

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 5 September 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718376 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Richard Britton	Cllr Ian McLennan
Cllr Richard Clewer	Cllr John Noeken
Cllr Brian Dalton	Cllr Ian Tomes
Cllr Christopher Devine (Vice-Chairman)	Cllr Fred Westmoreland (Chairman)
Cllr Jose Green	Cllr Ian West
Cllr George Jeans	

### Substitutes:

Cllr Terry Chivers	Cllr Helena McKeown
Cllr Ernie Clark	Cllr Leo Randall
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Russell Hawker	Cllr Graham Wright

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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 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 25 July 2013. (copy herewith).

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

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

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Thursday 29 August 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals** (Pages 27 - 28)

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

7 **Planning Applications** (Pages 29 - 30)

To consider and determine planning applications in the attached schedule.

- 7a **S/2012/1603/S73 - Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ** (Pages 31 - 60)
- 7b **S/2012/1778 - Area 9A/9B, Old Sarum, Salisbury, SP4 6BB** (Pages 61 - 74)
- 7c **S/2012/1829 - Local Centre, Old Sarum, Salisbury, SP4 6BY** (Pages 75 - 94)
- 7d **S/2013/0406 - Shrewton Steam Laundries Ltd, High Street, Shrewton, Salisbury. SP3 4BZ** (Pages 95 - 150)
- 7e **13/01181/FUL - 10 Church Road, Idmiston, Salisbury, Wiltshire, SP4 0AZ** (Pages 151 - 160)
- 7f **13/01220/OUT - Land North West of The Avenue, Salisbury, Wiltshire. SP2 9PS** (Pages 161 - 172)
- 7g **13/01223/OUT - Land East of the Avenue, Salisbury, SP2 9PS** (Pages 173 - 184)
- 7h **13/01284/FUL - 12 Middleton Road, Salisbury, Wiltshire, SP2 7AY** (Pages 185 - 192)

8 **Urgent Items**

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

**Part II**

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

NONE

## **SOUTHERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JULY 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

#### **Present:**

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr George Jeans, Cllr Ian McLennan, Cllr John Noeken, Cllr Ian Tomes, Cllr Bridget Wayman (Substitute), Cllr Fred Westmoreland (Chairman) and Cllr Ian West

#### **Also Present:**

Cllr Mike Hewitt

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#### **59 Apologies for Absence**

Apologies were received from Councillors Clewer and Green.

Councillor Wayman replaced Councillor Green for this meeting only.

#### **60 Minutes**

The minutes of the meeting held on 4 July 2013 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 4 July 2013 as a correct record.**

#### **61 Declarations of Interest**

The following declarations were made:

1. Councillor Devine declared that in relation to agenda item 7 – Land at The Grange, Gaters Lane, Winterbourne Dauntsey, he had been contacted by interested parties, he had not expressed an opinion on the report. Councillor Devine declared that he would consider the enforcement report on its merits and debate and vote with an open mind.

2. Councillor Westmoreland declared that in relation to agenda item 7 – Land at The Grange, Gaters Lane, Winterbourne Dauntsey, he had met the owners of The Grange during a site visit with a fellow Councillor and he was familiar with the background of the case but had not expressed an opinion on the report. Councillor Westmoreland declared that he would consider the enforcement report on its merits and debate and vote with an open mind.
3. Councillor Britton declared that in relation to agenda item 8 – Village Design Statement for Idmiston, Gomeldon and Porton that he was a resident of Porton and had made a contribution to the Village Design Statement. Councillor Britton declared that he would consider the report on its merits and debate and vote with an open mind.
4. Councillor Wayman declared that in relation to agenda item 9a and 9b – 1 Beckford Cottage, High Street, Hindon, Salisbury, she had discussed the application with the applicant. Councillor Wayman declared that she would consider the application on its merits and debate and vote with an open mind.

## **62 Chairman's Announcements**

1. The Chairman explained the meeting procedure to the members of the public.
2. The Chairman also explained that agenda item 9c – Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ had been withdrawn by the applicant prior to the meeting, and therefore would not be considered by the Committee at this meeting.
3. Site visits were requested should the following applications come to committee:
  - a. An application in Gasper
4. The Chairman thanked the Area Development Manager Southern, Andrew Guest, for the list of Planning Policies and Core Policies and asked for those Policies along with the list of standard conditions and material conditions to be circulated to all members of the Committee.

## **63 Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

## **64 Planning Appeals**

The committee received details of the following appeal decisions as detailed in the agenda.

**Resolved:**

That the appeal decisions be noted.

**65 Land at The Grange, Gaters Lane, Winterbourne Dauntsey**

Public Participation:

- Hannah Rebdi, owners daughter, spoke in support of her parents, Mr and Mrs Rebdi who were owners of The Grange
- Mr Rebdi, owner of The Grange, spoke in support of the events that took place on his property
- Roger Morgan, local resident, spoke on behalf of Dave Southwood in support of Mr and Mrs Rebdi
- Michael Tristram, local resident, spoke in objection to the events taking place at The Grange
- Graham Shepherd, local resident, spoke in objection to the events taking place at The Grange
- Maureen Atkinson, spoke on behalf of the Parish Council in support of Mr and Mrs Rebdi

The Committee received a report of the Team Leader (Enforcement) about the unauthorised use of a former barn and adjacent field for events including wedding ceremonies and receptions on land at the Grange, Gaters Lane, Winterbourne Dauntsey.

The Team Leader (Enforcement) explained that the report had been deferred at the last meeting of the Committee so that members had an opportunity to visit the site prior to this meeting. He reported that it was not the intention of the Council to restrict activities at the site which could be deemed incidental to the enjoyment of the dwelling as detailed in paragraph 18 of the report. This allowed for the occasional family or charity function at the site.

It was noted that planning permission was required for the owners to continue using the barn as a wedding venue constituted a material change of use of the barn. As the owners had not sought planning permission enforcement action was necessary in order for the commercial activities to cease.

The Committee was informed that the owners had indicated that their intention was to cease the use of the barn as a wedding venue after 7 September 2013 as that was the date of the last booking. Officers proposed that enforcement action should not commence until after this date and only if further wedding ceremonies and events took place at the site in future without the owners having obtained prior planning permission in breach of planning control.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. It was noted that the Committee had visited the site earlier on the day of the meeting.

The Local member, Councillor Mike Hewitt, then spoke to the report. In particular he raised issues relating to the letters of representation received from neighbours, confirmed that the car parking area was historically a hard standing area as it was a farm yard, permission had been given to fell trees as they were diseased, noise levels, the lane was not used to park cars in and cars could leave the property by the field.

The Committee then considered the report and raised the following issues:

- applicants needed to be informed that once a licence had been issued for wedding ceremonies they also needed to apply for planning permission. It was understood that action had now been taken by the Licensing Authority in relation to this requirement.
- Entry and exit onto the Portway would cause less problems to neighbours.
- Supported the officers views that enforcement action would be necessary if after the 7 September 2013 further wedding ceremonies and commercial events took place at the site. Members also indicated that they would welcome the submission of a planning application by the owners of The Grange to formalise any future events.

**Resolved:**

**That if after 7 September 2013 the site is used for wedding ceremonies or receptions or any other commercial activity, the Area Development Manager South is instructed to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate persons, in respect of the following:**

**Without planning permission, the material change of use of the Land from a residential dwellinghouse and uses incidental thereto, and agriculture; to a mixed use of residential dwellinghouse, agriculture and use for the holding of events including wedding ceremonies and receptions.**

**The Enforcement Notice to require the following step to be taken:**

**Cease the use of the Land for the holding of events including wedding ceremonies and receptions.**

**Time for compliance with the Enforcement Notice from the date the Notice takes effect:**

**One month.**

**Reason for serving the Enforcement Notice:**



1. **The use of the Land for the holding of events including wedding ceremonies and receptions has seriously detracted from the standard of residential amenity enjoyed by nearby dwellings by reason of the levels of undue noise and disturbance caused by the activity on the Land and the vehicular comings and goings to the Land, in particular during unsocial hours, all therefore being contrary to 'saved' policy G2 (vi) of the Salisbury District Local Plan.**
2. **Gaters Lane is narrow, unlit, with few passing places and lacking footways with a poor junction lacking adequate visibility onto the C56 Portway in particular, and; is unsuitable to accommodate the substantial additional traffic generated by the continued use of the Land for the holding of events including wedding ceremonies and receptions without causing serious harm to highway safety conditions, being contrary to 'saved' policy G2 (i) of the Salisbury District Local Plan.**

## 66 **Village Design Statement for Idmiston, Gomeldon and Porton**

The Committee considered the report of the Senior Spatial Planning Officer, Economy and regeneration about the approval as material planning consideration, the Village Design Statement – VDS - for Idmiston, Porton and Gomeldon.

The officer explained that the VDS provided a comprehensive description of the villages and its environments and identified its key characteristics. The VDS provided clear guidance to developers as to what should be respected and acknowledged by new buildings in order to help preserve the local scene. It was considered that the VDS was fit for purpose and the Committee was asked to approve its use as a material planning consideration for the purposes of development management.

The Committee were informed that the Amesbury Area Board at its meeting held on 30 May 2013 also considered the VDS and recommended that it be endorsed by this Committee.

The Chairman thanked the officer for her presentation and work undertaken on the VDS. He also congratulated the three villages and all those associated with the VDS for producing such a comprehensive document.

### **Resolved:**

That the Village Design Statement for Idmiston, Porton and Gomeldon be approved as a material planning consideration for the purposes of development management.

67 **Planning Applications**

68 **13/00208/FUL - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED**

Public Participation:

- Joanna Harrison, local resident, spoke in objection to the application
- Diccon Carpendale, planning agent, spoke in support of the application
- Caroline Leatham, applicant, spoke in support of the application
- Charles Bowen, Hindon Parish Council, spoke in support of the application

The Planning Officer introduced the report which recommended refusal with reasons. He explained that the planning application was to carry out alterations and the construction of a first floor rear extension.

Members of the Committee were informed that the proposed extension, by reason of its positioning, would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building and, in turn, the character of Hindon Conservation Area.

Members then raised a number of technical issues in relation to previous application refused for the property and materials to be used in the construction of the flat roof.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local member, Councillor Bridget Wayman, then spoke in support of the application.

The Committee then considered the application and debated a number of issues. It was felt that the listing, although it encompassed the whole building, mainly focused on the facade of the building rather than the rear of the property, where the proposed extension would be built. A number of members were aware that the applicants personal circumstances should not be a factor in determining the application even though they were sympathetic to the reasons for the application.

**Resolved:**

**That Planning Permission be GRANTED with officers delegated to agree the conditions in consultation with the Chairman, Vice-Chairman and local member. The agreed conditions are as detailed below:**

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 details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICIES: Saved policies H16, G2, D3, C5, CN8, CN11 and CN3 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

3.The first floor window in the south western (rear) elevation serving the bathroom shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

4. The development hereby permitted shall be carried out in accordance with the following approved plan:

Proposed rear elevation, proposed cross section, proposed first floor plan, proposed roof plan, proposed ground floor plan, site location plan, existing rear elevation, existing cross section, existing first floor plan, existing second floor plan, existing ground floor plan, elevation of bathroom window, typical section of proposed new sash window jamb and typical section through proposed new sash window: Drawing reference: 2002 / 11 D Date drawn: December 2013 Date received by Wiltshire Council: 17/04/2013

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

69 **13/00210/LBC - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED**

Public Participation:

- Joanna Harrison, local resident, spoke in objection to the application
- Diccon Carpendale, planning agent, spoke in support of the application
- Caroline Leatham, applicant, spoke in support of the application

- Charles Bowen, Hindon Parish Council, spoke in support of the application

The Planning Officer introduced the report which recommended refusal with reasons. He explained that the listed building planning application was to carry out alterations and the construction of a first floor rear extension.

**Resolved:**

**That Planning Permission be GRANTED with officers delegated to agree the conditions in consultation with the Chairman, Vice-Chairman and local member. The agreed conditions are as detailed below:**

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- (i) Full details and samples of external materials
- (ii) Internal door details
- (iii) Roof junction details
- (iv) Obscure glazing details

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

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY: Saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

3. The development hereby permitted shall be carried out in accordance with the following approved plan:

Proposed rear elevation, proposed cross section, proposed first floor plan, proposed roof plan, proposed ground floor plan, site location plan, existing rear elevation, existing cross section, existing first floor plan, existing second floor plan, existing ground floor plan, elevation of bathroom window, typical section of proposed new sash window jamb and typical section through proposed new sash window: Drawing reference: 2002 / 11 D Date drawn: December 2013 Date received by Wiltshire Council: 17/04/2013

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

70 **S/2012/1603 - Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ**

The Chairman explained that the applicant had withdrawn this application to enable amendments to the application prior to a re-submission.

71 **S/2013/0422 - Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW**

Public Participation:

- Matthew Shellum, planning agent, spoke in support of the application
- Andrew Williams, Stonehenge Chamber of Trade, spoke in support of the application
- Ian Mitchell, Mayor of Amesbury and on behalf of the Parish Council, spoke in support of the application

The Area Team Leader introduced the report which recommended for approval subject to a legal agreement and conditions. She explained that the planning application was for the redevelopment of the site to form a mixed use development of circa 5,000 sq ft A1 retail floorspace, and 33 later living apartments for older persons including associated landscaping, car parking and access.

Members of the Committee were informed that the proposed scheme increased the length of retail frontage to Salisbury Street fully in accordance with policy S1 and the site was also in the Housing Policy Boundary so housing was also acceptable in principle. The core planning principles of the National Planning Policy Framework include that planning should also promote mixed use development in sustainable locations.

Whilst there was an overall reduction in retail floorspace with the loss of the existing supermarket building, the retail floorspace being created was more flexible and more useable to the retail market and was considered to improve the retail function of Amesbury.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council had worked proactively to secure the development to improve the social, economic and environmental conditions of the area.

Members then raised a number of technical issues in relation to car parking for staff and customers, space for refuse collection vehicles and the affordable housing contribution.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Fred Westmoreland, then spoke to the application. In particular he explained his concerns about the retail space being too small and the design of the overall development would not alleviate antisocial behaviour in the town centre.

The Committee then considered the application and debated a number of issues. Members highlighted the overwhelming support for the application received from the Chamber of Trade who represented over 120 local businesses and the need for smaller stores in the town. There was a concern that if this application was refused the site would not be developed for many years and that this would be detrimental to the social, economic and environmental conditions of the area.

The Committee asked for an officer to attend the next meeting to speak about housing contributions.

**Resolved:**

That subject to the applicant entering into a S106 agreement to secure contributions towards affordable housing, waste and recycling facilities and the Wessex Stone Curlew Project, Planning Permission be GRANTED.

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 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: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(3) No walls of the development hereby permitted shall be constructed until a sample panel of the brickwork and flintwork not less than 1 metre square, demonstrating the face bond of the brickwork, the type of flint, style of flintwork and the mortar mix and finish and pointing style have been constructed on the site and approved in writing by the Local Planning Authority. The panel shall

then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(4) No walls of the development hereby permitted shall be constructed until a sample panel of the render to be used on the external walls not less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample (WB12).

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

(5) No development shall commence on site until large scale details of all eaves, verges, windows, (including elevations and sections of the windows, head, sill and window reveal details), doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(6) No development shall commence on site until large scale horizontal and vertical section plans (1:10 scale) of the shopfront to demonstrate the projection of the fascia, pilaster and stallriser have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(7) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing including a timetable for implementation by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the agreed timetable for implementation (WB17).

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

(8) No development shall commence on site until a noise pollution attenuation scheme for the flats on the Salisbury Street frontage (labelled 10, 11, 12, 14 & 27 on drawing no A01-1883-04 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing

specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of residential amenity.

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard surfacing materials

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

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

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(11) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the retained trees shown on plan number 7999/01 shall be submitted to and approved in writing by the local planning authority. All works shall subsequently be carried out in accordance with the approved details. In particular, the method statement must include:-

A specification for protective fencing to trees to be retained as shown on plan number 7999/01 during both demolition and construction phases which complies with British Standard 5837:2005 and a plan indicating the alignment of the protective fencing.

A Specification for scaffolding and ground protection within tree protection zones in accordance with BS 5837:2005.

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



(12) No development shall commence on site until details of the number, design and locations of measures which will be incorporated into the development to provide nesting opportunities for birds and roosting opportunities for bats, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The development will be completed in accordance with the approved details and implementation and retained for annual use by bats and breeding birds.

Reason: To safeguard protected species and mitigate against the loss of existing biodiversity and nature habitats

(13) No development shall commence on site until details have been submitted to and approved in writing by the local planning authority of cycle parking spaces for the retail development and the spaces shall be implemented in accordance with the approved details prior to the retail development first being brought into use.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable development.

(14) No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of road safety and reducing vehicular traffic to the development.

(15) The car parking spaces and access roads thereto shown on the approved drawings shall be completed prior to the occupation of the development land uses for which they are intended.

Reason: In the interests of highway safety and the amenity of future occupants/users of the development.

(16) The residential development hereby permitted shall not be first occupied, until the cycle parking facilities for the residential development shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable transport.

(17) Prior to the occupation of the any residential dwelling a car parking allocation and management plan shall be submitted to and approved in writing by the local planning authority. The sixteen car parking spaces provided for the residential development shall thereafter be allocated and managed strictly in accordance with the approved plan.

Reason: In the interests of highway safety and to help ensure that demand for spaces is restricted to match the provision.

