

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
WESTERN AREA – 19TH MARCH 2009

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item Page	Application No Officer	Parish/Ward Recommendation Ward Councillors
1	S/2008/2011	BERWICK ST JOHN
Pages 3 - 8	Charlie Bruce-White	REFUSAL
SV 15:00	MR PAUL BOWEN SNADROYD SCHOOL TRUST LTD RUSHMORE PARK TOLLARD ROYAL SALISBURY REDEVELOPMENT OF MUNDAYS COTTAGE TO COMPRISE 4 SINGLE FLATS AND A NEW 3 BED ACCOMMODATION UNIT AND THE ERECTION OF A SINGLE 3 BED DWELLING HOUSE WITHIN THE WALLED GARDEN	DONHEAD WARD COUNCILLOR COLE-MORGAN
2	S/2009/0115	BISHOPSTONE
Pages 9 - 16	Mr O Marigold	REFUSAL
	MR R WORT LAND ADJACENT TO DROVE COTTAGE THE DROVE BISHOPSTONE SALISBURY SP5 4BP DEMOLITION OF EXISTING STORAGE BUILDING AND ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE	CHALKE VALLEY WARD COUNCILLOR DRAPER

AGENDA ITEM 7: CONVERSION OF STORE AREA AT REAR TO ONE BEDROOM FLAT AND SINGLE STOREY EXTENSION AT 24 NORTH STREET, WILTON, SALISBURY. SP2 0HE

AGENDA ITEM 8: ERECT 26 DWELLINGS AND FORM VEHICULAR AND PEDESTRIAN ACCESS THERETO. AT LAND ADJACENT TO DOWNSIDE CLOSE, MERE. BA12 6AS

Part 1

Applications recommended for Refusal

1

Application Number:	S/2008/2011		
Applicant/ Agent:	PEGASUS PLANNING GROUP		
Location:	SANDROYD SCHOOL RUSHMORE PARK TOLLARD ROYAL SALISBURY SP5 5QD		
Proposal:	REDEVELOPMENT OF MUNDAYS COTTAGE TO COMPRISE 4 SINGLE FLATS AND A NEW 3-BED ACCOMMODATION UNIT; AND THE ERECTION OF A SINGLE 3-BED DWELLINGHOUSE WITHIN THE WALLED GARDEN		
Parish/ Ward	BERWICK ST JOHN		
Conservation Area:	LB Grade:	II	
Date Valid:	3 December 2008	Expiry Date	28 January 2009
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REASON FOR REPORT TO COMMITTEE

Cllr Green has requested the application go before the committee to consider whether the benefits of the proposal outweigh concerns over development within a listed walled garden.

SITE AND ITS SURROUNDINGS

The application site comprises part of a Grade II listed walled garden within the curtilage of Sandroyd School, which itself is located within the extensive grounds of Rushmore Park which is listed on the Register of Parks and Gardens of Special Historic Interest. The walled garden lies to the north of Rushmore House, which is also a Grade II listed building and which forms the main building of Sandroyd School. The site lies within the Cranborne Chase and West Wiltshire Downs AONB.

THE PROPOSAL

The proposed development relates to two parts of the walled garden – i) the north-west corner where a new single storey dwelling for staff accommodation is proposed; and ii) the south-west corner where extensions and alterations are proposed to existing staff accommodation, known as Munday's Cottage, to increase the number of residential units from four to five.

PLANNING HISTORY

The planning history at the site is extensive, dating back from the 1960s, with the most relevant listed below:

90/0929	Lower part of existing garden wall	AC	08.08.90
03/0871	Erect new pre prep school building with associated new drive and parking area and passing bays	R	11.08.03
03/1714	Erect new pre-prep school building with associated new drive and parking area and passing bays	AC	15.12.03

REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	No
Parish Council response	None received

CONSULTATIONS

Conservation Officer	No objection to extensions to Munday's Cottage subject to satisfactory materials and detailing, but raises concerns over the affect of the new dwelling upon the special character of the listed walled garden. Notes that the new house would occupy a significant section of the north-west corner of the garden which would diminish the unity of the garden area.
English Heritage	Notes that a new building within the walled garden is undesirable and therefore its justification needs to be carefully examined.
Wiltshire Gardens Trust	Raise no objection to extension to Munday's Cottage, but have concerns over the new house which would domestify this part of the garden and impinge upon the rest of the formal garden area.
Garden History Society	No comments on extension to Munday's Cottage but note serious concerns over the new house in a walled garden of national importance. Advise that, if the Council are minded to approved the application, however, the design and siting of the new dwelling should be amended. It should be designed to be subservient to the walled garden and should be light in appearance, in the spirit and tradition of ancillary buildings typically found in a walled garden. Such buildings are traditionally built abutting the garden walls. Also note that any approval should remove permitted development rights.
WCC Archaeology	No objection since no archaeological features were discovered when excavations took place nearby in 2003.
AONB Group	Note concerns over the new dwelling regarding its impact upon setting of the walled garden, the character of the wider parkland, setting of Scheduled Ancient Monument, poor design and precedent for other such development. Query whether the new dwelling will not be visible from the walled garden.
Highways Officer	Raises concerns that the proposal could generate unsustainable travel patterns but note that should approval be granted, it should be on the condition that the accommodation is tied to the school in order to secure benefits associated with reduced home/workplace commuting.
Wessex Water	Not within a Wessex Water sewered area.

