment of the emergency access etc. The internal layout arrangement can, however, be left to the reserved matters application.

It is proposed that the principal vehicular means of access to the site should be off Hindon Lane itself, with a junction served by a roundabout being located to the north west of the site. Other means of access include the 'emergency' access from Weaveland Road, and the public footpath that runs from Weaveland Road to Hindon Lane.

In the Development Brief and as part of this application, it is accepted that the site is in a relatively 'sustainable' location in that it is relatively close (within walking distance) of the centre of Tisbury which has a range of facilities (shops, employment opportunities, schools, the sport centre etc) and public transport connections (railway station, some bus services). It is envisaged that pedestrian movements would use Weaveland Road rather than the narrow Hindon Lane, which does not have pedestrian pavement for the majority of its length.

The application proposes new bus stops at the junction with Hindon Lane to encourage public transport use, and the westward relocation of the existing 30mph speed limit on Hindon Lane. Additional footways (approximately 40m long) would be provided on each side of Hindon Lane to the east of the roundabout. The application also proposes that the internal layout is designed to encourage walking and cycling with a design speed of 20mph within the residential areas. The internal layout is, however, a matter for a subsequent application.

Through the Local Plan process it has already been concluded that a significant amount of development (namely 75 dwellings and up to 1.4ha of employment floorspace) can be accommodated acceptably without compromising highway safety.

Since then two factors relevant to this question have changed, namely the increase in the number of dwellings (and the reduction in employment and community-use land), and the increase in levels of traffic/car movement generally.

The applicant's highways consultants have submitted data that estimated vehicle trip generation. This is based on a comparison with an established residential development in a settlement (Teignmouth in south Devon) with similar characteristics in relation to peak time travel-to-work modes of transport. They argue that the two settlements have similar levels of population who do not use the car to travel to work (both around 60%).

On this basis, and on the basis of established national TRICS data in relation to the employment land, the applicant's highways consultants estimate that traffic generated by the development would increase the existing traffic flow to approximately 2,600 vehicles (a two-way flow on a weekday in the design year of 2016).

The applicants argue that this is acceptable in the context of national, county and local policies, saying that Government guidance in 'Manual for Streets' indicates that residential roads with frontage access (such as Hindon Lane to the east of the proposed roundabout) can accommodate in the order of 10,000 vehicles per day without any significant effect on highway safety, or causing undue delay.

Wiltshire County Council, as Highway Authority, has been consulted to provide technical and professional advice regarding the matter of highway safety. They has recommended a number of conditions/requirements, including a travel plan which encourages sustainable modes of transport.

However, subject to these requirements, they have not objected to the development proposed and (subject to conditions) have accepted the proposed design of the roundabout and means of access (both the emergency access and the main access).



A further consideration is the provision of private access to serve dwellings 1 to 8 Hindon Lane. These properties (a row of 8 semi-detached dwellings immediately to the north of the site) currently have no on-site car parking and as a result their vehicles currently park on-street, adding to the congestion on Hindon Lane. As part of the consultation process, it has been suggested that these dwellings could have their own private driveways to the rear of the dwellings, being accessed via the new development.

This did not form part of the scheme envisaged during the Local Plan process or at Development Brief stage, and indeed the applicant's indicative plans do not show this as part of their proposed layout. The Highway Authority has made clear that, even if no new provision were made for these 8 dwellings, this would not justify the refusal of permission on highway grounds.

However, as a gesture of goodwill, the developer is willing to provide rear access to some of these dwellings (numbers 2 to 7), provided that this does not compromise engineering aspects of their scheme (for example the drainage arrangements). Private access to number 1 is available already off Hindon Lane, whereas the developer is unwilling to make provision for number 8 because this would impinge on the site layout and result in even less area for an appropriately-sized infiltration trench.

While the provision of rear parking to these dwellings would be a benefit in reducing congestion on Hindon Lane, it is not a factor that would dictate refusal in its absence. Indeed, given that this would essentially relate to the 'internal' layout of the site this is a matter that can be left to the Reserved Matters stage. It would not be appropriate to make this a requirement (ie via a condition) of granting outline consent.

Concern has been expressed by the Parish Council regarding car parking, both for the industrial units and the dwellings. However, the fact remains that Government guidance and the current Local Plan set only maximum standards for car parking rather than minimum standards, in order to discourage car use and encourage sustainable transport. This is particularly relevant given Tisbury's relatively good public transport links (by train and less so by bus) and the proximity of the development to Tisbury's centre.

Overall, and bearing in mind the response of the Highway Authority in particular, it is considered that highway safety matters would not justify the refusal of permission.