(18) No development shall commence on site until details showing ventilation and extraction equipment within the site for the retail element of the scheme hereby approved (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the retail development hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details. (WF14)

Reason: In the interests of amenities of the area

(19) No development shall take place until a legal agreement with the highways authority in relation to the proposed changes to the layby on Salisbury Street has been entered into to secure:

1. Alteration and amendments to the dimensions of layby on Salisbury Street fronting the site.
2. Traffic regulation order required to be modified or introduced to regulate use of the layby site traffic and other potential defined users.
3. The submission of a service delivery management plan to be effected by the retail development.
4. Details for the protection/alteration of existing public path at the east side of the site.

Reason: In the interest of highway safety

(20) The second floor flat roof area of the development hereby permitted above the residents lounge (shown on drawing number A01-1883094 Rev B) shall not be used as a balcony, roof garden or similar amenity area (WE14).

Reason: In the interests of residential amenity and privacy.

(21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the ground floor retail element of the scheme (outlined on plan number A01-1883-03 Rev C) site shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any

provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). (WFA)

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

(22) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number A01-1883-20 Rev A, South West Elevation North West Elevation, dated May 2013, received by this office 26/06/2013

Plan number A01-1883-03 Rev C Ground Floor Plan, dated Feb 2013, received by this office 26/06/2013

Plan number A01-1883-05 Rev A Proposed Elevations, dated Feb 2013, received by this office 27/06/2013

Plan number A01-1883-02 Rev A Proposed Site Layout, dated Feb 2013, received by this office 21/06/2013

Plan number A01-1883-01 Rev A Site Location Plan, dated Feb 2013, received by this office 20/06/2013

Plan number A01-1883-04 Rev B Upper Floor Plans, dated Oct 2012, received by this office 29/05/2013

Plan number LP233/01A Landscape Strategy Plan, dated Feb 2013, received by this office 15/04/2013

Plan number A01-1883-12 Section Elevations A to J, dated April 2013, received by this office 15/04/2013

Plan number 7999/01 Tree Constraints Plan, dated Sept 2012, received by this office 26/03/2013

Plan number A01-1883-06 North East Elevation and Section AA, dated March 2013, received by this office 07/03/2013

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

### **Informatives**

#### **Permission not authorising work on land outside the applicant's control & party wall act**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996 (WP18).

### **Materials**

Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.

### **Section 106 Agreement**

This permission shall be read in conjunction with the Section 106 Agreement dated (To be completed) 2013, which is applicable to this application, in terms of its restrictions, regulations or provisions.

### **Highways**

The consent hereby granted shall not be construed as authority to carry out works on the highway.

A Section 278 Agreement allows developers to enter into a legal agreement with the Highways Authority to make alterations to the public highway to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Proposals relating to the alterations of the layby fronting the site will be considered by the highway authority on the basis of all potential users. There can be no guarantee that space will be available at a particular time for the private use of the retail development.

### **Advertisement consent required**

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

### **Wessex Water**

The existing foul sewerage network has adequate spare capacity to serve the current proposals for foul drainage.

The current plans indicate that on site drainage will not be offered for adoption to Wessex Water. Appropriate measures should be made for the maintenance and repairs of these sewers. Please refer to Wessex Water's Advice Note 16 for further guidance on the National Building standard (NBS).

When the NBS is implemented it will be mandatory for new shared drainage to be adopted by the sewerage undertaker.

If the development site is constructed prior to the implementation of the NBS and the site is not a single managed site, some of the drainage will be subject to

secondary sewer transfer to Wessex Water 6 months after the NBS is introduced.

Surface Water – Proposals indicate drainage to highway drain; the applicant should consider soakaway arrangements. If the surface water system is to be served by soakaways the surface water sewers do not, in effect, drain to a public system and will not be subject to mandatory transfer.

Water Supply – Adequate capacity exists; building above 2 storeys may require on site boosted storage.

## 72 **S/2012/1834 - Area 10, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application
- Glen Godwin, on behalf of the applicant, spoke in support of the application
- Ron Champion, Chairman of Laverstock and Ford Parish Council, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection of 69 dwellings and associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would have voted.

The Committee were informed that the area of land in question was identified in the Design Code document 2007 as land which may be suitable for development after 2011. It was also located within an emerging settlement, and hence, its development for housing would accord generally with national and local planning policies. In the absence of a signed S106 Agreement, the proposal would fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Officers also explained that the proposal was considered to be contrary to Core Policy CP3 in that without a suitable S106 Agreement, it made no provision for 40 percent affordable housing within the application scheme, and sought to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aimed to provide high quality affordable housing, and mixed healthy communities. The Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant

adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal.

Members then raised a number of technical issues in relation to existing permission for area 10 and the relocation of affordable housing from area 12 to area 10.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLennan, then spoke to the application. In particular he spoke about his concerns in relation to the application and in particular the density of the site and the proximity to the football club.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. However, the proposal suggests that no affordable housing will be provided on another separate parcel of land (Area 12), subject to a current separate planning application (S/2012/1836), and that all the affordable housing provision for that Area would be included on Area 10 subject of this application.

However, the current proposal would create an uneven balance of affordable housing provision across the wider site and in the absence of a suitable legal agreement which agrees to 40 percent affordable housing provision, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities

- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities
- Vehicular/pedestrian link with adjacent land including removal of ransom strip

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8 & R2 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

**73 S/2012/1835 - Area 11, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application
- Glen Godwin, on behalf of the applicant, spoke in support of the application
- Ron Champion, Chairman of Laverstock and Ford Parish Council, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection

of 35 dwellings with associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would vote.

Members of the Committee were informed that the proposal would result in the development of a large area of intended public open space which is ecologically sensitive. It was noted that the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. The loss of the proposed open area and its development for housing would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

Officers explained that in the absence of a signed S106 Agreement, the proposal would fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities. Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal, if the highways officer maintains a valid planning objection. Members delegated this matter to Officers to impose a reason for refusal where considered appropriate.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLellan, then spoke to the application. In particular he was concerned at the loss of the proposed open space area and felt this would have a detrimental impact on those living in the development.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. The proposal would result in the development of a large area of intended public open space which is considered to be of local ecological value. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. Further, in the absence of a detailed ecological assessment regards the impact of the



development, it is considered that the proposal would be likely to cause significant harm to the local ecology and biodiversity of the site and area.

It is therefore considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, and potentially cause significant harm to the local ecology and biodiversity of the site and area. The proposal is therefore considered to be contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22, policy CP50 of the draft Wiltshire Core Strategy and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces and paragraphs 109 to 119 related to biodiversity and ecology matters.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable Housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local

Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

74 **S/2012/1836 - Area 12, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection of 22 dwellings and associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would vote.

Members of the Committee were informed that the proposal would result in the development of a large area of intended public open space. The proposed open space area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It was considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Members noted that the proposal was considered to be contrary to Core Policy CP3 in that it made no provision for affordable housing within the application scheme, and sought to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aimed to provide high quality affordable housing, and mixed healthy communities. Also, the Local Planning Authority considered that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal.

Members then raised a number of technical issues in relation to the materials used for the roof and the walls of the extension.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLellan, then spoke to the application. In particular he was concerned at the loss of the proposed open space area and felt this would have a detrimental impact on those living in the development.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. The proposal would result in the development of a large area of intended public open space. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22 and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces.

2. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. The proposal suggests that the 40% affordable housing (9 units) will be provided on another separate parcel of land (Area 10), which is subject to a current separate planning application (S/2012/1834). The proposal when considered in isolation would not therefore provide any affordable housing provision.

However, the proposal would create an uneven balance of affordable housing provision across the site, and furthermore, in the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

3. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regards planning obligations.

4. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

(Duration of meeting: 6.00 - 10.30 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,  
direct line (01225) 718376, e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
S/2012/1483	Elcombe Farm Bungalow, Alvediston	Hearing	Delegated	Allowed	No	Allowed

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?
113/00134	GrasmereHotel 70 HarnhamRoad Salisbury	WR	Delegated		No	
S/2012/1834	Area 10 Old Sarum	LI	Non-determination		No	
S/2012/1835	Area 11 Old Sarum	LI	Non-Determination		No	
S/2012/1836	Area 12 Old Sarum	LI	Non-determination		No	
S/2013/0046 & S/2013/0047	12-14 Salt Lane Salisbury	WR	Delegated		No	

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

27<sup>TH</sup> August 2013

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## Index of Applications on 05<sup>th</sup> September 2013

1

**Application No:** S/2012/1603/S73  
**Site Location:** Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4T  
**Development:** Application for the development of land without compliance with Condition 10 of Appeal Decision S/2010/0007 and in accordance with information submitted  
**Recommendation:** Refuse with Reasons

2

**Application No:** S/2012/1778  
**Site Location:** Area 9A/9B, Old Sarum, Salisbury, SP4 6BB  
**Development:** Reserved matters application for the erection of 40 dwellings, car parking and landscaping  
**Recommendation:** Approve with Conditions

3

**Application No:** S/2012/1829  
**Site Location:** Local Centre, Old Sarum, Salisbury, SP4 6BY  
**Development:** Reserved matters application for 3 retail units, a doctors surgery and 30 apartments including parking, landscaping and recycling centre (following approval of outline application S/2005/0211)  
**Recommendation:** Approve with Conditions

### 4 Site Visit 16:15

**Application No:** S/2013/0406  
**Site Location:** Shrewton Steam Laundries Ltd, High Street, Shrewton, Salisbury. SP3 4BZ  
**Development:** Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works  
**Recommendation:** Refuse with Reasons

### 5 Site Visit 16:45

**Application No:** 13/01181/FUL  
**Site Location:** 10 Church Road, Idmiston, Salisbury, Wiltshire, SP4 0AZ  
**Development:** New single storey side extension, roof extension, front and rear dormers, detached garage and landscaping to 10 Church Road to create a 6 bedroom dwelling. New two storey 5 bedroom dwelling within the existing curtilage of 10 Church Road  
**Recommendation:** Approve with Conditions

6

**Application No:** 13/01220/OUT  
**Site Location:** Land North West of The Avenue, Salisbury, Wiltshire. SP2 9PS  
**Development:** Outline Application for proposed new cemetery with vehicular access from The Avenue (resubmission of S/2012/0815)  
**Recommendation:** Approve with Conditions

7

**Application No:** 13/01223/OUT  
**Site Location:** Land East of the Avenue, Salisbury, SP2 9PS  
**Development:** Outline Application for proposed new cemetery with vehicular access from The Avenue  
**Recommendation:** Approve with Conditions

8

**Application No:** 13/01284/FUL  
**Site Location:** 12 Middleton Road, Salisbury, Wiltshire, SP2 7AY  
**Development:** conversion of existing end of terrace 4 bedroom house to form 2 dwellings (1 x 2 bed terrace house and 1 x 1 bed end of terrace house)  
**Recommendation:** Approve with Conditions

## Report to the Area Hub Planning Committee

<b>Date of Meeting</b>	05 <sup>th</sup> September 2013
<b>Application Number</b>	S/2012/1603/S73
<b>Site Address</b>	Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4T
<b>Proposal</b>	Application for the development of land without compliance with Condition 10 of Appeal Decision S/2010/0007 and in accordance with information submitted
<b>Agent/Applicant</b>	Allen Planning Ltd / Mr W Grant
<b>Town/Parish Council</b>	Winterbourne Stoke
<b>Grid Ref</b>	Eastings: 407467 Northings: 140542
<b>Type of application</b>	S73
<b>Case Officer</b>	Mrs Lucy Minting

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### Reason for the application being considered by Committee

Councillor West has requested that this application be determined by Committee due to -

- Visual impact upon the surrounding area
- Environmental/highway impact

### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED** with reasons.

### 2. Report summary

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

1. Planning appeal decision;
2. Whether the proposed lighting scheme is acceptable in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity.

The application has generated comments from 2 parish councils (the site is within Winterbourne Stoke Parish); and 8 letters of objection from third parties.

### 3. Site Description

The site forms part of Stonehenge Campsite which is located between Winterbourne Stoke and Berwick St James. The campsite is outside of a housing policy boundary and is therefore within 'open countryside' designated as a Special Landscape Area, and is adjacent to the Winterbourne Stoke Conservation Area.

Planning permission for the campsite was allowed at appeal described as 'change of use of land to touring caravan and camping site, including retention of access, driveway,

hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook-up points.'

The campsite is divided into three distinct parts comprising an upper paddock, closest to the Berwick Road, a middle paddock, and a levelled lower section closest to the river.

#### 4. Relevant Planning History

Application number	Proposal	Decision
213	Re-building of shed & piggeries	AC 01.06.50
TP/59	Construction of new access to highway	AC 27.06.51
TP/226	Site chosen for the erection of house or bungalow	AC 12.10.55
S/2010/0007	Change of use of land to touring caravan and camping site, including retention of access, driveway, hardstandings, shower/wc block, chemical toilet disposal area, cess pit and electric hook up points	Refused 11.05.2010 Allowed at appeal 11.11.2011
S/2012/0132	Erection of timber post and rail fence of 1.1m high along part of the western boundary of the site.	AC 03.05.2012
S/2012/1555	Retention of concrete base, construction of further concrete base and siting of two purpose built "Wessington" portakabin type shower blocks to be used as toilet/wash blocks in associated with the existing campsite	AC 07.03.2013
S/2012/1777	Development of land without compliance with condition 11 imposed upon Appeal C (S/2010/0007) and in accord with the Landscape Management information submitted with this application	AC 07.03.2013
S/2013/0056	Change of use of land to touring caravan and camping site (amended proposal to planning permission S/2010/0007/FULL incorporating use of pitch 6 as either a caravan pitch or the stationing of a motor home/caravan/pod for occupation by the senior site warden and use of pitch 7 (between 1st April - 30th September in any year) as either a caravan pitch or the stationing of a motorhome/caravan/pod for occupation by assistant wardens in association with the management of the existing campsite)	Refused 18/04/2013  Appeal lodged

#### 5. Proposal

The Inspector's decision letter to S/2010/0007 is attached as an appendix to this report.

Condition 10 attached to the appeal decision required the applicant to submit and have agreed by the council a lighting scheme.

Whilst the applicant submitted details on lighting, they were not provided within the required timescale. As a result in May 2013, following legal advice provided to the owner, the Council took its own advice from Counsel on the status of the permissions granted by the appeal Inspector.

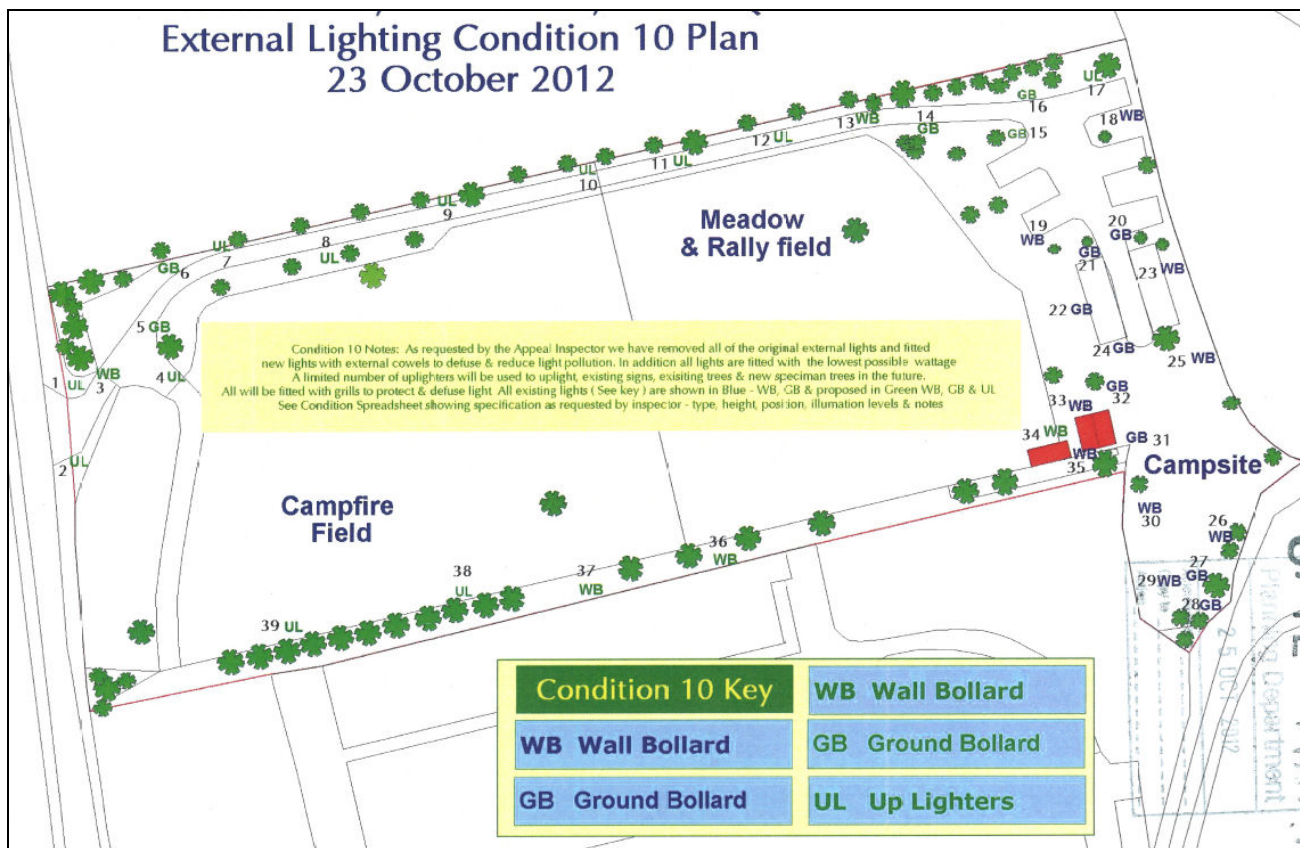
Counsel's advice was that the permissions have not lapsed although the owner is in breach of the condition. The appropriate solution to this situation has been for the owner to submit this application under Section 73 of the 1990 Act for planning permission for the development of the land without complying with the lighting condition.

