

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Salisbury
Date: Thursday 3 June 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@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 Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

Substitutes:

Cllr Ernie Clark	Cllr Leo Randall
Cllr Russell Hawker	Cllr Paul Sample
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	

AGENDA

Part I

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

1. **Apologies for Absence and Membership of the Committee**

To note that Councillor Richard Britton has replaced Councillor Tony Deane

2. **Minutes** (*Pages 1 - 4*)

To approve and sign as a correct record the minutes of the meeting held on 13 May 2010 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5:50pm on the day of the meeting.

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

6. **Appeal Performance April 1st 2009 - 31st March 2010** (*Pages 5 - 12*)

To consider the attached report.

7. **Planning Appeals** (*Pages 13 - 14*)

To receive details of completed and pending appeals (copy herewith).

8. **Planning Applications** (*Pages 15 - 16*)

To consider and determine planning applications in the attached schedule.

8. **S/2010/0259 - 9-11 St. Nicholas Road, Salisbury** (*Pages 17 - 32*)

8. **S/2010/0395 - Land Located Between Casterbridge and The Paddock Shrippe Lane Winterslow** (*Pages 33 - 40*)

8. **S/2010/0471 - The Old Cottage Lower Street Salisbury** (*Pages 41 - 46*)

8. **S/2010/0472 - The Old Cottage Lower Street Salisbury** (*Pages 47 - 52*)

8. **S/2010/0615 - Burton Farmhouse Burton Mere Warminster** (*Pages 53 - 60*)

9. **Land off Hindon Lane, Tisbury.- Outline Application S/2008/0779 for Mixed Use Development of Land to Comprise Around 90 Dwellings and 3800 Square Metres of B1 Business Floorspace (Including Associated Highway Infrastructure) and Landscaping.** (*Pages 61 - 122*)

To consider the attached report

10. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James** (*Pages 123 - 142*)

To consider the attached report.

11. **Urgent Items**

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

12. **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in the

following item because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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

13. **The Old Coach House, East Grimstead.**

Confidential report to follow.

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 MAY 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.

Present:

Cllr Tony Deane, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale, Cllr Ian West, Cllr Fred Westmoreland (Chairman), Cllr Graham Wright

Also Present:

Cllr Bill Moss

30. **Apologies for Absence**

Apologies were received from Councillor Brian Dalton and Councillor Mary Douglas. Councillor John Smale substituted for Councillor Douglas.

31. **Minutes**

The minutes of the meeting held on 22 April were approved as a correct record subject to the following alterations:

- That Cllr Jose Green be listed as present.
- That under item 27, Planning Appeals, planning appeal S/2009/1196 – 8 James Street/36 Sidney Street, Salisbury be amended to show that it was in fact a Committee Decision.
- That under Item 29, Urgent Items, the address of two applications requested for a site visit be changed from “Wyke Parish Village Store Ltd., The Street, Wyke” to “Whiteparish Village Store Ltd., The Street, Whiteparish.

32. **Declarations of Interest**

Cllr George Jeans, declared a personal interest in the agenda Item. No. 9 – Land adjacent to Birchlea, Barnes Place, Mere, Warminster, as he owned a

property adjacent to the application. He stated he would take part in the debate, but would not vote.

Cllr John Smale, declared a personal interest in agenda Item No. 9 – Land adjacent to Birchlea, Barnes Place, Mere, Warminster - in that he knew one of the persons speaking in objection – Lt. Col. Ben Davies from some work undertaken around four years ago.

33. **Chairman's Announcements**

The Chairman announced that he had attended the special meeting of the Chairmen and Vice-Chairmen of each Area Planning Committee, of the Strategic Planning Committee and representatives from the planning department of Wiltshire Council. The aim of the meeting was to discuss the feedback received from a survey of members involved in planning matters, and to make suggestions for the improvement of the planning service.

Cllr Tony Deane asked if there had been any update on the progress of either the Gypsy and Traveller Development Plan, or the Local Development Framework. The Chair replied that consultation for the Gypsy and Traveller Development plan was ongoing. Following a brief discussion it was agreed that the Committee request update reports on these two items.

34. **Public Participation**

The committee noted the rules on public participation and the manner in which the meeting would proceed.

35. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ**

The Lead Principal Planning Enforcement Officer presented a report which updated the Committee in respect of action taken in respect of breaches of planning control this site since the previous meeting.

In response to a question as to whether there were Temporary Stop Notices on public display, to publicise the enforcement action, the planning officer replied that one of the two had been removed and one had been reposted.

Resolved:

That the report be noted.

36. **Lavender Farm, Giles Lane, Landford**

The Lead Principal Planning Enforcement Officer summarised a report detailing investigations undertaken by the enforcement team into the use of this site.

The committee thanked the planning officer for the concise reports and prompt enforcement action.

During the course of the discussion it was requested that a report be brought to the next meeting surrounding enforcement issues regarding the Old Coachhouse at East Grimstead.

Resolved:

That the report be noted.

37. **Planning Appeals**

The Committee received details of the following appeals:-

S/2009/0269 - The Garage Site, Albany Terrace, Wilton - dismissed – delegated decision

S/2009/0913 - The White House, Sansomes Farm, Hop Gardens, Whiteparish - dismissed – delegated decision

S/2009/1314 - Layby A338, West Gomeldon – dismissed – delegated decision

Resolved:

That the report be noted.

38. **Planning Applications**

1.1. **S/2010/0381 - Land adjacent to Birchlea, Barnes Place, Mere, Warminster**

Public Participation:

Lt. Col. Ben Davies spoke against the application
Mr John Stainer spoke against the application
Helen Davies spoke against the application.

Mr Philip Coward spoke in favour of the application.

The senior planning officer outlined the details of the application to the panel and summarised the various planning considerations in his report. The Highways officer also added his comments with regards to accessibility and safety issues.

A discussion ensued during which the focus was on the proposal's suitability under the Local Development framework; the design of the house and its possible size; concerns surrounding an increase in car usage; and the issue of safe and sufficient access.

Resolved:

That planning permission be REFUSED for the following reasons:

(1) The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent. In this respect the proposal would be contrary to saved policy G2 of the Adopted Salisbury District Local Plan.

(2) The proposed dwelling, by reason of its height, size and design, and the resultant loss of an area of garden that contributes to the area's character, would fail to preserve or enhance the character or appearance of this part of Mere's Conservation Area. In these respects the proposed development would be contrary to saved policies CN8, D2, H16 and CN10 of the Adopted Salisbury District Local Plan.

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

39. **Urgent Items**

None.

(Duration of meeting: 6.00 - 7.20 pm)

The Officer who has produced these minutes is Liam Paul of Democratic Services, direct line (01225) 718376, e-mail liam.paul@wiltshire.gov.uk

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

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

3rd June 2010

Appeal Performance April 1st 2009-31st March 2010

Purpose of Report

1. To appraise the Committee of the performance of the south hub of Wiltshire Council at appeal in the year 2009/2010 .

Summary

Between April 1st 2009 and March 31st 2010, the first full year of Wiltshire Council, decisions have been received on a call in Inquiry which covered two planning decisions, one certificate of lawfulness appeal, one enforcement appeal, one appeal against refusal to permit works to a tree subject to a Tree Preservation Order, 4 Listed Building Consent appeals and 51 planning appeals in the area covered by the Southern Planning Committee. The results are set out below:

Type of appeal	Number determined	Number dismissed	Number allowed	Percentage dismissed
Call In	2	1	1	50%
Advert	1	0	1	0%
Certificate of lawfulness	1	0	1	0%
Enforcement Appeals	1	1	0	100.00%
Sec. 78 Planning Appeals	50	31	19	62%
Listed Building Appeals	4	3	1	75%
Tree Preservation Order Appeals	1	0	1	0%

The national average for local planning authorities in England and Wales which in the last few years has consistently been between 65-66% of appeals dismissed. The DCLG target is >60% dismissed.

Of the 50 planning appeals, 33 related to decisions made under delegated powers and 17 to decisions made by the planning committee. Of the 14 appeals against decisions taken by the committee against officer recommendation 9 were allowed (1 of which was a listed building appeal) and 5 were dismissed.

Applications for costs against the Council were made on 9 appeals. 4 were dismissed and 5 were allowed. The amounts (rounded up) total £ 9430

Full details are shown at Appendix A .

Recommendation

That the report be noted.

Report Author:

Judy Howles , Area Development Manager (South

Date of report 3rd June 2010

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Appendix A – Appeals 01/04/09 -31/03/10

APPENDIX A

APPEALS 01/04/09 to 31/03/10

Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2008/1119	Rose Cottage, Donhead St Mary	H	Delegated	Allowed CLD	No	Partial £604
S/2008/1120	Rose Cottage, Donhead St. Mary	H	Delegated	Allowed	No	Partial included above
S/2008/0533	Rose Cottage, Donhead St Mary	H	Delegated	Dismissed	No	No
S/2007/1460	London Road Retail Park, Salisbury	LI	Committee	Dismissed	Yes	No
S/2007/2156	Network Rail Car Park, Fisherton Street, Salisbury	LI	Committee	Allowed	Yes	No
S/2007/2541	The Beehive, Old Sarum	H	Committee	Allowed	No	No
S/2008/1090	New House Farm, Kilmington	H	Delegated	Dismissed	No	No
S/2008/2514	Enforcement Appeal - New House Farm	H	Delegated		No	No
S/2008/0712	Mellow Thatch, Winterbourne Gunner	WR	Delegated	Dismissed	No	No
S/2008/1591 (L/B Appeal)	The Boardroom House, Mere	WR	Committee	Allowed	Yes	No

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2008/2083	Advert Appeal - Royal Mail Sorting Office, Fisherton Street, Salisbury	WR	Delegated		No	No
S/2008/1590	The Boardroom, Mere	WR	Committee	Allowed	Yes	No
S/2008/1544	Brooklands, Winterbourne Gunner	H	Committee	Dismissed	Yes	Yes Partial £ 893
S/2008/1560	Waterlake View, Orcheston	H	Delegated	Allowed	No	No
S/2008/1920	2A Albany Road Salisbury	WR	Delegated	Dismissed	No	No
S/2008/1756	The Wheatsheaf, Woodford	WR	Delegated	Dismissed	No	No
S/2008/1685	1 Manor Cottage, Cholderton	H	Delegated	Dismissed	No	No
S/2008/2103	63 Bouverie Avenue	WR	Delegated	Dismissed	No	No
S/2008/1413	31 Bulford Road, Durrington	WR	Delegated	Dismissed	No	No
S/2008/1871	28 Ramleaze Drive, Salisbury	WR	Delegated	Dismissed	No	No
S/2008/1841	Junction Shaftesbury Road, Wilton	H	Committee	Allowed	Yes	Yes £4406
S/2008/1679	36 Sidney Street, Salisbury	WR	Committee	Dismissed	Yes	No
S/2008/1753	Fairfield House, Wilton	H	Committee	Allowed	Yes	No

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2008/1503	North Down Farm, Donhead St Mary	H	Delegated	Allowed	No	No
S/2008/1477	Meadow View, Winterslow	WR	Delegated	Dismissed	No	No
S/2008/1345	1 The Arcade, Amesbury	H	Delegated	Dismissed	No	No
S/2009/0608	Woodspring, Livery Road, Winterslow	HH	Delegated	Allowed	No	Yes £277
S/2008/1155	34 Green Lane, Ford	WR	Delegated	Allowed	No	No
S/2008/1698	Rock Cottage, Chilmark	H	Committee	Allowed	Yes	Applied for – not granted
S/2008/0708	Trickys Paddock, Brickworth Road, Whiteparish	H	Committee	Allowed	Yes	Applied for – not granted
S/2009/0028	Drybrook Lodge Cholderton	WR	Delegated	Allowed	No	No
S/2009/0029	Withyslade Farm, Tisbury Row, Tisbury	H	Delegated	Dismissed	No	No
S/2009/0028	Drybrook Lodge Cholderton	WR	Delegated	Allowed	No	No
S/2009/0029	Withyslade Farm, Tisbury Row, Tisbury	H	Delegated	Dismissed	No	No

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2007/2226	TESCO – London Road, Amesbury	LI	Call In	Approved	Yes – resolved to approve	No
S/2008/0572	ASDA – Solstice Park, Amesbury	LI	Call In	Refused	Yes resolved to approve	No
S/2008/1917	Ashfield, Tisbury Road, Fovant	WR	Delegated	Dismissed	No	No
S/2008/1976	Nettwood Farm, Nett Road, Shrewton	WR	Delegated	Dismissed	No	No
S/2008/1604	Land off Old Blandford Road, Harnham	LI	Delegated	Dismissed	No	No
S/2009/0628	West of Mesh House, Mesh Pond, Downton	LI	Enforcement	Withdrawn	No	No
S/2008/1981 (L/B Appeal) S/2008/2121	1a Winchester Street, Salisbury	WR	Delegated	Dismissed	No	No
S/2009/0199	New Bower, Dinton	WR	Delegated	Dismissed	No	No
S/2009/0162	Spring Cottage, Livery Road, West Winterslow	WR	Delegated	Dismissed	No	No
S/2009/0112	1A Gas Lane, Salisbury	WR	Committee	Allowed	Yes	No

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/0475	207 East Gomeldon Road, Gomeldon	WR	Delegated	Dismissed	No	No
S/2009/0014	Land at Long Cross, Zeals	WR	Committee	Dismissed	Yes	No
S/2008/1611	Little Ridge, Southampton Road, Alderbury	WR	Committee	Allowed	Yes	Yes £3250
S/2009/0324 & s/2009/0325	The Holt, Teffont Evias	WR	DEL	Dismissed	No	No
S/2009/0338 & S/2009/0339	The Chapel, Church Hill, Donhead St Mary	WR	DEL	Allowed	No	No
S/2009/0684	136 Station House, London Road, Amesbury	WR	Delegated	Dismissed	No	Applied for – not granted
S/2009/1515	Little Ridge, Southampton Road, Alderbury	WR	Enforcement Appeal	Withdrawn	No	No
S/2009/1137	New Bower, Hindon Road, Dinton	HH	Delegated	Dismissed	No	No
S/2009/0943	Hillstreet Cottage, Hindon Lane, Tisbury	WR	Delegated	Allowed	No	No
S/2009/0601	Bark Barn Cottage 12 West Dean	WR	Delegated	Dismissed	No	Applied for – not granted

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
2009/0768 2009/0797	61 The Borough, Downton	WR	Delegated	Dismissed	No	No
S/2009/0746 (L/B Appeal)	Nadder House, Tisbury	H	Delegated	Dismissed	No	No
S/2009/0931	Advert Appeal - Royal Mail Sorting Office, Fisherton Street, Salisbury	WR	Delegated	Allowed	No	No
S/2009/1135	The Old Post Office, Lower Road, Charlton All Saints	WR	Delegated	Dismissed	No	No
S/2009/0958	123 Queen Alexander Road Salisbury	WR	Delegated	Allowed	No	No
S/2009/1196	8 James Street/ 36 Sidney Street, Salisbury	WR	Committee	Dismissed	Yes	No

Author: Jenny Moore Appeals Officer

APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1052	Pine Lodge Cottages, Mesh Pond, Downton	WR	Delegated	Allowed	No	No
S/2009/0269	The Garage Site, Albany Terrace, Wilton	WR	Delegated	Dismissed	No	No
S/2009/0913	The White House, Sansomes Farm, Hop Gardens, Whiteparish	WR	Delegated	Dismissed	No	No
S/2009/1314	Layby A338, West Gomeldon	WR	Delegated	Dismissed	No	No

New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2009/1333	Land adjacent Flamstone Street, Bishopstone	WR	Delegated			
S/2009/1291	29 Middleton Road, Salisbury	WR	Delegated			
S/2009/1885	19 Southbourne Way, Porton	HH	Delegated			
S/2009/1477	Land between Pearl Cottage & The Bungalow, Cholderton	WR	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry

Agenda Item 8

INDEX OF APPLICATIONS ON 3rd JUNE 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/0259	9-11 ST. NICHOLAS ROAD, SALISBURY, SP1 2SN	PROPOSED RE-INSTATEMENT OF TWO MAISONETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES	REFUSE	CLLR JOHN BRADY
2	S/2010/0395 SITE VISIT 16:30	LAND LOCATED BETWEEN CASTERBRIDGE AND THE PADDOCK, SHRIFFLE LANE, WINTERSLOW, SALISBURY, SP5 1PW	ERECTION OF SINGLE STOREY DWELLING	REFUSE	CLLR CHRISTOPHER DEVINE
3	S/2010/0471/FULL	THE OLD COTTAGE, LOWER STREET, SALISBURY, SP2 8EY	REAR EXTENSION	REFUSE	CLLR JOHN BRADY (DIVISIONAL MEMBER OF SALISBURY ST MARTINS AND CATHEDRAL) / CLLR BRIAN DALTON
4	S/2010/0472/LBC	THE OLD COTTAGE, LOWER STREET, SALISBURY, SP2 8EY	REAR EXTENSION	REFUSE	CLLR JOHN BRADY (DIVISIONAL MEMBER OF SALISBURY ST MARTINS AND CATHEDRAL) / CLLR BRIAN DALTON
5	S/2010/0615	BURTON FARMHOUSE, BURTON, MERE, WARMINSTER, BA12 6BR	CHANGE OF USE OF OUTBUILDING TO RESIDENTIAL ANNEXE ANCILLARY TO BURTON FARMHOUSE	APPROVE S106	CLLR GEORGE JEANS

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Deadline:	20 th April 2010		
Application Number:	S/2010/0259		
Site Address:	9-11 ST. NICHOLAS ROAD, SALISBURY SP1 2SN		
Proposal:	PROPOSED RE-INSTATEMENT OF TWO MAISONETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES		
Applicant/ Agent:	MR RICHARD GREENWOOD		
Parish:	SALISBURY CITY COUNCIL ST MAR/CATHEDRA		
Grid Reference:	414372 129071		
Type of Application:	FULL		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

Report

Report Subject: S/2010/259 PROPOSED RE-INSTATEMENT OF TWO MAISONETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES, 9-11 St Nicholas Road Salisbury

Report to: Southern Area Planning Committee

Date: 03/06/2010

Author: Mrs. Becky Jones, Senior Planning Officer

1. Report Summary:

1.1 To update Members on the response from the Environment Agency following Committee's recent resolution to approve the application, subject to consultation with the Flood Group and re-consultation with the Environment Agency.

2. Considerations:

2.1 The background to this report is the previous committee report attached as Appendix 1 to this report. Members resolved that the Area Development Manager should be delegated to approve the development provided that the flood group was consulted, and the Environment Agency withdrew its objection and indicated that it did not intend to refer the matter to the Secretary of State. If these provisos were not met, the matter was to be brought back to committee.

2.2 The Environment Agency has maintained its objection to the development, and the letter is

attached as Appendix 2 below. However, the EA do not intend to refer the application to the Secretary of State.

2.3 No response has been received from the Flood Group to date.

3. Options for consideration:

3.1 Members have a number of options. They could either:

(a) Approve the application, for the reasons set out in the minutes in Appendix 3 and subject to the conditions agreed at the previous meeting, but incorporating the amendment and informative suggested by the Environment Agency. Condition 2 would be amended to read:

2. The development shall be implemented in strict accordance with:

- i) the Flood Risk Assessment and Management Strategy (Feb 2010) including the flood mitigation measures outlined within Sections 4 and 5 of the document, and
- ii) the Construction Method Statement and Schedule of Works (Feb 2010)

before the flats on the ground and lower ground floor are occupied.

Reason: To protect future occupiers against the risk of flooding and to ensure that protected species and the water quality of the River Avon are not harmed during construction.

or,

(b) Refuse the application, for the reasons set out in the previous committee report, on the basis that the Environment Agency has maintained its objection on flood risk grounds.

4. Recommendation:

4.1 It is recommended that option (b) above is accepted.

5. Background Papers:

5.1 The original report to Southern Area Committee on 22nd April 2010 in Appendix 1
Letter from the Environment Agency in Appendix 2
The draft minutes for the 22nd April meeting in Appendix 3.

APPENDIX 1

S/2010/259 9-11 St Nicholas Road, Salisbury PROPOSED RE-INSTATEMENT OF TWO MAISONNETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES

Officer Report

Reason for the application being considered by Committee

Councillor Brady has requested that this item be determined by Committee due to:

- Environmental impact (flooding)

1. Purpose of Report

To consider the above application and the recommendation of the case officer to REFUSE planning permission.

2. Main Issues

The main issues to consider are :

1. Impact on heritage assets (the character of the listed building and Conservation Area, including adjacent listed buildings).
2. Impact on neighbouring amenities and highway safety
3. Nature conservation
4. Flood Risk and the Continued Use of the Listed Building
5. Public open space

3. Site Description

The site is a Grade II listed, three storey town house situated adjacent to the river. The building is probably 18th century, and is built directly on top of the bastion to the Old Harnham Bridge, which is Grade 1 listed. The front entrance to the house is level with St Nicholas Road, and the basement area leads into a garden to the rear of the property, adjacent to the river. There are further residential properties to the side and opposite the site. There is no parking for the property.

In the 19th century, Nos 9 and 11 were two separate houses with separate gardens. Approximately 15 years ago, the building was converted to subdivide the upper floor into 2 flats and the lower two floors to create a pair of separate maisonnettes. In 1997, permission was

granted to convert the two maisonettes into a five bed dwelling.

The site within the Conservation Area and in the Housing Policy Boundary. The site also lies within an Area of High Ecological Value, and adjacent to the River Avon SSSI in Flood Zone 3.

4. Planning History

S/1991/1604 L/B Application - Enlarging Existing Eastern Doorway To Form New French Windows AC

S/1997/883 Amalgamation of two units via 2no. new internal openings and complete redecoration AC

S/2009/1682 Convert A Four Bedroom Maisonette Into A Pair Of Two Bedroom Maisonettes, Withdrawn

S/2009/1683 Convert A Four Bedroom Maisonette Into A Pair Of Two Bedroom Maisonettes, Listed building application, Withdrawn

5. The Proposal

The applicant is seeking to create two 2 bedroom maisonettes from the existing 5 bedroom maisonette. The two existing 2 bed flats would be retained above. Removable flood barriers are proposed for the French windows and window reveals on the rear elevation. Other works would all be internal, and include flood resilience measures, the filling of two door openings made under the 1997 application. This will involve lathe batons and lime plaster, and in the basement, plasterboard with gypsum. The applicant has also indicated that an Emergency Flood Management Plan will be produced, and could be secured through a S106 Agreement or condition.

6. Planning Policy

The following policies are considered relevant to this proposal including PPSs

G2	General principles for development
H8	Housing Policy Boundary
CN3, CN5	Listed buildings
CN8, CN11	Conservation Areas
C12	SSSI and protected species
C18	River quality and habitats
R2	Public Open Space
PPS5	Planning for the Historic Environment
PPS25	Flooding
	Creating Places SPG
	Flooding and Historic Buildings 2004, English Heritage

7. Consultations

Conservation – no objection

Highways – no objection

Environmental Health – Any flood defence proposal needs to be done in consultation with the Environment Agency

Environment Agency – objection

“The application and supporting Flood Risk Assessment (FRA) do not demonstrate that the proposed scheme, and the additional residential unit that is to be created, will remain safe from flood risk for the life time of the development (taken as 100 years for residential use). This means that we consider part c of the Exception Test could not be passed. We acknowledge the FRA offers flood resistance and resilience measures, clarifies flood warning and evacuation routes from the site and also discusses the unique nature of this listed building. However it fails to demonstrate that the proposed development will remain safe and unaffected by flooding. The flood barriers discussed are not considered to act as a fail safe means of defending the property and are unlikely at this site to prevent water penetration to the interior of the building.

