

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 26 May 2011
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 Paul Sample
Cllr Mary Douglas	Cllr Ian West
Cllr Jose Green	Cllr Fred Westmoreland
Cllr Mike Hewitt	

Substitutes:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Peter Colmer	Cllr Leo Randall
Cllr Russell Hawker	Cllr Ricky Rogers
Cllr David Jenkins	Cllr John Smale
Cllr Bill Moss	Cllr Graham Wright

AGENDA

Part I

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

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

2. **Minutes** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 5 May 2011(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 and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

Questions

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

ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Thursday 19 May 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Appeals** (*Pages 11 - 12*)

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

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

To consider and determine planning applications in the attached schedule.

7a **S/2011/0444 - Open site behind Antrobus Hotel Kings Arms Inn and Lloyds Bank Salisbury Street Amesbury** (*Pages 15 - 32*)

7b **S/2011/0288 - 78 Lower Road Salisbury** (*Pages 33 - 38*)

7c **S/2010/1879 - Fitz Farmhouse, Teffont Magna, Salisbury** (*Pages 39 - 50*)

7d **S/2011/0181 - Ware Farm, Benn Lane, Farley, Salisbury** (*Pages 51 - 56*)

8. **Urgent Items**

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

Part II

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

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SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 5 MAY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE,
SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Richard Clewer

54. **Apologies for Absence**

Apologies for absence were received from Cllr Brian Dalton.

55. **Minutes**

The minutes of the meeting held 14 April 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes subject to the addition of Cllr Mary Douglas under minute no.45, Apologies for Absence.

56. **Declarations of Interest**

Cllr Mary Douglas declared a personal interest in planning application S/2011/0046 – 151 – 161 and 169 Fisherton Street, Salisbury. She explained that her interest was a result of her active role in the local Christian community, but clarified she was not a member of the St.Paul's Parochial Church Council nor did she have any sort of role on any steering committee.

57. **Chairman's Announcements**

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

The Chairman added that further to the Councillors' request at the previous meeting a meeting for the committee members with the new Area Head of Planning Andrew Guest was in the process of being arranged. It would take place in advance of the next committee meeting.

58. **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

59. **Planning Appeals**

The committee received details of one forthcoming appeal as follows:

S/2010/1699 - Land Opposite Southview Cottage, Brook Hill, Donhead St. Andrew, Shaftesbury, SP7 9LG.

60. **Planning Applications**

60a **S/2011/0046 - 151-161 and 169 Fisherton Street, Salisbury SP2 7RP**

Public Participation:

Mr Andrew Robertson, spoke in support of the application.

Cllr Richard Clewer, the local member spoke to convey local residents' concerns regarding parking and some elements of the design (at least partially addressed), and expressed support of the plan as a whole.

The Planning Officer introduced the application and drew members' attention in particular to the conditions listed under point 11 of her report regarding glazing and the opening of windows on the proposed community centre.

A debate ensued wherein members of the committee discussed the potential community benefits of the scheme and regenerating effect it could have on the St. Paul's roundabout area, and also the situation regarding parking provision for this and other such inner-city developments.

It was

Resolved:

That the application be GRANTED, subject to the completion and agreement of a s106 legal agreement / a unilateral undertaking which provides contributions towards off site open space and educational facilities, for the following reasons:

The proposed development would not cause any significant demonstrable

harm to interests of acknowledged importance, in this case, the impact on the character of the area, amenities, highway safety/parking, contamination, protected species and open space/education requirements. The proposal is considered to be in accordance with the aims and objectives of the following saved policies in the Salisbury Local Plan namely:

G1 - Sustainable development
G2 – General
G9 – Planning obligations
C12 – Protected species
H8 - Housing Policy Boundary
D1 - Design
D2 – Design
CN5 – Development affecting the setting of a listed building
TR11 - Off street car parking
TR14 -Provision of cycle parking
R2 - Recreational open space
E16 –Employment

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) No development shall commence until details of the entry gate and traffic light signal system, including the locations of the installations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the gates and traffic light signal system has been installed in accordance with the approved details and shall be serviced and maintained at all times thereafter.

Reason: To ensure that vehicles do not meet on the access ramp and prevent the need for vehicles to reverse onto the highway.

Policy: G2 (General)

(3) No development shall commence until details of the reinstatement of the footway to remove existing vehicle crossings, in accordance with Wiltshire Council footway specification, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the footway has been reinstated in accordance with the approved details.

Reason: In the interests of amenity and public safety.

Policy: G2 (general)

(4) No development shall commence until full large scale drawings and details (1:10 scale) of all architectural features including door and window surrounds, window heads/sills, windows, doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(5) No development shall commence until a schedule of external facing materials of the roof and walls (including, bricks and mortar colour) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: G2 (General), D2 (Design)

(6) No development shall commence on site until a sample wall panel for the side extension to the former school building, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

Policy: G2 (General), D2 (Design)

(7) No development shall commence until a noise pollution attenuation scheme for flats 6, 9, 10, 13 and 14 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats facing onto St Pauls roundabout.

Policy: G2 (General)

(8) No development shall commence until full details of the acoustic insulation between flats 8, 9, 12 and 13 have been submitted to and approved in writing by the local planning authority. The flats shall not be occupied until the development has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats due to the arrangement of living accommodation within flats 8, 9, 12 and 13 where there is a conflict in adjacent room uses on the first and second floors.

Policy: G2 (General)

(9) No development shall commence until full details of the acoustic insulation between the community centre and adjoining Nos 157 and 163 Fisherton Street have been submitted to and approved in writing by the local planning authority. The community centre shall not be used until the development has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of adjacent residential units.

Policy: G2 (General)

(10) No development shall commence until a scheme for protecting the proposed residential units against noise from the underground car park and any associated extraction or ventilation equipment has been submitted to and approved by the Local Planning Authority.

The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats.

Policy: G2 (General)

(11) No development shall be commenced until details of the obscure glazing and means of restrictive opening/non-opening windows to the 2nd floor meeting room, stairwell and first floor kitchen in the community centre building have been submitted to and approved in writing by the local planning authority. The community centre shall not be used until the development has been completed in accordance with the approved details and shall be maintained as such for perpetuity.

Reason: In the interest of neighbouring amenity.

Policy: G2 (General)

(12) No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. This condition shall not apply to the internal fitting out of the development.

Reason: In the interests of the amenities of the occupiers of adjacent residential units.

Policy: G2 (General)

(13) The use of the commercial premises on the ground floor of the development shall be solely limited to uses within Classes B1a) Offices or A2 of the (Town and Country Planning) Use Classes Order 1995 as amended in 2005 (or any Order revoking or altering that Order).

Reason: In the interests of the amenity of the area and highway safety, to allow the Local Planning Authority to consider any future proposals for a change of use having regard to the circumstances of the case.

Policy: G2 (General)

(14) The community centre hereby permitted shall only be in use between the hours of 08:00am and 00:00 midnight.

Reason: In the interests of the amenities of the occupants of the nearby residential properties.

Policy: G1 & G2 (General Development Criteria)

(15) This development shall be in accordance with the following drawings:

733-20-11A Location Plan

733-20-14 Section F-F & Bin Store Elevations

733-20-01A Ground floor and basement plans

733-20-02A First Floor Plan

733-20-03A Second Floor Plan and Third Floor Plan

733-20-04A Roof Plans

733-20-05A North East and South West Street Elevation

733-20-06A West, East & South Elevations of flats

733-20-08A Sections B-B, C-C, D-D and E-E flats

733-20-10A Site plan

733-20-12A Block plan

733-20-17 Section G-G

733-20-07A North West, South East, south West elevations, & Section A-A Youth and Community Centre

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

INFORMATIVE:- Traffic Regulation Order

A traffic regulation order will be required prior to the construction of the new vehicular access and existing road markings and repositioned to ensure that the on-street parking spaces are correctly indicated. It will be necessary for the applicant to request that the necessary changes to the traffic regulations order are undertaken by Wiltshire Council, including the necessary changes to road markings. The total cost of the order and works will be in the order of £4,000 and the applicant shall deposit the sum with the Council at the appropriate time in order to ensure the order and works are implemented to meet the programme of works. It will not be permitted that the new access is constructed until the order is made and the full cost of the order and works have been paid in advance.

INFORMATIVE: Wiltshire Fire & Rescue

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed on the council's website against the relevant application record.

INFORMATIVE: Condition 7

In order to comply with condition 7, the ventilation system should be sufficient to allow a proper degree of ventilation, including during the warmer months of the year, and should allow the occupants to control the degree of ventilation to their needs and comfort. The applicant should also demonstrate that the equipment itself will not generate an excessive level of internal noise.

INFORMATIVE: - Party Wall Act

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

INFORMATIVE:- Wildlife and Countryside Act

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

Immediately prior to construction checks should be made for the presence of nesting birds and roosting bats.

Construction should proceed with care and removal of roof tiles should be by hand.

Bats are a Wiltshire BAP priority and consideration should be given to incorporating the provision of roosting opportunities in the form of bat boxes or bat bricks into the development scheme.

INFORMATIVE: Environmental Health

The site is inappropriate for the use of brick crushers and/or screeners on site which can have a very large impact in terms of noise and dust on people living and working nearby. Any significant processing of demolition materials should take place in a more appropriate location.

INFORMATIVE:- Residents Parking Zones and Permits

The applicant/owner is advised that the occupants of the new properties hereby granted planning permission may not be entitled to parking permits under the residents parking scheme operating in this area, including

additional units resulting from the conversion of properties to flats. You are advised to contact Parking Services 01722 434326 should you require any further information regarding the issuing of residents parking permits by the City Council.

60b **S/2011/0329 - Landford Manor, Stock Lane, Landford, Salisbury SP5 2EW**

Public Participation:

Mrs Carol Hewson spoke in objection to the application

Mr Richard Hewson spoke in support of the application
Mr Ray Avery spoke in support of the application

Cllr John Martin, Landford Parish Council, spoke in objection to the proposal.

The Chairman informed the committee that a number of letters had been received as submissions for inclusion under the late list, however the content of these was contested and offered no new and relevant information in planning terms.

The planning officer introduced the retrospective application and answered technical questions on the case officer's report.

A motion for permission was proposed and seconded and then debated. Contributions focused on the following factors:

- The intent behind the original permission for the renovation of Landford Manor
- The sustainability of the business as operated out of these premises
- The need to encourage the development of the rural economy
- Fire safety and fire mitigation measures
- The amenity of the other occupants of Landford Manor
- Traffic levels in the proximity of the Manor and the levels of parking available on the site

On being put to the vote the motion for approval was lost.

A new motion for refusal was proposed and seconded on the grounds that the application was an inappropriate change of use of part of a listed building in a conservation area, was contrary to the rules governing development within listed buildings and objecting in principle to the assertion that the unit was suitable for use as offices, noting further that such use would be detrimental to the amenity of local residents.