It follows that this S73 application is to address the 'missing' information required by condition 10 (lighting):

10. Within one month of the date of implementation of the permission hereby granted, the details of any existing external lighting installed on the land and any additional external lighting proposed, shall be submitted to and approved by the Local Planning Authority. Details shall include the type of light appliance, the height and position of fitting, illumination levels and details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting. Development shall be carried out in accordance with the approved details and maintained as such thereafter. Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

The proposed lighting comprises the following:

- 13 Wall mounted lights (to be added to gate posts, electric hook up (EHU) points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.



The scheme plan above states that 'all lights are fitted with the lowest possible wattage'. The applicant has also amended the scheme during the course of the application confirming that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt (the minimum wattage possible); that cowls have been added to the bollard lights, the wall

mounted light to the ladies shower block (numbered 34 on the plan) has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

## **6. Planning Policy**

Adopted Salisbury District Local Plan 'saved' policies (listed in Appendix C of the Adopted South Wiltshire Core Strategy):

G1 – General principles for development  
G2 – General criteria for development  
C2 – Development in the countryside  
C6 – Special landscape area  
CN11 – Views in and out of conservation areas  
T9 – Touring caravans and tents

Government Guidance:  
NPPF

Good Practice Guide for Planning & Tourism.

## **7. Consultations**

### **Wiltshire Council Landscape Officer**

No objection in principle to the installation of exterior lighting at the Stonehenge Campsite but cannot support the application as currently submitted.

### **Exterior Lighting Consultant comments on additional information submitted:**

Our comments are based on good practice and where applicable upon the following guidance document: "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" - Produced by the Institution of Lighting Professionals.

From this document, the first step to undertake the assessment must be to ascertain which Environmental Zone the campsite falls within, please see Table 2 taken directly from the document below. It is suggested by the applicant that E2 is most suitable given its location next to the A350. The final decision on this should be made by the planning authority but our conclusion would be that E1 is most suitable as the surroundings are intrinsically dark. The closest street light is over 200m away to the east within a village residential area, unlikely to be viewable from site and north east upon the A350 again unlikely to be viewable from site. To the west and south there are no other public lighting installations within 6km.

Within all environmental zones there is clear requirement to minimise upward light and trespass, but more so in E1 and E2 zones.

Table 1. from Guidance Document

<b>Table 1 – Environmental Zones</b>			
<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

*Comments on Information provided by Applicant*

The lux and calculations plans show horizontal illuminance and also vertical illuminance upon the trees, internal building etc. What it does not show is the amount of light travelling outside of the site in both horizontal and vertical planes. We would expect the following to be provided as a minimum.

- A horizontal illuminance (at ground level) isolux diagram showing the light spill outside of the site extents.
- The information provided for vertical illuminations etc does not have a suitable scale to allow for full assessment of the illuminance values; the maximum value on the scale is only 0.75lux.
- The modelling of trees and being able to capture all illumination cannot be confirmed by plan alone and a decision over uplighter suitability must be made.

*Comment on Changes made to Application*

The change from 18w to 9w compact fluorescent lamps for building mounted and bollard units plus the inclusion of timers to switch off building mounted and bollard units from 10pm. This will reduce the overall impact of the site on others especially late at night and early morning. These changes should be acceptable and suitable for approval, pending further information requested above:

- Disconnection/Removal of 1no. unit, this will only reduce impact of the site and is greatly welcomed.
- Conversion of drive lights to movement sensors or switch off at curfew.

*Comments on Retained items on Application*

The use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite. Our supporting information is below.

Although the obtrusive light guidance document does allow for ground recessed illumination, it should be used sparingly and preferably confined to E3 (urban) or E4 (town/city) locations where there is likely to be already significant upward light from street lighting installations. The within an E1 or E2 zone should be severely restricted and should not be used for what is effectively an aesthetic purpose.

Applying an E1 zone restriction then there should be no direct illumination of buildings or other objects as the average luminance requirement is 0 cd/m<sup>2</sup>. Although the calculations indicate a maximum of 1.84cd/m<sup>2</sup> over the whole scene, it is clear there is illumination of trees and therefore a luminance level associated with this.

The illumination of the trees serves no purpose for the functional illumination of the site other than hope to reflect some diffuse light onto the driveway. This function would be better served, and at reduced energy consumption by utilising additional bollards.

Although the illumination of signage does serve as a function purpose, it should be requested that down lighters are utilised with suitable wattage lamps and with curfew control timers, rather than the uplighters specified.

#### *Final comments and Decision Recommendation*

The site illumination in its current form is not recommended for approval at this time. However, its recommendation for approval would be greatly enhanced through the removal of all uplighters, or their replacement with more suitable units. It is also requested that further information is provided with regards to spill light outside the site boundary and the operation.

Our final request would be for information to be provided so we have a full understanding of the lighting requirements for award of or compliance with the following legislation and guidance;

Comply with site license and Health and Safety  
British Tourist Board 2 & 3 star ratings  
AA 2-3 Star Ratings  
David Bellamy Awards  
European Listings

This would allow us to decide whether the proposals are in line with or far and above the requirements needed before they may be discussed in any appeal.

#### **Wiltshire Council Private Sector Housing (caravan licencing)**

The lighting proposals appear to meet the requirements for lighting set out in the license.

#### **Wiltshire Council Ecology**

No comments to make.

#### **Wiltshire Council Environmental Health**

On the basis of the information provided in the application concerning the nature and positioning of the lighting we have no objections.

#### **Winterbourne Stoke Parish Council**

Objects to this application because of the potential for unacceptable light pollution from the use of uplighters.

#### **8. Publicity**

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



8 letters of objection received (including from CPRE). Summary of key relevant points raised:

- The number of lights and lighting from dusk is inappropriate, excessive and unnecessary
- Lights are conspicuous and too bright
- The amount of lighting should be reduced to minimum requirements for health and safety – suggest complying with the English Tourist Board minimum requirements for a campsite of this size
- Campsite should not be developed into a brightly lit holiday camp
- Campsite users will bring their own torches/lighting, including lighting from the inside of caravans
- All uplighters to light trees should be removed – cause light pollution and unnecessary – the trees are on the perimeter of the site and are not causing a hazard to campsite users
- No need for uplighters at the entrance or down the track – cars will use headlights
- Lights should not be left on all night and interior lights on the shower blocks should be on timers
- The use of PIR (passive infra red -a motion sensor and acts like a switch when it detects movement) should be applied wherever possible
- Existing cowls don't diffuse light and the lighting can be seen outside the boundaries of the site (neighbouring gardens and roads) - all light fittings on the boundaries of the site should be shielded from the open countryside such that the light source cannot be seen beyond the light boundary in the interests of reducing light pollution and retaining the environment of the countryside and special landscape area.
- Suggest shaded lights at ground level would be adequate for paths
- Some lights have already been installed without discharging condition 10. This has already had a marked impact on light pollution, if rest are installed this will be inappropriate in a special landscape area
- Objections to number of retrospective applications submitted and piecemeal development.
- Conditions 10 and 11 of the appeal permission haven't been complied with within the timescales required and the appeal permission has now lapsed. The site licence should also be revoked
- Conditions/site is not being enforced
- Impact of lighting to ecology and adjoining SSSI
- Berwick St James has no street lighting
- Individual lights will need to meet EU legislation (type of lights currently in place are of the wrong design) and be tested by a lux meter and a spectrophotometer and accumulative light values will have to be evaluated.
- The owners should have to conform to a light evaluation programme to ensure the light levels are confirming to legislation.
- English Heritage, Natural England and Environment Agency should be consulted to assess the impact on the surrounding wildlife and countryside.
- Impact of lighting scheme on flight paths of Boscombe Down and Old Sarum Airfield needs to be assessed.
- CPRE specifically states 'The plan and detail indicate there is too much lighting for this open area, affecting the special landscape area.'

Berwick St James Parish Council Support the application subject to conditions:

Should the Local Planning Authority be minded to Grant Planning Approval in respect of this application then we would request that the application be amended to reduce the amount of lighting proposed to that required to comply with the English Tourist Board minimum requirement for a campsite of this size, that all proposed up lighters be removed from the proposals, that the use of PIR switching be applied wherever possible and where it complies with the requirements of health and safety and the requirements of the English Tourist Board accreditation. All light fittings located on the boundaries that are approved should be shielded from the open countryside such that the light source cannot be seen beyond the site boundary. This should be in the interests of reducing light pollution and to retaining the environment of the countryside.

Bearing in mind the comments above, we believe that this should be debated and dealt with by the Southern Area Planning Committee and not under Delegated Powers.

## **9. Planning Considerations**

### *9.1 Planning Appeal decision*

Section 73 applications leave the original permission intact and unamended, and result in the granting of a whole new freestanding permission. The original permission however may not be re-written.

The Inspector considered that the main issues to consider were:

The effect on the character and appearance of the locality and effect on the Special Landscape Area (SLA) and nearby Conservation Area - The Inspector considered that there are only limited views of the site from nearby residential properties and that in the medium to long term these would reduce as existing and proposed landscaping matured and that with conditions to secure the landscaping and control the extent of the camping and caravanning; the 'harm to the character and appearance of the locality including the SLA would not be material.'

The effect on the living conditions of occupants of nearby dwellings - The Inspector considered that subject to conditions limiting the area for, and numbers of, tents and caravans together with limitations on firepits, amplified and non-amplified music and additional landscaping; the development 'would not be materially harmful to the living conditions of occupants of nearby dwellings.'

Economic benefits - The inspector considered that the development 'accords with the then relevant PPS4 (policy EC7) which urged Councils to support sustainable rural tourism and leisure development to help deliver the Government's tourism strategy.'

### *9.2 Whether the proposed lighting scheme is acceptable for purpose and in terms of the effect on the character and appearance of the locality including its effect on the special landscape area within which the site is located, the nearby Winterbourne Stoke Conservation Area and visual amenity*

Paragraph 125 of the NPPF states:

'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Good lighting design is important to avoid unnecessary visual impact, light pollution and energy waste. The Temple Report to DEFRA 2006 (Assessment of the Problem of Light Pollution from Security and Decorative Light, Published Guidance/Standards on Obtrusive Light) highlights the problems of light pollution:

An increasing amount of exterior lighting is being allowed to shine above the horizontal, and a significant proportion of this artificial light ends up in the sky where it does nothing to increase vision or security, but wastes electricity, money and finite resources.

The comparatively recent but growing concern expressed about the adverse effects of outdoor lighting recognises that there are many bad examples of over-lighting in sensitive rural/countryside environments. Many of these have been there many years and are beyond control. However the situation should not be allowed to worsen. A high level of existing lighting in a rural location should not justify an increase nearby.

The report also states that where Council's are assessing new proposals they will need to be satisfied that the lighting scheme proposed is the minimum required for security and working purposes and that it minimises potential visual impact.

It is accepted that the Inspector considered lighting was necessary on the site by the imposition of the condition. The condition required the following details to be agreed:

- the type of light appliance;
- the height and position of fitting;
- illumination levels;
- details of measures to reduce light pollution including any external cowls, louvres or other shields to be fitted to the lighting.

The aim of the landscape scheme and long term management plan for the Stonehenge Campsite is to provide a natural screen surrounding the site to protect the visual amenity of neighbours and the landscape character of the Special Landscape Area. In other words the site should become inconspicuous and blend in with the surrounding countryside.

It is therefore considered that any lighting of the campsite should be the minimum amount necessary for health and safety and operation of the campsite and that glare and light spillage from the site needs to be minimised in order to avoid having an adverse visual impact on the surrounding landscape.

To avoid over-lighting objects and to reduce unnecessary energy expenditure and waste light production the International Commission on Illumination (CIE) has published a document '*Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installation*'. This sets out a series of environmental zones that range from E0, which are dark protected landscapes, to E4 for bright inner city areas. The intensity of light from individual lights and the resultant lighting levels recommended are more restricted as you get towards the E0 category.

The definitions of the four zones are:

**E0: Dark Protected** UNESCO Starlight Reserves, IDA Dark Sky Parks

**E1: Intrinsically dark areas** National Parks, Areas of Outstanding Natural Beauty, etc.

**E2: Low district brightness areas** Rural or small village locations.

**E3: Medium district brightness areas** Small town centres or urban locations.

**E4: High district brightness areas** Town/city centres with high levels of night-time activity.

The Council's Exterior Lighting Consultant advises that the first step in undertaking the assessment of the proposed lighting scheme is to ascertain which Environmental Zone the campsite falls within.

The applicant has drawn attention to existing street lights in Winterbourne Stoke, nearby residences in Berwick St James and Winterbourne Stoke with a minimum of one outside light and constant light pollution from the A303 and consider that the site should be classed as Environmental Zone 2 (as a rural, low district brightness lighting environment).

The site lies in the open countryside outside of the village limits and adjacent to the B3083 (Berwick Road) which has no street lighting and the Lighting Consultant advises that the site should be classed as Environmental Zone 1 (as a natural and intrinsically dark lighting environment), although within all environmental zones there is clear requirement to minimise upward light and trespass, and more so in both E1 and E2 zones.

The lighting condition includes the need to provide 'illumination levels'. Additional information has now been submitted including a cumulative 'lux' or light spillage plan for the entire site. This has been considered by an Exterior Lighting Consultant and the comments are attached in full above.

The lighting scheme proposes:

- 13 Wall mounted lights (to be added to gate posts, EHU points and shower/WC block);
- 13 Bollards;
- 12 Uplighters to 'uplight existing signs, existing trees and new specimen trees in the future'.

The scheme plan states that '*all lights are fitted with the lowest possible wattage*'. The applicant has also confirmed that the bulbs on the wall mounted lights have been further reduced from 18Watt to 9Watt (the minimum wattage possible); that cowls have been added to the bollard lights, the wall mounted light to the ladies shower block has been disconnected and that all lights are on timers from dusk until 10pm (which could be conditioned).

The lighting consultant advises that the changes to the bulbs and inclusion of timers will reduce the overall impact of the site; although whilst the lux plans show horizontal and vertical luminance upon the trees and internal buildings, they do not show the amount of light travelling outside of the site in both horizontal and vertical planes.

It has therefore not currently been demonstrated that the proposed lighting scheme will not result in light spillage outside the site which would have an adverse visual impact on the surrounding landscape.

The Council's Landscape Officer has previously advised the applicant that in order to maintain dark night skies at this rural location, the uplighters are unnecessary and should be removed from the scheme.

The lighting consultant advises that the illumination of trees serves no functional purposes other than hope to reflect some diffuse lighting onto the driveway and whilst the illumination

of signage does serve as a functional purpose, downlighters or additional bollards would be more suitable.

Within an E1 or E2 zone lighting should be restricted and should not be used for what is effectively an aesthetic purpose and the lighting consultant agrees that the use of uplighters should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite.

The applicant's agent states 'lighting is necessary for the successful operation of the campsite and in order to comply with various aspects of legislation/guidance the site is required to have appropriate lighting in order to:-

Comply with site licence and health and safety  
British Tourist Board 2 & 3 star ratings  
AA 2-3 star ratings  
David Bellamy Awards  
European listings'

The only reference to lighting in the Site Licence Conditions for the campsite include that 'All toilets and amenity blocks shall be provided with a satisfactory form of artificial lighting during the hours of darkness.'

There are no requirements in the awards listed that higher ratings are given for "aesthetic" rather than functional lighting. The Co-ordinator for the AA Pennant System specifically refers to a level 4 expecting all internal roads, paths and toilets blocks to be lit at night but are very conscious about light pollution and 'expect all lighting to be low-level across the park'. The Visit England (referred to above as British Tourist Board) rating scheme also makes no reference to aesthetic lighting just that campsites should have 'external light fittings and lighting provision throughout the park, including roads, footpaths, ramps, steps and exterior of buildings'.

It is not considered that the use of uplighters is appropriate in this rural location designated as a special landscape area. It is also not considered that it has been demonstrated that these are necessary for the safe operation of the campsite.

## **10. Conclusion**

The lighting scheme does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, the nearby Winterbourne Stoke Conservation Area and visual amenity.

## **11. Recommendation**

### **Planning Permission be REFUSED with reasons**

- (1) The lighting scheme proposed does not demonstrate that there will not be light spillage outside of the site boundaries and includes uplighters which are not considered appropriate to the location and will have an adverse effect on the character and appearance of the locality designated as a special landscape area, and the nearby Winterbourne Stoke Conservation Area and visual amenity in general contrary to saved policies G1, G2, C2, C6, CN11 and T9 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the

Adopted South Wiltshire Core Strategy and guidance contained within the NPPF (and paragraph 125 in particular).