MAIN ISSUES

1. Principle of development and need for accommodation;
2. Sustainability;
3. Impact upon setting of Listed Walled Garden and Rushmore House;
4. Impact upon character of Registered Park & Garden, wider countryside and AONB;
5. Archaeology and Scheduled Monument;

6. Protected species.

POLICY CONTEXT

- Local Plan policies G1, G2, D3, H23, CN3, CN5, CN18, CN20, CN22, E19, C2, C4, C5, C12, R2
- PPS1: Sustainable Development; PPS3: Housing; PPS7: Sustainable Development in Rural Areas; PPS9: Biodiversity and Geological Conservation; PPG13: Transport; PPG15: Planning & the Historic Environment

PLANNING CONSIDERATIONS

Principle of development

Proposals for new housing in isolated countryside locations are dealt with at para.10 and Annex A to PPS7. The general thrust of the guidance is that such new housing should only be permitted where there is an essential need for a worker to live permanently at or near their place of work.

Summary of school's stated need for additional accommodation

The school have submitted a detailed report on the need for new staff accommodation. The basis of the need is a growing number of pupils who board at the school, which has risen from 116 three years ago to 154 at present. This is projected to rise further still to 175 by 2010, presuming that a future planned boarding house for girls is granted consent and constructed. The school consider this number of boarders as the optimum capacity, and contend that as this capacity is approached there is a current and future need for more teaching and pastoral staff to be living within the school confines.

Overnight care is considered essential for boarders, and for this to be adequately provided the school currently accommodate 7 staff members ('night staff') within the same building as the boarders' accommodation. This is projected to increase to 8 staff members, again on the basis that a future planned boarding house for girls, including house mistress accommodation, is granted consent and constructed in 2010.

Pastoral care is also considered essential at other non-teaching hours, such as from the end of the teaching school day through to bedtime, which the school indicate as 17:30 to 22:00. Currently all staff members assist at some time during this period. However, the school are anxious that night staff are rested during this period, to avoid overwork, and that staff members living off site do not work beyond 18:45 to avoid commuting when working unsociable hours.

To fulfill this period of care, the school consider it necessary to accommodate 10 other members of staff living within the school grounds. In addition to providing the necessary day to day pastoral care for the 17:30 to 22:00 period, this number of staff are also considered necessary by the school to provide adequate cover for night staff in the event of illness or other emergencies. Currently, the school own four cottages within the school grounds which accommodate 7 members of staff who live on site. In addition to the housemistresses accommodation to form part of the future planned girls boarding house, the school therefore consider there to be a current need for two additional units of on site accommodation within the school grounds.

Assessment of need for additional accommodation

Turning to the essential need for accommodation, the Local Planning Authority consider that the essential need relates only to the unsociable hours, e.g. 10.00pm – 7.15am, where staff are required to be available at short notice, and at such hours it would only be reasonable or practical to expect those staff living on site to perform this requirement. With regards to the need for accommodation at other times, it is considered that it is not unusual of many employment activities to start early or finish late and that duties at times outside of 10.00pm – 7.15am can be met satisfactorily by staff living off site. It is noted that the school is not so isolated that it cannot be accessed from a range of settlements within a reasonable traveling time, including Tollard Royal, Sixpenny Handley and Shaftesbury.

The OFSTED standards on boarding provide useful guidelines to the number of staff required to be available at short notice. The OFSTED standards require at least 1 adult to be responsible for, and accommodated within, each boarding house (Section 33.2). Furthermore, they require there to be additional members of staff in each boarding house, or in close proximity, together with satisfactory cover arrangements for staff sickness and absence (Sections 33.2 and 31.5).

The school currently have 7 staff members living within the same building, and the 154 boarders are divided into 3 boarding houses. Two housemasters and three school matrons living in the main building are responsible for the boarders at any one time, with two being off-duty. The LPA consider this to comfortably meet the OFSTED requirements of 1 adult per boarding house. When taking into account the other staff members (at least 5) who live on site within close proximity to the boarding houses, including Munday's Cottage and Paddock Cottage (both within 100 metres of the main house), it is considered that there is also a satisfactory level of backup in the event of staff relief and emergencies.

With regards to fire evacuation procedures, on the basis that 9 members of staff are required in such events, it is noted that existing staff levels are not so generous, although the current provision of 12 staff within the immediate confines of the school (within 100 metres of the main house) would seem sufficient for this purpose, especially bearing in mind that all present staff on site, including those "off-duty", could be reasonably expected to assist in an emergency such as a fire.

With regards to future projected growth in pupil numbers and boarding houses, it is noted that much of this is dependent upon obtaining consent for a new building to provide a boarding house for girls. It is therefore considered that little weight can be given to this projected growth for the purposes of justifying the need for the proposed accommodation.

