

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Salisbury  
**Date:** Thursday 26 August 2010  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Pam Denton, Senior Democratic Services Officer, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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### Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Ian West
Cllr Mary Douglas	Cllr Fred Westmoreland
Cllr Jose Green	Cllr Graham Wright
Cllr Mike Hewitt	

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### Substitutes:

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

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# AGENDA

## Part I

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

1. **Apologies for Absence**

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

To approve and sign as a correct record the minutes of the meeting held on 5 August 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. **Request from officers to secure retail use restrictions and travel plan through planning conditions rather than a Section 106 Legal Agreement - Application S/2008/1389, Proposed Discount Foodstore, Unit 2 Bourne Retail Park** (*Pages 11 - 30*)

7. **Planning Appeals** (*Pages 31 - 32*)

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

8. **Planning Applications** (*Pages 33 - 34*)

To consider and determine planning applications in the attached schedule.

8a **S/2010/0869 - Site Adjacent to Rose & Crown 39 High Street Bulford**  
(*Pages 35 - 48*)

8b **S/2010/1015 - Bowles Barn and Yard, The Portway, Winterbourne**  
(*Pages 49 - 58*)

8c **S/2010/0809 - Milford House Nursing Home** (*Pages 59 - 72*)

8d **S/2010/0810- Milford House Nursing Home** (*Pages 73 - 80*)

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**

None

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## **SOUTHERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 AUGUST 2010 AT ALAMEIN SUITE, CITY HALL, SALISBURY.**

#### **Present:**

Cllr Richard Britton, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Leo Randall (Reserve), Cllr John Smale (Reserve), Cllr Ian West, Cllr Fred Westmoreland (Chairman) and Cllr Graham Wright

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#### **72. Apologies for Absence**

Apologies were received from Councillors Brian Dalton, Christopher Devine, Mary Douglas and Graham Wright.

Councillor Leo Randall substituted for Councillor Devine and Councillor John Smale substituted for Councillor Douglas.

#### **73. Minutes**

The minutes of the meeting held on 15 July 2010 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### **74. Declarations of Interest**

There were no declarations of interest.

#### **75. Chairman's Announcements**

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

76. **Public Participation**

The committee noted the rules on public participation.

77. **Planning Appeals**

The committee received details of the following appeals;

**Appeals**

S/2009/1272 – Upper Brickwood Farm, West Grimstead – Hearing – Delegated

S/2010/0209 – 1 Landford Manor, Landford – Householder – Delegated

**Resolved**

**That the report be noted**

78. **Planning Applications**

78a **S/2010/0654 - Heatherfield, Oak Drive, Alderbury**

Public participation:

Mr John Simpson spoke in objection to the application.

Ms J. A Alford spoke in objection to the application.

Mr George Petty spoke in objection to the application.

Mr Andrew Pywell, agent, spoke in support of the application.

Mr James Hubbard, on behalf of Alderbury Parish Council spoke in objection to the application.

The Planning Officer presented the report which was recommended for approval.

A debate ensued during which concerns were raised regarding vehicular access, the fact that the site was in a Special Landscape Area, and that the site was in a wooded area.

**Resolved**

**That the application be approved for the following reasons (subject to no new material considerations being raised in the public consultation period, which expired on 29<sup>th</sup> July)**

## **Reasons for Approval**

The proposal seeks to replace an existing three bedroom bungalow in the Housing Restraint Area with three new dwellings. An existing access onto Oak Drive would be stopped up and replaced to serve one dwelling, and improvements would be made to a gated access on to Lights Lane to serve two dwellings. Boundary trees and planting would be protected during construction and retained as part of the development. The scheme includes mitigation proposals for protected species including bats and reptiles.

Given the site's enclosure by dense vegetation and trees, the development is not considered to have an adverse visual impact on the character of the area or result in the loss of an important open space that contributes to the character of the Housing Restraint Area. Whilst the development may be visible to some neighbouring properties through the boundary trees and vegetation, there would be sufficient separation between the properties to prevent undue disturbance from overlooking or dominance. Subject to suitable conditions, the development would not be detrimental to highway safety, or cause harm to protected species.

The development would therefore be in accordance with the adopted policies G1, G2, D2, H19, C6, C12, C13, TR11, R2 and the guidance in PPS1 and PPS3.

### **And subject to the following conditions:**

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

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

2. No development shall commence on site until visibility splays have been provided at the Oak Drive access between the edge of the carriageway/ track and a line extending from a point 2.4 metres back from the edge of the carriageway/ track, measured along the centre line of the access, to the points on the edge of the carriageway/ track 11 metres to the North and 11 metres to the South from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway/ track.

REASON: In the interests of highway safety.

Policy: G2 General Principles for Development

3. No development shall commence on site until visibility splays have been

provided at the Light's Lane shared access between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the east and 43 metres to the west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

Policy: G2 General Principles for Development

4. The development hereby permitted shall not be occupied until the first six metres of the shared access off Light's Lane, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Policy: G2 General Principles for Development

5. The gradient of the access way off Light's Lane shall not at any point be steeper than 1 in 15 for a distance of 5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

Policy: G2 General Principles for Development

6. No development shall commence on site until a scheme for the discharge of surface water from the hard surfaces of the site (including surface water from the access/driveway off Light's Lane and Oak Drive), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until surface water drainage provision has been constructed in accordance with the approved scheme.

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

Policy: G2 General Principles for Development and PPS25

7. The existing access off Oak Drive shall be stopped up in accordance with the approved details within one month of the first occupation of any of the dwellings hereby approved. No later than one month after the first occupation of any of the dwellings hereby approved, the sole means of vehicular access to the development shall be as shown on the plans hereby approved and listed in Condition 16.



REASON: In the interests of highway safety.

Policy: G2 General Principles for Development

8. The development shall be carried out and completed in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan provided by DJP Arboricultural Consultancy, dated 16<sup>th</sup> March 2010, and also Plan 1080.P19 (Visibility Splay Diagram) showing the visibility splay and trees (Oak, Sycamore and Lime) on the north west boundary of the site retained behind the splay.

Prior to commencement of development (including enabling works) a site meeting shall take place in accordance with section 2.1 of the AMS. At this meeting all aspects of tree protection shall be discussed and recorded, in the presence of all parties, to ensure that all parties understand the implementation and timing of the required protection measures. Any modification of the original AMS shall be recorded and submitted to the Local Planning Authority for approval in writing before any works take place on site.

Reason: To protect the visual amenity of the site and ensure that important trees are protected and retained.

Policy: C6 Special Landscape Area, H19 Housing Restraint Area

9. No development shall commence on site until details of the brick, tile, render and timber materials to be used on the development 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- D2 Design, C6 Special Landscape Area and H19 Housing Restraint Area

10. No development shall commence on site until a scheme of reinforcement hedgerow planting and boundary landscaping has been submitted for the north, east and south boundaries of the site (in accordance with the Mitigation section of the Landscape and Visual Impact Assessment, April 2010) and approved in writing by the Local Planning Authority. The landscaping shall be carried out in the first planting and seeding season following occupation of any of the dwelling or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY- C6 Special Landscape Area, H19 Housing Restraint Area, and G2 General Principles for Development

11 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars in the Arboricultural Method Statement and Site Plan 1080.P3B, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars in the Arboricultural Method Statement and Site Plan 1080.P3B; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees and planting on the site in the interests of visual amenity.

POLICY- C6 Special Landscape Area and H19 Housing Restraint Area

12. No demolition of the bungalow known as Heatherfield shall take place until the bungalow has been surveyed for bats by a qualified ecologist and a report of their recommendations has been submitted to and approved in writing by the Local Planning Authority. Demolition shall only proceed with the written agreement of the Local Planning Authority and in accordance with the agreed recommendations.

Reason: In the interests of protected species.

#### Policy C12 and C13 Protected Species

13. No works, including demolition, shall begin on site until reptiles have been translocated to a secure mitigation area (as shown on Gerald Steer drawing number 1080.P19A) by a qualified ecologist in accordance with section 7.1 of the Ecological Environmental Impact Assessment (Gould Ecology, May 2010) and a report of the translocation has been submitted and approved in writing by the Local Planning Authority. The mitigation area shall not be incorporated into garden space nor built on and shall be maintained solely for the purpose of wildlife conservation thereafter for the lifetime of the development, in accordance with the details on plan P1080.P19A. In accordance with this plan, the area is to be permanently fenced from the rest of the gardens before there is any occupation of the dwellings, maintained as open grassland, and mown once a year with occasional hedgerow clipping.

Reason: In the interests of protected species.

#### Policy C12 and C13 Protected Species

14. No trees shall be felled within the red line of the application site until their potential to support bat roosts has been assessed by a qualified ecologist and a report of their recommendations has been submitted to and agreed in writing by the Local Planning Authority. Felling may only proceed with written agreement of the Local Planning Authority and in accordance with the agreed recommendations.

Reason: In the interests of protected species.

#### Policy C12 and C13 Protected Species

15. The development hereby approved shall be implemented in accordance with the Bat Access Tile Set details before there is any occupation of the dwellings. The bat access roof tiles shall be maintained in this condition thereafter.

Reason: In the interests of protected species.

#### Policy C12 and C13 Protected Species

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A (including provision of any verandah or balcony other than those expressly permitted), B, E(a) and F shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

POLICY- H19 Housing Restraint Area, C6 Special Landscape Area, G2 General Principles for Development.

17. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors; including measures to avoid obstruction of Oak Drive
- b) loading and unloading of plant and materials; including measures to avoid obstruction of Oak Drive
- c) storage of plant and materials used in constructing the development; including measures to avoid obstruction of Oak Drive
- d) wheel washing facilities for lorries and other vehicles leaving the site; and
- e) measures to control the emission of dust and dirt during construction

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY- G2 General Principles for Development

18. The construction of the development hereby permitted (including deliveries to and from the site) shall only take place between the hours of 8.00hours in the morning and 18.00hours in the evening from Mondays to Fridays and between 9.00 hours in the morning and 13.00 hours in the afternoon on Saturdays. The use shall not 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 Principles for Development

19. 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.

1080.P4 House 1 Floorplans	1080.P7 House 2 Floorplans
1080.P5A House 1 Elevations	1080.P8 House 2 Elevations
1080.P6 House 1 Elevations	1080.P9 House 2 Elevations
1080.P10B House 3 Ground Floor Plan	1080.P15 House 2 Sections &
1080.P12B House 3 Elevations	
1080.P13B House 3 Elevations	
1080.P11B House 3 First Floor Plan	
Tudor Roof Tiles Bat Access Tile Set	1080.P1 Site Location Plan (r
1080.P3B Site Plan	1080.Sk1 Perspectives
1080.P19A Reptile Mitigation Plan	1080.P14 Site Sections
1080.P18 Plan of North West Driveway	1080.P19 Visibility Splay Diaç

Gould Ecology, Ecological Environmental Impact Assessment May 2010  
Protected Species Survey, 25/9/2009, by S. Laurence  
Orchids survey, by David Tullis  
Landscape and Visual Impact Assessment, Plan A, April 2010  
Arboricultural Method Statement DJP, 16/3/2010

Reason: For the avoidance of doubt

Councillors Britton and Randall requested that their votes against the resolution be recorded.

79. **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 7.10 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](mailto:pam.denton@wiltshire.gov.uk)

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**Wiltshire Council**

**Southern Area Planning Committee**

**26 August 2010**

REQUEST FROM OFFICERS TO SECURE RETAIL USE RESTRICTIONS AND TRAVEL PLAN THROUGH PLANNING CONDITIONS RATHER THAN A SECTION 106 LEGAL AGREEMENT – APPLICATION S/2008/1389, PROPOSED DISCOUNT FOODSTORE, UNIT 2 BOURNE RETAIL PARK

## **1. Report Summary:**

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1.1 Members to consider the request from officers to vary the resolution to grant planning permission subject to all parties entering into a S106 legal agreement, as agreed on 25<sup>th</sup> June 2009 by Members of the Southern Area Planning Committee. Officers are now satisfied that the retail use restrictions and travel plan required by the S106 legal agreement can instead be secured through additional planning conditions.

## **2. Means of securing retail use restriction and travel plan:**

2.1 The background to this report is the resolution of the Southern Area Committee in June 2009 to grant permission for the use of a retail unit as a discount foodstore, subject to all parties entering into a S106 legal agreement to:

- a) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre); and
- b) Secure a Travel Plan which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36.

2.2 Negotiations between officers and the applicant over the content and wording of the S106 legal agreement took place over the summer/autumn of 2009, and a final draft agreement was issued by the Council on 6<sup>th</sup> November, 2009. Schedule 1 of the draft agreement states that:

*“1. Unless otherwise agreed by the Council pursuant to paragraph 6 of this Part 1, not to use Unit 2 for retail use other than as a Neighbourhood Foodstore.*

[a Neighbourhood foodstore is stated to be a retail foodstore operated by a Deep Discount Retailer ie a retailer which operates small stores in convenient locations close to residential areas selling a limited range of goods].

*2. Not to operate any of the following services from the Land*

- a. Butchers counter
- b. Fresh fish counter
- c. Delicatessen/cheese counter
- d. Hot food
- e. Banking facilities
- f. Dispensing facilities
- g. Dry cleaning services including the collection of garments or articles for cleaning off-site
- h. Post office services
- i. Lottery or scratchcard sales
- j. Photographic shop or booth
- k. Cafe/restaurant
- l. Sales of cigarettes and/or tobacco

3. Not to sell more than 1500 (one thousand five hundred) product lines from the Land at any one time without prior written authorisation from the Council such authorisation to be at the absolute discretion of the Council.”

2.3 The Council requires all parties with an interest in the land to enter into the S106 Agreement which includes the current tenants. However, the applicant states that it cannot complete the agreement as the current tenants, *Staples*, refuse to enter into it. Officers are not prepared to grant permission for the application without the current tenants being bound by the terms of the legal agreement, due to the potential risk that the tenant could implement the consent free of the retail restrictions and travel plan provisions contained in the S106 Agreement. If the tenant were to sublet or assign its interest the same result could follow. Negotiations over the legal agreement have therefore reached a stumbling block.

2.4 As a result of this situation, the applicant offered to pay the Council’s expenses to seek an opinion from Counsel on what means could be employed to secure the obligations contained in the S106 agreement without *Staples* being a party. The resulting Counsel’s opinion was that there was no means that this could appropriately be done through a S106 legal agreement without the tenants being a party, although it was suggested that this is a case where it may be appropriate for the relevant requirements to be put in the planning conditions rather than the S106.

2.5 Advice contained within the Government Planning Circular 11/95 “Use of conditions in planning permission” is that detailed lists of conditions, such as included within the draft S106 legal agreement, should not generally be restricted by planning conditions. The Counsel’s opinion advises, however, that this must be a matter of planning judgement for the Local Planning Authority depending on the facts of the case. Given that this is a situation where the matter cannot be dealt with by S106, and there are good planning reasons for restricting the goods sold, i.e. in the interests of maintaining the vitality and viability of the town centre, it is considered by Officers that a departure from the Circular is justified in this instance.

### **3. Implications of recent changes to retail/economic planning policy**

3.1 Since the original resolution to approve the application, Government policies relating to the economy, including PPS6 *Planning For Town Centres*, have been rationalised into



a single policy statement, PPS4 *Planning For Sustainable Economic Growth*. This new PPS still contains policy on retail related development, but with changes on how out of town centre retail development should be judged. However, Officers do not consider that these changes have materially altered the merits of the application, since the proposal is still considered to be acceptable in terms of the sequential approach and its impact upon the town centre, which remain as the main planning tests for such developments. The reasons for approval of the application, as originally given at the June 2009 planning committee meeting, will need amending by replacing references to PPS6 with PPS4.

#### 4. Options for consideration:

4.1 Members effectively have two options:

4.2 **OPTION 1** – That the request of Officers to secure the retail use restrictions and travel plan through planning conditions rather than a S106 legal agreement is accepted, with the reasons for approval updated to replace references to PPS6 with PPS4, and that the application be approved subject to the following conditions (new conditions highlighted in bold):

- 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: In the interests of the character, appearance and amenities of the area.