If the applicant would reconsider the internal configuration of the proposal, with the entire lower ground floor being retained by a single property, only one property would be considered to be at risk of internal flooding. Such an alternative configuration would present no worsening over the current arrangement in terms of flood risk.

Although we understand that the listed status of the property and close proximity of the Main River Avon place considerable constraints and limitations on this site and scope to include certain methods of defending the site against flooding, the current proposal is to create an additional dwelling within a flood risk area. As such it is contrary to the guidance offered within PPS25.

Flood risk cannot be entirely eliminated and is expected to increase over time as a result of climate change. It is the responsibility of the developer to identify and make appropriate provision for flood risk, and to ensure a safe development. Recent flood records infer that the existing property is at risk both from fluvial and ground water flooding. The relationship between the quoted design flood level (45.35mAOD) and internal floor level (44.93mAOD) suggests that there is a considerable risk of flooding even with all openings defended by demountable barriers. We would also emphasise that the design flood level (FRA s.1.4) is not a maximum flood level. The level of 45.35mAOD (Halcrow: Salisbury ABD 2007) has previously been suggested by the EA (our ref: WX/2009/113362/02) as a conservative estimation of the relevant 1:100 year flood level, with suitable allowance for climate change (PPS25).

Sequential Test

As this proposal created an additional unit it should be subject to the Sequential Test in line

with PPS25 requirements. We do not object on this aspect but it is up to your authority to determine whether the Sequential Test is passed. The Sequential Test is a land use tool for determining whether there are sites available in areas of lower flood risk where the additional unit which is being created could be located. Only if you consider this has been passed should you look to the requirements within the Exception Test, but as highlighted above we do not feel the development as currently proposed meets part c of that test.”

8. Publicity

The application was advertised by site notice, press notice and neighbour notification
Expiry date 1st April 2010. No comments received.

9. Planning Considerations

9.1 Impact on heritage assets (the character of the listed building and Conservation Area, including adjacent listed buildings).

PPS5 Policy HE7 states that in decision making relating to an application for listed building consent, LPAs should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of the heritage asset,) taking account of the evidence provided with the application and the heritage assets themselves. Heritage assets include listed buildings and Conservation Areas. LPAs should take account of the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, alignment and materials.

Policy HE9 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the asset, the greater the presumption should be. Significance can be harmed by development in its setting. HE9 states that where the application will lead to substantial harm, LPAs should refuse unless it can be demonstrated that

- i) the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm.

Policy HE10 states that in considering proposals that affect the setting of a heritage asset and do not make a positive contribution, LPAs will need to weigh the harm against any benefits of the application. The greater the negative impact, the greater the benefits needed to justify approval.

Policy CN3 and CN5 of the Local Plan seek to ensure that development affecting listed buildings and their settings would not harm that character. New work must respect the character of the building in terms of scale, design and materials, and the historic form of the building must be retained.

Policy CN8 states that in Conservation Areas, only development that preserves or enhances the existing character of the area will be permitted, and special care will be taken to safeguard views into and out of the area (CN11).

PPS5 provides specific guidance on uses for listed buildings in respect of climate change. Policy HE1 states that LPAs should identify opportunities to adapt to the effects of climate change when making decisions relating to the modification of heritage assets (listed buildings) to secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency and improving resilience to the effects of a changing climate. Keeping heritage assets *in use* avoids the consumption of building materials and generation of waste. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefits of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage assets.

The Heritage Statement suggests that in the 19th century, Nos 9 and 11 were two separate houses with separate gardens, and the report suggests that the present internal arrangement of the large maisonette confuses the significance and historic context of the listed building. This provides a strong argument in favour of supporting the present application to reinstate the subdivision, in the interests of the historic layout of the listed building.

The proposed internal works are minor, and involve re-filling two entrances made under the 1997 approval. Externally, the two French doors and sitting room window reveals would be fitted with removable flood barriers. The Conservation officer has raised no objection to the proposals which would have no adverse impact on the character or setting of the listed building.

In respect of the front door, this requires approval, preferably by drawings, but officers would be happy to agree this by inspection as the intention is to use a reclaimed door. Unfortunately, specific drawings for the flood resistance measures have not been provided, and these have been requested. However, the use of the flood barriers is acceptable in principle.

9.2 Impact on neighbouring amenities and highway safety

The creation of an additional residential unit is not considered to affect neighbouring amenities, as no external works are proposed to the elevations to cause any overlooking or loss of privacy. There were previously two maisonettes on the ground floor, although the Council has no planning record of the original conversion. The additional unit is therefore unlikely to cause any undue disturbance to neighbours, in terms of noise or disturbance, as the property is detached. No parking is available to the units, and there is no available on street parking in the vicinity. Therefore, the conversion is unlikely to lead to any additional congestion levels in the vicinity of the property.

Highways consider that the property already offers four potentially separate living units, and the proposal is not deemed detrimental to highway safety, and no objection is raised.

The proposal would therefore comply with Policy G2.

9.3 Nature conservation

The applicant has submitted a construction method statement, which provides safeguards for the river and protected species during the construction works, in accordance with Policy C12 and C18.

9.4 Flood Risk and the Continued Use of the Listed Building

PPS5 provides specific guidance on uses for listed buildings in respect of climate change. Policy HE1 states that LPAs should identify opportunities to adapt to the effects of climate change when making decisions relating to the modification of heritage assets (listed buildings) to secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency and improving resilience to the effects of a changing climate. Keeping heritage assets *in use* avoids the consumption of building materials and generation of waste. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefits of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage assets.

The Heritage Statement suggests that in the 19th century, Nos 9 and 11 were two separate houses with separate gardens, and the report suggests that the present internal arrangement of the large maisonette confuses the significance and historic context of the listed building. This provides a strong argument in favour of supporting the present application to reinstate the subdivision, in the interests of the historic layout of the listed building.

In balancing the issues raised by PPS5 and PPS25, the LPA considers that it must be adequately demonstrated that the additional unit of accommodation would be necessary in Flood Zone 3 in order to ensure that the listed building would remain in use. The applicant has submitted evidence from a local estate agent who suggests that the existing five bedroom maisonette would, "Not be very appealing. Demand for a larger property would almost certainly come from families who would expect parking for at least 2 cars, and they would not expect to have two one bedroom flats above them. All these unusual features would make the property difficult to sell, and I would much prefer your original plans in terms of quality of living and saleability. Regarding letting a five bedroom property without any parking, it would be difficult to let other than to sharers, which would only further exasperate the problem as sharers could have as many as ten cars."

Whilst the Agent asserts that the 5 bed maisonette would be difficult to sell/let, the LPA has no evidence of any marketing of the property, and council tax records suggest that the property has had a long period (about 13 years) of non commercial letting by the Trustees of St. Nicholas Hospital.

The listed building lies within Flood Zone 3 which is at high risk of flooding and is immediately adjacent to the River Avon. The EA suggest that the site has flooded twice in the last 10 years. The development, which would create an additional dwelling at basement level, is classed as "more vulnerable" in PPS25. Therefore PPS25 advises that the development should only be

permitted in this zone of the exceptions test can be passed. For the exception test to be passed,

- a) it must be demonstrated that the development provides wider sustainability to the community that outweigh the flood risk
- b) the development should be on previously developed land and
- c) a Flood Risk Assessment (FRA) demonstrate that the development will be safe without increasing flood risk elsewhere and where possible, will reduce flood risk overall.

The EA have considered the FRA (see below) and despite the measures proposed to improve the building's resilience to flooding (including removable barriers, suitable design of internal fixtures, and a proposed Emergency Flood Management Plan following English Heritage's 2004 advice for Flooding and Historic Buildings) they do not consider that the development will be "safe" from flood risk for its lifetime and therefore, it fails part c of the exception test. The EA acknowledges the proposed flood resistance and resilience measures such as the flood barriers, flood warnings and evacuation routes from the site, but they consider that it fails to demonstrate how the development will remain safe and unaffected by flooding. The flood barriers are not considered to act as a fail safe means of defending the property and are unlikely at this site to prevent water penetration to the interior of the building. The EA would prefer to see the entire lower ground floor being used as a single property, so that just one property would be at risk of internal flooding. The EA feel that the property is at, "Considerable risk of flooding even with all openings defended by demountable barriers."

The applicant has argued that the risk of flooding from the River Avon is low, and that the residents can insure against the risk of flooding to the sitting rooms, and advanced notice of flood warnings are available. There are also compelling heritage arguments in favour of the proposal to restore the listed building to two separate dwellings, and the applicant has urged the Council to take a pragmatic approach in balancing the issues. However, the proposal would fail part c of the exceptions test set out in PPS25, and on the basis of the identified risk to future occupiers of the additional unit, officers have recommended the application for refusal.

9.5 Public open space

The applicant has been invited to enter into a Section 106 Agreement in respect of public open space provision. The agreement has been received.

10. Conclusion

Officers consider that the listed property was originally two dwellings, has historically been occupied as two units on the ground and lower ground floor, and the 5 bed maisonette is likely to be difficult to sell or let without parking. However, the proposal would fail part c of the exceptions test set out in PPS25. On the basis of the strength of the representation by the Environment Agency, in the knowledge that the site has flooded twice in the last ten years and given their views on the likelihood of flooding in the future, officers have recommended the application for refusal.

Recommendation:

It is recommended that planning permission is refused for the following reasons:

Reason for Refusal

The proposed development would create an additional residential unit by subdividing an existing maisonette in the ground and lower ground levels of a Grade II listed building, situated in Flood Zone 3. The basement has been flooded twice in the last decade. In applying the sequential test, the proposal fails the vulnerability category in PPS25 for Flood Zone 3, and the exceptions test must be applied. The flood risk assessment has failed to demonstrate that the new unit would be safe (not be at risk from flooding), and the development would therefore fail part c of the exceptions test. Whilst the development would ensure the ongoing occupancy of the listed building, and would restore the former layout as two dwellings on the ground and lower ground floors, occupiers of the additional residential unit would be at risk from flooding, and the development is contrary to the guidance in PPS25.

INFORMATIVE

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

NJH/0018 Sept 09

Existing Plans, Proposed Plans and Door elevations, received 23/2/10

Planning, Design and Access Statement, WGDP, Feb 2010

Marketing Advice, Myddelton and Major letter dated 28/1/10

Construction Method Statement and Schedule of Works, Feb 2010

Independent wall lining solutions by Karma Acoustics

Flood Risk Assessment and Management Strategy, Feb 2010

APPENDIX 2

Mrs Becky Jones
Wiltshire Council

Our ref: WX/2010/114979/01-L01
Your ref: S/2010/259/FULL
Date: 07 May 2010

Dear Mrs Jones

PROPOSED RE-INSTALEMENT OF TWO MAISONETTES TO LOWER GROUND AND GROUND FLOOR INCLUDING THE INSTALLATION OF FLOOD RESISTANCE AND FLOOD RESILIENCE MEASURES, 9-11 ST NICHOLAS ROAD, SALISBURY, WILTS

Thank you for consulting the Environment Agency on the above planning application subsequent to the committee meeting of the 22nd April 2010.

Whilst we acknowledge that both the development and site in question are constrained by other issues, namely the listed status of the property and physical difficulties faced with incorporating a fail safe means of defending the scheme from flood risk, we are obliged to **maintain our previous position** (our ref: WX/2010/114368/01).

The extended details supplied in support of the re-application for planning permission (LPA ref: S/2010/259) do offer significant flood resilience and resistance measures. However, these measures do not ensure that the proposed development and additional residential unit will remain safe from flood risk for the lifetime of the development (taken as 100 years). The development is therefore not in accordance with the requirements of Planning Policy Statement 25 (PPS25) Development and Flood Risk, and we continue to object on this basis.

We note the discussion held over the relevance of other planning guidance, specifically PPS5, and the desire to ensure that this historic property remains viable. Equally we acknowledge that the current proposal is essentially the reinstatement of the previous configuration, but in our role as the statutory consultee on flood risk we are required to maintain our current position in compliance with PPS25.

Should you approve the proposed development we would request that the following planning condition be added to the relevant decision notice:

Condition

The development permitted by this planning permission shall be carried out in strict accordance with the approved Flood Risk Assessment (WGDP Planning, Design and Access Statement - Appendix 3) dated February 2010, and shall implement the flood mitigation measures outlined within sections 4 and 5 of this document.

Reason

To reduce the impact of flooding on the proposed development and future occupants.

Informative

The applicant should be aware that all works in, under, over or within 8 metres of the adjacent Main River (Avon) will require prior Flood Defence Consent from the Environment Agency, in addition to planning permission. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation. Further guidance in this respect is available from our Development and Flood Risk Officer - Daniel Griffin (01258 483351).

The proposed scheme constitutes non-major development (2 units), and does not in our opinion set a precedent in such matters due to the unique nature of the site and existing property.

Should you or the applicant require any further clarification of our (maintained) position in respect of the flood risk prevailing to this development, they are to be referred to our Development and Flood Risk Engineer in this matter, Gary Cleaver (01258 483434).

Please contact me if you have any queries.

Yours sincerely

Ms Claire Aldridge

Planning Liaison Officer

APPENDIX 3

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 22 APRIL 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.

28.2. S/2010/0259/FULL - Proposed Re-Instatement of two maisonettes to lower ground and ground floor including the installation of flood resistance and flood resilience measures

Resolved: Provided that :

- A Subject to consultation with the flood group
- B The Environment Agency withdraws its objection and indicates that it does not intend to refer the matter to the Secretary of State

That the Area Development Manager be delegated to GRANT permission for the following reasons :

The property was originally two dwellings and has historically been occupied as two units on the ground and lower ground floors. The existing five bedroom maisonette is likely to be difficult to sell or let without parking, and presently has no flood resistance measures in place. The site is in a sustainable location, close to the city centre, and the ongoing occupation of the flats would benefit the listed building. The property is likely to be more attractive to occupiers if the five bed unit is subdivided as two flats, and the subdivision would reinstate the historic layout of the building. Flood resistance measures and a flood management scheme have been proposed to protect future occupiers from flooding. The proposals would therefore adapt a heritage asset and improve its resilience to climate change under PPS5. The development would reduce the overall number of habitable rooms from five bedrooms to four, and a means of escape is available to the proposed flats on the ground floor at road level. The development would not detrimentally affect neighbouring amenities or existing highway safety conditions. The proposal would therefore be in accordance with adopted policies G2, H8, CN3, CN5, CN8, CN11, C12, C18 and R2 of the Salisbury District Local Plan and the guidance on heritage assets and climate change in PPS5.

And subject to the following conditions:

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

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 shall be implemented in accordance with the Flood Risk Assessment and Management Strategy (Feb 2010) and the Construction Method Statement and Schedule of Works (Feb 2010) before the flats on the ground and lower ground floor are occupied.

Reason: To protect future occupiers against the risk of flooding and to ensure that protected species and the water quality of the River Avon are not harmed during construction.

3. No development shall commence until details of a Flood Management Scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals to ensure that all future occupiers of the flats hereby approved are made aware of the scheme before their occupation commences. The development shall be implemented and occupied in accordance with the agreed scheme at all times thereafter.

Reason: To protect future occupiers against the risk from flooding.

4. The development hereby approved shall be in accordance with the following documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council.

NJH/0018 Sept 09

Proposed Plans dated April 2010

Door elevations, received 23/2/10

Planning, Design, Heritage and Access Statement, WGDP, Feb 2010

Flood Risk Assessment and Management Strategy (Feb 2010)

Construction Method Statement and Schedule of Works, Feb 2010

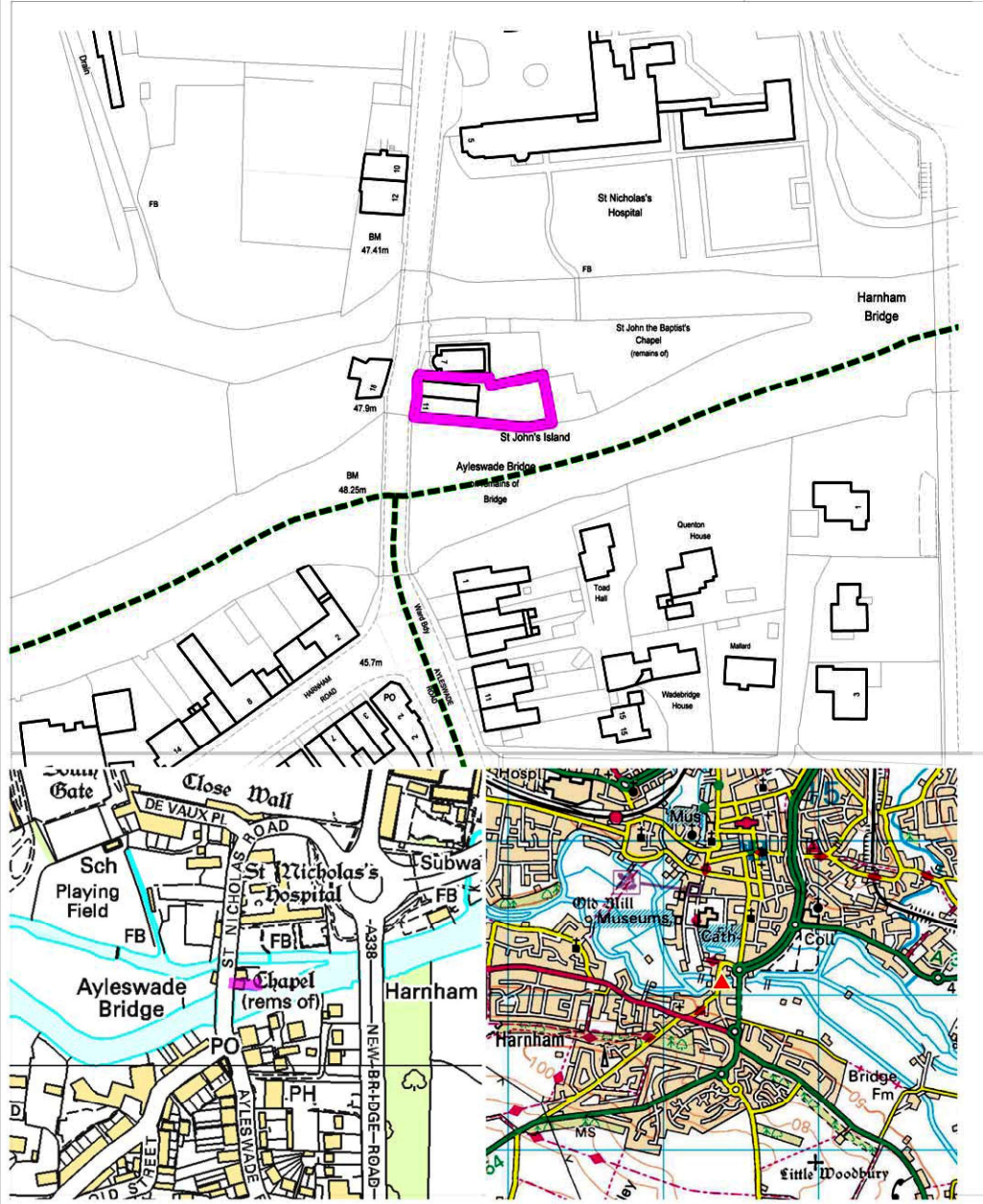
Independent wall lining solutions by Karma Acoustics

Reason: For the avoidance of doubt

If provisos A and B are not met, that the matter be brought back to the Southern Area Planning Committee for a decision.

Site Visit: No data

S/2010/259



Wiltshire Council
Where everybody matters

9-11 ST. NICHOLAS ROAD SALISBURY SP1 2SN

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2

Deadline:	13 th May 2010		
Application Number:	S/2010/0395		
Site Address:	LAND LOCATED BETWEEN CASTERBRIDGE AND THE PADDOCK SHRIFFLE LANE WINTERSLOW SALISBURY SP5 1PW		
Proposal:	ERECTION OF SINGLE STOREY DWELLING		
Applicant/ Agent:	BERNARD EACOCK LTD		
Parish:	WINTERSLOW		
Grid Reference:	424712 132846		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Councillor Devine has requested that this item be determined by Committee due to:

Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are :

1. Principle of proposed development
2. Scale and design
3. Impact upon neighbour amenity
4. Highway issues
5. Public Open Space provision, Policy R2
6. Other matters, drainage issues

3. Site Description

The site is located in an established residential area with a mix of housing of various ages and designs, fronting on to the south side of the Shripplle. Generally, there is a spacious feel to the development as the dwellings are mostly relatively large and on comparatively large plots, though the area is not uniform. The dwellings are accessed by a single width track which is unmade, narrow and in a very poor condition.

The asymmetrical site measures approximately 11m in width and between 32m and 25m in depth. It is fenced off from the surrounding land and is at present vacant. To the south-west is a recently extended bungalow, The Paddock, whilst to the north-east there is a small bungalow called Casterbridge. There is a general fall in the land from east to west which results in the application site being higher than that of The Paddock to the south-west.

4. Planning History

Application number	Proposal	Decision
79/1389	Erection of dwelling O/L	Refused 19/12/79
93/0727	Erection of detached bungalow	Refused 01/07/93 Appeal dismissed 25/03/94
01/381	Erection of one bedroom bungalow under tile roof with new vehicular and pedestrian access	Refused 21/05/01
09/1777	Erection of dwelling	Withdrawn 20/01/10

5. The Proposal

It is proposed to erect a detached bungalow of approximately 78 sq.m. on the site. The dwelling would be approximately 11m deep and 8.4m wide, at its widest and would be located towards the rear of the site. Parking for two vehicles is to be provided on the south-west boundary together with a turning area

6. Planning Policy

The following saved policies are considered relevant to this proposal

G1 and G2	General criteria for development
G3 and G5	Water
D2	Design criteria
H16	Housing Policy Boundary
R2	Public Open Space
TR11	Off street parking
PPS25	Development and flood risk

7. Consultations

Parish council

No objections but would like to make the following observation. There are certain properties within the Winterslow area that are experiencing immense water / drainage / sewerage problems and we would appreciate it if you could highlight this as a potential 'flood' problem to ensure no further properties experience the same problem / make the current situation worse.

Highways

Recommend refusal for the following reason 'The narrow unmade track to which this dwelling would have access is inadequate and unsuitable to cater for this additional dwelling'

Wiltshire Fire and Rescue

Consideration should be given to ensure access to the site is adequate and that there are adequate water supplies for fire fighting. Encouragement to provide domestic water sprinklers

Environmental Health

No objections but recommend conditions to control hours of work in the interests of the amenities of the neighbours.

Drainage officer

There is a known flooding problem within the area. Prefer no new residential development until the existing surface water system has been upgraded, as any increase in surface water within this area would exacerbate the existing problems and will adversely effect existing properties within Winterslow.