### ***The Provision Of Community Facilities (The Swimming Pool)***

*Policy R4 requires that 'where proposed development, either individually or cumulatively with other developments in the settlement, is of a sufficient size to generate an identifiable need for additional indoor community or leisure facilities, developers will be expected to provide a suitable facility within the site or make a contribution towards improving facilities within the settlement.'*

The intention has been that this provision should be met by the construction of a new swimming pool that is specified in policy H14. The proposal was for the swimming pool to be positioned adjacent to the existing sports complex on the ridge of the site so that it could be accommodated without harm to the AONB.

However, in the time between the adoption of the Local Plan and the Development Brief, it is clear that the swimming pool element was questionable. The Development Brief requires a swimming pool '*...or other community use...*' which, if the community consider that this land will be put to another more beneficial use will be supported by the Development and the Council.

It is now thought very doubtful that the new swimming pool as originally envisaged would be a practical or viable proposition. Instead of providing a pool, it was decided that providing dwellings on the site, and allowing the market value of those houses to be transferred to the Parish Council for spending on an appropriate related community use, would be a preferable solution.

The applicant's opinion is that the market value of the proposed 6 dwellings on the 'swimming pool' site would be around £400,000 and that rather than impose a 'market conditions' clause to

the S106 (so that the sum is based on the local market value), simply requiring that sum is more efficient.

On one hand it could be argued that £400,000 for six dwellings (two of which are flats over garages) is a relatively low amount – an average of only £67,000 per unit. This is especially true when it is considered that the figure was envisaged at a time when the economic climate was healthier than at present.

It is accepted that current market conditions will have reduced the average value somewhat. However, it has to be remembered that permission is being granted for a number of years and that the housing market may well have recovered in that time.

On the other hand, the Parish Council appear content with the offer, which it is understood have been the subject of lengthy negotiations between developer and the Parish Council. This position has also been agreed by the Council's Forward Planning Officers.

It should also be borne in mind that the developer could propose a different use for community land (such as simply giving the land 'as is') which would provide less benefit to the community than the £400,000 but would be difficult to resist (by refusing permission) because it has been accepted that the swimming pool envisaged during the Development Brief is unlikely to be developed. Having a set figure also provides certainty for the Parish Council, helping their planning of the spending of the money.

It is therefore considered that, in principle, the replacement of the 'community land' with contribution-bearing housing development is probably the best community option for this land.

The Parish Council has concerns regarding the proposed trigger for paying the contribution (ie not until 24 houses have been built), saying it should be required before permission is granted. With the current 24-house trigger they are concerned that this makes it difficult to plan capital expenditure and that because of the delay the extended facilities are unlikely to be ready before the additional demand from new occupiers is felt.

They are also concerned about the repayment requirements should any of the contribution not be spent. The current draft s106 sets the unspent trigger at 5 years of the date of the agreement. The Parish Council argue that there should be no such requirement at all (given that 6 additional dwellings are only being permitted to fund the improvements).

They go on to say that, if there must be repayment requirement, there is a risk that if (say) 4 years elapses before any money is paid that leaves only a year to plan and carry out the project. If 5 years elapse then no money would be paid at all. It would also restrict the Parish Council withholding final payment (for unsatisfactory work for example) because that money would also have to be repaid.

The Parish Council also want confirmation that renovating the buildings around the outdoor swimming pool and improving/extending the open air car park facilities at the sports hall/Nadder Hall complex would be a permissible use of the R4 money. They also raise points in relation to the open space land and other, technical, legal points.

The details and clauses of the s106 agreement are normally the subject of negotiation between officers and the developer, having regard to the aims of the Local Plan and Development Brief, and bearing in mind the comments of the Parish Council and local residents.

However, in relation to the payment and re-payment of the £400,000 the developers have indicated a willingness to reach an appropriate trigger linked to occupation. They say that they cannot be expected to pay the monies 'up front' or prior to the occupation of any of the dwellings and that it is only reasonable that they should be entitled to derive some income from early sales and occupations. They also point out that they could revert to the original proposal (simply designating the piece of land 'for swimming pool/community use'). The applicants also express a willingness to negotiate an appropriate period/trigger for re-payment.

It is considered that these are aspects on which it is possible to reach a decision following negotiation between the parties, but that this negotiation should be delegated to officers to

undertake and resolve, after committee's resolution on the principle of the development. If members feel it necessary, they could resolve that a report be brought back to WAC following negotiations, should either of the local ward members feel it necessary.

### ***Public Recreational Open Space***

In addition to the contribution now to be paid under policy R4, policy R2 also applies to the development, in relation to the provision of public recreational open space facilities. In the case of development of more than ten houses, the requirement is that this should normally be provided on site. Policy H14 also specifically requires recreational open space.