Policy: G2

- 3) **Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), “Unit 2” (as shown edged red in the submitted plan ref: API/BRP/SLP-02) shall be used only for the following purposes:**

**(a) a non-food retailer whereby the range and type of goods to be sold will be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores; or**

**(b) a food retailer with the following restrictions:**

- i) **Not to sell more than 1500 product lines from the unit at any one time [product lines are stated to be each stock keeping**

unit such that products or items of the same type e.g. baked beans, but of a different brand, weight, size, or shape shall be treated as separate items];

- ii) Not to use more than 20% of the net sales floor space for the sale of non-food comparison goods as defined in Annex A of PPS4;
- iii) Not to operate any of the following services: butchers counter; fresh fish counter; delicatessen/cheese counter; hot food, banking facilities; dispensing pharmacy; dry cleaning services including the collection of garments or articles for cleaning off-site; post office services; lottery or scratch card sales; photographic shop or booth; café/restaurant; sales of cigarettes and/or tobacco.

The use of "Unit 1" (as shown within submitted plan ref: 08.33.04) shall remain in those non-food retail uses cited in (a) above, as originally stipulated within condition 3 to planning permission S/2008/0965.

Reason: To safeguard the vitality and viability of the city centre.

Policy: G1, DP6, PPS4

- 4) The owners / operators of Unit 2 shall maintain accurate and up to date records of the number and type of goods on sale at any one time and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: In the interests of the enforceability of condition 3, to safeguard the vitality and viability of the city centre

Policy: G1, DP6 PPS4

- 5) There shall be no further internal subdivision of the building for the purposes of creating units of less than 935 square metres internal floor space.

Reason: In the interests of ensuring that units are still suitable for bulky goods and do not harmfully compete with the town centre.

Policy: G1, DP6, PPS4

- 6) No part of the development shall be occupied for a food retail use until a travel plan based on the Interim Travel Plan submitted with the application has been submitted to and approved in writing by the Local Planning Authority, and those parts identified within the approved travel plan as capable of being implemented prior to occupation have been duly implemented. Those parts of the approved travel plan that are identified as being capable of being implemented after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied for a food retail use. The records of the implementation shall be

**made available to the Local Planning Authority if requested.**

**Reason: In order to promote sustainable modes of travel to and from the site and to mitigate the impact of the development on the A36.**

**Policy: G1, G2**

- 7) Before development commences to implement a food retail use details of the cycle storage and bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of amenities and sustainable travel.

Policy: G1, G2

- 8) Before development commences to implement a food retail use a scheme to restrict shopping trolleys leaving the curtilage of the site (edged blue on the submitted site plan) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building for food retail purposes and shall thereafter be retained in relation to that use hereby permitted.

Reason: In the interests of visual amenity.

Policy: G1, G2

4.3 **OPTION 2** – That the request of Officers to secure the retail use restrictions and travel plan through planning conditions rather than a S106 legal agreement is not accepted.

4.4 The effect of this option would mean that planning permission would have to be refused, since without securing an appropriate legal agreement or planning conditions key planning requirements would not be met.

## **5. Consultation Undertaken**

None

## **6. Recommendation(s):**

That Option 1 be followed.

## **7. Background Papers:**

7.1 APPENDIX I – Original Officer report to the Southern Area Committee

Report Author: Charlie Bruce-White, Planning Officer  
Telephone: 01722 434379

## APPENDIX I

### ORIGINAL OFFICER REPORT TO COMMITTEE (25<sup>TH</sup> JUNE 2009)

7

Deadline	03-Oct-2008		
Application Number:	S/2008/1389		
Site Address:	UNIT 2 BOURNE RETAIL PARK BOURNE WAY HATCHES LANE SALISBURY SP1 2QQ		
Proposal:	VARIATION OF CONDITION 3 TO PLANNING CONSENT S/2008/0965 TO PERMIT A FOOD RETAIL USE OF UNIT 2		
Applicant/ Agent:	MR TREVOR ADEY SAVILLS (L&P) LTD		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	415907.811391473 129382.3708179		
Type of Application:	S73B		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

#### Reason for the application being considered by Committee

The Director of EDPH does not consider it prudent to exercise delegated powers due to the potential retail impact of the proposal upon the wider area, including the vitality and viability of Salisbury city centre.

#### 1. Purpose of Report

To recommend APPROVAL of the proposal subject to conditions and a legal agreement relation to the restricting of the retail use, and in relation to the securing of a Travel Plan in accordance with the Direction of the Highways Agency, following completion of which the Area Development Manager be authorised to approve planning permission subject to conditions.

(Members should be aware that regards an identical application, which was considered at the May meeting of the Southern Area Committee, the applicant has appealed to the Planning Inspectorate on the grounds that the Council have not determined the application within the statutory eight week period. Officers indicated that at that time, there were three outstanding issues related to the retail impact of the proposal on the vitality and viability of the city centre. Members chose to continue to fight that appeal.

Members should further note that following the previous officer report regards S/08/ 1635 and members resolution regards the appealed scheme, the applicants have now submitted further information, and that information has now been assessed by the Council retail consultant GVA Grimley. This report therefore highlights the planning issues, and whether the applicants additional information has overcome the previously expressed concerns of officers related to the appealed scheme.

If members consider that the applicant has overcome the previously expressed retail concerns regards S/08/1635, and wish to approve this current identical application, officers additionally request that they be granted delegated powers to inform the applicant and Planning Inspectorate that the Council no longer wishes to fight the current appeal, in relation to S/08/1635)

#### 2. Main Issues

1. Principle of development
2. Impact upon the vitality and viability of Salisbury town centre;
3. Access / Highway considerations.

#### 3. Site Description

The site relates to one third of an existing retail warehouse at Bourne Retail Park, situated off Southampton

Road, Salisbury. Currently the retail warehouse is occupied by *Sturtions & Tappers* furniture retailer and the office retail supplier *Staples*. The site is located in a commercial area and adjoins a large car park.

#### 4. Planning History

Application	Proposal	Decision	
95/0992	Retail warehouse space arranged in 2 buildings capable of various sub-divisions to suit individual operator's requirements & construction of vehicular & pedestrian access	A	30.10.95
98/1285	Application for a certificate of a proposed Lawful use for the sale of office furniture, Computers and other office equipment from Units 5 and 6 Bourne Retail Park in compliance with condition 11 of planning permission reference S/95/0992	A	10.03.99
03/2235	Internally illuminated static free standing gantry sign at Staples, Unit 1	R	17.12.03
05/0905	Subdivision of the Staples unit 5 & 6 and new mezzanine floor in each new unit	A	03.08.05
08/0965	External alterations to elevations and internal works to create two retail units	A	18.07.08
08/1635	Variation of condition 3 to planning consent S/2008/0965	Undetermined	

Members should also be aware that there is also another application for a discount foodstore lodged with the Council (S/2008/0550), related to the creation of a Lidl foodstore on the existing haulage site opposite the Wickes store off Hatches Lane. This application is subject of a separate officer report on this agenda.

#### 5. The Proposal

Planning application S/2008/0965 granted consent for the subdivision of Unit 1 Bourne Retail Park, currently occupied by *Staples*, to two smaller units. A bulky goods condition was applied to this consent, similar to how the existing units are controlled, in order to ensure that the type of retailers occupying the unit would not be those most likely to directly compete with shops in the city centre. This condition stated:

*The range and type of goods to be sold from the two retail units hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores.*

The applicants now wish to allow one of the subdivided units (referred to as "Unit 2") to be occupied by a discount food retailer. No end user for the unit is specified, but potential occupiers could include stores such as *Aldi*, *Lidl*, or *Netto*. The intention would be for *Staples* to then downsize and occupy the other subdivided unit. Consent is therefore sought to vary the bulky goods condition of consent S/2008/0965 in order to include a food retail use.

#### 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

Local Plan policies G1, G2, TR1, TR11, TR14

Structure Plan policies DP1, DP2, DP5, DP6, TR11

PPS1: *Sustainable Development*; PPS6: *Planning for Town Centres*; PPG13: *Transport*

Other planning documents of relevance include:

SDC Retail & Leisure Needs Study (October 2006)

The Salisbury Vision, including aspirations for the Southampton Road area

## **7. Consultations**

Wiltshire Council Highways	No objection to affect on the county highway.
Highways Agency	No objection subject to securing the implementation of the applicant's travel plan.
Environmental Health	No objection.

## **8. Publicity**

The application was advertised by site notice / neighbour notification

Expiry date 23/10/08

1 letter of objection was received on the grounds that a food retail use in the proposed location would have a significant impact upon the vitality and viability of the town centre.

## **9. Planning Considerations**

### **9.1. Principle of development**

The site is not specifically allocated for a food retail use within the Local Plan, and therefore the proposal should be considered on its merits in relation to guidance contained within PPS6. Section 3 of PPS6 sets out the relevant policy considerations which apply to the application. Applicants are required to demonstrate the following:

- The need for development, having regard to quantitative and qualitative factors;
- That the development is of an appropriate scale, having regard to the catchment area it is to serve;
- That there are no more central sites, within the existing town centre for the development, i.e. the "sequential approach";
- That there are no unacceptable impacts on existing centres; and
- That locations are accessible to their intended catchment by sustainable transport modes.

The following paragraphs address the above matters:

### **9.2. Impact upon vitality and viability of town centre**

Whilst the above criteria contained within PPS6 provide clear guidelines for assessing retail developments, matters are complicated in this case by several concurrent retail proposals and future development which require cumulative affects to be considered.

Other concurrent proposals and future developments include:

- The Tesco and Asda food store planning applications at Amesbury (Asda and Tesco), currently being

considered by the Planning Inspectorate following a recent public inquiry, with a decision not expected until later in the year;

- The Lidl food store planning application at Hatches Lane, off Southampton Road, currently being considered by the Council;
- The future planned redevelopment of the Maltings, which includes the provisions of a larger food store, as provided for within the Local Plan and plans for the forthcoming LDF and Salisbury Vision

Consequently, officers have employed consultants *GVA Grimley* to provide specialist retail advice on the potential impacts of the Bourne Retail Park and Lidl Hatches Lane planning applications, including their relationship with the proposed Amesbury and Maltings food store developments.

Taking into account this advice from *GVA Grimley*, the PPS6 criteria are examined below:

#### A) Assessing the Need for Development

PPS 6 is clear that “Need” must be demonstrated for the proposal as it is sited within an out of town location. Need is considered in both “quantitative” terms (i.e. is there sufficient demand expenditure in the catchment for the proposal?) and “qualitative” terms (i.e. will the proposal contribute to the overall retail offer of the catchment?).

The applicants retail assessment is specifically based on the fact that the proposal in question is a “deep discount foodstore” and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Dealing first with quantitative need, although the applicant initially demonstrated that there would be sufficient capacity for the store’s projected sales figures, their initial analysis took no account of the cumulative impact of other current proposals. *GVA Grimley* note that “If one or both of the current food store proposals proposed in Amesbury were to be permitted... we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms.” This is because residents in the Amesbury catchment who currently shop in Salisbury would be more likely to be drawn to a new Tesco and/or Asda in Amesbury, thereby reducing the turnover of the main Salisbury stores.

The applicant has however now supplied some additional clarification regards the cumulative impact of the proposals, and *GVA Grimley* has indicated that it is happy with the response.

As for qualitative need, it is noted that there are currently no such national multiple discount food retailers in the urban area of Salisbury, with the nearest being the Lidl store in Amesbury. The proposal would therefore meet this need, although *GVA Grimley* questioned the need for two discount food stores in the Southampton Road area, which would occur if both this and the Lidl Hatches Lane developments were approved. However, *GVA Grimley* advise that this is probably not a strong enough reason on its own to refuse the proposal.

As a result of *GVA Grimley*’s advice that the applicants further clarification is acceptable, (and the fact that judging by the public response to the Lidl application there appears to be a high level of support for a discount foodstore from the public), it is considered that the LPA should accept that there is a “need” for the proposal.

#### B) Securing the Appropriate Scale of Development

The size of the food retail area of the proposed store would be reasonably small for a multiple food store operator (just over 900sqm) and is not considered to be out of scale for the Salisbury urban area and its catchment. However, when taken with the concurrent proposal for a Lidl store at nearby Hatches Lane (approx 1640sqm), the scale of discount retail floorspace in the Southampton Road area would be relatively large, resulting in a less than ideal distribution across the urban area. However, as above, on its own it is not considered that this would be a strong reason to not permit the proposal.

#### C) Applying the Sequential Approach to Site Selection

The guidance contained within PPS6 states that developers should be “flexible” when exploring the possibility of more central sites and that all options in the centre should be “thoroughly assessed” [paras. 3.14 and 3.15

At the time the application was first submitted, the applicant undertook a sequential test to identify whether

there are any available sites within Salisbury city centre to accommodate the food store. However, since undertaking that initial assessment, the economic climate has altered considerably and a number of stores within the city centre have become vacant, including the former Woolworth's store.

The Council's retail consultant GVA Grimley considered that the applicants had not undertaken an appropriate sequential assessment, to demonstrate why a discount retailer could not practically operate from within the town centre. The applicant was therefore requested to supply additional, up to date information regards this matter.

The applicant has subsequently undertaken such an additional assessment which indicates that having looked again at the vacancies in the city centre, most vacant units were considered too small. Regards the vacant Woolworths store, the applicant goes on to indicate that this store would be unsuitable as its ground floorspace of 2,908sqm is considerably larger than that suggested for this proposal, and further indicates the former Woolworths store does not, in their opinion, lend itself to subdivision, and suffers because of a lack of adjacent parking and due to its awkward loading and delivery area, which requires HGV's to wait in the highway, and use a narrow alleyway to the side of the shop. There is apparently no loading area available to rear of the shop adjacent the river. The applicants also point out that the subdivision of the store would result in the loss of a large retail unit in the town centre.

GVA Grimley has indicated that it is now satisfied that this matter has been covered adequately, and consequently, the local planning authority is now satisfied that the applicants have undertaken an appropriate sequential assessment, and have adequately demonstrated why a discount retailer could not practically operate from within the town centre.

#### D) Assessing Impact

The guidance contained within PPS6 is clear that cumulative effects are an important consideration within the assessment of out of town development proposals upon the vitality and viability of existing centres [para. 3.21].

The applicants retail assessment is specifically based on the fact that the proposal in question is a "deep discount foodstore" and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Following concerns from GVA Grimley the applicant has now considered the cumulative impact of both its own application for a discount food store and the concurrent application for a second discount food store on Hatches Lane (Lidl). The applicant has also considered the implications of new food stores in Amesbury and the impact of the recent Tesco extension and potential redevelopment of the Maltings, which includes the provisions of a larger food store.

GVA Grimley has indicated that it is now happy with the applicants assessment of the impact of the proposal. Consequently, the local planning authority is now satisfied that the proposal, either by itself or cumulatively with other retail scheme (including the second discount foodstore scheme) will be unlikely to harm the vitality and viability of the city centre.

### **9.3. Access / Highway considerations**

#### E) Ensuring Locations are Accessible

PPS6 describes two factors which should be considered in terms of accessibility, first in terms of a choice means of transport, and second in terms of the impact on car use, traffic and congestion.

With regards to the impact of the development on car use, traffic and congestion, this is a key consideration within the determination of this application due to the potentially controversial nature of additional traffic on Southampton Road. The Highways Agency initially issued a Direction of non determination, whilst they requested further information from the applicant, which prevented the Council from progressing the application.

The applicant subsequently undertook detailed work to predict traffic generation from the proposed use, including new traffic flow counts and queue surveys at the Southampton Road / Bourne Way roundabout, and use of Highways Agency data to determine future traffic flow growth.



The results showed a net development trip generation of 16 additional two way trips during the Friday PM peak and 12 additional two way trips during the Saturday peak (which was found to be the busiest period during the week).

