

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 18 August 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 Stephen Petty |
| Cllr Russell Hawker | Cllr Leo Randall |
| Cllr David Jenkins | Cllr Ricky Rogers |
| Cllr Bill Moss | Cllr John Smale |
| Cllr Christopher Newbury | Cllr Graham Wright |

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 22*)

To approve and sign as a correct record the minutes of the meeting held on 18 July 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 11 August. 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 23 - 24*)

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

7. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ** (*Pages 25 - 58*)

8. **Planning Applications** (*Pages 59 - 60*)

To consider and determine planning applications in the attached schedule.

8a **S/2011/0551 - Site adjacent to Fitz Farm, Teffont, Salisbury, SP3 5QY**
(*Pages 61 - 68*)

8b **S/2011/0322 - Land Off Hindon Lane, Tisbury, Salisbury, SP3 6PU**
(*Pages 69 - 96*)

8c **S/2011/1046/S73B - Former Pembroke Park School, Penruddock Close, SP2 9HH** (*Pages 97 - 108*)

9. **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

10. **Update on open enforcement cases** (*Pages 109 - 110*)

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SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 28 JULY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE,
SALISBURY, SP2 7TU.**

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, 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 and Cllr Graham Wright

88. Apologies for Absence

There were no apologies

89. Minutes

The minutes of the meeting held on 7 July 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

90. Declarations of Interest

Cllr Brian Dalton declared a personal interest in respect of the public participation item in which Cllr Cheryl Hill of Salisbury City Council spoke. He made it clear that he had no involvement in this issue.

Cllr George Jeans declared a personal interest in S/2011/0632 - The Manse Boar Street Mere Warminster as he lives near the property. He gave his assurance that he would consider the application with an open mind.

91. Chairman's Announcements

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

92. Public Participation and Councillors' Questions

Cllr Cheryl Hill of Salisbury City Council addressed the committee on the City Council's policy and procedures in respect of the consideration of City area planning applications. She expressed concern that submitted comments from the City Council are not uploaded onto the Wiltshire Council website nor presented at planning meetings.

The Chairman thanked Cllr Hill for her comments and added that he hoped that this would be resolved in the future.

Cllr Mike Hewitt requested that a report on the availability of R2 monies be brought to committee. It was agreed that a report would be brought to a future meeting.

Cllr Richard Britton asked for an update report on progress in respect of the Old Coach House at East Grimstead. It was agreed that a report would be brought to the next meeting.

93. Planning Appeals

The committee received details of the following appeal decisions:

S/2010/0451 - Land at 7 School Lane/ Folly Close, Alderbury – committee – dismissed

S/2009/1272, S/2010/1248, S/2010/1275 - Former Knightwood Kennels, West Grimstead – delegated - dismissed

S/2010/1661, S/2010/0007, S/2011/0001 - Stonehenge Campsite, Berwick St James – committee - allowed

And forthcoming appeals as follows:

S/2011/0566 – 36 Sidney Street/ 8 James Street, Salisbury

S/2011/0527 - 19 Southbourne Way, Porton

94. Planning Applications

2a S/2011/0708 - Hillbilly Acre Southampton Road Clarendon Salisbury SP5 3DG

Public participation

Ms E Cole spoke in objection to the application

Mr G Watt spoke in objection to the application

Mr P Jenks spoke in objection to the application

Mrs E Hartford representing Alderbury Parish Council spoke in objection to the application

The Planning Officer introduced the report, which was recommended for approval, and drew attention to the late correspondence.

During the ensuing debate issues of the impact of neighbouring listed buildings and emerging legislation were discussed.

The Chairman requested that a report on site selection methodology and a report on enforcement action in respect of this site be brought to the next meeting.

Resolved:

To refuse the application for the following reasons

- 1. The application site lies within the countryside where new residential development is strictly controlled. Emerging government policy set out in the DCLG consultation document "Planning for Travellers Sites" seeks fair play with everyone being treated equally and even-handedly through consistent application of policy on housing provision for both the travelling and settled communities. The local planning authority applies considerable weight to this emerging policy, particularly in view of the statement in the Ministerial foreword that "... the current planning policy for traveller sites does not work". The proposal, to permanently station residential mobile homes on the site, would not achieve consistency with housing policy in the countryside, and consequently conflicts with the emerging policy.**
- 2. Notwithstanding reason for refusal no. 1, the application site lies within a sensitive countryside location comprising open land and woodland, and scattered residential properties. The importance of the landscape within the area is recognised by its inclusion within the Landscape Setting of Salisbury policy area where new development is strictly controlled to ensure there is no detriment to the visual quality of the landscape. To the immediate south-east side of the site is a grade I listed residential property (St Maries**

Grange) and to its north-west side a grade II listed residential property (Belmont House); both properties are set in extensive parkland gardens which positively contribute to the countryside character of the area; and the natural and un-cluttered landscape which surrounds these properties equally contributes to their grand country house status and historic significance. To the south-west side of the site is a flood plain of the River Avon, designated as an Area of High Ecological Value; the River Avon itself is a Site of Special Scientific Interest and a Special Area of Conservation.

The proposed development, by reason of the relatively intensive nature of the use and the resulting appearance and spread of the various mobile structures, buildings and engineering works and by reason of the inevitable associated activity and domestic paraphernalia, would be inappropriate in, and uncharacteristic of, this particularly sensitive countryside area as described. In addition, the proposed development, again by reason of the appearance and spread of the various mobile structures, buildings and engineering works, would not preserve the setting or outlook of the adjacent grade I listed house (St Maries Grange) in particular.

The local planning authority recognises that there is a need for accommodation consistent with gypsies nomadic lifestyle. However, the sensitivities of this particular site make it unsuitable as a gypsy site in view of the demonstrated overriding environmental objections. The proposal is, therefore, contrary to Policies H34 (Gypsy Sites), G1 (General Principles for Development), G2 (General Criteria for Development), C2 (Rural Environment), C7 (Landscape Setting of Salisbury), CN3 (Listed Buildings) and CN5 (Listed Buildings) of the Salisbury District Local Plan 2003, and the aims and objectives of PPS5 (Planning for the Historic Environment).

2b S/2011/0642 - 35 York Road Salisbury SP2 7AT

Public participation

Mr J Smith spoke in objection to the application

Mr J Byrne, the applicant, spoke in support of the application

Cllr J Rooney, representing Salisbury City Council, spoke in objection to the application

Cllr R Clewer, local member, spoke in objection to the application

The Planning Officer introduced the report, which recommended approval, and drew attention to the late correspondence.

A debate ensued during which issues of overdevelopment, loss of amenity space and parking were discussed.

It was

Resolved:

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan that planning permission be granted for the following reason:

The proposed development is considered accordant with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), H8 (Housing Policy), TR14 (Transportation) and R2 (Open Space Provision) of the saved policies of the adopted Salisbury District Local Plan, insofar as the proposed development would not adversely affect the amenity of neighbours, and makes provision for outdoor recreational facilities in accordance with Policy R2.

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) This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 27.04.2011 and 11.05.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a

detailed contaminated land investigation of the site and the results shall be submitted to the local planning authority. The investigation shall include

- (i) A full desktop survey of historic land use data**
- (ii) A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages)**
- (iii) A risk assessment of the actual and potential pollution linkages identified**
- (iv) A remediation programme for contaminants identified, to incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.**

REASON: In the interests of public health and safety.

POLICY: G2

4) The land contamination remediation programme shall be agreed in writing by the local planning authority before development is commenced, and the remediation works shall be carried out in accordance with the details thereby agreed.

REASON: In the interests of public health and safety.

POLICY: G2

Informative:

The applicant should note that additional residents parking permits will not be allocated to new developments in restricted parking areas. In this case no more than the two permits to which the existing dwelling is already entitled will be issued.

Cllr Brian Dalton requested that his dissention be recorded

2c **S/2011/0518 - Summerfield House Berwick St. James Salisbury SP3**
4TQ

Public participation

Mr T Allen, agent, spoke in support of the application
Mr W Grant, applicant, spoke in support of the application
Mrs S Grant, applicant, spoke in support of the application

The Planning Officer introduced the report, which recommended approval, and drew attention to the late correspondence which included revised conditions.

During the debate the issue of retention of the trees near the entrance was discussed.

It was therefore

Resolved:

That the decision to grant planning permission be delegated to officers following negotiations with the applicant to retain as many roadside trees as possible and amend condition no.18 accordingly. The reason as follows:

The principle of the general redevelopment of the site as proposed has already been agreed and, subject to conditions, it is not considered that the revisions now proposed would result in any significant additional impacts which would make the development unacceptable in planning terms. The development would therefore accord with the aims and objectives of the development plan and other material Government guidance, having particular regard to saved policies G1, G2, G4, H30, E21, CN21, CN22, C2, C6, C8, C12, TR11, TR14, R1C and PPS1, PPS4, PPS5, PPS7, PPS25, PPG13.

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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) **This decision relates to documents/plans submitted with the**

application, listed below:

Plan Ref....368-01 Rev.E...
Plan Ref....Gws/wd/02A...
Plan Ref....Gws/wd/03A...
Plan Ref....Proposed stable block details...
Plan Ref....Proposed secure store details...
Plan Ref....Proposed office details...

Reason: For the avoidance of doubt.

- 3) Notwithstanding the information originally submitted with the application, no development shall take place until details of the timing of demolition works for all existing buildings on the site have been submitted to and agreed in writing by the local planning authority. The buildings shall be demolished in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the visual benefits of removing existing buildings, which are essential to the development's overall acceptability, are secured within a reasonable timeframe.

Policy: C6

- 4) No development (other than the menage and northern access already completed) shall take place until details and samples of all external facing and roofing materials (including the colour of any timber stain) to be used in the construction of the replacement dwelling, stable block/store building, office building and storage building hereby permitted 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: In the interests of visual amenity and the character and appearance of the area.

Policy: C6

- 5) No development (other than the menage and northern access already completed) shall take place, including site clearance, until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include indications of all existing trees, hedgerows and

other site features and details of any to be retained together with measures for their protection in the course of development and proposed finished levels or contours. The details of the hard landscaping of the site shall include details of the surfacing materials and colours of all hard surfaces and where so required by the Local Planning Authority, samples of such materials and finishes.

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

Policy: C6

- 6) Soft landscape works shall include planting plans and full written specifications and schedules of plants, including species, plant sizes, numbers/densities and positions. If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub or plant of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation.**

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

Policy: C6

- 7) No development (other than the menage and northern access already completed) shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

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

Policy: C6

- 8) No development (other than the menage and northern access already completed) shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Policy: C6

- 9) No development (other than the menage and northern access already completed) shall take place until further details of the ecological mitigation measures have been submitted to and agreed in writing by the local planning authority. Details shall include drawings to demonstrate that the mitigation measures detailed within sections 6.1, 6.2 and 6.5 of the submitted Survey for Protected Wildlife Species (Country Contracts, May 2010) can and will be incorporated into the development design, and a timetable for implementation. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of protected species

Policy C12

- 10) No work shall be undertaken to demolish any building during the period 1st March to 31st August, unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect nesting birds

Policy: C12

- 11) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ref: Brimble Lea & Partners / Development Partnerships Ltd - August 2006).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Policy: PPS25

- 12) No development (other than the menage and northern access already completed) shall take place until the detailed design of the revised surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of the proposed soakaways and clarification of any overland flow routes in an exceedance event.**

Reason: To prevent the risk of surface water flooding.

Policy: PPS25

- 13) No development (other than the menage and northern access already completed) shall take place until a scheme of water efficiency measures to reduce the water consumption of the replacement dwelling, stable block/store building, office building and storage building, hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and thereafter retained in accordance with the approved details.**

Reason: In the interests of the conservation of water and energy resources.

Policy: G1

- 14) No development (other than the menage and northern access already completed) shall take place until a scheme for the discharge of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the first commencement of the use of the buildings hereby approved**

and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage.

Policy: G2, G5

15) No development (other than the menage and northern access already completed) shall take place until a method statement detailing the potential risks from pollution, such as the storage of oils, fuels and chemicals to include mitigation measures during and after construction to the river system, 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 minimise the risk of pollution of the water environment.

Policy: G2, C18

16) No development (other than the menage and northern access already completed) shall commence within the area indicated (proposed development site) until:

- 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**
- The approved programme of archaeological work has been carried out in accordance with the approved details.**

Reason: To enable the recording of any matters of archaeological interest.

Policy: CN22

17) No development (other than the menage and northern access already completed) shall take place until a Waste Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The agreed scheme shall include targets and objectives for the minimisation and recycling of any waste or materials generated during the demolition and construction phases. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring sustainable development

Policy: G1

18) No part of the development (other than the menage) shall be first brought into use/occupied until:

- a scheme has been submitted to and agreed in writing by the local planning authority detailing possible improvements to visibility at the southern access which do not require the significant removal of trees to the site frontage; and any improvements agreed have been provided;**

- visibility splays of 4.5m x 75m measured from the centre line of the northern access have been provided across the site frontage with no obstruction to visibility at or above a height of 300mm above the nearside carriageway level.**

The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

Policy: G2

19) The extent of the area of land related to the employment use, hereby approved, shall be limited to that area of land as illustrated within the blue line on submitted plan (drawing AP/001/RevA received on 23.06.11) and the residential curtilage associated with the replacement dwelling hereby approved, shall be limited to that area of land contained within the red line as illustrated on this plan.

Reason: In the interests of highways safety and the amenity of the

area.

Policy: G2

20) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the office building hereby approved shall enure solely for the benefit of Fox Grant Ltd and shall be used as office accommodation and ancillary storage and for no other use including any other purpose in Class B1 of the Town and Country Planning (Use Classes) (Amendment) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

Policy: G2

21) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the storage building hereby approved shall be used solely as an ancillary storage facility to the office use and menage hereby approved, and for no other use without formal planning permission first being obtained.

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

Policy: G2

22) There shall be no external storage of any goods, plant or material associated with the employment use hereby approved.

Reason: In the interests of the appearance of the site and the amenities of the area.

Policy: C6

23) No development (other than the menage and northern access already completed) shall take place until details of any external lighting, including lighting to the car parking area associated with the employment use hereby approved, 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: In the interests of visual amenity and the character and appearance of the area.

Policy: C6

24) The menage hereby permitted shall be used only for private and domestic purposes incidental to the enjoyment of the associated dwelling at Summerfield House and shall not be used on a commercial basis or for any other business or commercial use whatsoever.

Reason: In the interests of highway safety and/or to protect the living conditions of nearby residents.

Policy: G2

INFORMATIVES:

Condition 13 – Water efficiency

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures, not manufacturer's specifications. Applicants are

advised to refer to the following for further guidance:

<http://www.environment->

[agency.gov.uk/homeandleisure/drought/31755.aspx](http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx)

<http://www.savewatersavemoney.co.uk/>

Conservation of Habitats and Species Regulations 2010

There is a risk that bats may occasionally roost in buildings due for demolition under this permission. Under the Conservation of Habitats and Species Regulations 2010, it is an offence to harm or disturb bats. Planning permission does not provide a defence against prosecution under this legislation. If bats are 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.

Environment Agency letter

The applicant's attention is drawn to the information contained within the Environment Agency's letter of 05/05/11.

2d S/2011/0697 - 4 Churchfields Road Salisbury SP2 7NH

Public participation

Mr C Mitchell, the applicant, spoke in support of the application
Cllr R Clewer, local member, spoke in objection to the application

The Planning Officer introduced the report which recommended approval.

A debate ensued and it was

Resolved:

Subject to the owner completing the unilateral planning obligation by submitting the relevant financial contribution, the proposed development would be accordant with Policy R2 of the adopted Salisbury District Local Plan that planning permission be granted for the following reason:

The proposed development is considered accordant with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), H8 (Housing Policy), TR14 (Transportation) and R2 (Open Space Provision) of the saved policies of the adopted Salisbury District Local Plan, insofar as the

proposed development would not adversely affect the amenity of neighbours, and makes provision for outdoor recreational facilities in accordance with Policy R2.

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

Drawing ref.no.02 received on 18 May 2011

Drawing ref.no.03 received on 18 May 2011

Design, access and heritage statement

REASON For the avoidance of doubt

3) Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of windows (which shall be traditional painted timber sash) to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

(ii) Large scale details of external doors including fanlight and door arch formation

(iii) Full details of proposed rooflights, which shall be conservation style

(iv) Details of rainwater goods.

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Conservation Area

Policy CN8 and CN11 Conservation Area

4) Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the materials for the walls and roof as well as the brick bond 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 visual amenity and the character and appearance of the area.

POLICY: CN8 and CN11 Conservation Area

5) No development shall commence on site until a scheme of works for noise attenuation including that separating wall and floor structures has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first brought into use/first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 General criteria for development

6) No construction work shall take place outside the hours of 0800 in the morning and 1800 in the evening from Mondays to Fridays and outside the hours of 0900 and 1300 on Saturdays. No work shall take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 General criteria for development

Informative

Given the limited capacity of the nearby on-street residents parking scheme, to ensure that any existing on-street parking problems are not exacerbated, the proposed development will not be eligible for any additional parking permits.