Wessex Water

The site is not located within a Wessex Water sewered area, but there is a water main in the vicinity of the proposal. A point of connection can be agreed at the detail design stage,

Southern Water

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification with an expiry date of 22 April 2010

Four letters of comment/objection have been received.

Summary of key points raised

- There is a localised flooding issue in Winterslow related to highway and surface water drainage. The continuing introduction of new properties, before remedial work has been undertaken on the drainage is unacceptable.
- Unlike the permission granted for the new house at Lowenva, the proposed

development is 300m from the nearest main road

- The access tracks are totally unsuitable to serve additional dwellings
- Dwelling would be visually imposing on neighbour, being 2m above it
- Loss of privacy and light
- Confusion in drawings as to whether hedge is to be retained or replaced with a wall.

9. Planning Considerations

9.1 The principle of the proposed development.

The site is located within the Housing Policy Boundary for Winterslow. In such areas development proposals such as this are considered to be acceptable in principle and the considerations therefore centre on the merits of this proposal.

In 1993, permission was refused for a bungalow on this site and a subsequent appeal was dismissed. Whilst the previous proposed dwelling was about 80 sq.m (in comparison to the current proposal of 78sq.m) and in a more central location on the site, it is considered that the appeal Inspector comments need to be taken into consideration. At that time the Inspector concluded that the proposed dwelling would be unsympathetic to the spacious character of the area, due to the scale of the proposed dwelling and the restricted size of the proposed curtilage. However since 1994, Government advice and guidance has been revised and development is now required to make the most beneficial use of land within existing settlements in order to achieve the wider sustainability objectives and it is recognised that a broad mixture of dwellings within localities plays a vital role in ensuring the vitality and viability of villages. Therefore, if the proposal for the development of the site were acceptable in terms of its relationship to adjacent dwellings and the character of the area then the mere fact that the plot was of a smaller size than others in the locality would not in itself be an automatic reason for refusal.

In considering the 1993 application the Inspector also concluded that the proposed development would affect the amenities of the neighbouring residents within the property known as The Paddock and that The Shripplie would form an inadequate access to the development with regard to the state of the track, poor visibility and conflict with pedestrians and these considerations are addressed below.

9.2 Scale and design

The application site is located between two bungalows and extends to approximately 0.4ha. Though it is a smaller site than either of its neighbours, as well as smaller than much other development in the vicinity. The proposed bungalow would virtually fill the entire width of the site, but such a relationship with the site is not unusual. The proposed dwelling is to be provided with a turning area and two car parking spaces, whilst this meets the car parking requirements, because of the limited area of the site the result is a very small rear garden/amenity space (5m x 11m) and limited space for soft landscaping.

However, the dwelling is also small, being described as having two bedrooms. Like its neighbours, it will be of single storey construction. As regards its siting, the proposed dwelling is shown located midway along a line on the site between Casterbridge and The Paddock respecting the general building line in the area. Due to the slope of the hillside, the terrain has a downward slope from east to west. Due to this differential in the height, the proposed dwelling would be higher than the dwelling known as The Paddock and sited on lower ground than Casterbridge, however, the dwelling has been designed with a very shallow pitched roof and with an overall height of 4m will respect the trend in ridge heights and will not be dominant in the street scene. In this respect the siting and scale of the proposed building is considered to be in accord with the general building line, scale and height of the dwellings in the immediate vicinity

9.3 Impact on neighbour amenity

The creation of a single storey dwelling in the position proposed within the site, designed as it is to minimise intrusion on the neighbours by the omission of most of the side elevation windows, will not overlook the neighbouring properties. However, the sheer presence of a dwelling in a position where currently there is not one will because of this, create a perception of overlooking and loss of privacy in comparison with the existing situation particularly for The Paddock. However, the new dwelling will only have an overall height of 4metres and will be set back from the boundary with the Paddock by 1.5m. Therefore, even combined with the sloping site, the change in outlook for The Paddock is not considered to be so detrimental as to warrant refusal.

In relation to Casterbridge, which is on a higher level, the side elevation is proposed to have two windows. These would be screened by the boundary treatment. But to further assist in reducing the impact of the development, the kitchen window is proposed to be high level and the bathroom window to be obscure glazed. It is therefore considered that there will be little impact upon the amenities of these neighbours.

9.4 Highway Issues

The proposed development will take its access off the Shripplle, an unmade and narrow track which serves a number of existing dwellings. Concerns have been expressed that a further residential property would increase traffic using the track to the detriment of its already poor condition, and highway safety. When considering the appeal, the Inspector accepted that The Shripplle would form an inadequate access to the development with regard to the state of the track, poor visibility and conflict with pedestrians. Wiltshire Highways in commenting on this new proposal, still consider that the access is inadequate and unsuitable to serve the proposed development.

Whilst members will be aware that Wiltshire Highways has consistently recommended refusal of residential development on the Shripplle, members have not always agreed. Most recently, members permitted a new dwelling to be erected in the grounds of Lowenva (S/2009/1343). However, though, it could be argued that one further additional property may not in itself constitute a substantial increase in use of the route, the considerations in this case are

different. That site was on the edge of the Shrippe and very close to the proper carriageway. This site on the other hand is 100m from the junction of the Shrippe with The Flashett and a further 130m from Gunville Hill, a total distance of 230m from the proper carriageway. In the other direction the site is approximately 340m from the junction with The Common. Also, as members are aware the Shrippe is of a substandard width and in the vicinity of the site is particularly narrow with no passing places. Therefore in this case, and as the highway has not improved since the Inspector upheld the highway reason for refusal, and the track is in an extremely poor condition, with severe potholes and no obvious signs of maintenance, no passing places and no pedestrian footways it is considered that there is a reasonable and sustainable highway reason for the refusal of this proposal.

9.5 Public Open space provision

A contribution for recreational facilities would be required for the new dwellings pursuant to the above policy. This could be secured through a unilateral agreement, but in this case, as the applicant has not made provision with regard to policy R2 a public open space reason for refusal is recommended in order to secure an appropriate contribution at any subsequent appeal.

9.6 Other matters, drainage issues

Though the Strategic Flood Risk Assessment did not identify this part of the The Shrippe as having a flood risk, there is a known flooding problem in this area and the drainage officer advises that there should be no new residential development in this part of Winterslow, until the existing surface water system has been upgraded, as any new or increase of surface water within this area with adversely effect existing properties within Winterslow. There are plans to carry out initial works within Winterslow in this financial year and this should prevent some of the issues experienced over the last few years. Due to shortage of funds, the whole scheme to improve the situation will be phased in over the next few years.

10. Conclusion

The proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers and is considered to be of an acceptable siting and scale. However the applicant has not demonstrated that the development would not exacerbate a local surface water problem and the proposed development takes its access off the roughly surfaced unlit track, The Shrippe, which is in an inadequate and unsuitable access to serve the proposed development and as such is contrary to the aims and objectives of policy G2 of the adopted Salisbury District Local Plan.

Recommendation

It is recommended that planning permission is refused for the following reasons:

1 The proposed development takes its access off the roughly surfaced unlit track (The Shrippl) which is in an inadequate and unsuitable access to serve the proposed development and the proposal is considered to be contrary to the aims and objectives of policy G2 of the adopted Salisbury District Local Plan.

2 In the absence of any of information regarding a surface water scheme, the applicant has not demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not exacerbate the existing surface water problems within Winterslow, contrary to Local Plan policies G3 and G5 and PPS25.

3 The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan as appropriate provision towards public recreational open space has not been made.

Informative

It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

Appendices:	NONE.
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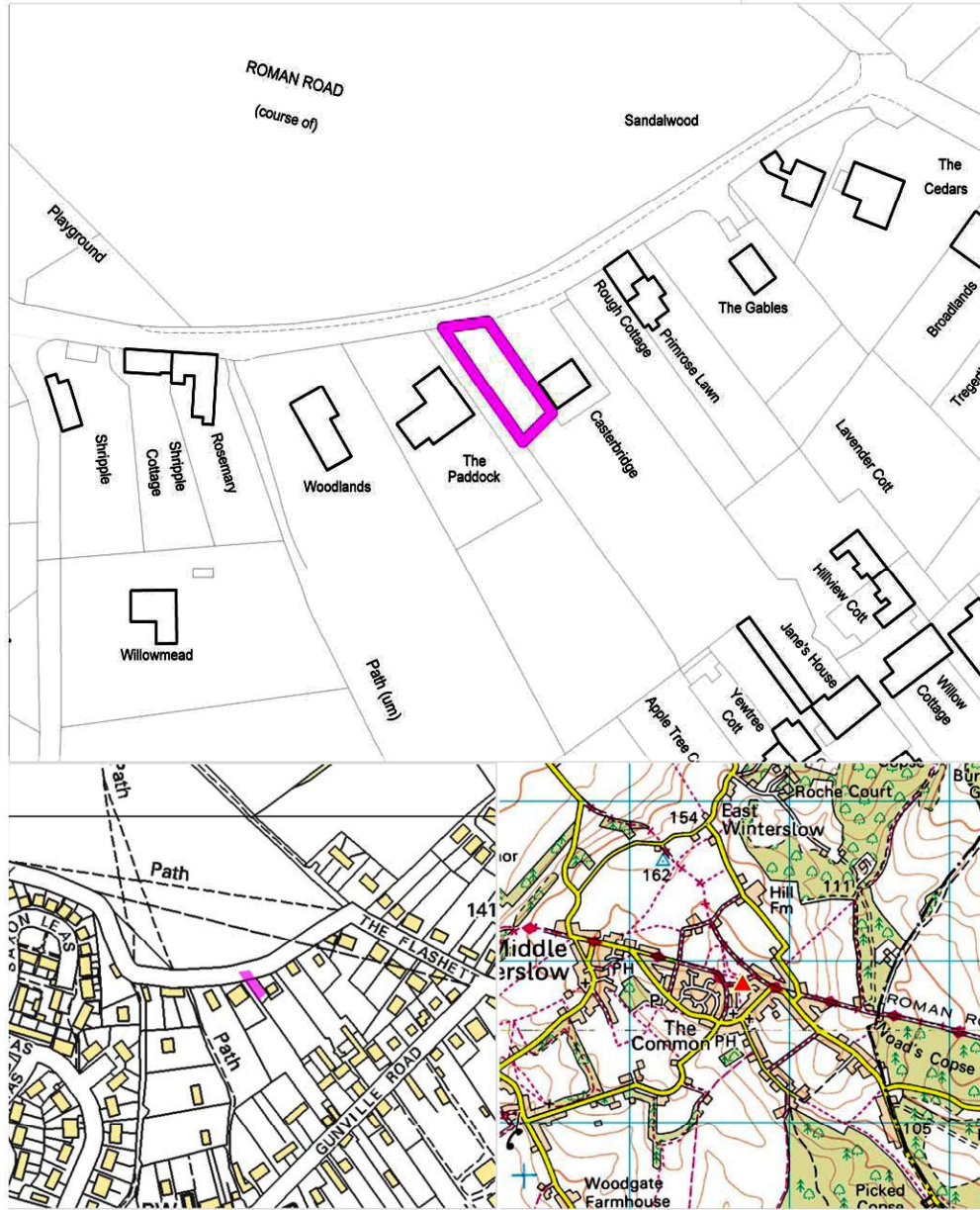
Background Documents Used in the Preparation of this Report:	BEL09-034-01 received on 4 March 2010 BEL09-034-02 received on 4 March 2010 804.01B received on 4 March 2010 Appeal T/APP/T3915/A/93/232593/P7 relating to S/1993/0727/TP
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ERECTION OF SINGLE STOREY DWELLING

S/2010/395

Site Visit:



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THE PADDOCK SHRIFFLE LANE WINTERSLOW SAL

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3

Deadline:	26 th May 2010		
Application Number:	S/2010/0471		
Site Address:	THE OLD COTTAGE LOWER STREET SALISBURY SP2 8EY		
Proposal:	REAR EXTENSION		
Applicant/ Agent:	MR RICHARD WOLFINDALE		
Parish:	SALISBURY CITY COUNCIL HARNHAM		
Grid Reference:	413477 129324		
Type of Application:	FULL		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	MRS A ILES	Contact Number:	01722 434312

Reason for the application being considered by Committee

Councillor Brady has requested that this item be determined by Committee due to:

Listed Building & impact of proposed extension

1. Purpose of Report

To consider the above application and to recommend that Listed Building Consent be REFUSED

2. Main Issues

The main issues to consider are :

1. Impact on the character of the listed building and conservation area
2. Impact on residential amenity
3. Impact on trees
4. Flood risk
5. Impact on the character of the listed building and conservation area

3. Site Description

The Old Cottage forms part of a group of three 16th century cottages in Harnham. The Grade II listed building is timber framed with brick infilling and thatched roof and is located within the Housing Policy Boundary and Conservation Area of Harnham.

4. Planning History

Application number	Proposal	Decision
S/2009/0231	Cut ash tree to 1 metre above ground level	Nobj, 27/03/09
S/2009/1245	Rear extension	Refused, 04/11/09
S/2009/1247	Rear extension and associated internal works	Refused, 04/11/09

5. The Proposal

Permission is sought for a two storey extension to the rear of the property. It will measure 5.4 metres by 3.8 metres constructed from brick with a thatched half-hipped roof with a large ridge-height thatched dormer on the northern elevation. This application is closely based on the previously refused scheme, the only notable difference being the change of roofing material from tile to thatch.

6. Planning Policy

The following policies are considered relevant to this proposal

PPS5	Govt guidance on Historic Environment, published Mar 2010
PPS25	Govt guidance on Development and Flood Risk
CN3, CN8, CN11	Conservation policies from Salisbury District Local Plan (Adopted 2003)
G2, D3	General policies from Salisbury District Local Plan (Adopted 2003)

7. Consultations

Conservation Officer – object

Salisbury City Council – no comment

Environment Agency – object as contrary to standing advice issued

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 06/05/10

1 letter of support has been received from member of public resident in Gloucestershire.

Summary of key points raised: Appears to be implying that refusal of this permission would mean that the area would be poorer if this young family were to move away, and that they would inevitably be replaced by absentee owners.

9. Planning Considerations

9.1 Impact on Listed Building & Conservation Area

The Old Cottage is part of a group listing also including Middle Thatch and Elim House, and is adjacent to other listed buildings (Old Mill Flats and The Three Crowns, also grade II) and properties which make a positive contribution to the Salisbury Conservation Area. The rear elevation forms part of the setting of the grade I listed Old Mill Hotel. The Old Cottage fronts onto Lower Street while its northwestern elevation abuts the Town Path; to the rear, behind the garden hedge, is the public open space of Harnham recreation ground, which forms a popular pedestrian route. The rear elevation of the property, particularly the thatched roof, is visible from outside of the site along a stretch of riverbank between the Old Mill Hotel and the recreation ground. The rear fenced boundary also encloses some shrubs and small trees but visibility is maintained throughout the year. As such, although on most dwellings the rear elevation is not clearly visible, and as such not as sensitive as the front, in this case it is as, if not more, important.

Although in some ways the proposal complies with guidance for extensions to listed buildings – the ridge height is lower and different materials have been used – in this case it is the principle of an extension interrupting the roofline which is of concern.

It is considered that any two storey extension would have a detrimental impact on the roofscape of the terrace. The sweep of thatch across the buildings is an attractive and historic view from the Old Mill and Town Path, and the proposal would interrupt this significantly. The extension to Elim, at the other end of the terrace, is built off the corner of the building rather than directly off the rear, thus leaving the original roof visibly unaltered; indeed, this extension blends into the view as part of the group whilst not drawing attention, aided by trees. The proposed change of roof covering for the extension from tile to thatch makes very little difference to the impact of the previously refused scheme, with the simplicity of the rear elevation still being awkwardly disturbed.

Therefore it is considered that an extension in the matter proposed would cause substantial detriment to the character of the listed building and important views within the Conservation Area.

9.2 Impact on Residential Amenity

Due to the location of The Old Cottage at the end of the terrace the only properties which could be affected are the adjoining dwellings. As no windows are proposed on the east elevation, and the first floor window on the north elevation will only offer oblique views, any impact in terms of overlooking is considered to be minimal. It is acknowledged that in particular the adjacent

property to the east (Middle Thatch) will suffer some loss of light. However, as this property already has a single storey extension protruding a similar distance as that proposed at The Old Cottage, and the proposed extension will be set lower than the main ridge height, any overshadowing is not considered significant enough to warrant refusal.

9.3 Impact on Trees

There is a large mature tree in the rear garden but the Arboricultural Officer has visited the site and has no objections to the proposal.

9.4 Impact on Flooding

The site is located within flood zones 2 and 3 despite having the benefit of the newly constructed Harnham Flood Defences which are believed to offer 1 in 200 year protection. The Environment Agency have confirmed that in order to comply with their standing advice, a flood risk assessment which states that floor levels will be set no lower than existing and flood proofing has been incorporated, or that floor levels will be set above the known or modelled 1 in 100 flood level, needs to be submitted. Although a flood risk assessment was submitted with the application it does not include such mitigation measures and as such refusal is recommended on these grounds.

9.5 Submitted letters of support

The applicants have submitted three letters of personal support from neighbours, praising the work they have already carried out at the property. One clearly links the applicants' personal situation to the need for extension.

10. Conclusion

The Old Cottage is one of a terrace of three Grade II listed properties. The rear elevation is clearly visible from the wider area and the sweep of thatch across the buildings forms an attractive, historic view from the Grade I listed Old Mill and the Town Path. The proposed extension, by reason of its bulk, mass and overall scale would significantly interrupt the roofscape of the terrace to the detriment of the building itself and its setting within the wider Conservation Area. As such it is contrary to saved policies D3, CN3, CN8 & CN11 of the Salisbury District Local Plan (Adopted 2003) and the guidance contained within PPS5.

Insufficient information has been supplied to demonstrate flood risk mitigation contrary to the advice contained within PPS25.

RECOMMENDATION

It is recommended that planning permission is refused for the following reasons:

(1) The Old Cottage is one of a terrace of three Grade II listed properties. The rear elevation is

clearly visible from the wider area and the sweep of thatch across the buildings forms an attractive, historic view from the Grade I listed Old Mill and the Town Path. The proposed extension, by reason of its bulk, mass and overall scale would significantly interrupt the roofscape of the terrace to the detriment of the building itself and its setting within the wider Conservation Area. As such it is contrary to saved policies D3, CN8, CN3 & CN11 of the Adopted Salisbury District Local Plan and the guidance contained within PPS5.

(2) Insufficient information has been supplied to demonstrate flood risk mitigation contrary to the advice contained within PPS 25.

Appendices:	None
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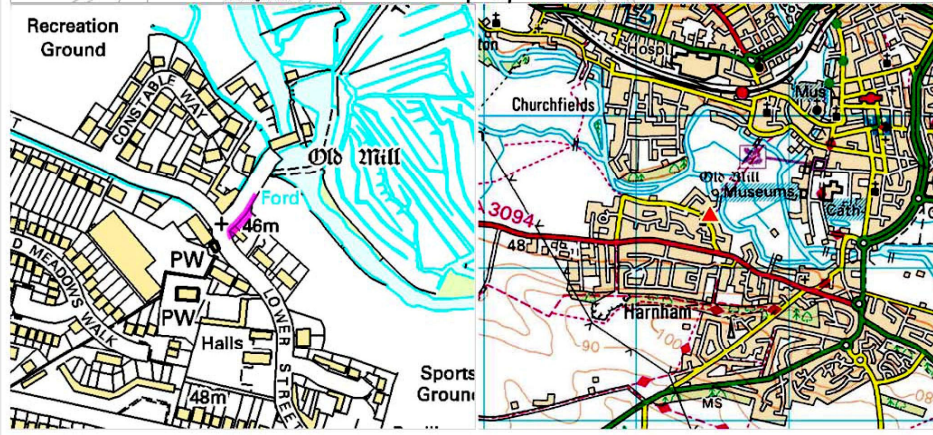
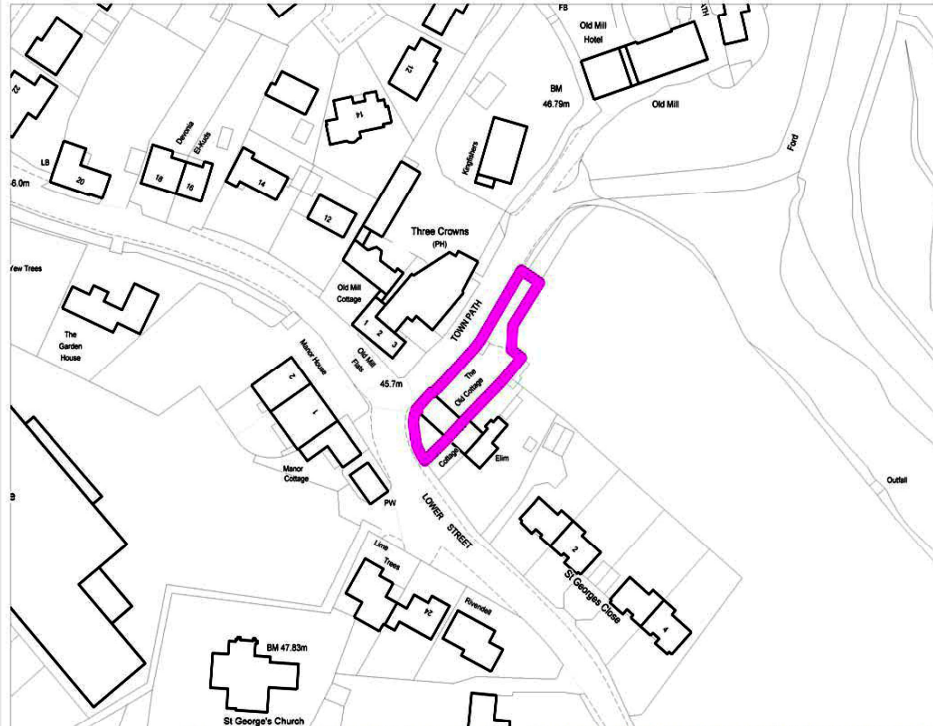
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> Plans as proposed, received 05/03/10 Proposed north elevation, received 23/03/10 Proposed east elevation, received 23/03/10 Site plan, received 23/03/10 Flood Risk Assessment, received 16/03/10 Window & Door details, received 16/03/10 Proposed west elevation, received 16/03/10 Design & Access statement, received 05/03/10 Sustainability & Environmental statement, received 05/03/10 Plans as existing, received 05/03/10 Elevations as existing, received 16/03/10
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REAR EXTENSION

S/2010/471

Site Visit:



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THE OLD COTTAGE LOWER STREET SALISBURY SF

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4

Deadline:	26 th May 2010		
Application Number:	S/2010/0472		
Site Address:	THE OLD COTTAGE LOWER STREET SALISBURY SP2 8EY		
Proposal:	REAR EXTENSION		
Applicant/ Agent:	MR RICHARD WOLFINDALE		
Parish:	SALISBURY CITY COUNCIL HARNHAM		
Grid Reference:	413477 129324		
Type of Application:	LBC		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	MRS A ILES	Contact Number:	01722 434312

Reason for the application being considered by Committee:

Councillor Brady has requested that this item be determined by Committee due to:

Listed Building & impact of proposed extension

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED

2. Main Issues

The main issues to consider are :

1. Impact on the character of the listed building and conservation area

3. Site Description

The Old Cottage forms part of a group of three 16th century cottages in Harnham. The Grade II listed building is timber framed with brick infilling and thatched roof and is located within the Housing Policy Boundary and Conservation Area of Harnham.

