

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 20 September 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Richard Britton (Vice-Chairman)	Cllr Sven Hocking
Cllr Brian Dalton	Cllr George Jeans
Cllr Matthew Dean	Cllr Ian McLennan
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	

Substitutes:

Cllr Trevor Carbin	Cllr Bridget Wayman
Cllr Ernie Clark	Cllr Graham Wright
Cllr Tony Deane	Cllr Robert Yuill
Cllr John Walsh	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 26th July 2018.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation** (*Pages 15 - 16*)

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 13th September 2018**, in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Monday 17th September 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 17 - 18*)

To receive details of completed and pending appeals and other updates as appropriate for the period of 13/07/2018 to 07/09/2018.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **18/06331/FUL & 18/06327/LBC - Watergate House, Bulford, Salisbury, SP4 9DY** (*Pages 19 - 30*)

Create a new driveway to Watergate House and close off the existing. The new access will be located (in part) outside of the domestic curtilage, utilising part of a low grade pasture field (re submission of 17/12478/FUL).

7b **18/04913/FUL - Duchy Cottage, North Road, Mere, Warminster, BA12 6HG** (*Pages 31 - 38*)

Removal of Single Garage and Shed on Driveway and Replacement with a Double Garage.

7c **18/06692/VAR - Application WITHDRAWN**

Application WITHDRAWN

7d **18/02580/OUT - Land Adjacent 1 Witt Road, Winterslow, SP5 1PL**
(Pages 39 - 50)

Erection of 4 houses, garages, parking and access following the demolition of the 3 existing buildings (Outline application relating to access and layout)

7e **17/11212/VAR - The Coach House, 63A Castle Road, Salisbury SP1 3RN** (Pages 51 - 64)

Removal of condition 11 of S/2009/1409 to allow reconfiguration of internal arrangements.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 JULY 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Mike Hewitt, Cllr George Jeans, Cllr Tony Deane (Substitute) and Cllr Robert Yuill (Substitute)

Also Present:

303 Apologies

Apologies were received from:

- Cllr Jose Green, who was substituted by Cllr Tony Deane
- Cllr John Smale who was substituted by Cllr Robert Yuill
- Cllr Ian McLennan
- Cllr Sven Hocking

304 Minutes of the Previous Meeting

The minutes of the meeting held on 28 June 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

305 Declarations of Interest

The following declarations of interest were made:

- In relation to application 17/00457/FUL, Cllr Tony Deane noted that he had worked for the same company as Mr Simon wheeler, but had left a decade before he was director of the company. As this did not constitute an interest, Cllr Deane took part in discussion and voted on this application.

306 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

307 **Public Participation**

The committee noted the rules on public participation.

308 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda.

Resolved

That the appeals report for the period of 15/06/2018 to 13/07/2018 be noted.

309 **Planning Applications**

310 **18/00457/FUL - Court Farm, Lower Woodford, SP4 6NQ**

Public Participation

Selig Finklaire spoke in objection to the application

John Kirkman CPRE spoke in objection to the application

Joe Studholme spoke in objection to the application

Simon Wheeler Spoke in support to the application

Anthony Wells Spoke on behalf of Durnford and Woodford Parish Councils

The Senior Planning Officer, Richard Nash presented the application for an Energy Storage Capacity Mechanism Plant to support the National Grid, at Court Farm, Lower Woodford. The application was recommended for approval with conditions.

He explained that this application had been deferred twice, the first so that a site visit could be held, and the second time to received comments on the late correspondence which had been received from the applicant.

The Transport Statement showed approaches from the south of the site, using Camp Hill. It detailed that 16.5m long articulated vehicles would be used to transport materials to the site during the construction stage. A 13.5m axel crane would also be used on site. There would be approximately 252 various movements over the 15 week build phase.

Highways has commented that the existing visibility splays were sufficient for the development.

The late correspondence circulated at the meeting explained that land in private ownership could be designated as public highway.

Over 130 objections had been received and more were also included in the late correspondence.

The advice from the Fire Service as detailed in the late correspondence, could be included as a informative, if Planning Permission was granted.

The Archaeologist remained content with their advice in the main report.

Members had the opportunity to ask technical questions of the Officer, where it was noted that works could be carried out on the highway without the owners permission.

It was confirmed that there had not been any pre-application discussions and that there was no legal requirement for the applicant to do so.

It was understood that the appliant had looked at alternative sites, however he was not obliged to provide information on that as part of this application.

The Landscape Officer had made an assessment prior to the May meeting.

Central Government encouraged Local Authorities to support ways of energy efficiency.

Members of the public then had the opportunity to present their views, as detailed above.

Some of the main points covered were that almost 150 people had registered objections to the application, and that those representations highlighted concerns including the possible noise that would be generated from the site. Whilst local residents were in support of the principle of the energy plant, it was widely felt that this particular site was inappropriate, and that further investigations in to alternative sites should be considered.

However it was also noted by the applicant's representative that the application site had been chosen as it met with all requirements, and was recommended for approval by the Local Authority.

The Parish Council representative drew attention to two new pieces of information which had come to light. It was felt that the new designated access route via Camp Hill and through the village of lower Woodford was equally not viable. It was stated that there was a county monument record of a monument site which covered part of the proposed site and had not been disclosed in the report.

The Division Member Cllr Hewitt moved the motion of refusal, against Officer recommendation, this was seconded by Cllr Matthew Dean.

Cllr Mike Hewitt then spoke on the application, he noted that there was no benefit to the locals, no local work or financial benefit to the local village. He queried the flat pack status of the parts to be delivered to the site.

A noise registering 60 to 65 decibels would produce a hum at all times, in the wind that would carry a long way, despite any planting around the outside. The planting would also require adequate watering to keep the trees alive and to grow.

Light pollution would be seen, and it was not clear whether it would take a human or small animal to trigger the security lighting.

The site was pasture land used to raise sheep at this time of the year. He felt the beauty of the spot would be spoilt by these proposals.

Whichever way you bring a large lorry in would damage the trees along the road.

It has been mentioned that there were alternative sites proposed. This development could be put under the ground, but would cost much more money to do that. Have it lower so noise not carried though the valley.

The only reason to accept this application would be because it comes under government guidance for green energy. It may be a benefit to Salisbury but not to the local valley.

A debate then followed, where the key issues raised included that the consideration was a balance between the importance of the structures with the impact on the community.

The site construction traffic, would be highly inconvenient during the construction process.

There was clearly line of sight between the application site and local historic views. To provide natural screening and to maintain that screening in this location would be difficult.

These battery packs were a national strategic target; however it would be more suited somewhere such as Southampton in the built up industrial area.

In the event of an appeal the LA would be invited to suggest conditions but it is at the inspector's discretion as to whether he added, changed or accepted those.

It was felt by some Members that the site was not appropriate, and there had been suggestions for alternative sites, however the application was for Court Farm, and therefore the alternative sites issue was not relevant to this committee.

The type of lighting could be restricted by use of a condition.

The Committee then voted on the motion of refusal.

Resolved

That application 18/0047/FUL be Refused, against Officer recommendation, for the following reason:

The site is located in an elevated area of open countryside, and adjacent to a public right of way. The proposal due to its nature would be of a utilitarian, industrial appearance, of a large scale, and require security fencing and lighting.

Whilst planting is proposed that may eventually screen the development, because of its prominent siting, scale and design the development would have a detrimental impact on the visual amenity of the site and locality, and the wider landscape. The proposal also incorporates lighting and equipment that could result in pollution at an unacceptable level. The application has not satisfactorily demonstrated how light and noise emanating from the development would be controlled.

Additionally, the application proposes access to the site for large vehicles during the construction process, via unsuitable narrow and winding roads that are further compromised by low trees and overhead wires. Such access would also be likely to require removal of planting and banking that is not within the Applicant's control and which in turn could result in a detrimental impact on visual amenity.

Furthermore, there are known important archaeological features within and adjacent to the application site, with significant potential for additional important features. The proposal has not satisfactorily demonstrated that these features will not be lost or compromised as a result of the development.

For these reasons, the proposal would be likely to have an adverse impact on the historic landscape, amenity, and highway system of the area, and consequently, would be contrary to Core Policies CP42(i), (v), (vi) & (vii), CP48, CP51, CP57(i) (iii) and (vii), CP58 (i), CP61 (ii), and CP62 of the adopted Wiltshire Core Strategy, and saved Policy C21 (iii) (iv) and (v), as well as the guidance given in the NPPF.

311 18/03584/FUL - Florence House, Romsey Road, Whiteparish, SP5 2SD

Public Participation

Steve Young (agent) spoke in support of the application

Trevor King Spoke in Objection on behalf of Whiteparish Parish Council

Planning Officer Christos Chrysanthou presented the application for the erection of a 2 bay garage/outbuilding (Resubmission of 17/00444/FUL). The application was recommended for approval with conditions.

The Officer noted that the previous application had been refused in April 2017. This application differed in that the proposed garage had now moved back 1.5m away from the road, compared to its location on the previous application. The new proposal also included the planting of beech hedging to the front of the site, to provide some screening.

The Parish Council had objected to the proposal and there were two neighbour objections also.

Highways had suggested limiting the height of the proposed hedge to 600mm.

Members then had the opportunity to ask technical question of the Officer, where it was noted that the hedge on the front of the property next door was already well over 600mm in height, as there were no current restrictions in the area.

There had not been a pre-application discussion. The dimensions of the proposed garage were W 6.1m, D 5.8m, and H 4.1m to roof ridge.

Members of the public then had the opportunity to present their views, as detailed above.

The Local Ward Member Cllr Richard Britton moved the motion of refusal, against Officer recommendation, on the grounds of, the scale and design of the development, and the visual impact upon the surrounding area, and its relationship to adjoining properties. This was seconded by Cllr Jeans.