2e S/2011/0632 - The Manse Boar Street Mere Warminster BA126DD

Public participation

Mr A Seth-Ward, the applicant, spoke in support of the application
Mr D Carpendale, the agent, spoke in support of the application
Ms Mary White representing Mere Parish Council spoke in support of the application

The Conservation Officer introduced the report which sought retrospective approval.

A debate ensued regarding the condition of the stonework and options for its preservation.

It was

Resolved:

That listed building consent be approved for the following reason.

Reason: The works are considered to have no adverse impact on the character of the listed building.

2f S/2011/0678 - The Lime Yard Crockford Crockford Corner West Grimstead Salisbury SP5 3RH

Public participation

Mrs Lindy Paramor spoke in objection to the application

Mt T Allen, the agent, spoke in support of the application

Mr G Bayford representing Grimstead Parish Council spoke in objection to the application

The Planning Officer introduced the report and drew attention to the late correspondence.

A debate ensued during which issues of the impact on the neighbourhood amenity and traffic issues were discussed.

Resolved

That the application be refused for the following reasons

The 1.6 ha application site lies within a remote countryside location characterised by open farmland, woodland and scattered residential properties; the site and its wider surroundings are designated as a Special Landscape Area. Access to the site is via country lanes, which from the east direction are narrow and windy in places, passing residential properties. The site is presently occupied by a single use comprising an agricultural lime yard where lime is imported, processed (including drying and crushing), and exported - this is a 'sui generis' use. The larger part of the existing use is heaped storage of the lime in both un-processed and processed form on both open and covered parts of the site.

The proposal, which is to allow unrestricted Class B2 and Class B8 uses on different parts of the site, would, by reason of the un-specified (but potentially significant) scale of the new development, the unknown (but potentially significant) levels of activity associated with the new development (including in terms of traffic generation on the entire surrounding country lane network), and the unknown (but potentially significant) affects of other environmental considerations (including visual impact, hours of operation and lighting), would have a detrimental impact on both the amenities of the countryside and the amenities of residents within the locality. This is contrary to Policies G2, C2 and C6 of the Salisbury District Local Plan 2003.

2g S/2010/1549 - Packway Garage The Packway Larkhill Salisbury SP4 8PZ

This item was deferred to the next meeting

2h S/2011/0551 - Site adjacent to Fitz Farm Teffont Salisbury SP3 5QY

This item was deferred to the next meeting

95. Urgent Items

There were no urgent items

(Duration of meeting: 6.00 - 10.20 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
direct line (01225) 718371, e-mail pam.denton@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/2010/1699 | Opposite Southview Cottage, Brook Hill, DonheadStAndrew | WR | Delegated | Dismissed | No | No |

New Appeals

| Application Number | Site | Appeal Type | Application Delegated/ Committee | Decision | Overturn | Costs Applied for? |
|--------------------|--|-------------|----------------------------------|----------|----------|--------------------|
| S/2011/0166 | Maddington Manor Cottage, The Common, Shrewton | WR | Delegated | | | |
| S/2011/0073 | LionsHead, The Common, Winterslow | WR | Delegated | | | |
| S/2011/0694 | Site at Flower Lane, Amesbury (L/B Appeal) | WR | Delegated | | | |

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

8th August 2011

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

18th August 2011

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

Purpose of Report

1. To advise of the Council's options in respect of deciding whether to confirm a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (an "Article 4 Direction") to remove "permitted development" rights under Parts 4, 5 and 27 of the Schedule to the above Order for temporary uses and caravan sites and use by certain recreational organisations.

Background

2. Members will recall that at the meeting on 14th April 2011, the Committee instructed the Head of Legal Services to make an Article 4 Direction to remove 'permitted development' rights for certain temporary uses (in particular temporary camping); certain uses as a caravan site, and; use for camping by 'exempted organisations', all in respect of this site.
3. The above followed an earlier resolution by the Council in respect of the confirmation of a previous Article 4 Direction, which was discontinued following legal advice. The latest Direction was made in early June and has been the subject of a publicity and consultation exercise concerning whether it should be confirmed, with an anticipated effective date of 1st October.
4. Members will recollect that in previous reports concerning this site, the extent of lawful "permitted development" rights available for temporary uses and caravan sites (i.e. development which can be carried out without needing to obtain express planning permission from the Council) were clarified. Summarised, these rights are as follows:
 - Use as a caravan site approved by an 'exempted organisation' (i.e. the Caravan Club) for the stationing and occupation of up to five members' touring caravans;

- Use for the holding of caravan rallies organised by exempted organisations - no restriction on the number of such rallies which can be held annually or the number of caravans which could attend;
 - Temporary use for the stationing and habitation of tents for up to 28 days annually -no limit on the numbers of tents which can be accommodated;
 - Use by recreational groups such as the Scouts or the Guides - no restriction on the number or duration of events or tents present.
5. Members will also recall that at the April 2010 Planning Committee, a partly retrospective planning application for caravanning/camping on part of this site (reference S/2010/0007) had been refused, and; following subsequent meetings enforcement action had been taken in relation to camping activity on the rest of the site, in excess of the provisions of the GPDO and; associated operational development. The above decisions are all the subject of recent appeal decisions following a Public Inquiry in May, which in summary granted planning permission for camping and caravanning activity at the site, subject to conditions.

Article 4

6. Article 4 of the above Order, as amended in April 2010, provides the Council (or the Secretary of State for Communities and Local Government) with the power to make a direction in a specified area which can remove some or all of permitted development rights which would otherwise be available. Directions can be immediate or non-immediate; however the former can only be used in limited circumstances and cannot be used in respect of caravan sites. A non-immediate Direction is one which does not come into force at the point at which it is made – rather, it comes into force on a date to be determined by the Council.
7. Prior to April 2010, non-immediate directions required confirmation by the Secretary of State. However, the Council can now confirm such directions after taking certain procedural steps, which include undertaking publicity and a public consultation exercise and consideration of any representations received as a result, subject to the Secretary of State coming to the view that he does not wish to decide whether the direction should be confirmed.
8. DCLG guidance published in November last year on the use of Article 4 Directions indicates amongst other things, that the Council can

consider making a Direction only exceptionally where there is evidence to suggest that the exercise of permitted development rights would undermine the visual amenity of the area and the Council should clearly identify any potential harm that the Direction is intending to address. Procedural matters including publicity and notification arrangements are set out in secondary legislation which came into force in April 2010. Also noted is the application of an Article 4 Direction to prevent the sub-division of, or loss of, agricultural land. The application of directions in relation to temporary uses and caravan sites is not specifically referred to in the guidance. However, directions bringing agricultural and forestry permitted development under full planning control will rarely be justified.

9. Research carried out in relation to the use of Article 4 Directions in 2008, focused on their application in Conservation Areas to restrict householder development and is largely not considered relevant to the current case. There appears to have been no detailed study concerning the use of Article 4 Directions to remove other permitted development rights, such as those with which Members are concerned in this case. The practical effect of an Article 4 Direction when in force, is not to automatically *prevent* development which would otherwise have been permitted but to require an application for planning permission for that development. Any such application should be considered on its merits in the normal way and the existence of a direction does not convey any more restrictive policy approach to the determination of such applications. Where permitted development rights have been removed, any applications for development which would otherwise have been permitted do not attract a fee. The work, therefore undertaken by the Council in respect of such applications does not generate any fee income.

10. A constraint on the use of Article 4 Directions is a possible claim of compensation for abortive expenditure or loss of income directly attributable to the withdrawal of permitted development rights, if permission is later refused or granted subject to conditions. There is a time limit of 12 months from the date of the application decision, for submitting a claim for compensation. Nevertheless in deciding whether to confirm the Direction, Members should be aware that the landowner could make a compensation claim against the Council as a result of being prevented from carrying out the activities in question at the site, if planning permission were subsequently refused or granted subject to conditions.

Whether there is need to confirm the Direction

11. In view of the government advice above and the recent appeal decision, it is necessary to assess whether the Direction is still needed. This assessment should consider the evidence of whether the exercise of permitted development rights in the Classes referred to at the site has caused/will cause serious threats to the attractiveness of surrounding countryside and; whether, exceptionally it is therefore considered necessary to bring the matter within planning control in the public interest.
12. Land to the east of the site is subject to other statutory designations, including the river Till valley Site of Special Scientific Interest (SSSI) and Special Area of Conservation and the Winterbourne Stoke Designated Conservation Area. Nevertheless this site itself lies in the general extent of the countryside. It does not lie within an area with a nationally important landscape (such as a National Park or an Area of Outstanding Natural Beauty).
13. In common with most countryside in south Wiltshire outside of such areas, the site and surroundings lie within an area defined in the Wiltshire & Swindon Structure Plan 2016 (WSSP) as a Special Landscape Area (SLA), this being countryside recognised at local level for its scenic qualities and landscape character. 'Saved' Development Plan policies including policy C9 of the WSSP and policies C6 of the adopted Salisbury District Local Plan seek to prevent non-essential development in the countryside and ensure that where it does take place, new development does not detract from the landscape quality of the SLA and that the siting and scale of development and its landscaping and materials are appropriate.
14. Members will be aware that camping and caravanning activity has taken place at the site for the last two years, largely relying on, but also exceeding, permitted development rights which resulted in enforcement action being taken. The Inspector's decision letter in relation to the recent appeals in relation to the site is attached as an Appendix to this report.
15. In allowing the appeals and granting planning permission for use of the site for caravanning and camping purposes, the Inspector concluded that there would be very limited visual impact from the uses, not

causing significant harm to the character and appearance of the countryside/ Special Landscape Area, and; that control of the extent of camping and caravanning and ensuring adequate landscape planting could be secured by planning conditions. Conditions were subsequently imposed by the Inspector, amongst other things limiting the areas of camping and caravanning, limiting the dates camping could take place and the number of tents, removing 'permitted development' rights for camping and caravanning in relation to the southern part of the site, requiring submission and implementation of further landscape planting and a management plan, restricting amplified music, restricting use of fire pits and imposing controls over external lighting.

16. One of the key advantages in originally making the Direction from a development/control management perspective, was that in the event the Council had subsequently been minded to grant planning permission for an application for camping/caravanning made pursuant to the Direction, it could have then imposed planning conditions of a similar nature to those recently imposed by the appeal Inspector.

17. In view of the Inspector's decision to allow the appeals and grant conditional planning permission for camping and caravanning at this site, Officers are of the view that there has been a material change in circumstances since the making of the Direction. The now permitted use of the site for caravanning and camping is restricted by conditions. In particular the 'permitted development' rights for camping and caravanning that the Direction would have sought to restrict, have been removed by a condition of the planning permission over a substantial part of the land ownership. Planning permission would be required for uses restricted by condition in future and any breach would be open to enforcement action.

18. In Officers view, there is no longer a threat to the character and appearance of the countryside through unfettered exercise of 'permitted development' rights, which would exceptionally justify confirming the Direction. The effect of the Direction if confirmed now would be simply to duplicate existing controls already in place, which in itself is considered indicative that it is no longer expedient to confirm the Direction.

Publicity and notification

19. A total of 83 individual representations have been received following publicity carried out after the making of the Order:

Representations received in support of the Council confirming the Article 4 Direction

43 representations received. These are largely from local residents (some from members of the same household). Two have been received from the operator of a local caravan site business. However, representations have also been received from people who do not live near the site.

Reasons for support, in summary are:

- Harm caused by camping/caravanning on this site to historic and natural beauty of the area;
- Would protect Special Landscape Area;
- Site is highly visible from the road and in the wider landscape;
- Camping is inappropriate in this location;
- Unique nature of local countryside;
- Undue noise & disturbance;
- Regulation of activity at the site in the interests of the landscape;
- Planting undertaken by owner will not screen the activity and is out of keeping in itself;
- Site is close to two Conservation Areas and an SSSI.
- Confirmation of Direction would not close the site.
- Licensing concerns.
- Health and safety issues concerning operation of the campsite.

Representations received objecting to the Council confirming the Article 4 Direction:

40 representations received. These are mostly from people who have camped at the site (customers), but two are from businesses. Reasons for objecting, in summary are:

- It would result in the closure of the site;
- It would result in the closure of the 'solstice festival';
- The site is well –run, environmentally responsible and friendly;
- The site benefits local shops and businesses;
- Site has been improved through planting;

- No noise or other adverse impacts on neighbours;
- Site is shielded from neighbours;
- There is limited visual impact
- Need for more camping facilities;
- Previous chicken farm had greater impact;
- Financial implications of compensation etc. for the Council

Owner: Objects to the Direction being confirmed on the following grounds (summary). No evidence of any harm and few complaints. His appeals in relation to using the site for camping and caravanning have been allowed. The Council should be supporting local business and tourism. The owner will seek redress through the Courts if necessary if the Direction is confirmed.

Berwick St. James Parish Council: No comments received.

Winterbourne Stoke Parish Council: “ No comments received.

Secretary of State for the Environment (Government Office for The West Midlands): No response received to date (receipt acknowledged)

Response to objections

20. Confirmation of the Direction would not result in closure of the site or the owner’s annual solstice ‘festival’, unless the owner decided he no longer wished to operate.
21. The other issues raised in representations have largely already been dealt with in the appeal decision and above.

Conclusions

22. The effect of the appeal decision granting conditional planning permission for camping and caravanning activity represents a significant and material change in circumstances since the Direction was made, which together with the responses to publicity/consultation received, warrant careful consideration in terms of whether it is now expedient to confirm the Direction.
23. In view of the conditions imposed on use of the site by the Inspector dealing with the recent appeals, it is considered that it would no longer be expedient to confirm the Direction as adequate controls now exist for the Council to protect the character and appearance of the countryside by the imposition of conditions, and no further action should therefore be taken on it.
24. Members have the following options:
- A: To not confirm the Direction;**
- B: To confirm the Direction.**

Recommendation

A: That the Article 4 Direction made in respect of this site on 7th June 2011, is NOT confirmed.

Report Author:

Stephen Hawkins, Team Leader (Enforcement).

Date of report 29th July 2011

Background Papers

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

None

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Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

by K Nield BSc(Econ) DipTP CDipAF MRTPI

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

Decision date: 11 July 2011

Appeal A Ref: APP/Y3940/C/10/2139334

Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2010/1661
- The notice was issued on 24 September 2010.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The requirements of the notice are:
 - (a) Remove any tents stationed on the Land in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995; and
 - (b) Cease permanently the use of the Land for temporary events, in particular the use as a temporary camping site for the stationing and human habitation of tents, in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995.
- The period for compliance with the requirements is one month from the date the notice takes effect in respect of both (a) and (b) above.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

Appeal B Ref: APP/Y3940/C/10/2142020

Land at Stonehenge Campsite/Summerfield House, Berwick Road, Berwick St. James, Wiltshire, SP3 4TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W F Grant against an enforcement notice issued by Wiltshire Council.
- The Council's reference is S/2011/0001.
- The notice was issued on 15 November 2010.
- The breach of planning control as alleged in the notice is: without planning permission, the carrying out of engineering and other operations on the land, including materially altering the landform by excavating and re-profiling the ground to form levelled areas; formation of hardstandings; formation of earth bunds and associated fencing; installation of a cesspool/waste disposal point and enclosing fencing, installing electrical

hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building.

- The requirements of the notice are:
 - (a) Permanently demolish all the hardstandings, remove the new vehicular access and track surfacing materials, pathway surfacing materials, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points from the Land;
 - (b) Return the excavated and re-profiled parts of the Land to its former landform, levels and profiles prior to development took place, i.e. to match that of the land immediately adjacent;
 - (c) Permanently demolish the toilet/shower block and washing up building and reinstate the land to its condition before development took place, i.e. to match the levels and profile of the land immediately adjacent;
 - (d) Reduce the height of the earth bunds and associated fencing so that where adjacent to Berwick Road as shown between the approximate points X-X on the plan attached to the Notice, the height of the bunds or the fences or their combined height does not exceed one metre;
 - (e) Permanently remove the partly constructed track formed between the approximate points Y-Y as shown on the plan attached to the Notice and reinstate the Land to its condition to match the levels and profiles that of the land immediately adjacent;
 - (f) Permanently remove all demolition materials arising from steps (a)-(e) from the Land;
 - (g) Re-seed all the reinstated areas with grass.
- The period for compliance with the requirements is 3 months in respect of items (a) – (f) listed above and 3 months or by the end of the next planting season following the date the notice takes effect, whichever date is the later of the two in the case of item (g) listed above. The planting season is stated by the Council to run from 1 November to 31 March the following year.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted as set out in the Formal Decision below.

Appeal C Ref: APP/Y3940/A/10/2136994

Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by W F and S R Grant against the decision of Wiltshire Council.
- The application Ref S/2010/7/FULL, dated 24 December 2009, was refused by notice dated 11 May 2010.
- The development proposed is described as the retention of access, driveway, hardstandings and change of use of land to touring caravan site.