In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

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## Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

by **K Nield BSc(Econ) DipTP CDipAF MRTPI**

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

Decision date: **11 July 2011**

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

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

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

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

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

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

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

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<http://www.planning-inspectorate.gov.uk>

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

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

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

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**Appeal C Ref: APP/Y3940/A/10/2136994  
Stonehenge Campsite, Berwick Road, Berwick St. James, Salisbury, SP3  
4TQ**

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

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

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**Application for costs**

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



### **Procedural matters**

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

### **The enforcement notices**

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

### **Preliminary matters**

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

### **The appeal under ground (c) (Appeal B)**

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

12. The appellants accept that several items of the alleged breach require planning permission. Broadly these comprise the toilet/shower block and washing up building, cesspool/waste disposal point and associated fencing, lighting and electrical hook-up points. The appellants have not raised matters under this ground in connection with these items of operational development itemised in the Appeal B notice where there is a breach of planning control.
13. The appellants' case under this ground is in respect of two matters identified in the alleged breach. Firstly, earth bunds with a mesh fence either side of the access, slightly inset from the site frontage with Berwick Road (B3083) and secondly in respect of an access track leading from Berwick Road into the site and providing vehicular and pedestrian access mainly to caravan pitches in the eastern part of the site.
14. The earth bunds are grassed with some additional landscaping. A green coloured flexible mesh fence has been positioned mainly along the forward face of the bunds which in some places exceeds the height of the bunds (but in other places does not). The combined effect of the bunds and fence is to form a means of enclosure to The Rally Fields and it also provides a partial visual screen into the site from the public domain along the highway. The bunds are inset from the highway by varying but fairly short distances. In the following assessment I shall describe the combined height of the bunds and where higher the fence as together comprising "the bunds".
15. There is some disagreement between the principal parties regarding the total height of the bunds. The Council has provided measurements from ground level at the edge of the highway indicating that the height varies from 1.1 metres (m) to 1.65m. The appellants have taken measurements from the mid-point of the highway where the camber is highest and indicate that the height of the bunds above that point vary from less than 1m to 1.32m. Without doubting their accuracy, I find the basis of the appellants' measurements from the camber to be rather contrived and I am more persuaded by the Council's measurements in providing a total height of the bunds.
16. The appellants contend that the bunds are permitted development under Part 2 Class A of Schedule 2 to the General Permitted Development Order 1995 (as amended) (GPDO). That permits "*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure*" subject to compliance with a number of specified criteria.
17. However, criterion (a) of Class A does not permit such development adjacent to a highway used by vehicular traffic where the height of any gate, fence, wall or means of enclosure exceeds 1m above ground level.
18. In this case although the bunds are inset slightly from Berwick Road they clearly perform a function of separating the appeal site from that highway. In the context of this site they act as a boundary to the highway. Notwithstanding their inset from the highway I consider that it is positioned adjacent to them. As they exceed 1m in height they are not permitted development under Part 2 Class A.
19. With regard to the access there is no dispute that until (at least) 2008<sup>1</sup> there was a simple grass farm track leading from Berwick Road. Additional photographs show that reasonably extensive engineering operations to remove

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<sup>1</sup> Photographs in Appendices 3 and 11 of evidence of Stephen Hawkins

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

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

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

#### Background

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

#### Main issues

24. There is no dispute between the parties that planning policies at both national and local level, whilst seeking (in general terms and subject to various criteria) the protection of the countryside from inappropriate development, support tourist related development in the countryside including the development of caravan and camp sites.
25. Saved policy T9 of the adopted Salisbury Local Plan (LP) is in line with the general thrust of SP<sup>3</sup> policy RLT10 and policy EC7 in PPS4<sup>4</sup>. It is a permissive policy allowing the provision of new touring caravan/camping sites adjacent to the main holiday routes subject to a number of criteria. Amongst other matters the criteria require the site to be well screened from vantage points, highways and residential development and that trees and other landscaping are

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<sup>2</sup> Evidence of Anthony Allen

<sup>3</sup> Wiltshire and Swindon Structure Plan (SP)

<sup>4</sup> Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)

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

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

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

#### Reasons

##### *Character and appearance*

27. The appeal site adjoins the south-western extent of the CA which in that area comprises a meadow and other open land near the river. The parties agree that the proposed development preserves the elements of the setting and character of the CA that make a positive contribution to that heritage asset. I see no reason to differ. Consequently, there is no conflict with national policy HE 10 in PPS5<sup>5</sup>.

28. The wider area around the appeal site falls within both the Salisbury Plain West High Chalk Plain and the Wylde Chalk River Valley landscape character areas described in the Wiltshire Landscape Character Assessment. The appeal site is situated on the valley floor of the River Till.

29. A recent Landscape Character Assessment was undertaken for Salisbury District<sup>6</sup>. That indicates that the appeal site lies within Character Area A1: Till Narrow Chalk River Valley which is situated towards the north-east of Salisbury and running through adjacent areas of chalk downland (Area D). Within that area the overall condition of the landscape is good with moderate to high landscape character sensitivity and moderate visual sensitivity. I acknowledge that within the general description of the landscape character of the area there are pockets exhibiting some variation to the general landscape characteristics. I have noted the evidence of interested parties in this regard who pointed out some local variations in the area near the appeal site.

30. The appeal scheme contained proposals for enhancing the planting both at the site boundaries and within the site. The Council confirmed that this contained an appropriate mix and size of species for this location. The Council also confirmed that assumed growth rates to maturity for the suggested species were acceptable.

31. A detailed assessment of the visual effect of the cumulative effect of the appeal schemes from various viewpoints within the Till Valley and on the surrounding downland was undertaken by the appellants' landscape consultant. The Council's assessment was of a more limited nature. In addition, I was able to

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<sup>5</sup> Planning Policy Statement 5: Planning for the Historic Environment (PPS5)

<sup>6</sup> Salisbury Landscape Character Assessment: Chris Blandford Associates (February 2009)

look at the site from various viewpoints at my site visit and reach my own conclusions on the visual effect of the schemes on the landscape.

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

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

*Living conditions*

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

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

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

*Economic benefits*

48. The parties agree that the use of the site for tourist related purposes would lead to economic benefits both to the immediate and wider areas. The scheme would provide one FTE<sup>7</sup> job and there was agreement that there would be some visitor spend, albeit unquantified, in the area.
49. The proposed development, taken as a whole, accords with national planning policy in PPS4 (policy EC7) which urges Councils to support sustainable rural tourism and leisure developments to help deliver the Government's tourism strategy. It is also supported by the Government's commitment to promote sustainable growth and jobs<sup>8</sup>.

*Fallback position*

50. The appellants have permitted development rights which enable them to make use of the site for camping<sup>9</sup> and caravanning. For the days that such activity would be covered by these rights the numbers of tents and caravans at the site would be fairly uncontrolled and could be significantly greater than those suggested in the schemes now before me with the suggested conditions. There is a reasonable likelihood that some of the problems brought to my attention by uncontrolled camping and caravanning in the past would re-occur under this fall back position. Consequently I can attach considerable weight to it in my overall balance of considerations.

*Other matters*

51. A number of other matters are brought to my attention by the interested parties. There is concern that the appeal schemes would have a harmful effect on nature conservation interests in particular the nearby SSSI<sup>10</sup> along the River Till. However, no substantive evidence was produced to support that contention and I cannot attach significant weight to it.

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<sup>7</sup> Full time equivalent (FTE)

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

<sup>9</sup> Under Part 4 Class B of Schedule 2 and Part 27 of Schedule 2 to the GPDO

<sup>10</sup> Site of Special Scientific Interest (SSSI)

52. Concern was also expressed by interested parties and the local Parish Councils in respect of the effect of the schemes on highway safety, particularly slow moving large vehicles and some vehicles towing caravans seeking to exit the site onto the B3083. The initial consultation responses of the Highways Agency and the Highways Department of the Council<sup>11</sup> did not raise objections in this respect, however shortly before the Inquiry an objection was received<sup>12</sup> indicating the view of the relevant highways officer that visibility from and of vehicles leaving the site access is restricted by a hedge that had recently been planted along the roadside site frontage. The principal parties agree that greater visibility can be secured by re-positioning the planting along the bunds and that this could be secured through a condition, if all other matters are acceptable.
53. I have had regard to other matters raised including the effect on archaeology, and sewerage and waste water disposal. None alters my view as to the main issues on which these appeals turn.

*Conditions*

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

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<sup>11</sup> Evidence of Charlie Bruce-White

<sup>12</sup> Document 13 to the Inquiry

<sup>13</sup> Contained in the Statement of Common Ground



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

58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing WGDP 01) but the number of tents and number of days that would be available for camping are in dispute.
59. The appellants suggest that the defined area for tented camping should only be used for such purposes between 19 March and the 30 September inclusive within any calendar year and that it should be used for a maximum of 20 tents on any day within that time period save for 10 days when a maximum of 100 tents would be permitted and a further 14 days when a maximum of 40 tents would be permitted.
60. The Council has suggested a more restrictive approach within the same area. It suggests that that land could be used for tented camping for up to a maximum of 100 days between 1 March and 1 October inclusive within any calendar year. Within that period the Rally Fields should not be used for the stationing of more than 20 tents in total on any day save for between 18 - 25 June inclusive when no more than 100 tents in total could be stationed there and no more than 40 tents in total on Bank Holiday weekends. As the Council's suggested period for use is similar in span to that suggested by the appellants I do not see any particular benefit to the overall visual amenity of the area to limiting the number of days to 100 when the area could be used for a limited use of a maximum of 20 tents. The location of those tents away from dwellings is not likely to lead to harm to the living conditions of occupiers of nearby dwellings. Further such a limitation of use suggested by the Council would, to my mind, be difficult to monitor either by itself or by local residents.
61. The further limitations in respect of use by up to a maximum of 100 tents (8 days) and use by up to a maximum of 40 tents on Bank Holiday weekends suggested by the Council do not differ markedly from the limitations suggested by the appellants and which would, in my view, be simpler to monitor. For those reasons I will impose conditions along the lines suggested by the appellants in respect of these matters.
62. To support the above conditions I agree that an up-to-date written record of all persons visiting the site is maintained and permitted development rights that would otherwise allow camping and caravanning on other parts of the site should be removed. Circular 11/95<sup>14</sup> advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

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

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

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

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

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

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

**Formal decisions**

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

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

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

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

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

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

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

*Kevin Nield*

INSPECTOR

## **ANNEXE C**

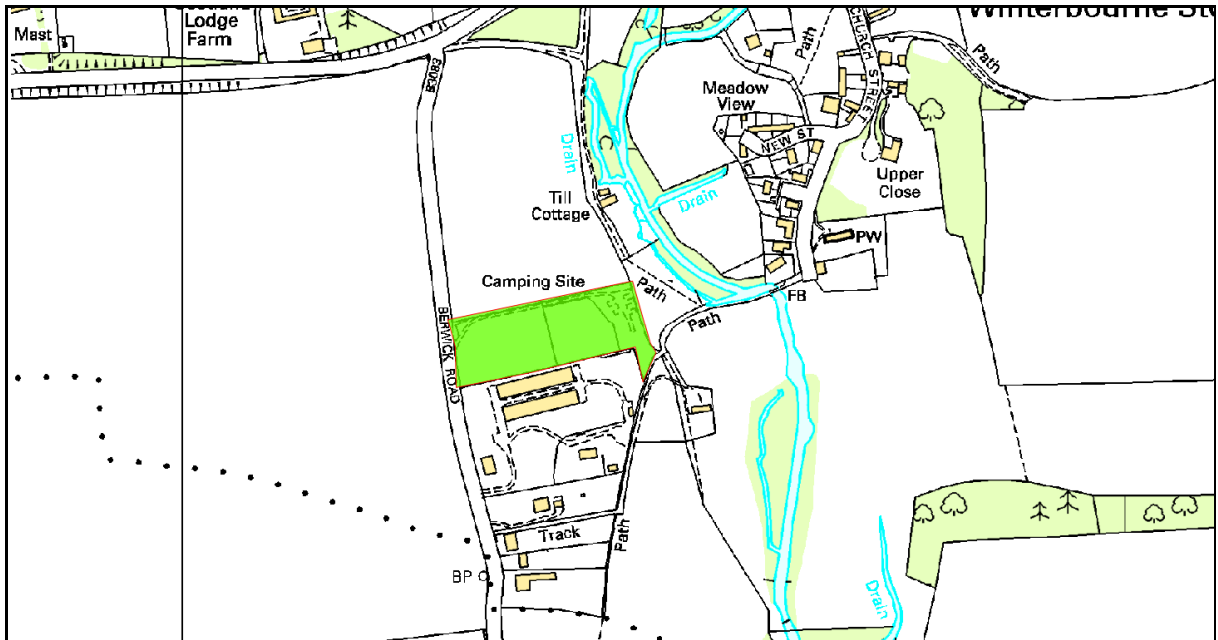
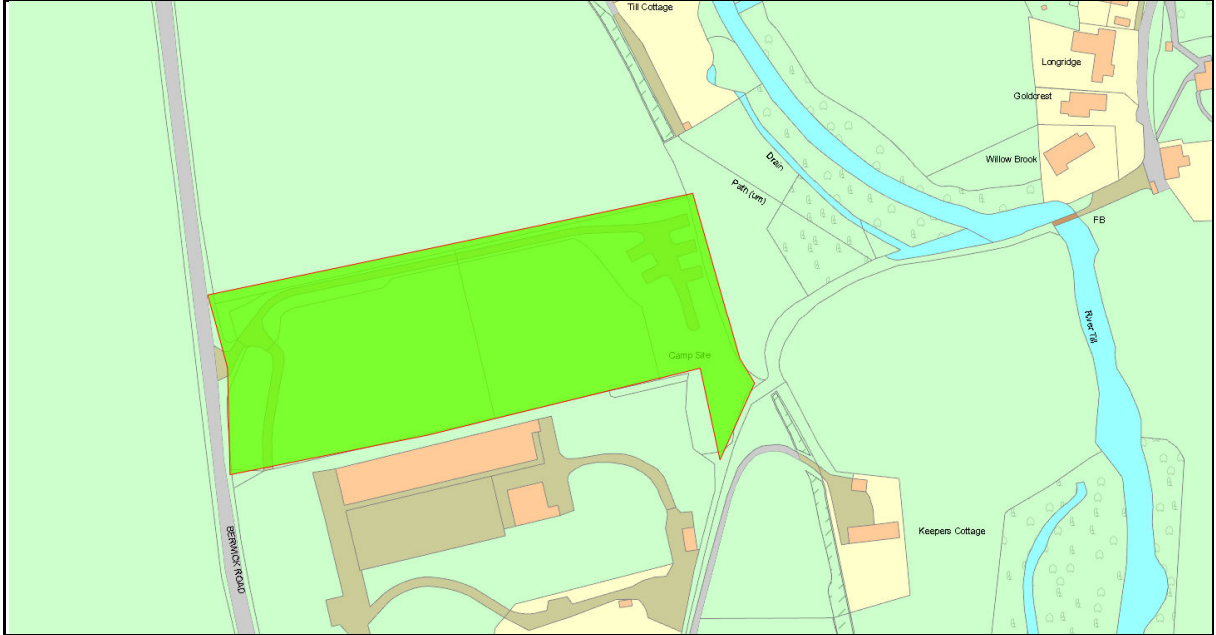
### **SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994**

1. The development shall be carried out strictly in accordance with the approved plans (Site location Plan, Planning application plan: PV 316/WFG/TA, Landscape Plan 2010 and drawing WGDP 01).
2. The land notated as "Campsite/Red Land" on drawing WGDP 01 shall only be used to accommodate a maximum of 15 caravans on any day of the calendar year.
3. No amplified music to be played or broadcast at any time on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
4. No unamplified music to be played after 2300 hours on any day of the calendar year on the land notated "Campsite/Red Land" or land notated as "Rally Fields/Blue Land" on drawing WGDP 01.
5. The use of the land for tented camping shall be strictly limited to that part of the site within the area notated as "Rally Fields/Blue Land" on drawing WGDP 01 and shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole. No caravans, motorhomes, campervans or other vehicle or structure adapted for human habitation which would fall within the definition of a caravan shall be stationed or parked on this land, which shall not be used for any camping other than for tented camping purposes between 19th March and the 30th September inclusive within any calendar year. That part of the application land within the area notated "Rally Fields/Blue Land" on drawing WGDP 01 shall be used only in connection with the use of the area notated as "Rally Fields/Blue Land" as a whole for a maximum of 20 tents on any day within the time period specified above, save for 10 days when a maximum of 100 tents and also a maximum of 40 tents on 14 additional days can be stationed within the period prescribed above. For the avoidance of any doubt, any day or part thereof when a tent or tents are stationed on the land or when activities incidental to camping are continuing (for example, the stationing of portaloos) is to be regarded as a day's use for the purposes of this condition.
6. Notwithstanding the provisions of any Class of the Schedule to Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order with or without modification), there shall be no stationing of any tents on any part of the land other than on the area referred to as Rally Fields/Blue Land on drawing WGDP 01 or within the approved caravan site, and there shall be no stationing of caravans outside of the approved caravan site.
7. A maximum of 10 fire pits shall be permitted within the land notated as "Rally Fields/Blue Land" on drawing WGDP 01 within the site and no other fires (excluding domestic barbecues and domestic garden/maintenance fires) shall be lit within any part of the site.
8. Within seven days of the date of implementation of the permission hereby

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

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

S/2012/1603/S73 - Stonehenge Campsite, Berwick St James. SP3 4TQ



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## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <sup>th</sup> September 2013
<b>Application Number</b>	S/2012/1778
<b>Site Address</b>	Area 9A/9B, Old Sarum, Salisbury. SP4 6EB
<b>Proposal</b>	Reserved matters application for the erection of 40 dwellings, car parking and landscaping
<b>Applicant</b>	Persimmon Homes (Wessex) Ltd
<b>Town/Parish Council</b>	Laverstock
<b>Grid Ref</b>	Easting 415157          Northing 134096
<b>Type of application</b>	Reserved Matters
<b>Case Officer</b>	Amanda Iles

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### REASON FOR REPORT TO COMMITTEE

Cllr Ian Mclennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12.

#### 1. Purpose of report

To consider the above application and recommend that permission be **GRANTED, subject to a S106 legal agreement, and subject to suitable conditions.**

#### 2. Report summary

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

1. Principle of Additional Dwellings
2. Impacts on Heritage Assets/Conservation Area
3. Impact on Character of the Area/Compliance with Design Code
4. Impacts on residential amenities
5. Impacts on highway system
6. Affordable Housing
7. Other Issues
8. S106 Heads of Terms

The Parish Council object

Neighbourhood Responses:

27 letters commenting on the application received

The site is located on the north western edge of a developing mix use development, between existing built out housing and the proposed SWALE land, which runs the whole length of the boundary of the larger development.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

The wider area around the site contains Old Sarum Airfield, which was recently designated as a Conservation area, and to the south west lies Old Sarum Scheduled Ancient Monument. The wider landscape is designated as being a Special Landscape Area.