Following discussion it was

Resolved:

To REFUSE planning permission for the proposed continued use of the upper floor of Unit 1 of Landford Manor by Innovative Consultancy UK Ltd, for the following reasons:

- 1) the scale of the use having resulted in a significantly large number of cars being parked in front of the Manor, which is considered to be visually detrimental to the setting of the listed building;
 - 2) the changes that would be required in order to facilitate the provision of adequate fire precautions for such a large office employing up to 12 persons; are likely to be unsympathetic to the historic interest of the building,
 - 3) the changes would have unacceptable long term implications for the historical integrity of the building being incompatible in terms of its scale and impact upon the listed grade II* Landford Manor, and would adversely affect the amenities of neighbours. As such the proposal is considered to be contrary to the provisions of the Development Plan, and in particular Policies G1 and G2 (General Criteria for Development), CN4 and CN5 (Listed buildings) and E17 (Employment) of the saved policies of the adopted local plan, and PPS4.
-

Cllr Mike Hewitt requested his vote against the refusal of planning permission be recorded.

61. **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

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APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs
S/2010/1587	Old Chalk Pit, Gypsy Lane, Petersfinger	H	Enforcement Appeal	Dismissed	No	No
S/2010/0784	Land at Long Cross, Zeals	WR	Delegated	Dismissed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2010/1350 S/2011/0102	29 Holders Road, Amesbury	WR	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing
LI Local Inquiry
ENF Enforcement Appeal

16th May 2011

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Agenda Item 7

INDEX OF APPLICATIONS ON 26 MAY 2011

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2011/0444	Open site behind Antrobus Hotel Kings Arms Inn and Lloyds Bank Salisbury Street Amesbury	Erection of 12 retirement houses including car parking and landscaping	Approve with Conditions	Cllr Fred Westmoreland
2	S/2011/0288	78 Lower Road Salisbury	Replace existing front wall with gated wall and dropped kerb	Approve with Conditions	Cllr Christopher Cochrane
3	S/2010/1879	Fitz Farmhouse Teffont Magna Salisbury	Construction of a two storey cottage	Approve with Conditions	Cllr Bridget Wayman
4	S/2011/0181	Ware Farm Benn Lane Farley Salisbury	Change of use from equestrian to mixed equestrian / small holding use (retrospective)	Approve with Conditions	Cllr Christopher Devine

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Agenda Item 7a

Date of Meeting	26/05/11		
Application Number:	S/2011/0444		
Site Address:	Open site behind Antrobus Hotel Kings Arms Inn and Lloyds Bank Salisbury Street Amesbury Salisbury SP4 7HD		
Proposal:	Erection of 12 retirement houses including car parking and landscaping		
Applicant/ Agent:	Mr A Stocken		
Parish:	AMESBURY WEST AMESBURY WEST		
Grid Reference:	415352 141379		
Type of Application:	FULL		
Conservation Area:	AMESBURY	LB Grade:	
Case Officer:	Mr A Madge	Contact Number:	01722 434380

Reason for the application being considered by Committee

A previous planning application for a similar development was brought before Southern Area Planning Committee recently and refused by committee on highway safety grounds. Given this recent refusal and the changes made to this new application it was considered appropriate that members considered and determined the revised proposal.

1. Purpose of Report

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

GRANTED subject to conditions

And the applicant be invited to enter an Agreement in respect of the following matters:

(i)R3.....

following completion of which the Area Team Manager (Development Control and Heritage) be authorised to GRANT Planning Permission subject to conditions

Neighbourhood Responses

3 letters received objecting to the proposal
0 letters of support received
0 letters commenting on the application received

Parish/Town/City Council response

Object to the application as set out in page 3 of the report

2. Main Issues

The main issues to consider are :

- 1) How the application has changed from that submitted previously (Highways issues)
- 2) Density and amount of development
- 3) impact on the conservation area/listed building
- 4) impact on trees
- 5) Archaeology
- 6) Design of the development
- 7) Residential amenity overlooking
- 8) Other issues

3. Site Description

The site is an open piece of land to the rear of the Antrobus Arms Hotel in Amesbury. Most of the land formerly was part of the garden to the Antrobus Arms hotel but is now in separate ownership. To the North West of the site is the hotel itself and a pub and nightclub known as the Kings Arms. Next door to this is the Lloyds bank building and all of these face on to Church street. To the North East of the site it backs on to a row of two storey buildings which form shops at the ground floor and residential/office/storage at the first floor.

To the South East the site backs onto a number of smaller two storey residential buildings in flower lane. These buildings are positioned at a lower level with a drop in height of approximately 1 metre and they are behind a high brick wall which itself is approximately two metres in height.

To the west the site is bordered again by a two metre high wall and a detached residential dwelling known as Chelston House.

The site itself is relatively level and is currently for the most part unused although the area to the east behind the bank is still used for informal parking and the Antrobus Arms hotel has rights to park in some of this area. Vehicular and pedestrian access is obtained between buildings in Salisbury Street which is relatively narrow and which there is no passing space.

4. Planning History

Application number	Proposal	Decision
98/2030	Demolition and replacement of existing dwelling together with 8 new dwellings for sheltered housing with access from Salisbury Street.	Withdrawn
99/0685	Extension to dwelling	Approved
99/0764	Six retirement homes and associated car parking	Refused and appeal dismissed
99/2067	Six retirement homes and associated car parking	Refused as 99/0764 and appeal dismissed
2000/1972	Four retirement homes	Approved
2002/1559	Erection of eight retirement homes	Approved
2010/1285	Erection of 12 retirement homes	Refused (highway safety issues in relation to Salisbury street)

5. The Proposal

The proposal is for the erection of 12 retirement properties. The proposal is for a line of 11 dwellings facing towards the rear of properties in Flower lane. This line of properties is staggered and an access runs to the front of the houses for pedestrians and vehicles within the site. All the properties are two storey in height and contain three bedrooms. Each property has a pitched roof in a traditional style.

Dwelling 12 is to be located at the rear of the main terrace/row of properties and faces to the South West. It is orientated differently to other properties in order to avoid overlooking.

Each property will have its own small garden to the rear and a further space to the front.

To the rear beyond each properties own private garden, the properties back on to a large open communal area which is to be maintained by a management company. The significant Beech tree at the rear is to remain as part of the development.

Access is to be from Salisbury street as existing and parking is to be provided for 2 vehicles per property.

The development as a whole would be gated near to its entrance from Salisbury Street and provision made communally near to the entrance for refuse and cycle storage. It should be noted that there is space on the plan for each property to also have its own refuse bin.

The materials are to be a mixture of facing brick and flint panels and wooden doors and windows.

6. Planning Policy

The following policies are considered relevant to this proposal –

Saved policies of the adopted Salisbury district local plan.

G1 proposals achieve an overall pattern of sustainable development
G2 General criteria for development.
G9 Planning obligations
D1 Design criteria for extensive development
D2 Design criteria for infill development
H16 Housing Policy boundaries
H24 Housing for the elderly
H25 Affordable Housing
CN5 Development effecting a listed building
CN8 development which preserves or enhances the character of an area
CN10 loss of open space in the conservation area
CN11 views in and out of the conservation area
CN21 archaeology
CN23 archaeological evaluation
TR11 Provision of off street car parking spaces
R3 recreational space for the elderly

7. Consultations

Town council

The committee noted that this application is almost the same as that recently rejected (S/2010/1285/Full) and felt that their objections to that were unaltered. These in the main were:

Overdevelopment of this site, the Council notes that a previous application for this site approved only 8 houses. The current size of the building plot is a little over an half an acre. PPG3 would indicate that this is very close to the maximum density permitted. This density is not acceptable for retirement homes. It is noted that the proposed refuse store would not be large enough to house recycling bins for all the houses. The applicant states that no street lighting would be provided relying instead of residual lighting from street lights in Salisbury Street and Flower Lane, this it is felt would not be adequate for the site. It is noted that each house would be provided with one outside light, presumably controlled by the occupier, again

not adequate for the development. Of greatest concern to the Council and members of the public who have contacted members of the Council are the access arrangements. In the Transport Assessment the applicant states that the current car park is used by members of the public and that movements are frequent. This is not true. It is not a public car park and is used by the bank and some businesses and it is noted that there are a limited number of spaces available. By nature of the intended residents it is likely that they will at times require additional help and assistance from care workers etc. The applicant has not made reference to the shared car park just outside the site nor the fact that the shops have deliveries to their store alongside the entrance drive. The entrance to the site is by a private drive way with its egress onto Salisbury Street across a busy pedestrian footpath. It is felt the potential increased vehicle traffic entering and more importantly exiting the site is consider a hazard with a high risk of accidents to pedestrians.

There is no indication of a commuted sum being made in respect of R2 contribution in respect of open space (£3982 for the earlier application) Additionally there is no reference as to how they will control the use of the houses to retired people only.

However in noting the reasons for rejection and the subsequent additional information provided in regard to access to and from the site the committee would comment further. The width of the access road is disputed. The usable width is only 4.6m and this tapers down to 3.9m at the southern end.

The transport drawings indicate the overall width of a medium sized car to be 1.686m this it appears is not inclusive of the wing mirrors which increases a medium cars width to 2.1m. The committee made note that the most car parking spaces are in the order of 2.65m wide. Thus it would be very difficult for two cars to pass at this location. The additional information has been provided for medium cars, it is pointed out that there would be need for other vehicles to attend the site these would include refuse trucks, delivery vehicles as well as emergency vehicles. The committee took note that the author of James Bevis email to Read Quality Building has been selective in quotations from the Dept for Transport, Manual for Streets. In quoting 7.2.14 the underlined part of the first sentence is omitted from the report it in fact reads:

Subject to making suitable provision for disabled people, shared surface streets are likely to work well:

- in short lengths, or where they form cul-de-sacs (Fig. 7.6);
- where the volume of motor traffic is below 100 vehicles per hour (vph) (peak) (see box); and
- where parking is controlled or it takes place in designated areas.

Again in quoting from the same document 7.8.3 the underlined are also omitted

Visibility along the street edge

7.8.3 Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway.

The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously.

Consideration should be given to whether this will be appropriate, taking into account the following:

- **the frequency of vehicle movements;**
- **the amount of pedestrian activity; and**
- **the width of the footway.**

As can be seen these omissions alter the context of quotations considerably. The status and application of this document does state:

MfS focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. It is the responsibility of users of MfS to ensure that its application to the design of streets not specifically covered is appropriate.

It should be recognised that this location is on a narrow road in a busy town centre location, the exit of this accessway is directly onto a busy pavement and there are no visibility splays onto the pavement. There are parking restrictions on either side of the access way however cars displaying disability badge do often park there, restricting the view of the street.

Vehicle movements along Salisbury Street are well in excess of the 100 vehicles per hour. The committee also took note that the applicant's agent whilst quoting that there are no retirements homes in Amesbury fails to demonstrate a need for such housing. There are of course quite a number of designated retirement homes in Amesbury, Countess Court, The Cloister and Amesbury Abbey being the more notable.