The Development Brief identified a specific site to the south of Tisbury School for the children's play and general amenity open space area. This site is away from the application site itself but within relatively easy walking distance. The land currently consists of a field of some 8.5 acres (3.44ha).

A separate planning application will need to be made to consider whether the change of use of this land, in the open countryside, would be acceptable. Therefore a final decision on this aspect cannot be made until such an application is granted.

However, given that the site has already been specifically identified in the Development Brief for this use – and therefore the impact of the change of use on the character and appearance of the countryside has presumably already been considered and found acceptable - it would be difficult to refuse an application for the change of use of this land. Therefore subject to a further planning application and to the legal agreement ensuring that it is released to the Parish Council, there would be adequate provision for public recreational open space.

### ***Affordable Housing And Housing Mix***

The developer is required to make provision for affordable housing on the site. The developer is proposing that 40% of 84 of the dwellings (ie excluding the 6 'community land' dwellings) should be affordable and that of those 40% (ie 34 dwellings) 40% should be 'shared ownership' and 60% 'affordable rent'.

This arrangement has been accepted by the Council's Housing and Forward Planning sections and would be achieved by means of the s106 agreement. It is therefore considered that the proposal will make adequate provision for affordable housing.

As part of the agreement, the Council's Housing section has suggested a 'cascade' clause – ie a clause that would allow units to be changed from shared ownership to rented because we would not want to be in a position where there are shared ownership units which cannot be sold. It is also likely that an 80% 'staircasing' clause would be imposed, so that the units do not become non-affordable over time. The Housing officer also accepts the Parish Council's wish that residents of other adjoining parishes should have preference over residents of the District as a whole in qualifying for the affordable housing.

It is recommended that the details of the s106 are left for consideration and negotiation with officers and the developer, with regard being given to those comments made by others.

The Council's Forward Planning Officers have set out the preferred mix of house types that they would wish to see in the development – ie that the percentage of 1, 2, 3 and 4+ bed dwellings (both for market and affordable housing) should match the identified need as set out in the Housing Needs Survey 2006.

It is considered that this should be left for determination through the Reserved Matters application(s) rather than applying what would be an overly-rigid condition/s106 clause requiring these splits. However an informative could be used to make clear to any future applicant for reserved matters that these are the numbers of dwellings that the Authority wishes to see in the development.

### ***The Impact On Protected Species***

Consideration has been given to the potential impact on protected species and their habitats that could result from development of the site. At the time of the Development Brief, the presence of water voles, otters and Great Crested Newts was discounted because of the lack of water on the site. The impact on badgers and dormice and the 'connectivity' of the site (ie the links north south through or around the site) are the primary ecological issues together with the site's botanical interest. There was no sign of bats on site and very limited scope for habitat by reptiles on site.

Two reports have been submitted with the planning application relating to an extended 'phase 1' survey dated September 2006 and a Dormouse Survey dated November 2006, both produced by Michael Woods Associates.

Evidence of dormice has been found in the key north/south hedgerow within the site, and in relation to badgers a two-entrance sett was found on site, in the hedgerow between fields 1 and 2 (ie the boundary between the two parcels of land that form the application site), 30m north the woodland. Off site there is an active main sett on the northern boundary of field 1 with entrances on top of the quarry and the quarry face (ie to the rear of Rosemount).

The recommendations of the reports are that, in relation to badgers, all excavation work within 30m of the sett is carried out between 1<sup>st</sup> July and 30<sup>th</sup> November in any year. For the 'off-site' sett the recommendation is that the likely best option is to fence off the set for a distance of 30m, with any work in this area needing to be carried out under supervision between the same time period.

In relation to bats the report recommends that any trees to be felled or have large branches removed should be checked by a tree-climbing arborist prior to felling. With regard to birds, the report recommends that an experienced ecologist identifies individual nests and advises on mitigation, should work commence during the nesting season.

In order to ensure that dormice, badgers, reptiles and bats continue to have access across the site, the report recommends that a wildlife crossing is created where the central hedgerow has to be removed to allow access between the two parcels of land.

The crossing consists of limiting hedgerow removal, reducing the road to a single lane, planting up on either side of the crossing with large trees (to ensure arboreal connectivity across the road for dormice and bats), installation of flush kerbs (to keep reptiles out of gully pots), low level lighting (to limit nocturnal disturbance) and traffic calming (to slow traffic where badgers cross).

In relation to hedgerows more generally, although one section has to be removed to allow access, new hedgerow along the southwest boundary and strengthening of other hedgerows is proposed.

Natural England been consulted on the application and have raised no objection, subject to a condition securing the ecological details and mitigation proposed. While it has to be borne in mind that landscaping and layout are Reserved Matters that will be subject to future applications, it is clear that the applicants have demonstrated to Natural England's satisfaction that the proposal will not, in principle, have a adverse impact on protected species or their habitats.