#### **4. Relevant Planning History**

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

The current application subject of this report forms the reserved matters application to that outline consent.

There are several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826 - Mod Playing Fields, Old Sarum, Salisbury,  
Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1834- Area 10 - Erection of 69 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1835- Area 11 - Erection of 35 dwellings with associated car parking, landscaping and infrastructure.

S/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1829 -Local Centre - Reserved matters application for the erection of 30 dwellings, local facilities, car parking and landscaping.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.

## **5. Proposal**

This is a reserved matters application for the erection of 40 dwellings, car parking and landscaping.

## **6. Planning Policy**

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan) could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.

CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

## **7. Consultations**

### **Laverstock & Ford Parish Council**

Object as the proposal will result in additional houses over and above the originally agreed 630 with resultant impact on the community facilities, school and already challenging parking situation.

### **Natural England**

No objection

### **English Heritage**

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Environment Agency**

No objection

### **Highways Agency**

No objection

### **Archaeology Department**

No objection subject to condition

### **Environmental Health Department**

No objections

## **MOD**

No safeguarding objections

## **Open Space Department**

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106.

## **Education Department**

No objections subject to additional financial contributions for primary and secondary provision, and to secure additional land for future school expansion

## **Waste and Recycling Department**

No objections subject to additional contributions in line with policy

## **Highways Department**

No objections subject to conditions

## **Ecology Department**

No objection subject to a contribution being paid towards the stone curlew project.

## **Housing Department**

Would not object provided the additional affordable housing required and to be provided as part of the Local Centre application can be secured.

## **8. Publicity**

27 letters of objection were received regarding:

1. Land previously identified as green space will be built on
2. More houses than originally planned are to be built
3. The proposal will increase ground water run-off and flooding
4. Vehicle movements will be increased in the area with resultant increase in air pollution and noise
5. The infrastructure is not sufficient to support extra people
6. The school will not be sufficient to meet the needs of the enlarged estate
7. There is no children's or youth's play area proposed
8. The density of the housing will increase disallowing natural light
9. The estate is already overcrowded with insufficient parking
10. Parking spaces "nose to tail" for two cars on a driveway is impractical so people will park on the street
11. House prices will decrease if more houses are built
12. Existing archaeology will be destroyed
13. The land is good for cereal crops
14. The open area of the settlement of Old Sarum will be blighted
15. The surrounding conservation areas will be built on affecting ecology
16. The swales are required for drainage and should not be built on
17. It will result in loss of privacy and views for residents on The Portway
18. The existing road crossing on The Portway is poorly designed

Old Sarum Residents Association

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Exacerbate existing parking problem

## 9. Planning Considerations

### 9.1 Principle of additional dwellings

The wider mixed housing and employment site originally appeared in the draft Salisbury District Local Plan in 1998, and was eventually formally allocated as a development site in 2003 as part of the adopted Local Plan. In 2005, a development brief for the site was adopted, which sought to provide more specific guidance for the future development of the site. The land subject of this application formed part of this allocation.

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent.

The provision of 40 dwellings is not so clear cut. At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site, the majority of the proposed dwellings (38) would be over and above the provision of housing originally envisaged. However, the policy alludes to more dwellings being acceptable after 2011.

Furthermore, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. As a result, the applicants are able to apply for reserved matters for more dwellings than originally envisaged, and officers advise that this application should not be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

Therefore whilst the principles of the wider development have been agreed, the current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

### 9.2 *Impact on heritage assets/ Conservation areas*

The site is located close to the Scheduled Ancient Monument of Old Sarum and the newly designated Old Sarum Conservation Area. English Heritage has not objected to the scheme requesting that the application is determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.

Similarly, the development will be readily visible from the Conservation Area surrounding the aerodrome. However, in this particular instance, the Conservation Area was designated because of the historical significance of the adjacent Old Sarum airfield, and not because of any intrinsic character which existing in the surrounding landscape or the buildings. It may therefore be difficult to argue that any development on sites adjacent to the Conservation Area would not preserve/enhance the character of that Conservation Area.

Therefore as the site is well screened and separated from the nearby Conservation Area and listed buildings, it is considered that a refusal of the scheme on this basis would be difficult to justify.

### *9.3 Impact on character of the area/Compliance with Design Code*

As part of the outline planning application, a detailed design code was submitted. This outlined in some detail how the various buildings and spaces on the site as a whole would be treated and designed. As part of the outline planning permission, a condition was attached to that consent which essentially required all future development to be carried out in accordance with the details pursuant to the design code, unless otherwise agreed.

The Design Code splits the larger allocated site up into 3 broad residential neighbourhood areas (see page 27 of Design Code), namely:

**Urban Core** - The highest density area including the planned school and retail area, with densities of typically 45 dwellings per hectare.

**Medium Density** – Intended as a natural progression between the Urban Core and Rural edge areas, with typical density of 30-35 dwellings per hectare.

**Rural Edge** – This is the lowest density area of between 20-25 dwellings per hectare.

Area 9A falls into the medium density and 9B Low Density. Within these neighbourhood areas, the Design Code envisages several architectural “character areas. Plots 215-220 of 9A form part of “East Street” and all of Area 9B except for plot C13 is “Country Lane”.

It is considered that the proposal would accord with the description of the above character areas. As a result, it is considered that it would be difficult to justify a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area.

### *9.4 Impacts on Residential Amenities*

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit. In considering this point, it is therefore considered that Members should focus on the actual impacts created by the proposed dwellings on adjacent development/housing, and not on the principle of using the site for housing. In focussing on the actual impacts, it should therefore also be accepted that any amount of housing on this site is likely to have a certain level of impact on surrounding dwellings as opposed to leaving the site free of development.

In officers opinion, the overall bulk and massing of the dwellings, and their relationship to adjacent dwellings, is not unduly cramped, and is considered to be acceptable, and accords with that suggested by the indicative layout shown in the Design Code. The dwellings as planned are reasonably spacious, and of a two storey design typical of modern housing estates. It is therefore considered that, (notwithstanding the fact that this scheme would represent an increase in dwellings beyond the 630 originally planned for), the scheme as designed would not cause any significant or undue harm to the amenities of the occupiers of adjacent dwellings, in terms of over dominance, overshadowing or reduced privacy, over and above that which would normally be expected within an ordinary housing development.

#### *Vibration and noise issues*

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council’s environmental health officers have indicated that they would normally object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme.

The Council's Environmental Health officer does not object to this application, given that it is a reserved matters application, and the principle of dwellings on this site has already been established by the outline consent.

#### *Lack of open space on site*

The Council's Open Space officer considers that a physical open space does not need to be provided on this site, given the close proximity of the site to planned play areas and open land. However, he has requested that additional financial contributions be provided towards the enhancement of planned facilities in the vicinity. These matters will need to be secured via a S106.

#### 9.5 Impacts on Highway System/Parking

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit.

Officers are already aware that existing residents of Old Sarum consider there to be a traffic/parking issue on the estate, which appears to be as a result of the combination of quite narrow roads and the parking of cars on the highway, instead of in allocated rear parking courts. The addition of more dwellings above and beyond the 630 dwellings originally planned for has therefore cause significant concern among the local populace.

The Highways Department have raised some issues. The provision of parking facilities appears to be wholly sited within private parking areas, which are unlikely to be available to casual visitors, and insufficient space is provided for car parking spaces on plots C7 and C4 - less than 5 metre provision behind the maintained highway boundary and a 6 metre length should be provided between garage doors and the highway to ensure that overhanging of the highway does not occur and space is left to access the garage. Furthermore it is requested that a vehicle swept path analysis is submitted to show that service vehicles can negotiate the road network and drawings are also required to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

Amended plans have been received related to these matters and the highways officer does not object to the amendments subject to conditions.

#### 9.6 Affordable Housing

To comply with the outline planning consent there is a requirement to deliver 33% affordable housing across the whole of the site. On this application site this would equate to 13 dwellings. However, the applicants have proposed the equivalent of 25% affordable housing (10 units) but with the additional units being provided on the local centre site which is subject to a separate application (S/2012/1829).

Following discussions between the parties, the Council Affordable Housing officer has confirmed that she would not object to this apparent under-provision on this particular parcel of land, provided the additional affordable housing (the over-provision) at the Local Centre site actually happens.

In officers' opinion, it would be possible to secure this matter via a specific clause in the legal agreement (see separate section of report).

## 9.7 Other matters

### **Ecology**

The site is located within 2km of the River Avon SSSI. Hence the area is sensitive in terms of development which may affect the water systems and drainage.

The applicants have submitted a revised Environmental Statement (ES) which covers the likely impacts on the ecology and water systems. This concludes that there is unlikely to be significant impacts.

The Council Ecologist considers that there will be an impact on wildlife due to the increased urbanisation and loss of arable/grassland habitats. Where hedgerows fall within the curtilage of new properties there is no security that the hedges will be managed or even retained further reducing habitat. Therefore she has requested that conditions be added requiring the submission of a Construction Environmental Management Plan (CEMP) and a landscaping plan. A financial contribution has also been requested towards the Stone Curlew project.

### **Archaeology**

An archaeological investigation has been undertaken as part of outline application S/2005/0211, and this application site contains three Bronze Age barrows which were excavated in the autumn of 2006. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction. As such a condition relating to this has been added.

### **Drainage**

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, the applicants have submitted a drainage report which indicates that there will be no adverse impacts, and no objections have been received from any consultee regards this matter, and it is considered that a refusal on this matter alone would be difficult to justify.

### **Waste and Recycling**

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then. The Council's waste and recycling officer has no objection to the proposal subject to appropriate provision being secured via a suitably amended legal agreement.

### **Education matters**

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities.

Hence, this provision is secured via the suggested revision to the S106 Agreement.



## **Public Art**

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. Hence, this provision is secured via the suggested revision to the S106 Agreement.

## **Community Hall**

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. However, this was secured some 6 years ago, in 2007.

At the current time, there appears to have been ongoing discussions with Persimmon in relation to providing an up to date and improved internal specification for the building which meets modern day standards.

It is unclear at the present time whether any additional funds will be forthcoming regards such improvements. Furthermore, additional dwellings at Old Sarum will place additional pressure on this facility. Based on existing assumptions and evidence, it therefore considered that additional funding of this community facility is required. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *9.8 S106 Heads of Terms*

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As a result, it is considered that the following additional contributions be made towards the mitigation of the impact of the development (subject to legal advice):

- Additional public open space facilities
- Additional funds towards the planned community centre
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards stone curlew project
- Secure provision of affordable housing on site, including 4 units of affordable housing on this site, if the additional units are not provided on the Local Centre site.
- Contributions towards sustainable transport initiatives and infrastructure

## **10. Conclusion**

The principle of residential development in this location was accepted as part of the previous outline planning consent, and this reserved matters application accords with that consent. The creation of 28 dwellings above and beyond the 630 previously suggested is unlikely to cause any significant material harm to the surrounding environment, subject to suitable conditions, and suitable amendments to the previous S106 agreement to secure additional payments to mitigate against the additional impact of 28 dwellings on the surrounding community. As a result, on this basis, the proposal is considered to be acceptable.

**Recommendation: SUBJECT TO:**

i) FINANCIAL CONTRIBUTIONS BEING SECURED VIA A S106 LEGAL AGREEMENT TO MITIGATE THE IMPACT OF THE ADDITIONAL DWELLINGS TOWARDS:

- Additional public open space facilities
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public Art provision
- Additional funding towards the planned community centre
- Transport initiatives and infrastructure
- A financial contribution is required towards the Wessex stone curlew project under core policy 22
- The provision of affordable housing on site, including provision of affordable dwellings on the site should the planned additional affordable housing (4 units) fail to be provided on the local centre development site

**That permission be GRANTED, subject to the following conditions:**

1. The development hereby permitted shall be begun either before the expiration of 8 years from the date of outline permission S/2005/0211, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This approval of matters reserved discharges condition 01, 02, 03, 06, 13, 18, 21 of outline planning permission S/2005/211 only in so far as it relates to the area of land edged in red to which this application relates, but does not by itself constitute a planning permission.

REASON - For the avoidance of doubt and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. No development shall commence until the existing trees to be retained on site and any trees adjacent to the site boundary (as shown on the approved plans) have been protected by means of a scheme, to be submitted to and agreed in writing with the Local Planning Authority prior to works commencing. Development shall be carried out in accordance with the agreed scheme.

REASON: In the interest of the visual amenity of the area and biodiversity

4. All new planting and landscaping shall be provided/planted out on site within 1 calendar year of the commencement of development, unless a scheme of timing of provision is otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that planting and landscaping are carried out and in a timely manner so that the general visual appearance and amenities of the scheme are protected and enhanced.

5. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and

surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

6. 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

REASON: In order that sufficient parking is available for occupiers of the dwellings, visitors, and users of the open space.

7. 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.

8. No work shall start on site until a scheme for the full details of the soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of the planting species, times of planting, and maintenance schedule. Development shall be carried out in accordance with the approved details.

REASON - To secure a harmonious form of development.

9. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

REASON- To safeguard the amenities and character of the area and in the interests of highway safety

10. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

11. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

12. Before development commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which secures protection of habitats and species during the construction period. The development shall be carried out in accordance with the agreed CEMP.

REASON: In order to protect habitats and species during the construction period so as to limit the impacts of the development

13. Before development commences, a scheme for water efficiency shall be submitted to and approved by the Local Planning Authority. The scheme should deliver water efficiency measures to a minimum standard equivalent to Level 3 in the Code for Sustainable Homes. Development shall be carried out in accordance with the agreed schemes.

REASON: In order to improve the sustainability of the scheme in line with Core Policy 19 of the South Wiltshire Core Strategy.

14. No development shall commence within the area indicated (proposed development site) until:

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

REASON: To enable the recording of any matters of archaeological interest

15. The development shall be carried out in accordance with the amended plans received on the 30<sup>th</sup> May 2013.

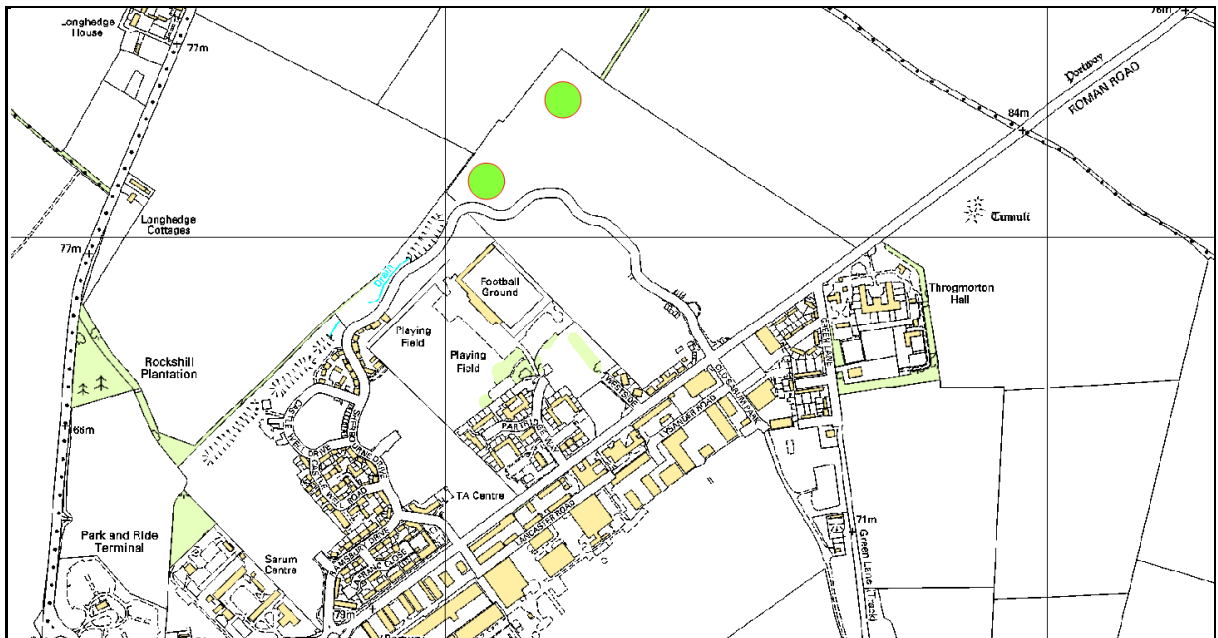
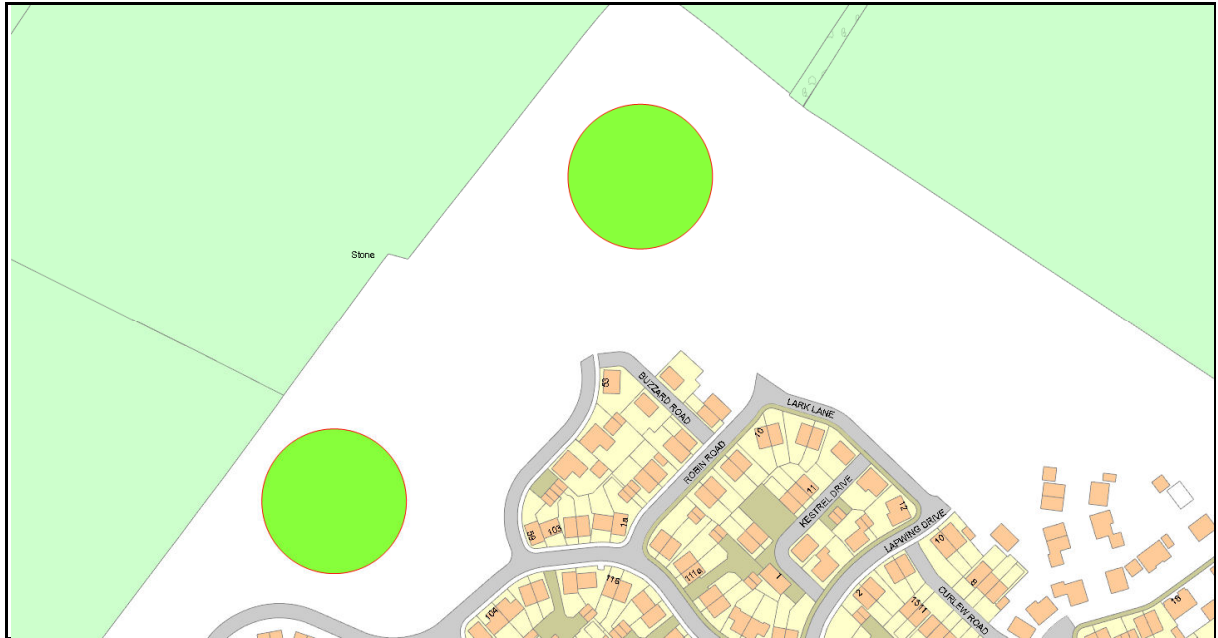
REASON: For the avoidance of doubt

## **INFORMATIVE**

With regard to condition 14 above the work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

The applicant should ensure that they have thoroughly investigated ground conditions and levels of vibration on the development site and use appropriate construction methods and materials to ensure that the occupants of the houses concerned are not adversely affected by vibration and or/reradiated noise caused by Equinox prior to any of the properties being sold or occupied.