Both the HA and the highway department of this Council seem to accept that this proposal could add to the congestion within the road system around the site and Tesco's. However, this particular area is not adopted highway, and therefore the main concern of both highway authorities is the adopted A36 system, which in their opinion, would not be significantly affected, if a Travel Plan is adhered to, and which could result in a reduction of traffic in and around the application site. They also believe that any congestion generated on the unadopted road system around the application site and Tesco's car park would be self regulating.

The site would be accessible on foot and bicycle from the town centre and adjoining residential areas. There are bus stops situated on Southampton Road with regular trips from surrounding areas. It is noted that the proposal also presents opportunities to link trips given the site's proximity to other nearby retail uses. The applicants have also provided a travel plan to promote the use of such sustainable transport modes. With regards to parking matters, it is considered that appropriate levels of parking would be provided by the existing Bourne Retail Park car park, as per guidelines contained within Appendix VI of the Local Plan.

Consequently, based upon the forecasted traffic generation from a proposed food use, together with the submitted travel plan and recent traffic modelling, and taking into consideration that the existing retail unit already attracts traffic to the area, the Highways Agency do not consider that the proposal would have a materially harmful impact upon the strategic road network, and have removed the Direction. Securing the implementation of the travel plan by appropriate means would be essential were the application to be permitted.

Therefore, whilst officers understand the concerns related to additional traffic congestion around the application site, given the stance of the highway authorities regards this application that the suggested Travel Plan will create a situation where the proposed foodstore will ultimately have limited impact on the road system around the site, it is considered that a refusal on highways grounds would be difficult to support.

## **10. Conclusion**

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore (Lidl).

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

## **Recommendation**

That subject to all parties entering into a Section 106 Agreement to:

- a) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre); and
- b) A Travel Plan is entered into which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36 Road;

then the application be APPROVED, for the following reason:

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore (Lidl).

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, given that the existing retail store already generates traffic, and following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

and subject to the following conditions:

**1 :- FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS**

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 :- RETAIL- CONTROL OF SHOPPING TROLLEYS**

No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.  
POLICY--[G2 visual amenities and highway safety]

**3 :-** The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: In the interests of visual amenity  
POLICY G2 (general amenities)

**4 :-** There shall be no further internal subdivision of the building for the purposes of creating units of less than 935 square metres internal floor space.

REASON: In the interests of ensuring that units are still suitable for bulky goods and do not harmfully compete with the town centre.

5 :- The range and type of goods to be sold from the separate retail unit created in the other half of the existing unit currently operated by Staples (as permitted by permission S/2008/0965) shall remain as stipulated by condition 03 of that permission, namely the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores. The retail use of "unit 2" as defined by the red line of this application is covered by the S106 Agreement associated with this permission.

REASON: For the avoidance of doubt, and to ensure that the use of the remaining retail unit unit previous permitted is restricted, in order to limit the impact of the proposal on the vitality and viability of the city centre, in accordance with the aims of PPS6.

6 :- Before development commences, details of the cycle storage and bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: In the interests of amenities and sustainable travel  
POLICY G1 & G2

Appendices:	<p>As below APPENDIX</p> <p>Our Ref : CJBG/smr</p> <p>24 April 2009</p> <p>Ms N Styles Wiltshire Council 61 Wyndham Road SALISBURY Wiltshire SP1 3AH</p> <p>Dear Natasha</p> <p>FOODSTORE PROPOSALS, HATCHES LANE/BOURNE RETAIL PARK, SALISBURY</p> <p>You have asked us to consider the retail planning implications of two current applications involving foodstores on land at Hatches Lane and Bourne Retail Park in Salisbury. Specifically, we have been requested to consider the inter-related matters of need, sequential approach and impact, and any other retail planning policy issues raised by the proposals individually or cumulatively.</p> <p>The Proposal</p> <p>i) Lidl, Hatches Lane</p> <p>The first proposal, submitted by Lidl (UK) GMBh, involves land at Hatches Lane, currently occupied as a haulage business. The proposal is for a new foodstore comprising 1,640 sq m gross, 1,286 sq m net, to be occupied by Lidl as a discount foodstore. The site comprises .48 hectares and provides for a total of 91 car parking spaces. Lidl estimate that the store will provide up to 40 jobs, and the scheme provides for the existing haulage business to relocate to part of the site.</p> <p>ii) Unit 2, Bourne Retail Park</p> <p>The proposals for Unit 2, Bourne Retail Park, are submitted by Aberdeen Property Investors. We understand that consent has already been granted for external alterations</p>
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and works to create two new retail units at Unit 1&2 Bourne Retail Park of 929 sq m each. The applicant is seeking a variation of condition to broaden the range of goods to be sold to include a food retailer, and comparison goods falling outside the currently permitted range where they form a minor and ancillary part of the operation of the proposed stores. No named occupier is indicated, although in the supporting material reference is made to Aldi.

Savills' supporting material refers to Unit 2 having a 929 sq m gross internal area, but elsewhere assumes that the scheme would have a net sales area of 929 sq m. Savills estimate the convenience goods turnover of the store at 2013 at £2.6m assuming the entire net sales area is devoted to convenience goods. However, they also indicate that up to 20% of the turnover of the store could be accounted for by comparison goods, equating to circa £0.5m. Clearly if the unit only comprises 929 sq m gross, the estimated convenience and comparison turnovers assessed by Savills should be regarded as maxima.

Savills estimate that the store would create circa 39-49 additional jobs and could bring an increase in economic growth ie earnings of circa £0.59m per annum to what they indicate is the most deprived ward in South Wiltshire in terms of employment and income.

#### Policy Considerations

Both proposals are for discount foodstores; in the case of the Hatches Lane scheme this is confirmed as Lidl, but in practice based on the size of units involved we anticipate that either or both would be likely to attract discount retailers of the likes of Lidl/Aldi. As both applicants indicate, there are a substantial number of appeals/call in decisions which establish that the particular characteristics of deep discount retailers, selling a limited range of heavily discounted, predominantly convenience goods, with a more limited ancillary comparison offer should be taken into account when judging the retail policy implications of such proposals.

While the Bourne Retail Park application involves a variation of condition, and the Hatches Lane proposals involve development of a new store, having regard to the advice in PPS6 the same policy tests apply to both proposals ie:-

Demonstration of a need for the scale and form of floorspace proposed, having regard to quantitative and qualitative factors.

The appropriateness of the scale of the development, having regard to catchment that it is intended to serve.

The availability of alternative more central sites ie the "sequential approach".

The impact of the proposals, including their impact on planned investment in any nearby town centre and the vitality and viability of the town centre; and

The accessibility of the proposals to their intended catchment by alternative means of transport.

As the proposals are close to each other and likely to serve a similar catchment area, we anticipate that the overall level of accessibility by alternative means of transport to each is likely to be similar, although localised differences in accessibility and linkages may be material to the Council's consideration. Other planning considerations, including design, sustainability, and traffic and transport issues will also be relevant in judging the acceptability of each, and the relative merits of the proposals, but again these issues are outside our terms of reference.

Finally, we have not considered whether the Hatches Lane proposals raise any employment land issues, or whether any weight should be attached to the proposals for the existing haulage business, which also are matters the Council will judge in its consideration of the proposals.

We consider the key retail policy issues in turn:

#### Quantitative and Qualitative Need

RPS refer to the previous GVA Salisbury Retail Study which identified circa £2.6m of convenience goods capacity in the Salisbury urban area by 2011, rising to £11.78m by 2016. RPS has re-worked the Retail Study, taking into account the now completed Tesco extension and making an allowance for an increase in turnover attributable to the potential redevelopment of Sainsbury's. RPS has also made a number of minor adjustments to the Retail Study, including re-basing the survey results to factor in where respondents indicated they "don't know" where they do their convenience shopping, on the basis that RPS consider this understates the amount of available expenditure.

Savills has also undertaken its own assessment of convenience shopping needs, based on the Retail Study. Savills suggest a more conservative estimate of £7.99m of capacity at 2013 after taking into account the recent Tesco extension, and have not factored in the effects of a new Sainsbury store in the city centre.

In terms of quantitative needs, the GVA Study and the RPS/Savills assessments all identify more than sufficient capacity for one of the proposed stores by 2011, and both by 2016. The RPS capacity projections are the highest, and we would suggest they should be treated with a degree of caution. This baseline analysis takes no account of the potential implications of a major new foodstore in Amesbury, which would have the effect of reducing the turnover of the main Salisbury stores, and reducing the identified capacity arising within the Salisbury urban area. If one or both of the current food superstore proposals proposed in Amesbury were to be permitted, therefore, we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms.

We consider there is a qualitative need for a discount foodstore in the Salisbury urban area. A deep discounter such as Lidl or Aldi would provide additional choice and competition, and would provide additional benefits including local employment. In these circumstances, having regard to both the quantitative and qualitative considerations, we consider there is a sound case to support a new discount foodstore in this area.

The case for supporting both proposals at the current time is more marginal in our view and while there would be some additional benefits of further choice and competition between discount foodstores, these would be relatively limited. The quantitative case for two foodstores would be likely to be undermined by approval of a large foodstore in Amesbury and the potential redevelopment of Sainsbury's to provide a large store in the city centre.

The locational benefits of providing a modern deep discount foodstore to serve local needs would also be duplicated by two stores, and would not result in a good distribution of such facilities relative to the local population. In these circumstances, we are not convinced that there is a need for both proposals in such close proximity to each other. However, as you will be aware, DCLG has stated the intention is to drop the needs test. On this basis, while this may constitute a valid reason for refusal at this time, we would not recommend reliance on this reason for refusal.

#### Scale

We consider that individually, either proposal would be regarded as being of an appropriate scale to this location and the wider needs of this part of Salisbury. We would question whether it would be appropriate to support two discount foodstores in close proximity in this part of Salisbury, and as outlined above, would suggest there would be material advantages from securing a more sustainable distribution of local convenience shopping facilities in order to better serve the needs of Salisbury residents. However, we do not consider this in itself provides a valid reason for refusal.

#### Sequential Approach

Both applicants have addressed the requirements of the sequential approach, and have

considered the availability of sites and vacant units in Salisbury city centre. RPS has confined its search to sites of .48 hectares or more, having regard to the guidance in PPS6 and experience of other planning inquiries, based on a required minimum sales area of 1,063 sq m net. Savills has confined its search to units of not less than 929 sq m net, and both applicants highlight the importance of a regular sized single level unit with adequate servicing and some adjacent car parking to cater for shoppers undertaking “bulk” purchases. We consider this approach is reasonable having regard to the guidance in PPS6 which acknowledges the relevance of the applicants business model.

Both applicants have considered and rejected the sites identified in Salisbury city centre. Clearly there is significant potential within the city centre, and we recommend that the Council considers the steps needed to bring forward the identified development opportunities, and adopt a proactive approach to bringing sites forward to accommodate retail development within and on the edge of the existing primary shopping area as a key priority. However, based on the issues which need to be addressed and overcome, and the timescales involved in complex town centre developments, we anticipate that none of the sites identified would realistically be available within the short term 2/3 years.

Both applicants have reviewed the availability of vacant units in the town centre. RPS indicate there are no vacant units in the centre which would meet the requirements stipulated in their approach. Savills have also considered vacancies and identified 42 vacant units in the city centre ranging from 20 to 610 sq m which they consider are too small, even when displaying a significant degree of flexibility, to accommodate a national multiple discount food retailer.

We are aware that the former Woolworth’s store has become vacant since completion of the applicant’s supporting statements, and having made investigations understand this comprises circa 2,908 sq m gross. Whilst this unit is significantly larger than either proposal, the option of sub-division should be explained. We understand that the store does not have dedicated customer parking, which we consider may be a significant issue having regard to the requirements of bulk food shopping.

Whilst we understand that the unit is currently available, given the length of time that the unit has been vacant, an alternative operator may have been secured.

However, we would expect the applicants to consider this and any other options which may have become available since completing their assessments, and to set out clearly why they consider this option would not be capable of accommodating the requirements of a discount food retailer.

#### Impact

Both applicants have considered impact having regard to the guidance in PPS6. Savills have not carried out a quantitative impact assessment, but instead rely on a commentary on what they consider to be the likely impact implications of the proposals. RPS has undertaken a quantitative assessment, and estimates the proposed Lidl store would have an impact of circa 1% on each of the town centre foodstores and other town centre retailers, which would not be a cause for concern. Neither applicant has attempted to consider the cumulative impact of both proposals, or to take into account the implications of a new large foodstore in Amesbury and/or the cumulative impact of the recent Tesco extension and potential Sainsbury’s redevelopment in the city centre.

We consider the impact of a new discount foodstore in this general location would be unlikely to give cause for concern having regard to the guidance in PPS6. Based on the convenience goods turnover of the proposals, which are estimated at between £2.6-2.8m, we anticipate the majority of impact would fall on the nearby out of centre Tesco, and the impact on retailers in the city centre would be limited. We do not expect this level of impact would be likely to prejudice investment in the town centre (subject to consideration of the vacant Woolworth’s unit as above) nor do we consider this level of trade diversion would in itself lead to any significant adverse effect on the turnover or vitality and viability of Salisbury city centre.

Any adverse impact should also be weighed in the balance, having regard to the beneficial effects of new investment in a deprived area, the creation of new employment, and the additional contribution to choice, competition and productivity which a discount foodstore would bring in this location.

We consider the cumulative impact of both discount stores being permitted would, in itself, also be unlikely to be a cause for concern. Inevitably if two discount operators located in such close proximity there would be a significant "mutual impact" and the turnover expectations of both stores would be materially reduced. The majority of the additional impact would still be likely to fall on the nearby Tesco is a large success out of centre store and is not in any event "protected" by policy. The additional incremental impact on Salisbury city centre would be limited, but would be higher than one, and this factor should be weighted in the balance when considering the merits of supporting two stores in this location.

If one or both of the current food superstores currently proposed in Amesbury was permitted, we consider there is a more significant concern at the cumulative impact of new development in Amesbury and the recent extension of Tesco in Salisbury. The combined effect of these proposals could be to lead to a reasonably significant impact on existing town centre foodstores, notably the city centre Tesco which the Salisbury Retail Study identified to be one of the less well performing stores in the centre. Any adverse impacts arising from these stores could be compensated by the positive effects of a new extended Sainsbury's store as part of The Maltings development although the timescale and viability of this development appears uncertain.

In these circumstances, we consider there is a potential concern at the cumulative impact of Amesbury proposals, Tesco extension and one or more discount retailers which could cumulatively affect the position of one of the existing food supermarket anchors in the town centre. In these circumstances, the levels of impact involved could bring into question the viability of one or more of the current city centre foodstores, which would be a cause for concern.

Clearly it is difficult at the current time to assess the implications of every possible permutation of new development. Our overall view is that even taking into these factors, the impact of a single discount foodstore would be limited, and would be unlikely to constitute a sound reason for refusal. However, allied to the points outlined above, we would question whether it would be appropriate to support two similar discount foodstores in such close proximity where the additional benefits generated would be more limited, and where the potential for additional cumulative impact, over and above other proposals in the area, would be more pronounced.

#### Conclusions

Both proposals are likely to be occupied by deep discount food retailers and both are required to satisfy the key policy tests ie need, scale, sequential approach, impact and accessibility. There are no clear retail policy reasons for favouring one application over the other.

There is identified quantitative and qualitative need for a discount foodstore. There may be sufficient quantitative capacity to support both proposals over the next 3-4 years, although this is to some extent subject to the scale of development permitted at Amesbury. While two stores would provide additional employment and local regeneration, the qualitative case for a second store in this location is less compelling.

A discount foodstore as proposed is of an appropriate scale in this location. However, the provision of two similar stores in such close proximity would not provide a particularly sustainable distribution of convenience facilities serving the Salisbury catchment. In these circumstances, even if there was sufficient quantitative capacity to support both, we consider it would be more appropriate in terms of scale to seek a better distribution of stores relative to local needs. However, we are not convinced that this represents a reason for refusal.

Both applicants have applied a sequential approach, and we are satisfied that there are no sites which could be regarded as currently available, suitable and viable within the city centre on the edge of the centre to accommodate a discount foodstore at the current time. Neither applicant has considered the vacant Woolworth's unit in Salisbury which is potentially large enough to accommodate the requirements of a discount food retailer, and both applicants should be requested to consider this option.