Summary of Decision: The appeal is allowed and planning permission is granted as set out in the Formal Decision below.

Application for costs

1. At the Inquiry an application for full costs in respect of Appeal B was made by Mr W F Grant against Wiltshire Council and in respect of Appeal C by W F and S R Grant against Wiltshire Council. The application is the subject of a separate Decision.

Procedural matters

2. At the opening of the Inquiry the appellants withdrew the appeals under ground (e) in respect of both Appeal A and Appeal B. No evidence was called in respect of those appeals by either party.
3. In respect of Appeal C the Council had amended the description to "*Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points*". As the appellants have applied this revised description in the appeal documentation and I consider it describes the extent of the development more fully I intend to determine the s78 appeal on that basis.
4. The oral evidence at the Inquiry was taken on oath.

The enforcement notices

5. There are some minor errors in the notice in respect of Appeal B. Within the requirements of the notice under sections (b) and (e) words appear to be omitted which reduce the clarity of the requirements. I can make corrections to the notice without injustice to the parties.

Preliminary matters

6. The parties submitted an agreed Statement of Common Ground (SCG) at the opening of the Inquiry. The SCG agreed relevant planning policy guidance applicable to the development and other matters including some agreed conditions.
7. The SCG also contained Plan WGDP 01 prepared to assist the description and assessment of the parts of the site as a whole. This termed the area to the north of the site comprising the access, track and main caravan site with laid out pitches as "Campsite" (or Red Land) on the Plan. A field area broadly to the south of the access and west of the Red Land is termed "Rally Fields" (or Blue Land) and a further area to the south of the Rally Fields is termed "Parkland and Summerfield" (or Green Land).
8. These descriptive terms are used, with some variation, throughout the evidence by both parties and have relevance to some of the matters agreed by the parties and suggested conditions. As this subdivision of the site assists with the description of the scheme I will apply those terms.
9. The plans attached to the two enforcement notices include all the above listed areas. However, the application site boundary for Appeal C includes all the Campsite area but only (the eastern) part of the Rally Fields.
10. There is a single appellant in respect of both Appeal A and Appeal B but two appellants in respect of Appeal C. For clarity in the overall decisions I shall use the term "appellants" throughout.

The appeal under ground (c) (Appeal B)

11. The appeal under ground (c) is that the matters described in the notice (if they occurred) do not constitute a breach of planning control. I noted at my visit, and it was not in dispute at the Inquiry, that the operational development comprising the alleged breach had occurred.

12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.
13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.
14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".
15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.
16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.
17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.
18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.
19. With regard to the access there is no dispute that until (at least) 2008¹ there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

¹ Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

the surface and create a base and apply scalplings were undertaken. These works also appear to have widened the track (from its appearance in earlier photographs) and altered the position of its junction with Berwick Road.

20. Taken together those are engineering operations which cumulatively are significant in scale and exceed works that could reasonably be regarded as incidental to the provision of a means of access. As a matter of fact and degree, I find the proposed works beyond that which is permitted by Part 2 Class B, neither are they permitted by any other Class of the GPDO. The proposed works, in my opinion, are such that they fall within the meaning of "development" under s55 of the Act for which an express grant of planning permission is required.
21. In a ground (c) appeal the burden of proof lies with the appellants and since this has not been discharged in respect of the matters in dispute the appeal under ground (c) fails.

The appeals under ground (a) (Appeal A and Appeal B) and the s78 appeal (Appeal C)

Background

22. It is not in dispute that the areas termed "Campsite" and "Rally Fields", all formerly comprising agricultural land, have been used for camping and caravanning activities to varying degrees for some 2-3 years². The Campsite area initially contained 5 hard surfaced standings used with various facilities/buildings provided in connection with that use. This area previously contained a number of modest agricultural buildings now mostly demolished. Until December 2010 this area had certification firstly from the Caravan & Camping Club and then the Caravan Club to use that part of the site as a Certified Location.
23. The Rally Fields comprise two paddocks. The upper paddock (nearest Berwick Road) has been used for temporary touring and camping "events" under permitted development rights provided under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO. Use of the lower paddock for camping and caravanning took place when there was high demand such as around the summer solstice.

Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.
25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP³ policy RLT10 and policy EC7 in PPS4⁴. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

² Evidence of Anthony Allen

³ Wiltshire and Swindon Structure Plan (SP)

⁴ Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

planted within and around the site. In addition the policy requires that the use should not be detrimental to the amenities of residents of the area. The site of the appeals lies in close proximity to the A303 and the parties agree that it is a main holiday route as required by policy T9.

26. In the light of the above I consider that the main issues in these appeals are:

- (i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),
- (ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and
- (iii) whether other considerations including economic benefits outweigh any harm that is identified.

Reasons

Character and appearance

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5⁵.
28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylde Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.
29. A recent Landscape Character Assessment was undertaken for Salisbury District⁶. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.
30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.
31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

⁵ Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

⁶ Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)

- look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.
32. In the main the appellants' photographic evidence, assessment, and its conclusions were not disputed by the Council. It was accepted by the Council that the visual envelope of the Campsite and Rally Fields areas is very limited with only a few areas of land in the public domain from which clear views of the site can be gained.
 33. In the short to medium term persons using a public right of way alongside the River Till to the east of the site would be able to see (the upper parts of) caravans stationed in the nearest pitches alongside the eastern edge of the Campsite area although a steep embankment serves to restrict views into the site from the path. In the longer term planting within and outside the site would provide screening for much of the year.
 34. Views into the proposed development in the Rally Fields would be gained from a section of the public right of way to the south-east of Summerfield House, and from a section of bridleway to the west of the B3083. In the medium term it would be possible to see substantial numbers of tents in the Rally Fields from the bridleway but views into that area would reduce towards the longer term due to growth in the landscaping that has taken place or is further proposed.
 35. I agree with the Council that glimpses of tents in the Rally Fields would be gained from the hillside position of a byway to the east (Viewpoint 22). However, that would be at a distance of approximately 1.5 km from the site. At the time of my (spring) visit those views were restricted by vegetation and, as the photographic evidence indicates, they would not be prominent even in the winter time when there would be less leaf growth.
 36. Views into the site from the B3083 are currently limited to a section of about 300m leading south from the A303. The site entrance, part of the access track and earth bunds with fencing would be clearly visible from the road. I am satisfied that planting of the earth bunds along the site frontage, some of which has taken place, would provide reasonable short term visual screening which would be enhanced over the medium term by additional planting such that only the top parts of tents in the upper paddock area of the Rally Fields would be visible. Over the longer term those views into the site would diminish further.
 37. The parties agree that the fence along the bunds is prominent in some views and I do not differ in that respect. I consider that its removal, secured by a planning condition if all other matters are acceptable, would be in the interest of the visual amenity of the area.
 38. Planting alongside the northern boundary would also provide substantial screening of the site from the B3083. The Council expressed doubts at the Inquiry that there was sufficient space between the access track and the site boundary to allow for sufficient plant growth. Although I saw on my visit that the width of the planting strip varied I consider that there is adequate space to allow planting which would provide a screen over a period of between 5 – 10 years. Planting has taken place alongside the boundary outside the appellants' land but no scheme is before me that would allow for the management of that area which reduces the weight I have attached to it in contributing to a screen.

39. The A303 is in an elevated position to the north-west of the appeal site where there is an exposed section following the removal of trees and vegetation by the Highways Agency and which allows views towards the site from passing vehicles. However, traffic on that road is reasonably heavy and moving at considerable speed so such views as there are from that position are likely to be fleeting in the short term but would reduce with screening from the existing and proposed landscaping .
40. There are a number of residential properties within the visual envelope of both the caravan site and the Rally Fields. In the short term views of the Rally Fields from Scotland Lodge, which is at a slightly elevated position above the A303 can be gained. These views would significantly reduce in the medium term as the landscaping matures. Views from the other dwellings are limited. However, I noted that parts of the site can be seen presently from Over the Hill to the south and parts of the gardens of Till Cottage and Keepers Cottage.
41. In all these cases the limited views that exist at present would reduce in the medium to long term as the existing and proposed landscaping at the edges of the site matures. Control of the extent of the camping and caravanning to minimise the visual impact and to ensure adequate landscaping can be secured through planning conditions, if all other matters are acceptable. Consequently, both the use of the site for camping and caravanning together with the related operational development would be well screened in the medium to long term (5-9 years).
42. Overall, I found the appellants' assessment of visual impact persuasive in indicating that there would be very limited visual impact of the appeal schemes on both the local and wider areas of the landscape. It is, in any event, based on a worst-case scenario of all the proposed caravan pitches being occupied and tents present in both paddocks of the Rally Fields. However, I agree with the appellants that the situation for most of the period being considered would be less than that further reducing the likely visual impact.
43. I note the Council's concern that the assessment does not fully consider the visual effect of vehicles at the site entrance (either entering or leaving) or on the access track. I accept that vehicles and caravans in those positions could be visible particularly from some of the elevated viewpoints. Such activity is likely in most cases to be of a transient nature and even at the busiest times is not likely to be harmful to the landscape character for anything other than a short time. Consequently, I have not attached significant weight to that concern.
44. Taking all the above factors into account I consider that there would be limited conflict with SP policy RLT10 and LP policy T9. I do not consider that the harm to the character and appearance of the locality including the SLA from the appeal proposals would be material and it would not of itself lead me to dismiss the appeals.

Living conditions

45. The Council has raised objections in this regard only in respect of the enforcement notice issued in respect of the alleged change of use (Appeal A) and not the scheme comprising the s78 appeal (Appeal C). Notwithstanding that, compelling evidence was given at the Inquiry by a number of the interested parties who live near the site (and others) to indicate that at various times the use of parts of the site for camping and caravanning had led to noise

and disturbance to their living conditions at unsocial hours. The evidence provided indicated that this was primarily from music (both amplified and non-amplified) played late at night particularly from those parts of the Rally Fields and Summerfield House closest to the dwellings. Some of the interested parties indicated that the music and other noises could be heard over a wide area.

46. I have no doubt that much of the problem in this regard stemmed from the fairly uncontrolled use of the site at that time. Suggested planning conditions discussed at the Inquiry to limit the area for camping and caravanning (and the numbers of caravans and tents) together with limitations on amplified and non-amplified music and greater visual screening would, in my opinion, go a very considerable way to resolving the concerns that were aired. Such conditions can be attached to a planning permission, if all other matters are acceptable.
47. Subject to the imposition of planning conditions as discussed above attached to any permissions granted in respect of these appeals I conclude on this issue that the development proposed in Appeal A and Appeal C would not be materially harmful to the living conditions of occupants of nearby dwellings and would accord with the overall aims of LP policy T9(iv).

Economic benefits

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE⁷ job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.
49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs⁸.

Fallback position

50. The appellants have permitted development rights which enable them to make use of the site for camping⁹ and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

Other matters

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI¹⁰ along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

⁷ Full time equivalent (FTE)

⁸ Ministerial Statement dated 23 March 2011 by Greg Clark, Minister of State for Decentralisation

⁹ Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO

¹⁰ Site of Special Scientific Interest (SSSI)

52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council¹¹ did not raise objections in this respect, however shortly before the Inquiry an objection was received¹² indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.
53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

Conditions

54. The parties have both suggested¹³ a number of conditions in the event that the appeal is successful. A number of the suggested conditions are common to the individual appeals, notwithstanding differences in site boundaries. Conditions relevant to the individual appeals are set out in the Annexes to this decision.
55. A number of conditions are suggested mainly to safeguard the visual amenity of the area. For this reason a condition is required for details of any existing and proposed landscaping to be submitted to the Local Planning Authority and approved in writing. In connection with Appeals B and C I will attach a condition requiring the removal of the mesh fence. I also agree that a number of conditions should be attached in respect of all the appeals for the provision and maintenance of landscaping including a requirement for a landscape management plan. These landscape conditions require the permitted use to cease and all tents and other incidental development to be removed in the event that the conditions are not satisfied.
56. I agree that a condition is required to put a restriction on the siting and number of caravan pitches. Whilst the parties agreed in principle that they should only be within the area notated as "Campsite/Red Land" on Drawing WGDP 01 contained in the SCG to the easternmost part of the site, to protect the visual amenity and character of the area and also help to safeguard the living conditions of occupants of nearby dwellings, they differed as to the number of pitches and caravans that would be appropriate in that area.
57. The appellants have suggested that that part of the site could accommodate 15 caravans laid out as illustrated on Drawing: Landscape Plan 2010. The Council considers that the area should be restricted to the northern part of that area such that it would accommodate 11 pitches and caravans (Plots 1-8 and 13-15 on Drawing: Landscape Plan 2010). The disputed area is well contained by earth embankments following the excavation and re-profiling of the ground in that area and it is reasonably well screened by existing vegetation. It is the nearest area to the garden of Keepers Cottage across the public right of way but a considerable distance from the house and the most private part of the

¹¹ Evidence of Charlie Bruce-White

¹² Document 13 to the Inquiry

¹³ Contained in the Statement of Common Ground

garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing W GDP 01) but the number of tents and number of days that would be available for camping are in dispute.
59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.
60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.
61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.
62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95¹⁴ advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

¹⁴ Circular 11/95: The Use of Conditions in Planning Permissions

64. A condition to restrict access to and egress from the land used for tented camping from the southernmost access to the site will safeguard the living conditions of the occupants of Over the Hill. A condition requiring the provision of an alarm system installed to the cesspit will help to prevent pollution to water courses.
65. Finally I will attach a condition to require a written scheme of investigation of archaeological remains and to implement a programme of work based on the findings prior to any ground works being undertaken.

Balance of considerations and conclusion on the ground (a) and s78 appeals

66. Although I have found some limited conflict with SP policy RLT10 and LP policy T9 in respect of the effect of the schemes I do not consider that the proposed development would have a materially harmful effect on the character and appearance of the locality including the SLA. Any resulting harm would be significantly outweighed by direct and indirect economic and tourism benefits to the locality and the wider area. In addition I found that the scheme would not, subject to conditions, have a harmful effect on the living conditions of occupants of nearby dwellings.
67. I conclude that for the reasons given above and having regard to all other matters raised the appeals under ground (a) and s78 should succeed.

The appeal on grounds (f) and (g) (Appeal B)

68. As there is success on ground (a) which leads to the corrected notice being quashed, there is no need to go on to consider the appeals on grounds (f) and (g).

Formal decisions

APP/Y3940/C/10/2139334 (Appeal A)

69. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the use of the land for temporary events (in particular the use as a temporary camping site for the stationing and human habitation of tents) in excess of that permitted by Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex A to this decision.

APP/Y3940/C/10/2142020 (Appeal B)

70. I direct that the enforcement notice be corrected by the deletion of "to development took place " and the substitution therfor of the words "to the development taking place" in paragraph 5 requirement (b) and by the deletion of "profiles that" and the substitution therfor of the words "profiles to that" in paragraph 5 requirement (e).
71. Subject to the above corrections I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the carrying out of engineering and other operations on the land, including materially altering

the landform by excavating and re-profiling the ground to form levelled areas and formation of hardstandings; formation of earth bunds and associated fencing, installation of a cesspool/waste disposal point and enclosing fencing, installing electrical hook-ups and lighting; materially altering the position of and widening an access onto a classified road and resurfacing and improvements to an existing track; partial construction of a new track, formation of a pathway and erection of a toilet block and washing up building at Land at Stonehenge Campsite/Summerfield House, Berwick St. James, Salisbury, SP3 4TQ, shown on the plan edged red attached to the enforcement notice, subject to conditions attached at Annex B to this decision.

APP/Y3940/A/10/2136994 (Appeal C)

72. I allow the appeal and grant planning permission for a change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points at Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3 4TQ in accordance with the terms of the application (Ref S/2010/7/FULL, dated 24 December 2009) and the details submitted therewith and thereafter and subject to conditions set out at Annex C to this decision.

Kevin Nield

INSPECTOR

ANNEXE A

SCHEDULE OF CONDITIONS FOR APPEAL A: APP/Y3940/C/10/2139334

1. The development shall be carried out strictly in accordance with the approved plans insofar as they fall within the area of land outlined in red on the enforcement notice (Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music shall be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land noted as Rally Fields/Blue Land or land notated as Parkland and Summerfield/Green Land on drawing WGDP 01.
4. No unamplified music shall be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" or land notated as "Parkland and Summerfield/Green Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.

8. Within seven days of the date of implementation of the permission hereby granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained daily thereafter and made available to the Local Planning Authority for inspection at reasonable notice.
9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).
10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
 - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
 - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cess pit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The

visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting the Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.

ANNEXE B

SCHEDULE OF CONDITIONS FOR APPEAL B: APP/Y3940/C/10/2142020

1. The development shall be carried out strictly in accordance with the approved plans insofar as they fall within the area of land outlined in red on the enforcement notice (Landscape Plan 2010 and drawing WGDP 01).
2. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
3. The use hereby permitted shall cease and all tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
 - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) An appeal is made in pursuance of (ii) above, that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
 - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
4. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cess pit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
5. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

6. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.