### ***The Impact On The Water Environment***

Consideration has been given to the potential impact of the development on flooding and the surface and foul water systems.

In relation to flood risk, the applicants have submitted a Flood Risk assessment which has been considered by the Environment Agency. They have raised no objection and have recommended that two conditions should be imposed. One would require details of a scheme for the provision of surface water run off limitation, incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment and the Agency have said that a legal agreement would have to be entered into securing the satisfactory long term operation and maintenance of

the surface water drainage scheme. Environmental Health officers have raised similar comments.

The second recommended condition requires details of existing and proposed ground levels including overland flow routes and exceedence overflow protection, again in accordance with the Flood Risk Assessment and finished floor levels information.

Provided that these conditions are imposed, it is considered that there is no reason why the proposal would result in unacceptable flooding of the site or surrounding properties.

In relation to foul drainage, although the Parish Council have expressed concerns regarding the ability of the sewage system to cope, Wessex Water have advised that there is sufficient capacity within the existing system, and that there is also a planned increase in capacity for the treatment works. Therefore there is no reason to believe that sewage should form a reason to refuse permission.

### ***The Impact On Neighbouring Properties And Within The Site***

Consideration has been given to the impact on neighbouring properties that are close to the site. The indicative layout submitted by the applicants shows that it is possible to achieve a 90-dwelling scheme that will not result in unacceptable overlooking to neighbouring properties on Hindon Lane, Weaveland Road or elsewhere.

Although the development will clearly result in an increase in noise and disturbance, both during construction and (in relation to traffic noise for example) subsequently, it is considered that this noise and disturbance would be controllable to generally-accepted levels through existing environmental health legislation and conditions in relation to hours of working and wheel wash facilities etc.

Concern has been raised at the positioning of the B1 (employment) units within the residential parts of the estate, rather than separately, with the potential for conflicts between the uses. Notwithstanding the fact that layout is a Reserved Matter, the Development Brief's materplan has always envisaged such 'intermingling' of uses.

B1 uses would consist of offices and/or light industry as opposed to the nosier B2 (heavy industry) uses, and are more likely to be accessed by smaller goods vans for services/deliveries etc, and experience of other developments (for example Poundbury) shows that such uses can be accommodated without causing harm to either occupiers.

### ***The Impact On Archaeological Features***

The County Council archaeology department have commented that given the presence of Neolithic finds on the site and the size of the proposal, there is the potential to uncover further archaeological finds or sites in the area.

They recommend that an archaeological evaluation is carried out in accordance with PPG16 prior to the determining of the application. The evaluation would comprise several stages which are set out in the consultation response above. All the investigations would need to be part of a Written Scheme of Investigation approved by the County Council and followed by a report on the completion of the works.

They have advised that if significant archaeological features are identified on the site it may be necessary for the County to recommend that a modification to the layout of the site is required, or that further excavation will need to be specified by an appropriate planning condition, to be carried out prior to development.

Given that we are currently only considering an outline application, with layout reserved for future assessment, it is considered that this issue can be addressed at this stage by a condition requiring an archaeological investigation together with the WRI and subsequent report. If a modification to the layout or further excavation is required this can be dealt with through the subsequent reserved matters application.

## ***Education Facilities***

Policy H14 makes clear that provision should be made for the increased pressure on educational facilities that results from the proposed development.

For primary school provision the relevant Authority is Wiltshire County Council who operate the nearest primary school at St Johns in Tisbury. They have commented that this school is likely to have capacity for the additional need, which will probably be around 25 places, and that therefore there is not a need for a contribution at this stage.

Wiltshire County Council do say that this is an estimate based on the information provided at outline stage, and that this estimate could change once the details have been provided, as a result of further capacity assessments or changes, or as a result of other development proposals coming forward.

It could be argued that the determinants of a change in Wiltshire County Council's position on the need for a contribution are not ones that should require the developer to contribute more at a later stage. After all, planning permission is being granted for 90 dwellings now, so the capacity required should be judged on the current situation. Furthermore, the developer should only be expected to make a contribution based on the impact of the development proposed, not on other changes (such as other development in the area).

However, having taken legal advice, it is considered that the section 106 should include a requirement that need will be assessed at reserved matters stage, and a payment made in line with Wiltshire County Council's formula based on that need for that development.

In relation to secondary school provision the relevant Education Authority is Dorset County Council, with the nearest secondary school being Shaftesbury School, although some children do attend Gillingham School or a Grammar School on parental preference grounds.