S/2012/1778 – Area 9A & 9B, Old Sarum, Salisbury. SP4 6BB



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## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <sup>th</sup> September 2013
<b>Application Number</b>	S/2012/1829
<b>Site Address</b>	Local Centre, Old Sarum, Salisbury, SP4 6BY
<b>Proposal</b>	Reserved matters application for 3 retail units, a doctors surgery and 30 apartments including parking, landscaping and recycling centre (following approval of outline application S/2005/0211)
<b>Applicant</b>	Persimmon Homes Wessex
<b>Town/Parish Council</b>	Laverstock
<b>Grid Ref</b>	Easting 415052          Northing 133558
<b>Type of application</b>	Reserved matters
<b>Case Officer</b>	Richard Hughes

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### REASON FOR REPORT TO COMMITTEE

Cllr Ian Mclennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12.

#### 1. Purpose of Report

To consider the above application and recommend that permission be GRANTED, subject to a S106 legal agreement, and subject to suitable conditions.

#### 2. Report Summary

1. Principle of additional dwellings
2. Design and impact on wider area including heritage assets
3. Impact on Neighbour amenity
4. Highways and parking issues
5. Linkage to surrounding development
6. Affordable housing provision
7. Education matters
8. Tree protection and landscaping
9. Aircraft safety
10. Other matters
11. S106 heads of terms
- 12.

The Parish Council object

Neighbourhood responses:

12 letters and emails, (some in part support of the local facility)

### **3. Site Description**

The site is located at the entrance to the developing Old Sarum housing development, adjacent to The Portway, to the south west of Partridge Way, and to the south east of the existing school and the apartments off Sherbourne Drive. The site is currently undeveloped, but has already been generally defined in shape by the surrounding housing development and road system. There are mature trees along the northern boundary of the site with the Partridge Way housing area.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

### **4. Relevant Planning History**

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

The current application subject of this report forms the reserved matters application to that outline consent.

There is several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826 - Mod Playing Fields - Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – Area 9a& 9b – Erection of 40 dwellings, car parking, and landscaping.

S/2012/1834- Area 10 - Erection of 69 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1835- Area 11 - Erection of 35 dwellings with associated car parking, landscaping and infrastructure.

S/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.



## **5. Proposal**

This is a reserved matters application, following the outline planning permission, which granted consent for a “local centre” in this location. It is proposed to construct 3 retail units and a doctors surgery, with 30 apartments above. The proposal would also provide associated parking for the uses, and a community square. The site would be accessed via the existing pavements, with vehicles and servicing using a partly constructed access adjacent existing apartment development (Sherbourne House). There would also be a pedestrian and cycle linkage to the adjacent Partridge Way housing estate, utilising an existing informal path and gap which already exists.

It should be noted that planning permission has already been granted in detail for 628 dwellings at Old Sarum, and therefore this proposal for 30 dwellings would effectively result in 28 additional dwellings being created above and beyond the 630 dwellings envisaged for the larger site by the original outline planning application.

## **6. Relevant Planning Policy**

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan) could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.  
CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance “Creating Places”  
Policy WCS 6 of the Waste Core Strategy  
NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51,  
CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

## **7. Consultation response**

### **Laverstock and Ford Parish Council**

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Over-development of the Parish
- Exacerbate existing parking problems
- Public consultation was limited and inappropriate

**Archaeology Department**

An archaeology condition was imposed on the outline consent. This condition should be re-imposed on the new consent.

**English Heritage**

No comments raised.

**Natural England**

Confirmed that the submitted ecological survey has not identified any significant impacts on protected species, sites or habitats. General advice given on how to incorporate biodiversity in and around the development.

**Environment Agency**

No objection, with advice on surface water drainage, pollution prevention and water efficiency

**Wessex Water**

Not the water and sewerage undertaker for the site

**Scottish and Southern Water**

None received

**Highways Agency**

No impacts on the strategic road network

**MOD**

No safeguarding objections

**Open Space Department**

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106.

**Education Department**

No objections subject to additional financial contributions for primary and secondary provision, and to secure additional land for future school expansion.

**Waste and Recycling Department**

Further to amended plans, no objections subject to additional contributions in line with policy. The previously proposed waste and recycling area on site is no longer required by the Council.

**Highways Department**

Further to amended plans, no objections to revised parking layout.

**Ecology Department**

No objection to Local Centre scheme, subject to financial contribution to stone curlew project.

**8. Third Parties/Publicity**

Old Sarum Residents Association

The association welcomes the changes made from earlier revision of the plans, and support in general the plans for the Local Centre. Eager to see the facilities made available as soon as possible. Preference for doctors surgery, dentist or similar, community facilities, and café, and there has been some interest from local churches. Concerns include lighting and anti-social behaviour, and proper signage so that parking area is utilised properly and parking does not spill into adjacent residential areas.

One email from COGS (Cycling Opportunities Group for Salisbury), objecting to the proposal due to:

- i) Additional dwellings not in the Local Plan
- ii) No residential travel plan submitted
- iii) No targets or monitoring of sustainable transport initiatives is proposed
- iv) No improvements to the cycle network are proposed
- v) The design of the development does not assist promotion of sustainable transport modes and prevent dominance by cars
- vi) Parking spaces are excessive in number
- vii) No cycle parking in the public areas has been proposed

10 letters/emails from various parties indicating that:

- i) Scheme too imposing and mundane design
- ii) Hard to see how parking area will work – not enough parking
- iii) Design should be like the imaginative school building
- iv) More soft landscaping needed particularly in the public square
- v) Need lights and CCTV to discourage nighttime anti-social behaviour
- vi) Fully support the provision of these facilities
- vii) The applications for the extra homes will exacerbate existing facilities and services, including drainage issues
- viii) Concern that the community facilities/uses will happen/achievable

## **9.0 Planning Considerations**

### *9.1 Principle of additional housing*

It is considered that the proposal generally accords with the aims of the allocation, the development brief, the design code and the associated S106 Agreement, which date from 1998 to 2007 in terms of the provision of local centre facilities. It is clear that there is also local support for the provision of these facilities from existing occupiers of the surrounding housing estate. As a result, the scheme appears to reflect the type and level of community provision required by the current community. The proposal is therefore considered in accordance with aims of adopted policy CP21 of the SWCS, and is acceptable in principle.

The provision of 30 dwellings is not so clear cut. At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site before 2011, the majority of the proposed dwellings (28) would be over and above the provision of housing originally envisaged. However, the policy alludes to more dwellings being acceptable after 2011.

Furthermore, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. As a result, the applicants are able to apply for reserved matters for more dwellings than originally envisaged, and officers advise that this application should not be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

### *9.2 Design and impact on wider area (Compliance with the Design Code), including heritage assets*

The design ethos of this scheme follows that of other parcels of development on the Old Sarum site, which has taken a more contemporary and simplistic architectural approach. This approach also mirrors that shown in the original Design Code document which covers the design approach for the rest of the development. The area subject of this application is defined as the “Local Centre”, and is described generally as a high density area, containing local facilities, a community square, with apartments above local shops. It was also envisaged that a doctors surgery would be located in this area.

A small public square is envisaged as part of the design, with some landscaping and tree planting. The community/retail uses would be located on the ground floor, with residential apartments above. This would accord with the Design Code.

The elevations would mirror the simple contemporary approach suggested by the Design Code, and reflect the brick and render of adjacent buildings, with the scale being similar to adjacent development. Whilst there have been some objections raised to the design of the proposal, it is considered that the overall similarity of the design to existing approved design would make it difficult to justify a refusal on design and scale grounds.

The site is located opposite the Old Sarum Aerodrome Conservation Area. The proposed building would be 3 storeys tall (similar height to the recently built flats adjacent to the site), and readily visible from this conservation area. However, the adjacent conservation area is slightly unusual in that it was designated due to the historic nature of the airfield and its buildings, and not as would normally be the case, because of the attractive historic character of the area in a visual sense. As a result, given that the proposal would be located adjacent to a modern housing development, divorced from the conservation area by the Portway road, it is considered that the proposal would not have an adverse impact on the character of adjacent conservation area, or adversely affect the historic reasons for its designation.

The site is also visible from the Old Sarum scheduled ancient monument (SAM) which is located some distance to the south west of the site. Whilst the site will be visible from the SAM, it is considered that it will be viewed in the context of the surrounding suburban development and the adjacent aerodrome buildings, and would not by itself adversely affect the character of the SAM conservation area or views to or from it.

English Heritage has not raised any concerns. The Council archaeology department has indicated that the area may have significant archaeological potential, and has recommended that archaeological works take place during construction, and an appropriate condition.

As a result, and subject to suitable conditions, it is considered the impact of the works would not be so significant as to cause harm to heritage assets or the character of the wider landscape, particularly given the scheme is consistent with the general parameters agreed as part of the Design Code document.

### *9.3 Impact on neighbour amenity*

Whilst the development would be quite prominent, the development is generally located in a more divorced location, away from most surrounding properties on the emerging Old Sarum development, although close to existing apartments in Sherbourne Drive. Whilst also close to those established properties in Partridge Way, the development would still be a significant distance from dwellings in that estate, and divided from it by a number of mature trees. It is however likely that the introduction of a large area of vehicles will introduce some noise and general disturbance into the area, with established residents of Partridge Way being most affected in officers opinion. Occupiers of the adjacent apartment blocks opposite may also suffer an increase in general noise and disturbance, caused by any late night operation of the proposed shops, including deliveries.

Three floors of residential accommodation is proposed above the proposed shops and doctors surgery. It therefore seems likely that even with appropriate mitigation and controls, that occupiers of these flats will suffer a reduced level of amenity compared to those dwellings in the surrounding area, particularly during shop and doctors surgery operational hours, and during deliveries. The community square is also likely to generate general noise and disturbance when in use (which may not coincide with the operational times of the associated retail units given its intended public purpose).

However, the Council's Environmental Health Officers have no objections to the scheme, subject to a number of restrictive conditions related to mitigating and limiting the impact of the commercial uses on the residential use. As a result, a refusal based on this precise issue alone would be difficult to justify.

### **Vibration/noise issues**

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council's environmental health officers have indicated that they would normally object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme. However, in this particular instance, given that this application is a reserved matters application where the principle of dwellings on this site has already been considered acceptable (as part of the 2005 outline application), they have chosen not to raise a formal objection,

subject to suitable conditions controlling the uses within the local centre, including conditions related to insulation measures.

As a result, a refusal based on this precise issue alone would be difficult to justify.

### **Lack of open space on site**

The Council's Open Space officer considers that a physical open space does not need to be provided on this site, given the close proximity of the site to planned play areas and open land. However, he has requested that additional financial contributions be provided towards the enhancement of planned facilities in the vicinity. These matters will need to be secured via a S106.

### *9.4 Highways and parking issues*

The scheme is arranged with parking for users of the scheme immediately adjacent to the retail units, with parking for residents and the doctors surgery to the rear, off Sherbourne Drive.

Local residents have expressed concern regards the impact of the additional dwellings and the operation of the scheme in general on the highway system. Concerns have been highlighted that any proposed parking should not exacerbate existing parking problems in the area. Officers have requested several amended plans, which maximise the number of usable car parking spaces, and which also minimises the likelihood of car parking spilling into surrounding residential streets. Provision of cycle parking spaces has also been improved, hopefully addressing some of the concerns of the cycle users.

The COGS cycling group have raised a number of concerns, including the fact that no residential travel plan has been submitted, and hence the scheme would not actively support sustainable travel. The original S106 for the outline application and housing did in fact have a residential travel plan associated with it, and one was implemented, with bus vouchers and bike vouchers being provided. (However, if required, officers will ensure that similar additional requirements will be imposed on the additional dwellings suggested by this scheme, via the revised S106). Cycle parking has also been relocated to the front of the shops as suggested by COGS. Following a number of revisions to the plans, the Council Highways Officer has now indicated that the scheme is more acceptable, and will not have significant highway or parking implications. However, suitable planning conditions have been suggested which would hopefully ensure that parking is used effectively.

The removal of the communal waste and recycling area also created an opportunity to increase the level of parking on the site. Amended plans have been submitted showing an extra 3 parking spaces on top of those negotiated as part of this application, and the Council's Highways officer has no objections to the adjustment.

### *9.5 Linkage to surrounding development*

As required by the original legal agreement related to the 2005 outline planning consent, pedestrian link has been included in the plans, to provide access to and from the established Partridge Way housing area.

### *9.6 Affordable housing provision*

The applicant has chosen to include 4 additional affordable dwellings into the 30 apartment scheme. Additional affordable housing is in principle welcomed, as it is in line with Council priorities. However, these 4 additional affordable dwellings are in lieu of 4 dwellings which should have been included in the current planning application for Areas 9A & 9B which is subject of a separate application.

However, the Council's housing officer has agreed that provided the additional dwellings would indeed be provided at the local centre, then she would not seek to object to either this application or that for Areas 9a & 9B.

A suitably revised section 106 will therefore be required to secure these additional affordable dwellings on the Local Centre land. Any such amendment should however seek to secure this additional provision as part of Area 9a & 9B, should the Local Centre not come forward or otherwise not be provided.

### *9.7 Education matters*

This reserved matters scheme does not utilise all the area of land originally envisaged by the previous design code document. Hence, an area of 0.18 hectares has been shown on the plans outlined in blue, and the applicant has indicated that this area is to be reserved for future expansion of the existing primary school (which may be needed as a result of the proposed additional dwellings which may come forward if approved as part of this and other applications).

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. The provision of this land is also welcomed in principle.

However, unless this land is somehow restricted by the planning system for future use by the school, then it would be within the applicants gift to withdraw this offer of the provision of land at anytime. As a result it is considered necessary to secure this land for use for educational provision as part of any S106. Furthermore, the additional 28 dwellings require an additional financial contribution to primary and secondary educational provision above and beyond that secured via the original 2007 S106 Agreement. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *9.8 Tree protection and landscaping*

The mature trees along the boundary of the site with the Partridge Way housing area would be protected during development, and these will be protected during construction. Suitable conditions are suggested below. Several new trees would be planted as part of the proposal, including shrub planting around the scheme and to soften the visual impact of the car park serving the retail units.

### *9.9 Aircraft safety*

Historically, a group which operated from the adjacent airfield (Old Sarum Flying Club) often raised concerns about the impact on any adjacent development on aircraft safety. Their objections centred around an aircraft safety zone which the group itself had created and which was informally agreed with then District Council. The intention was to ensure that light aircraft could safely land, without any adjacent buildings impeding their take-off or landing vectors through the creation of general turbulence and of course due to the appropriate proximity of buildings to the runway in general safety terms.

The Old Sarum Flying Club no longer operate at the aerodrome, and no concerns have been raised by the owners of the airfield to this proposal.

It is considered that whilst the proposed building would be quite prominent and tall, it is located several hundred metres away from the airfield landing strip, and separated from it by a number of larger commercial buildings including hangers. It would therefore seem unlikely in this instance that the proposed local centre buildings would have an adverse affect of aircraft safety.

### *9.10 Other matters*

#### *Ecology*

The site is located within 2km of the River Avon SSSI. Hence the area is sensitive in terms of development which may affect the water systems and drainage. The applicants have submitted a revised Environmental Statement (ES) which covers the likely impacts on the ecology and water systems. This concludes that there is unlikely to be significant impacts. As the development is within 15km of the Salisbury Plain SPA a contribution is required towards the Wessex Stone Curlew Project under Core Policy 22 a contribution will be required per dwelling.

#### *Drainage*

Some concerns have been expressed by third parties that the quantum of development overall being proposed by the developers, which includes the 5 housing application for additional dwellings, would have an adverse impact on the existing and proposed drainage infrastructure.

However, this particular application and the number of dwellings already has consent in principle as part of the original outline, for both this site and the larger surrounding site. The drainage to serve this development was therefore already agreed as part of this earlier application, and much of the infrastructure has already been constructed and provided as part of the wider housing site already partly built out.