We do not consider either proposal is likely to have any adverse impact on the vitality and viability of the city centre in itself. If both applications were permitted and able to secure operators, we consider they would impact on each other and on the nearby Tesco, and their combined impact on the city centre would not be likely to undermine its vitality and viability.

However, both the need for, and impact of the proposals will be to some extent influenced by the outcome of the call in inquiry into current proposals for Amesbury. A new food superstore in Amesbury would materially reduce the capacity identified in the Salisbury area, by recapturing trade currently lost from Amesbury, and will lead to an impact on the city centre which would be compounded by the recently completed Tesco extension and the current application proposals. Neither applicant has considered the cumulative impact of those proposals which should be tested prior to the grant of planning permission.

If your Council decides to approve one or both proposals, we would recommend the imposition of planning conditions relating to the net sales floorspace, stipulating that the stores are to be occupied by discount retailers, and specifying that any comparison goods sales should be ancillary to the proposed foodstore.

Please do not hesitate to contact me if you would like to discuss.  
 With best wishes,  
 Yours sincerely

CHRIS GODDARD  
 Executive Director

Background Documents Used in the Preparation of this Report:	PLANS AND DATE RECEIVED API/BRP/SLP-02 – 6 <sup>TH</sup> AUGUST 2009 08.33.03 –6 <sup>TH</sup> AUGUST 2009 08.33.04 –6 <sup>TH</sup> AUGUST 2009
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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs
S/2009/1893	61 The Borough Downton	WR	DEL	WD		
S/2009/1933	Land Adjacent Flamstone Street Bishopstone	WR	DEL	DISMISSED		

### New Appeals

Application Number	Site	Appeal Type	Delegated/ Committee	Decision	Overturn	Costs Applied for?
S/2009/1903	The Corn Mill, Croucheston	WR	COMMITTEE			
S/2010/0279	Land Adjacent Manor Farm, 31 Church Road Idmiston	WR	Delegated			
S/2010/0282	Land Adjacent Manor Farm, 31 Church Road Idmiston	WR	Delegated			

**WR** Written Representations  
**HH** Fastrack Householder Appeal  
**H** Hearing Local Inquiry

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# Agenda Item 8

## INDEX OF APPLICATIONS ON 26 AUGUST 2010

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>	<b>DIVISION MEMBER</b>
1	S/2010/0869	SITE ADJACENT TO ROSE & CROWN, 39 HIGH STREET, BULFORD, SP4 9DS	PROPOSED DETACHED DWELLING HOUSE WITH DORMERS AND NEW ACCESS ONTO HIGH STREET	APPROVE S106	CLLR SMALE
2	S/2010/1015	BOWLES BARN AND YARD, THE PORTWAY, WINTERBOURNE GUNNER, SP4 6JL	CONVERSION AND EXTENSION OF EXISTING BARN TO FORM TWO BED DWELLING. REPAIR EXISITNG AND REBUILD COLLAPSED YARD WALLS TO FORM ENCLOSED GARDEN AREA. BLOCK UP EXISTING ACCESS ONTO THE PORTWAY (C56) AND FORM NEW VEHICULAR ACCESS WITH IMPROVED VISIBILITY	REFUSE	CLLR HEWITT
3	S/2010/0809	MILFORD HOUSE NURSING HOME, SALISBURY, SP1 1NJ	SINGLE STOREY EXTENSION TO PROVIDE 12 ADDITIONAL BEDROOMS AND ASSOCIATED FACILITIES	APPROVE S106	CLLR MCLENNAN
4	S/2010/0810	MILFORD HOUSE NURSING HOME, SALISBURY, SP1 1NJ	SINGLE STOREY EXTENSION TO PROVIDE 12 ADDITIONAL BEDROOMS AND ASSOCIATED FACILITIES	APPROVE S106	CLLR MCLENNAN

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Deadline	06 <sup>th</sup> August 2010		
Application Number:	S/2010/0869		
Site Address:	SITE ADJACENT TO ROSE & CROWN 39 HIGH STREET BULFORD SALISBURY SP4 9DS		
Proposal:	PROPOSED DETACHED DWELLING HOUSE WITH DORMERS AND NEW ACCESS ONTO HIGH STREET		
Applicant/ Agent:	MR PATRICK OETIKER - SIXTEEN TWENTY EIGHT		
Parish:	BULFORDBUL/ALLING/FIGH		
Grid Reference:	416811.496788502 143526.042391926		
Type of Application:	Full		
Conservation Area:		LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

Application Number:	S/2010/0869
Proposed Development:	Proposed detached dwellinghouse and new access onto High Street at site adjacent to Rose and Crown, 39 High Street, Bulford
Officer Report	

Reason for the application being considered by Committee

Councillor Smale has requested that this item be determined by Committee due to the visual impact upon the surrounding area, the design, bulk, height and general appearance, and the very strong objections from the Parish Council.

1. Purpose of Report

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

Neighbourhood Responses

2 letters of objection received

Parish Council Response

Strong objection

## 2. Main Issues

The main issues to consider are:

1. The principle of development;
2. The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area;
3. The impact of residential use on adjacent uses and vice-versa;
4. The impact on highway safety
5. Other considerations

## 3. Site Description

The application site consists of vacant land between an existing public house (the Rose and Crown) and residential dwelling and a church hall, off High Street in Bulford. A public footpath runs to the rear of the site.

In planning terms, the site is within Bulford's Housing Policy Boundary but outside of the Conservation Area (which starts beyond the public house). It is also within an Area of Archaeological Significance.

## 4. Planning History

Application number	Proposal	Decision
S/2009/1623	Proposed detached dwellinghouse with dormers and new access onto High Street	Withdrawn 10th December 2009

## 5. The Proposal

The application proposes the erection of a three bedroom, two storey dwelling of modern design between the existing public house (the Rose and Crown) and 41 to 45 High Street in Bulford. The dwelling would have an 'L' shaped footprint covering much of the plot's width, though only part of its depth.

The dwelling would measure approximately 13m by 8m, with a height of approximately 5.2m. It has been designed to appear in a 'block' form with flat roof, extensive glazing and overhang at the front. The materials would be horizontal stained timber cladding at first floor, white painted render at ground floor and aluminium windows.

Also proposed is a (relatively small) grassed amenity area to the front, and brick paved turning area. A car turntable is proposed to ensure that vehicles can enter and leave the site in forward



gear. Timber fencing is proposed for the boundary treatments.

## 6. Planning Policy

The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan (saved policies)

G1, G2 – General Development Criteria

D2 – Infill Development

H16 – Development within Housing Policy Boundaries

CN11 – Views into and out of Conservation Areas

CN21 – Areas of Archaeological Significance

R2 – Public Recreational Open Space

TR13 – public footpaths

National Planning Policies

PPS1 – Sustainable Development

PPS3 – Planning and Housing

PPS5 – Planning and the Historic Environment

PPG24 – Planning and Noise

## 7. Consultations

Bulford Parish Council

Very Strong Objection, for the following reasons:

Over-Development of a very small and eccentrically shaped site.

The proposed structure would dominate and overshadow the Public Footpath (Bulford ROW 6) that borders the site on the east side of the site. This Footpath already tends to be dark and over-shadowed and, as such, frequently, attracts acts of hooliganism. This proposed development would exacerbate this problem.

The proposal affords no facility for the turning of motor vehicles on site other than by mechanical means. Since this method of turning is relatively cumbersome, inevitably this would degenerate into the reversing of vehicles in or out of the site via the entrance on the main road (A3028 - The High Street). The recent development of the road junction with the A303 at Folly Bottom, has resulted (and continues to result) in ever-increasing use of the A3028 by vehicles of all shapes, sizes, and weights. This would be compounded by lorry deliveries to the immediately adjacent vehicular entrance to the Public House.

The site, in its entirety is overlooked by the immediately adjacent Public House.

At present, the site serves as a small, green buffer in the centre of a fairly closely developed

area; to fill it in a wanton way with this sort of development would be entirely detrimental to the area and its surroundings.

### Design

The proposed structure is startlingly unorthodox in architectural character. Since the site lies close to the edge of the Bulford Conservation Area (and therefore liable to more than normal consideration) and since it immediately borders a number of listed buildings of conventional designs appropriate to their day, it would be wholly out of character with its surroundings.

The argument that has been put forward that it is better to introduce a fresh approach, rather than to attempt to copy the characters of the surrounding buildings, is considered to be a simplistic sophism, since it flies in the face of the whole concept of the conservation of character within an area.

Even accepting that design is a subjective matter, and even conceding that this design might (possibly) be accepted in an urban environment or on an Industrial Estate, in this setting it would be so ugly and out of character as to take one's breath away; it is the opinion of Council that it is an example of the worst kind of gimcrack, modern architectural design that is in danger of ruining the face of rural England today.

### Environmental Considerations

The proximity of the site to the Public House and to the Working Men's Club raises an environmental objection - both, on occasions, are sources of substantial noise pollution and concentrations of motor vehicles and people. The applicant trivialises this on the grounds that this is "... nothing that a solid set of walls and good windows can't overcome", but there are many who would disagree with him and future owners/tenants might well be amongst their number. If allowed to go ahead, the proposed residential house would be a source of friction and complaint waiting to happen.

The proximity to the large and very busy Murco Garage lying immediately to the east of the site raises yet another environmental objection. The comparatively recent development of this substantial Garage, in the middle of a well-developed residential area, was extremely controversial at the time and only succeeded, after two appeals, for historical reasons that legally could not be gainsaid; further residential development close to this facility makes no sense and would not be supported by Council. Apart from fumes, noise, and light pollution, the now very substantial underground fuel storage needs to be taken into account.

### Conservation

It is understood that the Conservation Officer has raised no objection to this proposal. Council is at a complete loss to understand this as her objections at the time of the last proposal (S/2008/358 dated 22 Feb 2008), ignoring the question of design and taking only those pertinent to the site itself and its proximity to the Conservation Area, were similar to those stated above.

### Highways

This is an amendment to a previous application that was withdrawn in 2008. As such it is recommended that no highway objection be raised subject to conditions being attached to any

permission granted relating to the turntable (being kept clear); the surfacing of the access for the first 5m; gates being set back 4.5m from the carriageway and opening inwards only; details of surface water discharge.

## Conservation

As you will be aware, concerns were raised about the development of the site, not particularly in relation to the impact on the listed building (which is close but which faces in a different direction and is therefore not read with this site) but because of the close proximity of the historic pub, which merits a 'respectful' space; and the impact an opening in the hedge will have in relation to the street scene ie a loss of enclosure. Having said this, the site is not within the Bulford Conservation Area and it is unlikely that the boundary would ever be extended to include this area given some of the development that has taken place in recent years.

In respect of the design, The Conservation Officer defers to the comments of the Design Forum who were presented with two options for the development of the site – a contemporary scheme and a more 'traditional' scheme. The Conservation Officer's view is that a contemporary scheme would be a more dynamic and interesting incursion into the area. Aping the traditional is rarely wholly successful and more likely to detract from adjacent historic buildings.

## Design Forum

The proposal involves the construction of a single house on a narrow 'triangular' plot of land. Access to the site would be via a gate at the front of the site. Because of the narrowness of the plot and Highways' requirement that any driver should exit the site in a forward gear, the applicant proposes to install a mechanical turning circle.

The site is not in a Conservation Area but it is bordered on one side by the Rose and Crown Pub, an attractive 19th century unlisted pub, and on the other side by the gardens of three houses [in fact one is a church hall], two of which are listed. There is a narrow public footpath to the rear of the site. The predominant local material palette is flint and red brick.

The shape of the site and the need to avoid overlooking significantly constrains siting options. The applicant proposes to site the proposed dwelling to the rear of the plot, with the back and left-hand wall of the house following the rear and side boundary. Two design options were presented to the panel.

The first option was for a contemporary scheme with an L-shaped footprint, using render at the ground floor and with a jettied first floor with horizontal timber cladding. The proposed roof is flat with either a single-ply or sedum roof.

The second option was for a new building with a more traditional appearance i.e. that of a barn or outbuilding. It would be constructed of shiplap boarding and a clay tile roof. It would be one-and-a-half storeys in height – but with the eaves lower at the front to give the appearance of a single storey building.

The panel felt that the contemporary scheme had been approached with more conviction than the traditional scheme. Because of the narrowness of the site, the panel opined that views of the new building from the street, would be limited. The panel recommended that the architect consider a shallow pitch to the roof and a sedum roof which would provide some 'softness' to

the building. The panel felt that the glazing of the building needed to be reconsidered; in particular they felt that the single storey flat roofed area could be glazed to give the ground floor more natural light.

In terms of the traditional scheme, this was thought to be rather tame. The panel questioned why a barn/outbuilding and not a detached traditionally detailed house was being proposed. The panel was concerned about individual elements such as the maintenance of timber cladding hard up against boundaries and the potential lack of light (it was felt the roof could sustain more openings and that the ground floor could sustain much more glazing).

In conclusion, the panel preferred the contemporary scheme which it felt had been handled with more conviction, and liked elements such as the horizontal emphasis of the first floor which echoed the flint banding on the nearby listed buildings. It felt that the architect needed to consider future maintenance of the elevations/roof and give greater thought to the light issue, design of the glazing, materials palette and outside storage issues before submitting the application. The panel also recommended that the applicant consult Bulford Parish Council before proceeding with the application.

#### Environmental Health

We are happy with the system that they have proposed which will provide rapid ventilation to the occupants/rooms and the system will reduce the noise impact on the occupants. A scheme of housing called Passive housing employs this system and people choose to live this way. With this system in place and the windows kept shut there should be adequate airflow into and out the property. Mechanical ventilation will provide adequate living conditions for the occupants.

#### Archaeology

No Objection

#### 8. Publicity

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 15th July 2010.

2 letters have been received (one from CPRE), raising the following objections:

The proposed design is inappropriate for the adjacent Conservation Area and for the nearby listed buildings of conventional designs;

The proposed roofing material is ugly and out of place;

Surrounding structures are brick and/or flint therefore a wooden structure will be out-of-place;  
Inability to turn vehicles other than by mechanical means, meaning that vehicles are likely to reverse into or out of the site from the main road;

The site is entirely overlooked by the immediately adjacent public house;

Fire hazard because of the close proximity of dwelling to others;

Increased noise levels resulting from the dwelling;

Proposed dwelling use would conflict with church hall, public house, petrol filling station;

Loss of open land which complements current public uses;  
Disturbance caused by building works;  
Overlooking of land regularly used by children under 16 (church hall youth club);  
Loss of light;  
Trees were cut down in October 2009 and temporary fence erected on land owned by others

## 9. Planning Considerations

### 9.1 The principle of development

The site lies within the Housing Policy Boundary of Bulford. As such, Local Plan policy H16 permits the development of infilling and small-scale re-development in principle, provided that it does not constitute tandem or inappropriate backland development; does not result in the loss of an important area of open space and does not conflict with the Local Plan's design policies, as well as meeting other Local Plan requirements.

It is considered that the proposal does not constitute unacceptable tandem or in appropriate backland development, given that the dwelling would face the highway (albeit being set well back) and would not have intervening development between. The land is overgrown and unused and the proposal would not involve the loss of important open space. In principle development of this site would comply with Local Plan policy H16, but subject to detailed considerations (including design), below.

### 9.2 The impact on the character and appearance of the area, including the effect on the setting of adjacent listed buildings and the nearby Conservation Area

The Parish Council and local residents have expressed concern about the design of the proposed dwelling and the impact on the character and appearance of the area, including the adjacent listed buildings and the nearby Bulford Conservation Area. In particular, they are concerned about the 'unorthodox' design being ugly, out of place and unreflective of the design of surrounding dwellings.

Local Plan policy D2 is relevant. It requires that proposals for infill development must respect or enhance the character and appearance of the area in terms of the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths. Infill dwellings should also respect or enhance the architectural characteristics of the area and materials of adjoining buildings.