Cllr Britton noted that the movement back from the road of about 1m did not seem to address any of the reasons for refusal given for the previous application.

The application proposed screening, which Highways stated must be kept to 600mm, therefore it could not be accepted as screening.

He felt that this was a prominent alien feature in this road. The other garages were set back or careened from the road. The development would have a major impact on the street scene and on the adjoining property Mulberry House, which was slightly set back.

A debate then followed, where they key issues raised included, that other properties in the area which had garages, did not have them at the front.

There would be a negative impact on the neighbour, and the street scene, as this was a large 2 car garage.

The application did not differ in a way to address the reasons for refusal given last time.

The Committee then voted on the motion of refusal.

Resolved

That application 18/03584/FUL be refused against Officer recommendation for the following reason:

The development proposal is substantially the same as the previously refused scheme (LPA ref: 17/00444/FUL). The proposed garage would be sited directly in front of the main dwellinghouse and would be readily visible in the surrounding street scene, being positioned closer to the road than the existing dwellinghouses. The proposed garage, by reason of its scale, mass and siting would be visually prominent and would have a detrimental impact on the character and setting of the street scene.

The proposed development is therefore considered contrary to the aims and objectives of CP57 of the Wiltshire Core Strategy and the aims and objectives of the National Planning Policy Framework.

312 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 - 5.00 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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Southern Area Planning Committee

20 September 2018

By Dr Claydon

To Southern Area Planning Committee

Question

In relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018:

- 1. With reference to The Town and Country Planning (Development Procedure) England Order 2015 Section 39 paragraph 2 subsection (b):**

There was no evidence submitted as was required to verify the information included in the application because the information cannot be verified. The whole basis of the application was that the land upon which the bunds were sited was in effect within the permitted development boundary and not outside the acknowledged and defined boundary according to the Planning Officers' own Report. The application could not therefore be legally validated according to the rules. Why, in view of the undisputed facts, was planning application 18/05195/CLE validated by the Planning Department?

- 2. What progress has been made in regard to pursuing enforcement action at Nightwood Farm, following the SAPC decision in January 2018.**

Response

A verbal response will be provided at the meeting.

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**Wiltshire Council
Southern Area Planning Committee
20th September 2018**

Planning Appeals Received between 13/07/2018 and 07/09/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
18/02157/FUL	Land rear of 16 Bartlett Road, Salisbury, Wiltshire, SP1 3PT	SALISBURY CITY	Proposed dwelling with new vehicle access and dropped kerb	DEL	Written Representations	Refuse	16/08/2018	No

Planning Appeals Decided between 13/07/2018 and 07/09/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/07512/ADV	12-14 Fisherton Street Salisbury, Wiltshire SP2 7RG	SALISBURY CITY	Proposed new signage comprising of 2 fascia signs, 1 hanging sign, menu signs, graphics and lighting	DEL	House Holder Appeal	Refuse	Dismissed	20/07/2018	None
17/08227/LBC	The Gatehouse 60 West Walk The Close, Salisbury SP1 2EN	SALISBURY CITY	New en-suite bathroom to bedroom three.	DEL	Written Reps	Refuse	Allowed with Conditions	20/07/2018	None
17/09190/FUL	Swakeleys, Mill Lane Donhead St Andrew SP7 9EF	DONHEAD ST ANDREW	Retrospective application for the erection of a single storey front kitchen extension, rear dining/garden room extension with internal alterations and cladding of the dwelling	DEL	House Holder Appeal	Refuse	Allowed with Conditions	20/07/2018	None
17/10675/ADV	55 Milford Street Salisbury, Wiltshire SP1 2BP	SALISBURY CITY	Non-illuminated hanging sign	DEL	House Holder Appeal	Refuse	Dismissed	22/08/2018	None
17/11780/FUL	Sunrise, Hindon Road Teffont, Salisbury Wiltshire, SP3 5QU	TEFFONT	Proposed dry stone wall	DEL	House Holder Appeal	Refuse	Allowed with Conditions	04/09/2018	Costs applied for by Appellant ALLOWED

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 1

Date of Meeting	20th September 2018
Application Number	18/06331/FUL
Site Address	Watergate House 46 Watergate Lane Bulford Salisbury Wiltshire SP4 9DY
Proposal	Create a new driveway to Watergate House and close off the existing. The new access will be located (in part) outside of the domestic curtilage, utilising part of a low grade pasture field (re submission of 17/12478/FUL)
Applicant	Dr Goodson-Wickes
Town/Parish Council	BULFORD
Electoral Division	BULFORD ALLINGTON AND FIGHELDEAN – Councillor J Smale
Grid Ref	416417 143429
Type of application	Full Planning
Case Officer	Richard Nash

Reason for the application being considered by Committee

This application has been Called In by the local Member for the following reasons:
 Strong Local Support: At an open meeting of residents, the Parish Chairman briefed those assembled on the current application and asked for their opinions. It was a unanimous vote to approve the proposed new driveway to avoid flooding that occurs on the existing track. Parish Council are in support. No Highways or Environmental issues have been raised.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

2. Report Summary

The report considers the following planning policy issues surrounding the proposed development, together with community and consultee responses.

- Principle of Development
- Character and Visual Impact
- Neighbouring Amenity
- Listed Building
- Archaeology
- Highways
- Ecology
- Flood Risk

The report concludes that the proposal would not be acceptable.

3. Site Description

The application site comprises a section of an un-adopted road and track known as Watergate Lane, running west of the A3028 High Street in Bulford, and a part of the

curtilage of Watergate House. Within the Watergate House boundaries, the site follows a proposed track line from an existing access over a ditch and across a pasture towards a pond in front (south) of the main dwelling.

Watergate House is a Grade II Listed Building as are barns further to the north and the site is within an Area of Special Archaeological Significance. A Public Right of Way (Footpath BULF1) follows a short length of the track adjoining the residential property. A watercourse to the west forms part of the River Avon System Site of Special Scientific Interest and the pasture is within Flood Zone 3.

4. Relevant Planning History

17/12478/FUL

Creation of new driveway and closing off of existing

Withdrawn following concerns over extent of site and lack of information on impact on listed building

18/06327/LBC

Concurrent application for Listed Building Consent for current proposal

5. The Proposal

The application proposes the creation of a new driveway as described above and the closure of an existing access to the property.

6. Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Wiltshire Core Strategy

Core Policy 1 (Settlement Strategy)

Core Policy 4 (Spatial Strategy for the Amesbury Community Area)

Core Policy 50 (Biodiversity and Geodiversity)

Core Policy 57 (Ensuring High Quality Design and Place Shaping)

Core Policy 58 (Ensuring the Conservation of the Historic Environment)

Core Policy 61 (Transport and Development)

Core Policy 67 (Flood Risk)

Core Policy 69 (Protection of the River Avon SAC)

7. Summary of consultation responses

Bulford Parish Council: No objections.

Conservation: Some aspects of the proposals are insufficiently detailed in order for us to assess impact properly. Firstly, in the Design & Access Statement it states that 'We are unable to provide any evidence of this route providing an access to Watergate House, beyond the physical presence of the raised causeway and excavation works confirming the presence of historic stonework which has been covered with turf over the passage of time'. If there is evidence of the physical presence then this should be provided – it cannot both exist and be impossible to prove the same. Where is the report of the excavation works?

The statement goes on to make a claim (sentence beginning 'Circumstantially') that appears, in the absence of the above, to be complete conjecture. There is historic mapping to which the agent has previously been referred that does not support this. It would seem that works will be required to the existing bridge, but no information regarding its structure or historic interest has been provided, nor do we have any details of the proposed replacement bridge. No information has been provided regarding a stone bridge closer to the house; if this is historic, we need to see more details including a structural assessment of its ability to serve the desired purpose.

The statements regarding the listed status and visibility of the building betray a fundamental misunderstanding of this legal status and its interpretation. ('Watergate House is Grade II listed and is therefore considered less significant than Grade II* and Grade I listings. All buildings constructed before 1700 which survive in anything close to their original condition are listed. Watergate House is therefore listed by virtue of its age rather than any specific historical significance.') Over 94% of listed buildings are grade II; they have national significance for architectural or historic interest. Age is a significant factor. The invisibility of a listed building from the public realm, and the degree of public accessibility, have no role in the consideration of the impact of proposals on a listed building; it is of national interest – one cannot see the interior of any listed building from the public realm but consent applies equally to internal alterations. These are treasures of local and national significance that have been accorded legal protection for good reason. ('Watergate House cannot be viewed from any publicly accessible space, and indeed, many local inhabitants may be unaware of its presence. Only visitors to Watergate House are afforded the opportunity to appreciate the building and therefore these proposals offer neither a public benefit, nor any public harm. The proposals do offer a significant benefit to the occupiers of Watergate House by affording greater privacy and security, and to visitors by affording an enhanced view of the listed building.'))

Archaeologist: No Comments.

Environment Agency: None received.

Highways: Watergate Lane is not classified as a public highway and therefore no highway objection to the proposal.

Ecology: Given that whole site is in flood zone, likelihood of Great Crested Newts being present in the pond is unlikely, which leaves issue of potential pollution as a result of construction to resolve. Pond is large and appears to have capacity to cope with minimal disturbance from construction works. However, applicant needs to demonstrate that due regard is given to how works proceed.

This should be established by, if permission is given, a condition requesting a working method statement to demonstrate how works will proceed to minimise run-off and pollution of the surrounding waterbody and wet habitat to the east and west of the proposed track. It should cover details such as weather conditions, which side of the track workers will stand, how current water flow will be retained and prevention of particulates going into the water.