Based on a response to the applicants by Dorset County Council in 2007, it is understood that Shaftesbury School currently has a limited amount of capacity in some year groups, although it was full in terms of admissions into Year Seven for September 2007. They also point out that the appeal decision to grant a new 600 – 700 house development on the eastern fringes of Shaftesbury means that any spare capacity was taken into account when considering that development.

Clearly a contribution will be required in relation to the Hindon Lane development, and the relevant s106 can set out the contribution to be paid, again based on Dorset County Council's formula. In 2007 this produced a figure of £475,719, but it is considered that the formula, rather than the figure, could be used so that the amount represents the need at the relevant time.

## ***Contamination***

There has been an initial concern that because the northern part of the site is in commercial use involving vehicle repairs and vehicle storage, there may be some contamination of land that would require remediation before residential use can be permitted.

The Environment Agency have reviewed the Interpretative Report on the Ground Investigation submitted with the application (report number 61383 dated February 2007), and consider the investigation carried out is not sufficient to determine whether contamination is present.

However, they have recommended a condition, to ensure a more thorough investigation of this area of the site, rather than recommend refusal of permission on this ground. Furthermore the Council's own Environmental Health Officers have not objected to the application because of potential contamination. It is therefore considered that, subject to the condition recommended, contamination should not be a reason to refuse planning permission.

## ***The Phasing of Development***

The Development Brief and the Local Plan policy requires that development is phased in a certain way, to ensure that all of the development is completed, rather than just those aspects

which are most profitable to the developer.

In particular the Brief requires that the highway works (including traffic calming in Hindon Lane) are undertaken before the housing development is undertaken, and that no more than 50% of the houses are constructed until 50% of the employment buildings have been constructed and the swimming pool or other community uses made available.

The applicants have submitted a draft s106 which says that there no occupation of more than 60 dwellings until the first and second tranche of the B1-use land is constructed and made available for use with a further trigger at 80 dwellings for the third tranche.

The wording and details of the s106 should be left to officers to negotiate between officers and the developers, taking into account the Local Plan policy, Development Brief and comments already made (with any substantive disagreements possibly requiring a further report to committee). However, it is worth noting that, given that the applicant's suggested trigger is only after two-thirds of construction, rather than a maximum of the half-way stage envisaged by the Brief, the draft s106 will clearly be unacceptable in its current form.

### **Other Factors**

Some concern has been expressed locally that the undertaking of the development will result in noise and disturbance during construction. Some noise and disturbance is inevitable but this can be kept to a minimum both through the use of the planning condition recommended by Environmental Health officers and through separate controls available to the Council under environmental health legislation.

The Development Brief envisages some form of public art, in order to help give character and legibility to public realm treatment or spaces. This is very much a matter for subsequent consideration through the reserved matters application.

A number of concerns have been raised with regard to whether the development will adhere to high sustainable construction requirements etc. In relation to sustainable construction, the applicants have said (in their letter of 22<sup>nd</sup> August 2008) that they consider Level 3 of the Code for Sustainable Homes to be equivalent to the old 'very good' Ecohomes standard required by the Development Brief. Again this is a matter for the subsequent reserved matters applications.

The applicants go on to say that the affordable housing will be built to this (level 3) standard, while the open market elements will be built to the 'minimum mandatory' Code Level in force at the time. This may well not be sufficient (and no mention is made of the standard to which the employment development will be built) but again this is a matter for the subsequent reserved matters application.

One or two discrepancies have been pointed out in the application form by a local resident, but it is considered that these do not go to the 'heart' of the application and therefore do not make the application invalid. Finally, the comments from the Fire Authority are essentially relevant to the Building Regulations or to the future Reserved Matters application.

### **CONCLUSION**

Subject to conditions and a legal agreement, the proposed development would be acceptable in principle and would not harm the character and appearance of the area, AONB or adjacent Conservation Area, highway safety, protected species, the water environment (drainage, flooding), neighbouring properties, archaeological features or any other material planning consideration. It would make adequate provision for employment provision, education, community facilities and public recreational open space. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

That outline planning permission should be GRANTED SUBJECT TO CONDITIONS and subject to delegation to the Head of Development Services to negotiate a suitable legal agreement under S106 of the Town and Country Planning Act 1990, in relation to the following issues:

**RECOMMENDATION:**

**(a) Following completion of a S106 agreement to achieve the following within 3 months of the date of the resolution**

1. The provision of public recreational open space
2. The provision of affordable housing
3. The phasing of development
4. The sum in relation to policy R4 (the 'community land') and R2 (public recreation facilities)
5. The provision of educational facilities
6. Travel Plan and requirements of the Highway Authority
7. Public art
8. The satisfactory long term operation and maintenance of the surface water drainage scheme
9. Landscape Management
10. A contribution in relation to bin storage and kerbside waste management facilities
- 11.