The committee fully supports the Southern Area Committee reasons for the refusal of the previous application and sees no difference in this current application to alter their views.

Environment Agency

No objections subject to a condition regarding water efficiency, and an informative regarding water efficient systems.

Environmental Health

No objections subject to conditions

Wessex Water

It is recommended prior to the commencement of development that a connection is agreed to the Wessex Water infrastructure.

English Heritage

We are happy to leave a decision on the merits of these proposals in the conservation area to the discretion of your authority. Considers it important to understand the straddling of the two plots with the removal of the wall (see conservation officers comments below).

Conservation officer

No response had been received at the time of writing but members will be updated on this at committee. (No objection to the previous application).

Highways

No response had been received at the time of writing but members will be updated on this at committee.

Civic Society

This is a major undeveloped area within the historic core of Amesbury, which however due to a large element of screening from many directions, and a lack of public access, would be difficult

to class as an important open space which deserves retention. In principle there is probably a good case for some residential development on it, but its location indicates that such development should only be accepted if it meets high design standards, and rises to the challenge of the site.

It is hard to resist the conclusion that the present proposals fail to achieve these ends. While the 'neo-traditional' design approach which they adopt ultimately stems from house types which might be found in the less formal parts of a town centre, in practice it is a modern design solution typical of edge of town developments, such as those south of Amesbury. Its impact in this context will essentially be to introduce a suburban character, reinforced by a short terrace or stepped terrace layout which has no real reference to the site.

Such housing might be more acceptable if there was an assurance it would be constructed with enough commitment to materials, workmanship and detailing to make it a reasonably convincing replica of traditional houses. In a commercial context such commitment is unlikely to be achievable.

The site needs an entirely different approach, which responds to its urban character in a far less bland and formulaic way. Given that the limited views of the site are primarily from directions where modern housing now tends to set the tone, it is hard to see why there is any great need to adopt a historically-themed approach, and an imaginative contemporary design might well be the most successful solution.

While the planning system is clearly limited in its ability to point developers to particular design styles, it does at least in this instance have the power to ask for proposals which truly enhance the character of the conservation area, or at least maintain it, and the Society's contention would be that the present application fails to achieve these ends.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 28/4/2011

3 letters of objection that have been received (including one from South Wiltshire CPRE)
Summary of key points raised

- 1) Concern is expressed about the removal of any of the trees from the site
- 2) Concern is expressed if the Old wall facing flower lane were to be removed.
- 3) Fully endorse the parish council objection about the access onto Salisbury Street.
Does not see how the removal of one dwelling will improve the situation.
- 4) CPRE consider the proposal is overdevelopment of the site.
- 5) Fewer dwellings and fewer two storey dwellings in a design more in keeping with the area would be more appropriate.
- 6) The gated development gives a feeling of exclusivity and exclusion.
- 7) Amenity space may be insufficient.
- 8) Access is too narrow

9. Planning Considerations

9.1 Changes made since the last planning application (Highways impact)

The development is substantially the same as that previously refused on highway grounds by Southern area committee in March 2011. The applicant however has attempted to address the one reason for refusal which was the highway access issues, by including the following in the submission.

- 1) An e-mail dated the 16th March 2011 (attached to this report as appendix A) which outlines a transport consultants views on the access (James Bevis of itransport)

- 2) Two access drawings showing how two cars would pass in the accessway.
- 3) A painted pedestrian footpath along the entranceway
- 4) A traffic light system at the entranceway (red/green light) to indicate to pedestrians when vehicles are entering or leaving the site.

As per the previous application the councils highways officer has accepted that the access is not perfect and that it is only single width in part, however he feels that the fact that the properties are for retirement purposes which generally have less vehicular traffic associated with them and that an adequate number of car parking spaces have been provided means that the access will be acceptable. He has asked that a condition be applied that would entail details of highway safety measures being submitted for the area where the access currently meets the pavement in Salisbury street and also for details of other pedestrian safety measures along this single width accessway which would include the lighting system. It is considered that with this condition the access is adequate for this level of development and complies with the requirements within policy G2 which require that –

- (i) *a satisfactory means of access and turning space within the site, where appropriate, together with parking in accordance with the guidance at Appendices V and VI of the Local Plan.*

Parking is provided for the dwellings at the specified rate of 1 per unit and an additional parking space for every 5 units. 24 car parking spaces are provided which is above the requirement of 15 spaces set out in the local plan policies. It provides 9 spaces for visitor parking and deliveries.

The applicants highways consultant has stated how in his opinion there is adequate space for vehicles to pass at either end of the access and how to his mind the proposal complies with both manual for streets and other highways guidance.

The addition of the traffic light system at the entrance to the site will only enhance safety at this entrance point and the addition of a painted pedestrian path will also help in this respect.

Given that both the councils highways officer and the applicants highways consultant considers there is adequate width in the accessway and that there will not be conflict with pedestrians in Salisbury Street. It is considered that the access, provisions (and the car parking) are acceptable and meet the local plan policy requirements.

9.2 Density And Amount Of Development

Concerns were previously raised (and have been again) by the town council and other third party objectors to the density of development that is being proposed at this site. The density of development is – 36 dwellings per hectare.

On the 9th June 2010 the current government removed the minimum density threshold of 30 dwellings per hectare from PPS3, however there is no maximum density threshold that developers have to comply with. 36 dwellings per hectare is at the low end of the density spectrum which will usually range from about 30 -50 dwellings per hectare. It is perhaps more important rather than relying on figures to ensure that the type of development being proposed fits with the character of the area in terms of its design and layout. This is particularly important in this context as the dwellings would be placed within the Amesbury conservation area and close to listed buildings see section 9.2 below.

Policy D1 of the local plan which covers extensive development states the following –

New development will be permitted where the proposals are compatible with or improve their surroundings in terms of the following criteria:

- (i) the layout and form of existing and the proposed development, and where appropriate the historic pattern of the layout; (ii) any features or open spaces, buildings and/or structures of character on or adjoining the site; (iii) the scale and character of the existing townscape in terms of building heights, building line, plot size, density, elevational design and materials ; (iv) the scale and use of spaces between buildings; (v) views/vistas afforded from within, over and out of the site; and (vi) any existing important landscape features and the nature and scope of new landscaping proposed within and around the edges of the site; and (vii) the roofscape/skyline long or medium distance views.*

This makes clear that the development must be compatible in terms of its layout and form with the historic pattern of development within the area. It is considered that this development as it is tucked away at the back of other properties and largely screened from public viewpoints, is compatible with the scale and form of surrounding development.

The development around the site (with the exception of the Antrobus Arms Hotel and Kings Arms) is two storey in nature with pitched tiled roofs. This occurs both in Flower lane and in Salisbury Street. The development proposed reflects this in that it is two storey low key buildings with pitched tiled roofs. There are large open spaces to the rear of the proposed new properties maintaining the current open spacious nature of the site.

It is considered that the density layout and scale is appropriate to the conservation area and surrounding buildings.

9.3 Impact On The Conservation Area/Listed Building

Originally English heritage queried the removal of the wall that currently separates the car park from the rest of the site. They were not sure of the age of this wall but the conservation officer did some research into this on the previous application and found that it is likely that it dates from the 19th century and as such is not of such sufficient age as to warrant raising objections to its removal. It is officers opinion that the removal of the wall will enhance the setting of the protected Beech tree on the site.

Similarly the conservation officer on the previous application raised concerns about the use of flint panelling on the end of the buildings and has requested that if flint is to be used this be laid flintwork rather than flint panels as flint panels rarely look as original flintwork should. A condition has been added to those required if the application is approved that requires a sample panel to be constructed on site of the flintwork and an informative states that the local planning authority would expect such a panel to be of knapped individually laid flint rather than flint panels.

The applicant amended on the original application the materials to be used on the dwellings from UPVC to wooden framed windows and doors as such it is considered that these are appropriate to the conservation area.

It is considered that the proposal respects the setting of the listed buildings and the conservation area as a whole and that the proposal would comply with the conservation area policies CN5 and CN8 which require such developments to respect the conservation area and the setting of the listed building.

9.4 Impact On Trees

The site at the moment has a number of protected trees situated within it, (these are protected by virtue of the fact that they are within the conservation area and therefore cannot be removed without prior notification to the local planning authority).

The council's tree officer has assessed the trees on site and with the exception of the mature Beech tree, considers none of the trees to be of sufficient value to warrant a tree preservation order. As such it is intended that the majority of the trees on site are to be removed although a condition is to be imposed requiring details of landscaping to be submitted. As part of these details the local authority will wish to see replacement trees albeit in new locations in order to maintain the green characteristics of this site.

This new development does offer the opportunity to enhance the existing setting of the Beech tree which it is believed is at least 150 years old. A large space has been created around the tree which gives it a setting of its own and makes it the focal point of the communal area to the rear of the development. This is considered to be a positive gain as the Beech tree is currently hidden to an extent behind the 19th century wall that divides the site (see section on conservation above).

It is considered that the effect of the development on the trees on the site is acceptable and complies with local plan policy.

9.5 Archaeology

Policy CN23 of the saved policies of the adopted local plan states that –

Within the historic settlements of Salisbury, Amesbury, Downton, Hindon, Mere, Old Sarum, Shrewton, Tilshead and Wilton, the Local Planning Authority will seek to establish, prior to determining planning applications, the archaeological implications of all development, will wish to be informed of all requirements for archaeological work, and will continue to seek the provision of adequate facilities for archaeological site investigation, particularly by use of agreements where appropriate, or by conditions on planning approvals where necessary.

Much work had been carried out in terms of archaeology on the site prior to the submission of this application. However this application also includes the Bank car park and as such a further evaluation of this part of the site was required. Following this evaluation the council's archaeologist has recommended that a condition be imposed that requires further archaeological works to be carried out on site before development commences if planning permission is granted. This has been included as a condition at the end of the recommendation

9.6 Design Of The Development

The saved policies of the local plan contain several that relate to the design of developments such as policy D1 (see density section above). However because the development is situated within a conservation area special attention needs to be given to the design and layout of the development.

The proposed house types are of a simple design being of two storey height brick built under clay tiled roofs, They are built in a traditional manner which reflects the style used in other recent developments within Amesbury town centre. It is considered that the scale and massing being of two storey in a linear terrace formation is not unreasonable for this location.

The access to the property for vehicles is along the Southern part of the site which lies adjacent

to Flower Lane. There is a 2 metre high wall which separates the proposed development from existing houses in Flower Lane. Given the level of traffic that will exist from the new properties it is considered that this layout would be acceptable as vehicles are likely to be going very slowly on the site itself and therefore noise and disturbance is unlikely to exist.

The layout of the site with a large area of open amenity space to the rear gives a good aspect to the back of the proposed new properties that all can enjoy it also maintains the spacious nature of this part of the conservation area by providing a green space where the rear garden of the Antrobus Arms would have been.

It is considered that the layout and simple architectural design of the proposed development complies with design policies D1 and D2 of the saved policies of the adopted local plan.

