

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Salisbury
Date: Thursday 13 May 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press Enquiries to Communications 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 Brian Dalton	Cllr George Jeans
Cllr Tony Deane	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

Substitutes:

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

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 22 April 2010 (copy herewith).

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

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

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

6. **Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ** (*Pages 9 - 12*)

To consider the attached report.

7. **Lavender Farm, Giles Lane, Landford** (*Pages 13 - 16*)

To consider the attached report.

8. **Planning Appeals** (*Pages 17 - 18*)

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

9. **Planning Applications** (*Pages 19 - 20*)

To consider and determine planning applications in the attached schedule.

9.1. **S/2010/0381 - Land adjacent to Birchlea, Barnes Place, Mere, Warminster** (*Pages 21 - 30*)

10. **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

None

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SOUTHERN AREA PLANNING COMMITTEE

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

Present:

Cllr Christopher Devine, Cllr Mary Douglas, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Bill Moss (Reserve), Cllr Ian West, Cllr Fred Westmoreland (Chairman) and Cllr Graham Wright

Also Present:

Cllr John Brady

20. Apologies for Absence

Apologies were received from Cllrs Dalton and Deane. Cllr Moss substituted for Cllr Deane.

21. Minutes

The minutes of the meeting held on 18 February were approved as a correct record and signed by the Chairman.

22. Declarations of Interest

There were no declarations of interest

23. Chairman's Announcements

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

24. Public Participation

The committee noted the rules on public participation.

25. Proposed Diversion of Redlynch Footpath 17

The Senior Rights of Way officer presented a report which asked members to consider and comment on an objection received to an Order, made under Section 119 of the Highways Act 1980, proposing to divert a section of

Redlynch Footpath 17 and to recommend that the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs.

Resolved:

That the Order be referred to the Secretary of State for determination with the recommendation that it be confirmed subject to the deletion of the reference in the Schedule to the Order to the “kissing gate” at SU20794197.

26. **Wildlife and Countryside Act 1981 - Section 53 - The Wiltshire County Council (Sheet ST 92 NE) (Ebbesbourne Wake No. 24) Rights of Way Modification Order No. 11, 2005**

Public participation:

Mr G L Foyle spoke against the recommendation.

The Senior Rights of Way Officer presented a report which asked the committee to reconsider and comment on the objections received following the making of the Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add a byway open to all traffic (BOAT) at Ebbesbourne Wake, and to recommend to the Secretary of State for the Environment, Food and Rural Affairs that the Order be confirmed, subject to the status of the additional way, and be modified from BOAT to Restricted Byway.

A debate ensued during which the issue of gating the byway to restrict motor vehicular access was raised but it was confirmed that this could not be carried out.

Resolved

That the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation it be confirmed, subject to the status of Ebbesbourne Wake 24 being modified to that of Restricted Byway.

Councillor Michael Hewitt asked that his vote against the resolution be recorded.

27. **Planning Appeals**

The committee received details of the following appeals:-

S/2009/0601 - Bark Barn Cottage 12 West Dean - dismissed – delegated decision

S/2009/0931 - Royal Mail Sorting Office, Fisherton Street, Salisbury – allowed – delegated decision

S/2009/1135 - The Old Post Office, Lower Road, Charlton All Saints - dismissed – delegated decision

S/2009/0958 - 123 Queen Alexander Road, Salisbury – allowed – delegated decision

2009/0768 2009/0797 - 61 The Borough, Downton - dismissed – delegated decision

S/2009/0746 - Nadder House, Tisbury - dismissed – delegated decision

S/2009/1196 - 8 James Street/36 Sidney Street, Salisbury - dismissed – delegated decision

Resolved:

That the report be noted

28. **Planning Applications**

28.1. **S/2010/0007/FULL - Stonehenge Campsite Berwick Road Berwick St.James Salisbury**

Public participation:

Mr Glen Godwin spoke against the application

Mr Martin Gairdner spoke against the application

Mr Henry Colthurst spoke against the application

Mr Tony Allen spoke in favour of the application

Mr and Mrs W Grant spoke in favour of the application

Mr Richard Brasher, representing Berwick St James Parish Council spoke against the application

Mr Jim Carr, representing Winterbourne Stoke Parish Council spoke against the application

A lengthy debate followed during which concerns regarding access, visual impact and environmental issues were raised.