Sustainability

It is noted that additional staff accommodation could provide benefits in sustainability terms by reducing staff commuting, which is currently reliant on the private car due to the remote nature of the site. However, given that the additional accommodation proposed is for family accommodation, it is considered that the sustainability benefits could be offset to some extent by the needs of other non-staff householder members who would be likely to have a need to travel outside of the site for their everyday needs.

Impact upon setting of Listed Walled Garden and Rushmore House

Munday's Cottage extensions and alterations

This building is curtilage listed due to its age and association with Rushmore House. It is also physically attached in part to the listed walled garden where it effectively forms a physical stop to the south end of the west wall. It was originally the laundry building to Rushmore House but is now in use as 4 units of staff accommodation.

The development seeks to extend the building and carry out internal alterations to its layout in order to facilitate the creation of an additional 3 bed unit of staff accommodation. This would be achieved by erecting a first floor extension to the two wings. Other alterations involve works to a section of the listed wall where it forms part of the building, most notably including the formation of a new front door in the place of an existing window

In visual terms it is considered that the extensions would reflect and retain the existing character of the building. Given the appropriate relationship of the extensions with the existing building, together with the visual containment of this corner of the walled garden, it is not considered that they would harm the setting of the listed walled garden or Rushmore House.

The proposed alterations affecting the listed wall are detailed within the schedule of works submitted by the applicant. The most significant alterations are those which would alter an existing window to form a new doorway. The schedule also details how the wall would be carefully repaired and existing white paint removed to reveal the brickwork. In association with the removal of other paintwork on the Munday's Cottage, this would result in improvements to the appearance of the building and its integration with the existing brick walled garden, thereby

enhancing its setting to an extent.

New single storey house

A new single storey dwelling is proposed within the north-west corner of the listed walled garden. At present this corner is used as a vegetable garden and includes a vegetable patch, garden shed and polytunnel. This corner is well screened from the remainder of the garden by a yew hedge and earth bank, except where the opening in the hedge exists to its south-west corner. The brick walls prevent any views from the wider parkland.

The applicant has put forward this site as a location after consideration of several alternatives as specified within the design and access statement. The site is advocated by the applicant on the grounds of its limited visual impact due to its well screened location and limited impact on the more formal area of the walled garden. It is noted that the central area of the garden has a more formal character and provides the focal point to the walled garden. Furthermore, due to the single storey height of the new house and the presence of the yew hedge it is noted that views of the new house could be concealed from the majority of the central garden area. The applicant also points to the precedent of other development to the corners of the walled garden, including Munday's Cottage, the recently constructed pre-prep building and also the existing polytunnel and shed within the application site.

Whilst it is agreed that the application site does not contribute to the focal point of the garden, it is nevertheless an intrinsic part of its character, with the four concealed corners to the garden providing an element of surprise and interest. A vegetable garden is a typical feature which could be expected of many such walled gardens and sits comfortably within its setting, and the existing structures associated with the vegetable garden are not considered to have a significant detrimental impact due to their small scale and light weight / temporary nature. The proposal would inevitably change the character of the north-west corner of the garden, with the new building occupying a significant portion of it with the remainder of the level area to be used as its domestic garden. This would carve up the space, diminishing the unity of the garden area. The fact that the outer walls of the north-west corner of the walled garden have been developed by the siting of storage facilities adds further weight to preventing incremental harm to this part of the walled garden.

The Conservation Officer concludes that the proposed dwelling, with its necessary incumbent domestic paraphernalia, would undermine the special character of the listed walled garden.

Impact upon setting of Registered Park & Garden

Rushmore Park is listed Grade II on the Register of Parks and Gardens of Special Historic Interest. The proposals are well contained within the wall garden and have little or no visual impact when viewed from elsewhere in Rushmore Park from outside the walls. However, the walled garden is a special feature which contributes towards the historic interest of the Park and consequently the new house, as a result of its detrimental affect on the walled garden, would detract from the setting of Rushmore Park.

Impact upon character and appearance of countryside and AONB

The general aim of local and national rural planning policies is to prevent development in the countryside for the sake of preserving its natural beauty, and therefore development will only be permitted where it would have a limited impact upon the character and appearance of the countryside and would benefit the local economy.

It is considered that the development at Munday's Cottage would meet this aim, since the additional residential development proposed would result from alterations to an existing building, with an existing residential curtilage, and would bring about improvements to its appearance and wider setting. Although it is not considered that the accommodation is essential for the needs of the school, as per the requirements of Annex A to PPS7, it is noted that it would be of benefit to the school and would improve the effectiveness and competitiveness of this rural enterprise.

The new house to the north-west corner of the walled garden would, however, have a much more significant impact given that it is a new building and is considered to have detrimental affect in conservation terms. The AONB group note that the preservation of historic parks and

gardens is a key aspect of protecting the AONB landscape.

Impact upon archaeology and setting of Carrion Tree Rack schedule monument

The County Archaeologist does not consider that the proposal would have an adverse affect on archaeology given the limited findings during excavations at the pre-prep which occupies the adjacent corner of the walled garden.

Although the Carrion Tree Rack runs only 50 metres to the north west of the site, given the containment of the walled garden it is not considered that the proposal would affect the setting of this scheduled monument.