9.7 Residential Amenity And Overlooking

Policy G2 of the saved policies of the adopted Salisbury District local plan requires that development avoids overlooking of other properties, this has been carefully considered as part of this development. The majority of the properties proposed face onto the rear of residential properties in Flower Lane. Therefore there is potential for the first floor windows to look into the rear of properties in Flower Lane. In order to avoid this the first floor windows at the front of the properties are all single windows which serve bathrooms and will be obscure glazed. This will prevent overlooking of properties on Flower Lane.

The other property which potentially could be effected by overlooking is that of Chelston House which is beyond the western boundary. Here there is a 2m high wall beyond which there is the side wall to Chelston House which has no windows facing onto the site. The only property which would have affected this particular house was plot 12. Plot 12 was reorientated on the previous scheme and amended such that there is only one window facing in this direction which would be a bathroom window.

It is considered that the other properties surrounding the site are of a sufficient distance away that there would be no overlooking issues and no objections have been received from residents as regards to overlooking.

9.8 Other Issues

Issues have been raised in respect to the rubbish collection facilities proposed at the front of the site and the fact that they are unlikely to be adequate for the development as proposed. There is scope for bins to be stored at the rear of properties and accessed by the rear pathways as the front storage area is only likely to be used on rubbish collection days.

The proposed internal driveway system would not be adopted and therefore does not need to be lit. Any significant proposed new lighting would require planning permission.

10. Conclusion

The new information and plans submitted by the applicant in relation to highways issues it is considered, clarify the highways situation and show how the access would be acceptable for the properties proposed.

It is considered that the building of these dwellings in a highly sustainable location within the town centre of Amesbury will make good use of this vacant area of land and improve the environs to the rear of properties fronting Salisbury Street and the High street. The use of the

land for elderly persons accommodation in such a sustainable location within easy reach of shops and services and other transport such as buses it is considered complies with policy G1 of the saved policies of the adopted local plan.

It is considered that the low key nature of the development situated as it is behind existing developments and with little public views is acceptable in design terms. The properties would be no higher than two storey in height and are suitable for a backland location such as this. There are large areas of open space within the development and the density is considered acceptable as such this complies with policies D1 and D2 of the saved policies of the adopted local plan.

It is further considered that the proposal will enhance the setting of the protected Beech tree to the rear of the site and would not have an adverse effect on the setting of the listed buildings fronting the High Street (The Antrobus Arms Hotel and the Kings Arms Public house). As such it is considered that the proposal complies with policies CN5 and CN8 of the saved policies of the adopted Salisbury local plan.

11. Recommendation

Following completion of a legal agreement in respect of the off site open space contribution to GRANT planning permission for the following reasons –

The proposal by reason of its design size and appearance is considered to be an acceptable development making good use of an otherwise vacant Brownfield site within Amesbury town centre as such the proposal complies with policies G2 and D2 of the adopted local plan.

And subject to the following conditions

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended

2. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To secure a harmonious form of development.

3. Prior to any development commencing, a scheme for the management of the construction of the proposal, including times of operations, and details of how adjacent amenities and the adjacent highway are to be protected, shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be developed as agreed.

REASON: In the interest of amenity

4. The area allocated for parking on the submitted plan shall be kept clear of obstruction and

shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of highway safety.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

6. Before development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: In order to achieve the sustainable use of water resources

7. Before development commences, a scheme to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

REASON: to minimise the detrimental effects to the water interests of the site and the risks of pollution during the construction phase.

8. Prior to the commencement of development on site details of the covered cycle parking provision shall be submitted to and agreed in writing by the local planning authority. Such cycle parking as agreed shall be constructed and installed prior to the occupation of any of the residential units.

REASON: In order that sufficient cycle parking provision is made on site.

9. Prior to the commencement of works at the site details of any proposed boundary treatments shall be submitted to and approved in writing by the local planning authority and retained thereafter.

REASON In the interests of amenity of neighbouring occupiers.

10. Notwithstanding the provisions of Classes A-E inclusive of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no alterations nor extensions to the dwellings nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no Windows or dormer windows [other than those expressly authorised by this permission] shall be constructed.

Reason: To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties and because the proposed dwellings are in close proximity to both each other and other surrounding dwellings which could be overlooked by the insertion of new windows.

12. The development shall not be occupied other than by persons of 55 years of age and above.

Reason: To ensure that the level of parking demand remains at an acceptable level in the interests of highway safety.

13. Prior to the commencement of development on site including site works of any description, the Beech tree which is shown to be retained shall be protected by a fence in a position to be approved by the local planning authority. Within the area so fenced the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant machinery or surplus soil, shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and back filled by hand and any tree roots encountered with a diameter of 2 inches (50mm) shall be left unsevered.

Reason In the interests of the amenity and environment of the development.

14. No development shall take place until there has been submitted to and approved in writing a scheme of landscaping for the development which shall include details of any existing trees on the land along with measures for their protection. Any scheme as approved by the local planning authority shall be implemented within the first planting season after the completion of the development.

Reason In the interests of the amenity of residents and the surrounding conservation area.

15. Prior to the commencement of development details of a pedestrian safety scheme shall be submitted to and approved in writing by the local planning authority. Such a safety scheme shall in particular include measures to prevent conflict between vehicles entering the site and pedestrians using Salisbury Street.

Reason: In the interests of highway safety

16 No development shall commence within the proposed development site until –

- a) A written programme of phased archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority – this should include the previous excavations on the site; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In the interests of preserving and recording the archaeology at the site.

17. The first floor bathroom windows on the dwellings hereby approved shall be obscure glazed and fixed shut at all times.

Reason: In order to prevent overlooking of neighbouring properties.

18. The development hereby approved shall be carried out in accordance with the following plans –

Plan no 12/2004/13D

Plan no 12/2006/3B

Plan no 12/2006/2A

Landscape proposals received 30th March 2011

Plan of cycle and refuse store received 30th March 2011

Drawing no LDS/6343-1/0 Topographical survey

Design and access statement as received on the 30th March 2011

Reason: For the avoidance of doubt.

19. Prior to first occupation of the development hereby approved details of bin storage areas for the provision of up to three wheeled bins for each property shall be submitted to and approved in writing such bin storage at each property shall be retained in perpetuity.

Reason: In the interests of the amenity of the residents of the development.

INFORMATIVE

Any proposed bicycle racks shall be of a Sheffield design. With regards this matter please liaise with WCC Highways.

It should be noted in relation to condition 2 the use of flint panels in this important and historic area is unlikely to be acceptable to the local authority and that the local authority will expect the submission of details relating to this flintwork to be of individual flints laid in a traditional manner.

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

conservation area, CN3 – Listed buildings, CN4-Listed buildings, CN5 – Listed buildings, CN8- Conservation areas, CN11 –Views in conservation areas. G2 – General criteria D2- Infill development D3- Extensions, TR11-Parking Spaces, TR14 – Bicycle Parking facilities. R2- Recreational Open Space.

Appendices: None

Background

Documents

Used in the

Preparation of

this Report:

Plan no 12/2004/13D

Plan no 12/2006/3B

Plan no 12/2006/2A

Landscape proposals received 30th March 2011

Plan of cycle and refuse store received 30th March 2011

Drawing no LDS/6343-1/0 Topographical survey

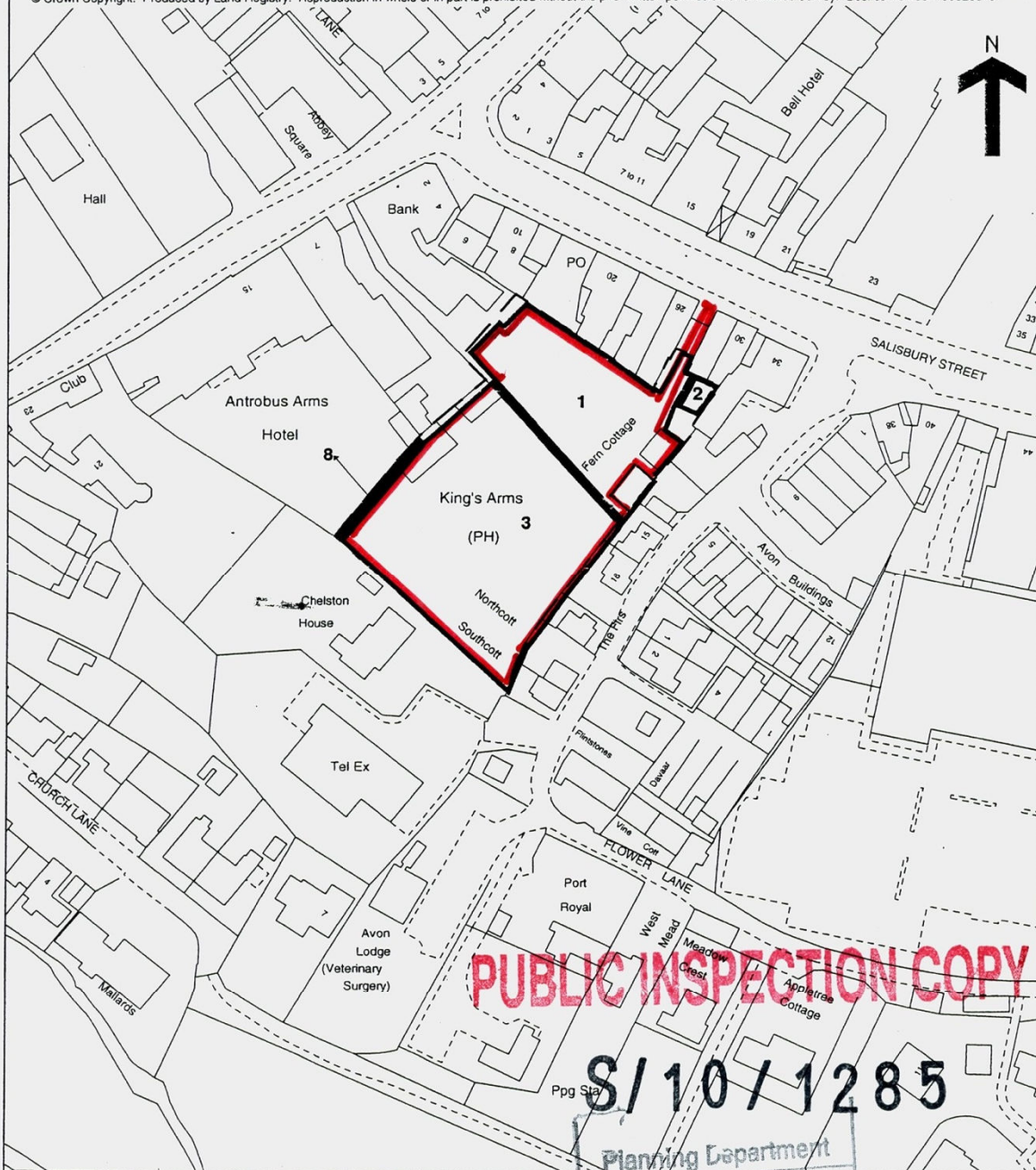
Design and access statement as received on the 30th March 2011

Land Registry Index map plan

Ordnance Survey map reference **SU1541SW**
Scale **1:1250**
Plan prepared on **25/01/2007** at **00:00:01**



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This plan should be read in conjunction with result C881KGB.