4. Planning History

Application number	Proposal	Decision
S/2009/0231	Cut ash tree to 1 metre above ground	Nobj, 27/03/09

	level	
S/2009/1245	Rear extension	Refused, 04/11/09
S/2009/1247	Rear extension and associated internal works	Refused, 04/11/09

5. The Proposal

Permission is sought for a two storey extension to the rear of the property. It will measure 5.4 metres by 3.8 metres constructed from brick with a thatched half-hipped roof with a large dormer on the northern elevation. This application is closely based on the previously refused scheme, the only notable difference being the change of roofing material from tile to thatch.

6. Planning Policy

the following policies are considered relevant to this proposal

PPS5	Govt guidance on Historic Environment, published Mar 2010
CN3, CN8, CN11	Conservation policies from Salisbury District Local Plan (Adopted 2003)

7. Consultations

Conservation Officer – object

Salisbury City Council – no comment

Environment Agency – object as contrary to standing advice issued

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 06/05/10

1 letter of support has been received from member of public resident in Gloucestershire.

Summary of key points raised: Appears to be implying that refusal of this permission would mean that the area would be poorer if this young family were to move away, and that they would inevitably be replaced by absentee owners.

9. Planning Considerations

9.1 Impact on Listed Building & Conservation Area

The Old Cottage is part of a group listing also including Middle Thatch and Elim House, and is adjacent to other listed buildings (Old Mill Flats and The Three Crowns, also grade II) and properties which make a positive contribution to the Salisbury Conservation Area. The rear elevation forms part of the setting of the grade I listed Old Mill Hotel. The Old Cottage fronts onto Lower Street while its northwestern elevation abuts the Town Path; to the rear, behind the garden hedge, is the public open space of Harnham recreation ground, which forms a popular pedestrian route. The rear elevation of the property, particularly the thatched roof, is visible from outside of the site along a stretch of riverbank between the Old Mill Hotel and the recreation ground. The rear fenced boundary also encloses some shrubs and small trees but visibility is maintained throughout the year. As such, although on most dwellings the rear elevation is not clearly visible, and as such not as sensitive as the front, in this case it is as, if not more, important.

Although in some ways the proposal complies with guidance for extensions to listed buildings – the ridge height is lower and different materials have been used – in this case it is the principle of an extension interrupting the roofline which is of concern.

It is considered that any two storey extension would have a detrimental impact on the roofscape of the terrace. The sweep of thatch across the buildings is an attractive and historic view from the Old Mill and Town Path, and the proposal would interrupt this significantly. The extension to Elim, at the other end of the terrace, is built off the corner of the building rather than directly off the rear, thus leaving the original roof visibly unaltered; indeed, this extension blends into the view as part of the group whilst not drawing attention, aided by trees. The proposed change of roof covering for the extension from tile to thatch makes very little difference to the impact of the previously refused scheme, with the simplicity of the rear elevation still being awkwardly disturbed.

Therefore it is considered that an extension in the matter proposed would cause substantial detriment to the character of the listed building and important views within the Conservation Area.

9.2 Submitted letters of support

The applicants have submitted three letters of personal support from neighbours, praising the work they have already carried out at the property. One clearly links the applicants' personal situation to the need for extension.

10. Conclusion

The Old Cottage is one of a terrace of three Grade II listed properties. The rear elevation is clearly visible from the wider area and the sweep of thatch across the buildings forms an attractive, historic view from the Grade I listed Old Mill and the Town Path. The proposed extension, by reason of its bulk, mass and overall scale would significantly interrupt the

roofscape of the terrace to the detriment of the building itself and its setting within the wider Conservation Area. As such it is contrary to saved policies CN3, CN8 & CN11 of the Salisbury District Local Plan (Adopted 2003) and the guidance contained within PPS5.

RECOMMENDATION

It is recommended that planning permission is refused for the following reasons:

The Old Cottage is one of a terrace of three Grade II listed properties. The rear elevation is clearly visible from the wider area and the sweep of thatch across the buildings forms an attractive, historic view from the Grade I listed Old Mill and the Town Path. The proposed extension, by reason of its bulk, mass and overall scale would significantly interrupt the roofscape of the terrace to the detriment of the building itself and its setting within the wider Conservation Area. As such it is contrary to saved policies CN8, CN3 & CN11 of the Adopted Salisbury District Local Plan and the guidance contained within PPS5.

Appendices:	None
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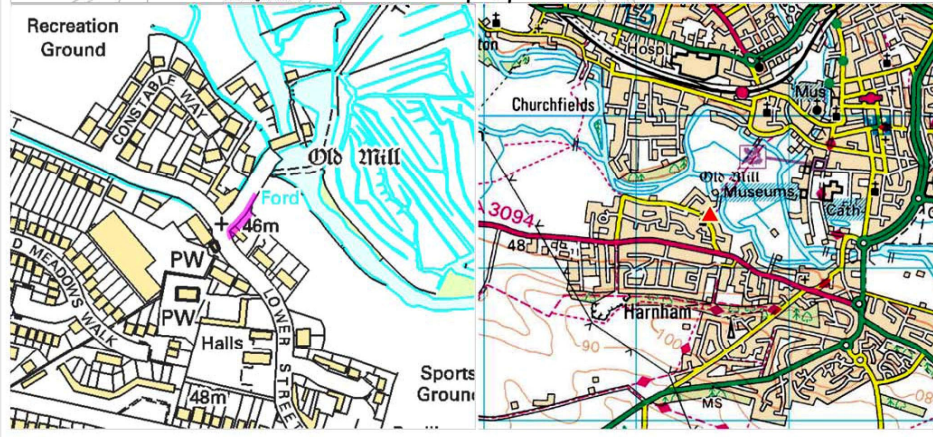
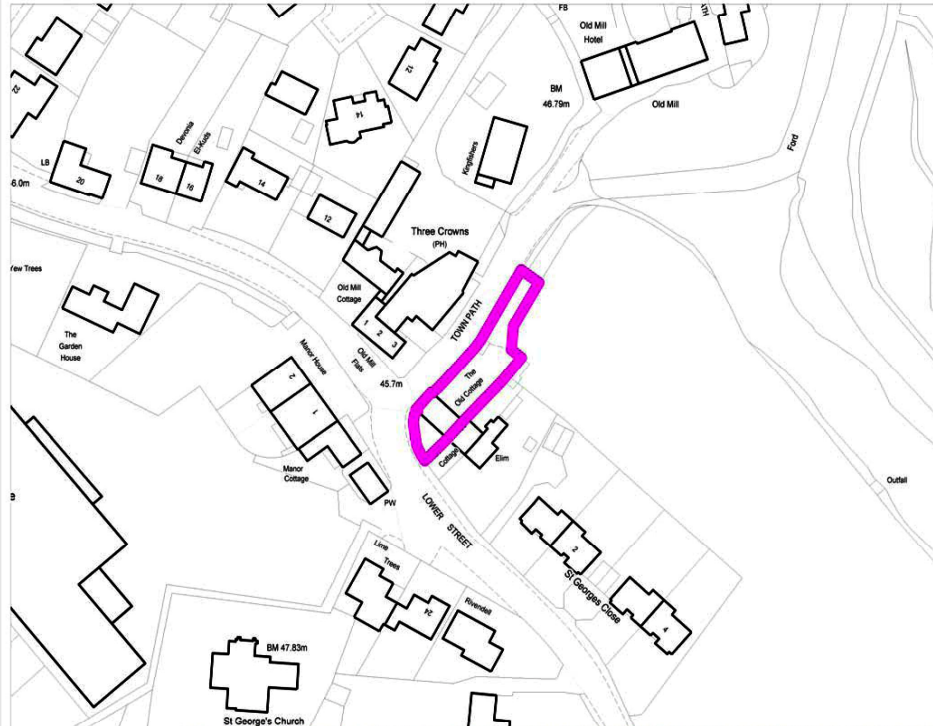
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> Plans as proposed, received 05/03/10 Proposed north elevation, received 23/03/10 Proposed east elevation, received 23/03/10 Site plan, received 23/03/10 Flood Risk Assessment, received 16/03/10 Window & Door details, received 16/03/10 Proposed west elevation, received 16/03/10 Design & Access statement, received 05/03/10 Sustainability & Environmental statement, received 05/03/10 Plans as existing, received 05/03/10 Elevations as existing, received 16/03/10
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REAR EXTENSION

S/2010/472

Site Visit:



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THE OLD COTTAGE LOWER STREET SALISBURY

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5

Date of Meeting:	17 th June 2010		
Application Number:	S/2010/0615		
Site Address:	BURTON FARMHOUSE BURTON MERE WARMINSTER BA12 6BR		
Proposal:	CHANGE OF USE OF OUTBUILDING TO RESIDENTIAL ANNEXE ANCILLARY TO BURTON FARMHOUSE		
Applicant/ Agent:	MR STEVEN NEAL		
Parish:	MERE		
Grid Reference:	382498 132419		
Type of Application:	CU		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

Reason for the application being considered by Committee:

The recommendation departs from local plan policy in respect of the provision of accommodation for dependant persons as the proposed annexe accommodation is outside of the residential curtilage of the dwellinghouse.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

2. Main Issues

The main issues to consider are :

1. The principle of the proposed development
2. Impact on the surrounding Special Landscape Area
3. Highways considerations
4. Impact on nature conservation interests
5. Impact on neighbour amenity

3. Site Description

The application relates to a detached outbuilding on land that is immediately adjacent to Burton Farmhouse, being situated approximately 20 metres to the south of Burton Farmhouse. The

outbuilding has been previously converted to an ancillary domestic outbuilding under planning approval S/06/2006, and subsequently occupied as a residential annexe to the main dwelling (Burton Farmhouse). The occupation of the converted outbuilding as a residential annexe is considered to exceed the consent granted under the 2006 approval, and is in contradiction to the section 106 legal agreement dated 24 November 2006 which precludes the use of the annexe for the purpose of sleeping.

4. Planning History

02/348 28.03.02	New porch to replace existing awning	AC
05/1097	Proposed replacement barn for hobbies studio	REF 02.08.05
06/2006	C/U of agricultural barn to domestic use ancillary to main house	AC 27.11.06
07/1728	Proposed grain store.	AC 18.10.07
10/0399 16.04.10	Deed of variation to section 106 agreement pursuant to planning permission S/2006/2006	WD

5. The Proposal

The application is retrospective and proposes the change of use of the outbuilding to allow its use as a residential annexe ancillary to Burton Farmhouse.

6. Planning Policy

- adopted (saved) local plan policy G2 (General Criteria for Development)
- adopted (saved) local plan policy H33 (Accommodation for Dependent Persons)
- adopted (saved) local plan policy C2 (Development in the Countryside)
- adopted (saved) local plan policy C6 (Landscape Conservation)

7. Consultations

WCC Highways – No response received at time of writing

Environmental Health – No response received at time of writing

Mere Parish Council – No response received at time of writing

8. Publicity

The application was advertised by site notice and neighbour notification letters
Expiry date 27.05.10

No third party representations had been received at the time of writing

9. Planning Considerations

9.1 The principle of the proposed development

The application is retrospective and proposes the change of use of the outbuilding to allow its use as a residential annexe ancillary to Burton Farmhouse.

The application relates to a detached outbuilding on land that is immediately adjacent to Burton Farmhouse, being situated approximately 20 metres to the south of Burton Farmhouse. The outbuilding has been previously converted to an ancillary domestic 'hobby use' outbuilding under planning approval S/06/2006, but has subsequently become occupied as a residential annexe to the main dwelling (Burton Farmhouse). The occupation of the converted outbuilding as a residential annexe is considered to exceed the consent granted under the 2006 approval, and is in contradiction to the section 106 legal agreement dated 24 November 2006 which precludes the use of the annexe for the purpose of sleeping.

The annexe is understood to be occupied by the elderly parents of the occupants of the main dwellinghouse.

The main policy consideration in respect of the provision of accommodation for dependent persons is set out within policy H33 which states:

Proposals to create separate units of accommodation for dependent persons will be permitted provided that either:

- (i) the accommodation is created wholly or partly within the existing dwelling or takes the form of an extension to that dwelling;
 - (ii) the design and internal arrangement of the proposed unit of accommodation would allow it to be re-absorbed into the main dwelling when it is no longer required to house a dependent person; and
 - (iii) where an extension is proposed, its siting and design is acceptable and the remaining external space around the building is adequate
- or,
- (iv) the accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling; and
 - (v) is subject to a restrictive occupancy condition or, if outside a Housing Policy Boundary,

Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area, is subject to the applicant entering into a legal agreement with the Local Planning Authority that the ancillary accommodation will not be let or sold separately from the main dwelling.

As the annexe is not within the residential curtilage of the main dwelling, the proposal is discordant with policy H33, however the application is retrospective and is in current occupation by dependent relatives of the occupants of the main dwelling. As such, consideration of the interests of the occupants of the annexe constitutes a material consideration.

No physical alterations or enlargements are proposed to the annexe building.

Whilst the use of the annexe for residential accommodation for dependent persons is considered contrary to policy H33, the 2006 planning approval would allow all other activities by dependent relatives that were ancillary to the occupation of the main dwelling, with the exception of sleeping.

The reason for the 'no sleeping' clause in the section 106 schedule is to guard against the use of the annexe as a separate unit of residential accommodation, and to prevent the establishment of a separate dwellinghouse in the countryside. However, by reason of the nature of the existing use, i.e. by dependent relatives of the occupants of the main dwelling, is not considered to constitute the creation of a separate planning unit (separate dwellinghouse) whilst it is occupied on this basis.

Therefore, taking into consideration the interests and circumstances of the existing occupiers of the annexe, the continued use of the annexe for residential purposes by dependent relatives of the main dwelling is considered acceptable on the basis of a personal permission, and to revert to ancillary 'hobby room' at such time as the use of the accommodation by the named dependent relative(s) is no longer required.

9.2 Impact on neighbour amenity

By reason of the distance and relationship between the annexe and the main dwelling, and the distance to the nearest neighbouring residential properties to the north (Hillock, approximately 75 metres from the annexe) and west (Burton Grange, approximately 90 metres from the annexe), it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

9.3 Impact on the surrounding Special Landscape Area

The application is retrospective and no physical alterations or enlargements are proposed.

On the basis of a personal permission, it is considered that the proposal would have no adverse impact on the landscape of the surrounding Special Landscape Area.

10. Conclusion

Whilst the use of the annexe for residential accommodation for dependent persons is considered contrary to policy H33, the 2006 planning approval would allow all other activities by dependent relatives that were ancillary to the occupation of the main dwelling, with the exception of sleeping.

The reason for the 'no sleeping' clause in the section 106 schedule is to guard against the use of the annexe as a separate unit of residential accommodation, and to prevent the establishment of a separate dwellinghouse in the countryside. However, by reason of the nature of the existing use, i.e. by dependent relatives of the occupants of the main dwelling, is not considered to constitute the creation of a separate planning unit (separate dwellinghouse) whilst it is occupied on this basis.

Therefore, taking into consideration the interests and circumstances of the existing occupiers of the annexe, the continued use of the annexe for residential purposes by dependent relatives of the main dwelling is considered acceptable on the basis of a personal permission, and to revert to ancillary 'hobby room' at such time as the use of the accommodation by the named dependent relative(s) is no longer required.

The proposed development would not adversely affect the amenity of neighbours or visual amenity within the surrounding Special Landscape Area.

Recommendation

Subject to:

- (i) No additional consultation or third party responses being received that would raise material planning issues which would affect the planning decision, and
- (ii) The applicants entering into a Section 106 legal agreement to ensure that the annexe and Burton Farmhouse are not sold separately from the land or each other, not let separately from the land or each other, not leased separately from the land or each other, not occupied other than in conjunction with the land and each other as ancillary accommodation to Burton Farmhouse or otherwise be dealt with separately from the land or each other, and that the annexe shall not have a separate curtilage formed around it,

It is recommended that planning permission is granted subject to the following conditions:

1. The residential occupation of the ancillary outbuilding/annexe hereby permitted shall only be by the following person(s): Mr John Harold Deeker & Mrs Pamela Iris Deeker

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – H33 (Accommodation for Dependent Persons)

2. When the ancillary outbuilding/annexe ceases to be residentially occupied by those named in condition 1 above, the use hereby permitted shall revert to ancillary private and domestic purposes incidental to the enjoyment of the associated dwelling (known as Burton Farm House), and shall not be used for any trade, business or industrial purposes whatsoever.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY – G2 (General Criteria for Development) & C2 (Development in the Countryside)

Appendices:

None

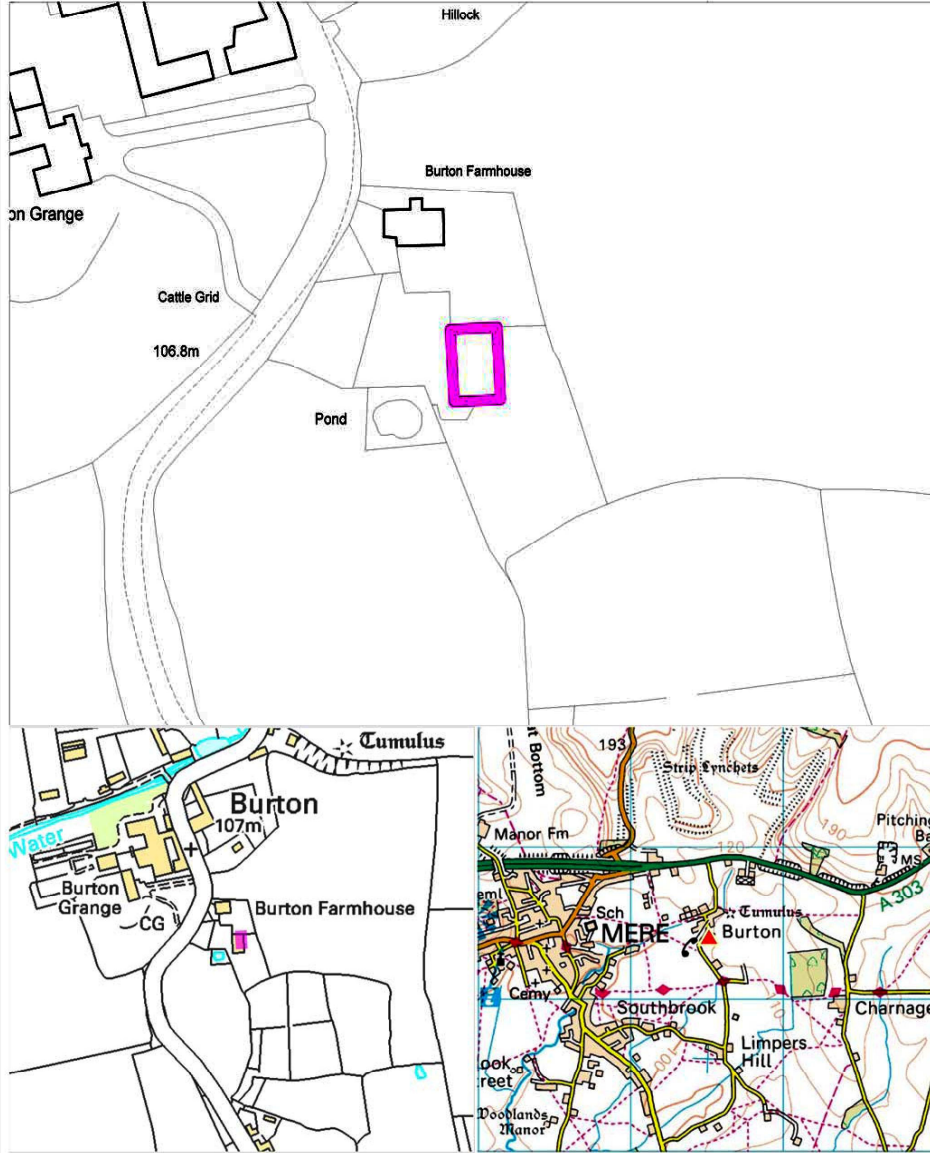
Background Documents Used in the Preparation of this Report:

Development plan documents as detailed at 6 (above)

CHANGE OF USE OF OUTBUILDING TO RESIDENTIAL ANNEXE ANCILLARY TO BURTON FARMHOUSE

Site Visit: No data

S/2010/615



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BURTON FARMHOUSE BURTON MERE

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE 3 JUNE 2010

OUTLINE APPLICATION S/2008/0779 FOR MIXED USE DEVELOPMENT OF LAND TO COMPRISE AROUND 90 DWELLINGS AND 3800 SQUARE METRES OF B1 BUSINESS FLOORSPACE (INCLUDING ASSOCIATED HIGHWAY INFRASTRUCTURE) AND LANDSCAPING ON LAND OFF HINDON LANE, TISBURY.

1. Report Summary:

- 1.1 To advise members of a proposed change to the s106 legal agreement, in relation to affordable housing provision.

2. Considerations:

- 2.1 The background to this report is the resolution of the former Western Area Committee of Salisbury District Council to grant planning permission for mixed use development of land off Hindon Lane, Tisbury, for around 90 dwellings and 3800 square metres of B1 business floorspace (including associated highway infrastructure). This was subject to a legal agreement under s106 of the Town and Country Planning Act 1990 to secure a number of planning requirements.

- 2.2 The requirements and the legal agreement relate to:

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

- 2.3 A time limit was originally imposed for the legal agreement to be completed within 3 months of the resolution, ie by 11th March 2009. It was subsequently agreed, at the meeting of the Southern Area Planning

Committee of 28th January 2010, that the period for completing the agreement could be extended under officers' delegated powers.

- 2.4 The completion of the legal agreement has now been delayed by a request by the applicants to change the wording of the draft agreement, to allow for greater flexibility in the provision of affordable housing.
- 2.5 In resolving to grant permission, the proposal was that 40% of 84 of the 90 dwellings would be affordable (ie 34 dwellings). Of these 34 dwellings, 14 units (40%) were going to be 'shared ownership' while 20 units (60%) were going to be 'affordable rent'.
- 2.6 Since the original resolution, there has been a change in the way that funding is allocated for affordable housing projects by the new Homes and Communities Agency. Social Housing Grant is now not available and this means that for the developers the affordable housing element at Hindon Lane, as negotiated, attracts a significant negative land value. This has significant implications for the delivery not only of the affordable housing proposed but also the range of community benefits flowing from the development. This is a problem that has affected other development sites through out the County.
- 2.7 The applicants' proposed solution is to vary the wording of the draft legal agreement to allow flexibility of tenure and staircasing. While this would retain the same number of affordable housing units as previously envisaged, there would be the scope for the balance between shared ownership and affordable rented tenures to be changed. However, this would only take place with the agreement of the Local Planning Authority.
- 2.8 The Council's Housing officer has discussed the possible changes to the mix with the likely Registered Social Landlord and both are content with the proposed increased flexibility within the s106, and the likely eventual mix (being 59% rented, 41% shared ownership and/or intermediate rent, although this could change). By accepting this change, the need would still be met but the affordable housing element would not attract a negative land value for the developer and the other aspects of the s106 (including financial contributions) would not need to be re-negotiated.
- 2.9 Also proposed is a change to the 'staircasing' provision from 80% to 100%. Staircasing is the lessee's right to purchase further shares in the property and the 80% limit would ensure that the remaining 20% would stay with the registered social landlord. Removal of this limit would mean that the purchaser has 100% ownership and over time, the benefits of affordable housing would not be available to occupiers in perpetuity. Eventually each dwelling could be staircased out of affordable housing entirely and then be sold on the open market.
- 2.10 Local Plan policy H25 says that, in dealing with schemes that have to include affordable housing:

“...arrangements will be made to ensure that the benefit of affordable housing is enjoyed in perpetuity, (i.e. not only by the initial occupiers of the dwellings provided, but also by their successors) through the management of the property by a Registered Social Landlord (such as a housing association, trust or similar organisation) and/or by the use of planning obligations and conditions.”