8. Publicity

The application, and the concurrent application for listed building consent, were publicised by way of a site notice, a press advertisement and letters to neighbouring properties. In response, 1 Objection has been received from the community on the following grounds (in summary):

- Field is very low lying and water table is very close to surface;
- Also a water meadow and SSSI site;

- Impact of construction and traffic on condition of track and neighbouring amenity;
- Deed of Surrender required for closure of access;
- Proposed entrance currently used as a layby - passing point would still be needed

NB: As Watergate Lane is not adopted, the last three issues are not material planning considerations in this case.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle

Section 55 of the Town and Country Planning Act 1990 defines the meaning of development as the means of carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. The development plan accepts the principle of development subject to the aims and objectives of policy being met.

Bulford, in conjunction with Amesbury and Durrington, is defined as a Market Town under CP1 and CP4, where there is potential for significant levels of development. The site lies predominantly outside the settlement boundary but the proposal relates to works aimed at improving the enjoyment of an existing residential property. As such the proposal is considered to constitute development which, due to the use and type of work proposed, is accepted in principle subject to more detailed and site specific policies as discussed below.

9.2 Character and Visual Impact and Neighbouring Amenity

The applicant claims that there was formerly an access drive in the location now proposed but has been unable to provide evidence of this. These are however relatively minor works that would not result in a significant impact in the wider locality or on neighbouring amenity. This does not however negate the need to preserve the character and setting of the listed building, as discussed below.

9.3 Listed Building

The Conservation Officer's comments are set out above. In summary, the proposals are insufficiently detailed for the Council to be able to assess their impact properly. If there is evidence of the physical presence of a track then this should be provided. There is historic mapping to which the Agent has previously been referred that does not support their claims. Works would be required to an existing bridge, but no information regarding its structure or historic interest has been provided, nor are there any details of a proposed replacement bridge. No information has been provided regarding a stone bridge closer to the house; if this is historic then more details including a structural assessment of its ability to serve the desired purpose are required.

9.4 Other Matters

Neither the Archaeologist nor the Highways Officer has objected to the proposal. The Ecologist has no objection subject to the condition noted above. The proposal is aimed

at reducing flooding and the Applicant has effectively provided a Flood Risk Assessment within their supporting statement. The Environment Agency has not commented on this application, but did advise that the previously withdrawn similar proposal would not present a flood risk.

10. Conclusion (The Planning Balance)

The proposal is acceptable in principle. Technical concerns are mostly limited and could be overcome by condition. However, impact on the listed building cannot be properly assessed due to the lack of information provided in support of the application.

RECOMMENDATION

Refuse for the following Reason:

- 1** The application provides insufficient information for the Local Planning Authority to be able to properly assess the impact of the proposal on the character and setting of the Grade II listed building known as Watergate House. The application does not therefore meet the requirements of Paragraph 189 of the National Planning Policy Framework, which requires Local Planning Authorities to require an applicant to describe the significance of any heritage assets affected by development proposals, including any contribution made by their setting and the potential impact on their significance. For the same reasons the application fails to demonstrate that the proposal would be sympathetic to the historic building, or that it would protect, conserve or enhance the historic environment. The proposal therefore also fails to meet the requirements of Core Policies 57(iv) and 58 of the Wiltshire Core Strategy.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No. 2**

Date of Meeting	20th September 2018
Application Number	18/06327/LBC
Site Address	Watergate House 46 Watergate Lane Bulford Salisbury Wiltshire SP4 9DY
Proposal	Create a new driveway to Watergate House and close off the existing. The new access will be located (in part) outside of the domestic curtilage, utilising part of a low grade pasture field
Applicant	Dr Goodson-Wickes
Town/Parish Council	BULFORD
Electoral Division	BULFORD ALLINGTON AND FIGHELDEAN – Councillor J Smale
Grid Ref	416417 143429
Type of application	Full Planning
Case Officer	Richard Nash

Reason for the application being considered by Committee

This application has been Called In by the local Member for the following reasons:
 Strong Local Support: At an open meeting of residents, the Parish Chairman briefed those assembled on the current application and asked for their opinions. It was a unanimous vote to approve the proposed new driveway to avoid flooding that occurs on the existing track. Parish Council are in support. No Highways or Environmental issues have been raised.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

2. Report Summary

The report considers the following planning policy issues surrounding the proposed development, together with community and consultee responses.

Listed Building

The report concludes that the proposal would not be acceptable.

3. Site Description

The application site comprises a section of an un-adopted road and track known as Watergate Lane, running west of the A3028 High Street in Bulford, and a part of the curtilage of Watergate House. Within the Watergate House boundaries, the site follows a proposed track line from an existing access over a ditch and across a pasture towards a pond in front (south) of the main dwelling. Watergate House is a Grade II Listed Building as are barns further to the north.

4. Relevant Planning History

17/12478/FUL

Creation of new driveway and closing off of existing

Withdrawn following concerns over extent of site and lack of information on impact on listed building

18/06331/FUL

Concurrent application for Planning Permission for current proposal

5. The Proposal

The application proposes the creation of a new driveway as described above and the closure of an existing access to the property.

6. Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Wiltshire Core Strategy

Core Policy 57 (Ensuring High Quality Design and Place Shaping)

Core Policy 58 (Ensuring the Conservation of the Historic Environment)

7. Summary of consultation responses

Bulford Parish Council: No objections.

Conservation: Some aspects of the proposals are insufficiently detailed in order for us to assess impact properly. Firstly, in the Design & Access Statement it states that 'We are unable to provide any evidence of this route providing an access to Watergate House, beyond the physical presence of the raised causeway and excavation works confirming the presence of historic stonework which has been covered with turf over the passage of time'. If there is evidence of the physical presence then this should be provided – it cannot both exist and be impossible to prove the same. Where is the report of the excavation works?

The statement goes on to make a claim (sentence beginning 'Circumstantially') that appears, in the absence of the above, to be complete conjecture. There is historic mapping to which the agent has previously been referred that does not support this. It would seem that works will be required to the existing bridge, but no information regarding its structure or historic interest has been provided, nor do we have any details of the proposed replacement bridge. No information has been provided regarding a stone bridge closer to the house; if this is historic, we need to see more details including a structural assessment of its ability to serve the desired purpose.

The statements regarding the listed status and visibility of the building betray a fundamental misunderstanding of this legal status and its interpretation. ('Watergate House is Grade II listed and is therefore considered less significant than Grade II* and Grade I listings. All buildings constructed before 1700 which survive in anything close to their original condition are listed. Watergate House is therefore listed by virtue of its age rather than any specific historical significance.') Over 94% of listed buildings are grade II; they have national significance for architectural or historic interest. Age is a significant factor. The invisibility of a listed building from the public realm, and the degree of public accessibility, have no role in the consideration of the impact of proposals on a listed building; it is of national interest – one cannot see the interior of any listed building from the public realm but consent applies equally to internal alterations. These are treasures of local and national significance that have been accorded legal protection for good

reason. ('Watergate House cannot be viewed from any publicly accessible space, and indeed, many local inhabitants may be unaware of its presence. Only visitors to Watergate House are afforded the opportunity to appreciate the building and therefore these proposals offer neither a public benefit, nor any public harm. The proposals do offer a significant benefit to the occupiers of Watergate House by affording greater privacy and security, and to visitors by affording an enhanced view of the listed building.')

8. Publicity

The application, and the concurrent application for listed building consent, were publicised by way of a site notice, a press advertisement and letters to neighbouring properties. In response, no objections were received on listed building grounds.

9. Planning Considerations

Impact on Listed Building

The Conservation Officer's comments are set out above. In summary, the proposals are insufficiently detailed for the Council to be able to assess their impact properly. If there is evidence of the physical presence of a track then this should be provided. There is historic mapping to which the Agent has previously been referred that does not support their claims. Works would be required to an existing bridge, but no information regarding its structure or historic interest has been provided, nor are there any details of a proposed replacement bridge. No information has been provided regarding a stone bridge closer to the house; if this is historic then more details including a structural assessment of its ability to serve the desired purpose are required.

10. Conclusion (The Planning Balance)

Impact on the listed building cannot be properly assessed due to the lack of information provided in support of the application.

RECOMMENDATION

Refuse for the following Reason;

- 1** The application provides insufficient information for the Local Planning Authority to be able to properly assess the impact of the proposal on the character and setting of the Grade II listed building known as Watergate House. The application does not therefore meet the requirements of Paragraph 189 of the National Planning Policy Framework, which requires Local Planning Authorities to require an applicant to describe the significance of any heritage assets affected by development proposals, including any contribution made by their setting and the potential impact on their significance. For the same reasons the application fails to demonstrate that the proposal would be sympathetic to the historic building, or that it would protect, conserve or enhance the historic environment. The proposal therefore also fails to meet the requirements of Core Policies 57(iv) and 58 of the Wiltshire Core Strategy.

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18/06331/FUL & 18/06327/LBC
Watergate House
46 Watergate Lane
Bulford
Salisbury SP4 9DY



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 3

Date of Meeting	20 th September 2018
Application Number	18/04913/FUL
Site Address	2 Duchy Cottages North Road Mere Warminster BA12 6HG
Proposal	Removal of Single Garage and Shed on Driveway and Replacement with a Double Garage.
Applicant	Mrs J Ritter
Town/Parish Council	MERE
Electoral Division	MERE – Councillor Jeans
Grid Ref	381275 132734
Type of application	Full Planning
Case Officer	Christos Chrysanthou

Reason for the application being considered by Committee

The application has been called-in to Committee by Councillor Jeans citing concerns in respect of the scale, design and visual impact of the development and the relationship to adjoining properties.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be APPROVED.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Scale, siting and design
- Impact on amenity
- Highways/drainage

3. Site Description

The application site is a red brick mid-terraced cottage situated within an established residential area in Mere. The site is accessed off North Road and is within an adopted housing policy boundary.