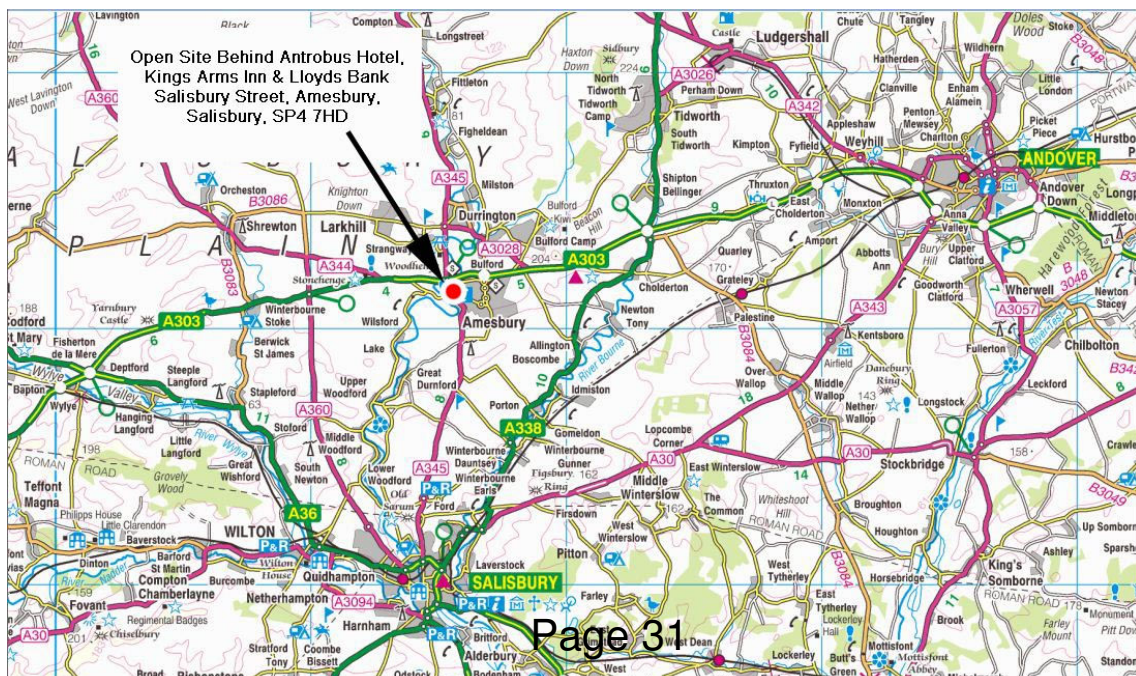
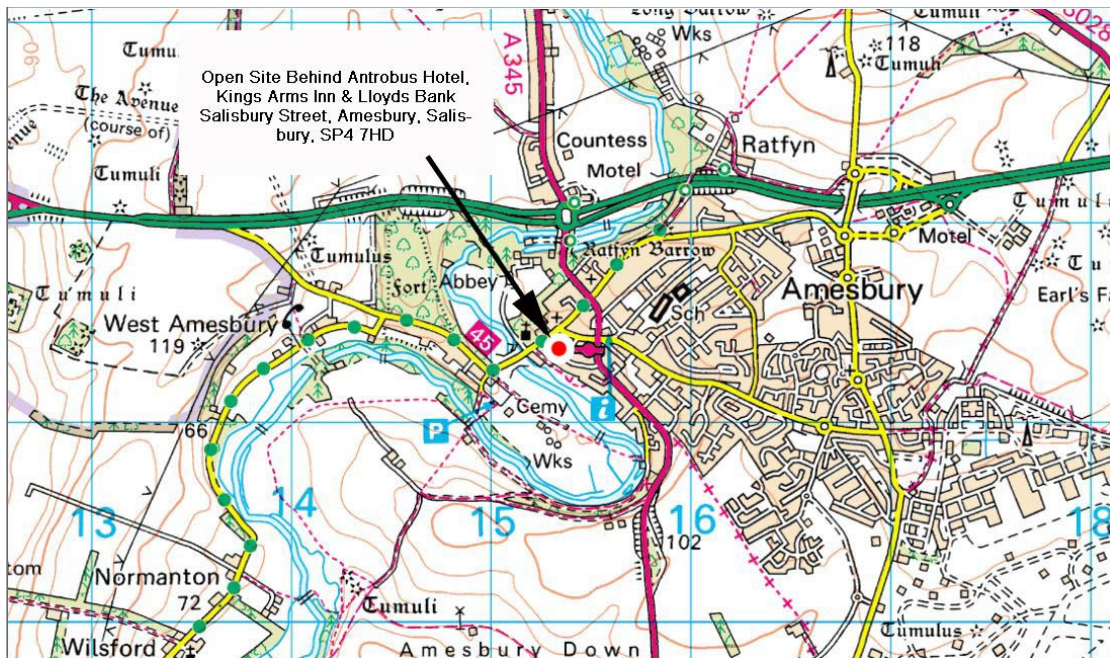
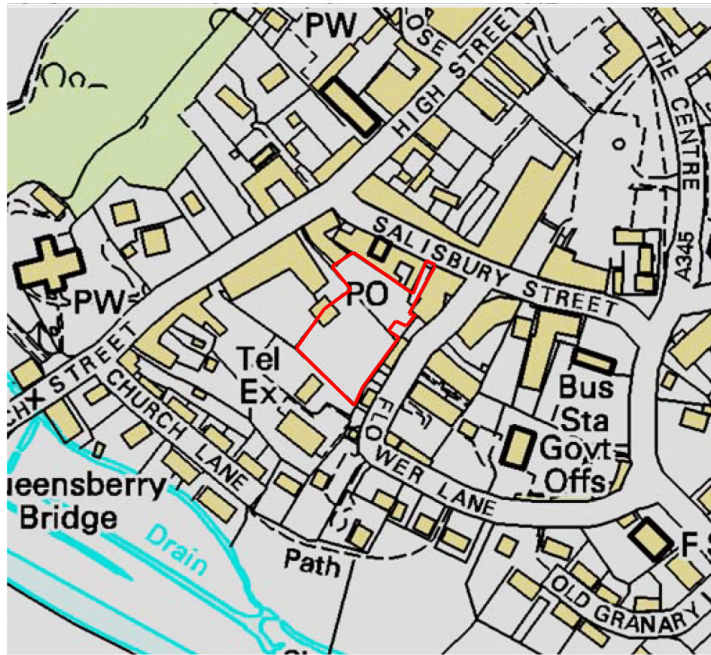
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Open Site Behind Antrobus Hotel, Kings Arms Inn & Lloyds Bank Salisbury Street, Amesbury, Salisbury, SP4 7HD



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Agenda Item 7b

Date of Meeting	26/05/11		
Application Number:	S/2011/0288		
Site Address:	78 Lower Road Salisbury SP2 9NJ		
Proposal:	Replace existing front wall with gated wall and dropped kerb		
Applicant/ Agent:	Dr Christopher Cochran		
Parish:	SALISBURY CITY COUNCIL FISH/BEM VILL		
Grid Reference:	412494 130493		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

The application is made by a Wiltshire Councillor and representations objecting to the application have been made. In such instances the Council's Scheme of Delegation requires applications to only be determined by the relevant area planning committee.

1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

Neighbourhood Responses

2 letters of objection and 1 letter of support

City Council response

None received

2. Main Issues

The main issues in the consideration of this application are as follows:

1. Highways considerations.
2. Character and appearance of the area

3. Site Description

The site relates to the front courtyard parking area to a terrace of three dwellings on Lower Road in Lower Bemerton. The courtyard is currently accessed by a single central entrance, with brick walls fronting the road to either side.

4. Relevant Planning History

07/1115	Replacement of existing garage with pitched roof two-storey extension and rear porch extension, with roof terrace over, improved parking arrangements on land shared with No.'s 80 & 82 Lower Road.	AC	18.07.07
09/0560	Side and rear extensions. Amendments to access, boundary walls and parking arrangements to no's 78, 80 & 82	AC	21.07.09

5. Proposal

It is proposed to create a new gated access and rebuild a front boundary wall.

6. Planning Policy

Local Plan: policies G2, TR11

Central government planning policy: PPG13

7. Consultations

City Council None received

Highways Officer No objection

8. Publicity

The application was advertised by site notice and neighbour consultation.

2 letters of objection were received. Summary of key relevant points raised:

- The proposed gated entrance is out of character with the open courtyard layout;
- A new access in this location would be a potential hazard in relation to the bus stop;
- Would create a hazard to pedestrians due to limited visibility at the access;
- Loss of off-street parking and manoeuvring space areas within the courtyard;
- It is not clear that the applicant has a right to use the parking spaces.

1 letter of support was received. Summary of key points raised:

- Would be positive in terms of the character of the street scene;
- Would discourage illegal parking on the pavement to the benefit of highway safety.

9. Planning Considerations

9.1 Highway considerations

The Highways Officer has commented on the application as follows:

I note the proposal to provide a separate access for 78 Lower Road and that the property is currently accessed via a shared private drive. Whilst the visibility to the South at the new access will be reduced in comparison to the existing shared access, pre-application advice was provided to the applicant, which confirmed that, in view of the traffic calming effect of on-street parking and the general standard of the road, it would be acceptable to create a new access in this location.

Consequently no objection was raised subject to a condition concerning the surfacing of the new access.

Concern has been expressed by objectors that the new access would be created onto the highway at a location where a bus stop exists. However, the Highways Officer has confirmed that this is unlikely to present a safety concern.

With regards to parking provision, the resulting arrangement would include 2 spaces as well as a garage, which would comply with the parking standards set out in the Local Plan (as well as the parking strategy set out within the Wiltshire Local Transport Plan 2011-2026).

9.2 Character and appearance of the area

It is not considered that the character of the streetscene would significantly alter as a result of the new access arrangement, which would be gated with a pair of timber gates the same height as the existing wall, and it is noted that this is a similar arrangement to the neighbouring property at Nadder House. The rebuilt wall would be to the same height and with similar red bricks as existing.

10. Conclusion

The proposed access alterations would be acceptable in highway safety terms and would not have a significant impact upon the character and appearance of the area.

11. Recommendation

Planning Permission be **GRANTED** for the following reason:

The proposed access alterations would be acceptable in highway safety terms and would not have a significant impact upon the character and appearance of the area. The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G2, TR11 and PPG13.

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 only be undertaken in accordance with the following approved plans:

Plan Ref....Proposed Site Plan...	Date Received....21.02.11...
Plan Ref....Proposed Front Elevation...	Date Received....25.02.11....
Plan Ref....Proposed Side Elevation...	Date Received....21.02.11....