The committee requested that a report on the options for enforcement action including the expediency for so doing, in respect of this site be brought to the next available meeting of the committee. The report to include details of work already carried out on the site, including that carried out outside the application area and detailing both work that required planning permission and work that did not.

It was also requested that the Development Control Manager be delegated to look into the possibility of a Temporary Stop Notice being issued to prohibit further breaches of planning control at this site, and, should it be expedient so to do, to serve such a notice.

Resolved:

That planning permission be **REFUSED** for the following reasons:

The site is situated within a prominent part of the landscape, which is designated as a Special Landscape Area, and lies against the backdrop of the Winterbourne Stoke Conservation Area. The development of the site as a touring caravan and camping site would have a significant and unacceptable visual impact upon the landscape qualities of the area, including the setting of the Conservation Area, and it is not considered that this harm would be outweighed by economic benefits or could be satisfactorily addressed through new landscaping. The development would therefore be contrary to the aims and objectives of the adopted Salisbury District Local Plan, including saved policies G1, G2, C2, C6, CN11 and T9, and the guidance contained within PPS4, PPS5, PPS7 and the Good Practice Guide for Planning & Tourism.

That an enforcement report as detailed above be brought to the next available meeting of the committee.

That the Development Control Manager be delegated to look into the possibility of a Temporary Stop Notice and, should it be expedient so to do, to serve such a notice.

Councillor Michael Hewitt asked that his vote against the resolution be recorded.

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

With the Chairman's agreement, this application was considered together with the associated application for listed building consent referred to at minute number 28.3 below.

Public participation:

Mr Richard Greenwood spoke in favour of the application

Following a debate during which issues of concern were raised regarding flooding it was

Resolved

Provided that :

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

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

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

And subject to the following conditions:

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

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

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

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

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

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

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

NJH/0018 Sept 09

Proposed Plans dated April 2010

Door elevations, received 23/2/10

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

Flood Risk Assessment and Management Strategy (Feb 2010)

Construction Method Statement and Schedule of Works, Feb 2010

Independent wall lining solutions by Karma Acoustics

Reason: For the avoidance of doubt

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

28.3 S/2010/0260/LBC - Proposed Re-Instatement of two maisonettes to lower ground and ground floor including the installation of flood resistance and flood resilience measures

Resolved

That the application be **GRANTED** for the following reasons:

The proposed conversion of an existing listed building to provide two ground floor maisonettes with flood resistance measures would not have any detrimental impact on heritage assets, including the character and setting of the listed building and Conservation Area, and adjacent listed buildings. The development would therefore be in accordance with the guidance in PPS5, and policies CN3, CN5, CN8 and CN11 of the adopted Salisbury District Local Plan.

And subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provisions of Section 18 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- a) the proposed front door for the property (fronting St Nicholas Road), and
- b) the proposed flood resilience measures to the lower ground floor French windows and window reveals to the sitting rooms

The development shall be implemented in accordance with the approved details, before the ground and lower ground floor maisonettes are occupied.

Reason: To preserve the character of the listed building

POLICY: CN3 and CN5, listed buildings.

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

NJH/0018 Sept 09

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

Planning, Design and Access Statement, WGDP, Feb 2010

Construction Method Statement and Schedule of Works, Feb 2010

Independent wall lining solutions by Karma Acoustics

Reason: For the avoidance of doubt

29. **Urgent Items**

The Chairman requested the committee's approval to request officers to arrange a site visit in respect of application no's S/2010/53 and S/2010/98 - Wyke Parish Village Store Ltd., The Street, Wyke.

Resolved

That the site visit be arranged.

(Duration of meeting: 6.00 - 8.25 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic Services, direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

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

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE 13TH May 2010

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

Purpose of Report

1. To update the Committee in respect of action taken in respect of breaches of planning control this site since the previous meeting.