ANNEXE C

SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to 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 stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.
8. Within seven days of the date of implementation of the permission hereby

- granted the applicant/site manager shall keep an up-to-date written record of all persons visiting the site for the purposes of recreation and the number of caravans and tents there on any day. The written record shall be maintained thereafter and made available to the local planning authority for inspection at reasonable notice.
9. There shall be no vehicular access and egress to and from the land used for tented camping from the southernmost vehicular access to the site (adjacent to Over the Hill).
10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.
11. The use hereby permitted shall cease and all caravans, tents and other incidences of the use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) Within 3 months of the date of this decision, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas together with details of all existing planting and proposed planting to be undertaken including details of planting locations, size, densities and times of planting and arrangements for aftercare and maintenance, shall be submitted to and approved in writing by the Local Planning Authority, the plan to include a timetable for its implementation;
 - (ii) Within 3 months of the date of this decision, if the Local Planning Authority refuses to approve the scheme submitted under (i) above or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - (iii) An appeal is made in pursuance of (ii) above, and that appeal has been finally determined and the submitted scheme has been approved by the Secretary of State.
 - (iv) The approved landscape management plan has been implemented in full in accordance with the approved timetable.
12. Within 3 months of the date of this decision details of a scheme for an alarm system to be fitted to the cesspit to provide warning against overflowing shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed within 3 months of the approval by the Local Planning Authority and shall thereafter be retained and maintained.
13. Within one month of the date of the permission hereby permitted visibility splays of 4.5m x 75m measured from the centre line of the access adjacent to the northern site boundary shall be provided across the site frontage. The visibility splays shall be maintained permanently thereafter free from obstruction above a height of 300mm.

14. The fence along the side and top of the earth bunds fronting Berwick Road (B3083) and within the site shall be removed within three months of the date of the permission hereby granted.

APPEARANCES

FOR THE APPELLANTS:

| | |
|--------------------------------|--|
| Richard Turney of Counsel | Instructed by Washbourne Greenwood Development Planning Limited (WGDP) |
| He called | |
| Anthony Allen, MRTPI | WGDP, Appellants' Agent |
| Mark Gibbins, BA(Hons) CMLI | Director, Indigo Landscape Architects Limited |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|----------------------------------|--|
| Richard Banwell of Counsel | Instructed by Head of Legal and Democratic Services, Wiltshire Council |
| He called | |
| Stephen Hawkins MA MRTPI | Planning Enforcement Team Leader, Wiltshire Council |
| Maxine Russell, BA DipLA CMLI | Landscape Officer, Wiltshire Council |
| Charlie Bruce-White, MRTPI | Planning Officer, Wiltshire Council |

INTERESTED PERSONS:

| | |
|-------------------------|------------------------------------|
| Richard Brasher | Berwick St James Parish Council |
| Stephen Bush | Local Resident |
| Mark Hopkins | Local Resident |
| Mike Hearn | Local Resident |
| Martin Gairdner | Local Resident |
| Councillor Westmoreland | Ward Councillor, Wiltshire Council |
| Grace Douse | Local Resident |

DOCUMENTS

- 1 The Council's Inquiry Notification letters dated 1 March 2011 and list of consultees together with copies of earlier correspondence to consultees in respect of procedural arrangements for the appeals
- 2 Statement of Common Ground signed by the principal parties
- 3 Drawing 211.01 dated April 2006 from Indigo Landscape Architects Ltd for the appellants showing landscape proposals at Wisma Farm (now called Summerfield House)
- 4 Written submission from Stephen Bush (Lieutenant Colonel SJD Bush)
- 5 Copy of internet web pages for Stonehenge Campsite
- 6 Written submission from Councillor Fred Westmoreland
- 7 Written submission from Martin Gairdner
- 8 Written submission from Mark Hopkins
- 9 Written submission from Mike Hearn
- 10 Written submission from M Sayer
- 11 Written submission from Councillor Ian West
- 12 Written submission from Caroline Mills, Freelance Writer and Author
- 13 Copy of e-mail correspondence dated 13 May 2011 from Caroline Walford, Customer Support Manager, AA Hotel Services to Stephen Hawkins, Wiltshire Council
- 14 Copy of e-mail correspondence dated 13 May 2011 from John Harding, Development Control Engineer, Sustainable Transport, Wiltshire Council to Stephen Hawkins, Wiltshire Council
- 15 Draft planning condition in respect of highway visibility submitted jointly by the appellants and the Council
- 16 Photograph of planting strip along northern boundary of the site
- 17 Plan (Ref:MG/RT) submitted by the appellants showing measured distances between the track and the northern site boundary
- 18 Photographs of a comparison of the appellants' and the Council's impression of the site
- 19 Photographs showing hedgerow images

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1

Application No: S/2011/0551**Site Location:** Site adjacent to Fitz Farm, Teffont, Salisbury, SP3 5QY**Development:** Erect dwelling and garage. Amendments to planning application and approval S/08/0871**Recommendation:** Approved With Conditions**Division** Cllr Bridget Wayman

2

Application No: S/2011/0322**Site Location:** Land Off Hindon Lane, Tisbury, Salisbury, SP3 6PU**Development:** Approval of Reserved Matters pursuant to Outline Planning Permission S/2008/0779
- The erection of 90 dwellings and 3800 square metres of B1 business floorspace**Recommendation:** Approved With Conditions**Division** Cllr Tony Deane

3

Application No: S/2011/1046**Site Location:** Former Pembroke Park School, Penruddock Close, SP2 9HH**Development:** Variation of condition 15 of S/2010/0173 to include amendments to the positioning of plots 4-7, 28-43, car parking and boundary adjacent wooded area and for the inclusion of solar cells to roofs. Variation to condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site.**Recommendation:** Approved With Conditions**Division** Cllr Ricky Rogers

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Agenda Item 8a

| | | | |
|----------------------|--|-----------------|--------------|
| Application Number: | S/2011/0551 FULL | | |
| Deadline: | 13/07/11 | | |
| Site Address: | Site adjacent to Fitz Farm, Teffont, Salisbury SP3 5QY | | |
| Proposal: | Erect dwelling and garage. Amendments to planning application and approval S/08/0871 | | |
| Applicant/ Agent: | Mr Gary Adlem | | |
| Parish: | Teffont | | |
| Grid Reference: | 398758 132662 | | |
| Type of Application: | FULL | | |
| Conservation Area: | Teffont Magna & Evias | LB Grade: | |
| Case Officer: | Charlie Bruce-White | Contact Number: | 01722 434682 |

Reason for the application being considered by committee

Councillor Wayman has requested that this item be determined by Committee due to issues relating to the scale of development, its relationship to adjoining properties, and design.

1. Purpose of report

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

2. Report summary

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

- The principle of development;
- Character and appearance of the area
- Amenities of adjoining and nearby property;
- Highways considerations.

The application has generated a partial objection from Teffont Parish Council.

3. Site Description

The site relates to a building plot where a two storey stone dwelling has recently been constructed (08/0871), although is yet to be completed and occupied. This is situated towards the northern end of the village, just within the limit of the Housing Restraint Area.

4. Relevant Planning History

| Application Number | Proposal | Decision |
|--------------------|--|---|
| 08/0871 | Erect new 2 storey dwelling | AC 07.07.08 |
| 10/1879 | The construction of a two storey cottage | Resolved for approval. R2 awaited before issuing decision |

5. Proposal

Consent is sought to amend the design of the approved dwelling, in order to provide a loft conversion to create a fourth bedroom, and to erect a detached double garage.

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

Object to proposed garage which is an overdevelopment of the site, is too high, and does not use complimentary materials. But no objection to the proposed loft conversion and roof lights subject to the use of obscure glazing.

Conservation Officer

No objection

Archaeologist

No objection subject to condition requiring an archaeological watching brief

8. Publicity

The application was advertised by site notice and neighbour consultation.

No letters of representation were received.

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 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 proposed loft conversion would have minimal impact upon the character of the area, with the only external differences between the approved consent and current proposal being the provision of two roof lights within the non-public facing rear elevation.

The proposed garage, on the other hand, would be visible from the streetscene. However, it would be situated to the rear of the plot and would be of relatively modest proportions and traditional design. It would have a clay tiled roof and stone plinth to match the associated dwelling, with timber clad walls and timber doors. Whilst the Parish Council have expressed reservations over the use of timber, it considered that this material is not uncharacteristic of ancillary outbuildings within the locality. The Parish Council also suggest that if approval be granted, that the timber be natural and unstained, and it is agreed that this is appropriate.

Given that the siting of the garage would not require the removal of any trees, and that it would be set back some distance from the road, it is not considered that the development would significantly affect the green and spacious character of the Housing Restraint Area, even when considered in combination with the extant consent for the new dwelling granted under consent S/2010/1879.

9.3 Amenities of adjoining and nearby property

It is not considered that the proposed roof lights would cause harmful overlooking subject to the southern-most one being fitted with obscure glazing and being suitably fixed shut. This can be secured through a planning condition.

Given the relatively modest scale of the proposed garage and its distance from neighbouring dwellings, it is not considered that this aspect of the proposal would affect the amenity of neighbours.

9.4 Highway considerations

The proposed garage would provide an additional two potential car parking spaces without significantly impinging upon the previously approved parking/turning area. Consequently it is considered that the proposal would be acceptable in highway terms.

9.5 Recreational open space

Since the amendments to the new dwelling increase the number of bedrooms provided, an additional contribution towards recreational open space within the locality is required in accordance with policy R2.

10. Conclusion

The proposed amendments to the dwelling, comprising a loft conversion and provision of a detached garage, would not significantly alter the planning merits of the scheme as originally consented subject to conditions including the fixing shut and fitting of obscure glazing to a roof light.

11. Recommendation

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 amendments to the dwelling, comprising a loft conversion and provision of a detached garage, would not significantly alter the planning merits of the scheme as originally consented subject to conditions including the fixing shut and fitting of obscure

glazing to a roof light. The proposal would therefore still accord with the aims and objectives of the development plan and other Government guidance, having particular regard to 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.

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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

| | |
|----------------------------------|-------------------------------|
| Plan Ref....C/603/1... | Date Received....18.04.11.... |
| Plan Ref....9.0... | Date Received....29.03.11.... |
| Plan Ref....9.02... | Date Received....29.03.11.... |
| Plan Ref....9.06 First Floor... | Date Received....20.05.11.... |
| Plan Ref....9.06 Second Floor... | Date Received....29.03.11.... |
| Plan Ref....C/603/5... | Date Received....29.03.11.... |
| Plan Ref....C/603/15... | Date Received....18.04.11.... |
| Plan Ref....9.02... | Date Received....29.03.11.... |

Reason: For the avoidance of doubt.

- 3) No development shall commence on the garage until a schedule of external facing materials, and where so requested samples, 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: To secure a harmonious form of development.

Policy: H19, D2, CN8

- 4) The finished floor level of the garage shall be set no lower than the finished floor level of the dwelling, as detailed within submitted drg. no. C/603/15.

Reason: In the interests of minimising flood risk.

Policy: PPS25

- 5) No development shall commence on the garage until details of all new windows and external doors have been submitted to and approved in writing by the Local Planning Authority. Where so requested 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

- 6) Before the first occupation of the development hereby permitted the southern-most roof light in the rear elevation of the dwelling shall be glazed with obscure glass only and permanently fixed shut or fixed with a ventilation stay restricting the opening of the window, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and privacy.

Policy: G2

- 7) No development shall commence on the garage until details of all new rainwater goods 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

- 8) No development shall commence on the garage until details of the proposed means of enclosure for the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the first occupation of the dwelling.

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

Policy: G2, CN8

- 9) No development shall commence on the garage until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of the dwelling.

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

Policy: H19, CN8

- 10) No development shall commence within the area of the proposed garage until:

- 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
- The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

Policy: CN22

- 11) 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 curtilages 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.

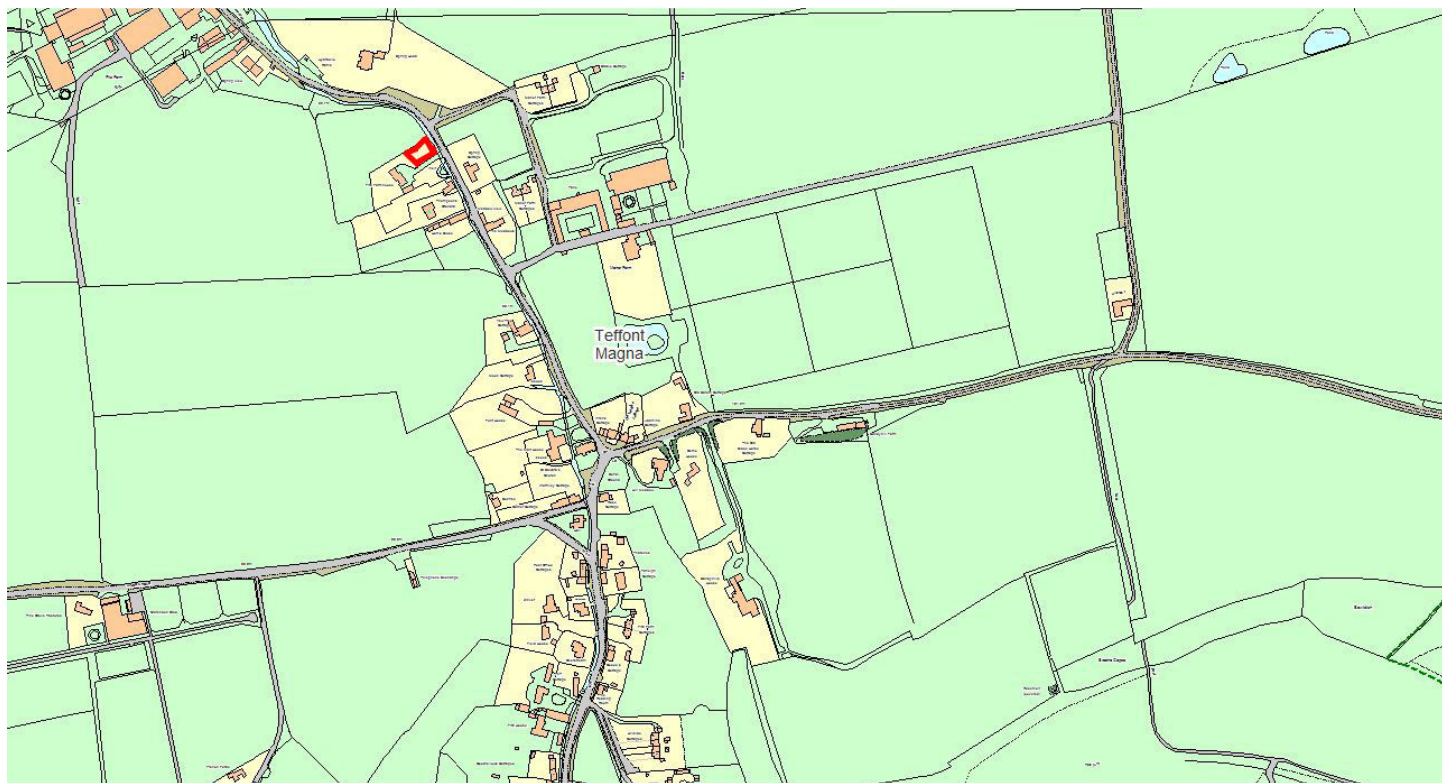
Policy: G2, H19, CN8

12) The development shall be carried out in accordance with the pollution prevention method statement submitted as part of this application.

Reason: To avoid pollution of the river system.

Policy: C18

Site Adjacent to Fitz Farm Teffont SP3 5QY S/2011/0551



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Agenda Item 8b

| | | | |
|----------------------|---|-----------------|--------------|
| Application Number: | S/2011/0322 RM | | |
| Deadline: | 09/06/11 | | |
| Site Address: | Land off Hindon Lane, Tisbury, Salisbury. SP3 6PU | | |
| Proposal: | Approval of Reserved Matters pursuant to Outline Planning Permission S/2008/0779 – The erection of 90 dwellings and 3800 square metres of B1 business floor space | | |
| Applicant/ Agent: | Mr David Lohfink | | |
| Parish: | Tisbury | | |
| Grid Reference: | 394137 129884 | | |
| Type of Application: | RESERVED MATTERS | | |
| Conservation Area: | | LB Grade: | |
| Case Officer: | Mr Andrew Bidwell | Contact Number: | 01722 434381 |

Reason for the application being considered by Committee:

The application has been called in by Cllr Dean due to the significant local interest in the development.