Reason: For the avoidance of doubt.

- 3) The development hereby permitted shall not be first brought into use until the area that is to be re-graded has been consolidated and surfaced (not loose stone or gravel). This area shall be maintained as such thereafter.

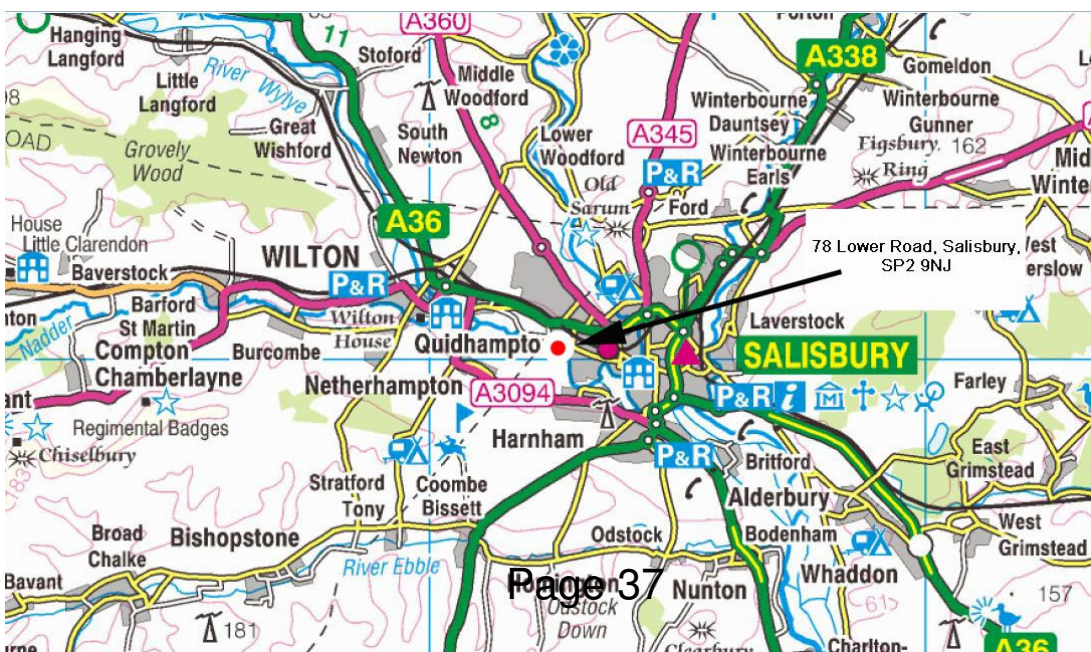
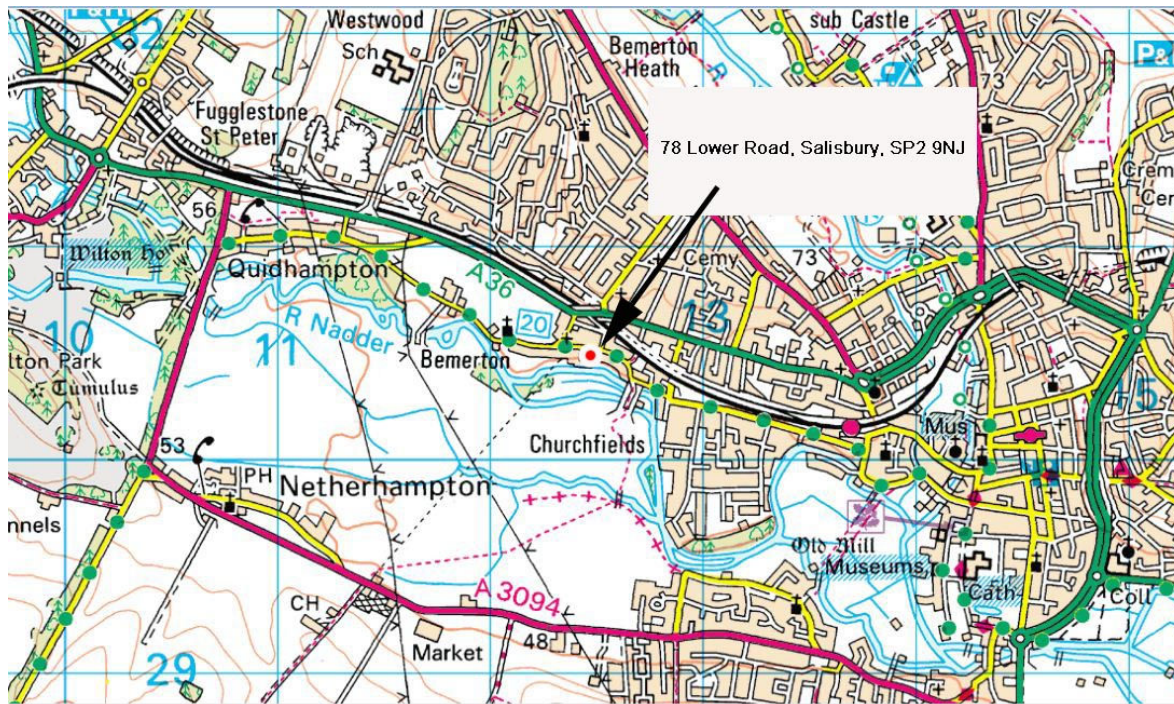
Reason: In the interests of highways safety.

Policy: G2

INFORMATIVE:

The applicant is informed that it would not be acceptable for the proposed drainage of the drive/ access to discharge into an existing highway drain. However, the drainage channel at the rear of the footway would seem to discharge into an existing surface water sewer, of which the applicant is informed that approval is required from the relevant water company.

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Date of Meeting	26/05/11		
Application Number:	S/2010/1879		
Site Address:	Land at the front of Fitz Farmhouse Teffont Magna Salisbury		
Proposal:	Construction of a two storey cottage		
Applicant/ Agent:	Castle Architectural Consultants		
Parish:	TEFFONTNADDER/EASTKNOY		
Grid Reference:	398767	132641	
Type of Application:	FULL		
Conservation Area:	TEFFONT MAGNA & EVIAS	LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

The application is made by a close relation of a Wiltshire Councillor and representations objecting to the application have been made. In such instances the Wiltshire Council Scheme of Delegation requires applications to only be determined by the relevant area planning committee.

1. Purpose of report

To consider the above application and the recommendation of the Case Officer that planning permission be GRANTED subject to conditions.

Neighbourhood Responses

1 letters of representation

Parish Council response

No objection subject to conditions

2. Main Issues

The main issues in the consideration of this application are as follows:

1. The principle of development;
2. Character and appearance of the area;
3. Flood risk;
4. Amenities of adjoining and nearby property;
5. Ecology;
6. Archaeology;
7. Highways considerations;
8. Public recreational open space.

3. Site Description

The site relates to part of the front curtilage to Fitz Farmhouse, which fronts onto the street that runs through Teffont Magna. This is situated towards the northern end of the village, just within the limit of the Housing Restraint Area. Fitz Farmhouse is a modern dwelling, set back some distance from the road, although the site is within the Conservation Area where virtually all other dwellings are of a traditional character, typically comprising stone cottages with steeply pitched thatch or clay tiled roofs. Running parallel to the road and to the front edge of the site exists a stream, and the site is accessed by crossing a small bridge. The site is not, however, within the higher flood risk zones (FZ2 or FZ3). In 2008 consent was granted to erect a dwelling within the other half of the front curtilage to Fitz Farmhouse, and this dwelling is currently under construction, and likely to be substantially completed externally by the time this application comes before the Committee.

4. Relevant Planning History

08/0871	Erect new 2 storey dwelling	AC	07.07.08
10/0347	The construction of a two storey cottage	WD	05.05.10
11/0551	Erect dwelling and garage. Amendments to planning application and approval S/08/0871	Undetermined	

5. Proposal

Consent is sought to erect a new detached dwelling. The dwelling would be two stories and constructed of natural Chilmark stone with clay tiled roof.

This proposal follows a recently withdrawn application to develop the site where concerns were raised by Officers over the scale and design of the dwelling proposed.

6. Planning Policy

Local Plan: policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2

Central government planning policy: PPS3, PPS5, PPS9, PPS25

7. Consultations

Parish Council	No objection subject to a condition that no additional windows at first floor level or in the roof may be added at a future date on the Edmead (south) side of the proposed property.
Conservation Officer	No objection subject to conditions relating to detailed design
Environment Agency	No objection subject to details contained within FRA being carried out
Ecologist	No objection subject to conditions
Archaeologist	No objection subject to condition requiring archaeological watching brief
Highways Officer	No objection subject to condition requiring access/parking to be constructed in accordance with the submitted details.

8. Publicity

The application was advertised by press notice, site notice and neighbour consultation.

1 letter of representation was received objecting to the application.

Summary of key points raised:

- Proposal should not be considered in isolation of the adjacent development site, and additional information should be submitted to better illustrate the proposal and its relationship with existing features;
- Drainage should be carefully considered so as to prevent pollution of the watercourse;
- French doors to the proposed dining room could overlook Edmead, particularly due to the raised floor level of the dwelling and if existing screen vegetation is removed. The formation of a terrace could have similar affects.
- The new dwelling would erode the openness of the existing street frontage to some extent, and this does not comply with the Housing Restraint Area policy;

9. Planning Considerations

9.1 The principle of development

The site is within a Housing Restraint Area where policy H19 of the Local plan states that residential development will be acceptable only if the following criteria are met: i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area; ii) there is no loss of an important open space which contributes to the special character of the area; iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and iv) the development will be in keeping with the character of the neighbouring properties.

Policy D2 of the Local Plan states that the design of infill development proposals should respect the character of the area, with particular regard to building lines, scale and height and plot widths.

Policy CN8 states that within Conservation Areas only development which preserves or enhances the character of the area will be permitted.

9.2 Character and appearance of the area

The Conservation Officer has previously commented that:

“The character of this part of the conservation area is of houses set back within their plots, but there are also a number of buildings along the banks of the stream that runs along the roadside. [However]... the frontage should not be too ‘built up’, as this would not be in keeping with the rural character of this part of the conservation area.”

On the previously proposed design, which was withdrawn, the Conservation Officer commented that:

“... I would like to raise a potential concern over the scale of what is being proposed, and the impact that this would have on the conservation area... I would also suggest that having mirror image designs in this location would not respect the random and eclectic nature of the cottages in the conservation area, and would convey an inappropriate suburban feel.”

The dwelling now proposed is of a significantly smaller scale, particularly with regards to its frontage, and now has a distinct design to better reflect the variety that is evident within the locality. It would still be of the general character of a stone cottage, but it would be of more modest proportions than the adjacent new dwelling, and notably would be sited with its end to the road, which is a feature of the existing streetscene which contributes to the ‘eclectic nature’ of cottages in the conservation area. The Conservation Officer is now satisfied that the proposal has overcome the concerns previously identified, and that subject to conditions to control the detail finishes of the dwelling, it would preserve the character of the conservation area.