4. Planning History

17/05893/FUL	Proposed garage REF/ APPEAL DISMISSED
17/00526/FUL	Proposed two storey rear extension, garage Refused
16/08146/FUL	Proposed two storey rear extension, garage and annex REF 11/10/16
16/10509/FUL	Proposed two storey rear extension, garage and annex REF 19/12/16

5. The Proposal

Planning permission is sought for the removal of single garage and shed on driveway and replacement with a double garage.

6. Local Planning Policy

National Planning Policy Framework

2. Achieving Sustainable Development

4. Decision-making

12. Achieving well-designed places

Wiltshire Core Strategy (WCS)

Core Policy 1 Settlement Strategy

Core Policy 57 Ensuring high quality design and place shaping

7. Summary of consultation responses

Mere Town Council Objection

In addition to the Town Council's previous objection, which it reiterates below, members noted that the Transport Technician had pointed out that the proposed garage would only be large enough to accommodate one vehicle as the minimum internal measurements of a double garage are required to be 3m X 6m. Whilst the revisions are an improvement in terms of lessening the height from the street, members felt it was unnecessary to propose the development of a garage that was still of such a large scale and mass when it would not qualify as a double garage (as the proposal is worded).

The Town Council considers that this application does not address the previous reasons for refusal. The proposal site in relation to the garage directly abuts the side garden area serving No. 1 Duchy Cottages, and the site itself is readily visible in the surrounding street scene, being positioned closer to the road than the existing dwellings. The proposed garage, by reason of its excessive scale and mass and siting would have a detrimental impact on the character and setting of the street scene, and would have an overbearing impact on the amenities of neighbouring property No. 1 Duchy Cottages. The proposed development is therefore considered contrary to the aims and objectives of CP57 of the Wiltshire Core Strategy and the aims and objectives of the National Planning Policy Framework.

WC Highways No objection subject to conditions

The proposal is for the removal of the existing single garage and shed on the driveway and to replace with a double garage. The external measurements of the proposed garage is 5m x 6.7m, this is only large enough to accommodate one vehicle. The internal measurements of a garage are required to be a minimum of 3m x 6m, however this does not affect the highway observations.

8. Publicity and summary of representations

The application was advertised by site notice and neighbour consultation letters. 1 Letter of Support and 1 Letter of Objection have been received.

Support – Would improve the area of the property making it a neat/tidy area.

Objection – Size, mass, inadequate surface water drainage, perceived overlooking, encroaching on neighbours land, fundamentally the same scheme as previous refusal, not a double garage but a large single garage, at odds with existing ancillary structures in the vicinity.

9. Planning Considerations

Scale, siting and design

Planning permission is sought for the removal of single garage and shed on driveway and replacement with a double garage.

Core Policy 57 states a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Four previous applications consisting of a double garage have been previously refused on the site.

The most recent refusal was subsequently dismissed at appeal (LPA ref: 17/05893/FUL, appeal decision ref: APP/Y3940/W/17/3189216). In assessing the impact of the dismissed proposal on the street scene, the inspector concluded that the scheme was unacceptable in scale, siting and design:

The overall scale and proportions of the proposed garage would introduce a bulky and obtrusive structure onto the site, fundamentally at odds with the scale of existing ancillary structures in the vicinity...

...Owing to its position on a slight curve of North Road and the elevated ground level, the bulk of the proposal would be dominant and prominent. Despite the use of matching materials, and taking into account the modifications to the roof form compared with a previous iteration, the proposal would still appear as an incongruous feature. Even though the appeal site is not within the Mere Conservation Area, the effect would still be to diminish unacceptably the character and appearance of the surrounding area...

...I conclude therefore that the appeal scheme would result in harm to the character and appearance of the area. (Appeal decision paras 5, 6 & 7).

In light of the inspectors decision, this application would need to demonstrate that the proposal is acceptable in terms of its scale, siting and design and would not result in harm to the character and appearance of the area.

The resubmission proposes to demolish the existing garage and shed which are situated to the driveway adjacent to no1 Duchy Cottages and erect a replacement garage. The proposed garage would have a width of 5m and a length of 6.8m (reduced from 9m). The height would be 2.8m to the eaves (reduced from 3m) and 4.6m to the roof ridge (reduced from 5m).

The proposed exterior materials of the garage are to match the main dwellinghouse. The reduced length of the side walls results in the garage not projecting in front of the neighbours single garage and would therefore maintain the existing building line of the street.



Street View (North Road)

Revised plans have been submitted which propose a decline driveway and the garage would be sited on land 0.6m lower than road level thereby reducing the visual impact of the garage from the street. The overall height reduction of the scheme totals 1m in comparison to the previously refused scheme. The section drawing submitted demonstrates that the height to the roof ridge would be approximately at the eaves level of the main cottages.

In light of the changes to the scheme officers consider that revised proposal has overcome the previous reasons for refusal. The scale, siting and design of the proposed garage are considered to be acceptable.

Impact on amenity

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF's Core Planning Principles (paragraph 17) includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

In assessing the impact on amenity of the previously refused and dismissed proposal, the inspector concluded that there would not be an impact on the amenities of neighbouring properties:

Although the replacement garage would be more visible than the existing structures on the appeal site, the proposal would still be some distance from the house itself, separated by the

access lane and its own garage. I do not consider therefore that there would be any significant enclosing effect on the outlook from the side windows at No 1. For the same reasons, I do not consider that the increase in height and depth would give rise to any shading effects on the neighbouring property...

...Assessing the scheme against the existing and proposed site circumstances, I do not find the proposed changes would materially harm the living conditions of the occupiers of No 1 with regard to outlook and light. (Appeal decision paras 8&9).

As the proposal is a reduced scheme to the previous refused/dismissed proposal which was considered by an inspector to not negatively impact on amenity, officers consider that the proposed garage would not unduly impact upon the amenities of the neighbouring property No1 Duchy Cottages.

Highways/drainage

Criteria (ix) of Core Policy 57 aims to ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

WC Highways have considered the proposed development and have responded with no objection subject to conditions.

Officers note the comments relating to the description stating it's a double bay despite the garage not being wide enough to fit two vehicles. It is noted from previous discussions with the applicant that the garage is intended for the parking of a campervan.

Any drainage matters would be dealt with by building regulations.

10. Conclusion

The proposal was recently subject of an appeal decision. It is considered that this revised proposal overcomes the issues raised by the appeal decision. Consequently, the development proposal is considered to accord to the aims and objectives of CP57 of the Wiltshire Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

Approve subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg. no. 4.8 Garage (Proposed) Date rec. 22/05/18

Drg. no. 5.1 Garage (Proposed) (Revised) Date rec. 10/08/18

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Before the development hereby permitted is first occupied the rear windows in the north elevation of the detached garage shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing main dwelling.

REASON: In the interests of visual amenity and the character and appearance of the area.

5 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

6 No part of the development hereby permitted shall be first brought into use until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and to secure the retention of adequate parking provision, in the interests of highway safety.

18/04913/FUL
2 Duchy Cottages
North Road
Mere
Warminster
Wiltshire BA12 6HG



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 5

Date of Meeting	20 September 2018
Application Number	18/02580/OUT
Site Address	Land Adjacent 1 Witt Road Winterslow Wiltshire SP5 1PL
Proposal	Erection of 4 houses, garages, parking and access following the demolition of the 3 existing buildings (Outline application relating to access and layout)
Applicant	Kents Oak Ltd
Town/Parish Council	WINTERSLOW
Electoral Division	WINTERSLOW – Cllr C. Devine
Grid Ref	424717 132608
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application has been called-in by Cllr Devine.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused for the reason(s) set out below.

2. Report Summary

The issues in this case are:

- The principle of residential development in this location;
- Scale, design, materials and impact on character of the area;
- Amenity;
- Ecology;
- Highway safety;

The publicity has generated 27 representations in objection to the application from third parties, and 1 representation in support. Reasons for objecting to the proposal included:

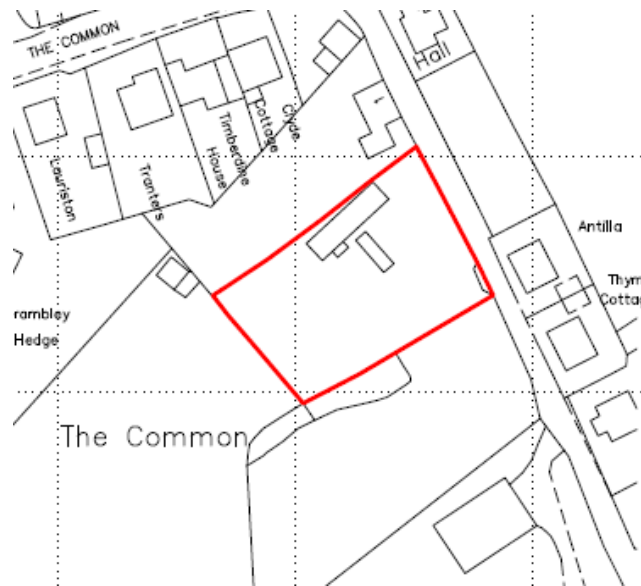
Overdevelopment, traffic/Highways concerns, drainage/sewerage capacity concerns, insufficient parking, development outside of the settlement boundary, area not identified within draft Winterslow Neighbourhood Plan, loss of habitat for wildlife, adverse precedent for further development.

Winterslow parish council objects to the proposed development on grounds of overdevelopment not in keeping with surrounding area, Highways - issues, access, etc. design and flooding area.

3. Site Description

The application site is a parcel of land that is understood to have formerly formed part of the curtilage of number 1 Witt Road, but has been severed by the sale of the house.

The site is located on the South side of Middle Winterslow, towards the Northern end Witt Lane close to its junction with The Common.



Site location plan



Site layout as proposed

The application originally proposed 5 dwellings with garages, but the scheme was reduced to 4 dwellings (to achieve a suitable parking and turning arrangement within the site) during the course of the consideration of the application and neighbours and consultees were re-notified and provided a further period to comment.