Background

2. Members will recall that at the meeting on 22nd April 2010, following the refusal of (part retrospective) planning application S/2010/0007, the Committee requested that a comprehensive report on the options for enforcement action including the expediency for so doing, in respect of this site be brought to the next available meeting of the committee. It was also requested that the Area Development Manager be delegated to look into the possibility of a Temporary Stop Notice being issued to prohibit further breaches of planning control at this site, and, should it be expedient so to do, to serve such a notice.

Officer Update

3. Officers visited the site following the meeting and established that, amongst other breaches of planning control which were already the subject of ongoing investigations by the enforcement team further earthworks and excavations had taken place on part of the site, which appeared to be associated with enlargement of the caravan and camping site and a further outbuilding had been erected since a previous visit.

Additionally, it was noted that a manege/riding arena had been constructed on another part of the site south of the poultry sheds. Whilst such a development was approved as part of planning permission reference S/2006/2122 (demolition and clearance of the existing derelict poultry sheds, silos, dwelling and various outbuildings and the construction of a replacement dwelling, stables, manege, office building, storage building, new access and landscaping), none of the pre-commencement conditions attached to that permission, which included matters such as provision of alternative roosting for bat and barn owls, submission and approval of further bat and bird surveys and submission and approval of mitigation measures, submission and approval of pollution prevention measures, submission and approval of a scheme for foul and surface water disposal, submission and approval of schemes regarding

contamination and remediation, submission and implementation of a programme of archaeological investigation; had been complied with.

Other breaches of planning control at the site which had been the subject of ongoing investigations and advice given by officers regarding remedial action, also appeared to be continuing, however these appeared to be less of an immediate priority in terms of the requirement for immediate action.

On 30th April 2010 after considering the expediency of such action and using delegated powers, the Area Development Manager served a Temporary Stop Notice on the owners of the site, prohibiting for a period of 28 days further development at the site, including stationing touring caravans and tents on the land in excess of 'permitted development' limits, further building or engineering operations ancillary to such use, as well as any further development associated with planning permission reference S/2006/2122 including completion and use of the manege.

Any party breaching the requirements of the Notice, including not only the owners but also other individuals carrying out the prohibited activities, would commit an offence.

The above Notice will effectively preserve the *status quo* for 28 days and allow the Council the opportunity to give more detailed consideration to the expediency of enforcement action in relation to the development undertaken to date.

It is hoped to bring a more detailed report regarding the above and other breaches of planning control at the site, with options and recommendations for action, to the next Committee once investigations have been concluded.

Conclusions

4. Enforcement action has been taken to begin to deal with the most serious of the alleged breaches of planning control at the site. A further report dealing with further action in respect of the above and other, some possibly less serious, breaches at the site will be brought to the earliest available Committee.

Proposal

That the contents of the report be noted

Report Author:

Stephen Hawkins, Lead Principal Planning Enforcement Officer

Date of report 13th May 2010

Background Papers

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

None

Appendices

None

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WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE 13th May 2010

Lavender Farm, Giles Lane, Landford

Purpose of Report

1. To update the Committee in respect of investigations undertaken by the enforcement team into the use of this site.

Background

2. Members will recall that at the meeting on 18th February 2010, after consideration of planning application reference S/2009/0900, Officers were requested to ascertain whether there had been a material change of use of the site from agriculture to include a visitor centre, in the light of issues raised by Landford Parish Council, summarised as follows:
 - Increase in vehicle numbers on Giles Lane;
 - Use of the drying room as a café/tearoom;
 - Change of use of the land to a visitor centre;
 - Buildings constructed without permission.

Officer Update

3. Whether a material change of use to a mixed use including use as a visitor centre has taken place, is not a straightforward matter to determine and will be a matter of fact and degree in every case.

The authorised use of the site is for agriculture and the lavender farm falls within this ambit. In the same vein as many farm shops, the sale of goods produced at this site does not require planning permission, being ancillary to the agricultural use of the land.

Matters such as the facilities expressly provided for visitors, their scale in comparison with the rest of the site, together with the length of time the site is open to the public, the range of goods and services available number of cars and visitors attracted, can all be relevant factors in determining whether a material change of use has occurred.

During the investigation, the owner confirmed that the lavender drying building is still used for this purpose, but is also used as a shop for goods

produced on the holding and sales of refreshments (including café facilities) during peak visitor periods.