- 2.11 While the benefits of affordable housing would remain for a period of time to successive occupiers (until 100% is reached), ultimately there is a risk that the affordable houses would become open market houses, losing the benefits for successive occupiers. Once 100% has been reached the Registered Social Landlord would still retain a right of pre-emption for a period of 21 years, whereby they have the right to nominate a purchaser, buy or accept a surrender of the lease of the property.
- 2.12 The Council has not been able to impose an 80% staircasing limit except in some rural areas where grant is available and it has traditionally been its practice to do so where possible. In urban areas it has been standard practice to allow 100% staircasing for many years with Registered Social Landlords using the proceeds for further affordable housing.
- 2.13 Whilst this is clearly not ideal, it has been accepted by the Council’s Housing department because of advice to the Registered Social Landlord that lenders (ie for mortgages on the shared ownership dwellings) will not lend on units that do not allow staircasing to 100%. This has caused significant problems with sales of shared ownership units on other schemes, for instance Old Coal Yard in Tisbury. Essentially the 80% limit effectively prevents much of the benefit of affordable housing for the shared ownership units, because potential occupants cannot obtain a mortgage.
- 2.14 On balance, it is considered that allowing the flexibility sought by the applicants (in terms of tenure mix and removal of the staircase limit) is to be preferred, so that development can go ahead, including the provision of the affordable housing, which might otherwise not come forward at all.
- 2.15 A further change proposed by the applicants is to vary the range of different types of tenure within the proposed affordable housing stock. This means that some units would be made available (or have proportions of their equity) at an intermediate level, lower than the market price (or rent level) but higher than the Homes and Communities Agency’s normal affordable housing price or rent level.
- 2.16 This tenure range variation has only been proposed recently and is currently being considered. Members will be updated at the meeting itself, once the implications have been assessed further.

3. Options for consideration:

- 3.1 This proposed changes do not require a further resolution from members, because the original s106 delegation resolution was broad in scope. The

report has been brought for information only. Members are therefore asked to note the report.

Recommendation:

To note the report

4. Appendices:

A The original report to Salisbury's Western Area Committee on 11th December 2008 and the minutes of that meeting.

B The report and minutes of the meeting of Southern Area Planning on 28th January 2010.

Part 2

Applications recommended for Approval

1

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

REASON FOR REPORT TO MEMBERS

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

The application was due to be considered at November's meeting of the Western Area Committee. However, officers took the decision to defer consideration until the December meeting to allow for further consideration of additional correspondence received, particularly those from the AONB group and Natural England, and in light of further discussions about access to the Sports Centre through this site.

SITE AND ITS SURROUNDINGS

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

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

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

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

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

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

THE PROPOSAL

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

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

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

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

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

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

PLANNING HISTORY

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

CONSULTATIONS

Wiltshire County Council (Highway Authority)

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

- The applicant has submitted a further drawing no. 2424/HA/1, showing a scheme for the construction of a new mini-roundabout to serve the site. The scheme also includes additional footways on Hindon Lane and two bus stops with bus shelters (although not shown diagrammatically), and the re-positioning of the existing 30mph limit with additional features and markings to highlight the speed limit change. The scheme is largely in conformity with the requirements for access laid down by this Authority, but must be subject to full vetting via the further submission of detail drawings: as the application is at outline stage, I am content to offer a Grampian style condition for these

works to be further approved and constructed before any other development work is commenced within the development site.

- For clarity, the detail design of the mini-roundabout will be altered to reflect design changes which this Authority will require, so further detail drawings must be submitted at reserved matters planning stage. As stated in the Lawrence Rae letter, further changes may be required following a stage 2 safety audit prior to final approval by this Authority and the works will be subject to a Section 278 Agreement with this Authority.
- The revised detail of the emergency access (shown on drawing 2424/HA/1) satisfies my requirement to provide an access which will be available for public use by cyclists and pedestrians only but, in an emergency, can also be used by a fire appliance. The route within the site must be made available for public use and therefore the design of the internal roads and footpaths/cycleways must accord with Manual for Streets and WCC requirements.
- I am satisfied that the additional traffic/census data shows there is sufficient correlation between this site and the site in Teignmouth to accept the traffic analysis as submitted. In fact the correlation shows both locations are likely to have very similar traffic patterns and the additional data is welcomed and appreciated.
- I note the comments by CG Fry that only 6 of the 8 properties in Hindon Lane will be provided with an opportunity for rear access as a goodwill gesture. This is welcomed and it was my understanding that this would be provided when full detail design is further submitted at reserved matters stage - I understand the technical difficulty in providing access to all 8 properties but the potential improvement to parking arrangements along Hindon Lane is welcomed. I would be grateful if this element of the scheme could be controlled by condition if appropriate or is it more appropriate to identify and deal at the reserved matters stage? The illustrative scheme did not take full account of this arrangement. I confirm that I am satisfied that access would be provided via the new site access.
- Further work has been undertaken by Lawrence Rae Associates on the travel plan for both site uses which has been welcomed by this Authority. However, there are three elements to the draft TP's which this Authority would wish to included and which will involve a financial contribution or commitment: a payment for WCC monitoring costs should be sought, annual season tickets for rail users to and from Salisbury for one year should be included and a contribution to cycle parking facilities within Tisbury should be sought. Therefore, The TP's should be included in the negotiation of the Section 106.

Wiltshire County Council (Archaeology)

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

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

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

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

location of the trenching will be dependent upon the outcome of the geophysical survey;

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

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

SDC Forward Planning

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

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

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

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

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

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

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

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

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

Affordable Housing - With respect to affordable housing provision it is confirmed that this is in line with pre-applications negotiations. The developer is proposing 40% affordable housing on 84 dwellings using a split of 40% shared ownership and 60% affordable rent. This was

confirmed by the head of strategic housing at the time. Of the further 6 dwellings, these are to be provided on the land that was initially reserved for a new swimming pool. However both the district council and parish council acknowledge that this facility would be expensive to construct and run and therefore through negotiation with the parish council they have decided that in lieu of this they would prefer the construction of further dwellings for which the Parish council will then receive a commuted sum of £400,000 for indoor recreation use. This was agreed in negotiation with the parish council. These dwellings do not count towards the affordable housing provision for this reason. Otherwise the sum that would be available to the parish would be substantially reduced.

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

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

Market Housing:

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

Affordable housing

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

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

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

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

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

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

Accessibility - In addition the development brief, asks for 5 % of dwellings to be constructed to Lifetime Homes Standards. Although the design and access statement does suggest that a 'the small scale form of the units proposed will ensure access for the disabled there is no clarification of what this really means and whether this goes beyond Part M of the building regulations. The

provision of Lifetime Homes should be ensured especially as there is a shortage of accessible accommodation within the district, especially wheelchair accommodation to meet the needs of those with disabilities and the elderly.

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

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

Recommendation of Forward Planning Section:

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

Highways are satisfactory with the scheme

Phasing through the section 106 agreement is confirmed

The provision of more accessible accommodation is confirmed

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

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

Wiltshire County Council (Education):

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

However, we can only give an indicative response to an outline application, as the final details of housing numbers/mix are not available at this stage and could be significantly different than that applied for at full planning/reserved matters. We would therefore carry out a further assessment at full planning/reserved matters, before confirming whether or not any contribution would be applicable. (The position is then checked again at the point of finalising the S106). Our assessment takes account not only of the capacity and pupil numbers/forecasts of the designated area school, but also of the impact upon availability of places of other housing development that comes forward within that designated area. Pupil number forecasts are due to be updated by the end of this year. Therefore, our position may change if there are:

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

These are therefore the caveats to our response. Having said that, SDC is better placed than Western Area Committee 11/12/2008

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us to know whether or not other housing proposals are going to arise in this area, and unless this is the case, and /or a substantial rise in pupil numbers is forecast in this year's update,

then Tisbury is not one of our identified pressure points for primary school places provision in the county.

SDC Housing

Affordable Housing % / tenure splits

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

Other comments regarding the draft S106

The comments from the Parish Council in terms of the local connection criteria have been noted and it is agreed that we should include reference to West Tisbury. Also have no objection to the suggestion to cascade out to adjoining parishes before cascading out to the Salisbury District as a whole. It is also worth mentioning on the S106 that applicants should be registered on the Housing Register.

It is suggested that there should be a 'cascade' clause in the S106, in terms of the tenure split. Whilst we have been more flexible than usual in agreeing 40% shared ownership on the site rather than our standard 25%, we must take account of the current market conditions which are causing some issues with applicants being able to obtain mortgages for shared ownership schemes, particularly in rural areas where the 80% staircasing restriction applies. Another Registered Social Landlord (RSL) is currently experiencing difficulties selling 2 shared ownership houses in Tisbury for that reason. Obviously the completion of any dwellings on this site would be some way off yet, and hopefully the lending situation will have improved by then. However, it is believed that a cascade clause would be beneficial to all parties concerned to cover any future problems with saleability of shared ownership, when the developer could revert to affordable rented accommodation as a fallback.

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

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

SDC Economic Development

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

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

In the whole Tisbury Community Area there is approx 2.41ha of dedicated employment sites (see Employment Land Review, page 87). This comprises the 1.4ha E14A allocation, plus - Station Works 3.8ha; Station Yard 0.31ha; Old Dairy, Fonthill Bishop 0.26ha; and Manor Farm,

Chilmark 0.44ha. The 1.4ha is therefore a significant portion of this. However, in terms of employment in the Tisbury CA, the majority of businesses (74%) are not located at dedicated employment sites and are found at other ad hoc locations.

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

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

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

Wiltshire & Swindon Biological Records Centre

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

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

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

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

Wiltshire Fire and Rescue Authority

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

Fire Appliance Firefighting Access

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

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

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

Domestic Sprinkler Protection

- A core objective of the Wiltshire Fire Rescue Service is to support and encourage an
- Western Area Committee 11/12/2008

increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon.

- As you may well be aware residential sprinklers are not new. Though a British invention, the development has been pioneered in the United States, Australia and New Zealand to name but three. In these countries there are whole communities which enjoy such installations and can boast a zero fatality rate from domestic fires.
- I would like to present to you these following short points for your consideration:
- Residential sprinklers work from the standard water mains. Usually a house does require a 32mm connection rather than the industry standard 25mm;
- They are surprisingly inexpensive to install particularly in a new building;
- They do not activate by accident causing unwanted damage;
- Only activated sprinkler heads will operate. Not the whole system as is often believed;
- They are not unsightly as they sit flush to the ceiling behind a flat cover;
- They cause less water damage in a fire than normal firefighting operations plus drastically reduce fire and smoke damage.

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

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

Wessex Water

Our engineers comments are as follows:

Foul Drainage

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

Surface Water Drainage

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

Sewage Treatment

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

Water Supply

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

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

Tisbury sewage treatment works has capacity to accommodate the additional flows. Also in our Western Area Committee 11/12/2008

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current investment plan, 2005–2010, there is provision for substantial improvement works at Tisbury sewage treatment works. Work is programmed to start in January 2009 with completion due in December 2009.

AONB Group

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

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

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

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

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

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

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

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

Whilst I recognise from the comments made in the Design and Access Statement that buildings will not be as high as originally contemplated, I notice that the layout plans show a very substantial number of tall buildings with high rooflines to accommodate a third storey within the roof space. This is likely to create significant visual intrusion in the AONB. Such a number of high buildings will not only be visible from a number of aspects but will also serve to accentuate the existence of the development on high ground. This seems totally contrary to the accepted practise of aiding integration into a landscape by reducing the height of buildings on higher ground.

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

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

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

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

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

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

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

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

Following publication of the earlier report to WAC in November, the AONB group made the following additional comments:

As the site is in the AONB I believe you / your Council would be justified in taking a more rigorous approach to the proposal. Indeed, PPS7 supports that, particularly in Key Principle 1 (vi) and para 21.

Paragraph 22 goes so far as to say, 'Major developments should not take place in these designated areas [AONBs and NPs], except in exceptional circumstances'. It would seem that the 'exceptional circumstances' have not been demonstrated. That paragraph of PPS7 further states that the most rigorous examination of the proposals should include considering development outside the designated area, and also the detrimental effects of the proposals on the environment and landscape. From my rather swift reading of your report it appears that the landscape impacts have not been analysed, nor the extent to which they could be moderated.

Paragraph 12 of PPS7 emphasises the duty of Local Planning Authorities to ensure development respects and, where possible, enhances historic, architectural, and local countryside character. Paragraph 23 refers to development in designated areas being carried out to high environmental standards through the application of appropriate conditions. I will return to this point.

PPS7 also gives guidance on housing in rural areas, focussing on local needs and affordable housing [paragraphs 8 and 9]. Whilst the AONB would support the proposed proportion of affordable housing [40%] the local need for 90 dwellings seems less justifiable.

In this case I am particularly concerned that that the development is on a rising ridge where modern buildings, high structures, and contemporary materials will be obvious, will stand out, and will interrupt longer views. Other recent development in Tisbury does not fill me with confidence that designs and materials will integrate with the established character of the settlement. Traditionally buildings on higher ground have been built lower, to withstand the effects of exposure, and this helps them to blend into the landform. The proposals appear to be placing quite tall and substantial houses and dwellings on high ground, thereby maximising rather than minimising their physical and visual intrusion, and arguing with the flow of the landscape. Very close attention will be needed to height, form, and materials to achieve any form of integration into the landscape, and I remain to be convinced that there is sufficient evidence that this can be achieved. I believe that your Council should, in an AONB, have that demonstrated beyond any reasonable doubt prior to considering granting planning permission.

Furthermore, landscape screening and mitigation should be demonstrated to be achievable before an outline permission is granted. A LPA can require a full and detailed planning application in an AONB, although that might be seen as rather onerous in this case.

Nevertheless, one of the achievements of the AONB going to public inquiry about the potential implementation of a site for 700 houses east of Shaftesbury just outside this AONB was the acceptance by the Inspector, and the Secretary of State, that some 60 detailed planning conditions were appropriate on an outline permission to ensure that the various matters relating to landscape integration, SUDS, views to the AONB, orientation of buildings to minimise visual intrusion, limitations on building heights, lighting and control of light pollution, and so on, were integral to the approval. I see a clear parallel with the Hindon Lane proposals, except that the case is stronger as the proposal is in the AONB. I feel you have very good grounds for addressing landscape matters, such as visual intrusion, building heights and form, screen planting and other mitigation in greater detail at this stage.

My other major concern is that the character of Hindon Lane along its whole length will be changed, both by the additional volumes of traffic and the urbanisation of it by the proposed roundabout and suggested traffic calming measures. Those matters are, in some ways, more worrying as they impact on other locations away from the development itself and thereby extend the impacts of change over a wider area. The additional traffic will impact adversely on the tranquillity of this AONB, a key characteristic of Cranborne Chase & West Wiltshire Downs.

As Tisbury is within the AONB I would suggest that SDC are entitled to require that the effective integration and mitigation of the proposed development at Hindon Lane be demonstrated in full and in advance if it is minded to approve a significant development there.

I am also concerned that there do not, as your report stands, appear to be any requirements to formulate and put in place landscape treatments, screening, enhancements, or features prior to development commencing. I do not even see a condition requiring landscape works to be completed before dwellings are occupied. Both approaches are, as I am sure you appreciate, recognised mechanisms for ensuring that a construction site does not remain exposed to view and an eyesore, and that landscape works are given the attention they deserve.

Natural England

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

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

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

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System'. Paragraph 98 of the Circular states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

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

Following publication of the earlier report to WAC in November, Natural England contacted officers to clarify that although Natural England's remit now includes landscape considerations, Natural England's comments above only reflect consideration of protected species. They do not want their comments to be taken to support the application in terms of landscape, though they are not objecting on these grounds either.

They comment that landscape impact and the comments of the AONB group should be given careful consideration.

Environment Agency

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

Flood Risk

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

Condition:

No development approved by this permission shall be commenced until details of a scheme for Western Area Committee 11/12/2008

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the provision of surface water run off limitation incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 has been submitted to and approved in writing by the local

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

Reason:

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

Informative:

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

Condition:

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

Reason:

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

Informative:

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

Land Contamination

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

Condition:

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

1. A desk study identifying:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site;
3. The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
4. A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting.

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

Reason:

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

Informative:

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

Pollution prevention during construction

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

Condition:

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

Reason:

To prevent pollution of the water environment

Water efficiency

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

Condition:

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

Reason:

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

Sustainable building and construction

We strongly recommend that the proposed development includes sustainable design and construction measures which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible preferably six. The applicant is advised to visit

<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards> for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and is compulsory for all housing from May 2008.

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

Summary

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

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

SDC Environmental Health

Recommend the following conditions be applied to this application:

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

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

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

REPRESENTATIONS

Advertisement Yes – expired 22/05/08

Site Notice displayed Yes – expired 22/05/08

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Departure
Neighbour notification

No
Yes – expired 15/05/08

Third Party responses
(includes CPRE)

Yes – 16 letters raising the following issues/concerns:

- Poor road network within Tisbury, in particular Hindon Lane is narrow, (not consistently 5.5m throughout its length) and lack of pavements;
- Concern at additional vehicles generated including large vehicles;
- Transport assessment is based on data from 2006. Traffic levels have been increasing recently and 243/232 vehicles were counted on 8th/13th May respectively. Peak-time traffic has increase by 27% in the past 18 years and levels for 2008 are already higher than the forecast made for 2016 made in the Transport Assessment;
- Unlikely that new occupiers will realistically access site by foot. Distances to site in TA are measured from centre of site (greater at furthest edges), site is uphill climb;
- Poor bus service (although increase in potential users may make service viable);
- TA assumes that the amount of traffic will decrease or remain static between 2011 and 2016 which is unrealistic;
- Concern at position of offices and small workshops among the houses;
- Increase in number of dwellings proposed to 90. This is beyond the 75 that the Inspector (at the Local Plan Inquiry) considered that the area could accommodate. Even if 6 are accepted because of the loss of the swimming pool area this only produces 81 dwellings;
- Noise and hours of work during construction;
- Phasing of development to ensure affordable/employment units are constructed;
- Potential for cars belonging to some properties in Hindon Lane to access/park from the rear;
- Discrepancies/inaccuracies with the submitted forms;
- Control over use of the emergency access;
- Impact of the 'Exceedance Overflow Protection' Area;
- Liability/positioning in relation to quarry to south of Rosebank;
- Impact on protected species;
- Impact on sewage system;
- Impact on local schools;
- Inadequate recreational facilities;
- Increase in noise and disturbance;
- Impact on property values;
- Opportunity has not been taken to provide through vehicular access from Hindon Lane to the school/leisure centre complex which would have allowed school coaches/staff vehicles to avoid the congested route through the village;
- Allowing vehicular access between the site and Weaveland Road would help spread the load of increased traffic. It would not be a 'rat run' to the village centre because Hindon Lane would still provide a quicker and more direct route;
- TA is not realistic;
- Development is out of scale and will produce a 'split' village (drawing life away from the High Street as the centre of the village);

- Increase in housing in the last 20 years means that saturation point has been reached;
- No need or interest for workshops or small industrial units;
- Far from contributing to the village, new residents will just encumber it by their traffic as they drive to work or shop outside;
- Landscaping on the western boundaries won't soften the impact on the AONB, just put a cosmetic fringe around it that won't even conceal the height of the proposed buildings;
- Traffic calming measures will just produce worse jams and queues of cars and lorries. Such measures reduce speed of traffic not volume;
- Risky social experiment of forcing a new community onto an old one, and of forcing affordable and non-affordable houses together. Reality is that friction will result;
- Preferable that Tisbury evolves in small steps rather than this out-of-scale proposal;
- Pressure from above to meet housing targets by building on Greenfield sites should be resisted;
- The brownfield station site is an alternative that, if used instead, would 'head off' objection to this proposal;
- SDC should insist that Central Government re-evaluates new house building calculations, prevent all new development until this re-evaluation is available, insist that all future approvals are credited against the overall future building requirement; SDC should ignore timescale rules and put weight behind common sense and fairness to the communities;
- Residents of the houses at 1 – 8 Hindon Lane use the lane off Hindon Lane, proposed to be used as a public footpath, to access their properties. If the access is denied to these residents then they will have to park on Hindon Lane, resulting in more congestion and hazard;
- Increased population does not mean more business, just more movement;
- There are already vacant work space units waiting to be rented in the village and surrounding area;
- There is clearly a need for new housing;
- No concession has been made to creating open spaces or to address environmental or ecological concerns;
- Impact on sense of space of nearby properties; domination of existing dwellings on Hindon Lane by new dwellings' height;
- Object to idea that current footpath should be upgraded to a cycle route; track is already used by motorcycles (despite prohibition) and entry onto Hindon Lane is a blind corner, and onto narrow, poorly lit road. Footpath also implies lighting which will impact on property;
- 8 metre buffer, agreed at initial stages, between end of existing gardens and development has been reduced to only a few metres. Given restrictions on extensions etc in relation to subservience to the original building, suggest that this development needs to show subservience to existing houses by being lower in height, less dense and further away;
- Potential for water run-off both during and after building;
- Where has the swimming pool proposed to be next to the sports centre gone.