Neither the Environment Agency or the Council Ecologist have raised objections to the proposed scheme. As a result, whilst the local objections and concerns are noted, it is considered that the proposal is unlikely to have an impact in terms of the planned drainage for the site, or any subsequent ecology impacts.



The Council's Drainage and Ecology officers have raised no significant concerns regards this proposal or the additional dwelling numbers. These matters were considered in detail as part of the original outline planning application EIA, where it was envisaged that this site would be utilised for housing and a local centre. The updated ES also confirms that no significant impacts would result from the additional dwellings being proposed.

### *Archaeology*

An archaeological investigation has been undertaken as part of outline application S/2005/0211, and this application site contains three Bronze Age barrows which were excavated in the autumn of 2006. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction. As such a condition relating to this has been added.

### *Waste and Recycling*

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then. In particular, the previously required waste and recycling area for communal recycling is no longer required.

Following discussions with officers and amended plans, the Council's waste and recycling officer is now happy with the revised provision being offered by the developer, subject to such provision being secured via a suitably amended S106 legal agreement.

The removal of the communal waste and recycling area also created an opportunity to increase the level of parking on the site.

### *Public Art*

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *Community Hall*

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. However, this was secured some 6 years ago, in 2007.

At the current time, there appears to have been ongoing discussions with Persimmon in relation to providing an up to date and improved internal specification for the building which meets modern day standards.

It is unclear at the present time whether any additional funds will be forthcoming regards such improvements. Furthermore, additional dwellings at Old Sarum will place additional pressure on this facility. Based on existing assumptions and evidence, it is therefore considered that additional funding of this community facility is required. Hence, this provision is secured via the suggested revision to the S106 Agreement.

#### *9.11 S106 Heads of Terms*

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As a result, it is considered that the following additional contributions be made towards the mitigation of the impact of the development:

- Additional public open space facilities/contributions
- Additional waste and recycling facilities/contributions
- Additional educational facilities/contributions including securing of the educational land in blue on the plans
- Additional public art contributions
- Contributions towards Stone Curlew project
- Affordable housing provision
- Additional transportation contributions and sustainable initiatives
- Contribution towards planned community centre

Notwithstanding the above, the original S106 also secured the marketing of the Local Centre and a link from the Local Centre area to Partridge way. Whilst it may well be that these clauses remain in force and valid, it is considered that any revised S106 may need to ensure that:

- That the local facilities as proposed are marketed and provided within a suitable time scale
- That the proposed path across the site remains available for use in perpetuity and that access to and from Partridge Way is maintained, with no ransom strip across third party land.

#### *10. Conclusion*

The principle of a local centre with apartments above was accepted as part of the previous outline planning consent, and this reserved matters application accords with that consent. The creation of 28 dwellings above and beyond the 630 previously suggested is unlikely to cause any significant material harm to the surrounding environment, subject to suitable conditions, and suitable amendments to the previous S106 agreement to secure additional payments to mitigate against the additional impact of 28 dwellings on the surrounding community. As a result, on this basis, the proposal is considered to be acceptable.

**RECOMMENDATION: Subject to all parties entering into a S106 legal agreement which seeks to:**

- i) Additional Educational facilities/contributions including secure use of the blue land as part of the adjacent school
- ii) Provision of suitable additional waste and recycling provision/contributions
- iii) Provision of additional open play space financial contributions
- iv) Financial contribution towards stone curlew project
- v) Additional Public open space facilities/contributions
- vi) Additional public art financial contributions
- vii) Additional transportation financial contributions/sustainable transport initiatives
- viii) Additional Financial Contribution towards planned community centre
- ix) Secure affordable housing provision, including 4 additional affordable housing units either on this site or areas 9a/9b
- x) Marketing of shop and provision/timing of shops/surgery
- xi) The provision of an adopted path across the site and unfettered pedestrian and cycle access to and from Partridge Way

**GRANTED Planning Permission subject to the following conditions:**

1. The development hereby permitted shall commence within one calendar year of the date of approval of this reserved matters application, unless otherwise agreed by the Local Planning Authority.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004, and in order to ensure that the local centre and associated facilities are delivered in a timely manner.

2. This approval of matters reserved discharges condition 01, 02, 03, 06, 13, 18, 21 of outline planning permission S/2005/211 only in so far as it relates to the area of land edged in red to which this application relates, but does not by itself constitute a planning permission.

REASON - For the avoidance of doubt and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The ground floor uses hereby approved shall be restricted to Class A1 retail uses (within the three retail/shop units shown on the approved plan), and a Class D1 doctors surgery use, (within the doctors surgery unit shown on the approved plan), of the Town and Country Planning (Use Classes) Order, and no other uses within or outside the Use Classes, unless otherwise agreed by the Local Planning Authority as part of a formal change of use application in that regard.

REASON: In order to retain the proposed community uses to ensure the vitality and viability of the local centre and the wider community and the limit the harm caused to adjacent residential and general amenities from other uses.

4. No development shall take place within the application site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to, and approved in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To safeguard the identification and recording of features of archaeological interest.

5. No development shall commence on site until details and samples of the materials to be used for the external walls, roofs, and hardsurfacing 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.

6. No development shall commence until the existing trees adjacent to the site boundary with Partridge Way to the north east ( as shown on the approved plans) have been protected by means of a scheme submitted to and agreed in writing with the Local Planning Authority prior to works commencing. Development shall be carried out in accordance with the agreed scheme.

The Tree Protection Plan shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as the Root Protection Area (RPA). Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation.

The Arboricultural Method Statement should specifically include details of how the hard surfacing within the RPA of any retained trees can be implemented, if necessary, without causing root damage.

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

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.

7. All new planting and landscaping shown on the approved plans, shall be provided/planted out on site within 1 calendar year of the commencement of development, unless a scheme of timing of provision is otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that planting and landscaping are carried out and in a timely manner so that the general visual appearance and amenities of the scheme are protected and enhanced.

8. The pedestrian and cycle path across the site allowing access to Partridge Way shall be provided and made available for safe use concurrently with the development being completed, and prior to any of the approved units or residential units first coming into operation or being first occupied. The pathway shall remain available for public use in perpetuity until its formal adoption by the Local Authority.

REASON: In order to ensure that access from and to Partridge Way and the wider area is provided at an early stage, so as to enhance the connectivity of the wider community and to allow access to facilities and services.

9. No dwellings shall be occupied until all car parking (and associated turning and access arrangements) shown on the approved plans has been provided and made available for use.

REASON: In order that sufficient parking is available for occupiers of the dwellings, visitors, and users of the planned local centre facilities.

10. No development shall take place until a scheme of acoustic insulation, to include details of acoustic glazing, ventilation, wall and roof construction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the dwellings being first occupied and maintained at all times thereafter in accordance with the approved details.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

11. No (non residential) unit shall be occupied until a scheme for the control of noise emanating from any externally mounted plant, equipment or ventilation systems has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

12. The retail units shall not be open to the public except between the hours of 07:30 and 23:00 Monday to Friday, 08:00 and 23:00 on Saturdays and 09:00 and 22:00 on Sundays.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

13.No deliveries shall be taken at or collections made from the development except between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 18:00 on Saturdays.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

14. The development shall be carried out in accordance with the following approved plans :

PL03 Rev J – Planning layout  
PL04 Rev G – Materials layout  
PL05 Rev E – Areas for adoption  
PP-01 Rev D – Parking Plan  
HT-AB02 Rev D - Elevations  
BIN-01 – Surgery store plan

REASON: For the avoidance of doubt

15. Before development commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which secures protection of habitats and species during the construction period. The development shall be carried out in accordance with the agreed CEMP.

REASON: In order to protect habitats and species during the construction period so as to limit the impacts of the development

16. Before development commences, a scheme for water efficiency shall be submitted to and approved by the Local Planning Authority. The scheme should deliver water efficiency measures to a minimum standard equivalent to Level 3 in the Code for Sustainable Homes. Development shall be carried out in accordance with the agreed schemes.

REASON: In order to improve the sustainability of the scheme in line with Core Policy 19 of the South Wiltshire Core Strategy.

## **INFORMATIVE**

With regard to condition 4 above the work should be conducted by a professionally recognized archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

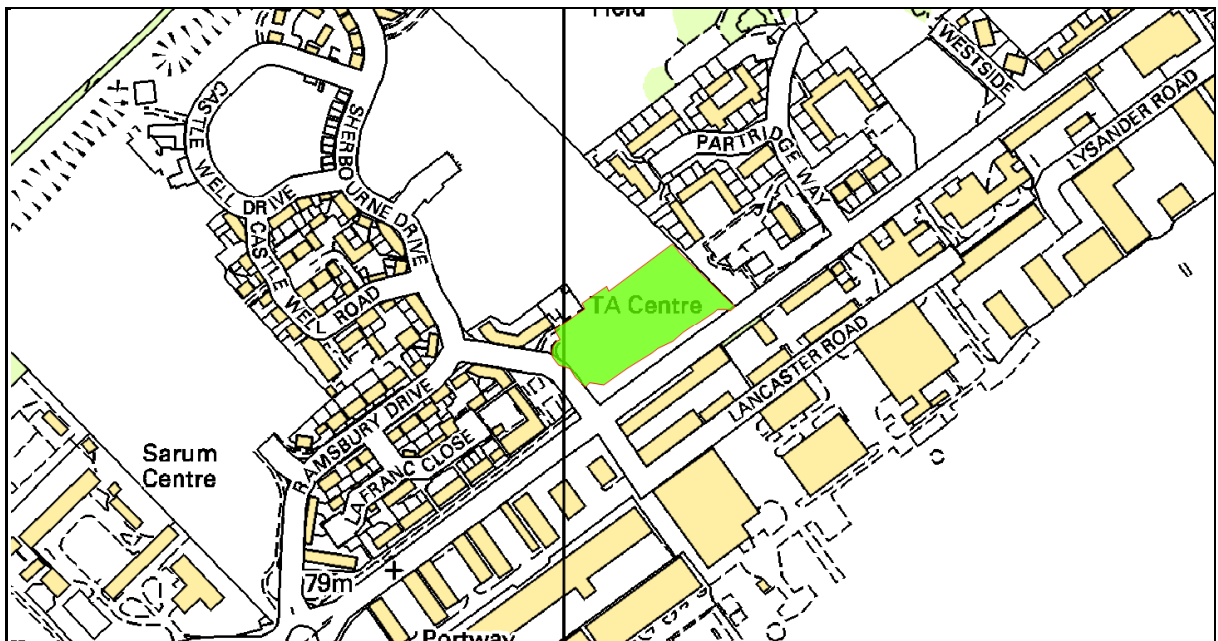
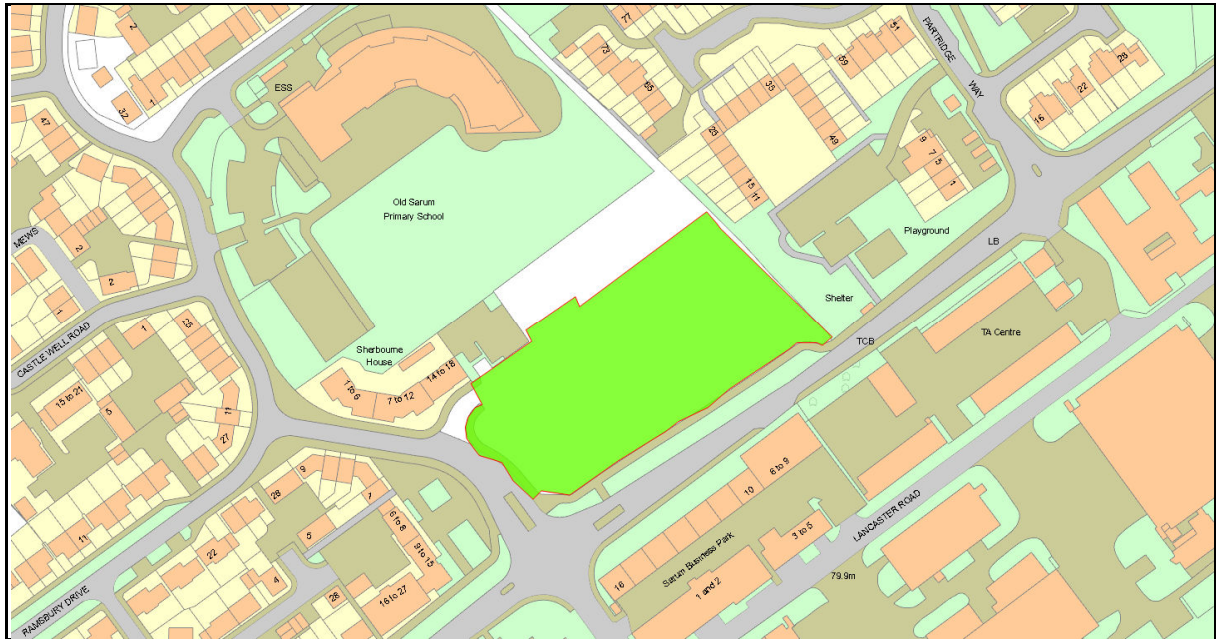
The applicant should ensure that they have thoroughly investigated ground conditions and levels of vibration on the development site and use appropriate

construction methods and materials to ensure that the occupants of the houses concerned are not adversely affected by vibration and or/reradiated noise caused by Equinox prior to any of the properties being sold or occupied.

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S/2012/1829 – Local Centre, Old Sarum, Salisbury. SP4 6BY



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## Report to the Area Hub Planning Committee

<b>Date of Meeting</b>	05 <sup>th</sup> September 2013
<b>Application Number</b>	S/2013/0406
<b>Site Address</b>	Shrewton Steam Laundries Ltd High Street Shrewton Salisbury SP3 4BZ
<b>Proposal</b>	Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works
<b>Applicant</b>	Rattue & Griffiths Ltd
<b>Town/Parish Council</b>	Orcheston
<b>Grid Ref</b>	Eastings: 406969    Northings: 144452
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mrs Lucy Minting

SITE VISIT REQUESTED BY CLLR WEST

### Reason for the application being considered by Committee

Councillor West has called in the application due to:

The visual impact upon the surrounding area

Environmental/highway impact

Members should consider the two competing issues of trying to build new houses on Brownfield land but also trying not to increase the risk of flooding.

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **REFUSED with reasons**.

### 2. Report Summary

The main considerations which are considered to be material in the determination of this application are listed below:

1. Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF
2. Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure
3. Loss of employment
4. Scale, design, residential amenity/living conditions
5. Impact to SSSI/SAC/SPA
6. Contaminated land
7. Protected species
8. Highway safety

9. S016 Contributions (Affordable Housing – SWCS Core Policy 3, Recreational open space – saved policy R2 of Salisbury District Local Plan)
10. Archaeology

The application has generated observations from Shrewton Parish Council; 1 representation of support and 4 representation of objection.

### 3. Site Description

The site is located within the village of Shrewton. The site is designated as an Area of Special Archaeological Significance, Housing Policy Boundary and special landscape area.

The site is vacant having previously been used as Shrewton Steam Laundry business. The buildings are in a state of disrepair and one of the cob buildings on the corner of the site between High Street and Elston Lane has collapsed.

The area is surrounded by residential dwellings to the south, west and north and The George Inn to the east.

### 4. Planning History

Application number	Proposal	Decision
S/2012/1297	Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works	Refused 07/11/2012
S/2011/1620	Demolition of existing laundry buildings, erection of 8 x dwellings (3 x 2 bed and 5 x 3 bed), alterations to access, landscaping and associated parking	Refused 30/01/2012

### 5. The Proposal

To demolish the existing buildings and redevelop the site with three detached dwellings.

This application is submitted following 2 previous refused applications for residential redevelopment of the site. The delegated reports are attached at appendices A and B.

### 6. Planning Policy

***Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:***

- G1 – Sustainable development
- G2 – General Criteria for development
- D2 – Infill development
- H16 – Housing Policy Boundaries
- R2 – Open space provision
- TR11 – Off street parking spaces
- TR14 – Cycle parking
- C6 – Special landscape area
- C18 – Development sites bounded by watercourses
- CN21 – Archaeology
- C12 – Protected species

## **Adopted South Wiltshire Core Strategy:**

Core Policy 1 – The Settlement Strategy and distribution of growth in south Wiltshire  
Core Policy 2 – Strategic Allocations  
Core Policy 3 – Meeting Local Needs for Affordable Housing  
Core Policy 5 – Employment Land

## **Emerging Wiltshire Core Strategy:**

Core Policy 2 – Delivery Strategy

## **Government Guidance:**

National Planning Policy Framework (NPPF) March 2012  
Technical Guidance to the National Planning Policy Framework

## **Planning guidance:**

Salisbury District Council Design Guide - Creating Places Design Guide

## **7. Consultations**

### **Highways**

No Objections subject to conditions

### **Shrewton Parish Council**

Observations made by Councillors and members of the public:

1. These houses were the wrong kind of development for the village/area, with only small changes made from the previous plan.
2. The Plans were a resubmission without acknowledging the rise of River Till in the village this winter with the consequence of a protected species, Water Voles, using the river.
3. The Plans were designed prior the any flooding of the river and had not made allowance for the climate change.
4. Time wise, the Plans were out-of-date.
5. Low rise, low cost flats or homes were needed in the village not executive housing.
6. Aesthetically, villagers required housing that they could afford.

The concerns highlighted previously still remain and had not been addressed:  
Were developers aware of the well on the site which had previously been used by the Laundry and had this water source been taken into account when planning the houses?  
Width between the existing building of The Old Bakery and the new buildings (Plot 2) needed to be sufficient for owners of the property to be able to repair and maintain their premises.