The owner also states that the site is open to visitors between April and October. They do not charge entry so actual visitor numbers are not recorded. However the numbers are understood to fluctuate according to the season. Visitors see the lavender growing, are able to smell and taste it and this encourages the purchase. The café sells a limited range of refreshments including homemade cakes and soup. A small hardstanding (8-10 spaces) is available for staff and visitor parking, but is also used for farm deliveries and storage of farm equipment when the site is not open to visitors. Persons employed at the site have a range of duties including maintenance, lavender production and selling/serving refreshments.

As stated in the officer report in respect of S/09/0900, all the above would tend to suggest that, as a matter of fact and degree, the current scale of 'visitor' activity is ancillary to the use of the site for agriculture. No material change of use therefore appears to have taken place at this time, the nature and scale of the ancillary use being very much akin to the 'farm shop' example mentioned above.

Conclusions

4. In view of the above, it is recommended that no further action can reasonably be taken at this stage as it would appear that there is no breach of planning control at the site. However, this conclusion will be reviewed in the event of any material change in circumstances from those described above being brought to the Council's attention. The owner has also been advised that planning permission is likely to be required in the event that the 'visitor' side of the business grows significantly as it is much more likely that a material change of use will then have taken place.

Proposal

That the contents of the report be noted

Report Author:

Carolyn Thomson Easter, Planning Officer (Enforcement)

Date of report 13th May 2010

Background Papers

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

None

Appendices

None

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APPEALS

Appeal Decisions

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

New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2009/1885	19 Southbourne Way, Porton	HH	Delegated			

WR Written Representations
HH Fastrack Householder Appeal
H Hearing Local Inquiry

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Agenda Item 9

INDEX OF APPLICATIONS ON 13 MAY 2010

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	DIVISION MEMBER
1	S/2010/0381	LAND ADJ TO BIRCHLEA, BARNES PLACE, MERE, WARMINSTER, BA126DD	ERECT HOUSE, MAKE ALTERATIONS TO EXISTING VEHICULAR ACCESS, MAKE ALTERATIONS TO JUNCTION OF BARNES PLACE WITH BOAR STREET	REFUSE	CLLR JEANS

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Application Number:	S/2010/0381		
Deadline	11/05/10		
Site Address:	LAND ADJ TO BIRCHLEA BARNES PLACE MERE WARMINSTER BA126DD		
Proposal:	ERECT HOUSE, MAKE ALTERATIONS TO EXISTING VEHICULAR ACCESS, MAKE ALTERATIONS TO JUNCTION OF BARNES PLACE WITH BOAR STREET		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Parish:	MERE		
Grid Reference:	381338.8 132333.3		
Type of Application:	FULL		
Conservation Area:	MERE	LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

Reason for the application being considered by Committee

Councillor Jeans has requested that this item be determined by Committee due to the balance of considerations, particularly in relation to highway safety

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- The principle of development
- The impact on living conditions of nearby properties
- The impact on highway safety
- The impact on the character and appearance of the Conservation Area
- Other factors

3. Site Description

The site consists of garden and residential curtilage to Birchlea, a two-storey stone and tile cottage fronting Boar Street in Mere. To the south of the site is a pair of semi-detached dwellings (1 and 2 Barnes Place), with 11 and 12 Barnes Place to the west and Sportsman's Lodge and Chafyns to the east. The application also includes land to the front

The site is close to the centre of Mere with its range of services, facilities and access to public transport.

In planning terms the site lies within Mere's Housing Policy, and the boundary between the application site and 1/2 Barnes Place forms the boundary of Mere's Conservation Area (within which the site lies).

4. Planning History

Application number	Proposal	Decision
S/2009/0655	Proposed dwelling including alterations to existing vehicular access	<p>Refused on 2nd July 2009 for the following reasons:</p> <p><i>(1) The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent. In this respect the proposal would be contrary to saved policy G2 of the Adopted Salisbury District Local Plan</i></p> <p><i>(2) The proposed dwelling, by reason of its height, size and design, and the resultant loss of an area of garden that contributes to the area's character, would fail to preserve or enhance the character or appearance of this part of Mere's Conservation Area. In this respect the proposal would be contrary to saved policies CN8, D2, H16 and CN10 of the Adopted Salisbury District Local Plan</i></p>

5. The Proposal

The application proposes the erection of a three bedroom dwelling, to be constructed of natural stone with brick chimneys with plain clay tiles. Windows would be painted flush casement timber.