1. Purpose of report

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

2. Report summary

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

- Principle of development and relationship to outline permission
- Design and Layout
- Affordable Housing
- Sustainability and Drainage
- Impact upon neighbour amenity
- Archaeology
- Impact upon highway safety and Access to Community Centre and Weaveland Road
- Habitats Regulations and Impact upon protected species

The application has generated support from Tisbury Parish council

Neighbourhood Responses

11 letters received objecting to the proposal

0 letters of support received

10 letters commenting on the application received

3. Site Description

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

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

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

The site also lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

4. Relevant Planning History

| Application Number | Proposal | Decision |
|---------------------|--|------------------|
| S/2008/0779 Outline | Mixed use development of Land to comprise around 90 dwellings and 3800 square metres of B1 business floor space (including associated highway infrastructure) and landscaping. | Approved 22/6/10 |

5. Proposal

This application is seeking approval of the matters reserved pursuant to outline planning permission S/2008/0322 as above. This proposal gives full details of appearance, layout, scale and landscape. All other matters including vehicular and pedestrian access to the site and section 106 issues were dealt with via the outline planning application and thus are not reserved matters for consideration in this application.

Never-the-less at outline stage the applicants submitted a layout (including the position of individual dwellings) which, although only indicative at that stage, was intended to be a clear indication of the layout and form that the development would most likely result in. This indicative layout helped to confirm the ability of the site to be acceptably developed to the extent proposed.

As well as establishing the extent of consideration, the outline planning permission will have had regard to the advice in Government Circular 01/2006. This advises that when considering ‘access’ (as the outline application did) “...*accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*” must be included.

This implies that the ‘layout’ (a matter which was not a formal part of this outline application) was a very important consideration. In granting the outline application acknowledged that the indicative layout did sufficiently demonstrate “...*the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development*”.

However it was made clear that the layout and extent of the internal roads were not to be fixed through the outline application, and that this should be left to a future reserved matters application. This application therefore can consider road layout details that differ from that previously shown in the outline application.

However, the access granted in the outline application was for a roundabout and the only matters outstanding regarding access is the technical detail of the roundabout.

6. Planning Policy

Adopted Salisbury District Local Plan 2003 (saved policies)

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

Adopted Wiltshire Structure Plan 2006

| | |
|-----|------------------------------------|
| DP1 | Pursuit of Sustainable Development |
|-----|------------------------------------|

Supplementary Planning Guidance

Creating Places
Sustainable Development
Affordable Housing

Adopted Development Brief

Development Brief, Hindon Lane, Tisbury – December 2006

Government Guidance

PPS7, PPS1, PPS3 PPS9, PPS22, circulars 11/95, 01/2005

7. Consultations

Tisbury Parish council support the proposal and have made the following comments:

On both the original proposal and the amended plans, the Parish Council supports the proposals subject to conditions. However, as the Parish council has been involved so

extensively in the application process, the comments received from them are attached to this report in order that members can consider all aspects raised by them.

Highways:

Original comment advised that further alterations were needed to the plans. Plans were amended accordingly and highways do not object to the proposal as amended.

Ecology:

A Habitats Regulations assessment has been carried out and subject to conditions; no objections are raised to the proposal from an ecology point of view.

Wessex Water:

No objections are raised and standing advice is offered regarding Foul Drainage, Surface Water Drainage, Sewage Treatment, Water Supply, and Flood & Water Management Act 2010 and National Standards for sustainable drainage.

Environment Agency:

The agency objected to the original proposal as they considered more information was required regarding the Flood Risk Assessment and overland flood flows. Additional information was provided in the form of an addendum, plans were amended accordingly and the agency has withdrawn their objection.

Natural England:

Originally objected due to a lack of information regarding impacts on sediment level on the River Avon SAC, and Bats using Chilmark Quarries SAC. However, following completion of the ecology assessment (see above) natural England no longer objects to the proposal.

Archaeology:

The archaeological evaluation has been carried out this year, with both geophysical survey and trenched evaluation taking place. The geophysical survey showed very little evidence of archaeological remains. The trenched evaluation was therefore initially undertaken at a reduced percentage to check the conclusions of the geophysical survey. This demonstrated that the geophysical results were accurate and no significant archaeological remains were present within the trenches.

Given the above, I would not make any recommendation for further work on this site or recommend that an archaeological condition is appropriate.

AONB:

Wish to register a formal objection to the proposals.

The AONB has commented extensively on this application. The comments centre on (amongst other things) the issues summarised as follows:

Mini Roundabout is entirely inappropriate urban proposal for a rural situation within the AONB, proposal does not give enough weight to AONB matters raised previously, concerned about appearance of the employment buildings, Solar PV capture should be included in all developments in the AONB, a combined heat and energy situation is possible and cost effective, concerned about lack of attention to landscape matters.

CPRE:

Has commented extensively and a summary of the comments is as follows;

Pleased that many of the issues causing concerns have been addressed in the amended plans. Agree that thermal efficiency in buildings is the first and most efficient measure in reducing Co2 emissions but should not be limit if measures taken, concerned about the roundabout proposal, "T" Junction is a preference, Lighting design should minimise light

spillage and preference is clear for no night time lighting, Welcome the range of materials specified though corrugated roof sheeting is not appropriate for use on this development.

8. Publicity

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

11 letters of objection have been received

10 letters commenting have been received

Summary of key relevant points raised:

- Footpaths / track across the site should be retained
- Windows will overlook properties on Hindon lane
- No mention of how rear access will be achieved
- Severe concerns that Tisbury infrastructure will not be able to cope
- Traffic and road inadequacy will be made worse
- Traffic increase will be detrimental to the village
- Housing density is too high
- Employment units are unlikely to improve employment in Tisbury
- Site access should be reviewed
- Proposal will make Hindon lane very busy and dangerous
- Possibility of through traffic to Weaveland Road as still not been properly explored
- Neighbouring properties will be very affected by noise and light disturbance
- Car parking areas are too close to neighbouring properties
- Lighting of the development should be minimal
- Important trees around neighbouring gardens may be adversely affected
- Affect on Alexandra Cottages will be unacceptable
- Loss of views to open fields
- History of Tisbury housing types is not considered
- Leylandii trees are important and must not be adversely affected by the proposals

9. Planning Considerations

9.1 Principle of development and relationship to outline permission:

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

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

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

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

At the time of granting the outline permission for this site, and in assessing this reserved matters application, given that specific provision has been made in the current adopted Local Plan for the development of this site for a mix of residential and employment uses, and that this site had been released for development under phase two of the still current Local Plan, there is no doubt that development of this site remains to be acceptable in principle.

In order that the application properly relates to the outline, the matters for considerations at this stage are the reserved matters which are appearance, landscape, layout and scale, to which the following report refers.

9.2 Design and Layout:

This proposal has been subject to a substantial amount of pre-application consultation. This has taken the form of several meetings with the LPA over many months and well attended public meetings held by the Parish Council. These meetings have resulted in numerous amendments and reconsideration of key elements of the scheme in particular layout and design. The applicants refer to each part of the scheme as a character area and the rationale for each is set out below.

9.21 Development Brief and Master Plan:

The Development Brief presented an illustrative masterplan which was subsequently developed as part of the outline application and has finally evolved into the proposals which have informed this Design Code. It should be noted that the final design scheme defers from the rather "new urban design" approach of perimeter block development with parking courts behind advocated in the illustrative masterplan at outline stage. The applicants were uneasy with that approach feeling that it was a valid design approach but did not genuinely reflect the character of Tisbury. Moreover, the applicants wanted to create an organic place that was not dominated by over engineered roads and footways. The applicants appointed a new Project Architect, to assess and analyse what makes places like Tisbury special and that evolving work has been shared with the Parish Councils. This work identified an organic "Anglo Saxon" street pattern with main linkages supplemented with smaller lanes. This piece of work fundamentally underpins the design philosophy of the scheme as set out below.

9.23 Use:

The proposed use of the site will comply with the Local Plan allocation development brief and outline planning consent, reinforcing the surrounding existing uses and assisting the creation of vibrant community.

9.24 Layout;

The new layout will draw on the organic Anglo Saxon character of the existing streets and lanes of Tisbury creating a permeable development that will be legible using key buildings, attractive spaces and a road hierarchy of streets and lanes. It will have a street pattern and disposition of buildings that creates a varied and interesting piece of

townscape. Modesty and intimacy are considered to be key characteristics and form a positive part of the village in the context of its conservation area status and are key principles in the proposals.

Character Area 1: “The Village Green”

The focal point of the layout will be a new “village green” which will provide a similar urban function to The Square and The Cross in the main village. Dwellings will generally be natural limestone, with key buildings to the head and sides of the green and estate type cottages on the lead up to the green.

Character Area 2: “The Approach”

This area marks both the western approach to the village and the development and will provide a similar urban function and character as the “Station gateway and flood plain” character area within the conservation area. Employment uses will mark and define the edge of the village in the same way as the station and its associated buildings on the eastern approach to the village. Buildings will generally be brick or render with boarding.

Character Area 3: “The Lane”

The area behind “The Approach” and to the northern extremity of the site and adjacent to a disused quarry. Similar to “The Quarry” within the village it is a curving, narrow lane characteristic of encroachment onto an area of “waste”. The development is at its most dense dominated by terraces with some semi detached properties of brick or render.

Character Area 4: “The Quarry”

The area behind and to the north of the “Village Green” set within the hollow to the north western extremity of the site and adjacent to a disused quarry. Similar to “The Quarry” within the village it is a curving, narrow lane characteristic of encroachment onto an area of “waste”. The development is at its densest dominated by terraces with some semi detached properties of brick or render.

Character Area 5: “The Periphery A”

The area leading off the “Village Green” up the hill towards the sports centre where a series of focal building are located at prominent view points. Dwellings are in detached and semi detached clusters forming a relatively less dense border to the surrounding countryside with buildings of natural limestone, facing brick and some render.

Character Area 6: “The Periphery B”

The area leading up to the school and along the high point of the site with a few focal buildings located at prominent junctions. Dwellings are in detached and semi detached clusters forming a relatively less dense border to the surrounding countryside with buildings of natural limestone, facing brick and some render.

Disposition & Hierarchy of Public Spaces:

As described above and illustrated in Figure 42, the focus of the scheme will be a new “Village Green” which will provide public amenity space for the dwellings. There will also be various incidental green spaces or more urban landscaped area formed by the subtle arrangement of the dwellings.

9.25 Scale:

The proposed scale will work within the general parameters defined by the outline consent, i.e. generally 2 storeys with some limited 2.5 storey. Emphasis and focal points will be achieved by the use of proportion, rather than additional floors, to create a lively street scene.

9.26 Materials / architectural treatment:

The selection of materials for the development will draw on the strong character of Tisbury reinforcing the identity of the locality. The historic properties in Tisbury exhibit the use of a variety of materials, ranging from coursed local limestone either laid as rubble or dressed ashlar, to Victorian red stock brick and from slate to Thatch. The character of the historic part of the village varies from Victorian to the older medieval cottages and houses. The detailing of the materials and openings will be typical of the locality with use of elements such as brick and stone quoins to openings, stone sub cills, and timber sash and casement windows. Roofs are typically slate but there are examples of pantiles, plain clay tiles and thatch.

9.27 Walling:

It will be unrealistic and unrepresentative of Tisbury to construct the whole of the development from natural limestone but generally walling will be natural limestone with matching through-coloured render to rear elevations, or facing brick, of a number of subtly different varieties, and some through coloured render. Boarding may be used to outbuildings i.e. garages and to the employment buildings

9.28 Roofs:

Will be pitched at least 30 but commonly 50 degrees and predominantly gabled. Materials will be natural slate or clay plain tile with some thatch. Outbuildings, such as garages, and also the employment uses may be more gently Pitched.

However, in response to concerns expressed by the Parish Council amongst others, the plans have been amended to show the materials for the employment buildings at the site entrance to be timber cladding and brick but retaining profiled sheeting in the roof and for the residential garage buildings to have tile and / or, slate roofs rather than metal sheeting as previously proposed.

9.29 Landscape Strategy / tree planting:

The landscape strategy for the site is derived from the retention and protection of the existing trees and hedges, analysis of the visibility study (above) and the ecologists recommendations for optimizing biodiversity. The importance of sensitive and appropriate treatment of development within the AONB has been borne in mind through all the site design.

All existing hedges and hedgerow trees will be retained, with the exception of approximately 10m which will be breached by the principal access road. The rooting areas of this vegetation and those of adjacent trees outside the site will be protected from disturbance and hard surfaces.

The main elements of structural planting will be a densely planted belt of trees and shrubs along the south western boundary that currently crosses an open field, and reinforcement tree planting along the existing hedged boundaries. All of this planting will be comprised of native species found in the locality.

As noted in the visibility analysis above, the principal distant views of the development from footpaths in the AONB will be from the hillside north of Fonthill Brook. From this direction, the strong framework of mature deciduous trees and large conifers helps to

assimilate the existing buildings on the hill side. The crowns of the trees to be planted along the south western boundary, the new trees along the existing western hedge and any feature trees set amongst the buildings, will, in time, appear above or alongside the proposed dwellings in these views, thus extending the existing landscape pattern of a village nestled amongst trees and woodland. As the south western structural planting belt becomes established, it will also mask any rooftops and upper buildings that are visible from the bridleway that passes Weaveland Farm, when approaching from the west.

The public footpath routes within the site will be maintained close to existing hedges, reinforced with native tree planting which will help to maintain a recreational ambience, whilst also offering informal security surveillance from the proposed houses. Views to the development from nearby houses will be filtered by boundary tree planting.

The biodiversity or nature conservation strategy will be implemented through landscape design, by providing open space buffer zones to allow for the continuation of badger activities and the dense planting of the south western tree and shrub belt to create a suitable habitat movement corridor for dormice as quickly as possible. Where the access road breaches the western hedge, the breach will be as narrow as possible and large trees will be planted on both sides so that, in time, the branches can meet to allow dormice to move across.

The proposed planting within the site will comprise back of footpath planting, smaller trees suitable for planting in proximity to buildings and within parking courts, some of which will be garden varieties, or fruit trees in private gardens.

9.2.1 Lighting:

Subject to the detailed requirement of Wiltshire County Council as Highway Authority, every effort will be made to bring forward a lighting scheme that is appropriate to the environment and minimizes light pollution wherever possible. All lighting will be from traditional wall brackets or standards.

However, members should be aware that concerns have been raised regarding street lighting and the need for lighting at all. This matter has been discussed thoroughly and all parties including the developers, Parish council, Wiltshire Council the AONB group, the CPRE, and highways, do not oppose the idea of having no street lighting in principle. However, members are reminded that whilst those involved in this particular application may oppose street lighting, it is worth bearing in mind that people who will live in the development may not agree. This could lead to disruption to residents if for example, if lighting were to be installed at a later post construction date. Street lighting is often the result of health and safety requirements as opposed to a demonstrable need and as such the case officer is seeking further clarification on this matter and members will be updated accordingly.

9.3 Affordable Housing:

The overall number of dwellings is within the range anticipated by the outline planning consent and the proportion and mix of the affordable is as recommended by the Local Authority. This has resulted in the provision of 40% affordable housing (32 dwellings) with a split of 60% social rent and 40% shared ownership. These dwellings are 1, 2 and 3 bedroom two storey houses dispersed in the North South and West of the development. As with the site generally these houses are well designed high quality dwellings that will be well integrated into the neighbourhood and indistinguishable from other dwellings on the site.

9.4 Sustainability and Drainage:

This proposal has attracted a number of comments regarding sustainability and renewable energy issues. The comments namely from the AONB office and the CPRE suggest that the proposal is lacking in terms of sustainability credentials and that the proposal should be capable of generating much of the energy it will need in renewable ways. It has been suggested that as the proposal is on a hill side, solar energy could be particularly beneficial and that more should be done to achieve a better scheme in this regard. However, whilst the proposal is not subject to for example a local heating system, (one suggestion) it does have significant sustainability credentials. In response to the comments, the applicants have set out (amongst other things) the following to clarify their approach to this matter:

“There is now an Industry consensus that the addition of measures to generate energy from on-site renewable is not economic or effective. Moreover, the use of onsite generation is now commonly recognised as being less beneficial than improving the thermal performance of the fabric of a building and introducing energy efficiency measures”

This has resulted in for example, improvements to buildings fabric insulation (above building regulations requirements) and the use of better windows and doors and improved air tightness. This approach to sustainable construction is known as the “Fabric First “ approach which is an approach supported by the NHBC.

Baring in mind the above factors, it is not considered reasonable to claim that the proposals are not sustainable nor does this issue provide a defensible reason to reject this application from a Town Planning point of view. Moreover this proposal achieves a significantly high level of sustainability generally and expressly within the design and fabric of the buildings themselves.

A scheme for the drainage of the whole site has been submitted as part of this application and will take the form of a sustainable drainage system. This system has been designed to reflect the conclusions and recommendations of the “flood risk assessment” considered under the outline permission. The design of the system has been worked up in liaison with the Environment Agency who has confirmed their acceptance of the detailed scheme (see 7. above).