A third party objector has raised concerns that a dwelling in the location proposed would fail to comply with the Housing Restraint Area policy, in that the development would erode an important open space, particularly when considered in combination with the new dwelling currently under construction. However, the density of development across the site frontage would still be relatively low, with each dwelling separated such that the resulting development would still appear as reasonably spacious. In between the two dwellings would be a 16 metre wide gap, where a significant part of the original front curtilage would be visible as a large open space.

With regards to the objective of the Housing Restraint Area policy in preserving the ‘green’ character of the area, it is noted that the development proposes to remove four trees from the site, although it is not considered that they are of such high amenity value to insist upon their retention. Rather it is considered more appropriate to secure replacement planting of an equal number of trees, of an appropriate native species, and the applicant details that five such

replacements would be sought. This can be secured through a condition requiring the agreement of a detailed landscaping plan.

Consideration has been given to the affect of the raised floor level that has been required for flood risk prevention (see Flood Risk section below). In terms of streetscene appearance, this would result in a comparable ridge height to the new dwelling adjacent, but approximately 1800mm greater than the existing dwelling to the other side known as 'Edmead'. However, it is not considered that such a contrast in height would be harmful in terms of streetscene character, particularly given the relatively narrow frontage of the dwelling and the fact that variety within the streetscene is part of the character of the locality.

9.3 Flood risk

Although the site is outside of the higher risk flood zones, due to its proximity to a watercourse the Environment Agency have sought measures to ensure that the proposed dwelling would not be at adverse risk of flooding. The applicant has confirmed details to the Environment Agency's satisfaction, including confirmation of a raised floor level to the dwelling and the provision of a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

The applicant has also confirmed that surface water from the development will be discharged to a soak away, rather than to the watercourse, and further details of an appropriate solution will be required to be submitted for further approval as a condition.

9.4 Amenities of adjoining and nearby property

Objections have been received from the occupants of the neighbouring dwelling to the south of the site known as Edmead. Concern has been expressed that the proposed dwelling would result in a loss of privacy.

Only one first floor window within the elevation which faces Edmead is proposed, which would serve an ensuite and a condition would require the fitting of obscure glazing. At ground floor level there would be three facing windows, one serving a WC, one serving a utility room, and French windows serving a dining room. Overlooking views from ground floor windows are generally less acute than at first floor level, particularly due to the fact that typical boundary fences provide a suitable screen. However, in this instance, due to the requirement imposed by the Environment Agency to raise the floor level of the dwelling, the occupants of Edmead are concerned that overlooking, particularly from the French windows and any associated patio area, could be significant.

According to the topographic data provided within the site survey, the ground floor level of the proposed dwelling would be approximately 500mm to 700mm higher than the ground level around the nearest part of Edmead. Beyond the site boundary where the French windows would face onto exists the driveway to Edmead, and within the facing elevation of this neighbouring dwelling exists two ground floor windows and an entrance door, situated approximately 4 to 5 metres from the boundary. In turn the nearest part of the proposed dwelling, including the French windows, would be sited 7.4 metres from the boundary. The existing boundary treatment between the two dwellings comprises reasonably dense vegetation, much of which is well over 2 metres in height. Despite the raised level of the proposed dwelling, it is considered that the appropriate agreement of a detailed landscaping scheme, via a condition of planning consent, could secure adequate privacy between the two properties. This could provide for the appropriate retention of the existing boundary vegetation and its reinforcement where necessary. It is also considered appropriate to require the further agreement of hard landscaping, including alterations to the ground level around the house and the creation of any patios / terraces. This can ensure that any terrace or raised land created between the French windows and neighbouring boundary is not of such a level that privacy to Edmead would be compromised.

With regards to the relationship between the proposed dwelling and the new one currently under construction, it is noted that there would be a degree of overlooking between the two, although due to the greater distances involved and relatively restricted number of mutually overlooking

windows, it is not considered that this relationship would be unacceptable. The proposed and existing dwelling at Fitz Farmhouse would be separated by an even greater distance where it is considered that the relationship would also be acceptable.

9.5 Ecology

The site is potentially sensitive in ecological terms given its proximity to a watercourse. However, the Council's Ecologist raises no objection subject to the receipt of further details in relation to precautionary measures and the submission of further details in relation to ecological enhancement of the site, as recommended within the submitted ecological impact assessment.

9.6 Archaeology

The Council's Archaeologist originally requested that field evaluation was required before the determination of the application, due to the likely significant nature of archaeology within this part of the village. However, further to the receipt of additional information from the applicant, which confirmed that much of the site has been subject to significant ground disturbance in the recent past, the Archaeologist is now satisfied that a watching brief would suffice, whereby investigation can be carried out at the time of ground works being undertaken to construct the dwelling.

9.7 Highway considerations

The site benefits from an existing access onto the public highway which the Highways Officer considered to be satisfactory. No objection is therefore raised in highway terms subject to the appropriate layout of parking and access to the site, as indicated within the submitted plans.

9.8 Public recreational open space

Subject to the motion being carried forward to approve the application, the applicant will be required to enter into a legal agreement to secure the appropriate contribution towards off-site recreational facilities, as required under Local Plan policy R2.

10. Conclusion

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests.

11. Recommendation

That subject to the applicant entering into a section 106 legal agreement to secure the appropriate financial contribution towards off-site recreational open space

Planning Permission be GRANTED for the following reason:

The proposed dwelling would be of an appropriate scale and design to the locality, preserving the character of the Conservation Area and Housing Restraint Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access, parking and turning facilities would be provided so that the development would be acceptable in highway terms. Subject to conditions the development would be safe from flooding and would not harm archaeological or ecological interests. The development would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved Local Plan policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2 and PPS3, PPS5, PPS9, PPS25.

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 only be undertaken in accordance with the following approved plans:

Plan Ref....C/719/3...	Date Received....15.12.10....
Plan Ref....C/719/4...	Date Received....15.12.10....
Plan Ref....C/719/6...	Date Received....09.02.11....
Plan Ref....C/719/7...	Date Received....09.02.11....

Reason: For the avoidance of doubt.

- 3) Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

Policy: D2, H19, CN8, C5

- 4) Before development is commenced, details of all new windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and detailed sections and elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 5) Before development is commenced, details of all new rainwater goods shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 6) Before development is commenced, details of the eaves of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections of the eaves shall be submitted to at least 1:2 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) indications of all existing trees and hedgerows on the land;

- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all proposed species, planting sizes and planting densities;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. refuse and other storage units, lighting etc);

Reason: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the development, and to ensure the adequate retention of privacy to neighbouring dwellings.

Policy: G2, H19, CN8, C5

- 9) No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In the interests of recording archaeological artefacts that may be present within the site.

Policy: CN22

- 10) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (dated January 2011) and the following mitigation measures detailed within including:

- Finished floor levels are to be set no lower than 91.7m above Ordnance Datum (AOD).
- Flood-proofing measures related to a sealed damp proof membrane and the elevation of electrics within the proposed dwelling.

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

Policy: PPS25

- 11) No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

Policy: G5, PPS25

- 12) Before development is commenced a construction method statement, detailing measures to minimise the risks of pollution to the adjacent watercourse during the construction process, shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include details to show that the stream will be protected by Heras fencing for the entire duration of the construction works. The construction works shall be undertaken in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority

Reason: To avoid pollution of the river system.

Policy: C18, PPS9

- 13) Before development is commenced an ecological mitigation and enhancement plan, showing the location of ecological enhancements and including the species of trees to be planted and the profile of the new pond, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details before the first occupation of the dwelling.

Reason: In the interests of ecology and biodiversity.

Policy: C13, PPS9

- 14) Trees and shrubs shall only be felled or cleared outside the bird breeding season 1st March to 31st August.

Reason: In the interests of nesting birds.

Policy: C12

- 15) The mature ash tree shall only be felled after a risk assessment for bats, including details of proposed felling methods, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

Reason: In the interests of bats.

Policy: C12

- 16) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

Policy: G2, H19, CN8

- 17) Before the development hereby permitted is first occupied the en-suite window in the south-east elevation shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing at all times thereafter.

Reason: To ensure the adequate retention of privacy to the neighbouring dwelling.

Policy: G2

18) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 0800 to 1800 weekdays and 0800 to 1300 on Saturdays. This condition shall not apply to the internal fitting out of the building.

Reason: In the interests neighbouring amenity.

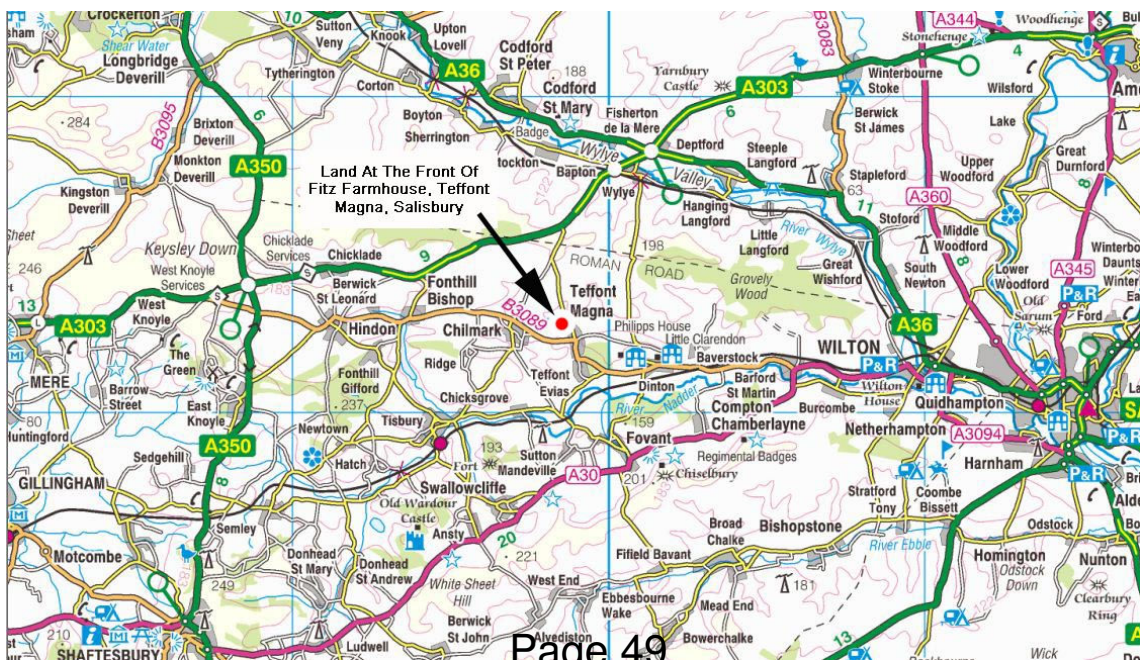
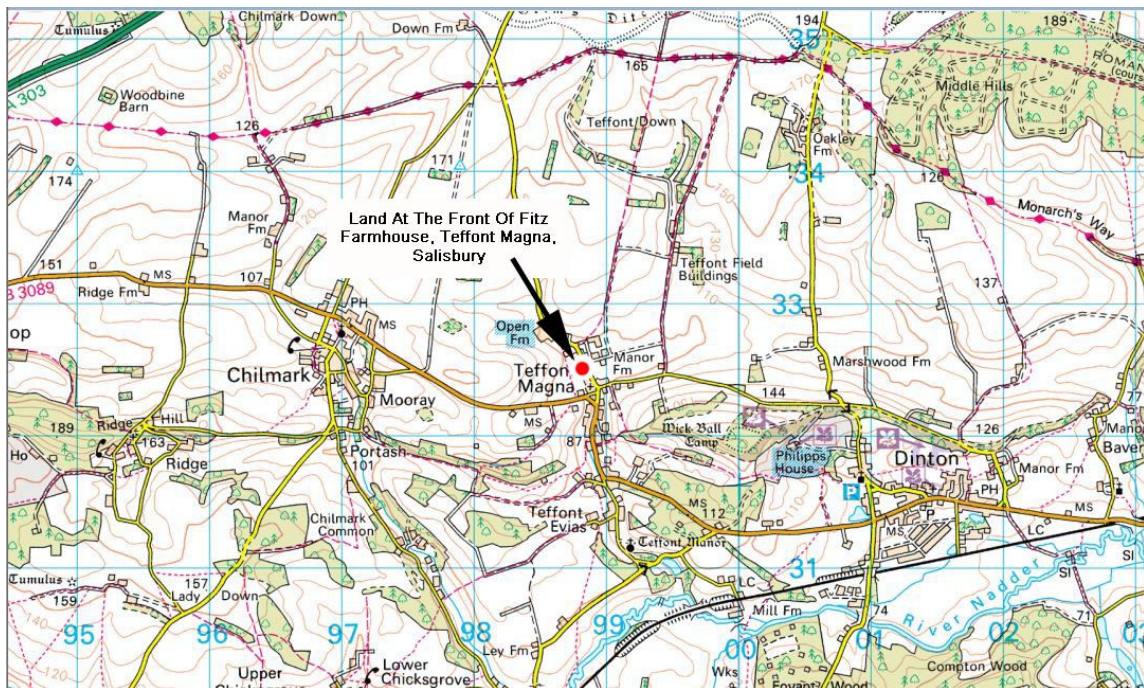
Policy: G2