The dwelling would have a height of 8.25m (to the ridge), with an eaves height of 4.6m. The overall height compares with 7m (Birchlea) and 7.7m (1/2 Barnes Place). The form of the proposed building is essentially rectangular, with an additional projection to the north and a bay window fronting the road. Primary windows would face north/south.

6. Planning Policy

The following policies are considered relevant to this proposal:

H16	Development within Housing Policy Boundaries
G1, G2	General Development Criteria
D2	Infill Development
CN8	Development within Conservation Areas
CN10	Open Spaces etc with Conservation Areas

7. Consultations

Town/ Parish Council

Support the application

Highways

I reiterate the comments and objection made previously and recommend this application be refused for the following reason:-

The traffic generated from this proposal would use a road which, by virtue of its function in the highway network and its inadequate width and junctions, is considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent.

Environmental Health

No objection subject to a condition regarding hours of construction.

Conservation

Object on grounds of the impact of on the character and appearance of the Conservation Area, resulting from both a dwelling on this site, the demolition of a section of wall at the front and the erection of the new walling.

Archaeology

Recommend that a programme of archaeological works, in the form of an archaeological watching brief, is carried out during construction.

Civic Society

If a new house here is considered acceptable, the walling material proposed is Purbeck stone and there is a potentially better alternative available - the use of Midhurst stone, approval for which was given last year for work in Mere (S/2009/0550) should be explored as this is closer in character to Mere stone than is Purbeck. The general use of the latter for new buildings in recent years is eroding the unique character which Mere has derived from the use of its own stone, unfortunately no longer available.

Arboriculturalist

Commenting on previous application - no objection to the above application. However, I recommend that a Tree Protection Plan is requested by condition.

8. Publicity

The application was advertised by site notice, press notice and by neighbour notification with an expiry date of 22nd April 2010.

4 letters of representations have been received. The following points have been raised:

- Previous reasons for refusal have not been addressed;
- Overpowering position of the dwelling and will not match others in the street scene;
- The current garden area provides a pleasant natural space;
- Impact on Conservation Area from dwelling and entrance widening;
- Street parking/safety issues with potential access problems for emergency vehicles;
- Barnes Lane is narrow with difficult vehicular access;
- Impact and liability from construction vehicles and excavations and need to repair damaged sections of road;
- Loss of light and privacy;
- Site used by wildlife and birds;
- The proposed dwelling cannot be considered a positive enhancement;
- Impact on highway safety from an additional dwelling;
- Noise, disturbance and smells from new dwelling;
- Need for an archaeological investigation;
- The existing access to the site from Barnes Place has only occasionally been used;
- If this application is approved, likely to be others (eg behind the post office)

9. Planning Considerations

9.1 The principle of development

The site lies within Mere's Housing Policy Boundary, on previously-developed land, in a relatively sustainable location.

In principle, policy H16 permits additional dwellings, but subject to criteria advising against inappropriate tandem/backland development; against development which results in a loss of important open space and against development which is not designed acceptably. Whether the proposal satisfies these criteria, and other normal planning considerations, is considered below.

9.2 The impact on living conditions of nearby properties

The site is located in a built-up area, with dwellings surrounding the site. An important consideration is whether the proposal would unduly conflict with or overlook these properties (policy G2).

The proposed dwelling would have first floor, habitable room windows (serving bedrooms)

facing towards the existing dwellings at Birchlea and 1/2 Barnes Place. The proposed windows would be some 19.4m from the rear windows of Birchlea and 19m from the front windows of 1 and 2 Barnes Place.

In terms of overlooking, as a general rule, a separation of 20m is required between opposing habitable-room windows, and the distances here would fall slightly below that limit. However, the dwelling would be located within a relatively built-up area where a degree of cross-overlooking is to be expected.

Concerns have also been expressed regarding loss of light and dominance. Again, however, the distances involved mean that, although there may be a degree of light lost to the side garden of number 12 Barnes Place in the early morning, and similarly to the rear garden of Sportsmans Lodge in the late evening, it is not considered that this would cause harm significant enough to warrant refusal.