Impact upon protected species

The applicants have undertaken a bat survey which has found evidence of significant bat activity within the loft space of Munday's Cottage. Detailed mitigation measures and recommendations have been put forward by the ecologist which are considered satisfactory and could be secured through a planning condition.

CONCLUSION

It is not considered that the applicant has demonstrated an essential need for additional housing in an isolated rural area, as per the requirements of Annex A to PPS7. Furthermore, the proposed new house within the north-west corner of the listed walled garden is considered to have a harmful impact upon its setting, as well as that of the listed gardens/parkland of Rushmore Park, which in turn is of importance to the character of the Cranborne Chase & West Wiltshire Downs AONB.

However, it is considered that the part of the development related to Munday's Cottage would provide a number of benefits. These include improvements to the appearance of this curtilage listed building, the setting of the listed walled garden to which it is physically attached, and the competitiveness of the school as a rural enterprise, and is therefore considered to meet the general objective of development in rural areas which aims to benefit the local economy and maintain or enhance the environment.

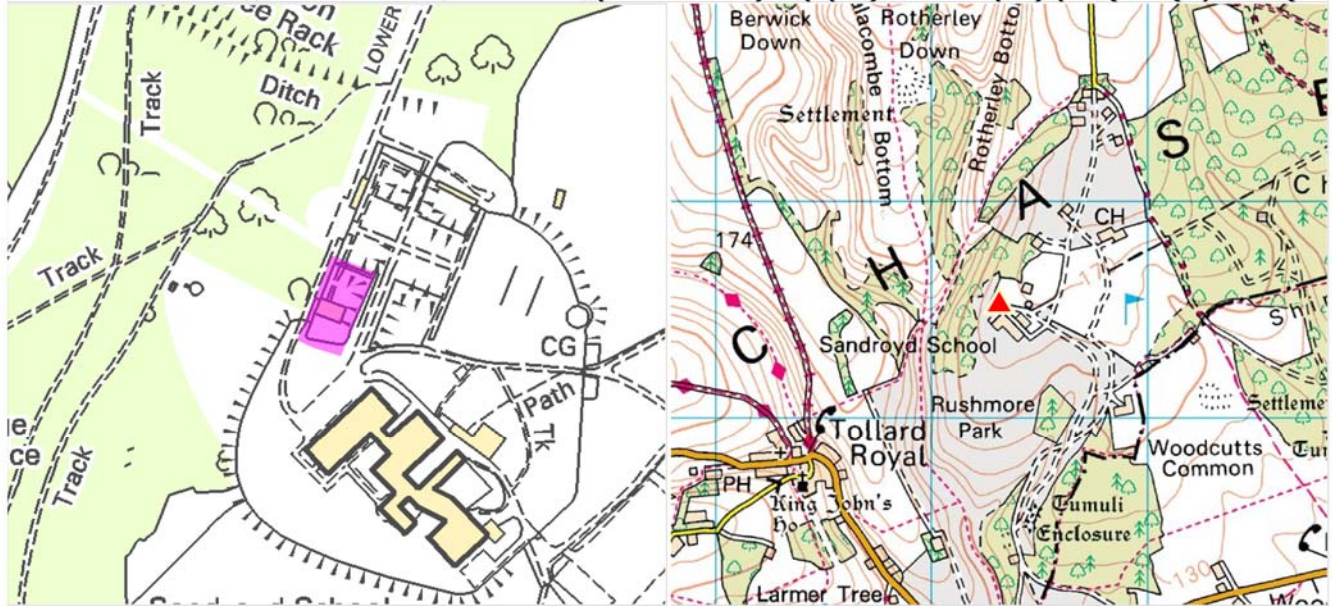
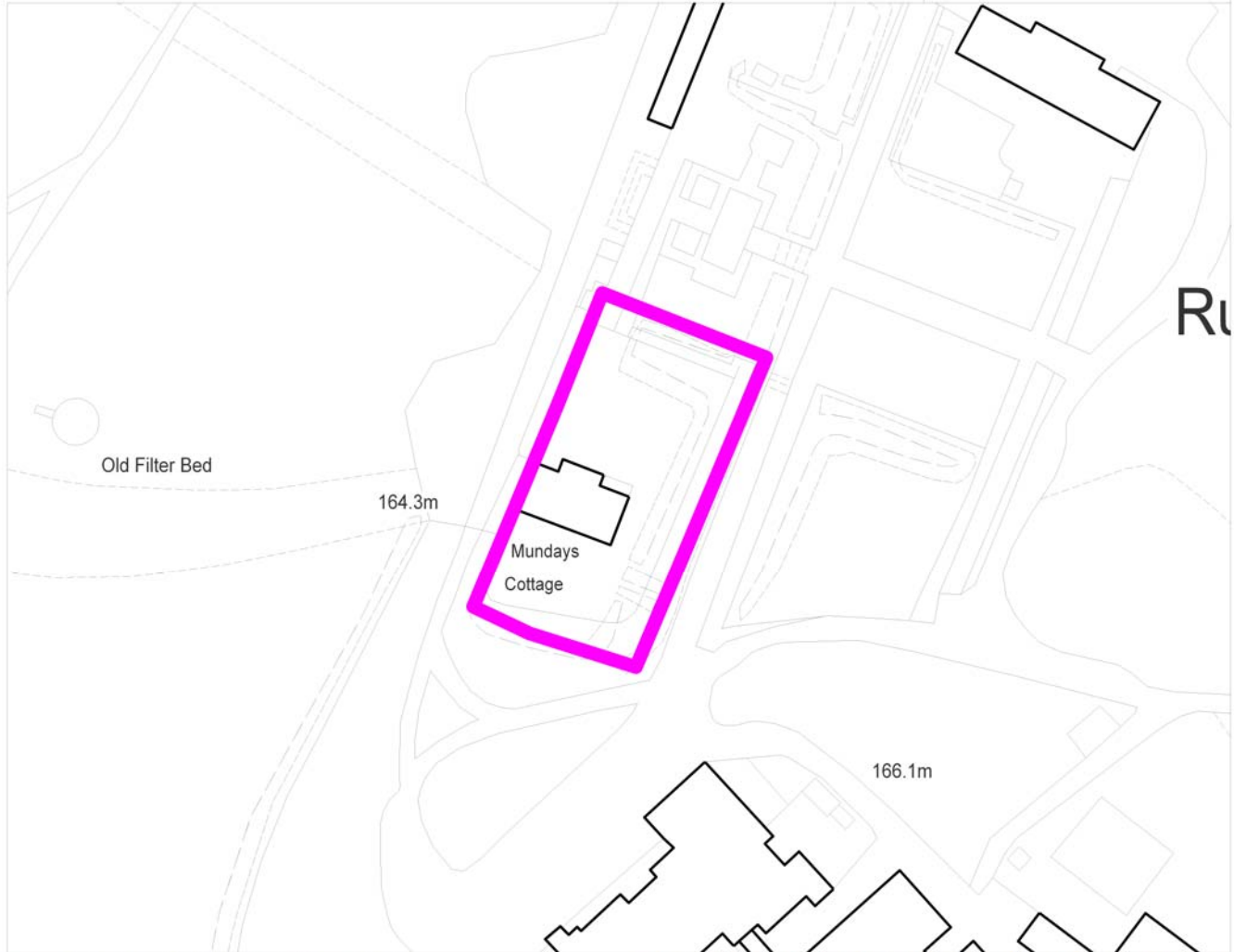
The view of officers is therefore that the accommodation provided by the Munday's Cottage extension is acceptable, but that the new dwelling in the north-west corner of the walled garden is not and consequently the overall proposal is recommended for refusal.