Government advice in PPS1 (paragraph 34) says that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Paragraph 38, however, says that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

In this case the architectural characteristics of the surrounding area are varied, although generally follow 'traditional' lines. The adjacent Rose and Crown, immediately to the north, is a brick and flint public house of attractive design and proportions though it is not listed. To the

south are 41 to 45 High Street, dwellings and a church hall, of which numbers 41 and 43 are listed. These are also of brick and flint and date from 1769, being a former farmhouse, now divided into two dwellings.

Beyond these, further to the south, are a row of modern terraced bungalows. To the west (opposite the site) are a number of brick two storey dwellings of fairly bland and unremarkable modern design. To the east is a petrol filling station and further relatively recent (possibly 1980s) residential development.

In light of the unusual design of the proposed dwelling and the proximity to the listed buildings, the advice of the Conservation Officer and the Design Forum has been sought. The Conservation Officer had initial concerns about the principle of development because of the need for the public house to have 'respectful' space. However, it is accepted that the pub is not listed, the site is not within Bulford's Conservation Area and that this site is unlikely to have ever formed part of the pub's surroundings.

In design terms, both the Conservation Officer and the Design Forum were supportive of the modern approach proposed here. The Conservation Officer encourages the 'dynamic and interesting incursion' of the proposal while the Design Forum say that views of the new building from the street would be limited, and that the horizontal emphasis of the first floor echoes the flint banding on the nearby listed buildings.

Indeed the Design Forum were presented with an alternative, more traditional, form of development (albeit perhaps less-enthusiastically presented) but still preferred the modern design. Although some of the Forum's suggestions have not been taken up by the applicant (for instance a shallow roof and/or sedum roof) they were nevertheless supportive of the basic concept and design.

In terms of the impact of the listed buildings, it is considered that these and the pub would remain the predominant features of the street scene and that the new dwelling would not harm their setting. Meanwhile Bulford's Conservation Area starts on the other side, and to the rear, of the Rose and Crown, and the proposed dwelling would not be visible from within the Conservation Area.

Public views from the highway are largely screened by the pub or ameliorated (though not entirely screened) by hedging fronting the road boundary. Although the dwelling would be visible from High Street above existing hedging at some points (as well as being seen from the footpath to the rear), it would not be overly dominant in the street scene.

In light of this, it would be difficult to defend an appeal on the grounds of unacceptable design. Although the pub and listed dwellings are brick and flint in terms of their materials, there is not a particularly cohesive local distinctiveness that it can be said the current proposal would not respect.

In terms of plot widths and the risk of 'over-development', the dwelling would largely fill the width of the plot at its western end, but there other examples of existing dwellings that fill the plot width, including the adjacent 43 High Street. The length of the site also helps reduce the impact of the dwelling on its surroundings. It is difficult to conclude that the proposal would result in a 'tight' or cramped' pattern of development.

Overall, it is considered that the proposed design would not be unacceptable, and that the dwelling as proposed on this site would not harm the area's character and appearance. It is

considered that proposal would be acceptable having regard to Local Plan policies G2 and D2, and the advice in PPS1.

### 9.3 The impact of residential use on adjacent uses and vice-versa

Consideration has been given to the impact of the proposal on adjacent uses (and vice-versa), including the impact on the public house, on the church hall, and from the petrol filling station.

The Council's Environmental Health department expressed initial concerns that the proximity of the public house to the proposed dwelling would result in an incompatibility of uses. They were concerned that noise and disturbance from the public house would be likely to affect the amenities of occupiers of the future dwelling, and that complaints generated from the new dwelling could affect the operation of the pub. Environmental Health were also concerned that the proximity of the petrol filling station could also affect the amenities of the dwelling.

The dwelling has been designed so that there would be no windows on the north, east and south elevations, so no windows would face the pub, filling station or church hall, and all windows (other than flat rooflights for the bathrooms) would face west.

Furthermore, the applicants have undertaken a noise assessment through a firm of Environmental Consultants. PPG24 sets out four noise exposure categories (NEC), based on World Health Organisation guidelines, for determining the effect of noise. The applicant's noise assessment identified that during the daytime the level of noise on the site falls within category A, where noise is not a material consideration.

During the night time, however, the level of noise translates into NEC B, where noise is a material consideration. The reason for increased noise levels at night time relates to lower background noise levels and a greater expectation of quiet. This means that the effect of a chiller unit at the back of the pub is that much greater during the night compared with daytime levels.

In response to this, the applicant's consultants recommended either that the chiller is relocated (with the agreement of the public house), or that mechanical ventilation is provided to the proposed bedrooms to mitigate against the noise of the chiller unit and ensure that noise within the dwelling falls within acceptable levels. The applicants have proposed the latter.

The Council's Environmental health department has reviewed the submitted noise assessment and considers that it is acceptable. They consider that the proposed noise mitigation methods of mechanical ventilation would be acceptable and reasonable, would provide adequate living conditions, and would overcome their initial objections.

In relation to concerns expressed by others, there is no reason to believe that siting one house next to another would lead to unacceptable fire risks. Access for the emergency services is a matter to be considered under the Building Regulations. Overlooking of land used by children is not a sustainable reason to refuse planning consent. In fact any overlooking of the church hall would be oblique and no worse than occurs at present. It is considered that the proposed dwelling would be sufficiently far away from neighbours for it not to result in an unacceptable loss of light or outlook. Disturbance from building works could be limited to acceptable hours by condition.

It is considered that the proposal would not be unacceptable in terms of its proximity to other uses, and that it would not conflict with saved Local Plan policy G2.

#### 9.4 The impact on highway safety

Consideration has been given to the impact on traffic and highway safety. Initial concerns were expressed by the Highways Department about vehicles being able to enter and leave the site safely. In response the applicants have proposed a 'car turntable' where cars are turned within the site enabling them to drive in and out of the site in forward gear.

Although the Parish Council has expressed concern at the long term suitability of this solution, the Highways Department have accepted the use of the turntable and now raise no objection. On this basis, a reason for refusal on highway grounds would be difficult to defend at appeal, and it is considered that Local Plan policy G2 would be satisfied in this respect.

#### 9.5 Public Recreational Open Space

Local Plan policy R2 requires that all new residential proposals must provide for additional public recreational open space facilities. For schemes of less than 10 dwellings, a financial contribution is normally sought, secured by means of a legal agreement under s106 of the Town and Country Planning Act.

It is considered that such a contribution is required in this case, and that permission should therefore be subject to a legal agreement being submitted by the applicant.

#### 9.6 Other considerations

Any cutting down of trees would not have required permission. The opening in the hedge has already occurred and again would not have needed consent. In relation to the footpath to the rear, the path is already somewhat dark and gloomy, though the dwelling would add to this to some extent. The applicants have proposed that lighting could be installed to counteract this impact. It is considered that this could be secured by condition.

### 10. Conclusion

The proposed development would not harm the character or appearance of the area, including the setting or nearby listed buildings or views into/out of the Bulford Conservation Area. It would not result in unacceptable living conditions or have an adverse impact on neighbouring uses. It would not result in harm to highway safety or any other material planning consideration.

It would therefore comply with saved policies G1, G2 (General Development Criteria), D2 (Infill Development), H16 (Development within Housing Policy Boundaries), R2 (public recreational open space), CN11 (Views into and out of Conservation Areas) and CN21 (Archaeology) of the Adopted Salisbury District Local Plan and national advice in PPS1 (Sustainable Development), PPS3 (Planning and Housing) PPS5 (Planning and the Historic Environment) and PPG24 (Planning and Noise).

### Recommendation



Subject to the submission of a unilateral agreement under s106 of the Town and Country planning Act 1990, in relation to public recreational open space, it is recommended that planning permission is GRANTED for the following reason:

The proposed development would not harm the character or appearance of the area, including the setting or nearby listed buildings or views into/out of the Bulford Conservation Area. It would not result in unacceptable living conditions or have an adverse impact on neighbouring uses. It would not result in harm to highway safety or any other material planning consideration.

It would therefore comply with saved policies G1, G2 (General Development Criteria), D2 (Infill Development), H16 (Development within Housing Policy Boundaries), R2 (public recreational open space), CN11 (Views into and out of Conservation Areas) and CN21 (Archaeology) of the Adopted Salisbury District Local Plan and national advice in PPS1 (Sustainable Development), PPS3 (Planning and Housing) PPS5 (Planning and the Historic Environment) and PPG24 (Planning and Noise).

And subject to the following Conditions:

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

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

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

Existing site plan 927 100 rev A received 11th June 2010  
Proposed block plan 927 101 rev D received 11th June 2010  
Proposed ground and first floor 927 110 rev C, received 11th June 2010  
Elevations and section number 927 111 rev F, dated 5th August 2010

REASON: for the avoidance of doubt.

(4) 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.

POLICY- G2

(5) Prior to the commencement of development a scheme for the provision, use, retention and maintenance of the proposed turning circle shall be submitted to and approved, in writing, by the Local Planning Authority. The turning circle shall remain clear and available for use at all times and shall be operated and maintained in accordance with the approved details.

REASON: in the interests of highway safety

POLICY - G2

(6) Prior to the commencement of development, a scheme for the provision, use, retention and

maintenance of lighting of the public footpath immediately behind the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to the first occupation of the dwelling and shall be used and maintained in accordance with the details thereby approved.

REASON: in the interests of users of the public footpath

POLICY: TR13

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north, east and south elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy, and to ensure adequate living conditions for the occupiers of the proposed dwelling.

POLICY: G2

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

REASON: In the interests of highway safety

POLICY: G2

(9) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: To ensure that the development can be adequately drained

POLICY: G2

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

REASON: To ensure that the development can be adequately drained

POLICY: G2

(11) No construction works shall take place outside of the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays or at all on Sundays or Bank Holidays.

REASON: in the interests of the amenities or nearby properties

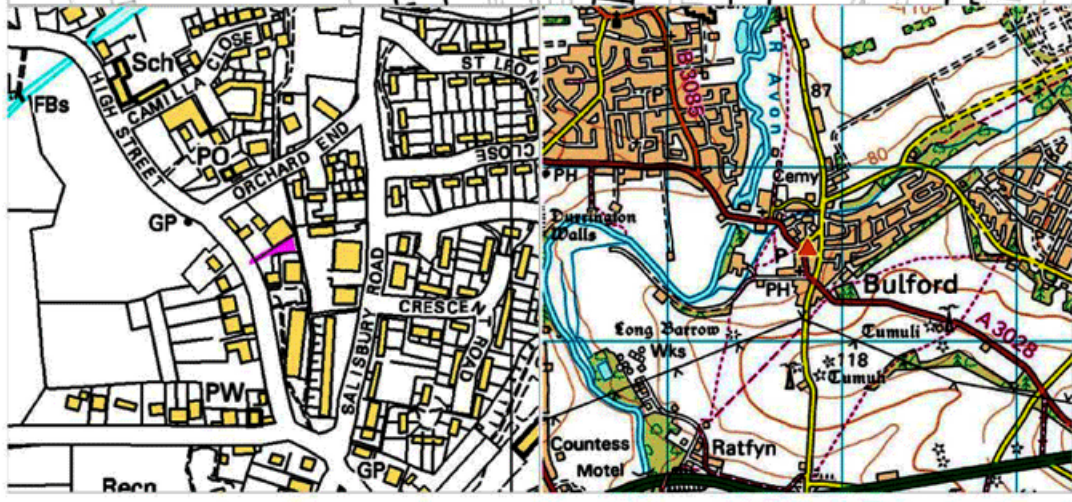
POLICY: G2

Appendices:	None
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Background Documents Used in the Preparation of this Report:	Design and Access Statement Existing site plan 927 100 rev A received 11th June 2010 Proposed block plan 927 101 rev D received 11th June 2010 Proposed ground and first floor 927 110 rev C, received 11th June 2010 Elevations and section number 927 111 rev F, dated 5th August 2010
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PROPOSED DETACHED DWELLING HOUSE WITH DORMERS AND NEW ACCESS ONTO HIGH STREET

S/2010/869



**Wiltshire Council**  
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ADJACENT TO ROSE

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Deadline	31 <sup>st</sup> August 2010		
Application Number:	S/2010/1015		
Site Address:	BOWLES BARN AND YARD THE PORTWAY WINTERBOURNE GUNNER SALISBURY SP4 6JL		
Proposal:	CONVERSION AND EXTENSION OF EXISTING BARN TO FORM TWO BED DWELLING. REPAIR EXISTING AND REBUILD COLLAPSED YARD WALLS TO FORM ENCLOSED GARDEN AREA. BLOCK UP EXISTING ACCESS ONTO THE PORTWAY (C56) AND FORM NEW VEHICULAR ACCESS WITH IMPROVED VISIBILITY		
Applicant/ Agent:	MR RICHARD BRUCE-WHITE		
Parish:	WINTERBOURNEBOURNE/WOOD		
Grid Reference:	417548.405652165 135361.671845555		
Type of Application:	Full		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number	S/2010/1015
Proposed Development	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing access onto the Portway (C56) and form new vehicular access with improved visibility
Officer Report	

1. Reason for the application being considered by Committee
Councillor Hewitt has requested that this item be determined by Committee due to: Considerable local interest

Purpose of Report
To consider the above application and to recommend that planning permission be REFUSED
Neighbourhood Responses
No letters received objecting to the proposal
One letter of support received
Parish Council response
Support

## 2. Main Issues

The main issues to consider are :

Policy considerations, principle of residential conversion, scale, design and impact on character of the countryside  
Neighbouring amenity  
Protected species  
Highway safety  
Public open space policy R2

## 3. Site Description

The site is an existing redundant agricultural building located at the end of an access track, (also a public footpath FP19) to the south of 1 and 2 Bowles Cottages. The site lies within the designated open countryside, the Special Landscape Area, and Area of Special Archaeological Significance, and is linked by a footpath to Winterbourne Gunner (approx 250 metres to the south east). To the east of the site is a cricket ground, to the west are open fields, and to the north is the Portway.

## 4. Planning History

Application number	Proposal	Decision
10/0396	Conversion and extension of existing barn to form two bed dwelling. Repair existing and rebuild collapsed yard walls to form enclosed garden area. Block up existing vehicular access and form new access with improved visibility	WD 10/05/10

## 5. The Proposal

The applicant is seeking to change the use of the redundant building to create a two bedroom dwelling. The existing main barn building would be repaired, the associated collapsed/former attached stores removed and then an extension built over the footprint. The walls around the former yard would be rebuilt, so that the space would form a garden. A parking area is to be created. A new vehicular access onto Portway is proposed, crossing an adjacent field from the existing lane.

The existing flint and brickwork plinth of the building would be repaired, and the chalk cob walls repaired and lime rendered. The corrugated iron roof over the barn would be removed and replaced with natural slate. The extension would also be roofed with slate. Oak is proposed for the window and door frames.

The boundary walls of the yard which are of mixed materials would be repaired and re-built. They would be of brick and flint, with chalk cob, lime rendered blockwork. Compacted stone is

proposed for the new track which will be bounded by a new native species hedge and also for the parking area. Paving is proposed for the areas around the proposed dwelling, leaving the remainder of the yard as garden.

The main differences between this application and the earlier one (S/2010/0396) which was withdrawn, are the alteration to the position of the vehicular access on to Portway confirmation from a professional involved in building conservation that the proposal is for the repair of the existing fabric prior to its conversion confirmation that the dwelling would create a 'modest and affordable residential dwelling, to be retained by the applicant for either private letting, housing farm workers or short term holiday letting'.

## Planning Policy

The following policies are considered relevant to this proposal

G2	General Principles for Development
R2	Public Open Space
C2, C22, C24	Countryside
C6	Special Landscape Area
H23, H26 and H27	Housing in the countryside
C12	Protected Species
SPG	The Conversion of Historic Farm Buildings in the Countryside
PPS7	Sustainable Development in Rural Areas
PPS4	Planning for Sustainable Economic Growth
PPS3	Housing

## 7. Consultations

Parish council  
Support

Highways

Object. Recommend refusal on road safety grounds and sustainability contrary Planning Policy Guidance Note 13.

Conservation

No objections in terms of impact to the setting of the conservation area or listed buildings. The realignment of the access encroaches into the countryside. There is very little evidence provided to suggest the worthiness of the building for retention, nor evidence of consideration of alternative uses.