It is therefore considered that the proposal would not result in harm to the living conditions of neighbouring properties such that a refusal could be successfully defended at appeal.

9.3 The impact on highway safety

The Highways department has expressed concern in relation to the narrowness of Barnes Lane and the potential for this to result in vehicles reversing into Boar Street, to the detriment of highway (including pedestrian) safety. This formed a reason for refusal of the previous application.

In this proposal, the applicants have tried to overcome the concerns of the Highway Department by improving visibility to the front Birchlea, by removing a section of existing wall and hedging. The Highways Department has considered this improvement, and the argument that the existing dwelling already has two accesses, but takes the view that these do not overcome their concerns.

Subsequently the applicant submitted further amended plans illustrating a 4m radius at the eastern splay of the junction of Barnes Place with Boar Street and a visibility splay of 2.4m by 25m in the eastern direction.

However, the suggested improvements were considered marginal and would not overcome the underlying concerns regarding the suitability of Barnes Place serving an additional dwelling. The Highway Department commented specifically that:-

'The junction of Barnes Place with Boar Street is substandard and therefore requires vehicles to use the whole width of the access when turning into Barnes Close. For the access radii to be of a suitable standard to accommodate an increase in traffic that the proposed development would generate, I would insist the junction has a minimum of 6m radii together with any additional widening to allow two vehicles to pass.

Barnes Place is of restricted width and in most places does not allow two vehicles to pass; therefore, this could result in a vehicle conflict at the junction of Barnes Place with Boar Street and vehicles having to reverse onto Boar Street, at a point where there is a level of pedestrian activity and at a point where vehicles are parked along Boar Street; this will cause a highway safety concern to all users of the highway.

The improvement offered to the junction radii and visibility to the easterly direction of the

junction is below Manual for Streets guidance for 30mph roads and although this could potentially benefit the existing residents of Barnes Place, this development would still increase the use of a substandard access.

I can confirm for your information that there has been no recorded accidents at the junction of Barnes Place with Boar Street in the last 5 years.'

The Highways Department notes that within the Design and Access Statement of this current application that it is suggested that vehicles are not travelling at the 30mph speed limit along Boar Street; if this was evident by way of Traffic Strip Speed Monitoring, there may be a reduction in the visibility requirement.

They also note that the Statement illustrates that the occupiers of Birchlea are able to use the existing access directly onto Boar Street and their access onto Barnes Place, and it is suggested that the additional traffic envisaged, subject to this application, would occur in any event. However, the Highway Authority takes the view that the primary access serving Birchlea is taken from Boar Street and the access from Barnes Place is secondary and it is evident from the condition of the access from Barnes Place that it is not used frequently and therefore the proposed dwelling would increase the use of Barnes Place.

The recently submitted plans do not overcome the previous planning refusal and it is therefore considered that the previous reason for refusal has not been overcome, and that the proposal remains contrary to Local Plan policy G2.

9.4 The impact on the character and appearance of the Conservation Area (including trees)

The site lies within the Mere Conservation Area. There is therefore a requirement that special attention be given to the desirability of preserving its character and appearance. The boundary of the Conservation Area has been drawn to include the garden area subject to this application, and to include 11 and 12 Barnes Lane (opposite), but to exclude numbers 1 and 2 Barnes Lane and the rest of the development to the north.

The site currently consists of garden to Birchlea House. The Conservation Officer has expressed concerns that the proposed dwelling would substantially change the 'quiet' and largely undeveloped character of this part of Mere, which consists of garden and 'backland'.

Whether or not the proposed dwelling would harm, or preserve, this part of Mere's Conservation Area is somewhat balanced. The garden area provides a degree of openness and green space, although the fence boundary and the existing outbuildings however detract from this character to some extent.

The Council's arboriculturalist has not objected to the potential impact on trees but the erection of a relatively large two storey dwelling would clearly result in the loss of some of the open character of this part of the Conservation Area and it is difficult to accept that this would not be harmful, at least to some extent.