9.5 Impact upon neighbour amenity:

As explained previously, this proposal has evolved through many alteration which have (amongst other things) been carried out expressly to address neighbour amenity issues. These alterations have affected the scheme generally but, particularly in relation to three key areas. These areas are adjacent to the garden area of The Gables where concerns were raised relating to the impacts of the development on existing conifer trees, the area adjacent to Rose Bank and in particular, the area adjacent to Alexander Cottages. It is considered that these matters have been successfully resolved through further explanation of facts and amendments to the layout which (in relation to Alexander Cottages) are continuing. The case officer will update members of any further progress in this regard.

Whilst amendments aimed at improving neighbour amenity still further are ongoing at the time of writing this report, it is nevertheless considered that this proposal will not result in any demonstrably harmful impact on neighbour amenity. This applies to both those neighbours who surround the site and to the resultant new neighbourhood within the development.

9.6 Archaeology:

The archaeological evaluation has been carried out this year, with both geophysical survey and trenched evaluation taking place. The geophysical survey showed very little evidence of archaeological remains. The trenched evaluation was therefore initially undertaken at a reduced percentage to check the conclusions of the geophysical survey. This demonstrated that the geophysical results were accurate and no significant archaeological remains were present within the trenches.

Given the above, it is not considered necessary to carry out any further work on this site or impose any archaeological conditions to this decision.

9.7 Impact upon highway safety and Access to Community Centre and Weavland Road

9.71 Road Access:

Main Access from Hindon Lane:

The main vehicular access to the site will be from Hindon Lane with an emergency access from Weaveland Road and a further (gated) access to the school/sports centre. Members attention is drawn to the controversy relating to these proposed access points. Firstly, the main access off Hindon Lane is currently proposed to be via a roundabout. This type of access was approved at outline stage and all that remains to be agreed under this application, is the technical detail of it.

However, the “roundabout” concept has proved to be an extremely emotive subject and there are numerous objections to it. Objectors include local people, the AONB group and the CPRE. The Parish council is also not in favour of a roundabout but, accepts that it was agreed at outline stage. The Parish council has continued engaged throughout this application process with local, people, the developer and case officer to try and deliver an alternative means of access. The alternative was in the form of a “T-junction and an application for a T junction was submitted. The application was supported by local people the AONB, CPRE and the Parish council (subject to conditions). However, the application was later withdrawn as it was not possible to agree details that satisfied all parties and Wiltshire Council highways recommended refusal of the application on safety grounds.

Negotiations are continuing on the T Junction matter as (at the time of producing this report) it remains unclear as to whether an alternative T Junction with details that mitigate the concerns of highways, can be achieved. The case officer will advise members of progress and of the stance that should be taken in relation to this important access.

9.72 Access to Weaveland Road:

Secondly the access from Weaveland Road at the top of the site has also been controversial. This access is proposed to be in the form of an emergency access with a bollard arraignment that will prevent full free vehicular access to and from the site. This arrangement was approved at outline stage following concerns that (amongst other things) the access may result in a “Rat” run through the site, and as part of the land necessary for a full road access width, was outside the site boundary. This land is part of the community centre and school site and as such is not available to the developer at the present time. The main issue here is that as the access is emergency only, the residence of the new development will (other than on foot) have to access the rest of Tisbury via the already very busy and narrow Hindon Lane only. Conversely the existing residence of Weave land Road will have to continue to use the already problematic and difficult to negotiate range of mini roundabouts and sharp bends along estate road to access the village.

However the access that is proposed will be constructed to adoptable highway standards. It is likely therefore that should Wiltshire Council wish to achieve full access and thus make the land available only a minimal amount of constriction work may be necessary to provide a full road access. Furthermore, members are advised to note that the amended plans under consideration are annotated as follows: "Hatched area to be adopted to facilitate potential future road access to Weaveland Road".

9.73 Community Centre Access:

The final access matter concerns the Gated community centre access point. This has also been a controversial issue in this application. The controversy relates to the fact that this proposal provides an opportunity to gain much improved vehicular access to the community centre and the school and that this opportunity should not be missed.

Following negotiations with the developers the amended plans under consideration are annotated as follows: "Gate to be positioned on centre line of hedge". This section of road will also be adopted up to the boundary of the site and the gate is shown to open inwards on to council owned land. This means that the availability of the access and the control over it is in the hands of Wiltshire council and highways. As such, should Wiltshire council wish to provide this access to the community and school site (with or without a gate), this application does not prevent them doing so.

In conjunction with the new access road, the 30mph zone will be revised along Hindon Lane to bring the access within a speed restricted area to create a safer environment. Moving the 30mph zone will form just one of the traffic calming measures which are to be implemented. The proposals will encourage alternative means of transport being sited on bus links to the village centre and with easy access by road, cycle and foot to nearby areas of employment and the village centre.

9.74 Vehicular Movement:

The movement for vehicles will be in line with government advice on limiting car use whilst promoting trips by foot or cycle. The built form will limit vehicle speeds through limited visibility and frequent directional changes. The masterplan indicates: Access to the site will integrate with surrounding development.

The layout will be designed for pedestrian and cycle priority to encourage walking and cycling. There will be a street rather than a road network to suit the needs of all potential users of the public realm. A permeable layout will reduce the number and length of trips made promoting sustainability. Vehicle speeds will be controlled horizontally via the arrangement of built form and public spaces.

9.75 Car & Cycle Parking:

Car and secure cycle parking will be provided in line with policy G2 and appendix V and VI of the adopted Local Plan. Generally two car parking spaces per unit are proposed with the exception of 1 bed dwellings. Where garage parking is not provided cycle parking will be provided within secure sheds within the rear gardens. Garaging and parking, including cycle parking, will be located close to the dwellings they serve and not in a position to dominate the streetscape. Where possible car parking will be provided within the curtilage of the properties and located behind the main street frontage. Street parking will also be provide where appropriate to promote street activity.

9.76 Pedestrian & Cycle Movement:

The masterplan proposals will support a sustainable transport agenda within the development. Permeability will be built into the proposals via a matrix of streets and lanes routes directed between and through development blocks. Key features include: Direct access will be provided to key attractions and features including bus stops, public open space, employment units and public footpaths within the development.

Movement routes will be located along streets designed to be attractive environments with high levels of natural surveillance. new bus stop is proposed for the southern side of Hindon Lane near the entrance to the development.

9.77 Public Access:

The existing footpath link from Hindon Lane will be retained and further access for pedestrians will be available along the network of streets within the development. The existing bridleway along the southern side of the site would also be retained. Although the character of the site will change, access for pedestrians will be available along all of the current desire lines across the site. No current access opportunities will be impeded.

A final matter regarding access relates to the rears of Nos 1 to 8 Hindon Lane. This matter is primarily concerned with whether the development can and should provide rear access to these dwellings this has long been an aspiration of the residents and the Parish council. However, elements of the drainage and flood defence requirements of the Environment Agency have had a significant impact on this matter.

The Agency has required that Bunding be used to funnel overland water flows in the event of a flood. This has resulted in the amended plans illustrating that a bunds and filled ditches will be positioned along the boundary of the site adjoining these rear gardens and elsewhere on the site. The amended drawings show the proposed bunds and it should be noted that a 300 mm high bund is needed in the corner of the parking court serving units 34, 35 and 36. This means that it will not be possible to facilitate rear access to numbers 5 to 8 Hindon Lane.

As such it is a barrier to the provision of rear access to half of these properties and an overriding and compelling reason as to why the access cannot be achieved at least in the form of level vehicular access to all 8 properties.

However, it is clear from the amended plans that although this access is not possible in the way previously thought for numbers 5 to 8, in regard to Numbers 1 to 4, the drainage flood defence had been designed so that a bund is not in fact needed but, that the construction of an underground soakaway will be adequate in this part of the site. This means that at some future point (subject to agreement with all relevant parties concerned at the time); access could be provided to the rear of numbers 1 – 4. Members should note that in any event there would be nothing to prevent a vehicle stopping on the public highway to unload even if formal access wasn't provided into the gardens.

9.8 Habitats Regulations and Impact upon protected species:

This proposal has been subject to an Ecological Assessment required under the Habitats Regulations 2010. The purpose of the assessment is to consider whether there will be any "significant likely affects" from the development on protected species. In this case protected

species include Bats from Chilmark Quarries SAC (comprising Fonthill Grottos SSSI and Chilmark Quarries SSSI) Badgers immediately adjacent to the site and Dormice on the site. Having carried out the assessments in consultation with the Wiltshire council ecologist and Natural England, the assessments have concluded that the proposal either alone or, in combination with other plans and projects, will not have a significant effect on protected species.

Compliance with Section 106:

This reserved matters application is the subject of two section 106 agreements both dated 21st June 2010. These agreements were negotiated under the outline permission and cover (in one of the agreements) the ownership, land transfer, public open space; childrens play area provision and landscaping of the site and in the other, the affordable housing and business unit definitions and covenants.

In both cases triggers were imposed in the agreements referring to when commuted sums are due for payment and details to be submitted as part of any reserved matters application. Where appropriate requirements were also carried over via the planning conditions imposed under the outline permission. In this case all such details have been submitted as part of this application and there are no outstanding concerns in relation to compliance with the section 106 agreements.

10. Conclusion

This reserved matters application is considered to have addressed the matters reserved under the outline application S/2008/0779 in an appropriate manner. The proposal is well designed overall in accordance with the aims and objectives of the adopted Development Brief for the site "Hindon Lane, Tisbury" December 2006. And in detail the proposal reflects the established characteristics of Tisbury will utilize acceptable high quality materials throughout and will not result in any demonstrable or, unreasonable harm to the residential amenity of neighbouring properties.

The proposal will result in an acceptable form of development in relation to traffic generation both in and around the site either as illustrated within the amended plans, or, as will result (unconfirmed in regard to the main access details) should the development be subject to further changes to the points of access as set out in this report.

The proposal will also result in the creation of new and enhanced existing habitat for protected species that are known to inhabit, visit and live adjacent to the site.

On balance therefore this proposal is considered to be acceptable as it properly address the reserved matters of approved outline application and requirements aims and objectives of current relevant local and national planning policy.

11. Recommendation

Planning Permission be GRANTED for the following reason:

This reserved matters application is considered to have addressed the matters reserved by the outline application S/2008/0779 in an appropriate manner. The proposal is well designed overall in accordance with the aims and objectives of the adopted Development Brief for the site "Hindon Lane, Tisbury" December 2006. And in detail the proposal reflects the established characteristics of Tisbury, will utilize acceptable high quality materials throughout and will not result in any demonstrable or, unreasonable harm to the residential

amenity of neighbouring properties, the highways network both on and off site, protected species and drainage and in all other regards. As such the proposal is considered to be in general accordance with local planning policies H14, E14A, G1, G2, G5, G9, D1, D6, D7, H25, TR1, TR11, TR12, TR13, TR14, R2, R4, R17, C4, C5, C12 and with the aims and objectives of government planning guidance particularly PPS7, PPS1, PPS3, PPS9, PPS22, circulars 11/95, 01/2005.

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

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

Policies: G5 adopted Salisbury District Local Plan

- 3) Prior to the commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:
 - a) A desk study identifying: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources pathways and receptors; potentially unacceptable risks arising from contamination at the site.
 - b). A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site
 - c) The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
 - d). A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Policies: G2 adopted Salisbury District Local Plan

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

Reason: To prevent pollution of the water environment

G2 adopted Salisbury District Local Plan

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

Reason: in the interests of the amenities of nearby properties

Policies: G2 adopted Salisbury District Local Plan

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

Reason: in the interests of sustainable development.

Policies: G2 adopted Salisbury District Local Plan

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

Reason: in the interests of protected species

Policies: G2 adopted Salisbury District Local Plan

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

Reason: in the interests of the amenities of nearby properties

Policies: G2 adopted Salisbury District Local Plan

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

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

Policies: G2 adopted Salisbury District Local Plan

10) No development shall commence until a detailed design of the access junction in the form of a mini-roundabout or, any other type of access that may be agreed, including footways, and bus stops and shelters on Hindon Lane, and the extension of the 30mph speed limit, all as illustrated on drawing number 2424/HA/1 of the Outline permission S/2008/0779 has been submitted to and approved, in writing, by the Local Planning Authority. The access junction, footways and extension to the 30mph limit shall be constructed and provided in accordance with the approved details before the commencement of development (other than highway development approved through this condition). The approved bus shelters shall be provided before the first occupation of the development.

Reason: in the interests of highway safety and sustainable development

Policies: G2 adopted Salisbury District Local Plan

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

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

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

Policies: G2 adopted Salisbury District Local Plan

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

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

Policies: G2,C4,C5 adopted Salisbury District Local Plan

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

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

Policies: G2,C4,C5 adopted Salisbury District Local plan

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

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

Policies: G2,C4,C5 adopted Salisbury District Local Plan

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

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

Policies: G2 adopted Salisbury District Local Plan

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

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

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

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

Policies: G2 adopted Salisbury District Local Plan

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

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

Policies: G2 adopted Salisbury District Local Plan

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

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

Policies: G2 adopted Salisbury District Local Plan

- 19) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 visual amenity and the character and appearance of the area.

Policies: adopted Salisbury District Local Plan

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

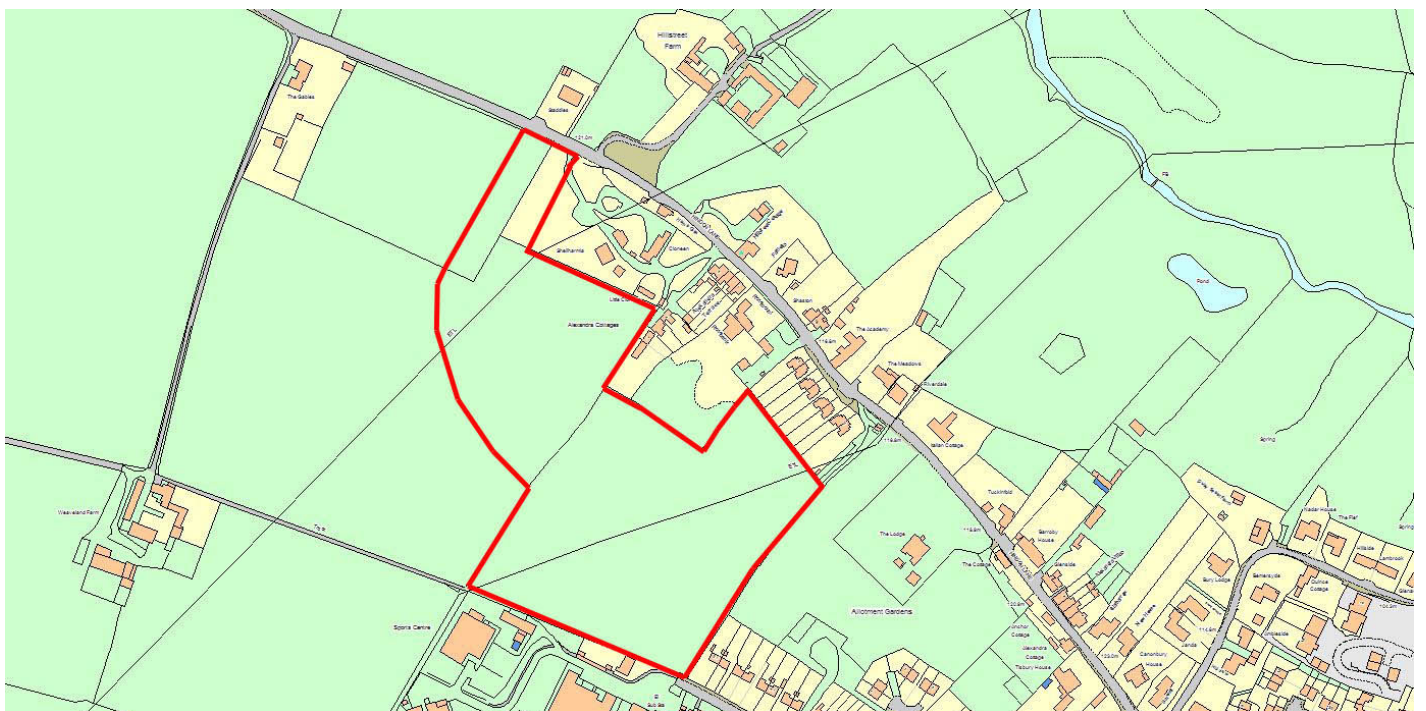
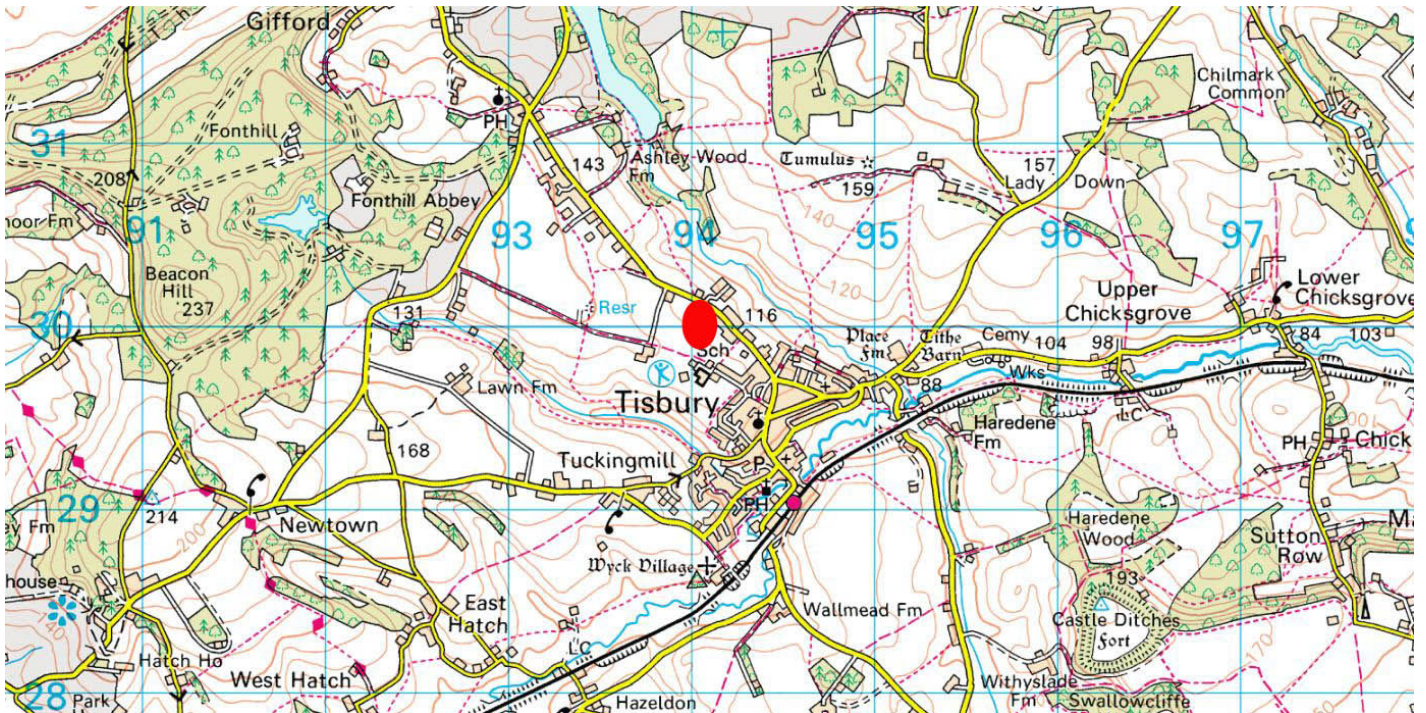
Reason: To minimise flood risk to the development, neighbouring property and Hindon Lane.