In light of the requirements of policy C22, suggest that the condition of the building is discussed with the relevant building control officer, as underpinning for building regs purposes may well lead to the partial collapse of the plinth and the structure above needing reconstruction.

Wessex Water

The development is located within a foul sewer area and there are water mains within the vicinity. A point of connection can be agreed at the detailed design stage

The Council should be satisfy itself with the disposal of surface water from sustainable drainage system The developer should check with Wessex Water to ascertain if there are any uncharted sewers or water mains within or very near to the site

Rights of way

No objection to proposed surfacing of FPno.19. There should be no gate across the footpath.

Ecologist

Not yet received

Building Control

Not yet received

## 8. Publicity

The application was advertised by site notice/neighbour notification with an expiry date of 12 August 2010

One letter of support has been received.

Summary of key points raised

Changes made satisfy our requirements

Approve of proposed refurbishment and use of building

## 9. Planning Considerations

### 9.1 Policy considerations

Principle of residential conversion, scale, design and impact on character of the countryside

PPS3 sets out the government's criteria for housing development and defines previously-developed land as follows: 'land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition excludes gardens and land that is or has been occupied by agricultural or forestry buildings, and therefore, this site is not considered to be previously developed or brownfield land for policy purposes.

PPS7 also gives priority to the development of brownfield land in preference to green field sites. Paragraph 20 of the PPS states: The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of the PPS. PPG3 has now been superseded by PPS3 but the aims and objectives of the guidance are unchanged. Paragraph 10 states that isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A in the PPS. The proposed development whilst is stated to be 'modest and affordable' (presumably because a two bedrooomed dwelling is proposed) has not been shown to be either for 'local needs' or for an agricultural worker, and therefore fails to comply with this national guidance.



PPS4 which replaces large parts of PPS7 in relation to sustainable economic growth discusses guidance for the reuse and replacement of rural buildings for tourism or employment use. This proposal is apparently intended for residential use rather than development for an economic, tourism or other commercial use. Policy EC12.1 is relevant as it states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, though residential conversions may be more appropriate in some locations and for some types of building. Planning Authorities are encouraged to approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm. In this case there is no evidence that any consideration was given to the conversion of the building for economic development, and as the site is in the open countryside and no evidence has been provided to demonstrate that there is a need for a dwelling for an agricultural worker nor would the proposed dwelling be an 'affordable' unit for local needs, it is considered that the proposal fails to comply with this national guidance.

PPS 5 sets out the criteria for considering proposals affecting heritage assets, or buildings that have significance because of their historic or architectural interest. The statement covers assets that are not designated but are of heritage interest and thus it is a material planning consideration. Decisions must be based on the nature, extent and level of that interest and the asset must be put to an appropriate and viable use that is consistent with their conservation. Policy HE7 sets out the criteria for consideration of proposals affecting heritage buildings.

Together, with the local plan policies, the above government guidance is considered to be the most up to date policy guidance in relation to this proposal

Policy H23 of the Local Plan states that undeveloped land (see PPS3 above) outside a HPB and not identified for development in the local plan will be considered to be countryside where the erection of new dwellings will only be permitted where provided for by policies H26 (affordable housing) or H27 (housing for rural workers). Neither of these policies applies and in this case, Local Plan policy is totally consistent with national guidance as expressed in PPS3 and PPS7.

Policy C2 of the Local Plan states that development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy or maintain and enhance the environment. Policy C24 sets out the criteria for extensions in the countryside, which must be sympathetic in scale and character with the existing building and surroundings, and fall within the existing curtilage.

Policy C22 of the Local Plan discusses the criteria for the change of use of buildings. It states, "Where the proposal is for full residential use, the council will require the applicant to demonstrate that every reasonable attempt has been made to secure a suitable business or community reuse. This is usually demonstrated through a commercial marketing exercise, and in this case, no evidence has been provided to demonstrate that the building has been marketed for a non-residential use.

A report by Paul Tanner Associates was provided with both the earlier application and this later one. It is stated to be a visual inspection only and reports on the condition of the building. The report states that the building could be repaired and reroofed in appropriate materials. The structural repair requirements section of the report identifies works and repairs that would need to take place to the building. The repairs required would appear to be substantial, including rebuilding some 10% to 20% of the flint work plinth, replacement of missing cob sections, reinstatement of structural connections between the gable and main elevation, possible use of

stainless steel corner reinforcement, removal of cement render and replacement with lime, removal of the existing concrete slab and its replacement by a new concrete screed floor on a waterproof membrane and insulation layers over a new re-enforced concrete ground bearing slab, stabilise the walls, addition of new first floor and strengthening of beams with central fitch plates, new embedded tie timbers for the roof with temporary propping of to the gable ends to maintain stability, and strengthening of the roof structure to support a new roof structure.

It is clear from the report, that a substantial amount of repair and replacement work would be required to bring the barn up from agricultural to residential standards. When considering the previous application, officers were concerned that the barn was not capable of conversion without substantial reconstruction and that the submitted elevation drawings did not demonstrate that the resultant building would actually be a conversion. Officers also considered that it would be extremely difficult to prevent the total demolition or even collapse of the barn during the conversion process. But, with this revised application is a letter from Geoff Crawford of Witcher Crawford which states 'whilst the previous assessment regarding the amount of work involved in the project is true' i.e. there is a fair amount of work involved in reinstating and repairing the barn to make sure it is structurally sound and that the fabric of the building is free of decay; this by no means suggests that the walls cannot be repaired or have to be rebuilt. The careful sequencing and correct methodology will minimise the loss of the building fabric. A sequence of work is then outlined which it is stated, if followed would require only the repair and conservation of the existing structure. However, in view of the current state of the barn as demonstrated by the report from Witcher Crawford officers remain concerned that the barn might collapse during the conversion process.

The Conservation Officer comments that little evidence has been submitted with this application to demonstrate the worthiness of the building for retention. Whilst the building could be considered to be a heritage asset because of its historic interest, clearly the works required to stabilise and allow the conversion of the existing building to residential use could be considered to reduce its significance in heritage terms. Moreover it is as an agricultural building that the building has historical significance. Therefore, whilst the building is considered to be a heritage asset that would be worthy of retention for historical interest, the building is not considered to be sufficiently important to provide the special justification required for a departure from national and local policy to create a new residential development in the countryside.

Whilst the proposed extensions would fall within the former yard area, on the footprint of former structures, the extensions would significantly alter the size, bulk and appearance of the building from its existing state, and with a new extension and a new and intrusive vehicular access across the field the resultant building would be tantamount to a new dwelling in the countryside which with an intrusive new domestic access across the adjacent agricultural land would detrimentally effect the character of the surrounding countryside. The proposal would therefore be contrary to Policy C22, H23, H26, H27, and the guidance in PPS7, PPS3 and PPS4

### 9.2. Neighbouring Amenities

The development is approximately 70 metres from Bowles Cottages, and therefore, the proposed residential use would not detrimentally affect neighbouring amenities in terms of dominance, overlooking or undue disturbance. The proposed access would join the access lane close to the garages of the cottages. Whilst this may cause occasional inconvenience to users, it would not be sufficiently detrimental to existing amenities to warrant refusal under Local Plan policy G2.

### 9.3. Protected Species

An ecological assessment has been submitted and there is no evidence of bats, amphibians or reptiles on the site though extensive signs of barn owls were found. The survey recommends that alternative roosting sites and nesting opportunities are provided and an external barn owl box is proposed for a mature ash tree about 30m to the south east of the site.

Nesting birds have also used the barn and are likely to be present in the hedgerow which it is proposed be removed adjacent to the Portway in order to create the access. It is therefore recommended that works should take place between September and the end of February so as to avoid the breeding season and it is recommended that checks should be made on the hedgerow the day before any works take place. The applicant is proposing three new bird boxes for the site, or nearby trees.

It is therefore considered that this aspect of the proposal would comply with Local Plan policy C12, provided the recommendations in the survey are adhered to, through appropriate use of conditions.

#### 9.4. Highway Safety

When previously considering a proposal for a new access in this area, your officers were advised that Highways were not satisfied that the proposed new access was located in a safe position, as it was located outside the 30mph speed limit, where the visibility of oncoming traffic, was not acceptable. They were also concerned about a new dwelling located outside housing policy limits and therefore recommended refusal on road safety grounds and distance from services, contrary to the key aims of Planning Policy Guidance Note 13

This revised scheme makes provision for parking for at least two vehicles on a car parking area adjacent to the barn. Currently the barn is accessed off a lane which serves nos.1 and 2 Bowles Cottage and is also a public right of way. However, a new access road is to be provided through the adjacent field to the west, which will debouch on to the Portway some 25m west of the existing access. The existing access would be stopped up and all vehicular traffic would use the new access.

In considering this second application, the Highways officer comments that the access position has been moved some 4metres further to the south west, moving the access point further from the 30mph limit into the derestricted speed zone. On this basis the earlier concerns of Highways about the position of the access point and the ability to provide adequate visibility remain. In the opinion of Highways, whilst some information has been provided by the applicant in support of the sustainability of the location, the site remains outside of the Housing Policy Boundary and therefore, the earlier concern about the transport sustainability of the location remains.

In conclusion, the recommendation for this proposal would be the same as for the earlier submission, S/10/0396. Refusal is therefore recommended on the following grounds:-

1. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route.
2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

Given the advice of Wiltshire Council highways, which remains the same as for the last application, it is difficult for officers to advise any other course than that this proposal should be refused on the above grounds of highway safety and being contrary to the key aims of PPG13

## 9.5. Public Open Space

A contribution towards public open space will be required in accordance with policy R2.

## 10. Conclusion

No evidence of the commercial marketing of the property has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourist commercial, economic or community use.

The site is in the open countryside where a newly constructed dwelling would not be permitted unless required for agriculture or local need and the applicant has not demonstrated that the proposed dwelling would be either affordable, or that there is a need for accommodation for an agricultural worker. Furthermore, the building is not considered to be sufficiently important to provide the special justification required for a departure from national and local policy to create a new residential development in the countryside.

It is felt that the agricultural building could still retain its historical significance and presence in another more acceptable form (Policy HE7.2 and para 10 of PPS7).

The proposed re-alignment of the vehicular access on the Portway extends the boundary of the proposed residential development further into the open countryside, effectively sterilising and removing from agricultural use, the north-eastern corner of the field and further encroaching into the open countryside.

There are highway concerns relating to the safety of the proposed new access which is located just outside the 30mph speed limit and where the visibility of oncoming traffic, is not acceptable.

Highways are also concerned that the development would be located outside the housing policy boundary at a distance from services, contrary to the key aims of Planning Policy Guidance Note 13.

Subject to no further substantive comments following the expiry of the advertisement of the application on 12 August 2010

### Recommendation

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

1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the special justification required by PPS7 to support conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an

alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.

2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.

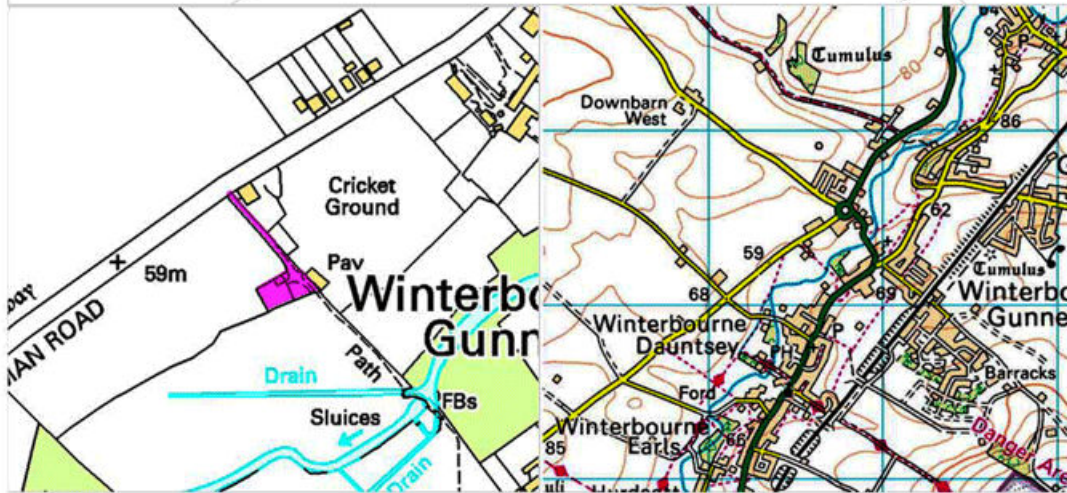
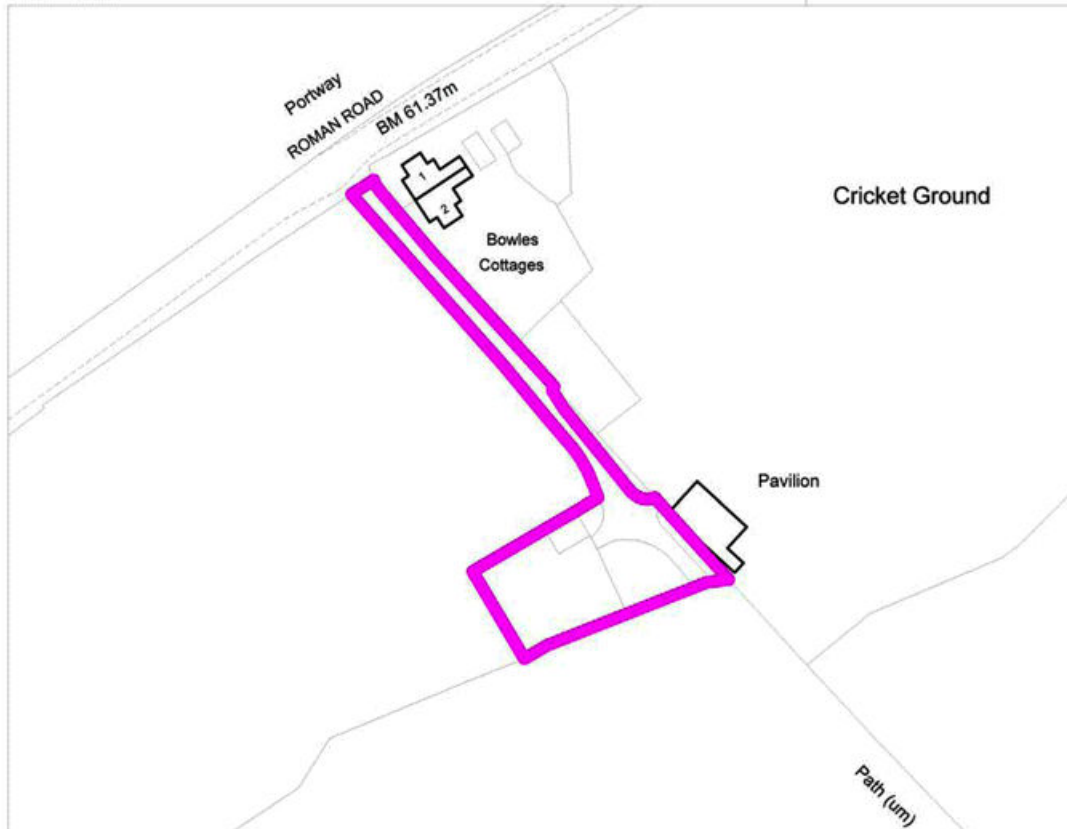
3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	<p>Paul Tanner Associates Inspection of Structural Fabric, ref 1822b dated 18/11/08</p> <p>Letter from Paul Tanner Associates dated 3 October 2009</p> <p>Letter from The Lime Centre dated 31/03/09</p> <p>Ecological Assessment, received on 6/07/2010</p> <p>Construction and Demolition Method Statement received on 6/07/2010</p> <p>Design and access statement received on 6/07/2010</p> <p>Sustainability statement received on 6/07/2010</p> <p>Letter from Geoff Crawford of Witcher Crawford setting out sequencing of work dated 15 June 2010, received on 6/07/2010</p> <p>Site location plan received on 6/07/10</p> <p>Figured dimensions of site, and proposed buildings received on 6/07/2010</p> <p>Typical cross-section of access track received on 6/07/2010</p> <p>Drawing ref.no. W1198 P01 received on 6/07/2010</p> <p>Drawing ref.no. W1198 P02 received on 6/07/2010</p> <p>Drawing ref.no. W1198 P03 received on 6/07/2010</p> <p>Drawing ref.no. W1198 P04 Rev B received on 6/07/2010</p> <p>Drawing ref.no. W1198 P05 Rev B received on 6/07/2010</p> <p>Drawing ref.no. W1198 P06 Rev B received on 6/07/2010</p>
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CONVERSION AND EXTENSION OF EXISTING BARN TO FORM TWO BED DWELLING. REPAIR EXISTING AND REBUILD COLLAPSED YARD

S/2010/1015



**Wiltshire Council**  
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**BOWLES BARN AND YARD, SP4 6JL**

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Deadline	29 <sup>th</sup> July 2010		
Application Number:	S/2010/0809		
Site Address:	MILFORD HOUSE NURSING HOME SALISBURY SP1 1NJ		
Proposal:	SINGLE STOREY EXTENSION TO PROVIDE 12 ADDITIONAL BEDROOMS AND ASSOCIATED FACILITIES		
Applicant/ Agent:	MR RICHARD WOODCOCK		
Parish:	LAVERSTOCKLAV/FORD/OLDSAR		
Grid Reference:	415904.1 129548.6		
Type of Application:	Full		
Conservation Area:		LB Grade:	II
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number	S/2010/0809
Proposed Development	Single storey extension to provide 12 additional bedrooms and associated facilities
Officer Report	

Reason for the application being considered by Committee

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

Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that subject to an undertaking under section 106 of the principal act in regard to future occupancy (policy R3) that planning permission be GRANTED subject to conditions

Neighbourhood Responses

Three e-mails and letters received objecting to the proposal (see below)

No letters of support received

Parish Council response

Object (see report below)

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2. Main Issues

The main issues to consider are :

Policy consideration

Impact on the landscape

Impact upon amenities

Impact on the character of the listed building

Impact upon highway safety

Other issues, River Avon Special Area of Conservation, Impact on Trees, Archaeology, Provision of Amenity Open Space.