Parish Council response

Yes – Tisbury and West Tisbury Parish Councils have

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

- The application is substantially different from the development brief. The application now relates to 90 dwellings rather than the 75 previously proposed. This exacerbates the impact on the village and the surrounding area, and increased density on the site will provide a poor quality of life for the eventual residents;
- The design of the development equates to one huge single-entrance cul-de-sac is inappropriate for an village and the AONB. This seems central to the developer's intentions;
- The PC objected to the planning brief's three storey houses. The outline application's 2.5 storey houses have not necessarily achieved any significant reduction on the height of the houses. Away from the High Street the Tisbury vernacular is rural and should not be subjected to an urban style;
- The design of the dwellings remains unclear. Preference for natural stone and absence of block/render;
- Many of the trees indicated are shown in private gardens and it is not clear how these will be provided or protected;
- Nothing is said in relation to street lighting;
- The PCs are not convinced that there will be sufficient demand for the employment units – particularly given the way that they are scattered within a housing development which will raise concerns over commercial traffic and security;
- Express concern that the industrial units will end up being converted to flats or shops (with impact on High Street);
- In light of current market conditions the developer is likely to want to delay or phase development. How would phasing be handled? The worst outcome would be a fully-serviced site and a half built development;
- One car space per house and one per commercial unit is a triumph of central government policy over common sense. The consequences will be up to 50 cars continually parked on already narrow roads. Fire engines need clear passage of some 2.8m; a realistic allowance for off-road parking needs to be made;
- 20mph speed limits are wishful thinking – the existing 30mph limit is widely ignored;
- The proposed installation of a roundabout on Hindon Lane is totally inappropriate in a rural village lane. In proposing it the developer is highlighting the traffic problems that will arise from development of this scale in this location;
- The proposal to build 40m of footway either side of the roundabout is pointless given the impossibility of extending that footway further towards the village centre. Adding a bus stop at this point will be equally pointless if the bus service remains as it is;
- The Transport Assessment makes a number of unreal assumptions. Residents will not all walk to the village given the walk of half a mile (uphill on return). Not all residents will be fit, able and willing to walk this distance especially if accompanied by children/shopping, as evidenced by Churchill Estate residents who drive. Danger of walking

- made worse by lack of footways on Hindon lane;
- There will be a substantial traffic generation from the estate. 90 houses plus employment will increase the number of cars in the village by up to 200, plus employment and school, traffic;
- All the extra traffic must pass through existing pinch points in nearby hamlets – an unreasonable imposition on surrounding hamlets;
- Hindon Lane is not sufficiently wide to accommodate passing buses and lorries;
- The TA assumes that TisBus (a volunteer service) can step to accommodate for the very limited commercial buses but there appear to be no proposals for the developer to contribute to the costs of running TisBus;
- Many new residents will drive to the railway station, exacerbating the parking problem at the station/Nadder Close car park;
- Construction traffic is barely mentioned – this will cause substantial disruption and impact on air quality;
- Outline application makes no mention of renewable energy, recycling, water reclamation etc;
- More provision needs to be made to accommodate species' habitats;
- If the surface water storage and drainage system fails would residents have any redress;
- PCs want assurance from Wessex Water that the existing foul drainage system can cope with 200 or so extra residents and that the treatment plant will have its capacity increased;
- Concern that the PCs would have to spend the financial contribution within five years of the date of the s106 agreement but the contribution will not be received until 24 hoses have been built (which might give little time to act);
- Parish Councillors propose that any new houses resulting from this application should be treated as part of the future contribution towards the 350+ houses likely to be imposed on the Tisbury area.

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

Chilmark Parish Council have also commented on the application, objecting on the basis of traffic and congestion along local roads. They are also concerned that there is inadequate infrastructure of jobs in the area to sustain more development, and that the cumulative effect of more and more development harms the scenic natural beauty of the AONB.

MAIN ISSUES

Whether development of the site for residential and employment uses is acceptable in principle
Whether the number of dwellings is acceptable, including the impact on the character and appearance of the area, AONB and adjacent Conservation Area

Whether the level of employment floorspace is acceptable

Means of access, highway safety and proposed improvements to public transport facilities

The provision of community facilities

Public recreational open space

Affordable Housing

The impact on protected species

The impact on the water environment (drainage, flooding)

The impact on neighbouring properties
The impact on archaeological features
Education facilities
Waste Management
Other factors

POLICY CONTEXT

Adopted Salisbury District Local Plan 2003 (saved policies)

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

Adopted Wiltshire Structure Plan 2006

DP1 Pursuit of Sustainable Development

Supplementary Planning Guidance

Creating Places
Sustainable Development
Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

Government Guidance

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

PLANNING CONSIDERATIONS

Whether development of the site for residential and employment uses is acceptable in principle

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

The Local Plan did identify this site as forming part of the second phase of development of the Western Area Committee 11/12/2008

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

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

The Council's Cabinet resolved to delay the release of the Hindon Lane site, for 6 months, until a marketing exercise had been undertaken to establish whether the Station Works would be retained in employment use. It was established that the Station Works site would be retained in employment use and, as a result, the Council's Cabinet agreed, on 28th February 2007, that the Hindon Lane site should be released.

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

It is recognised that government guidance in Planning Policy Statement Seven does state (at paragraph 22) that major development (such as this) should only be permitted in Areas of Outstanding Natural Beauty in exceptional circumstances, which would need to be in the public interest to proceed and which would need to be the subject of rigorous examination. Assessment would need to be made of environmental/landscape impact and the scope for developing sites outside of the AONB.

This guidance was published in August 2004 and therefore post-dates the adoption of site allocation (in 2003), though it pre-dates the adoption of the Development Brief (2006) and the release of the site (2007). Nevertheless, it is clear that in allocating the site consideration would have been given to the impact on the AONB.

The extent to which particular sites in the District (both within and outside of the AONB) should be developed has already been considered through the local plan process and to try and reconsider other possible sites for housing outside of the AONB as part of this planning application would make the Local Plan process meaningless. There were only relatively few sites allocated under the current Local Plan for residential development within the AONB and this therefore makes their development exceptional. The provision of additional housing on suitable sites such as this is also considered to be within the wider public interest.

Against this backdrop, to try and argue that development should not be permitted on this site as a matter of principle would have little chance of successful defence at appeal, and would risk a significant award of costs against the Council.

Whether the amount of residential development is acceptable and the impact on the character and appearance of the area, AONB and adjacent Conservation Area

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

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

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

Government guidance in PPS3 says that “the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done

well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.

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

The applicants argue that, in addition to the 75 dwellings envisaged at the Development Brief stage, there has been further movement and discussion with local stakeholders since that brief was adopted. This has led to the removal of the ‘swimming pool’ element from the development and its replacement with housing, in the form of 6 additional dwellings (making 83 dwellings).

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

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

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

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

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

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

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

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

Given that this site has already been earmarked for development, is immediately adjacent to the current established physical settlement boundary and is within walking distance of the centre of

Tisbury (with its range of shops and services and reasonably good connections by train), it makes strategic sense for more rather than less development to be focused on this site.

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

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

The AONB group, in their later comments on the application, have highlighted the importance of the AONB landscape and the fact that the proposal is on a rising ridge where modern buildings, high structures and contemporaneous materials will stand out. They argue that height, form, materials and landscape integration should be demonstrated before granting planning permission and that the application in its current form does not contain sufficient evidence to demonstrate this.

The AONB group have also directed officers' attention to a recent appeal decision (by the Secretary of State herself) for 700 dwellings on land at Salisbury Road, Mampitts Road and Gower Road, Shaftesbury (references APP/N1215/1191202 & APP/N1215/1191206). Members may recall that although this is a site in North Dorset District Council's jurisdiction, the Western Area Committee made representations because of the potential impact on the AONB within Salisbury District Council's area.

This decision is highlighted by the AONB group because it shows the important status of the AONB (particularly bearing in mind that that site was outside of the AONB) and also in that case some 60 conditions were imposed, including in relation to landscape integration, SUDS, views to the AONB, orientation of buildings to minimise visual intrusion, limitations on building heights, lighting and control of light pollution. That case was also an outline application, with all detailed matters reserved, on an allocated site where there was also a development brief. It is argued that there are clear parallels between the two cases.

Having given careful consideration to this appeal decision, it is recommended that further conditions should be imposed, along the lines of those imposed by the Secretary of State in relation to lighting, levels, landscaping and the submission of a design code.

It is not considered, however, that the level of detail that the AONB group have asked for should be required at this stage, before *outline* permission has been granted. It has to be accepted that the landscape impact on the AONB was taken into consideration at both site-allocation and development brief stages.

The Authority retains full control through the reserved matters stage including in relation to landscape, lighting and materials and should proposals be submitted at that stage which do not demonstrate that there would be no unacceptable impact then it would be open to the Authority to refuse permission.

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

Officers had not previously recommended a condition that restricted building heights to 2.5 stories, considering that the control available through the Reserved Matters stage, and the indication of the development brief that only 2.5 stories would be acceptable, was sufficient. However, in light of the Secretary of State's decision to impose a condition in relation to building heights in the Shaftesbury case, it is considered prudent that a height condition is imposed,

making crystal clear that any buildings over 2.5 stories would be unacceptable.

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

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

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

Given the indicative layout submitted with the application, and the fact that it has already been accepted that a significant amount of development can take place on the site, it is considered that the development of 90 dwellings and 3,800 square metres of employment floorspace can be developed without harming the character and appearance of the area, the AONB or the adjacent Conservation Area.

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

Whether the level of employment floorspace is acceptable

In contrast to the increase in housing numbers, the amount of employment floorspace proposed now, at 3,800 m², is a significant reduction from that set out both in the relevant Local Plan policy (E14A) and the Development Brief.

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

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

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

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

Woolley and Wallis take the view that the 70% ratio suggested by Economic Development is high and not supported by precedent. They say that, on the basis of 70%, the resultant level of floorspace from 1.4 hectares would result in 9,000 square meters of employment floorspace,

which would be excessive for Tisbury. They go on to say that the applicant's level of 3,800 square meters would still provide an additional 57% of employment accommodation over and above the existing small-to-medium sized accommodation already occupied.

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

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

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

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

Highway safety, means of access and proposed improvements to public transport facilities

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

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

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

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

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

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

The applicant's highways consultants have submitted data that estimated vehicle trip generation. This is based on a comparison with an established residential development in a settlement (Teignmouth in south Devon) with similar characteristics in relation to peak time travel-to-work

modes of transport. They argue that the two settlements have similar levels of population who do not use the car to travel to work (both around 60%).

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

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

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

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

Access to dwellings on Hindon Lane

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

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

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

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

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

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

Access to the school

A further consideration that has been raised locally is the possibility of access being made from the Hindon direction into the school via the Hindon Lane. At the moment school coaches from Hindon to the school travel via Hindon Lane and Weaveland Road. It is argued that it would be preferable for school coaches to avoid both Hindon Lane and the 'estate' entrance by going direct through the development site.

Although the potential for through access was raised at the early stages of public consultation of the Hindon Lane proposals, the Highway Authority have resisted a public highway access onto Weaveland Road because of concerns that this would result in traffic 'rat-running' through the new development site, using it as a short cut.

It is has subsequently been argued that the access to the school would be for private use only with some means of preventing use by the general public (for example by gates, collapsible bollards etc, similar to the means of allowing only emergency access to the site from Weaveland Road). The developers have expressed a willingness to provide this and had intended to secure the details through the reserved matters applications.

This possibility has been put to the Highway Authority, but they remain concerned at the idea of an access to the school from Hindon Lane. They have commented that they would not encourage a vehicular access because traffic from the site and beyond would be encouraged to cut through the school grounds, simply because the route could be conceived as a short cut.

They go on to say that as the new development is located right next to school and leisure centre, pedestrian/cycle access only is all that is required with existing vehicular access to school and leisure centre remaining available from Weaveland Road only. The situation on Weaveland Road will therefore not be worsened by the development, whereas a new link could generate additional movements.

The Highway Authority do go on to say that some new, extraneous vehicular access through new estate to park near school and leisure centre is possible, but the detail design should ensure that these movements are discouraged as much as possible and school travel plan would also be able to further discourage.

This is essentially a matter for the reserved matters application, although members may wish to consider an informative either ruling out the possibility of an access through the school or (should members take a different view to the Highway Authority) encouraging such a provision.

The provision of community facilities (the swimming pool)

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

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

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

It is now thought very doubtful that the new swimming pool as originally envisaged would be a practical or viable proposition. Instead of providing a pool, it was decided that providing

dwellings on the site, and allowing the market value of those houses to be transferred to the Parish Council for spending on an appropriate related community use, would be a preferable solution.

The applicant's opinion is that the market value of the proposed 6 dwellings on the 'swimming pool' site would be around £400,000 and that rather than impose a 'market conditions' clause to the s106 (so that the sum is based on the local market value), simply requiring that sum is more efficient.

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

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

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

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

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

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

They are also concerned about the repayment requirements should any of the contribution not be spent. The current draft S106 sets the unspent trigger at 5 years of the date of the agreement. The Parish Council argue that there should be no such requirement at all (given that 6 additional dwellings are only being permitted to fund the improvements).

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

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

The details and clauses of the S106 agreement are normally the subject of negotiation between officers and the developer, having regard to the aims of the Local Plan and Development Brief, and bearing in mind the comments of the Parish Council and local residents.

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

designating the piece of land 'for swimming pool/community use'). The applicants also express a willingness to negotiate an appropriate period/trigger for re-payment.

It is considered that these are aspects on which it is possible to reach a decision following negotiation between the parties, but that this negotiation should be delegated to officers to undertake and resolve, after committee's resolution on the principle of the development. If members feel it necessary, they could resolve that a report be brought back to WAC following negotiations, should either of the local ward members feel it necessary.

Public recreational open space

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

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

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

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

Affordable Housing and housing mix

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

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

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

It is recommended that the details of the S106 are left for consideration and negotiation with officers and the developer, with regard being given to those comments made by others.

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

It is considered that this should be left for determination through the Reserved Matters application(s) rather than applying what would be an overly-rigid condition/S106 clause requiring these splits. However an informative could be used to make clear to any future applicant for

reserved matters that these are the numbers of dwellings that the Authority wishes to see in the development.

The impact on protected species

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

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

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

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

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

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

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

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

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

The impact on the water environment

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

In relation to flood risk, the applicants have submitted a Flood Risk assessment which has been considered by the Environment Agency. They have raised no objection and have recommended that two conditions should be imposed. One would require details of a scheme for the provision

of surface water run off limitation, incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment and the Agency have said that a legal agreement would have to be entered into securing the satisfactory long term operation and maintenance of the surface water drainage scheme. Environmental Health officers have raised similar comments.

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

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

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

The impact on neighbouring properties and within the site

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

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

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

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

The impact on archaeological features

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

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

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

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

modification to the layout or further excavation is required this can be dealt with through the subsequent reserved matters application.

Education facilities

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

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

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

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

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

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

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

Clearly a contribution will be required in relation to the Hindon Lane development, and the relevant S106 can set out the contribution to be paid, again based on Dorset County Council's formula. In 2007 this produced a figure of £475,719, but it is considered that the formula, rather than the figure, could be used so that the amount represents the need at the relevant time.

Contamination

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

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

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

The Phasing of Development

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

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

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

The wording and details of the s106 should be left to officers to negotiate between officers and the developers, taking into account the Local Plan policy, Development Brief and comments already made (with any substantive disagreements possibly requiring a further report to committee). However, it is worth noting that, given that the applicant's suggested trigger is only after two-thirds of construction, rather than a maximum of the half-way stage envisaged by the Brief, the draft S106 will clearly be unacceptable in its current form.

Other factors

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

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

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

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

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

CONCLUSION

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

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

RECOMMENDATION:

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

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

(b) That the application be delegated to HDS to approve for the following reasons:

Reason for approval

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

(C) And Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent pollution of the water environment

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

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

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

Reason: in the interests of highway safety.

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

Reason: in the interests of highway safety

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

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

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

Reason: in the interests of the amenities of nearby properties

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

Reason: in the interests of sustainable development

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

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

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

Reason: For the avoidance of doubt

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

Reason: in the interests of protected species

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

Reason: in the interests of the amenities of nearby properties

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

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

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

Reason: in the interests of highway safety and sustainable development

(21) Prior to the submission of any application in relation to any of the Reserved Matters in respect of, any part of the development there shall have been submitted to and approved in writing by the local planning authority a plan, of a scale previously approved in writing by the local planning authority for such purposes, showing:

- a) the location of all existing trees and hedgerows; and
 - b) any existing trees and hedgerows that will be retained as part of the development,
- ("the Existing Tree and Hedgerow Plan") .

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

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

Reason: in the interests of archaeology and cultural heritage

(23) In relation to all trees and hedges identified as being retained in the Existing Tree and Hedgerow Plan, prior to the commencement of any development there shall be submitted to and approved in writing by the local planning authority details:

- a) of the specification and position of fencing incorporating the proposed alignment of the fencing and any other measures to be taken that will be provided for the protection of all such trees and hedges from damage during the carrying out of any work in respect of the development;
 - b) of the time periods for the provision and retention of the fencing and other measures identified for the purposes of sub-paragraph (a); and
 - c) for the laying of such hedges or parts thereof in relation to a Development Parcel in advance of any part of the development being commenced on that Development Parcel,
- ("the Tree and Hedge Protection Details").

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

(24) All trees and hedges which are identified as being retained in the Existing Tree and Hedgerow Plan shall at all times during the implementation of the development be protected, and in the case of hedges laid, in accordance with the Tree and Hedge Protection Details, provided that the Tree and Hedge Protection Details may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(25) Prior the submission of any application in relation to any of the Reserved Matters in respect of, any part of the development details of the principles to be adopted in relation to all structural landscaping (both hard and soft) shall have been submitted to and approved in writing by the local planning authority which shall in particular include principles to be used in relation to:

- a) all means of enclosure of public space;
- b) pedestrian accesses and all circulation areas;
- c) refuse and any other storage areas;
- d) play areas;
- e) sustainable drainage;
- f) surfaces; and
- g) open spaces,

("the Landscaping Principles").

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

(26) All landscaping provided in relation to the development shall be in accordance with the Landscaping Principles, provided that the Landscaping Principles may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(27) Prior to both the commencement of, and the submission of any application in relation to any of the Reserved Matters in respect of, any part of the development a landscape management plan in respect of all hard and soft open, play and other spaces shall be submitted to and approved in writing by the local planning authority which shall in particular:

- a) include long term design objectives (i.e. for a period covering at least ten years from completion of the development);
- b) include management responsibilities;
- c) include maintenance provisions;
- d) include details identifying the phased implementation and establishment of the landscaping as part of the development;
- e) include details for the replacement of any tree, hedge and any other planting in the event of the same being removed, dying or becoming seriously diseased or damaged, within the period of five years following the completion of the tree, hedge or other planting (as the case may be) requiring replacement is situated;
- f) include details of the time period(s) within which any tree, hedge or other planting (as the case may be) to which sub-paragraph (e) above relates will be replaced;

- g) accord with the Landscaping Principles, and
- h) only include site layout drawings which are of a scale that has previously been approved by the local planning authority in writing in advance of such details being submitted,

("the Landscape Management Plan").

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

(28) The development shall only be implemented in accordance with the Landscape Management Plan; and landscaping once provided shall at all times thereafter be managed and maintained (and where relevant replaced) in accordance with the Landscape Management Plan, provided that the Landscape Management Plan may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(29) Prior to the submission of any application in relation to any of the Reserved Matters in respect of, any part of the development there shall be submitted to and approved in writing by the local planning authority a design code including a comprehensive master plan for the whole of the development which sets out:

- a) block layouts;
- b) movement linkages;
- c) disposition and hierarchy of public spaces and the "total Open Space Provision";
- d) principles of sustainable design to be applied to development;
- e) architectural treatment of all structures; including the range of external materials;
- f) the interrelationship between built forms and landscape to include an assessment of views into and out of the Site;
- g) highway treatment;
- h) principles for the design and general location of furniture for streets and all other public areas including seats, shelters, refuse receptacles and cycle parking shelters;
- i) principles for the provision of and locating of all external storage facilities to serve the buildings permitted by the development;
- j) lighting; and
- k) public art,

("the Design Code").

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

(30) The development shall only be implemented in accordance with the Design Code, provided that the Design Code may be amended in accordance with a detailed design justification for any changes that may be expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(31) No Reserved Matters application shall be submitted to the local planning authority unless it is accompanied by a statement identifying how any design proposals contained within that Reserved Matters application accords with the Design Code.

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

(32) Prior to any part of the development being commenced, details of all lighting proposals shall be submitted to and approved in writing by the local planning authority which shall in particular include:

- a) street lighting including lighting for all carriageways, roads, cycleways, footways, footpaths and turning spaces;
- b) lighting of communal parking areas and all other publicly accessible areas;
- c) the proposed intensity of the lighting;
- d) the design of light columns; and
- e) a lighting contour plan

Development shall only be implemented in accordance with the details that have been approved by the local planning authority unless otherwise agreed, in writing, by the local planning authority.

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

(33) No building within the site shall exceed 2.5 stories in height.

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

(34) Prior to any part of the development shall be commenced, plans and sections of a scale not less than 1:200 showing the level of the finished floor slab of every building in relation to Ordnance Datum shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the Floor Level Details that have been approved by the local planning authority.

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

INFORMATIVES – THIS DECISION

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

Adopted Salisbury District Local Plan 2003 (saved policies)

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

C12 Protected species

Adopted Wiltshire Structure Plan 2006

DP1 Pursuit of Sustainable Development

Supplementary Planning Guidance

Creating Places
Sustainable Development
Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

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

INFORMATIVES – ENVIRONMENT AGENCY ADVICE

Pollution prevention during construction

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

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

(5) Sustainable building and construction

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

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

INFORMATIVES – AFFORDABLE HOUSING

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

Market Housing:

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

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Affordable housing

1 Bed 36%

2 Bed 28%

3+ Bed 36%

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

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

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Extract from the minutes of Wesvern
Area Committee 11 December 2008

221. Minutes:

Resolved: that the minutes of the ordinary meeting held on 13 November 2008 be approved as a correct record and signed by the Chairman.

222. Declarations of Interest:

There were none.

223. Chairman's Announcements:

Councillor Green:

- announced her disappointment that Broad Chalke Post Office was to move to a reduced hour outreach service;
- confirmed that the committee were still awaiting a response to their letter to the Highways Agency regarding the A303;
- expressed concern at a recent spate of burglaries in the western area, particularly targeting outbuildings, and urged those present to be vigilant.

NB – Since the meeting The Highways Agency have responded to the Chairman's letter please contact the clerk if you require a copy.

224. Planning Application S/2008/0779 Mixed Use Development of Land to Compromise Around 90 Dwellings and 3800 Square Metres of B1 Business Floorspace (Including Associated Highway Infrastructure) and Landscaping for Mr David Lohfink at Land Off Hindon Lane Tisbury:

The committee considered a presentation from the Planning Officer in conjunction with the previously circulated report, information contained in the schedule of additional correspondence circulated at the meeting and a site visit. Mr Hannis, of Wiltshire County Council Highways was also on hand to answer questions relating to highway issues.

Mrs J Ings, Mrs L Nunn, Mr J Young, Mr C Berkshire, Mr A Carter and Mr Berkley-Matthews and Mrs I Lacey spoke in objection to the application. Mr R Dearden addressed the committee on behalf of Tisbury Parish Council.

Resolved:

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

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

(2) That the application be delegated to HDS to approve for the following reasons:

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

And subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A desk study identifying:
 - all previous uses;
 - potential contaminants associated with those uses;

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

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

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

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

Reason: To prevent pollution of the water environment

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

Reason: in the interests of highway safety

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

Reason: in the interests of the amenities of nearby properties

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

Reason: in the interests of sustainable development.

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

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

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

Reason: For the avoidance of doubt

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

Reason: in the interests of protected species

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

Reason: in the interests of the amenities of nearby properties

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

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

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

Reason: in the interests of highway safety and sustainable development

(18) As part of the submission of any application in relation to any of the Reserved Matters there shall be submitted to and approved in writing by the local planning authority a plan, of a scale previously approved in writing by the local planning authority for such purposes, showing:

- (a) the location of all existing trees and hedgerows; and
- (b) any existing trees and hedgerows that will be retained as part of the development,

("the Existing Tree and Hedgerow Plan") .