REASONS FOR REFUSAL

The part of the proposal relating to a new dwelling within the north-west corner of the listed walled garden is considered to detrimentally affect the setting and special character of the walled garden, as well as the listed parkland in which it is situated, in circumstances where there are doubts over the essential functional requirement for additional workers to live on site. Consequently it is not considered that there is a compelling reason to permit the overall proposal in this sensitive location, and the development would be contrary to the aims and objectives of PPS1, PPS3, PPS7 and PPG15, and saved policies G1, G2, H23, CN5, CN18, C2, C4, and C5 of the adopted Salisbury District Local Plan.

Site Visit: 15.00 hrs

S/2008/2011



SANDROYD SCHOOL RUSHMORE PARK TOLLARD ROYAL

SCALE: NTS

DATE: 09/03/2009 10:17:57

DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.

Application Number:	S/2009/0115		
Applicant/ Agent:	MR DICCON CARPENDALE		
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:	27 January 2009	Expiry Date	24 March 2009
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 the interest shown in the application.

THE 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 building and the erection of one dwelling and garage, with access from the Drove between Drove Cottage and Greenfields.

The dwelling would measure some 18.2m in length (including the garage) with a height of 7.3m and a width of 9m (excluding a porch). The materials would be a mixture of brick 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 5th April 2006. Appeal dismissed.

S/2008/1593 Demolition of storage building and erection of detached dwelling and double garage, refused at Western Area Committee on 19th November 2008 for the following reasons:

- (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.

CONSULTATIONS

Environmental Health

The Council's Environmental health officers (EHOs) have expressed concern regarding the potential for surface water and ground water flooding.

Nearby residents have submitted photographs and information to EHOs showing that the majority of the site was flooded on the occasion of 12th/13th December 2008, including the location of the proposed dwelling.

The ground levels around Drove Cottage would be similar to those of the proposed dwelling, and Drove Cottage was flooded to a depth of 50-100mm on 9th February 2009.

While it is recognised that Environmental Health officers commented on the previous application, at that time the extent of the problem was not realised.

The evidence provided in the photos etc now supports their concerns and appears to show significant volumes of water across the site which, unless the floor levels are set at a suitable height could result in flooding of the proposed dwelling.

While Environmental Health are not in a position to specify a recommended finished floor level they do suggest that floor levels would need to be at least 400mm above the floor level of "Drove Cottage". However this could result in the garden flooding and leave the house surrounded by water on occasions.

The footprint of the proposed dwelling will reduce the flood storage capacity that the plot currently provides and could potentially increase the flood risk to the other nearby houses that have recently suffered from flooding. It may be appropriate to consider how the loss of storage can be compensated for or how any water that accumulates on the site can be disposed of.