### 3. Site Description

The site is currently occupied by the Milford House Nursing Home, a much extended listed building with two accesses on to Milford Mill Road. Car parking is provided from both accesses. Milford Mill Road is a narrow road linking Salisbury with the Peters Finger area. Adjacent to the site is a right of way which links to the Southampton Road, via a crossing under the railway, past a gypsy site.

### 4. Planning History

83/1200	Conversion of ground floor into living accommodation (one residential unit) & demolition of store shed & erection of second garage	AC	21.11.83
84/80	Erection of 2 double garages & car port with dustbin holding area	AC	20.02.84
85/1043	Change of use to old peoples home/residential nursing home	AC	30.09.85
86/334	Extension to form sitting room, bedroom & double garage (existing garages demolished)	AC	29.04.86
87/375	Alterations & extension to provide nursing home	AC	15.09.87
87/376LB	Alterations & extension to provide nursing home	AC	15.09.87
88/937	O/L 24 bedroomed nursing home for young disabled	AC	12.02.90
92/438	Approval of matters reserved - alterations & extensions to provide an additional 24 beds for existing nursing home	AC	15.07.92
92/439LB	Alterations & extensions to provide an additional 24 beds for existing nursing home & demolition of small part of building	AC	07.08.92
92/1374LB	Alterations to entrance hall & lounge	AC	09.11.92
92/1633	Approval of reserved matters – revised design,		



& alterations & extensions to provide additional 26 beds 92/1634LB for nursing home with construction of new access & alteration to existing access	WD	14.12.92
93/1120 Conversion of armoury into office	AC	05.10.93
95/592 Demolition of existing flats and garage and erection of a ten bedroom extension to the existing nursing home	AC	29.06.95
95/593LB Linking of new nursing wing to existing conservatory in the listed building (the new site will occupy a site currently outside the bounds of the listed building)	AC	23.03.95
02/298LB Alterations to three first floor bedrooms and insertion of wheelchair lift.	AC	21.03.02
02/1564LB Alterations to 3 first floor bedrooms and insertion of a wheelchair lift	AC	18.09.02
09/1345 Single Storey Extension To Provide 12 Additional Bedrooms And Associated Facilities	WD	09.10.09
09/1346LB Single Storey Extension To Provide 12 Additional Bedrooms And Associated Facilities	WD	09.10.09

## 5. The Proposal

It is proposed to erect at the rear of the existing building a single storey extension to provide 12 additional bedrooms. Additional car parking will be provided adjacent to the front entrance to the Manor and associated facilities

## 6. Planning Policy

The following policies are considered relevant to this proposal

G1 & G2	General criteria for development
G8	Groundwater source protection area
D3	Design criteria for extensions
CN3 and CN5	Listed buildings and their setting
CN21, 22 & 23	Archaeology
C2	Development in the countryside
C7	Landscape setting of Salisbury and Wilton
C23 and C24	Extensions to buildings in the countryside
TR11	Off street parking
TR14	Cycle parking
R3	Public open space
PS1	Extensions to health and social facilities
PS2	New buildings for nursing homes

PPS1  
PPS5

Delivering sustainable development  
Planning for the historic environment

## 7. Consultations

Parish Council

Object

The site is overdeveloped. The last application on this site was granted with the proviso that it would be the last extension asked for.

Many of the normal planning rules are waived when nursing homes are considered in particular Highways issues, the infrastructure is inadequate to cope with the increased traffic that will result from approval of this application

Site access is too narrow and visibility from access insufficient

Health and safety concerns

No footpath along the narrow road. Dangerous for staff or any others to walk to the site.

Noise of increased traffic would effect nearby property

It is appreciated that there is a need to build more facilities for dementia residents and it is not the Parish Council's wish to be obstructive in this objective. Therefore bearing in mind the above; Planning Committee should determine application.

Natural England

Our view that either alone or in combination with other plans and projects, there is not likely to be significant effect on the important features of the River Avon (SAC) or the River Avon SSSI.

Concerned that effluent should not add to phosphates in the river. Development should be assessed within context of core strategy

Highway Agency's

No detrimental impact on strategic road network. No objection

Highways

No objection

District Ecologist

Not yet received

Environmental Health

Noise report shows intermittent high noise levels from passing rail/road traffic. The report demonstrates that it will be possible to adequately insulate the residents bedrooms from transport noise, but this is dependant on bedroom windows being kept in a closed position. Particularly in warm weather it would be usual and reasonable for residents to wish to open their windows to allow rapid and adequate ventilation. Therefore do not believe natural ventilation is appropriate and recommend condition requiring alternative means of acoustically treated ventilation

#### Wessex Water

The site is within a foul sewer area and there are water mains within the vicinity. A point of connection can be agreed at the detailed design stage. A public sewer may cross the site. No new building will be allowed within 3m of this apparatus. Wessex Water advises the applicant to check their records.

#### Conservation

No objections

#### Archaeology

Single trench evaluation identified no archaeological features and no further works required.

#### Arboricultural Officer

No objection but in order to ensure the car parking area is created sympathetically, and roots of surrounding trees are protected require an arboricultural method statement prior to commencement of any works on site.

### 8. Publicity

The application was advertised by site notice/press notice/neighbour notification with an expiry date of 8 July 2010

Three letters and e-mails of objection have been received.

Summary of key points raised

#### Overdevelopment of site

The enlargement will increase the vehicular traffic on Milford Mill Road. The road is narrow, dangerous, inadequately speed restricted and in a very poor state of repair.

Use of Piggy Lane will increase, concerns regarding visibility

Opening of Peters Finger Park and Ride has increased traffic using the Milford Mill Road

WCC recommended refusal development of barns opposite due to concerns regarding increase in traffic

Concerns regarding impact of noise from traffic and vehicles using parking and access to Milford Manor.

Inadequate space for lorries to deliver

Safety concerns for pedestrians

No provision for cycles. Not encouraging staff to use alternative means of travel to work

Extension will not provide local jobs. Staff come from all over.

### 9. Planning Considerations.

#### 9.1 Policy consideration

The application site is located within the Landscape Setting of Salisbury and Wilton (policy C7). This policy states that 'no new development will be permitted'. Policy C7 adopts an essentially restrictive stance in order to protect the high quality of the landscape settings of Salisbury and Wilton primarily to prevent the coalescence of the settlements. The policy

indicates that there should be no new development within the lifetime of the plan. However, the supporting text to this policy states that built development or changes of use of land will be permissible where, in addition to being fully in accordance with other relevant policies of this Local Plan, it can be demonstrated that the quality of the landscape will not be impaired. If the extension to the building would create a substantive feature in the landscape, which would be prominent and intrusive, then it could be considered to be in conflict with policy C7. However, in this case, as the development is within the established boundaries of the site, the erection of an extension to an existing building could be considered to have only a minimal impact on the general visual quality of the landscape setting of Salisbury and therefore it is considered that the development would not be in conflict with the spirit of Policy C7.

The starting point for assessing this proposed dementia care unit are the community policies PS1 and PS2. PS1 states that the development of health, social services, places of worship and community facilities will be permitted within or adjoining the settlements and that proposals to redevelop or enlarge existing facilities which are located outside settlements will be permitted where the proposed development would take place within the existing boundaries of the site. Policy PS2 relates specifically to the development of a residential care facility and states that, "the erection of new buildings in the countryside for rest or nursing homes will not be permitted". As Milford House is located in the 'landscape setting of Salisbury, it is outside the residential limits of the City and outside of the designated areas to which the housing policies of the Local Plan apply (i.e. Housing Policy Boundaries and Housing Restraint Areas), and it clearly falls within the open countryside. However, this proposed development can reasonably be construed as an extension to the existing nursing home, within the established boundaries of the site and therefore can be considered to be in accordance with the aims of these policies.

As this application seeks planning permission for the erection of a residential dementia care extension in the open countryside, policies C23 and C24 are also relevant. Policy C23 specifically refers to extensions in the grounds of uses, such as institutional uses such as rest/nursing homes, and states that these will be permitted if there is no adverse impact on the character of the building or its surroundings. In the respect of extensions to existing buildings, policy C24 is similar in that they will be permitted if they are sympathetic in scale and character to the existing building and its surroundings and are within the existing curtilage. In this respect as the extension is physically attached to the existing building and there will be an operational linkage between the existing nursing home and the proposed dementia care facility as the intention is to allow for the on-going care of the current residents; the proposed development can reasonably be considered to be in accordance with the principle of these policies.

The proposed development must also be assessed against the design policies of the Local Plan, and in particular Policy D3 which like policy C24, relates to the need to encourage good design and for new development to respect the character and appearance of the surrounding area in respect of scale, height, massing, layout and materials.

With regard to other policies, Policy G1 seeks to ensure that development promotes a sustainable pattern of development that reduces the need to travel by car and encourages increased use of public transport, cycling and walking, makes the most efficient use of land, promotes the vitality and viability of local communities and conserves the natural environment and cultural heritage of the District. Policy G2 relates to general criteria against which development proposals will be assessed that include, amongst other factors, its impact on residential amenity, highway matters such as the effect of development on

the road network, off-street parking and the suitability of access and turning facilities and the need to protect landscape and historic features. Policies TR11 and TR14 seek to ensure that new developments are provided with an acceptable level of provision of on-site parking spaces and secure cycle parking spaces respectively, while Policy R3 requires that development proposals for nursing homes should provide on-site amenity space.

PPS 5 sets out the criteria for considering proposals affecting heritage assets, or buildings that have significance because of their historic or architectural interest. The statement covers assets that are not designated but are of heritage interest and thus it is a material planning consideration. Decisions must be based on the nature, extent and level of that interest and the asset must be put to an appropriate and viable use that is consistent with their conservation. Policy HE7 sets out the criteria for consideration of proposals affecting heritage buildings.

In support of the current proposal, the applicant also states that there is a need for the provision of dementia care facilities, to support the existing nursing home, as otherwise the residents would have to be transferred to other facilities which is not conducive to residents needs or wishes. It is the applicant's contention that the proposed 12 bed unit will allow for all residents needs to be addressed, and allow the existing home to provide on-going care/care for life to all residents. 'It is well known in the care industry that residents who are frail, elderly and vulnerable suffer distress, trauma (and in some cases death) as a result of relocation. This proposal will ensure that no local elderly person need be subjected to this trauma. There is great local demand for continued care at this facility to which this application will address.'

With regards to the need in the community for a dementia care unit, the Local Planning Authority accepts that with an ageing population the demand for specialised dementia care is set to grow. It therefore regards the requirement for this type of facility/accommodation as being firmly established. The benefits of reducing the impact and trauma of moving a resident in the event of their needs changing from residential to dementia care by minimising change in their environment are acknowledged. However, despite the obvious benefits of locating the two facilities on the same site only if the proposal is generally in accordance with Local Plan policies, should this scheme be supported as, the fact that a development is needed should not in itself override other national and local policies

#### 9.2 Impact on the landscape/design

Development proposals in the countryside must have regard to the high quality of the landscape and the siting and scale of development must be sympathetic with the landscape and of a high standard of design. The design of the dementia care unit, which forms an 'L' shape wing to the rear of the existing care home, whilst substantial in comparison with the existing building, retains most of the established garden.

.Nevertheless it still represents a substantial sized building. The extension has a width of about 11 metres across and extends 35 m into the garden with a return of the 'L' shape of the wing of a further 17 metres. In terms of its overall height, the building would be about 5.5 metres. However, the building achieves a good degree of articulation, has hipped roofs to reduce its visual bulk and the materials proposed match the existing building. Despite this, it is considered that the proposed development would not represent a visual intrusion into the open countryside and as it would be wholly within the existing site it is considered to respect the character and high visual quality of the landscape setting of Salisbury. As such, the proposed development is in accordance with the aims and objectives of policies C7, C24 and D3

### 9.3 Impact upon amenities

With regards to the issue of residential amenity, the application site has no immediate adjacent neighbours, though, there is a small residential grouping across the road. As there is a substantial mature tree screen along much of the boundary to the application site, and the extension is to the rear of the existing nursing home, it is not considered that the extension would result in any material harm to the amenities of the occupants of these properties. Given the limited additional traffic likely to be generated by the additional accommodation, there is unlikely to be any increase in disturbance from traffic.

### 9.4 Impact on the character of the listed building

Milford House is a listed grade II building dating from the 18th century. There have been substantial extensions to the original house and as the proposed dementia care unit is to the rear of an existing modern extension to the original building. The Conservation Officer does not consider that this proposal will have any impact upon the character of the Listed building or its setting

### 9.5 Impact upon highway safety

The thrust of the national guidance is to encourage development in sustainable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure and which are served by public transport and offer the greatest opportunities for access by walking and cycling thereby reducing the dependency on the private car. The site of the Nursing Home is outside the settlement of Salisbury and therefore technically in the open countryside. Given this location the proposal would not usually constitute a sustainable form of development in respect of the associated traffic generation. However, the residential conversion of the buildings/barns on the opposite side of the road was deemed sustainable by the Planning Inspector.

Concerns have been raised by both the Parish Council and neighbours regarding highway safety, including the adequacy of Milford Mill Road to accommodate the additional traffic likely to result from the proposed new development. It is the Highway Authority's view though that having regard to the nature of the proposed extension i.e. to provide dementia care, any resultant additional traffic is unlikely to be significant. It is considered that visitors may be expected to visit residents mainly at weekends or during evenings when other traffic using Milford Mill Road is likely to be reduced and that any additional service traffic will be minimal. Additionally, the applicants are proposing to create an additional 5 parking spaces to meet the extra demand from staff and visitors. As it is also proposed to continue to use the existing accesses on to Milford Mill Road and no new vehicular access is proposed to serve the development the Highway Authority has concluded that it has no objection to the proposal.