In planning policy terms the site lies within the countryside outside of the housing policy boundary (defined limits of development) of West Winterslow, but is included within the draft Wiltshire Housing Sites Allocation Plan (WHSAP) which is currently undergoing examination.

The site also lies within the designated Special Landscape Area (saved local plan policy C6 refers).

4. Planning History

None relevant to the application site

5. The Proposal

The application is for outline planning consent with all matters reserved save for access and layout. The application proposes the erection of four houses with garages, parking and access following the demolition of existing buildings on the site.

6. Local Planning Policy

Wiltshire Core Strategy Core Policies CP1, CP2, CP3, CP23, CP50, CP51, CP57 & CP64

NPPF & NPPG, the draft WHSAP and the emerging Winterslow Neighbourhood Plan.

7. Summary of consultation responses

WC Highways – Comments provided, Conditions suggested

Spatial Planning – Policy advice provided (see detailed response below)

Rights of Way officer – No response received

Wessex Water – No response received

Drainage officer – No response received

Ecology – No objections, subject to a Condition

Archaeology – No comment

Public Protection – No objection, subject to Conditions

Winterslow parish council – Support the application

Winterslow parish council objects to the proposed development on grounds of overdevelopment not in keeping with surrounding area, Highways - issues, access, etc. design and flooding area.

8. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated 27 representations in objection to the application from third parties, and 1 representation in support. Reasons for objecting to the proposal included: Overdevelopment, traffic/Highways concerns, drainage/sewerage capacity concerns, insufficient parking, development outside of the settlement boundary, area not identified

within draft Winterslow Neighbourhood Plan, loss of habitat for wildlife, adverse precedent for further development.

Winterslow parish council objects to the proposed development on grounds of overdevelopment not in keeping with surrounding area, Highways - issues, access, etc. design and flooding area.

9. Planning Considerations

9.1 Principle of development and policy

The site lies adjacent to, but outside of the defined limits of development (Wiltshire Core Strategy CP2) of Winterslow, but is within the designated Special Landscape Area (saved local plan policy C6 refers).

Site location

The proposed development site, enclosed by an evergreen fir hedge, comprises grass land with agricultural/ storage buildings, situated outside the current settlement boundary of Winterslow, off Witt Road to the east, No 1 Witt Road and other residential development to the north/ north-west and further open fields/ countryside to the south/ south-west.

Site status

The site is currently situated outside the settlement boundary for Winterslow, as defined by the former Salisbury District Local Plan (adopted 2003) and carried forward and retained into the Wiltshire Core Strategy, which was adopted in January 2015. However, the site area is proposed for inclusion in the settlement boundary of Winterslow in the pre-submission draft Wiltshire Housing Site Allocations Plan, which underwent a public consultation between July and September 2017. The draft Plan is expected to be submitted to the Secretary of State in spring/ summer 2018.

Core Policy 2 (Delivery Strategy) states that:

“Within the defined limits of development

Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns (including Westbury), Local Service Centres and Large Villages.

Outside the defined limits of development

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (of the adopted Wiltshire Core Strategy), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans”.

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48) – *see below for further discussion*

The settlement boundaries are currently being reviewed as part of the Wiltshire Housing Site Allocations Plan (WHSAP), as set out in the council’s Local Development Scheme, to ensure

that they are up to date and can adequately reflect changes which have happened since they were first established. The Plan will also identify additional sites to ensure the delivery of housing land across the plan period in order to maintain a five year land supply in each Housing Market Area. The Plan is in an advanced stage of preparation. The WHSAP has been submitted to the Secretary of State for an independent public examination, the result of which is expected late 2018. Communities can also review settlement boundaries through a neighbourhood plan. While Winterslow is in the process of preparing a neighbourhood plan, with a neighbourhood area designation approved in August 2014, this is still in the early stages of preparation.

Spatial strategy for the Southern Wiltshire Community Area (Core Policy 23)

The overall strategy for the Southern Wiltshire Community Area is to provide for balance growth of both housing and employment to deliver sustainable communities and help address the shortfall in affordable housing.

Development will need to take into account the Community Area's location within a nationally designated landscape, i.e. the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and the New Forest National Park. It will deliver a modest and sustainable level of development with the overall objective of conserving the designated landscapes.

Specific issues to be address in planning for the Southern Wiltshire Community Area include:

- strategic growth would be inappropriate, partly due to congestion on the A36
- transport assessments required for all major applications proportionate to the scale of development, which must include an assessment of congestion on the A36
- some managed growth is necessary to support ongoing business growth and development, to ensure the existing strong employment opportunities in the area are maintained
- limited development will also help to address the shortfall in affordable housing in the area
- the New Forest National Park is an important resource and so protecting the natural environment is a priority
- ongoing protection and enhancement of the stone curlew and calcareous grassland habitat at Porton Down
- development in the vicinity of the River Avon (Hampshire) must incorporate appropriate measures to ensure that it will not adversely affect the integrity of this Special Area of Conservation

Development within the Community Area will need to conserve the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics.

Status of the development plan

National Planning Policy Framework

The National Planning Policy Framework (NPPF – updated 24th July 2018) presents a presumption in favour of sustainable development and states that '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'.

Therefore, proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

5 year housing supply

NPPF paragraph 47 requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. NPPF paragraph 49 identifies relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing.

The proposed development lies within the South Wiltshire Housing Market Area (HMA). The latest published evidence (the Housing Land Supply Statement (HLSS), base date April 2017, published March 2018) indicates that a 5 year (and 5% buffer) land supply exists for this HMA. Specifically, Table 2 of the HLSS March 2018 indicates that there is a 5.68 years of deliverable supply in the South Wiltshire HMA. The supply is made up of qualifying permissions, existing saved Local Plan, Wiltshire Core Strategy, Chippenham Site Allocations Plan, and Neighbourhood Plan allocations, and also includes the proposed allocations sites in the emerging Wiltshire Housing Site Allocations Plan, which is at an advanced stage.

Appendix 6 to the HLSS March 2018 sets out the indicative remaining requirement in the Southern Wiltshire Community Area¹ for the rest of the Core Strategy period, up to 2026, which is 0 dwellings (Downton Town) and 0 dwellings (Southern Wiltshire Community Area remainder), with an overall requirement of 0 dwellings.

Further information about the five year housing land supply can be found in the [Housing Land Supply Statement \(HLSS\) March 2018](#), which is available on the Wiltshire Council website, or by contacting Chris Roe, Monitoring and Evidence Manager, on 01225 713979.

Summary of policy context consideration

The proposed development site, enclosed by an evergreen fir hedge, comprises grassland with agricultural/ storage buildings, situated outside the current settlement boundary of Winterslow, off Witt Road to the east, No 1 Witt Road and other residential development to the north/ north-west and further open fields/ countryside to the south/ south-west.

The site is currently situated outside the settlement boundary for Winterslow, however the site area is proposed for inclusion with the settlement boundary for Winterslow in the submitted draft Wiltshire Housing Site Allocations Plan, which is at an advanced stage (currently at examination). Communities can also review settlement boundaries through a neighbourhood plan; however the Winterslow Neighbourhood Plan is still at an early stage of preparation.

The proposed development remains outside of the settlement boundary, and whilst the site is included in the submitted WHSAP, until the WHSAP becomes an adopted document it is considered the development of the site for new housing remains discordant with the policies of the Wiltshire Core Strategy and other relevant Development Plan documents and guidance. Therefore officers consider the application to be premature and should be refused on the basis that the proposal is therefore considered premature and contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. The proposal is therefore contrary to Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy, the emerging Winterslow Neighbourhood Plan, and the aims of the NPPF, which advocates a plan-led

approach.

9.2 Design and Impact on area and amenity

The application is outline only with all matters reserved save for access and layout. Officers find no reason to consider the proposal could not be designed appropriately so as to have no undue impact on the existing character of the surrounding area or the wider Special Landscape Area.

It is considered that by reason of the siting, orientation, separation distance and general relationship between the application site and the closest existing neighbouring dwellings, the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.3 Highways matters

The site is located towards the Northern end of Witt Road. In considering the proposal the Highways officer has provided the following response and advice:

“The site is served by Witt Lane, a road of single vehicle width with few passes places. The junction of Witt Lane with The Common / Gunville Road is considered to be substandard in terms of sight lines, particularly to the right. The proposed development would introduce an additional 30-40 vehicle movements per day on the substandard road.

Witt Lane has no separate pedestrian facilities or street lighting and is not suited to an increase in pedestrian activity.

The internal layout is generally considered to be acceptable and addresses the issues raised in connection with the previous layout. The proposed footway should continue across the site frontage with dropped kerbs at the access points. It would be preferable for the footway to be adopted as public highway (through a dedication agreement).

I have considered the suitability of Witt Road to serve the proposed development and I regret that I am still bound to recommend refusal on the basis of the increase in use of Witt Road and the junction with The Common.

I note that the application will be determined at Planning Committee and I suggest that if committee are minded to approve, they could consider the possibility of widening Witt Road over the site frontage to a minimum of 5.5m (together with the inclusion of a footway) which would benefit all users of Witt Road. It would then be possible that any widening could be continued along the western side of Witt Road in the future.”

Therefore as currently proposed the development is considered unacceptable in terms of the access to the site from Witt Road (by reason of Witt Roads restricted width, lack of pedestrian facilities and substandard junction onto The Common), is considered to be unsuitable to serve the proposed development and the increase in vehicular and pedestrian movements that this will generate.

9.4 Drainage Considerations

The response from the Council’s Drainage Officer has not yet been received. It is anticipated this consultation response can be provided as late correspondence (with case officer comments) ahead of the committee meeting.