Furthermore, in what is essentially a 'backland' location the erection of a dwelling that would be relatively large, somewhat higher than those dwellings either side of it, and with a relatively expansive width, would also appear out of place.

The design of the dwelling also raises concern. The Design and Access Statement describes

the design only as being one that 'reflects the character of Mere using narrow gables and steeply pitched roofs in a simple cottage form'. It does not justify the plan form of the dwelling with a central relatively tall two-storey projection. Nor does the D&A statement satisfactorily justify the roof pitch. The height of the eaves relative to the ridge is described as 'reflecting the majority of two storey dwellings in Mere', but no detail is given and the proposed pitch does not (for example) reflect that of the 'host' property, Birchlea itself. The materials could be varied by condition, however.

These concerns resulted in the previous application being refused. The current application is identical to the refused application, other than the inclusion of land to the front of Birchlea, and the removal of hedging and a section of wall to try to improve visibility.

The Conservation Officer has re-iterated his previous concerns and also expressed concern at the loss of the existing section of wall and the proposed additional sections of walling, which would be prominent and are unlikely to be constructed of suitable materials.

In particular the Conservation Officer is concerned that demolition of some historic boundary walling is proposed, although it is impossible to determine how much from the drawings provided. No application for Conservation Area Consent accompanies the application and it would be necessary to seek this. The policy which controls demolition in CAs allows for the possibility of 'overriding safety reasons'. This is not considered to be a situation requiring such intervention: there is no requirement for a new dwelling, and therefore the works are not essential or 'overriding' the public interest in the character of the conservation area; it should be retained for providing an historic enclosure of the street.

The Conservation Officer also considered that proposed new wall at the front seems to be unnecessary, and while at first glance appears to be innocuous, the availability of materials to make it work has to be considered. In the Conservation Officer's view, the only stone which should be used for a wall in this sensitive location (also near to several listed buildings) is the local Mere stone, but as supplies of this are effectively impossible to obtain (unless through demolition elsewhere, which wouldn't be encouraged), and the closest matching stone, Midhurst, is still not identical. Midhurst would appear to be a better choice for the house and its quiet location (see above) does at least mean that its different appearance wouldn't be so conspicuous.

It is considered that these concerns only add to the adverse impact on the Conservation Area that would result from the development as a whole. The proposed development would conflict with policies CN8, D2, H16 and CN10 by reason of the size, height, design and the loss of the existing garden area resulting from the dwelling, and from the impact of the changes to the street frontage.

9.5 Other factors

Local residents have expressed concern about loss of wildlife but no specific detail of species is given. The applicants have stated that there are no protected or priority species on or adjacent to the site, and there is little evidence to suggest a reasonable likelihood of protected species being present.

Conditions could be used, as suggested, in relation to environmental health and archaeological concerns. The impact of construction vehicles on the private road is a civil matter between the respective owners.

A public recreational open space contribution has been not been secured through a unilateral agreement, although this was provided with the previous application. While there is no reason to doubt that an agreement would be forthcoming again, in its absence this must also form a reason for refusal.

10. Conclusion

Although the proposal would not unacceptably harm the amenities or nearby properties, it is considered that an additional dwelling would harm highway safety, and would fail to preserve or enhance the character or appearance of the Conservation Area.

Recommendation

It is recommended that permission is REFUSED for the following reasons:

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

(2) The proposed dwelling, by reason of its height, size and design, and the resultant loss of an area of garden that contributes to the area's character, would fail to preserve or enhance the character or appearance of this part of Mere's Conservation Area. Furthermore, the proposal would result in the removal of a section of existing wall (the extent of which is unclear), while the erection of new walling to the front of Birchlea is unlikely to use acceptable materials. These changes would further detract from the Conservation Area's character and appearance. In these respects the proposed development would be contrary to saved policies CN8, D2, H16 and CN10 of the Adopted Salisbury District Local Plan.