INFORMATIVE:

There is a risk that bats may roost in trees due to be felled at the development site. Under the Conservation of Habitats and Species Regulations 2010, it is an offence to harm or disturb any species of bat. Planning permission does not provide a defence against prosecution under these pieces of legislation. If a bat is found during the works, the applicant is advised to stop work and follow advice from their own Ecologist or to contact an Ecologist at Wiltshire Council (01225 718478) before proceeding further.

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Land at the Front of Fitz Farmhouse, Teffont Magna, Salisbury.



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Agenda Item 7d

Date of Meeting	26/05/11		
Application Number:	S/2011/0181		
Site Address:	Ware Farm Benn Lane Farley Salisbury SP5 1AF		
Proposal:	Change of use from equestrian to mixed equestrian / small holding use (retrospective)		
Applicant/ Agent:	Mrs Franccesca Ware		
Parish:	PITTON & FARLEYWINTERSLOW		
Grid Reference:	422742 129315		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434580

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Councillor Devine called the application to committee due to the scale of development, visual impact on the surrounding area, relationship to adjoining properties, design- bulk height and general appearance, environmental impact.

1. Purpose of Report

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

Neighbourhood Responses

0 letters of representation received

Parish Council Response

Objection on the grounds that the domestic paraphernalia and elements are considered unacceptable

2. Main Issues

The main issues to consider are:

- 9.1 Principle
- 9.2 Impact on amenities

3. Site Description

The application relates to an area of grassland/paddock of approximately 0.7Ha within the settlement of Farley. The application site is situated towards the eastern side of the settlement, and is within the designated conservation area and wider Special Landscape Area. The land adjoins the designated Housing Restraint Area to the north.

The application site comprises of two main paddocks and has a large barn in the south west corner with associated consolidated access track (from the gated access onto Ben Lane) and hardstanding area.

The land is bounded by hedgerows and post and rail timber fencing, and is under equine use.

4. Relevant Planning History

Application number	Proposal	Decision
75/0444 OL	OL Two storey dwelling (chalet bungalow) with gge and access	REF 30/07/75
80/1156 OL	OL single storey dwelling with gge and access	WD 06/10/80
80/1157 OL	OL Two storey dwelling with gge & access	REF 05/11/80
92/0783 OL	OL agricultural dwelling (cottage style)	REF 02/07/92
93/0635 OL	OL agricultural dwelling and access.	REF 01/07/93
09/1537 Full	Erection of polytunnel	AC 04/02/10

5. The Proposal

Retrospective permission is sought for the change of use from equine use to a mixed use/small holding.

6. Planning Policy

The following policies are considered relevant to this proposal:

G1 & G2 (General Principles for Development)
CN8 & CN11 (Conservation Areas)
C2 (The Rural Environment)
C6 (Landscape Conservation)

7. Consultations

Parish council

Objection on the grounds that the domestic paraphernalia and elements are considered unacceptable.

Conservation

No Objection

Environment Agency

No objections

8. Publicity

The application was advertised by site notice/press notice /neighbour notification
Expiry date 28/3/11

0 letters of representation has been received

9. Planning Considerations

9.1 Principle

The application site is used (and appears to have been historically used) for the keeping of horses, and is therefore not currently in agricultural use. A previous approval for the use of a proposed polytunnel to produce plants and vegetables for the applicants personal consumption/use was considered akin to an allotment use, that being a use which is widely accepted as being agricultural use (a view supported by case law and various decisions by planning Inspectors).

A previous application (S/2010/1537) stated that the erection of a polytunnel does not constitute a change of use of the land. However, It is considered that the erection of a greenhouse and swingset is considered sufficient to constitute a change of use from equestrian to a mixed use of the site.

The application relates to the use of a fenced off area in the north east area of the site which is currently used for planting vegetables and plants. There is also a limited amount of domestic items including a swing set. The remainder of the site is under equine use.

It is considered that the mixed use applied for will regularise the overall use of the site to a degree that is considered acceptable. The small parcel of land which is used for the allotment/small holding use is within the main site and as such would be difficult to subdivide from the main site.

Concerns have been raised over the use of the site with the introduction of 'residential paraphernalia' in an area with an approved use for allotment/small holding. Whilst it is accepted that the domestication of open countryside is not usually permitted it is considered that the presence of a green house and swing set is acceptable due to the limited scale of the elements especially when viewed within the site as a whole.

9.2 Impact on Amenities

The nearest residential neighbours to the site are Farley Farm Cottage to the north, North Gable to the west and Silverbirch Cottage to the south west.

It is not considered that the change of use to a mixed use would present any additional amenity issues due to the nature of the use of the land. Taking into consideration the distance and relationship between the site and the nearest neighbouring properties, 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.

10. Conclusion

The proposed development accords with the provisions of the Development Plan, and in particular policies G1 & G2 (General Criteria), CN8 & CN11 (Conservation Areas), C2 (The Rural Environment) & C6 (Landscape Conservation) of the saved policies of the adopted local plan, insofar as the proposed change of use is considered appropriate in terms of its principle, and impact on amenities, would not unduly affect the amenity of neighbours, and would not

adversely affect the existing character of the conservation area or the landscape of the surrounding Special landscape Area.

11. Recommendation

APPROVAL

REASON FOR APPROVAL:

The proposed development accords with the provisions of the Development Plan, and in particular policies G1 & G2 (General Criteria), CN8 & CN11 (Conservation Areas), C2 (The Rural Environment) & C6 (Landscape Conservation) of the saved policies of the adopted local plan, insofar as the proposed change of use is considered appropriate in terms of its principle, and impact on amenities, would not unduly affect the amenity of neighbours, and would not adversely affect the existing character of the conservation area or the landscape of the surrounding Special landscape Area.

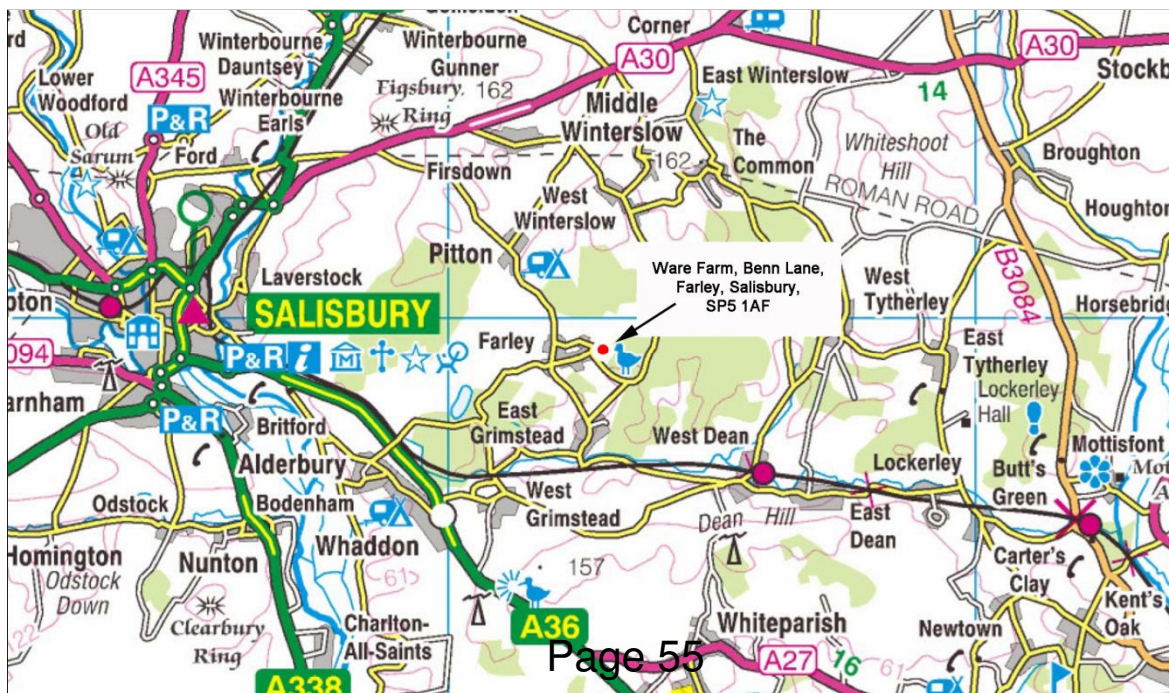
And subject to the following conditions:

1. The development hereby permitted shall be used for a mixed equestrian/small holding use and shall not be used for any other industrial, business or other commercial use/purpose.

REASON: To allow the local planning authority to retain control over the use of the site in the interests of the appearance of the site and the amenities of the area.

Appendices: None

Ware Farm, Benn Lane, Farley, Salisbury, SP5 1AF



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