Surface water drainage is described in the submitted application documentation as being provided by means of soakaways within the site. Foul water/sewerage drainage is to be by connection to the existing mains sewer.

9.5 Ecology

The applicant has submitted a Phase 1 Ecological Survey which makes recommendations on surveys and enhancements. The Council's Ecologist raises no objections subject to a Condition that the recommendations set out in the submitted Survey are carried out/incorporated into the development.

9.6 S106 contributions

None relevant

10. Conclusion

It is considered that the proposal is contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes and is premature in respect of the draft Wiltshire Housing Sites Allocation Plan. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. Therefore officers raise a policy objection to the application at this time.

Additionally, the development is considered unacceptable in terms of the access to the site from Witt Road (by reason of Witt Roads restricted width, lack of pedestrian facilities and substandard junction onto The Common), is considered to be unsuitable to serve the proposed development and the increase in vehicular and pedestrian movements that this will generate.

RECOMMENDATION: That the application be REFUSED, for the following reason:

1. The application site is situated outside of the defined limits of development as set out within Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy and the associated policies maps. Whilst the application site has been included in the draft Wiltshire Housing Sites Allocation Plan (WHSAP), the WHSAP is not yet formally part of the development plan for the area. The proposal is therefore considered premature and contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. The proposal is therefore contrary to Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy, the emerging Winterslow Neighbourhood Plan, and the aims of the NPPF, which advocates a plan-led approach.
2. The development is considered unacceptable in terms of the access to the site from Witt Road (by reason of Witt Roads restricted width, lack of pedestrian facilities and substandard junction onto The Common), is considered to be unsuitable to serve the

proposed development and the increase in vehicular and pedestrian movements that this will generate. In these respects the proposal is considered discordant with Core Policies CP57 and CP64 of the adopted Wiltshire Core Strategy.

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Land Adjacent 1 Witt Road
Winterslow
Wiltshire
SP5 1PL



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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No. 6

Date of Meeting	20th September 2018
Application Number	17/11212/VAR
Site Address	The Coach House 63A Castle Road Salisbury Wiltshire SP1 3RN
Proposal	Removal of condition 11 of S/2009/1409 to allow reconfiguration of internal arrangements
Applicant	Mr Kevin Sheppard
Town/Parish Council	SALISBURY CITY
Electoral Division	ST FRANCIS AND STRATFORD – Cllr Mary Douglas
Grid Ref	414332 131077
Type of application	Full Planning
Case Officer	Tim Pizzey

REASON FOR THE APPLICATION BEING CONSIDERED BY COMMITTEE

Councillor Mary Douglas has requested this item be determined by Committee due to car parking issues.

1. PURPOSE OF REPORT

The purpose of this report is to assess the merits of the proposed development against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be APPROVED.

2. REPORT SUMMARY

The main issues for consideration are:

- (1) Principle of the development
- (2) Scale and design issues and impact of the development on the existing character of the surrounding area
- (3) Residential amenity issues
- (4) Highway safety and parking

3. SITE DESCRIPTION

The application site is located within a predominantly residential street scene on one of the main road arteries serving the City. The existing property constitutes a small one bed dwelling of single storey form with an integral single garage space at ground floor level and internal stairs to accommodation at first floor level within the void of the pitched roof.



The Coach House No.63A Castle Road

To the immediate south is a large three storey Edwardian house (No. 63 Castle Road), subdivided into flats with parking / garaging to the rear and shares the same access from Castle Road as the application site. A detached two storey dwelling (No. 65a) is located to the east, which also shares the access with Nos 63 and 63A. A detached two storey dwelling (number 65) is located in close proximity to the north east of the application site. A row of semi-detached two storey houses, set well back from the road, are located further to the north of the application site.

4. PLANNING HISTORY

- S/2009/1409 Demolition of single garage and erection of dwelling. AC 15/12/2009. •
- 14/08157/FUL 2 storey extension, vertical extension on existing 1.5 storey footprint. WD.
- 15/08673/FUL Increase eaves / ridge height by approximately 1.1m to facilitate additional head height at first floor level. AC 17/12/2015.
- 16/06259/FUL Rear single storey, double height extension. AC 02/09/2016.

5. THE PROPOSAL

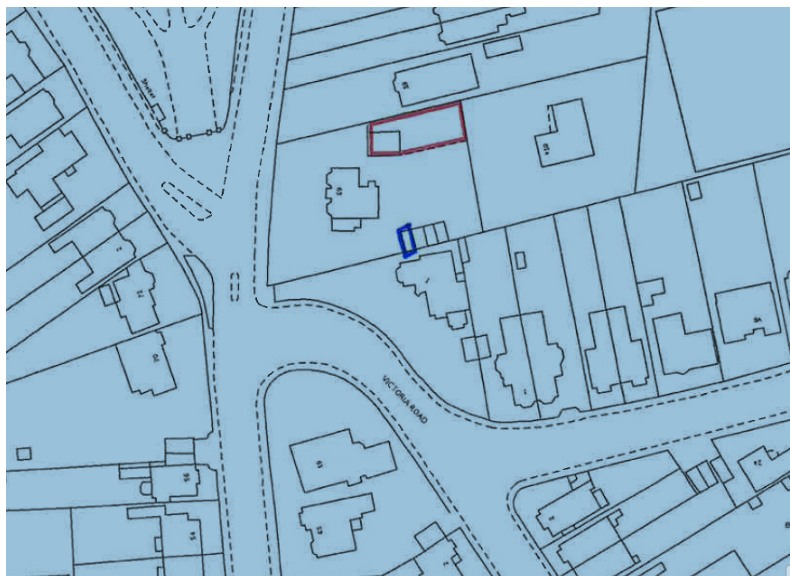
The application has been made under Section 73 of the Town Country Planning Act 1990 to remove Condition No. 11 of 17/11212/VAR, which states:

(11) The internal garage space shown on the approved plans shall be made available for the parking of a motor vehicle and shall remain available for this use in perpetuity and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

Externally, it can be seen that the garage door is still in situ but it is understood that there have been alterations made to the internal space behind and is not available for the parking of motor vehicles. The originally submitted site plan included a floor plan that indicated the garage space as part of an open living room/ kitchen part utility room with the internal partition of the garage removed.

The site plan has been revised since it was originally submitted; the red line has been amended and proposes that a parking space (garage) at the rear of No. 63 (edged blue) would be available to the occupier of the No. 63 (below).



Revised site plan with alternative parking shown edged blue

6. PLANNING POLICY

Wiltshire Core Strategy (2015):

- Core Policy 1: Settlement strategy
- Core Policy 2: Delivery strategy

- Core Policy 3: Infrastructure requirements
- Core Policy 20: Spatial Strategy: Salisbury Community Area
- Core Policy 57 (Ensuring High Quality Design and Place Shaping)
- Core Policy 60 (Sustainable Transport)
- Core Policy 61 (Transport and New Development)
- Core Policy 62 (Development Impacts on the Transport Network)
- Saved Local Plan Policy H8

National planning guidance as provided by the NPPF & NPPG
Wiltshire Local Transport Plan (3) (Parking Standards)

7. SUMMARY OF CONSULTATION RESPONSES

WC Highways Officer

No objection. Comments:

“...In response to the amended planning application and additional information submitted, I offer the following observations. The original planning permission S/2009/1409 was determined using guidance from PPG13. PPG13 was replaced in 2012 with NPPF which introduced the ‘severity test’ and this has recently be reinforced in the revised 2018 NPPF. Greater clarification in respect of the wording in paragraph 109 of the NPPF in relation to the point at which highways impacts become severe has been made. The wording of the paragraph dealing with highways impacts has been altered to make clear that the ‘severe’ test relates to road capacity rather than highway safety.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The existing garage space in The Coach House, is small and does not meet current standards, it is likely that the space is not used as a garage or to house a vehicle currently due to its size and therefore its conversion is unlikely to alter any existing situation within the site. From information submitted and representation letters received, it is clear that the application site not does not benefit from any additional off street parking within the site. I note the additional information submitted with regards to alternative parking arrangements, however this does not have a significant bearing to my observations or advice. Parking in the vicinity of the site is restricted by double yellow lines, residents parking, with permits or a 2 hour limit. The site is close to the City centre and within walking distance of local amenities and public transport services. On that basis, I think the impact of the proposal on the local highway network would be relatively modest, and could not in my view be argued as ‘severe’.

In light of the above I wish to offer no highway objection to the proposal...”

Salisbury City Council:

“SCC objects to this application and supports the neighbour’s objection and shares their concerns regarding insufficient parking. SCC requests that a Planning Officer visit to inspect the site”.

8. PUBLICITY

The application was publicised by site notice and neighbour notification letters.

2 letters of representation have been received from neighbours / third parties objecting to the proposal as originally submitted and further two letters from the same parties objecting to the revised proposal. Summary of main points raised:

- *Various details (including Land Registry) submitted concerning land ownership and associated rights.*
- *Unauthorised parking / trespassing.*
- *No right to park in the area in front of garage or the side of No. 63A.*
- *No right to convey use the garage proposed in the revised plan to the occupier of The Coach House and change of ownership would render such an arrangement null and void.*
- *Obstruction issues.*
- *Highway safety issues.*
- *Access by emergency vehicles to 65a and to the rear of 63 Castle Road residents, will be compromised, with safety implications if two cars parked as shown on the plan.*
- *Serious parking congestion and access / exit safety risks.*
- *Parking and access at 63 Castle Rd is extremely crowded, narrow and dangerous for the many occupants in vehicles or on foot for the family at 65A Castle Rd at the back has explicit rights of access across 63 Castle Rd to get to their property.*
- *The vegetation shown across one of the parking spaces could not be removed as does not belong to the applicant so cannot be provided.*
- *The solution to the steam and cooking fumes causing smoke alarms is to site an extraction fan and re-positioning of the smoke alarm.*
- *Other garages referred to by applicant that have been converted likely to have their own on-site parking or on street parking available.*
- *Increase in living space likely to lead to additional occupants and car ownership.*
- *Breach of conditions*
- *Condition 11 was imposed for very good reasons and nothing has changed since then.*
- *Incremental overdevelopment of the site.*
- *Condition 3 (bicycle storage) – storage of a bicycle and car not possible in garage.*
- *Garage built so to render access difficult*

9. PLANNING CONSIDERATIONS

(9.1) Principle of the Development

This application has been submitted under the provisions of Section 73 of the 1990 Act. Procedurally, Planning Practice Guidance (PPG) states:

“.... some or all of the conditions could be removed or changed by making an application to the local planning authority under [section 73 of the Town and Country Planning Act 1990](#). In

deciding an application under section 73, the local planning authority must only consider the disputed conditions that are the subject of the application – it is not a complete re-consideration of the application.....