The disposal of foul and surface water will at times be compromised, though it should be possible to provide foul drainage disposal using an above ground or pumped system with non-return valving.

Highway Authority

On the basis of the existing use of the site the traffic generated by the proposed single dwelling will not have any significant

impact on highway safety. It is recommend that no highway objection be raised to the development proposed

Environment Agency

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
Site Notice displayed
Departure
Neighbour notification

Yes – expired 05/03/09
Yes – expired 05/03/09
No
Yes – expired 05/03/09

Third Party responses

Yes – **14** letters have been received objecting or expressing concerns in relation to the application:

- The proposal would be backland development in an HRA and AONB;
- The building would be considerably higher than adjacent properties (Drove Cottage and Greenfields);
- It would be out of character with the existing street scene;
- Drove Cottage itself, as well as Old Rafters and the site of the proposed dwelling, have recently been flooded.
- The magnitude of the flooding appears to be beyond the best efforts of the owner of Greenfields to improve the situation, and there is no evidence that this issue has been resolved;
- The access road past Drove Cottage is a public bridleway that is also subject to flash flooding (and the improvements to drainage by the owner of Greenfields may make this situation worse);
- Crouchston has no proper access, speed limits, lighting, main drainage or any other services. The lanes are narrow, without road signs and at saturation point, and there is no public transport. There is neither suitable space not facilities to support further development;
- Impact on privacy and amenity of nearby properties

3 letters have been received supporting the application for the following reasons:

- The proposed house would be in keeping with the surroundings;
- A dwelling would enhance the existing neglected area and replace an unsightly commercial shed;
- The site is not Greenfield;
- The proposal is only for a single dwelling;
- The proposal would enhance the visual quality of the site and surroundings;
- Some additional development is needed to maintain a healthy any active community;
- After an abnormal amount of water after snow and rain it has been necessary to greatly improve existing drainage facilities. This has been carried out and will resolve any future problems.

Parish Council response

Yes – express concern that:

- The erection of the house would be backland development which would be inappropriate in this location;
- There have been ongoing problems with flooding in this general area of Croucheston. It is caused by high ground water levels. The Council has reservations about this and the disposal of foul drainage.

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

C4, C5	Development in the AONB
H19	Development in Housing Restraint Areas
G1, G2	General Development Criteria
G5	Drainage
D2	Infill Development
C12	Protected species
R2	Recreational Open Space

Planning Policy Guidance Notes 7 (development in rural areas) and 25 (flooding) are also relevant.

PLANNING CONSIDERATIONS

The site was subject to an application in 2006 (reference 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.

A subsequent application was submitted (reference S/2008/1593) proposing a single dwelling. This was proposed to be sited closer to existing dwellings and away from the HRA boundary,

although the red line still encompassed land outside of the HRA boundary. This application was refused at Western Area Committee for the reasons are set out above.

The application now submitted is again for a single dwelling, but with the 'red line' of the application site following the Housing Restraint Area boundary.

The principle of development

The site lies within a Housing Restraint Area where policy H19 applies. While new residential dwellings are not subject to the same level of restriction as in the open countryside, policy H19 generally discourages development in Housing Restraint Areas, and makes clear that this it should generally be limited to only one dwelling.

Policy H19 also contains other criteria relating to the prevention of the loss of 'important open space', consideration of the impact on the character and appearance of the area; the need for a design that is in keeping with neighbouring properties and the minimal loss of trees, hedges etc. These issues are considered below.

In the previous applications some of the land included in the application site was outside of the HRA boundary and this raised an issue of principle (reason for refusal 2). However, the entire application site is now within the HRA boundary and therefore that reason for refusal has been overcome.

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 appeal 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".

The later 2008 application was refused on similar grounds in relation to the siting, layout and 'backland' nature of that proposal, as well as the design, width and height of the dwelling. Officers are concerned that the latest proposal still does not overcome the concerns expressed previously by the Inspector, or the reasons for refusal in relation to the earlier application.

In terms of layout, although the arrangement of the proposed garage and dwelling have been changed, the dwelling and its garage would still extend out into the site to a similar distance as that of the previous proposal (to a point just beyond being parallel with the boundary between Foxgloves and Dairy Cottage).

Indeed the length of the combined garage and dwelling is actually greater (at 18.2m) than the 15.2m of the previously-refused dwelling. While it is argued that this is necessary to achieve a width and depth relationship so that its form and design is similar to Drove Cottage, there is no reason why a scaled-down, smaller dwelling could not be built, so that it would appear ancillary or subservient to Drove Cottage (as might be expected given its 'backland' location).

Meanwhile, in relation to height, the proposed dwelling would now be some 7.3m (excluding chimney) compared to the 7.8m of the earlier dwelling. However, this is still higher than the ridge height of Drove Cottage by around 1m. Again, this means that the building, rather than being subservient to Drove Cottage, will actually appear larger.