Policy: G4,G5 adopted Salisbury District Local Plan

INFORMATIVE

The applicants attention is drawn to the comments made in the letter dated 14th June 2011 from Wessex Water.

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WILTSHIRE COUNCIL
 DEVELOPMENT SERVICES
 Rec 22 JUN 2011
 Acknowledged
 Copy to AB
 322

TISBURY PARISH COUNCIL

APPLICATION NUMBER: S/2011/0322/full

| | |
|---|---|
| <p>Proposal: approval of reserved matters pursuant to o/l pp S/2008/0779 - erection of 90 dwellings and 3800sqm of B1 business floorspace</p> | <p>Address: Land off Hindon Lane, Tisbury</p> |
| <p>Case Officer: Mr A. Bidwell</p> | |

At a meeting held on 21st June 2011 the Parish Council considered the above application/amended plans and has the following response to make.

| | |
|----------|-------------------------------|
| | No comment |
| | Support |
| X | Support subject to conditions |
| | Object |
| | No objections |

Suggested special conditions/reasons for refusal based on local knowledge
 Parish Councillors were conscious of and welcomed the measures taken to protect No.2 Alexandra Cottages from exhaust fumes and headlight glare from car parking on the development.
 However, in making these changes, it appears that this particular car parking area becomes an area where undesirable behaviour may take place. Councillors would therefore like this aspect of the plan to be reviewed before approval.

Sandra Harris

Parish Clerk:

Dated: 22nd June 2011

Please return form to:
developmentmanagementsouth@wiltshire.gov.uk

S

WEST TISBURY PARISH COUNCIL

| | |
|--|---------------------------------------|
| APPLICATION NUMBER S/2011/0322 | |
| Proposal : Approval of reserved matters | Address : land off Hindon Lane |

The Parish Councillors have considered the above application/amended plans and have the following response to make.

| | |
|-------------------------------|---|
| No comment | |
| Support | |
| Support subject to conditions | • |
| Object | |

Suggested special conditions/reasons for refusal based on local knowledge:

Northern Access Road (direct into the sports centre): Cnllrs agree that this access should initially be gated, with an option to be open and under the control of the local community; this to be following an early car parking/traffic survey and consultation as a part of the Community Campus 5 year programme.

Southern Access Road (emergency access): Cnllrs are of the opinion that access should be available through the new estate into Weaveland Road and Churchill
 Choice of building materials: Cllrs are not in favour of the use of corrugated metal for roofing or the building of the industrial units

Street Lighting : Cllrs would prefer no street lights or minimal use of downlighters, which should be turned off at midnight. The site is on top of the skyline and street lighting would have a detrimental effect on the environment – causing significant light pollution. The use of movement sensors may be appropriate in certain locations of the site eg industrial unit car parks

Bridle Way – it is important that unimpeded access to the existing bridle way should be maintained at all times

Parish Clerk Janet Amos

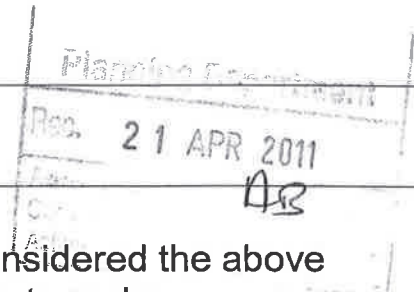
Dated 26 April 2011

| | |
|----------------------------|-----------------------|
| Planning Department | |
| 27 APR 2011 | |
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TISBURY PARISH COUNCIL

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| APPLICATION NUMBER: S/2011/0322/rm | |
| Proposal: Approval of reserved matters pursuant to o/l pp S/2008/0779 - erection of 90 dwellings and 3800sqm of B1 business floor space | Address: Land off Hindon Lane, Tisbury |
| Case Officer: Mr Andrew Bidwell | |



At a meeting held on 19th April 2011 the Parish Council considered the above application/amended plans and has the following response to make.

| | |
|----------|-------------------------------|
| | No comment |
| | Support |
| X | Support subject to conditions |
| | Object |
| | No objections |

Suggested special conditions/reasons for refusal based on local knowledge

- a. Northern Access Road (direct into the sports centre): Cnllrs agreed that this access should initially be gated, with an option to be open and under the control of the local community; this to be following an early car parking/traffic survey and consultation as a part of the Community Campus 5 year programme.
- b. Southern Access Road (emergency access): Cnllrs agreed that it is essential that this access be left open but with restricted width as a traffic calming measure.
- c. Rear Access Parking for Residents of 1 to 8 Hindon Lane: the PC would like the option for parking to the rear of these properties to be positively encouraged and that agreements be in place to provide access to residents over the proposed land in Housing Association ownership. It was accepted that individual residents would be responsible for arrangements on their own land.
- d. Design and Style of Properties:
 - i. the majority of garage units (pp-106) appear to have tin rooves - Cnllrs agreed that roofing to match that of the associated house would be preferred.
 - ii. The tin on the industrial units should be replaced with traditional materials, timber or brick for example.
 - iii. The use of local stone should be specified.
 - iv. More variation in the design of the houses (predominately symmetrical) could be introduced.

- v. A number of features are illustrated on the house designs that Cnllrs felt should be used with restraint, in particular canopies, glazing bars and decorative ironwork.
- e. The closeness of Alexandra Cottages to the development boundary was noted and Cnllrs were conscious that the concerns of the residents of these cottages needed careful consideration, in particular, the view onto the garages.
- f. Cnllrs agreed that there should be minimal impact from street lighting on the development, with a preference for no lighting at all if possible. Failing that, any street lights should be turned off between midnight and 5am and should be down lit.
- g. A police audit of the development layout should be requested to ensure that no undesirable congregation areas are inadvertently included.
- h. The original approved outline permission contained a requirement that there were to be NO RETAIL UNITS, and Cnllrs confirmed that they were strongly against any retail units being introduced onto the development.
- i. Bridleway: Cnllrs emphasized the need for proper account to be taken of the bridleway, with width and orientation of access gates being important.
- j. Sustainability: Little mention is made of sustainability, but Cnllrs were aware that current Building Regulations would ensure a desirable level of green technology and that CG Frys policy of air source heat pumps rather than oil tanks and efficient thermal insulation in preference to inappropriate solar panels and FITs was adequate.
- k. Wildlife Protection Measures: protection of dormice populations, for example, should be demonstrated, monitored and recorded.

Sandra Harry

Parish Clerk:

Dated: 20th April 2011

Please return form to:
developmentmanagementsouth@wiltshire.gov.uk

Clark, Hayley

5

From: sandraj.harry@gmail.com on behalf of tisburypc@googlemail.com
Sent: 15 March 2011 22:52
To: Bidwell, Andrew
Cc: Development Management South
Subject: S 2011 0322 & 0323 Hindon Lane Development - response from Tisbury PC

from Sandra Harry - Clerk to Tisbury PC

Dear Mr Bidwell,

The Parish Councillors have now had a discussion about the consultation process envisaged with residents of Tisbury on the Hindon Lane development.

The final decision by Parish Councillors will not be made until 19th April and the response would be with you by 21st April at the latest. This would require an extension to the normal 21 day response period and I hope that this will be in order for such an important development within the village. Perhaps you would confirm that this is acceptable to you please.

The Parish Councillors plan to discuss the applications in the first instance on the 5th April and will encourage as many residents to attend as possible.

Please do come along to the meeting if at all possible - it will start at 7pm in the Victoria Hall.

I believe that WCnlr Tony Deane is also encouraging the Highway Engineers to come along too.

Best wishes,
Sandra.

--
Mrs S. J. Harry 01747 828699

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|----------------------------|--------------------|
| Planning Department | |
| Rec. | 16 MAR 2011 |
| Assigned to | |
| Copy to | AB |
| Action | |

Main Points raised during the public discussion on Tuesday 5th April 2011:

- a. Access to and from the development through Churchill Estate and Weaveland Road - the potential for a rat run and speeding traffic would be encouraged by leaving the gates open. Others favoured the open gates that would allow an 'interconnection' between the old and new housing areas of the village. It was felt that the 'cul de sac' designs of earlier developments (Gillingham was mentioned) may cause community problems.

A straw poll of those residents present at the meeting (16) was taken; 11 were in favour of leaving the gates open; 3 were against with 2 abstentions.

- b. The fabric of the 'industrial buildings' was not generally welcomed, especially as they were the first structures seen on entering the development from Hindon Lane. A material more in keeping with the local environs was thought more suitable than 'crinkly tin'.
- c. Some residents thought the industrial units were well placed, being set back from the road with parking to the rear.
- d. Mention of screening with the plans was thought to be at odds with other references to the High Hedge Act.
- e. Speed restrictions on Hindon Lane - some residents in favour; others against, indicating that parked cars were a better deterrent than unenforced speed restrictions.
- f. The siting of traffic calming 'pinch points' was questioned, but there was no real consensus of opinion. The pinch point outside Barrowby House was located at the only really safe place for 2 lorries to pass at the current time; the potential double yellow lines however would improve visibility.
- g. The status of the track running between the allotments and the development site was raised. Would this be a footpath, cycle track, be surfaced, have street lights etc?
- h. The loss of residents' privacy for those living at 1 to 8 Hindon Lane since the change of road layout was highlighted.
- i. Highway Engineers were urged not to allow any incline on the approach to the T-junction towards Hindon Lane for at least 5 car lengths; the installation of traffic lights was also mentioned.
- j. Planning Officers were urged to place a condition allowing site traffic to approach from the north only.
- k. An aesthetic point - a high proportion of the house facades were very symmetrical.
- l. Little mention is made of sustainability or green issues.
- m. Wiltshire Hways were urged to assess the impact of additional cars/traffic on the parking chaos already present within the village; also, the need to slow traffic on the High Street where there are stretches without pavement.

Agenda Item 8c

| | | | |
|----------------------|--|-----------------|--------------|
| Date of Meeting | 18 th August 2011 | | |
| Application Number: | S/2011/1046/S73B | | |
| Site Address: | Former Pembroke Park School, Penruddock Close, SP2 9HH | | |
| Proposal: | Variation of condition 15 of S/2010/0173 to include amendments to the positioning of plots 4-7, 28-43, car parking and boundary adjacent wooded area and for the inclusion of solar cells to roofs. Variation to condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site. | | |
| Applicant/ Agent: | Quattro Design Architects Ltd | | |
| Parish: | Salisbury City Council | | |
| Grid Reference: | 412262.846 131032.168 | | |
| Type of Application: | S73 Variation of condition | | |
| Conservation Area: | | LB Grade: | |
| Case Officer: | Adam Madge | Contact Number: | 01722 434380 |

Reason for the application being considered by Committee

Cllr Rogers has requested consideration of this application by committee because of the interest shown in the application by local residents.

1. Purpose of report

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

2. Report summary

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

- Principle of development
- Impact upon highway safety
- Impact upon neighbour amenity

The application has generated objections from the city council and 2 letters of objection from the public. (please note that the period for publicity had not expired at the time of writing the report and therefore any further representations will be reported to at the meeting.)

Neighbourhood Responses

3 letters received objecting to the proposal

0 letters of support received

0 letters commenting on the application received

3. Site Description

The site is that of the former Pembroke Park school located towards the North of the city centre. The site is currently being developed in two phases the first phase of which has

been commenced for the affordable housing. At the time of writing the development had not progressed above ground level.

4. Relevant Planning History

| Application Number | Proposal | Decision |
|--------------------|---|-----------------------|
| S/2010/0173 | Redevelopment for 65 new dwellings inclusive of new vehicular access to Pembroke Road and emergency access to Penruddock Close and associated ground modeling and drainage works. | Approved 11/2/2011 |

5. Proposal

The proposal is to amend condition 15 which contained the approved plan numbers to allow the inclusion of solar cells to the roofs of all the plots to meet code for sustainable homes code level four.

Also to allow the repositioning of plots 4 to 7 and plots 28-43 along with the car parking and the boundary treatment.

The proposal is also to amend condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site.

6. Planning Policy

Local plan saved policies

G1 general policies

G2 General policies amenity and access

7. Consultations

Salisbury City Council:

Members of the public who live locally to the development raised concerns and requested that SCC take these forward. It seems clear that the plans on the WC website, submitted by the developer do not reflect what was actually being built on the ground.

Therefore, SCC would like to request that:

- 1. The Planning Enforcement Officers at Wiltshire Council visit the site as a matter of urgency and issue a Stop notice in the event that the developer is building outside the existing approval.*
- 2. The Planning Enforcement Officers also invite a member of SCC's Planning and Transportation Committee to attend that visit.*

The local planning authority are expecting further comments from the city council regarding the merits of the case. These will be reported to the committee when received.

Highways: No formal comments had been received from the highways authority at the time of writing the report but highways comments will be reported to members when they are received.

8. Publicity

The application was advertised by site notice and neighbour consultation.

3 letters of objection received

Summary of key relevant points raised:

- The area around Penruddock Close is very busy with parked cars and new access is not suitable for a large number of vehicles. To use this access would be dangerous. This access should be bollarded off and only used for emergency use.
- Two houses have been given permission to be built adjacent the entranceway into Penruddock Close and to allow access through here would be dangerous.
- Concern expressed that the changes between what is proposed now and what was previously proposed are not shown properly on the plans.
- Concern is expressed that the plans have only come about because inaccurate measurements were shown on the original plans.
- Windows from plot 7 will look down directly into the former caretakers bungalow situated at the rear of this plot.
- Work has continued at the site without planning permission and in breach of the conditions previously applied.
- Neighbouring houses will be devalued as a result of this application.
- Consider that plot 7 could be moved next to plot 4 to avoid overlooking of caretakers bungalow.

9. Planning Considerations

9.1 The principle of development

This has already been approved as part of the previous planning application number S/2010/0173 which was approved at committee on the 11th February 2011. It is the changes to this which need to be considered now.

The first change is that solar panels have been added to the roofs of all the affordable units in order that they reach code for sustainable homes code four. This essentially will make the units overall more sustainable and reduce the carbon footprint of the site as a whole. As such it helps meet the councils sustainability objectives. No objections have been received to this element of the scheme and it is considered that the panels will not detract from the surrounding environment as such it is considered this element of the proposal complies with policy G2 of the adopted local plan.