..... It should be noted that the original planning permission will continue to exist whatever the outcome of the application under section 73...

..... To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.....

..... In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission...”.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Core Policy 1 and 2 of the adopted Wiltshire Core Strategy (WCS) set out a settlement strategy and a delivery strategy. The policies categorise Salisbury as being a Principle Settlement, where the principle of development is considered acceptable. The application site lies within the Salisbury Housing Policy Boundary and therefore saved Policy H8 of the Salisbury District Local Plan (saved under the adopted WCS) is applicable to this proposal. In this location the principle of infill and small-scale residential development is considered to be acceptable. The site is in residential use as single dwelling, permitted in 2009. The proposal would not increase the number of dwellings but, by removing condition 11, it would allow increase the amount of internal habitable accommodation. It is considered that, in principle, the proposed development is acceptable in planning policy terms subject to any site specific consideration, as set out below.

(9.2) Scale and Design

The existing dwelling is subservient in scale and footprint compared with the adjacent large Edwardian house at No.63 (converted to flats) and is set back from Castle Road. The existing building is also reasonably well screened by existing boundary treatments when viewed from Castle Road, except from a view directly from the shared access of Castle Road.

If Condition 11 of the 2009 permission is removed, it would lawfully enable the use of the internal garage space for ‘habitable’ accommodation. The Internal works / alterations, *per se*, would not require planning permission and could be undertaken and altered as required but clearly by carrying out certain internal works, this could affect compliance with Condition 11 if still in force. Compliance with Building Regulations would be a separate regulatory matter. The term ‘habitable’ is not defined in the planning permission. However, in principle, the removal of Condition 11 would permit the garage space to be used potentially for a wide

range of 'habitable' (or non-habitable) purposes provided it is part of the use of the building as a single dwelling (within Use Class C3). It would appear that some internal works have already taken place and the space is not being used as a garage for the parking of a motor vehicle. However, this s73 application is required to be considered on its individual planning merits.

The proposal does not enlarge, increase or extend the existing footprint of the building. The site plan submitted showed a ground floor layout comprising a kitchen / living room on the ground floor with a utility room in the front part of the integral garage space. The same plan shows the stairs (with WC under) in the same location as originally approved in 2009. The first floor plan is not shown but could presumably be converted to a bedroom (the approved plans for the dwelling showed a bedroom and bathroom on the ground floor with a living room / kitchen in the roof space at first floor level). These alterations would likely require internal alterations. The originally submitted plan showed a ground floor plan indicating the garage door opening blocked up and a window (to a utility room) inserted in its place, just to the RHS of the existing front door. Alternative internal layouts and alterations could be undertaken without the need for planning permission, without variation of the condition.

Condition 2 of the 2009 planning permission withdraws permitted development rights for the insertion of additional windows (in the interests of residential amenity) and the application does not specifically seek a variation of Condition 2 (plans condition) for such work. In addition, no details or elevations have been submitted for such work and it is considered that separate application would be required for any such external work, should permission be granted to remove condition 11. Any alterations necessary may also require Building Regulation approval but that is a separate matter and should this result in the need for any subsequent material external alterations, a further separate planning permission may be required, depending upon the nature and extent of such changes. Any such application would be considered on its merits, which would be considered on its own merits. In support of the application to remove the condition the applicant has stated that it would enable some of the internal layout problems associated with the sloping ceiling at first floor level to be resolved. However, it is considered that these issues can be afforded little in terms of poor living conditions for the occupier to justify removing condition 11.

The 2009 planning permission also removed other permitted development rights for extensions and enlargements but that does not mean that alterations would not be permitted and it will be noted from the planning history above that planning permission has subsequently been granted for extensions and alterations to this dwelling recent years (15/08673/FUL & 16/ 06259/FUL), each having been considered on their own merits in the context of relevant local and national planning policy. Neither of these permissions appear to have been commenced but are currently extant. Even so, taking into account these extant permissions, it is concluded that in design terms, there is no objection to the use of the garage for habitable residential purposes in principle

The acceptability of the removal of Condition 11 in this case is thus considered to rest with other site specific considerations, as set out below, in particular any implications for highway safety.

(9.3) Residential Amenity

There are third party concerns regarding the impact of the development, as summarised above. The NPPF includes that planning policy and decisions should, *inter alia*, “...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future uses.....” (paragraph 127[f]). WCS Core Policy 57 states that applications must meet a number of criteria including, *inter alia*:

(vii) Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)

There would be no increase in the current footprint of the dwelling if Condition 11 was removed. It is judged that the use of the garage space for habitable accommodation is unlikely in itself to have any significant direct adverse impact on the amenities of the occupiers of adjoining neighbouring properties, including No. 63, 65 and 65A, through any intensification of the domestic use of the property (e.g. noise and disturbance) as a single dwelling. As stated above any additional windows or other material external alterations would require separate permission

The unavailability of the garage for parking could be said to have a resultant knock-on impact on the amenities of the adjoining dwellings as a result of the physical presence of parked cars in front of the dwelling and the potential increased car manoeuvring with respect to parking and turning with associated conflict and inconvenience for users of the access and parking areas. However, in the context of the general level car movements / traffic using the access and adjacent parking area at the rear of No.63, it is not considered that any such increase movements are likely to be unduly harmful in terms of noise and disturbance. It is accepted that, notwithstanding Condition 11, it is not possible to enforce that the garage at No. 63A is positively used for parking a vehicles (only made available) in which case the resultant impact in terms of car movements could potentially be the same as currently. From the representations received, however, there are on-going civil matters / disputes regarding the private rights of use / parking available to the applicant. Nevertheless, whilst this may give rise to some private conflict, these are considered to constitute separate civil matters between the relevant parties.

Given the separation distance to neighbouring properties and the nature of the proposed variation, in land use planning terms it is considered that the proposal the use of the garage space for habitable is compatible with the residential use of the existing dwelling and adjacent residential land uses that in itself unlikely to harm the residential amenities of neighbouring properties. Although it may be privately contested, the applicant's revised parking arrangement for the occupier of No. 63A to use the applicants parking space at No. 63 (Brooks Court) is also unlikely to result in any undue or significant amenity issues from either the passage of cars or pedestrians to and from the parking space in connection with the use of No. 63A. Further comment on the parking is made below.

Regarding the living conditions for the occupants of No 63A, a statement accompanying the application refers to the practical problems for the tenant with the current design in terms of

the problems associated with the sloping ceiling at first floor level and use of the kitchen and cooker; activating smoke alarms, steam from the kettle peeling paint, bumping head heads, nowhere else to locate the cooker and a totally impractical arrangement. However, as stated earlier, it is considered that only limited weight can be afforded to such matters in the determination of the application. Any occupier / purchaser would be aware of the size and layout of the dwelling. As stated above, there is extant permission for alterations and additions to the dwelling.

(9.4) Highway Impact and Parking

The existing dwelling is served via a shared access drive directly off Castle Road (A345) close to a busy local road junction and pedestrian crossing point. If Condition 11 is removed, the local planning authority would not be able to ensure the integral garage is kept available for parking through the planning enforcement of the condition. However, whilst facilitating its availability, the condition cannot require the garage to actually be used to park vehicles.

The supporting text to Wiltshire Core Strategy Policy 64 refers to a parking study, commissioned by the council in January 2010, which included a comprehensive review of parking standards, charges and policy within both the plan area and neighbouring areas. The resulting LTP3 Car Parking Strategy (the third evolution of the Wiltshire Local Transport Plan) was adopted by the council in February 2011 and includes policy PS6 – Residential parking standards. The parking standards for new dwellings are set out in the Wiltshire Local Transport Plan 3, 2011-2026 – car parking strategy. The nominal minimum parking requirement for a one bed dwelling is one car space, and for two bed dwelling is two car spaces.

The dwelling as approved in 2009 was for a one bed dwelling, although there is potential for it to become a two bedroom dwelling if the extant permissions were implemented or possibly through other internal alterations, subject to Building Regulations. The 2015 permission shows an internal layout with two bedrooms but this still retained the garage space and it is noted that a similar condition (condition 3) was imposed on that permission to prevent the garage being converted to habitable accommodation. As the current application seeks only to remove condition 11 of the 2009 permission, the 2015 permission and its conditions would remain unaltered, unless otherwise varied by an application.

The planning statement by the applicant accompanying the application refers to the garage being too small with difficulties for users getting in and out of a car when in the garage. This would partly depend on the size of car. However, it is accepted that the garage is minimal in size and would be below the current standard where to count towards allocated parking for new developments today, it would need to:

“... meet a size requirement of 6m x 3m (internal dimensions). This is to ensure that there is sufficient room for an average sized family car, a cycle and some storage provision. Where these minimum size requirements are not met, the council will require design statements and/or transport assessments to demonstrate the need for such provision and/or to set-out the role of alternatives (e.g. car ports which are unlikely to be used for storage and could therefore count towards allocated parking provision)...”.