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

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

Reason: in the interests of archaeology and cultural heritage

(20) In relation to all trees and hedges identified as being retained in the Existing Tree and Hedgerow Plan, prior to the commencement of any development there shall be submitted to and approved in writing by the local planning authority details:

- (a) of the specification and position of fencing incorporating the proposed alignment of the fencing and any other measures to be taken that will be provided for the protection of all such trees and hedges from damage during the carrying out of any work in respect of the development;
- (b) of the time periods for the provision and retention of the fencing and other measures identified for the purposes of sub-paragraph (a); and
- (c) for the laying of such hedges or parts thereof in advance of any part of the development being commenced

("the Tree and Hedge Protection Details").

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

(21) All trees and hedges which are identified as being retained in the Existing Tree and Hedgerow Plan shall at all times during the implementation of the development be protected, and in the case of hedges laid, in accordance with the Tree and Hedge Protection Details, provided that the Tree and Hedge Protection Details may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(22) As part of the submission of any application in relation to any of the Reserved Matters any part of the development details of the principles to be adopted in relation to all structural landscaping (both hard and soft) shall have been submitted to and approved in writing by the local planning authority which shall in particular include principles to be used in relation to:

- (a) all means of enclosure of public space;
- (b) pedestrian accesses and all circulation areas;
- (c) refuse and any other storage areas;
- (d) play areas;
- (e) sustainable drainage;
- (f) surfaces;
- (g) open spaces; and,
- (h) the boundaries of the site both with the open countryside and with existing built form.

("the Landscaping Principles").

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

(23) All landscaping provided in relation to the development shall be in accordance with the Landscaping Principles, provided that the Landscaping Principles may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(24) As part of the submission of any application in relation to any of the Reserved Matters a landscape management plan in respect of all hard and soft open, play and other spaces shall be submitted to and approved in writing by the local planning authority which shall in particular:

- (a) include long term design objectives (i.e. for a period covering at least ten years from completion of the development);
 - (b) include management responsibilities;
 - (c) include maintenance provisions;
 - (d) include details identifying the phased implementation and establishment of the landscaping as part of the development;
 - (e) include details for the replacement of any tree, hedge and any other planting in the event of the same being removed, dying or becoming seriously diseased or damaged, within the period of five years following the completion of the tree, hedge or other planting (as the case may be) requiring replacement is situated;
 - (f) include details of the time period(s) within which any tree, hedge or other planting (as the case may be) to which sub-paragraph (e) above relates will be replaced;
 - (g) accord with the Landscaping Principles, and
 - (h) only include site layout drawings which are of a scale that has previously been approved by the local planning authority in writing in advance of such details being submitted,
- ("the Landscape Management Plan").

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

(25) The development shall only be implemented in accordance with the Landscape Management Plan; and landscaping once provided shall at all times thereafter be managed and maintained (and where relevant replaced) in accordance with the Landscape Management Plan, provided that the Landscape Management Plan may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(26) As part of any application in relation to the Reserved Matters of the development there shall be submitted to and approved in writing by the local planning authority a design code including a comprehensive master plan for the whole of the development which sets out:

- (a) block layouts;
- (b) movement linkages;
- (c) disposition and hierarchy of public spaces and the "total Open Space Provision";
- (d) principles of sustainable design to be applied to development;
- (e) architectural treatment of all structures; including the range of external materials;
- (f) the interrelationship between built forms and landscape to include an assessment of views into and out of the Site;
- (g) highway treatment;
- (h) principles for the design and general location of furniture for streets and all other public areas including seats, shelters, refuse receptacles and cycle parking shelters;
- (i) principles for the provision of and locating of all external storage facilities to serve the buildings permitted by the development;
- (j) lighting; and
- (k) public art,

("the Design Code").

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

(27) The development shall only be implemented in accordance with the Design Code, provided that the Design Code may be amended in accordance with a detailed design justification for any changes that may be expressly submitted to and approved in writing by the local planning authority for such a purpose.

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

(28) No Reserved Matters application shall be submitted to the local planning authority unless it is accompanied by a statement identifying how any design proposals contained within that Reserved Matters application accords with the Design Code.

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

(29) Prior to any part of the development being commenced, details of all lighting proposals shall be submitted to and approved in writing by the local planning authority which shall in particular include:

- (a) street lighting including lighting for all carriageways, roads, cycleways, footways, footpaths and turning spaces;
- (b) lighting of communal parking areas and all other publicly accessible areas;
- (c) the proposed intensity of the lighting;
- (d) the design of light columns; and
- (e) a lighting contour plan

Development shall only be implemented in accordance with the details that have been approved by the local planning authority unless otherwise agreed, in writing, by the local planning authority.

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

(30) No building within the site shall exceed 2.5 stories in height.

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

(31) Prior to any part of the development shall be commenced, plans and sections of a scale not less than 1:200 showing the level of the finished floor slab of every building in relation to Ordnance Datum shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the Floor Level Details that have been approved by the local planning authority.

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

(32) The reserved matters application(s) must include the provision of an access between the application site and the school/sports centre. Details of this vehicular access will need to include the point of access, width, layout and access road, and the means of securing/limiting its use.

Reason: in the interests of mitigating the increase in traffic resulting from the development and providing further access to the school/sports centre

INFORMATIVE – THIS DECISION

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

Adopted Salisbury District Local Plan 2003 (saved policies)

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

Adopted Wiltshire Structure Plan 2006

DP1	Pursuit of Sustainable Development
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Supplementary Planning Guidance

Creating Places

Sustainable Development

Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

Government Guidance

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

INFORMATIVE – ENVIRONMENT AGENCY ADVICE

Pollution prevention during construction

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

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

Sustainable building and construction

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

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

INFORMATIVE – AFFORDABLE HOUSING

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

Market Housing:

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

Affordable housing

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

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

INFORMATIVE

The developers' attention is drawn to the measures considered necessary by members to be included in at reserved matters stage where applicable, set out as follows:

1. That the provision of one parking space per employment unit is not considered sufficient;
2. That lighting throughout the site must be designed to limit external light pollution;
3. That rear access to numbers 1 to 7 Hindon Lane be provided from the application site via the proposed main means of access, and to number 8 if reasonable, justified and possible (bearing in mind other constraints);
4. That the buildings at the southern and western boundaries of the site shall only be two stories in height (without accommodation within the roofspace);
5. That the dwellings shall be of a highly sustainable design and construction;
6. That the employment uses shall be sited away from existing residential properties where possible.

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

Councillors Beattie and Parker asked that their dissent be recorded.

225. Planning Application S/2008/1590 Carry Out Alterations and Extension and Conversion of Building to 5 Flats and a Maisonette for Lipscombe Developments Limited at The Boardroom House, The Square, Mere:

The committee considered a presentation from the Planning Officer in conjunction with the previously circulated report, information contained in the schedule of additional correspondence circulated at the meeting and a site visit.

Resolved: That the application be refused for the following reasons:

1) The proposed external alterations, in particular the raising of the roof height at the rear, would adversely affect the character and appearance of the listed building and result in an unacceptable level of overdevelopment. The excessive amount of development would result in a poor level of amenity to future occupiers through the unacceptable level of parking provision (including in relation to bicycles); and would fail to provide adequate provision for refuse storage and recycling facilities. Furthermore the proposal would introduce a degree of overlooking to adjoining residential properties. In these respects, the development would be contrary to the aims and objectives of the saved policies G1, G2, H16, CN3, CN8, CN11, TR11 and TR14 of the Adopted Salisbury District Local Plan .

2) The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 of the adopted Salisbury District Local Plan on the basis that appropriate provision towards public recreational open space has not been made.

226. Planning Application S/2008/1591 Carry Out Alterations and Extension and Conversion of Building to 5 Flats and a Maisonette for Lipscombe Developments Limited at The Boardroom House, The Square, Mere:

The committee considered the previously circulated report. Mr D Carpendale spoke in favour of the application.

Resolved: That the application be refused for the following reason:

The proposal would by reason of, the extent to which the external alterations, in particular, the raising of the roof height at the rear (for the maisonette) would adversely affect the character and appearance of the listed building, result in an unacceptable development considered to be to the contrary to the aims and objectives of saved policies CN3, CN8 of the adopted Salisbury District Local Plan and PPG 15.

227. Community Update:

Councillor Fowler expressed his satisfaction that retrospective planning consent for the sign advertising the Black Dog at Chilmark had been granted by West Wiltshire District Council. He announced his intention to provide a report from Compton Abbas airfield at the next meeting of the committee. Finally, he mentioned that an article urging people to make representations to Wiltshire County Council Highways in order to achieve double yellow lines along station Road in Tisbury had featured in Focus, the parish magazine for the Nadder Valley. He did not think double yellow lines were appropriate for the site, and believed that the local community should unite behind proposals on parking in Tisbury being developed by County Councillor Tony Deane and the Tisbury and Parish Community Area Board.

Councillor Edge announced that Wiltshire Council were now unlikely to provide their share of the funding for the regeneration of the Market Square in Salisbury. Its preference was to proceed with the Maltings and Central Car Park development and use revenue generated by that project to fund the market place at a later date.

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Report

Report Subject: Outline application S/2008/0779 for mixed use development of land to comprise around 90 dwellings and 3800 square metres of B1 business floorspace (including associated highway infrastructure) and landscaping on land off Hindon Lane, Tisbury.

Report to: Southern Area Planning Committee

Date: 28th January 2010

Author: Oliver Marigold, Senior Planning Officer

1. Report Summary:

1.1 That the resolution to grant planning permission, made at the Southern Area Planning Committee on 27th August 2009, should be varied to allow a further period of time to complete the legal agreement beyond the previously agreed time period.

2. Considerations:

2.1 The background to this report is the resolution of the former Western Area Committee of Salisbury District Council to grant planning permission for mixed use development of land off Hindon Lane, Tisbury, for around 90 dwellings and 3800 square metres of B1 business floorspace (including associated highway infrastructure). This was subject to a legal agreement under s106 of the Town and Country Planning Act 1990 to secure a number of planning requirements.

2.2 The requirements and the legal agreement relate to:

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

2.3 A time limit was originally imposed for the legal agreement to be completed within 3 months of the resolution, ie by 11th March 2009. It was subsequently agreed, at Western Area Committee on 19th March, that this period could be extended until 16th August 2009 because the original time-frame was too short to allow negotiations to be completed. This was extended again at the 27th August 2009 meeting, to last until 16th January 2010.

2.4 In the event that an agreement was not reached within the deadline, the resolution gives the Head of Development Services delegated authority to refuse permission on the grounds of loss of public open space (compliance with R2), lack of affordable housing, inadequate travel planning, highway safety, inadequate access, surface water drainage, unsatisfactory phasing of development - ie all those issues that would need to be achieved by means of the legal agreement.

2.5 Since the last resolution, officers have negotiated the terms of the s106 agreement with the applicants to both side's satisfaction. However, the final signing of the agreement involves a number of third parties and it is because of delays with these parties that the agreement has not yet been signed.

2.6 It is hoped that the legal agreement can be completed, and the decision notice issued, within a period of three months. However, it would be preferable for this period to be extended without further recourse to committee, under the Area Development Manager's delegated powers.

3. Options for consideration:

3.1 Members have two options. They could either decide to extend the deadline, or not extend the deadline.

Option 1

3.2 The effect of not extending the deadline would be to refuse permission, on the basis that the agreement cannot be secured in time, and that without the legal agreement a number of key planning requirements would not be met.

3.3 However, in the event of this option being taken the applicants would be likely to appeal against the refusal to the Secretary of State. An appeal would be likely to involve the Council in significant time and expense and the appeal would almost certainly be allowed, because in the time that an appeal takes (at least 6 months) the legal agreement should have been completed anyway.

Option 2

3.4 Alternatively, it would be preferable to extend the deadline to allow the legal agreement to be completed and for the planning application to be submitted and approved. It is considered that a period of three months is likely to sufficient but it would be preferable for this to be extended under officers' delegated powers. Therefore this option is recommended.

4. Recommendation:

4.1 That option 2 be followed and the resolution approved on 19th March 2008 in respect of this application be varied so that the s106 agreement has to be completed before 16th January 2010, but that delegated authority be given to the Area Development Manager to extend this period, or to refuse permission for the reasons stated in the original resolution.

5. Background Papers:

5.1 The original report to Western Area Committee on 11th December 2008 and the minutes of that meeting (which were amended at the meeting on 22nd January), and of the Southern Area Committee on 27th August 2009.

Extract from the minutes of the meeting of Southern Area Planning Committee held on 28 January 2010

Land off Hindon Lane, Tisbury - Outline Application S/2008/0779 for Mixed Use Development of Land to Comprise Around 90 Dwellings and 3,800 Square Metres of B1 Business Floorspace (Including Associated Highway Infrastructure) and Landscaping

The committee considered a report in relation to the decision to grant planning consent, subject to a legal agreement under s106 of the Town and Country planning Act, resolved at the meeting of Southern Area Planning Committee on 27 August 2009.

The report considered a variation to that resolution, to allow a further period of time to complete the legal agreement, beyond the previously agreed time period. Members had two options presented to them, to refuse permission or to extend the deadline.

Resolved

That the resolution approved on 27 August 2009 in respect of this application be varied so that the s106 agreement has to be completed before a further three months from 16 January 2010, but that delegated authority be given to the Area Development Manager to extend this period, or to refuse permission for the reasons stated in the original resolution

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

3rd June 2010

Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ

Purpose of Report

1. To advise the Committee in respect of the various breaches of planning control at this site, setting out options for enforcement action where appropriate.

Background

2. Part of this site comprises a field to the north of the former Wisma Poultry Farm, off Berwick Road, in countryside between the villages of Berwick St. James and Winterbourne Stoke. Prior to development it appears that this comprised a largely level open field, with a simple field gate onto the road from which a grass track led across the field, to a collection of simple agricultural buildings of no particular merit at the eastern end of the site. These buildings have since largely been demolished although some hardsurfacing and the flank wall of one building remains.
3. An existing vehicular access and track have been altered and improved, earth bunds constructed, hardstandings laid and a 5 pitch caravan site, currently certified by the Caravan Club, created on a levelled area of land adjacent to the river Till to the north of the former poultry buildings. This area contains 5 hardstandings as well as various facilities associated with the caravanning/camping use, including toilets/showers, washing up and waste facilities, a cesspool/waste disposal point and electrical hook -ups.
4. This lower section of the site is the closest part to the river, although the land is raised above the flood plain and separated by a strip of woodland. The River Till is designated as a SSSI and an SAC. A paddock closer to Berwick Road is referred to by the owner as "the rally field" and is understood to have been used for temporary touring and camping events.
5. Land to the south of the caravan and camping areas, comprises the former poultry farm, some of the buildings of which remain, together with a dwelling. Permission was granted on appeal for redevelopment of this site on planning permission reference S/2006/2122 in February 2008. A further permission for redevelopment was granted under application reference S/2007/2046 in March that year.
6. Since May 2008 various alleged breaches of planning control have been drawn to Officers' attention. These related firstly to earthworks. By September 2008, works were being undertaken to improve the access and

track and bunds being formed along the site frontage. A retrospective planning application was requested. In January 2009 the Council served a requisition for information on the owner. Later earthmoving works and formation of hardstandings in March 2009 took place on site, which subsequently transpired to be in conjunction with provision of a five- pitch caravan site. At a very early stage, Officers suggested that some of the latter works at the eastern end of the site did not amount to development requiring planning permission, however subsequently further significant works appear to have been undertaken. Subsequently in April 2009 an unlawful sign was erected. In August 2009 allegations were made regarding the use of the former poultry sheds to store caravans and cars and at site visits in August and November, substantial numbers of caravans and cars were noted as well as domestic items and paraphernalia.

7. There have also been allegations from September 2009 to date regarding whether the 5 caravan site was being used in accordance with the Caravan Club's requirements, in particular that caravans have been occupied for residential purposes or more than 5 vans have been accommodated, although it has not been possible to establish the former. Officers negotiated with the owner over a protracted period (September 2008 -December 2009) seeking regularisation of matters as they arose and at least two meetings took place at which the owner undertook to promptly make retrospective planning application/s; this culminated in the submission of application reference S/2010/0007.
8. Members will recall that at the meeting on 22nd April 2010, following the refusal of (part retrospective) planning application S/2010/0007, the Committee requested that a comprehensive report on the options for enforcement action including the expediency for so doing, in respect of this site be brought to the next available meeting of the committee.
9. At a visit following the meeting Officers noted that further substantial excavations appeared to have taken place in the southern corner of the site, the earth re-profiled and a pedestrian access formed to an adjacent footpath.
10. Subsequently at the 13th May meeting, Members were advised that on 30th April a Temporary Stop Notice (TSN) had been issued under delegated powers prohibiting for a period of 28 days further development at the site, including stationing touring caravans and tents on the land in excess of 'permitted development' limits, further building or engineering operations ancillary to such use, as well as any further development associated with planning permission reference S/2006/2122 including completion and use of the manege. The owner subsequently advised the Council that all work had ceased on the manege and that he would abide by the terms of the undertaking.
11. The TSN expired on 28th May 2010. It is not possible to issue a further TSN and the Council now has to reach a decision on the expediency of

further enforcement action in respect of the breaches identified in the Notice.

12. At a recent visit it was noted that no caravans were stationed on the site other than those sanctioned under 'permitted development', no further groundworks had been undertaken and no further work had been undertaken on the riding arena. The number of caravans stored within the buildings had been reduced to 3.

Planning Policy Context

13. The site lies in open countryside to the north of Berwick St. James village within the Special Landscape Area and in an Area of Special Archaeological Significance.
14. Part of the eastern boundary of the site is also adjacent to the Winterbourne Stoke Conservation Area. To the east, the River Till is designated as a SSSI and an SAC. Development Plan 'saved' policies G1, G2, G5, CN11, CN21, CN22, C2, C6, C12, C13, C18, C19 & T9 are relevant as are PPS1, PPS4, PPS5, PPS9, PPG13 and PPS23.

The caravan and camping uses-the need for planning permission & alleged breaches

15. Planning controls over the use of land for stationing and inhabiting touring caravans are particularly complex and a brief overview is provided here. Part 5, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) permits the use of land as a caravan site where that use falls within Schedule 1 attached to the Caravan Sites Control of Development Act 1960. Schedule 1 refers to cases where a site licence is not required from the Local Authority to station caravans. These include the use of holdings of five acres or more for the stationing and occupation of up to three caravans for up to 28 days per year; sites occupied and approved by 'exempted organisations', sites approved by exempted organisations for stationing and occupation of not more than five caravans and; meetings organised by exempted organisations lasting no longer than five days. For the purposes of planning the definition of a caravan includes a motorhome.
16. The above authorises the change of use of the land but does not necessarily authorise any works of operational development undertaken in association with the use. As a site licence is not required, Class B of the above Part which authorises development associated with a caravan site needed to meet licensing requirements, would not appear to give authority for the works. Some (probably small –scale)development could be

regarded as ancillary to the change of use; it will be a matter of fact and degree depending on the circumstances of the case as to whether any operational development goes beyond that which could be regarded as ancillary and therefore requires planning permission in its own right.

17. There are no planning controls regarding the number and density of caravans of tents stationed on the site in connection with such uses. Generally a licence for such events is not required from the Local Authority.
18. At this point it is relevant to look at what is meant by an 'exempted organisation'. This is an organisation whose objects include the promotion of recreational activities and which holds a certificate of exemption granted by Natural England. Probably the best known on these are the Caravan Club and Caravanning and Camping Club, although there are in excess of 400 such organisations. Depending on the organisation, the effect of their certificate may restrict the organisation to, for example, approving the holding of rallies only and would not extend to their approving a 5 caravan site.
19. Turning to tents, the temporary use of land for stationing and habitation of tents for up to 28 days per year would normally be permitted by Part 4, Class B of the GPDO. Such use by members of certain recreational organisations including the Scouts and Guides, is also permitted by Part 27 of the GPDO for longer periods.
20. So, in summary:
 - **Providing use of the relevant part of the site has been approved by an exempted organisation such as the Caravan Club or Camping and Caravanning Club, the use of the site as a caravan site for the stationing and occupation of up to five club members' touring caravans is permitted development. However, this would not appear to permit any building engineering or other operations of significant scale which are associated with the use.**
 - **The use of part of the site for the holding of caravan rallies of up to 5 days' duration organised by exempted organisations, is permitted development. There is no restriction under planning legislation on the number of such rallies which can be held annually or the number of caravans which could attend.**
 - **The temporary use of part of the site for the stationing and habitation of tents for up to 28 days annually is permitted development. Again there is no limit on the numbers of tents which can be accommodated.**

- **The use of part of the site by recreational groups such as the Scouts or the Guides is permitted development. There is no restriction on the number or duration of events or tent present.**

The 'certified' site & associated works

21. It appears that the owner sought a certificate of exemption from the Camping and Caravanning Club in April 2009, to allow him to operate a five caravan site. In November 2009 the Council was advised that the site was no longer approved. It appears however that the owner had been granted a similar certificate by the Caravan Club in August 2009, approving the continued use of the site for stationing and occupation of up to five touring caravans by Caravan Club members.
22. In October 2009, it was first alleged that the use was exceeding the permitted 5 touring caravans, in particular that the caravans were occupied on a residential basis. The owner's website at this time suggested that 15 pitches were available on the site.
23. At an inspection in November 2009 it was noted that four caravans were in situ; all had their curtains closed and were connected to services. In early December 2009, it was noted that three of four caravans seen at the previous visit, were still present. By the end of 2009 however it appears that all the caravans in question had been removed.
24. At the most recent visits to the site, no more than two caravans or motorhomes have been viewed on the certified site and these have been different on each occasion. At the moment therefore, it can only be concluded that there is no evidence that the site is being occupied on a residential or other basis which does not comply with the exemption. The owner has since removed any reference to having 15 pitches available from his website; this now refers to five pitches only and a sign at the site entrance makes it clear that the use of those pitches should be for Caravan Club members only.
25. In view of third party representations, Officers have made enquiries with the Caravan Club, who have confirmed that their certificate is still in effect and that the 5 caravan site is therefore lawful in planning terms.
26. It is also necessary to consider what can be regarded as building, engineering and other operations which have been carried out in association with the creation of the 'certified' site, which include the carrying out of engineering and other operations including materially altering the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/ waste disposal point and enclosing fencing; installing electrical hook –ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; formation of a

pathway, and; erection of buildings including a prefabricated toilet/shower block building (it is considered that this structure meets the accepted tests of a building having regard to its size, degree of permanence and physical attachment to the land, although the point could be argued at appeal) and washing up building.