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

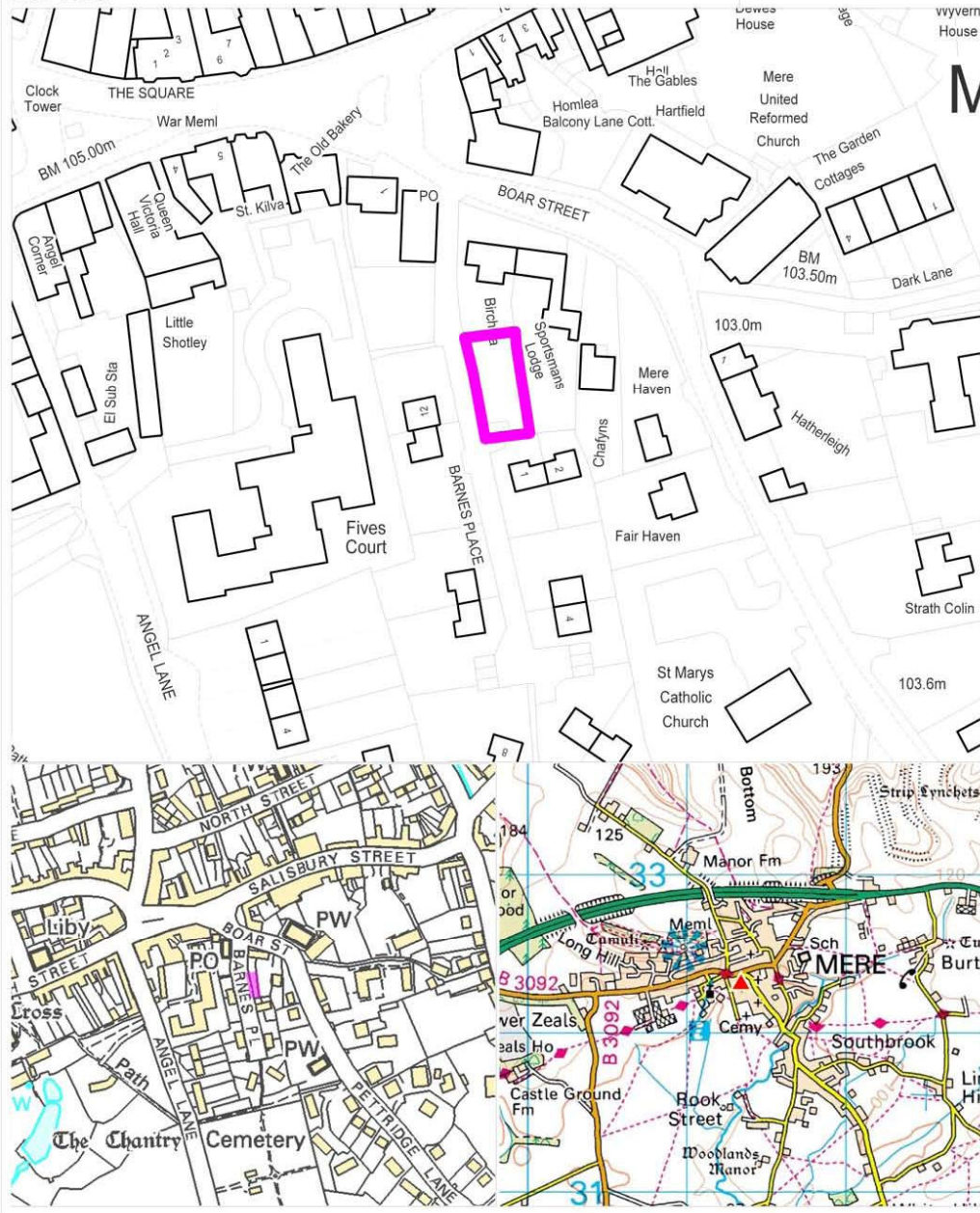
Appendices:	None
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Background Documents Used in the Preparation of this Report:	Plan reference 09022-1A, received 16 th March 2010 Plan reference 09022-2B, received 16 th March 2010 Plan reference 09022-3, received 16 th March 2010 Plan reference 09022-5, received 16 th March 2010 Plan reference 09022-6, received 16 th March 2010 Plan reference 09022 - 7, received 23 rd April 2010
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ERECT HOUSE, MAKE ALTERATIONS TO EXISTING VEHICULAR ACCESS, MAKE ALTERATIONS TO JUNCTION OF BARNES PLACE WITH BOAR STREET

S/2010/381

Site Visit:



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