(WTP – para, 7.4)

This size requirement is to ensure the garage is more likely to be used. The proposal is not for a new dwelling but some limited weight can be attached to the argument the garage is effectively not practicable / suitable for use for parking a car. The likelihood of it being used would, though, also depend on other factors, including the user and the type of vehicle and removal of the garage would permanently remove this as a possibility.

In the 2015 application, some weight was given to the possibility that the applicant could, without the need for planning consent, internally re-arrange the existing premises into a two bed dwelling (albeit with more limited headroom) whilst maintaining one parking space. As this fall-back position was available to the applicant, it was considered to constitute a significant material consideration had permission for consent been withheld on the basis of insufficient off-street parking provision. The same fall-back position could be said to exist with the current application except the garage would not be retained.

Without the garage, the parking space available for the dwelling either as a one bedroom or two bedroom dwelling would be limited. The plan submitted originally with the application illustrates there is space to accommodate two cars side by side directly in front of the dwelling, clear of the private drive which carried on to serve the private parking area for the flats at No. 63. On site, however, the width of the hedge on the north boundary in front of No. 63A effectively reduces the amount of space available and the land would not appear to belong to the applicant, aside from any private right to do so. Currently only a small single car if parked close to the dwelling may be able to park without unduly obstructing the private access road. Even if parking for two cars side by side is available, as shown on the plan it is likely cause a degree of conflict with the use of the access road. The submitted site plans suggests that part of the private access drive between the dwelling and No. 63 is available for turning. However, with two cars parked side by side, the ability for a vehicle to turn in order to exit the site in forward gear is also likely to prove difficult due to the limited space available. With one car parked, turning / manoeuvring is likely to be a little easier, particularly with a smaller car but still not very convenient.

Third party objections have been received about the not having the necessary right to park cars where shown in front or to the side of the development. Under the proposal for the 2015 application it was noted that there was also a dispute regarding rights of access over the drive between parties. However it was concluded that such issues in themselves constituted a private civil matter. Moreover, in that application showed the garage to be retained and was also further conditioned as such. The applicant has stated that access rights are available to the application dwelling. Such matters are civil matters and it is not for the LPA to become in any such private disputes. If not within the ownership of the applicant and the applicant has no other legal right to use it for 'parking' the removal of Condition 11 would potentially lead to a situation where No. 63A may have no access to on-site parking for use by the occupier of the dwelling. It is also considered that a condition imposed to make provision for a parking space at the front of No.63A (and to be maintained thereafter) would not be reasonable or enforceable, where there is reasonable doubt of its provision due to the ownership / rights of use issues, as would appear to be the case.

In the light of the above, the applicant has revised the application, removing the land in front of the garage from the red line of the site (which does not appear to be within the applicants

ownership) and as an alternative proposes that the applicant's own parking space for his flat No3 at the rear of No. 63) is made available for the occupier / tenant of No. 63A and the applicant would park on the surrounding streets, where there is a Resident's Parking Zone in operation. The applicant has confirmed he has a parking permit. Further representations have been received suggesting that such rights cannot be conveyed by the applicant and does not overcome initial objections made. Any disputes regarding leasehold or free hold rights, etc. are again separate civil matters between the relevant parties. However, from a planning perspective, this is not an arrangement that could be reasonably be controlled or enforced easily by a planning condition. It also still results in the overall loss of a parking space between No. 63A and 63. The issuing of parking permits for use in a Resident's Parking Zone is a separate consent operated by the Council and cannot be controlled through a planning condition. The private / civil matters cast doubt on whether any alternative on- site parking provision can be achieved and potentially, therefore, without the integral garage the dwelling could have no on- site parking available..

In a supporting statement the applicant make the following points:

- No. 63a is in a sustainable area,
- There is a bus stop/ park & ride directly opposite 63a Castle road,
- There is also a cycle lane/path immediately at the end of the drive to 63a Castle road.
- A car" or parking for such, should not be considered essential so close to the Salisbury town centre.
- It merely encourages more cars at the property, by providing yet another parking space/garage, and not making good use of the excellent facilities on offer.

Some weight can be given to the level of accessibility and the sustainable location of the site. In this particular case, the application site can be considered to be relatively high in terms of accessibility and with access to modes of transport other than private car. The views of the Highways Officer are important in relation to the level of parking provision and any associated highway safety implications. Having considered the specific circumstances of this case, the Highways Officer has raised no objection to the removal of Condition 11, which it is acknowledged would result in the loss of the integral garage to habitable accommodation.

The reasoning is given in full in the Highway Officer's consultation response above takes into account the proposed alternative car parking arrangements, whether they are achievable or not. In the light of the Highway Officer's assessment and comments, it considered that there is not a compelling reason for refusal that could be sustained either on the grounds of loss of / inadequate on-site parking provision or in relation to associated highway safety. There are parking restrictions on Castle Road either side of the access, separately enforceable. The Highway Officer will also be aware that the on street parking in the vicinity of the site is subject to a Resident's Parking Scheme.

10. CONCLUSION

The concerns of the third parties and consultees are noted and have been taken into account, including the civil matters relating to land ownership and private rights. In land use planning terms, however, it is considered that the proposal to remove Condition 11 of 2009

planning permission would not result in harm to the existing character of the area and, on balance, the impact on neighbouring amenity is not considered to be of such harm to warrant refusal of planning permission. Based on the comments and recommendation of the Highways Officer, it is not considered an objection could be sustained on the grounds of parking and highway safety either, given the individual circumstance of this case.

If permission is granted, it would be necessary to re-impose conditions in respect of the withdrawal of permitted development rights imposed on the 2009 planning permission.

11. RECOMMENDATION

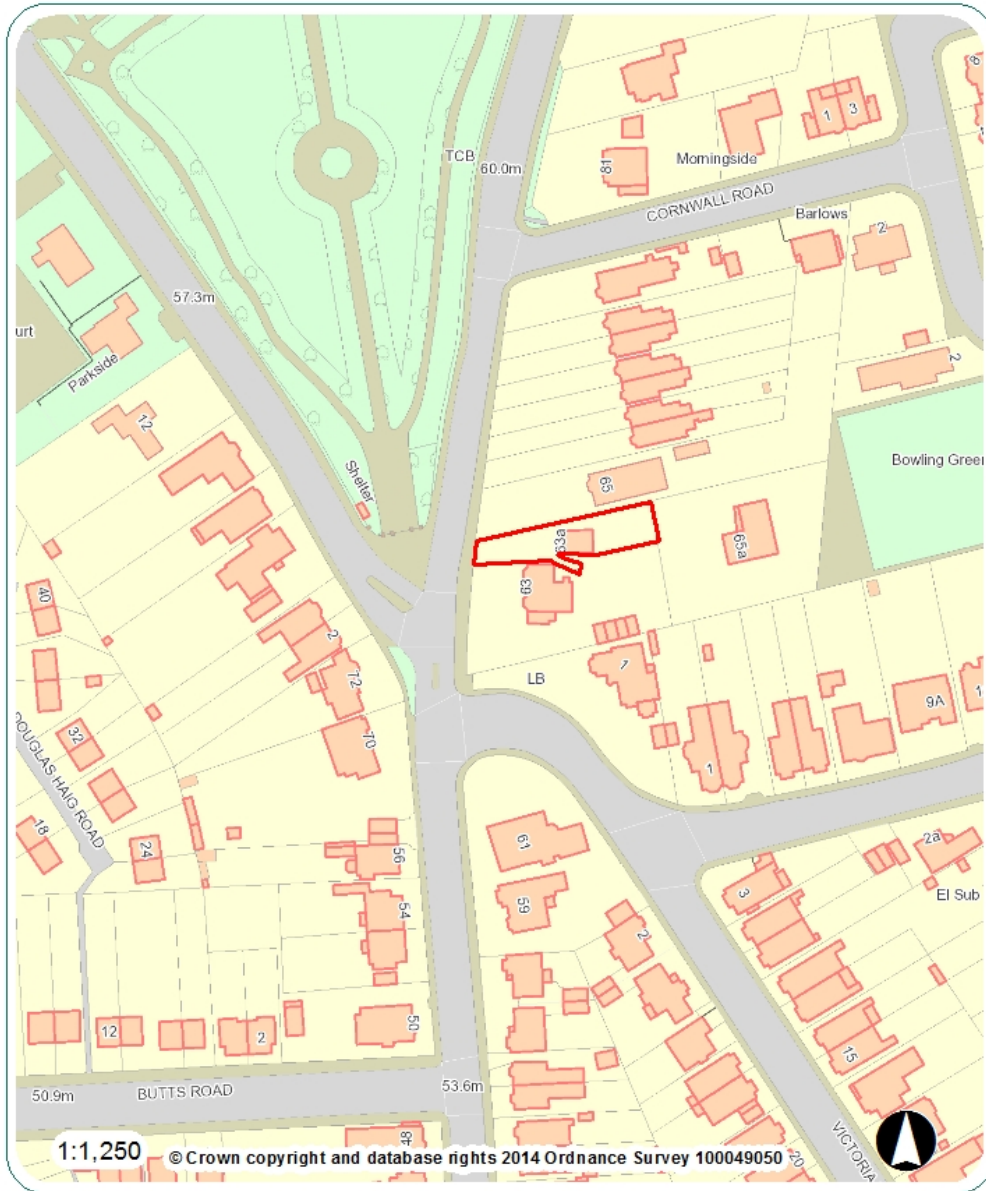
APPROVE, subject to the following conditions:

(1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C, there shall be no other windows inserted in the dwelling, unless otherwise agreed in writing by the Local Planning Authority on submission of an application on that behalf. .

REASON: To ensure adequate privacy for the occupants of neighbouring premises.

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C and Class E (extensions/enlargements/outbuildings) shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.



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