**(b) Recommended to APPROVE for the following reasons:**

**Reasons For Approval**

Subject to conditions and a legal agreement, the proposed development would be acceptable in principle and would not harm the character and appearance of the area, AONB or adjacent Conservation Area, highway safety, protected species, the water environment (drainage, flooding), neighbouring properties, archaeological features or any other material planning consideration. It would make adequate provision for employment provision, education, community facilities and public recreational open space. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

**And Subject to the following conditions:**

- (1) Approval of the details of the layout, scale, appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

- (2) Plans and particulars of the reserved matters referred to in condition 2 above, relating to the layout, scale, appearance of the buildings, and the landscaping of the site shall be submitted in writing to the local planning authority and shall be carried out as approved

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

- (3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

- (4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.



Reason: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

- (5) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water run off limitation incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- (6) No development approved by this permission shall be commenced until details of existing and proposed ground levels including overland flow routes and exceedence overflow protection in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 and finished floor levels has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved programme and details.

Reason: To minimise flood risk to the development, neighbouring property and Hindon Lane.

- (7) Prior to the commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:

1. A desk study identifying:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site;
3. The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
4. A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: The site overlies Limestone & Sandstone of Tisbury Member geology which is a Primary/Major aquifer. The site investigation carried out identifies Area 1 in the North west of the site as having a potential for contamination due to its previous uses, however the site investigation supplied has only two trial pits from this location which are shallow and do not reach the base of the made ground. Contaminant levels in samples from these trial pits are above the levels found in the other areas of the site.

- (8) No development approved by this permission shall be commenced until a Construction Environmental Management Plan incorporating pollution prevention measures has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

- (9) No development approved by this permission shall commence until a scheme for water 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 prudent use of natural resources.

- (10) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the local planning authority; and no part of the development shall not be occupied until that junction has been constructed in accordance with the approved details

Reason: in the interests of highway safety

- (11) Prior to the commencement of development details of the emergency access to Weaveland Road shall be submitted to and approved, in writing, by the Local Planning Authority. That access shall be constructed before the first occupation of the fiftieth residential dwelling hereby approved.

Reason: in the interests of highway safety

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: in the interests of archaeology and cultural heritage

- (13) The plans and particulars submitted in accordance with condition [ ] above shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: in the interests of the character and appearance of the area

- (14) The plans and particulars submitted in accordance with condition 13 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

Reason: in the interests of the character and appearance of the area

Reason: in the interests of the character and appearance of the area

- (15) Prior to the commencement of construction works a scheme for the washing of construction lorries' wheels upon leaving the site shall be submitted to and approved, in writing, by the Local Planning Authority. Construction works shall be undertaken in accordance with the approved details

Reason: in the interests of the amenities of nearby properties

- (16) Prior to the commencement of development, details of the water and energy efficiency measures to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of sustainable development

- (17) The number of dwellings hereby approved shall not exceed 90 dwellings

Reason: For the avoidance of doubt; the decision has been taken on this number of units only

- (18) This decision relates only to submitted plans numbered 2424/HA/1 (received on 26th August 2008) and LP.01 (received on 22 April 2008) only. Any other plans submitted, including in relation to the internal layout of development, were indicative only and have not been approved or endorsed by this decision.

Reason: For the avoidance of doubt

- (19) The development hereby approved shall be undertaken in accordance with the recommendations of the submitted protected species surveys unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of protected species

- (20) Construction works shall only take place during the following periods: Mondays to Fridays 7.00am to 6.00pm, Saturdays 7.00am to 1pm and not at all on Sundays.

Reason: in the interests of the amenities of nearby properties

- (21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting or revoking that order) there shall be no extensions to the dwellings hereby approved, not any outbuildings erected within the curtilage, unless otherwise approved by the Local Planning Authority by means of a planning application.

Reason: in the interests of the character and appearance of the area

- (22) No development shall commence until a detailed design of the access junction in the form of a mini-roundabout including footways, and bus stops and shelters on Hindon Lane, and the extension of the 30mph speed limit, all as illustrated on drawing number 2424/HA/1 has been submitted to and approved, in writing, by the Local Planning Authority. The access junction, footways and extension to the 30mph limit shall be constructed and provided in accordance with the approved details before the commencement of development (other than highway development approved through

this condition). The approved bus shelters shall be provided before the first occupation of the development.