The design of the dwelling has been changed from that previously proposed. The dwelling is now lengthier than the previous scheme, but the building would have an appearance more akin to Drove Cottage itself with a low eaves height and relatively shallow pitched roof, a high proportion of solid (ie wall) to void (ie windows and doors), with an offset front door. There is an 'outshut' or 'catslide' extension to the rear which is also a feature of Drove Cottage. It is

considered that the design of the dwelling is preferable to that previously submitted and better reflects the vernacular of the surrounding properties.

Overall, however, it remains the case that the proposed 'backland' layout, with a height and position that would not reflect the existing character of the area as identified by the Inspector or subsequently. The development would therefore conflict with H19 (i).

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. This was an issue considered during the previous application.

The applicants had 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 building 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. However, this did not form part of the reasons for refusal of the two earlier applications because at the time the relevant consultees considered that the drainage issue could be overcome.

Subsequently, however, the Council's Environment Health officer has received additional information from local residents about the extent of the surface and ground water flooding. While it is still accepted that a 'Klargester' treatment system (with a non-return valve) would deal adequately with sewage, Environmental Health are concerned that the dwelling itself would be at risk of flooding, and that the reduction in storage capacity might put nearby dwellings in greater risk of flooding from ground and surface water.

The Environmental Health officer has made clear that increased floor levels will be required (to at least 400mm), that the dwelling would reduce the storage capacity for surface and ground water and that this could have an impact on neighbouring properties.

The EHO advised that there should be an engineering solution, perhaps in the form of piled foundations with beams (that create a void under the floors), together with porous paving to the drive, forecourt and patio. In addition, the accumulated water could be helped to dissipate by creating a ditch system to the Ebble.

Discussions are ongoing between the applicant and officers as to what changes might be necessary. In the absence of certainty on this point with regard to the extent of works required, whether these would require permission in their own right, the effect of these works on other aspects (for example the character and appearance of the area) and the possible need to re-consult neighbouring properties, it is considered that this should form a reason for refusal of the application at this stage.

If it is possible to overcome this concern (including via conditions) before the date of the committee then members will be advised through late correspondence. However, it seems likely that dealing with these concerns will require the submission of a revised planning application.

Highway safety

At the time of the earlier (appeal) 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 (2006) application and appeal that the development then proposed would result in unacceptable loss of privacy because of the position of windows serving habitable rooms.

In this scheme, however, has been overcome, in that the proposed dwelling has only bathroom or landing windows at first floor to the rear and side, with the principal windows facing to the front. Ground floor windows would be obscured by boundary treatments.

In the 2006 scheme 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 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.

This information was submitted during the previous application to Natural England, who raised no objection. There is no reason to believe that circumstances have changed since then and it is not considered that protected species should form a reason for refusal.

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 it may be that if a completed agreement is received before committee, it is hoped that this reason should be overcome.

RECOMMENDATION

REFUSAL

Reasons for Refusal:

(1) The proposed development, by reason of its position, height and size in relation to nearby properties, particularly Drove Cottage, would result in an introverted and backland pattern of development, that would not reflect the prevailing character of this part of Bishopstone and would have an adverse impact upon the character and appearance of the AONB and Housing Restraint Area. In these respects, the development would be 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) It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed dwelling would not result in an increased risk of ground and surface water flooding to both the dwelling itself and neighbouring properties. In these respects, the proposed development would be contrary to policy G2 of the Adopted Salisbury District Local Plan and the advice in Planning Policy Statement 25.