9.1.1 The second element of the scheme is the movement of plots 4-7 and plots 28-43 from their original positioning to a new position on the plan.

Plots 4-7 have been moved across from the original position shown on the approved plan across so that they now extend beyond a line taken from the neighbouring bungalow and

the neighbour has raised concerns that this now has the two fold effect of blocking their view and being overlooked from the first floor windows of particularly plot 7. These concerns are addressed in the paragraph 9.3 below.

The other plots to be moved are those of plots 28 -43 which have been moved away from the boundaries of the site and further into the site as a result of the steep gradient that exists around the site. Moving these properties further into the development has had the effect of moving the proposed properties further away from existing houses and as a result of this the planning authority has received no objection to this change from neighbouring residents.

It is considered that this element of the scheme will be a positive improvement to the development and as such complies with policy G2(vi) of the saved policies of the adopted local plan.

9.2 Highway issues

The formal comments of the highways authority had not been received at the time of writing the report and these will be reported to members at the committee. However the highways officer has confirmed that he considers the use of the Penruddock access on a temporary basis to be acceptable. Provided that the Pembroke road access is used when the rest of the site is developed, at this point he would expect the Penruddock access to be used only by pedestrians, cyclists and emergency vehicles only.

A condition can be applied to ensure that this occurs.

9.3 Overlooking loss of amenity

Concern has been expressed by the resident of the former caretakers bungalow that he will be overlooked by the new development. The plots 4-7 have been moved across the site such that they are now nearer the former caretakers bungalow than previously the distance from the back wall of the proposed new house to the front wall of the bungalow being 18M. Whilst there may be a sense of feeling overlooked from these properties it is not considered by officers significantly worse in planning terms than that previously approved. The distance from wall to wall would not in officers opinion be significant enough to refuse planning permission. Whilst the residents concerns are understood the new positioning of the proposed housing unit is not sufficiently close to the bungalow as to warrant refusal of planning permission.

9.4 Other issues

Other issues that have arisen during the course of the application are that work was progressing particularly on plots 4-7 without planning permission. Work has now stopped on these units until such time as the council has reached a decision on this planning application.

Similarly concern was expressed that work was being carried out on site outside the agreed hours. This has been brought to the applicants attention and has now stopped outside the allowed hours.

Concern was expressed that the plans were not easy to read on the website officers have contacted those neighbours who have expressed concerns and offered to help them understand the plans.

10. Conclusion

It is considered that the proposed changes to the positioning of the new units are acceptable in planning terms. It is not considered that there will be overlooking from units 4-7 sufficient to warrant refusal of planning permission and it is considered that the movement of units 28-43 away from properties in Jubilee Close will be a positive improvement to neighbours in these properties. The introduction of solar panels to the roofs of properties will enable achievement of code level four for sustainable homes.

The use of Penruddock Close as an access to the site is considered acceptable on a temporary basis subject to it being closed off for emergency use and cyclists and pedestrians when the rest of the site is completed.

11. Recommendation

Planning Permission be GRANTED for the following reason:

It is considered that the proposed changes to the positioning of the new units are acceptable in planning terms. It is not considered that there will be overlooking from units 4-7 sufficient to warrant refusal of planning permission and it is considered that the movement of units 28-43 away from properties in Jubilee Close will be a positive improvement to neighbours in these properties. The introduction of solar panels to the roofs of properties will enable achievement of code level four for sustainable homes. As such it is considered that the proposal complies with policies G1 and G2 of the saved policies of the adopted local plan.

The use of Penruddock Close as an access to the site is considered acceptable on a temporary basis subject to it being closed off for emergency use and cyclists and pedestrians when the rest of the site is completed as such it is considered that the proposal complies with policy G2 (i) of the saved policies of the adopted local plan.

Subject to the following conditions:

1) Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the open market dwellings 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. The development shall thereafter be carried out in accordance with the approved details. The affordable housing shall be completed in accordance with details already agreed.

REASON: To secure a harmonious form of development.

2) Prior to first occupation of the development details/a plan indicating the positions, design, height, materials and type of boundary treatments to be erected shall be submitted to, and approved in writing by, the Local Planning Authority in respect of the open market housing. The development shall be carried out in accordance with the approved details and the boundary treatments shall be erected prior to the first occupation of the dwellings hereby approved and shall thereafter be maintained for a period of five years and thereafter retained. The affordable housing shall be completed in accordance with the details already agreed.

REASON: In the interests of neighbouring residential amenity and the

environment of the development.

POLICY G2

3) The approved details of the ecological management plan shall be implemented in accordance with the timescale set out in the approved plan.

REASON : In the interests of protecting wildlife on the site

POLICY G2

4) The development approved shall be carried out in accordance with the details approved in the badger protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

5) The development approved shall be carried out in accordance with the details in the reptile protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

6) Prior to commencement of development any works shall be carried out in accordance with the details in the tree protection report submitted and approved.

REASON: In the interests of protecting wildlife on the site.

7) The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

d) the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity and the environment of the development and to ensure that the approved landscaping scheme is carried out at the proper times.

POLICY G2

8) Prior to commencement details for the hard landscaping of the open market part of the site, including full details of the surfacing materials and colours of all hard surfaces and kerbing, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the site and to secure a well planned development.

9) Prior to the commencement of development on the open market housing full details of the road layout and construction shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until that part of the access road which serves it has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of highway safety and to ensure that an adequate means of access is available when the dwellings are occupied.

POLICY G2

10) Prior to the first occupation of any of the dwellings, hereby approved, the garaging/parking, cycle parking and turning space indicated on the approved plan shall be constructed, laid out and made available for use and shall thereafter be retained and kept available for those purposes at all times.

REASON: In the interests of highway safety and to ensure an adequate level of parking provision to serve the development.

POLICY G2

11) No development shall commence on the open market dwellings until a scheme of water efficiency measures to reduce the water consumption of the dwellings, hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of the conservation of water resources and to protect the Hampshire Avon River and its habitats.

POLICY G3

12) No development shall take place on the open market part of the site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme is to be maintained and managed after completion.

REASON: To prevent the increased risk of flooding to improve and protect water quality and to ensure the future maintenance of the surface water drainage system.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A, B, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

14) The development hereby approved shall be undertaken in full accordance with the following approved plans:

3360-P-12D Proposed Site Layout
3360-P-13 Site extract- Reposition
3360-P-14 Site Overlay and Extract
3360-W-10B Proposed site Layout Extract Parking
Location Plan dwg no 0064 -0_101
Topographical survey plan 011-D1 –A
Topographical survey plan 011-D2 – A
Topographical survey plan 011-D3 – A
Affordable housing plan 0064 -2-203
Slab levels and drainage plan 0064-2-206
Street lighting plan 0064 – 5-531
Site sections 0064-2-208-A
Materials Plan 0064-2-300
Street scene elevations 0064-2-301-B
House type A – rev A
House Type B – rev A
House Type C – rev A
House Type D – rev A
House Type E – rev B
House Type F – rev B
House Type F1 – rev A
House Type G
House Type H –rev A
House Type H1 – rev A
House Type H2
House Type J – rev B
House Type J1
House Type K – rev A
Landscape Proposals dwg no 0064-3001 –rev A

REASON: For the avoidance of doubt

15) Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday No work on Sundays and Public Holidays.

This condition does not apply to the internal fitting out of the buildings

REASON: In order to limit the noise and disruption to adjacent

neighbours during antisocial hours

16) Before development commences on the open market housing , further details of the emergency link to Penruddock Close shall be submitted and approved in writing by the Local Planning Authority. Such details shall show a 3m width of maintainable public highway for use for pedestrians and cyclists, with suitable measures to prevent access by vehicular traffic other than emergency vehicles.

REASON: In order to limit the use of the northern access by non emergency vehicles in order to reduce the level of traffic using the access to an acceptable level in the interests of amenity.

POLICY G2

17) The road link to Penruddock close hereby approved shall only be used until such time as the first occupation of the open market housing or the construction of the vehicular access to Pembroke Road, whichever is the sooner. Upon the opening of the vehicular access to Pembroke road the Penruddock entrance to the site shall be closed and used only for emergency vehicles and pedestrian and cyclists traffic in accordance with the submitted scheme the subject of condition 16 of this planning permission

REASON: In the interests of highway safety

Informatives

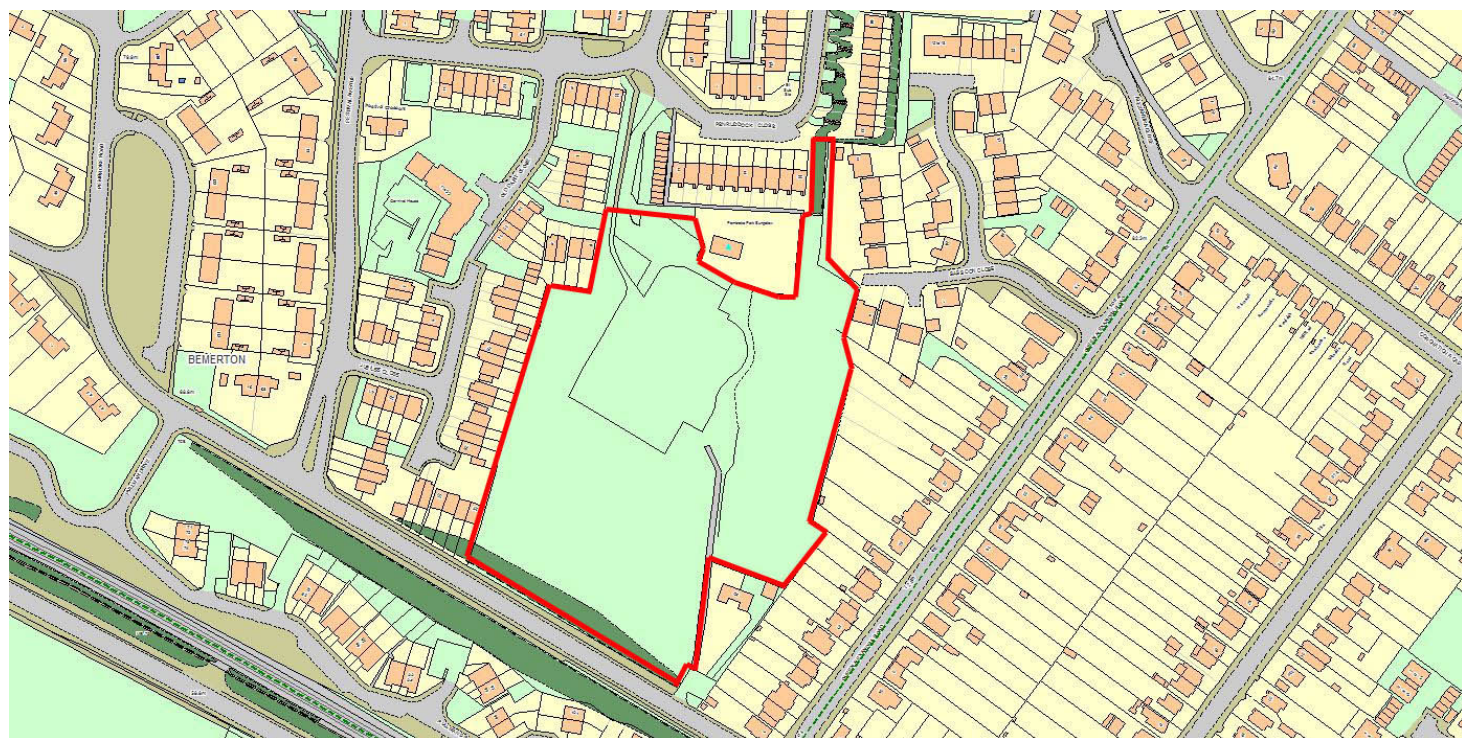
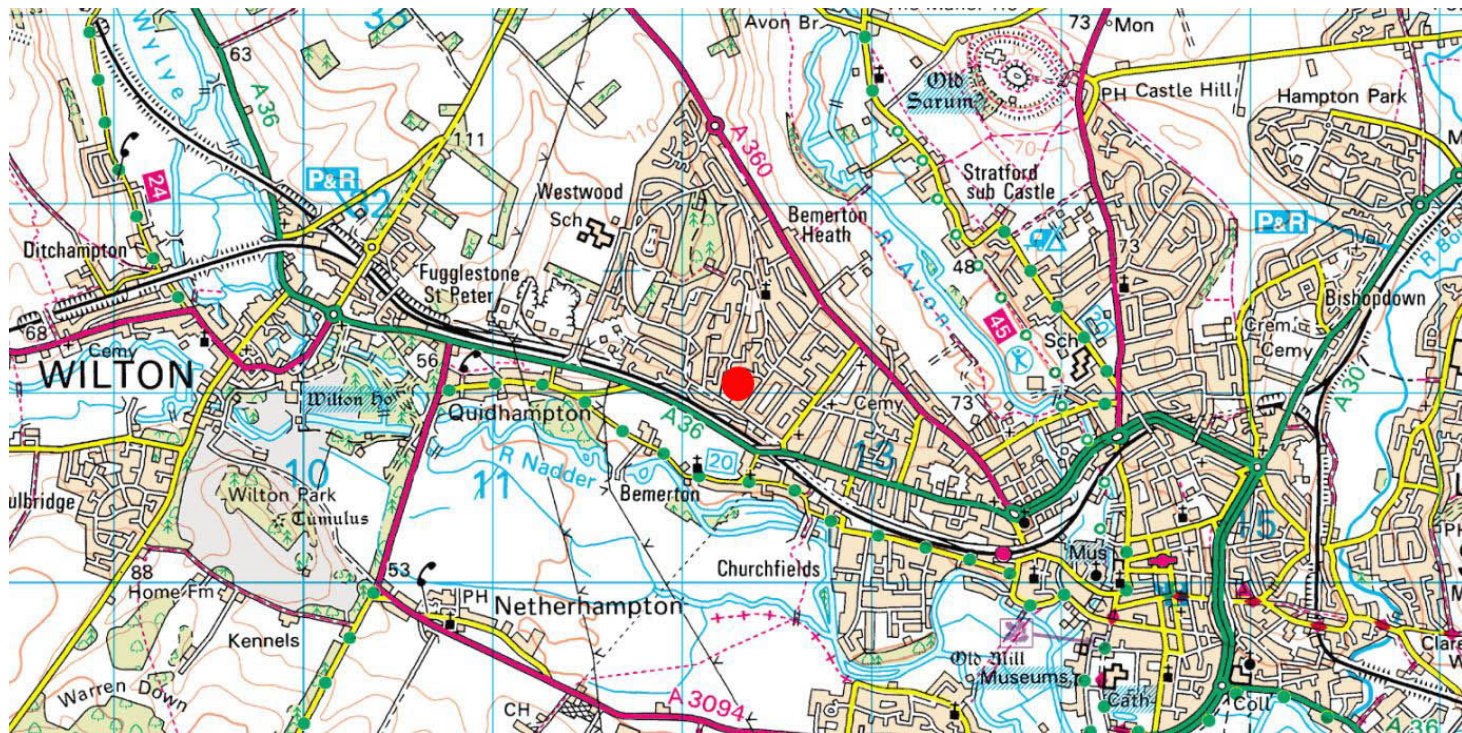
1) It should be noted that the development hereby approved was originally resolved to be granted by the Councils Southern Area Committee on the 10th February 2011. This resolution for approval is subject to the developer of the open market housing and the four affordable units (plots 34 -37) as shown on plan no 0064 -2-203, entering into a legal agreement with the council to cover the following matters –

- (1) the provision of 4 affordable housing units (which forms part of the 40 per cent affordable housing requirement across the site as a whole).
- (2) the minimum provision on site of 0.18 hectares of formal open space (excluding the wooded area on the Eastern boundary) and the provision of a commuted sum for the continued maintenance and upkeep of the open space and the wooded area. In addition a scheme for the opening of the wooded area to the public on a trial basis.
- (3) A contribution towards off site open space (R2)
- (4) Waste and recycling scheme provision
- (5) The achievement of an environmentally –friendly sustainable scheme, including at least a code three code for sustainable homes rating.
- (6) A financial contribution towards the provision of off-site traffic calming measures and/or other sustainable highway measures along Pembroke Road;

2) The applicant's attention is drawn to the comments of Wessex Water, a copy of which is attached to this decision notice. In this respect, Wessex Water has advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3.0 metre

easement width on either side of its apparatus for the purposes of maintenance and repair and therefore diversion or protection works may need to be agreed.

3) In conjunction with Condition No's 13 and 14 above, the applicant's attention is drawn to the comments of the Environment Agency, a copy of which is attached to this decision notice. For any further advice regarding any of the issues covered by these conditions the applicant is advised to contact the Environment Agency, RiversHouse, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset, DT11 8ST. Tel: 01258 483390 / Fax: 01258 455998.



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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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