27. It is considered relevant that a certified site could have been brought into use, largely without any of the operational development undertaken at the site. Other, similar rural certified sites do not appear to have similar works on this scale. It would not appear that these works were required to be carried out by either the Camping and Caravanning Club or the Caravan Club-in fact the latter has commented that “physical development is a matter for the normal planning process in which the owners need to liaise with the Local Planning Authority, submitting a formal planning application if the latter so desires”. Cumulatively the works are of significant scale, which could not be regarded as ‘de minimis’ and it is considered that as a matter of fact and degree, they go beyond that which could reasonably be regarded as ancillary to the permitted change of use under Part 5, Class A.
28. Furthermore, these works would largely not appear to have been permitted development, for the following reasons. First, the site falls outside of the caravan site licensing regime, so the works would not have been permitted by Part 5, Class B of the GPDO. Second, given that the works are associated with the provision of a caravan site it is considered unlikely that any part thereof (for example, resurfacing of the track) could reasonably be claimed to be agricultural permitted development under Part 6 of the GPDO. Even if it could be argued that the improvements to the track were reasonably necessary for the purposes of agriculture, they were not subject to any prior notification and have therefore been carried out in breach. Moreover these improvements appear to have been carried out as an integral part of the operations associated with the alteration and material widening of the access.
29. It is accepted however that earth bunds can be a ‘means of enclosure’ and therefore permitted development by virtue of Part 2, Class A of the GPDO. In this case, the height of the bund and the associated fencing at the front of the site would appear in places to exceed one metre in height where considered to be adjacent to the road, thereby exceeding one of the development tolerances within the GPDO. It is also relevant to consider that these works could be brought within permitted limits by the simple expedient of removing the fencing. Elsewhere in particular adjacent to the track, the bunding does not exceed the permitted two metre height limitation and is therefore not enforceable against. However the other operational development described at para 23 above appear to have all been carried out in breach of planning control and is therefore enforceable against.
30. It is then necessary to move on and consider whether it is expedient to take enforcement action in respect of the operational development identified above. As noted above, the site is situated within a prominent

part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area. The retrospective planning application for development of this site as a larger camping and caravan site was refused at Committee principally on the grounds of adverse landscape impact.

31. Prior to carrying out the above works, it would appear that the site consisted of a simple, largely level open agricultural field with a modest access point and a rutted track extending down to a group of dilapidated agricultural buildings situated immediately to the south of the caravan site. The access alterations, alterations to the contours and profile of the site, construction of bunds and fencing, hardsurfaced track and hardstandings and erection of associated buildings of utilitarian design, could all be considered to have lent the site a much more 'formalised' appearance than that which previously existed.
32. Given Committee's conclusions on the above application, which sought retention of some, but not all of the works identified at para 23 above, Members could be minded to conclude that the associated earthworks, bunding, outbuildings etc. and hardsurfacing the subject of consideration here both individually and cumulatively appear as rather alien, man-made features in the otherwise generally open and unspoilt countryside, all adversely affecting the character and appearance of the site itself and the wider surroundings. However, Members are also reminded of officers' views in relation to application S/10/0007 on this issue. Moreover, Members should note that there are limited, wider public views of the most of the track and the certified site, which is at the lower eastern end of the field.
33. Members should also be aware that consideration of the earth bund along the site frontage should be in the context of the works permitted under S/2006/2122, which approved a bund across the frontage of the land to the south of this site, the height of the bund for a large part being similar to that which is now at issue.
34. Furthermore it is relevant to consider the 'fall back' position, in terms of what would be left following enforcement action; for example enforcement action could not secure the removal of the earth bunds where they fell within 'permitted development' limits. It could not secure removal of the altered access and track, only reversion to what was there prior to the unauthorised development being undertaken.
35. The site is outside of the Stonehenge World Heritage Site but situated in an area of archaeological significance, being close to the medieval settlement of Winterbourne Stoke. In response to consultation on S/2010/007, the Council's archaeologist had recommended that an archaeological watching brief had been undertaken for further works at the site involving excavation. Further substantial excavations to reduce the land levels have been undertaken in the southern corner of the site, without the involvement of the Council's archaeologist. However the

importance of the excavated area in archaeological terms is not known at this time.

36. Further and as noted above, land beyond the site is of nature conservation significance, particularly the River Till SSSI and SAC. Whilst the unauthorised operations at the site have not yet directly affected these areas, it is also relevant to take into account the potential adverse impacts on the nature conservation interests of these areas that further unauthorised works could have.
37. In view of all the above, whilst Members could conclude that there was planning harm and conflict with the planning policies identified in paras 13&14 above (including policies G1, G2, C2, C6, CN11 and T9, the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism, policies CN21 & CN22 and the guidance contained within the recently published PPS5 policies C12, C13 and C18 and the guidance in PPS9) caused by the operational development identified at para 26 and that enforcement action to remedy the breach may be expedient, this also needs to be tempered by the limits of what such action could reasonably be expected to achieve.
38. It is understood moreover that the owner is preparing a revised, retrospective application which would solely be limited to retaining the physical features at the site (as opposed to S/10/0007, which sought to extend the caravan site) possibly with modifications to the works having regard to a landscape assessment which is being prepared. The owner has already undertaken some planting to attempt to address visual objections. Such an application would also, if successful, allow restrictive conditions to be imposed on the use of the site. It is understood that a further application may well be received before this meeting; it would then be subject to consultation prior to being considered at a future Committee.
39. Further, the owner has offered to enter into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, the effect of which would be to prevent him from undertaking any further unauthorised operational development at the site. Such an Undertaking would be enforceable by the Council through the Courts in the event of any breaches.
40. In considering the expediency of enforcement action at this stage Members should also be aware of guidance in Planning Policy Guidance Note no.18, which in summary encourages resolution of breaches of planning control by negotiation as far as possible, although this should of course be balanced against not allowing any planning harm caused by activities to continue indefinitely.
41. In summary the approach outlined at 38 and 39 above therefore offers advantages in that it offers the prospect of the Council gaining detailed control over activities at the site, the addressing of visual and other objections raised in relation to the previous application and preventing further unauthorised works. It would also avoid the prospect of an appeal to

the Planning Inspectorate where the ultimate decision is outside of the Council's control and the time in which these matters remain unresolved would be further extended.

42. Nevertheless if Committee do not share the above views regarding the efficacy of a further application together with an Undertaking, it will then be for Members to consider whether it is expedient to issue a Stop Notice as well as an Enforcement Notice, to both require removal of the existing works and to prohibit the carrying out of further works respectively. The advantage of a Stop Notice in this instance is that whilst an appeal can be made against an Enforcement Notice (which suspends it coming into effect and therefore would effectively not prevent further operations from continuing until such time as an appeal had been decided), a Stop Notice can take effect almost immediately to prohibit further works.
43. A Stop Notice should only be used in circumstances where the Committee considers it is essential in the interests of safeguarding amenity or public safety, to do so. In deciding whether to serve such a Notice in this case, the Committee should identify the costs to the owner and weigh them up against the benefits to amenity. It is considered unlikely that there would be significant costs to the business, which would be limited to for example having to lay off contractors, against which the benefits in terms of preventing serious and continued harm, for example to nature conservation and archaeological interests, which could be caused by erection of further buildings or further excavations and alterations to the contours and profile of the site. Accordingly, Members may conclude that the balance is towards issuing a Stop Notice to accompany an Enforcement Notice should they favour formal enforcement action overall.
44. Members should be aware that there is a risk of compensation being payable to the owner in the event that the associated Enforcement Notice is quashed at appeal. This is generally limited to situations where the appeal is allowed on grounds other than the grant of planning permission. Whilst it is difficult to be conclusive, it is likely that the risks are therefore not significant in this particular case. Nevertheless the Council will need to produce substantial evidence to support its reasons for issuing an Enforcement Notice at appeal, otherwise it risks having to pay the appellant's costs as the Notice could be deemed to have been issued unreasonably.

Other caravans & camping

45. As noted above, these are permitted with certain restrictions, in particular that any caravan rallies must be under the auspices of one of the many exempted organisations and that in general any tented use of the land should not exceed 28 days' duration in total in any year.
46. The available evidence suggests that some caravans and motorhomes have, at least occasionally, been stationed on the land outside of the

restrictions of the 'certified' site and were not associated with a rally being conducted by an exempt organisation. Although the scale and duration of such occurrences is unclear, it is noted that over the weekend of 1st-3rd May 2010, between 4 and 10 caravans/motorhomes may have been present on this part of the site. In 2009, the owner's website publicity referred to 15 pitches being available. The recent, refused application showed a further 10 pitches to be created to the south of the certified and 10 pitches within an 'overflow' area to the west for 'peak and bank holidays only', in addition to the rally field further to the west. This suggests that such activity does occur in particular at peak periods during the holiday season.

47. The area of land outside of the 'certified' site is more prominent in the landscape, being visible from the Class B Berwick Road road and at longer distance to the north west from the A303. Members could therefore reasonably conclude that that an accumulation of caravans and motorhomes with their man-made, box-like profile and stark colours all at odds with the muted colours and softer profiles of the countryside, on this part of the site would appear as unduly alien and intrusive features in the otherwise generally open and unspoilt countryside. This would also therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.
48. In negotiations the owner has also offered to enter into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, the effect of which would be to prevent him from stationing caravans on the site (other than those permitted by reason of being part of a Caravan Club etc. organised meeting). As noted above, such an Undertaking would be enforceable by the Council through the Courts in the event of any breaches. This would effectively achieve a similar outcome to an Enforcement Notice and Stop Notice, without giving rise to any right of appeal to the Planning Inspectorate.
49. If Members are minded not to accept the offer of an Undertaking, they would then need to consider whether it would be expedient to take formal enforcement action to secure cessation of the use by issuing an Enforcement Notice. Consideration then turns to whether it would also be necessary to issue a Stop Notice to accompany an Enforcement Notice, to prohibit further stationing of caravans at the site in breach of planning control almost immediately.
50. As noted above, the advantage of a Stop Notice in relation to this use is that it could take effect almost immediately and would be effective even if the Enforcement Notice were the subject of an appeal. A Stop Notice should only be used in circumstances where the Committee considers it is essential in the interests of safeguarding amenity or public safety, to do so. In deciding whether to serve such a Notice in this case, the Committee should estimate the broad costs to the owner and weigh them up against the benefits to amenity. It is considered unlikely that there would be

significant costs to the business, which would be limited to for example having to turn trade away, and reimburse customers against which the benefits in terms of preventing the continued, largely visual harm caused by the use should be considered. It should also however be borne in mind that such harm may be of short- term duration (both in terms of caravans coming and going on a regular basis, but also in the event of an Enforcement Notice being upheld at appeal) and limited, in particular as the available evidence suggests that there may have been a maximum of ten caravans at the site at any one time. Serving a Stop Notice in such circumstances would be an unusual step. Accordingly, Members may conclude in this instance that the balance is not in favour of issuing a Stop Notice to accompany an Enforcement Notice at this stage. However it is open to the Council to revisit this conclusion at any time once an Enforcement Notice has been served and if considered appropriate to serve a Stop Notice under delegated powers.

51. Members should also be aware that there is a risk of compensation being payable to the owner in the event that the associated Enforcement Notice is quashed at appeal. This is generally limited to situations where the appeal is allowed on grounds other than the grant of planning permission. Whilst it is difficult to be conclusive, it is likely that the risks would therefore not be significant in this particular case. However the reasons for issuing the Notice will still need to be substantiated in any subsequent appeal-see para 44 above.
52. The situation in relation to tents on this part of the site is less clear -cut at the moment. Officers have attended the site on several occasions but are unable to monitor the site on a daily basis over an extended period. At the time of writing, there is little evidence to suggest that the site has been used to station tents for more than 28 days. Officers have examined the owners' record of events which suggests that to date, tented activity at the site this year has amounted to 8 days only and unlikely to exceed 17 days up to the end of August-i.e. well within permitted limits. Enforcement action cannot be taken in relation to a breach which has not yet taken place. It is therefore proposed to keep this matter under review. If deemed expedient to do so, Officers would be able to take further enforcement action under delegated powers.

Use of former poultry buildings for caravan etc. storage

53. This was drawn to the Council's attention in September 2009 and confirmed in subsequent site visits when several caravans and cars as well as domestic paraphernalia were recorded. It was also noted that the owner was advertising the availability of storage facilities at the site, on his website.
54. At the time following negotiations a retrospective planning application was requested to retain the use. Officers were given to understand that such

an application would be forthcoming in respect of one of the buildings with the other being removed.

55. No application was received however and several caravans were still being stored in the buildings in November. Following further negotiations with the owner, it is understood that this use will have ceased altogether by the time of the Committee meeting, only 3 caravans remaining at the latest visit.
56. It has also been made clear to the owner that the advertising should be removed from his website as its continued presence suggests that the use may recommence in future.

Unlawful signage

57. In April 2009, it came to the Council's attention that a large blue sign advertising the camp site had been erected in the field to the south of the access. The owner subsequently agreed to remove this sign following negotiations.
58. By August, two new, smaller brown signs had been erected adjacent to the access and the blue sign removed. A retrospective application was requested and officers were subsequently led to believe that an application would be made contemporaneously with the partially retrospective application in relation to the caravan site. No such application has been received at the time of writing. However it is considered likely that one will be registered prior to the date of the Committee.
59. Unlike some other planning breaches, the display of signage without the relevant consent from the Council is an offence and it would be open to the Committee to direct Officers to instruct prosecution proceedings against the person/s responsible for displaying the signs, provided the latter are satisfied that such action is merited in the public interest.
60. In weighing up the public interest in prosecution the Council is required to consider a number of factors. The balance of the public interest in favour of prosecution may be affected by for example, early removal of the signs or by their obtaining retrospective consent.
61. In the circumstances it is therefore considered appropriate, in the event that an application is received and registered, to await its outcome before determining a further course of action in this regard.

The riding arena

62. A riding arena/manege forms part of the development granted planning permission on appeal reference S/2006/2122 for demolition and clearance of existing derelict buildings and construction of a replacement dwelling, stables, manege, office building, new access and landscaping. However, as built the riding arena is unauthorised, as none of the pre-commencement conditions attached to the permission have been complied with; whilst the position of the riding arena has altered in relation to that approved, this is not considered material. It is also noted that the riding arena is largely built on the concrete pad of a former poultry shed; therefore intrusive groundworks appear to have been minimal although this not clear at this stage.
63. The conditions on the above permission require, among other things, provision of alternative roosting for bat and barn owls, submission and approval of further bat and bird surveys and submission and approval of mitigation measures, submission and approval of pollution prevention measures, submission and approval of a scheme for foul and surface water disposal, submission and approval of schemes regarding contamination and remediation, submission and implementation of a programme of archaeological investigation.
64. The above conditions were all imposed to accord with Development Plan policies referred to at 13&14 above and the continued failure to comply with the conditions coupled with further development pursuant to the above permission is likely to cause serious harm to interests such as nature conservation, the adjacent SSSI/ SAC, archaeological interests and public health through failure to undertake a proper contamination study and remediation and pollution. The Council's ecologist and archaeologist have both expressed concern regarding further works at the site until such time as the relevant conditions have been complied with and the Council's environmental health officer is understood to hold similar views. It is therefore considered expedient that further development which could harm the above interests should be prohibited.
65. The proposed Unilateral Undertaking would also prevent the owner from undertaking any further unauthorised operational development on this part of the site, i.e. preventing further development until such time as all of the pre-conditions attached to the above permission have been discharged. The above would seem to largely address the potential planning harm, without having to issue formal Notices and giving rise to rights of appeal to the Planning Inspectorate etc. The principle of a riding arena in a similar location has already been accepted under S/2006/2122. The degree of harm caused by the works undertaken to date is unclear, but is likely to be minimal and could be addressed through the submission of details required to comply with the various conditions imposed on the permission.
66. In the event Members nevertheless wish to consider the expediency of serving a Stop Notice and an Enforcement Notice, they should do so

having full regard to the penultimate sentence of paragraph 65 above. The considerations regarding serving such Notices are already set out at paragraphs 44 and 49-51 above. Members should consider that an Enforcement Notice could be challenged at appeal. Moreover it is considered that it would not be appropriate to serve a Breach of Condition Notice as that could not take effect for 28 days, within which time further harmful works could be carried out and it cannot be served to accompany a Stop Notice.

Human Rights

67. Any course of action adopted by Members in respect of the above breaches will interfere with owner's rights under Article 1, 1 and Article 8 of the HRA. However, such interference is in pursuit of a legitimate public interest- upholding of Development Plan policies and protecting the environment. The level of such interference could be regarded as reasonable, minimal, and proportionate, having regard to the nature of the breach and the objectives of Development Plan policies.

Conclusions

68. This report has principally been concerned with the following breaches of planning control at the site:

- i. **Engineering and other operations including materially altering the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of an earth bund and associated fencing; installation of a cesspool/ waste disposal point and enclosing fencing; installing electrical hook –ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; formation of a pathway, and; erection of a toilet block and a washing up building.**
- ii. **The use of land as a caravan site for the stationing and habitation of touring caravans;**
- iii. **By constructing a riding arena/ manege, commencement of development in respect of planning permission S/2006/2122 dated 28th February 2008 without compliance with condition nos. 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 17, 18, 22 & 28.**

69. Given the harm to the landscape identified by Members in refusing the recent planning application reference S/10/0007 in respect of the site and to prevent further damage to interests including nature conservation and

archaeology in the event that further development were undertaken at the site in breach of planning control enforcement action may be merited, however it is considered by Officers that this should be through a combination of retrospective application and a Unilateral Undertaking to prevent further unauthorised development. It is hoped that a least a draft form of the Undertaking will be available prior to the meeting. Whilst formal enforcement action through issuing Enforcement Notices and Stop Notices is a course of action available to Members, nevertheless the former would seem to be the most appropriate option for addressing the breaches of planning control at this site in a timely and effective manner.

70. In addition, signs have been erected without the required consent however these will be the subject of a retrospective application and it is considered to appropriate to await the determination of that application before further action is considered. An unauthorised storage use at the site will have ceased by the date of the Committee

71. However, the use of the site as a certified location by the Caravan Club for up to 5 of its members' caravans, the holding of caravan rallies organised by a bona fide organisation and the stationing of tents on site for up to 28 days per year, are all permitted development and do not require an application for planning permission.

Recommendation

A: That the Committee is minded not to take further enforcement action at this stage in respect of the breaches of planning control identified above, provided that, no later than one month of the date of this meeting:

- i. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act has been completed, which prohibits:**
 - a) Further unauthorised operational development on the certified site and the adjoining rally field;**
 - b) Stationing and habitation of caravans on the rally field (other than that already permitted by law); and**
 - c) Further operational development in breach of conditions attached to planning permission reference S/2006/2122.**
- ii. Retrospective applications have been registered concerning retention of the altered access, track, earth bund, hardstanding, electrical hook ups, lighting and building.**

Further to the above, that prior to completion of the Undertaking, the owner honours its terms;

B: Alternatively, in the event that Members are minded not to accept recommendation A above:

That the Area Development Manager be authorised to issue the following Stop Notices & Enforcement Notices under the Town and Country Planning Act 1990 and serve it on the appropriate person(s) as follows:

Notice no.1

Alleging the following breach of planning control:

Without planning permission,

- i. The carrying out of engineering and other operations on the Land including materially altering the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of an earth bund and associated fencing; installation of a cesspool/ waste disposal point and enclosing fencing; installing electrical hook –ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; formation of a pathway, and erection of a toilet block and washing up building.**

The Stop Notice to prohibit any further building, engineering or other operations on, over or under the Land including construction of outbuildings, hardstandings, septic tanks, or excavations or deposits which materially alter the landform.

The Enforcement Notice to require the following steps to be taken:

- 1. Permanently demolish the hardstandings, and remove the access and track surfacing materials, pathway surfacing materials, cesspool /waste disposal point and associated fencing, lighting and electrical hook up points from the Land;**
- 2. Reinstate the Land to its former contours and profiles, i.e. to match the levels and profiles that of the land immediately adjacent;**
- 3. Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place;**
- 4. Reduce the height of the earth bund and associated fencing so that where adjacent to Berwick Road as shown on plan A attached to the Notice, the height of the bund or the fence or their combined height does not exceed one metre.**
- 5. Permanently remove all demolition materials arising from steps 1-4 from the Land**

Timescale for compliance with the Enforcement Notice:

Steps 1-5: 3 months.

Reasons for serving the Enforcement Notice:

- 1. The Land is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, lies against the backdrop of the Winterbourne Stoke Conservation Area, is in close proximity to a Site of Special Scientific Interest/Special Area of Conservation and is also situated in an area of archaeological significance. The development has had a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm would be outweighed by economic benefits or could be satisfactorily addressed through new landscaping. The development is therefore contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, C12, C13, C18, CN11, CN21, CN22 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.**

Notice no.2

Alleging the following breach of planning control:

Without planning permission, the use of the Land as a caravan site for the stationing and habitation of touring caravans.

The Enforcement Notice to require the following steps to be taken:

- 1. Cease permanently the use of the Land as a caravan site for the stationing and habitation of touring caravans by removing any caravans on the site, other than those permitted by Part 5 of the 2nd Schedule to the Town and Country Planning (General Permitted Development) Order 1995.**

Timescale for compliance with the Enforcement Notice:

Step 1: One month.

Reasons for serving the Enforcement Notice:

- 1. The Land is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area and is in close proximity to a Site of Special Scientific Interest/Special Area of Conservation. The use of the Land as a**

caravan site for the stationing and habitation of touring caravans has a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm would be outweighed by economic benefits or could be satisfactorily addressed through new landscaping. The development would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.

Notice no.3

That the Area Development Manager be authorised to issue a Stop Notice and an Enforcement Notice under the Town and Country Planning Act 1990 and serve it on the appropriate person(s)

Alleging the following breach of planning control:

Without planning permission, the construction of a riding arena/manege in breach of conditions 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 17, 18, 22 & 28 attached to planning permission reference S/2006/2122 dated 28th February 2008.

The Stop Notice to prohibit any further building, engineering or other operations on the Land in conjunction with or incidental or ancillary to, the construction of the replacement dwelling, stables, manege, office building storage building, new access and landscaping granted conditional planning permission by reference S/2006/2122 dated 28th February 2008.

The Enforcement Notice to require the following steps to be taken:

- 1. Cease permanently the construction of the riding arena/manege;**
- 2. Permanently demolish the riding arena/manege and reinstate the and to its former condition i.e. to match the levels and profiles that of the land immediately adjacent;**
- 3. Remove all associated demolition materials from the Land.**

Timescale for compliance with the Enforcement Notice:

- 1. One month.**
- 2. One month.**
- 3. One month.**

Reason for serving the Enforcement Notice:

1. The Land is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area and is in close proximity to a Site of Special Scientific Interest/Special Area of Conservation. It has not been demonstrated to the Local Planning Authority that the building, engineering or other operations on the Land in conjunction with or incidental or ancillary to, the construction of the replacement dwelling, stables, manege, office building storage building, new access and landscaping granted conditional planning permission by reference S/2006/2122 dated 28th February 2008, without compliance with any of the pre-commencement conditions attached to that permission, have not harmed interests including nature conservation, the adjacent SSSI/ SAC, the archaeological interests of the Land and/or public health and retention of the development would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, C12 C13, C18, CN11, CN21& CN22 and the guidance contained within PPS5, PPS7 and PPS23.

Report Author:

Stephen Hawkins, Lead Principal Planning Enforcement Officer

Date of report 3rd June 2010

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None