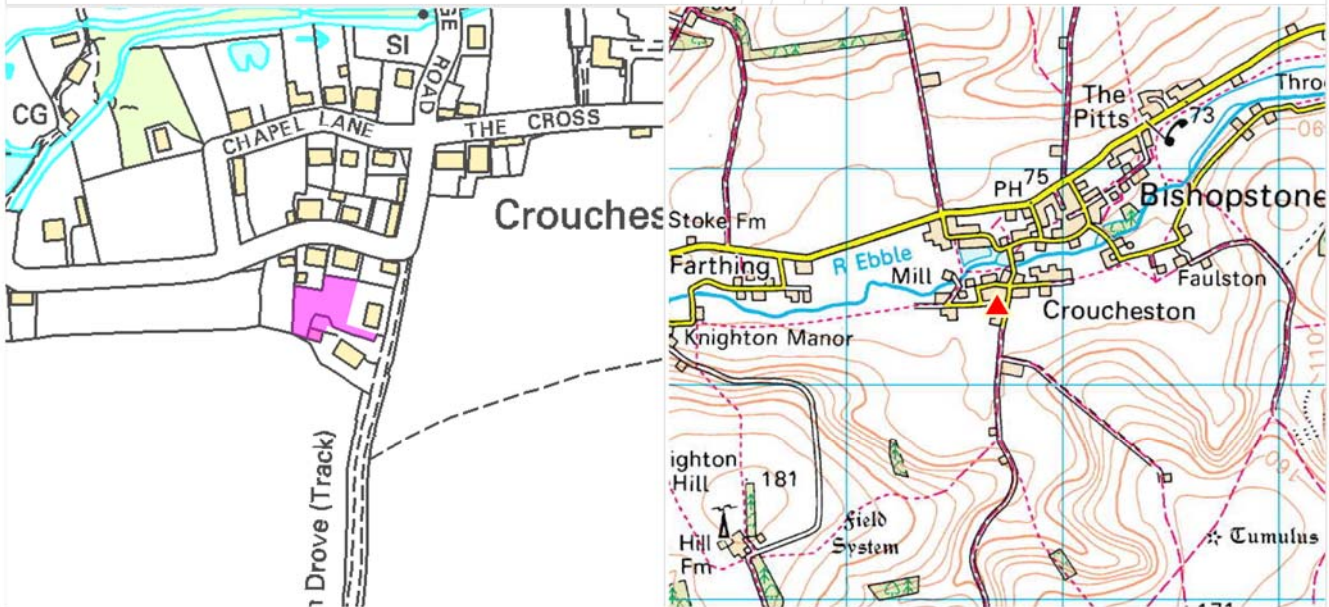
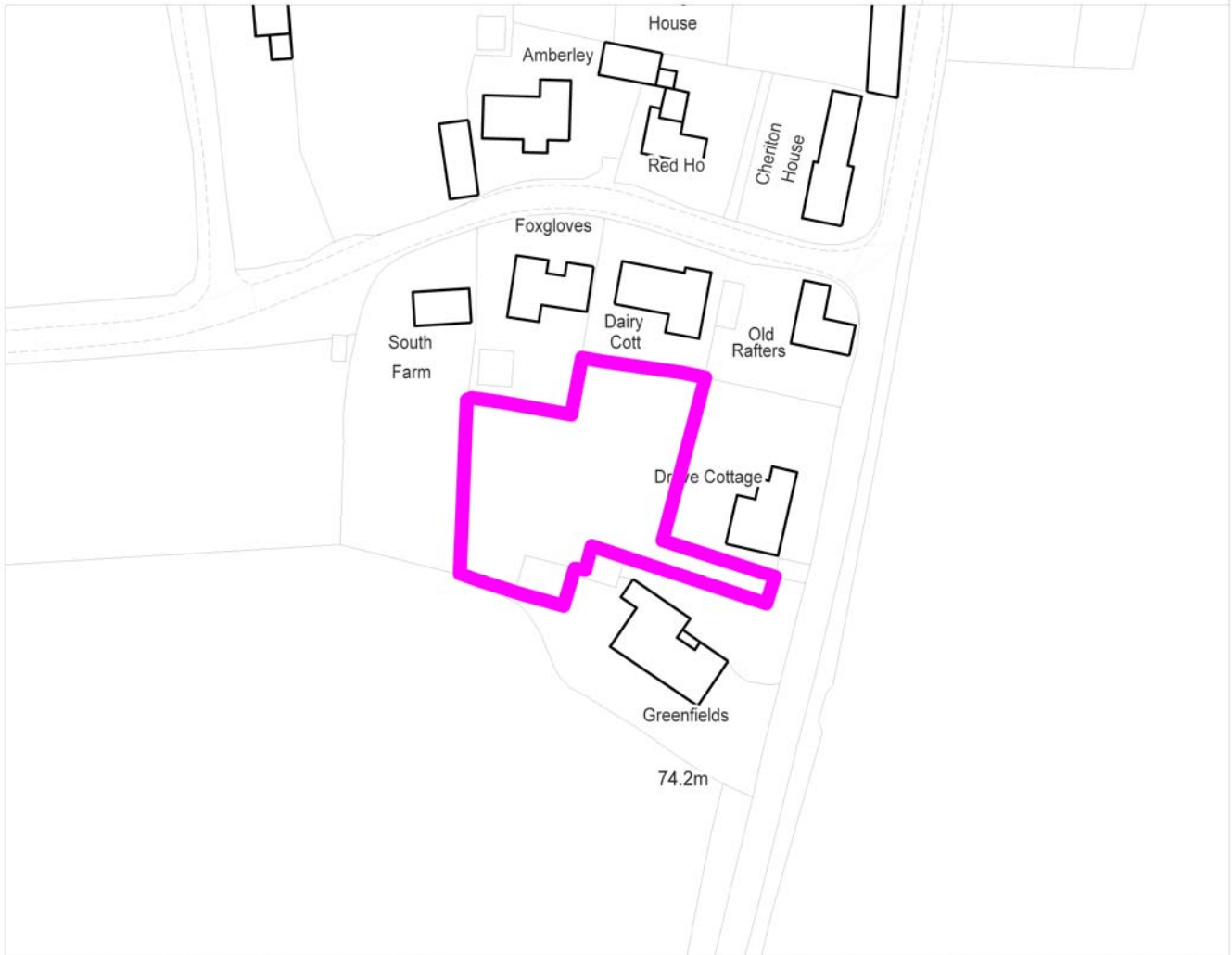
(3) The proposed development, in that it does not make adequate provision for public recreational open space, would be contrary to policy R2 of the Adopted Salisbury District Local Plan.

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

C4, C5	Development in the AONB
H19	Development in Housing Restraint Areas
G1, G2	General Development Criteria
G5	Drainage
D2	Infill Development
C12	Protected species
R2	Recreational Open Space

Site Visit:

S/2009/115



LAND ADJACENT TO DROVE COTTAGE, BISHOPSTONE

SCALE: NTS

DATE: 09/03/2009 10:26:04

DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.