### 9.6 Other issues

#### 9.6.1 Special Area of Conservation, River Avon

The site is adjacent to the River Bourne, part of the River Avon System Site of Special Scientific Interest (SSSI) which has statutory protection under the Wildlife and Countryside Act 1981(as amended) and a Special Area of Conservation (SAC) which has European protection. The nature conservation interest of the river system arises from the importance of a plant (water crowfoot) and five species of fish and snails. Whilst development close to the river could damage the river eco system through loss of habitat or pollution, because of the location of the site, Natural England considers that the nature conservation interest of the river system is unlikely to be affected, by the development.

#### 9.6.2 Impact on Trees

The application site contains substantial tree and landscape planting which provides an important screen to the frontage boundary of the site with Milford Mill Road, and there is also a substantive group of trees adjacent to the boundary on the railway embankment. The proposed extension would be a significant distance from these respective boundaries and therefore would not adversely affect the health or retention of the existing tree/landscape planting. However, the expansion of the parking area in front of the main entrance will be located close to the rooting areas of the frontage screening and therefore the council's Arboricultural officer requires that any development be conditioned to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area and therefore

It is considered appropriate to impose a condition requiring the provision of protection measures to the trees and landscape planting throughout the construction period.

#### 9.6.3 Archaeology

The site is immediately south of a scheduled monument the Medieval Pottery Kilns of Milford Farm and close to a series of earth works possibly part of a medieval settlement. Anglo-Saxon remains have also been found on the site in the past. An archaeological investigation of the site of the proposed extension, however, found no evidence of any archaeological deposits or artefacts and therefore the Council's Archaeological advisor does not require any further investigation of the site and has no objections to the proposed development.

#### 9.6.4 Provision of Amenity Open Space

The Local Planning Authority recognises that nursing/rest home accommodation generates different needs for open space provision to that of residential dwellings because of the greater reliance that their occupants have on on-site amenity space and the very limited demand for recreational facilities. On-site amenity space is therefore important in these types of development providing pleasant views from habitable rooms within the development and as sitting out areas for residents. As such, it is considered important that amenity space of a sufficient size and landscaped to provide an attractive sitting out area/environment is provided within the site.

In this instance, the proposal includes the retention of the open amenity space to the east of the proposed building that currently provides an external amenity/garden area that is accessible from the building and that will provide an open aspect. There is also an external terrace area adjacent to the lounge areas on the southern and western corners of the building. In addition, the proposed development has been purposely designed so that the residents' lounges are all located in the south western corner of the building where they can make use of the southern and south western aspects and residents can benefit from views looking out over the gardens. It is therefore considered that the proposed development provides acceptable on-site amenity provision in accordance with Policy R3 of the Adopted Local Plan.

## 10. Conclusion

There is a need for dementia care and this proposal would link such a facility with the existing Nursing Home. The site is in a sustainable location, within the established boundary of the existing Nursing Home and therefore the proposal is considered to be in accordance with the spirit of Local Plan policies C7, C23 and C24. It is considered that the extension by virtue of its overall scale and massing would not be a visual intrusion into the

open countryside, the proposal would have no impact upon the character and setting of the Listed Building and there would be no impact on a highway safety, and therefore the proposal is considered to be in accordance with Local Plan policies C2, CN3, CN5 and D3. As such, it is considered that the proposal complies with the prevailing policies of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS1 and PPS5

#### Recommendation

That subject to the applicant entering, within three months of the date of this Committee meeting, into an undertaking under section 106 of the Act, in regard to future occupancy (policy R3) of the proposed extension,

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

There is a need for dementia care and this proposal would link such a facility with the existing Nursing Home. The site is in a sustainable location within the established boundary of the existing Nursing Home and therefore the proposal is considered to be in accordance with the spirit of Local Plan policies C7, C23 and C24. As it is considered that the extension by virtue of its overall scale and massing would not be a visual intrusion into the open countryside, the proposal would have no impact upon the character and setting of the Listed Building and there would be no impact on a highway safety, the proposal is considered to be in accordance with Local Plan policies G2, C2, CN3, CN5 and D3. As such, it is considered that suitably conditioned to protect the trees and prevent the pollution of the ground water source protection area, the proposal complies with the prevailing policies of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS1 and 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. 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 before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

Reason To ensure that the external appearance of the building is satisfactory.

3 Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010  
Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010  
Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010  
Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10  
Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010  
Archaeological evaluation ref CA Report 10017 dated February 2010  
Design and Access statement received on 26 May 2010  
Environmental Noise Survey Report 16446/PPG24\_Rev A dated 24 May 2010  
Heritage Statement received on 26 May 2010



Construction Method Statement received on 3 June 2010  
Lighting assessment received on 26 May 2010  
Sustainability statement received on 3 June 2010 Documents /plans  
REASON For the avoidance of doubt

4 Construction work shall not begin until a scheme for protecting the development against noise from road and rail traffic has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before the development is occupied.

Reason: In the interest of amenity for the future occupants of the development.

POLICY G2 General criteria for development

5 The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing.  
The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.  
The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

POLICY

6. The lighting scheme submitted with the application hereby approved shall be installed and operated in accordance with these approved details.

REASON To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in order to conserve the high quality landscape and character of the Special Landscape Area and in the interests of residential amenity.

POLICY

7. Notwithstanding the submitted plans, prior to the commencement of development, details of a secure and covered cycle parking facility shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be constructed in accordance with the agreed details and made available for use prior to the first occupation of the building hereby approved and shall thereafter be retained.

REASON In order to secure the provisions of appropriate facilities for cyclists and to promote other modes of transport other than the car in the interests of sustainable

development.  
POLICY

8 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 development hereby approved shall be used solely as a dementia care facility and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

REASON To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of sustainable development.

POLICY

Appendices:	NONE.
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Background Documents Used in the Preparation of this Report:	Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010 Drawing ref. no. 08/286(S) 001 Existing site plan received on 26.05 2010 Drawing ref. no. 08/286(S) 002Rev A Existing ground floor plan received on 26.05 2010 Drawing ref. no. 08/286(S) 003Rev A Existing first and second floor plan received on 26.05 2010 Drawing ref. no. 08/286(S) 004Rev A Existing elevations received on 26.05 2010 Drawing ref. no. 08/286(S) 005 Existing elevations received on 26.05 2010 Drawing ref. no. 08/286(S) 006 Existing elevations received on 26.05 2010 Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010 Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010 Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10 Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010 Archaeological evaluation ref CA Report 10017 dated February 2010 Design and Access statement received on 26 May 2010 Environmental Noise Survey Report 16446/PPG24_Rev A dated 24 May 2010 Heritage Statement received on 26 May 2010 Construction Method Statement received on 3 June 2010 Lighting assessment received on 26 May 2010 Sustainability statement received on 3 June 2010
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Deadline	29 <sup>th</sup> July 2010		
Application Number:	S/2010/0810		
Site Address:	MILFORD HOUSE NURSING HOME SALISBURY SP1 1NJ		
Proposal:	SINGLE STOREY EXTENSION TO PROVIDE 12 ADDITIONAL BEDROOMS AND ASSOCIATED FACILITIES		
Applicant/ Agent:	MR RICHARD WOODCOCK		
Parish:	LAVERSTOCKLAV/FORD/OLDSAR		
Grid Reference:	415904.1 129548.6		
Type of Application:	LBC		
Conservation Area:		LB Grade:	II
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

Application Number	S/2010/0810/LB
Proposed Development	Single storey extension to provide 12 additional bedrooms and associated facilities
Officer Report	

Reason for the application being considered by Committee

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

Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses

No letters or emails of comments/support/objection have been received

Parish Council Response

Object

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2. Main Issues

The main issues to consider are :

Impact on the character of the listed building

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### 3. Site Description

The site is currently occupied by the Milford House Nursing Home, a much extended listed building with two accesses on to Milford Mill Road. Car parking is provided from both accesses. Milford Mill Road is a narrow road linking Salisbury with the Peters Finger area.

### 4. Planning History

83/1200	Conversion of ground floor into living accommodation (one residential unit) & demolition of store shed & erection of second garage	AC	21.11.83
84/80	Erection of 2 double garages & car port with dustbin holding area	AC	20.02.84
85/1043	Change of use to old peoples home/residential nursing home	AC	30.09.85
86/334	Extension to form sitting room, bedroom & double garage (existing garages demolished)	AC	29.04.86
87/375	Alterations & extension to provide nursing home	AC	15.09.87
87/376LB	Alterations & extension to provide nursing home	AC	15.09.87
88/937	O/L 24 bedroomed nursing home for young disabled	AC	12.02.90
92/438	Approval of matters reserved - alterations & extensions to provide an additional 24 beds for existing nursing home	AC	15.07.92
92/439LB	Alterations & extensions to provide an additional 24 beds for existing nursing home & demolition of small part of building	AC	07.08.92
92/1374LB	Alterations to entrance hall & lounge	AC	09.11.92
92/1633 & 92/1634LB	Approval of reserved matters – revised design, alterations & extensions to provide additional 26 beds for nursing home with construction of new access & alteration to existing access	WD	14.12.92
93/1120	Conversion of armoury into office	AC	05.10.93
95/592	Demolition of existing flats and garage and erection of a ten bedroom extension to the existing nursing home	AC	29.06.95
95/593LB	Linking of new nursing wing to existing conservatory in the listed building (the new site will occupy a site currently outside the bounds of the listed building)	AC	23.03.95

02/298LB	Alterations to three first floor bedrooms and insertion of wheelchair lift.	AC	21.03.02
02/1564LB	Alterations to 3 first floor bedrooms and insertion of a wheelchair lift	AC	18.09.02
09/1345	Single Storey Extension To Provide 12 Additional Bedrooms And Associated Facilities	WD	09.10.09
09/1346LB	Single Storey Extension To Provide 12 Additional Bedrooms And Associated Facilities	WD	09.10.09

## 5. The Proposal

It is proposed to erect at the rear of the existing building a single storey extension to provide 12 additional bedrooms. Additional car parking will be provided adjacent to the front entrance to the Manor and associated facilities

## 6. Planning Policy

The following policies are considered relevant to this proposal

G1 & G2	General criteria for development
D3	Design criteria for extensions
CN3 and CN5	Listed buildings and their setting
PPS5	Planning for the historic environment

## 7. Consultations

Parish Council  
Object

The site is overdeveloped. The last application on this site was granted with the proviso that it would be the last extension asked for.

Many of the normal planning rules are waived when nursing homes are considered in particular Highways issues, the infrastructure is inadequate to cope with the increased traffic that will result from approval of this application

Site access is too narrow and visibility from access insufficient

Health and safety concerns

No footpath along the narrow road. Dangerous for staff or any others to walk to the site.

Noise of increased traffic would effect nearby property

It is appreciated that there is a need to build more facilities for dementia residents and it is not the Parish Council s wish to be obstructive in this objective. Therefore bearing in mind the above; Planning Committee should determine application.

Conservation  
No objections

## 8. Publicity

The application was advertised by site notice/press notice/neighbour notification with an expiry date of 8 July 2010

No letters or e-mails of comment/support/objection have been received.

## 9. Planning Considerations.

### 9.1 Impact on the character of the listed building

Milford House is a listed grade II building dating from the 18th century. There have been substantial extensions to the original house and as the proposed dementia care unit is to the rear of an existing extension to the original building, the Conservation Officer does not consider that this proposal will have any impact upon the character of the Listed building or its setting

## 10. Conclusion

The proposed extension to provide dementia care would link with the existing Nursing Home and as the Conservation Officer considers that the proposal would have no impact upon the character and setting of the Listed Building, the proposal is considered to be in accordance with Local Plan policies CN3 and CN5 and national guidance as expressed in PPS5

## Recommendation

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

The proposed extension to provide dementia care would link with the existing Nursing Home and as the Conservation Officer considers that the proposal would have no impact upon the character and setting of the Listed Building, the proposal is considered to be in accordance with the saved policies CN3 and CN5 of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS5

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 permission

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.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 before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.



REASON To ensure that the external appearance of the building is satisfactory.  
POLICY CN3, CN5 listed Buildings D3 Design criteria

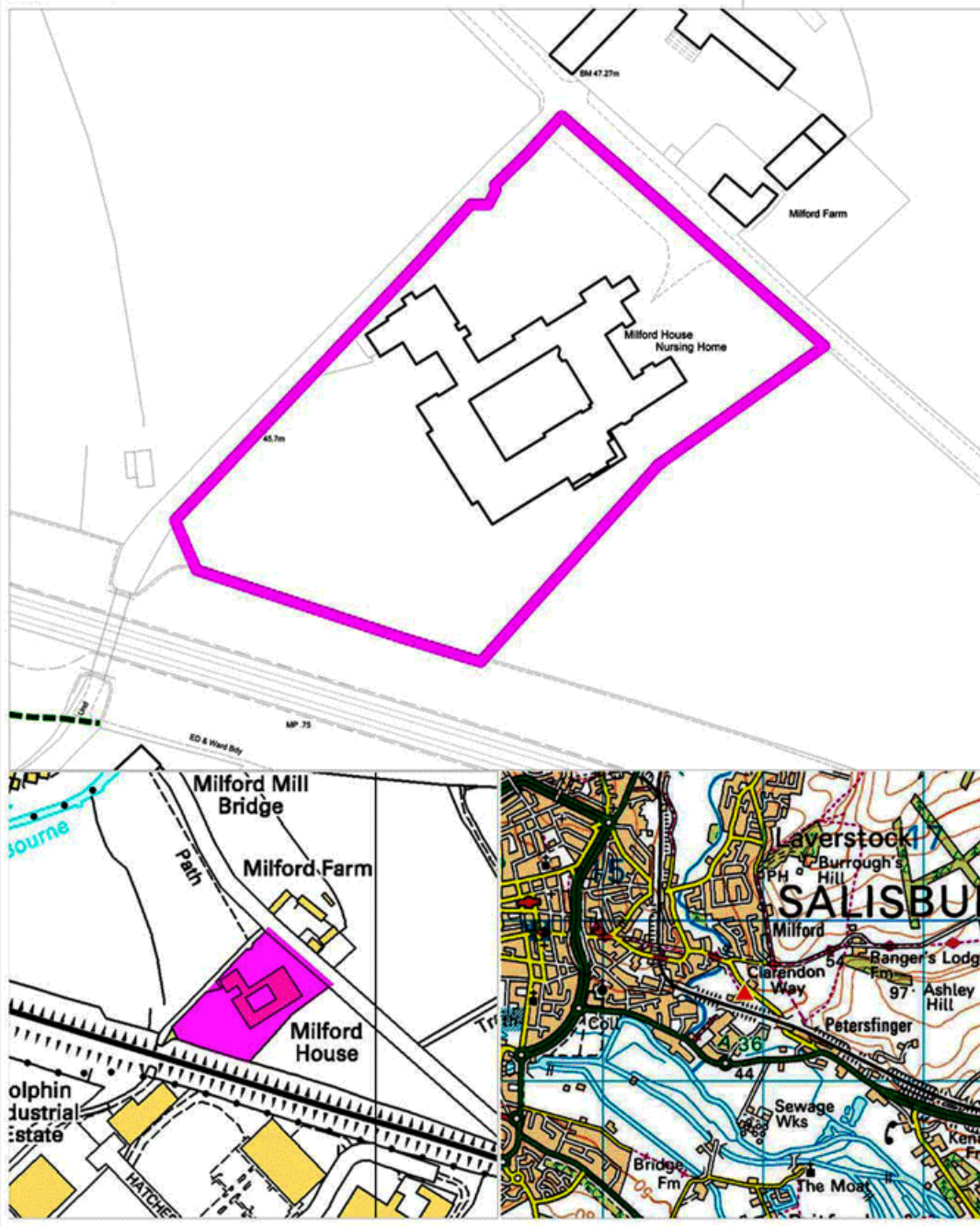
3 Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010  
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REASON For the avoidance of doubt

Appendices:	NONE.
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SINGLE STOREY EXTENSION TO PROVIDE 12 ADDITIONAL BEDROOMS AND ASSOCIATED FACILITIES

S/2010/0809 & S/2010/0810



**Wiltshire Council**  
Where everybody matters

### MILFORD HOUSE NURSING HOME

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