Reason: in the interests of highway safety and sustainable development

#### INFORMATIVES – THIS DECISION

This decision has been taken having regard to the following saved policies of the Development Plan:

Adopted Salisbury District Local Plan 2003 (saved policies)

H14	Land at Weaveland Road, Tisbury (housing)
E14A	Land at Weaveland Road, Tisbury (employment)
G1, G2	General Development Criteria
G5	Water Supply and Drainage
G6	Sustainable Development
G9	Planning Obligations
D1	Extensive Development Proposals
D6	Pedestrian Access and Permeability
D7	Site Analysis
D8	Public Art
H25	Affordable Housing
TR1	Sustainable Transportation
TR11	Parking Standards
TR12	Sustainable links in Development
TR13	Footpath Improvement
TR14	Cycle Parking
R2	Recreational Open Space
R4	Provision of contribution to indoor leisure facilities
R17	Public Rights of Way
C4, C5	Development in the AONB
C12	Protected species

Adopted Wiltshire Structure Plan 2006

DP1	Pursuit of Sustainable Development
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Supplementary Planning Guidance

Creating Places  
Sustainable Development  
Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

Government Guidance

PPS7, PPS1, PPS9, PPS22, circulars 11/95, 01/2005

#### INFORMATIVES – ENVIRONMENT AGENCY ADVICE

Pollution prevention during construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils, chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual flush toilets, water butts, spray taps, low flow showers, no power showers and white goods, where installed, with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. We would be happy to provide further advice when the applicant is designing the scheme.

#### (5) Sustainable building and construction

It is recommended that the proposed development includes sustainable design and construction measures which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible preferably six. The applicant is advised to visit <http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards> for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and is compulsory for all housing from May 2008.

In a sustainable building minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

#### INFORMATIVES – AFFORDABLE HOUSING

The applicant is advised that, in relation to the subsequent Reserved Matter applications, the latest Housing Needs Study 2006 identifies the housing mix that should be delivered for both market housing and affordable housing. Within the Tisbury or Nadder Valley community area, the following splits have been identified as needed:

##### Market Housing:

1 bed 4%  
2 bed 10%  
3 bed 47%  
4+ bed 39%

##### Affordable housing

1 Bed 36%  
2 Bed 28%  
3+ Bed 36%

Of the Affordable rent 50% should be 1 bed and 50% should be 2 bed. Of the shared ownership 30% should be 1 bed, 16% should be 2 bed and 56% should be 3+ bed.

48 :- INFORMATIVES – THIS DECISION

This decision has been taken in accordance with the following saved policies of the Development Plan:

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Market Housing:

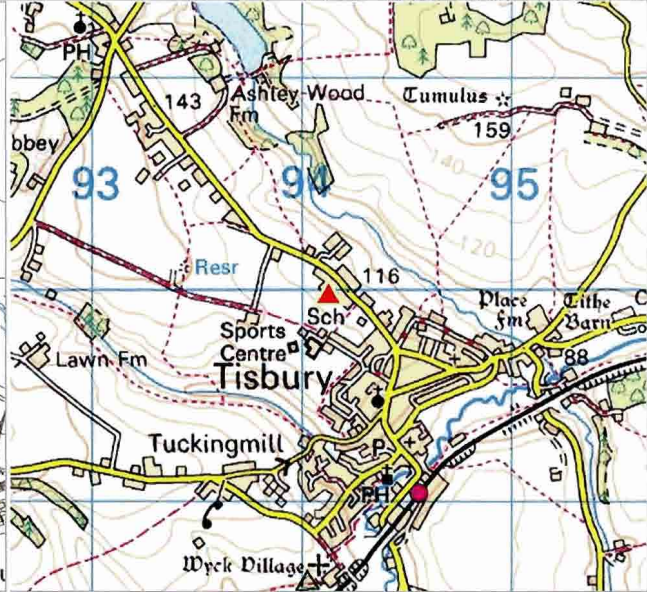
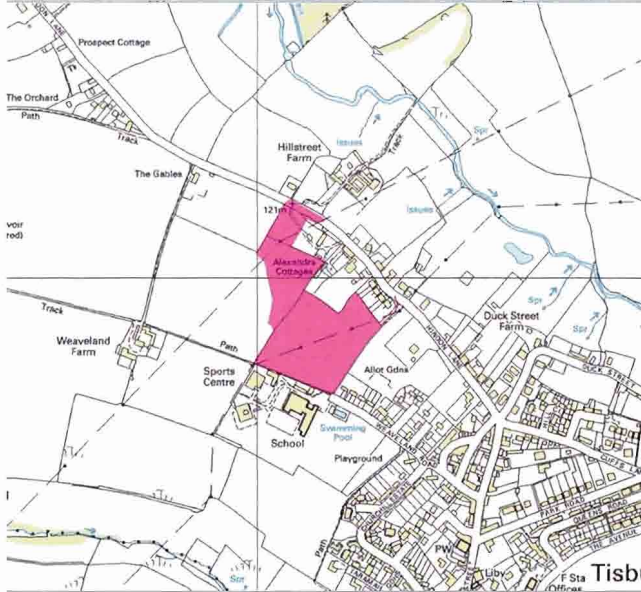
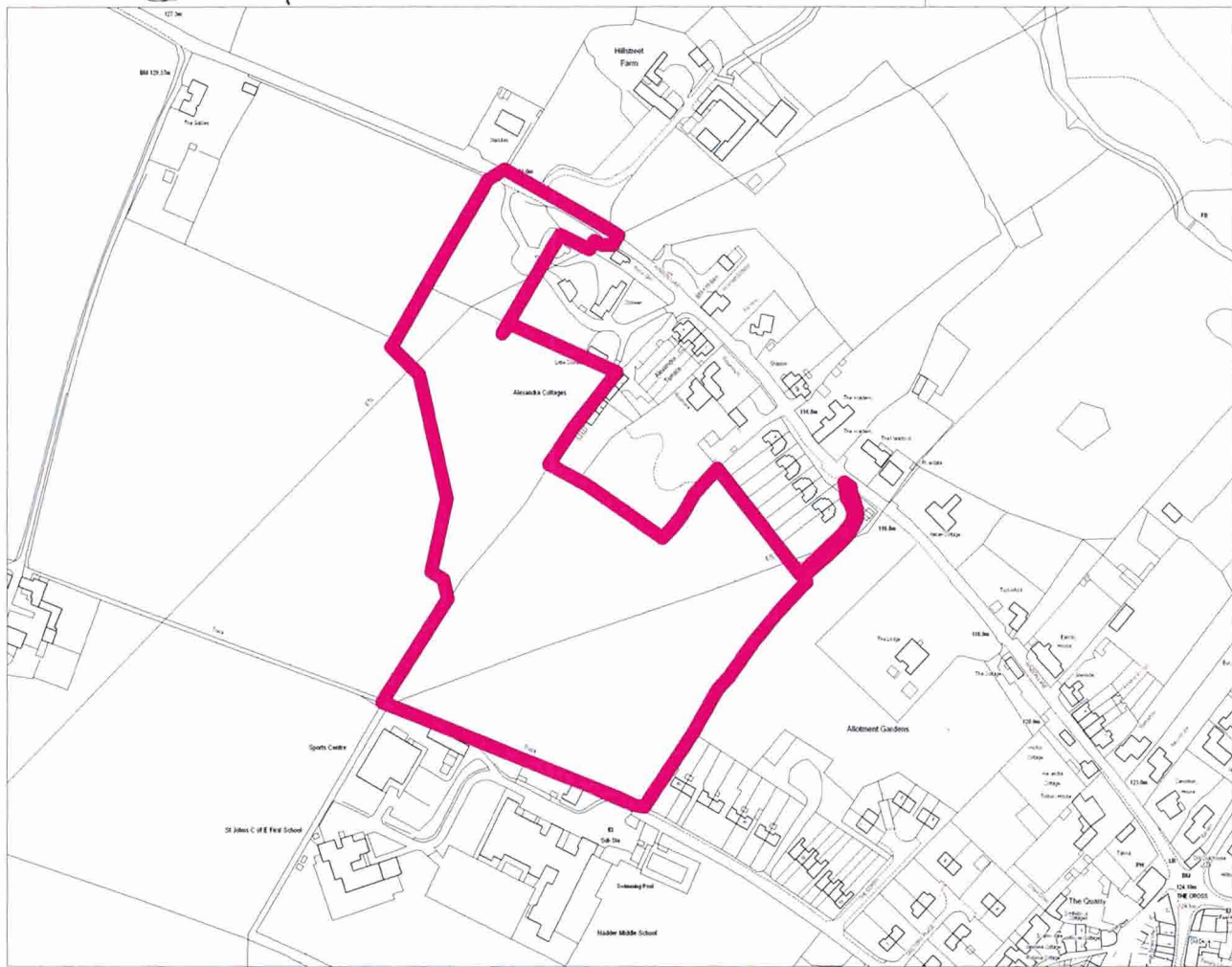
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Affordable housing

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2 Bed 28%  
3+ Bed 36%

Of the Affordable rent 50% should be 1 bed and 50% should be 2 bed. Of the shared ownership 30% should be 1 bed, 16% should be 2 bed and 56% should be 3+ bed.

**( c) Should the S106 agreement not be completed until the period specified in (a) above – then the decision is delegated to the HDS to refuse for reasons of Loss of public open space (compliance with R2) ,Lack of affordable housing, inadequate travel planning, highway safety, inadequate access, surface water drainage, unsatisfactory phasing of development**



# LAND OFF HINDON LANE TISBURY

SITE VISIT 15:00

SCALE: NTS

DATE: 04/11/2008 08:47:10

DEPARTMENT: Planning

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