Had consideration been given to the fact that the Old Bakery building was a cob wall and could be adversely affected by building works?  
Councillors had not objected to the previous plan for smaller houses to be built on the site; There was a greater need for homes for local people. The three large properties would be more likely to attract people from outside the village.

The design of the entrance, with portico and columns, was thought to be 'over the top' for a modern village dwelling.

There was also a further observation submitted by a villager, that was for the realignment of the access road from its current position as shown on the plan to be realigned coming in and out Elston Lane.

### **Wiltshire Fire & Rescue Service**

Comments relating to fire safety measures which could be included as an informative. Reference to developer contributions for hydrants and water supplied for fire fighting and additional or amended fire and rescue service infrastructure - which is not an adopted policy.

### **Environment Agency**

Object. We note Mr Young's assertion that certain works within the floodplain can be controlled under the Water Resources Act and Land Drainage Byelaws. However it is important to note that we are not responsible for and do not monitor privately owned flood alleviation works or indeed general garden activities within the floodplain. To do so would be impracticable and an unacceptable burden on the public purse. We therefore cannot ensure the maintenance of the flow path.

It has been established that the types of minor garden works and alterations etc. that could be reasonably expected by the owners in the enjoyment and use of their gardens as granted under a planning approval could cause detriment to the flow path. You have confirmed the permitted development rights that you control would not include such works and that the maintenance of the flow route to the scale required cannot be controlled by planning condition. On this basis we have questioned the principle and sustainability of placing a privately owned flood alleviation scheme (the flow path) within privately owned gardens.

Since maintenance of the flow path would be important to both the development and the surrounding area over the lifetime of the development, we therefore have no option but to maintain our objection.

### **Public Protection**

No objections subject to conditions (contaminated land investigation; limiting demolition and construction hours and informative advising no burning of waste should take place on site)

### **Wessex Water**

No objections. New water supply and waste water connections will be required from Wessex Water.

### **Archaeology**

The site is of archaeological interest lying on the edge of the medieval settlement. Recommend condition for a programme of archaeological works to be carried out as part of any development (recording of existing buildings and archaeological watching brief).

### **Ecology**

No objections subject to condition (construction method statement)  
S106 contributions towards the S106 contributions towards the Wessex Stone Curlew project are not required (there is a minimum threshold of ten dwellings)

### **Natural England**

No objections, recommend Habitats Regulations Assessment and conditions (construction method statement and mitigation measures outlined in section 7 of the ecological report)

## **New Housing Team**

No objection - a viability assessment has shown that it would not be viable to take an affordable housing contribution as a condition of any planning consent granted.

## **8. Publicity**

This application was advertised through the use of a site notice, press notice and letters of consultation.

1 representation of support, summarised as follows:

- Consideration to be taken with regard to traffic flow and speed of traffic approaching proposed entrance

4 representations of objection, summarised as follows:

- Pedestrian safety – no pavement with potentially 6 vehicles entering and exiting site
- Substantial sized dwellings are not required/not in keeping with outlook of village. Smaller, affordable units are required to serve needs of local residents
- Overdevelopment of site increasing traffic on overloaded village road
- Historic cob buildings should be reused
- Maintaining site as a building of local employment would be beneficial
- Revised application has not overcome previous concerns
- Contrary to rules in place preventing building within flood plains
- Site has been neglected/allowed to fall into disrepair
- Loss of employment land to residential. Shrewton residents have few employment opportunities and local businesses are nominal and approx 1000 residents are forced to commute to work. The objector has been seeking business premises for past 5 years and the hairdressing salon on High Street has had to diver floor space with another local business.
- Shrewton has limited bus services limiting employment to non-driving Shrewton residents
- Question accuracy/disagree with 2010 marketing report
- Precedents in the statement from Myddelton & Major are not comparable to Shrewton
- Employment opportunities in Shrewton have been reduced by 14 since closure of the business
- Flood Risk assessment based on guesswork as there is no gauged flow data for the River Till which is also unpredictable.
- There is a flood marker at the boundary of the proposed development which shows a flood height roughly equal to the ceiling height of the ground floor of the adjacent property.
- Pictures of water course show it empty but reference to Jan 2013 when river burst banks and Elston Lane was filled over a metre of flood water and impassable to vehicles.
- Overlooking from windows/openings to Winterbourne House
- Concern over potential damage and inconvenience to adjacent properties/gardens during demolition and construction stages
- Query height of boundary fences (design statement refers to 2.4m high fence, plans show 1.8m high fence)

CPRE – given the amount of residential development in the village, affordable housing would have been preferred

## 9. Planning Considerations

### 9.1 Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF

The entire site is located within flood zones 2 and 3. The Environment Agency is responsible for designating flood zones. There are 3 zones in total across the country. Flood Zone 3 shows the area that could be affected by flooding from a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year. Flood Zone 2 includes outlying areas likely to be affected by a major flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year. Flood Zone 1 shows the area where flooding from rivers and the sea is very unlikely and where there is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The majority of England and Wales falls within this area.



The deterioration of the buildings is giving cause for concern to residents in the village; however planning policy on flooding is clear that this is not a material consideration that overrides the fact that the site is in flood zones 2 and 3.

The National Planning Policy Framework and the adopted South Wiltshire Core Strategy (SWCS) are clear that sites within flood zones 2 and 3 should not be developed with residential schemes ahead of all other sites in flood zone 1 (which has to be demonstrated through a Sequential Test).

Paragraph 101 of the NPPF makes it clear that the 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

The NPPF is clear that the sequential test must be given significant weight and applied first and does not allow for flexibility or pragmatism on this issue.



Only if the sequential test concludes that this is the only available site, then and only then can the Exception Test be applied (including considerations of wider sustainability benefits to the community that outweigh flood risk, the re-use of a brownfield site and mitigation proposals). The Environment Agency has advised concern at the prospect of legal challenge and the precedent non application of the sequential test would set.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

*'The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas.'*

*All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.'*

The NPPF requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% (paragraph 47). The NPPF also states that there must be a presumption in favour of sustainable development if a local planning authority cannot demonstrate a 5 year housing supply (paragraphs 15 and 49).

The South Wiltshire Core Strategy provides for 8621 deliverable houses (completions, commitments and deliverable allocations) that provides some 17.5 years of available housing land supply during the plan period (2006-2026) across South Wiltshire and allocates 5250 dwellings that provides over 10 years deliverable housing land supply.

As the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1, there is no need consider sites outside of Flood Zone 1. This stance has been supported at appeal (a recent appeal decision has been included at appendix D) where the Planning Inspector concluded that there are sufficient alternative sites within Flood Zone 1 to accommodate residential development and as such 'it is not necessary for it (the council) to consider sites for housing outside of Flood Zone 1.'

Notwithstanding this, a sequential test has been submitted with the application but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Assessment (SHLAA) and not the whole of the local planning authority area with no special justification to reduce the geographical area of search.

The fact that the site is previously developed and the existing buildings are in a state of disrepair would weigh in favour of the site at a NPPF Exception Test but as the scheme fails the initial Sequential Test; the Exception Test is not under consideration.

## *9.2 Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure.*

In addition to needing to pass the Sequential Test, the NPPF (paragraph 102) also requires a site specific flood risk assessment to demonstrate that the development will be safe for its

lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall.

The previous refusal reasons also included that insufficient information had been submitted to demonstrate that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure.

The application documentation includes a detailed hydraulic modelling study which proposes to raise the land where the dwellings will be placed to 80.9mAOD (above the 1 in 100 year plus 20% for climate change flood level) and proposes to lower an area adjacent to the River Till to reinstate a naturally occurring flow path and floodplain storage area (shown by the dashed blue line on the plan below within the gardens of plot 1 and 3).



Subject to the flow path and floodplain storage area being maintained; the modelling confirms that the development will reduce flood risk to the site and local area without a detrimental effect on third party properties.

However, the Environment Agency has stated that the mitigation measures involve maintenance of this area of the site exactly as designed over the lifetime of the development which will require absolutely no ground raising, close boarded fencing, walls, sheds, greenhouses, flower borders, excessive planting/hedging or other obstruction placed within the flow path. This would also require the proposed landscaping (trees and hedging) and bin stores shown on the extract of the site plan to be removed. The agent has suggested he could provide a revised layout plan removing any planting/structures from the flood flow path.

Structures including fencing and outbuildings could be dealt with by conditions removing permitted development allowances, but flower borders, planting and other obstructions (including for example garden furniture, and plant pots) and de minimis alterations of levels etc are not 'development' so are outside of the local planning authority's control.

Circular 11/1995 (Use of Conditions in Planning Permission) explains that Section 70(l)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit".

This power is not, however, as wide as it appears, and has to be interpreted in the light of court decisions.

On a number of occasions the courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the court's criteria for validity, the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

A condition should not be imposed if it cannot be enforced. The Circular explains that sometimes a condition will be unenforceable because it is in practice impossible or impracticable to monitor and detect a contravention.

A condition may be unreasonable because it is unduly restrictive. Although a condition may in principle impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. If it appears that a permission could be given only subject to conditions that would be likely to be held unreasonable by the courts then it will be necessary to refuse permission altogether.

An unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms. The condition will normally run with the land, and may therefore still be operative long after the applicant has moved on; it must always be justified on its planning merits.

The effect of a condition would also be that the occupiers of plots 1 and plot 3 in particular would not be able to undertake the normal activities associated with a domestic garden—thus taking away part of the benefit of the permission. A breach would only ever come to light if there was a flooding incident, a neighbour dispute, or both.

The Planning Agent considers that the flood flow path could be maintained via a combination of planning conditions and the Environment Agency's own legal powers. In his opinion the elements of concerns that could not be controlled via planning conditions; planting/garden furniture/changes in levels/creation of flower beds etc. could be controlled via S109 of the Water Resources Act as any operational works 8m from the bank of the River Till (a Main river) require land drainage consent and where the flood flow path occupies more space than 8m, the planning agent considers that this area would be covered by any land raising within a floodplain requiring Flood Defence Consent from the EA under Land Drainage Byelaws.

The Environment Agency have specifically been asked to consider this and have advised that they are not responsible for and do not monitor privately owned flood alleviation works or indeed general gardening activities within the floodplain as this would be impracticable and an unacceptable impact on the public purse. They have advised that they cannot ensure the maintenance of the flood flow path and have objected to the application on the grounds that the proposed flood flow path cannot be maintained over the lifetime of the development.

The Environment Agency has explained that if the flood flow path was not maintained as a clear flow path it could result in a reduction of any intended gains shown by the flood

modelling and in the worst case scenario flood risk could be increased to the site and elsewhere compared to the existing scenario.

Notwithstanding the sequential test failure, losing plot 3 completely and having the flow path swath of land as an undeveloped amenity area (not private garden land) would seem to be the only acceptable solution in terms of resolving refusal reason 2.

### *9.3 Loss of employment*

Core Policy 5 states that it must be shown that the site no longer viable for its present or any other employment uses with evidence that it has remained unsold for a substantial period of time.

Loss of employment remains an issue whilst the principle of residential use in a flood zone is unacceptable. As the site is unsuitable for residential use then the local planning authority would expect continued use for employment purposes unless it is fully demonstrated through marketing that there is no demand.

The site has not been marketed since it was sold in November 2010 and as such there is no up to date marketing evidence to demonstrate that the site is no longer viable for employment uses.

### *9.4 Scale, design, residential amenity/living conditions*

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers. The NPPF paragraph 17 states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Residential amenity refers to the quality of residential areas and the value to local residents. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of development in relation to neighbouring properties, gardens and window positions.

Residential amenity is also affected by noise, disturbance and light pollution, and these issues need to be considered. In assessing impact to residential amenity, the existing use of the site must be taken into consideration including potential disturbance from use. The assessment of impact to amenity also needs to take into account the impact on occupiers of the proposed and existing dwellings in the area.

The proposed layout has a central driveway between plots 1 and 2 to access the parking areas and plot 3 to the rear of the site. Plots 1 and 2 have been designed with limited windows on the north and south elevations to limit potential disturbance.

With regard to impact to Mill House to the west of the site, plot 3 is shown to be 14.029m from the west boundary of the site and separated by the river and close boarded fencing to the garden of Mill House.

2-8 Hindes Meadow to the north are single storey bungalows separated from the site by the road and high wall.

Plot 2 will not project further westwards than the existing rear building line of The Old Bakery to the south.

It is not considered that the scheme will unduly impact upon neighbouring residential amenity in accordance with policy G2.

Concerns have been raised to the design and scale of the proposed dwellings and the column porches in particular are not in keeping with development in the area. The general design of the proposed dwellings with plots 1 and 2 having hipped roofs and double fronted with central entrances are considered to reflect the characteristic vernacular along the principal routes through Shrewton.

The application also includes street scene elevations with the outline of the existing buildings to be demolished:



This illustrates that the scale of the proposed dwellings are comparable to the previous corner building and neighbouring dwellings.

Notwithstanding the “in principle” objection to residential redevelopment on flooding grounds, it is considered that overall the development will not significantly unduly impact upon neighbouring dwellings and will be appropriate to the character and appearance of the area.

### 9.5 Impact to SSSI/SAC

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site has potential under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994. There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

### 9.6 Contaminated Land

The council’s contaminated land officer has raised no objections to the application. A phase 1 desk study and Report on a Ground Investigation have been submitted as part of the application documentation which includes recommendations for additional work which could be conditioned.

### 9.7 Protected species

The ecological assessment submitted with the application found no presence of protected species on site although the buildings were considered to have the potential to support bats and nesting birds and mitigation measures in relation to these could be conditioned.

Following concerns raised by the parish council that water voles may be using the river; the council’s ecologist has advised that as the riverbanks on either side of the river both up and

down stream of the road bridge next to the development are about 1m tall and built of brick/concrete blocks; there is no fringing vegetation and stream water occupies the entire width of the channel there is no chance of water voles either burrowing or feeding near or being affected by the proposed development.

### *9.8 Highway safety*

The highways department has raised no objections subject to conditions including that details of the boundary treatments need to be agreed to avoid conflict with visibility.

### *9.9 S106 Contributions (Affordable Housing – SWCS Core Policy 3, Recreational open space – saved policy R2 of Salisbury District Local Plan)*

The proposals trigger the requirement for an affordable housing contribution under Core Policy 3 of the South Wiltshire Core Strategy of £45,465 and recreational open space contribution of £6,706.35.

Core Policy 3 states ‘the provision of affordable housing will be negotiated on a site-by-site basis taking into account the viability of the development’. The applicant has provided an open book financial viability appraisal to the New Housing Team. The Housing Officer has used this to complete a financial appraisal of the development

This has shown that it will not be viable to take either an affordable housing or recreational open space contribution.

### *9.10 Archaeology*

The site is in an area of archaeological interest and already there is made ground across much of the site, there may well be an earlier top and subsoil which may seal archaeological remains and as such there is potential for archaeological remains to be on site. The council’s archaeologist has advised that the buildings appear older but have been in use as a laundry since the earlier part of the 20<sup>th</sup> century and there appears to be some machinery that was associated with that use still present within the buildings.

The council’s archaeologist has recommended that if the application was approved a written programme of archaeological investigation would need to be agreed. This would need to take the form of a recording of the existing buildings prior to demolition and an archaeological watching brief.

## **10. Conclusion**

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and technical guidance to the NPPF.

The proposed flood alleviation scheme includes a flood flow path within privately owned gardens which cannot be maintained over the lifetime of the development and as such it has also not been demonstrated that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

## **RECOMMENDATION**

### **Recommendation: REFUSE**

(1) The precautionary approach adopted by The National Planning Policy Framework is that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and a 'Sequential Test' must be undertaken to see whether there are alternative lower risk sites that could accommodate the development. The proposal is for a 'more vulnerable' form of development proposed within Flood Zones 2 and 3. The NPPF makes clear that such development should be located in Flood Zone 1 unless it can be demonstrated that no such sites are available.

The applicant has undertaken a 'Sequential Test', but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Statement (SHLAA). The SHLAA and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that there is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, within the Local Planning Authority area to meet the housing development needs of the area. An 'Exception Test' (which would include considerations of wider sustainability benefits to the community including for example re-use of a brownfield site, that could outweigh flood risk) should only be applied where such development could not reasonably be sited in Flood Zone 1 and is therefore not applicable. The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and technical guidance to the NPPF.

(2) The proposed flood alleviation scheme includes a flood flow path within privately owned gardens which cannot be maintained over the lifetime of the development and as such it has not been demonstrated that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

(3) Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

**Application Reference:** S/2012/1297  
**Date of Inspection:** 21/09/2012  
**Date site notice posted:** 21/09/2012 – expiry date  
**Date of press notice:** n/a

## **POLICIES**

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy:

G1 – Sustainable development  
G2 – General Criteria for development  
D2 – Infill development  
H16 – Housing Policy Boundaries  
R2 – Open space provision  
TR11 – Off street parking spaces  
TR14 – Cycle parking  
C6 – Special landscape area  
C18 – Development sites bounded by watercourses  
CN21 – Archaeology  
C12 – Protected species

Adopted South Wiltshire Core Strategy:  
Core Policy 3 – Meeting Local Needs for Affordable Housing  
Core Policy 5 – Employment Land

Government Guidance:  
National Planning Policy Framework (NPPF) March 2012  
Technical Guidance to the National Planning Policy Framework

Planning guidance:  
Salisbury District Council Design Guide - Creating Places Design Guide

## **ISSUES**

- Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF
- Loss of employment
- Scale, design, residential amenity/living conditions
- Impact to SSSI/SAC/SPA
- Contaminated land
- Protected species
- Highway safety
- Affordable Housing – SWCS Core Policy 3
- Recreational open space – saved policy R2 of Salisbury District Local Plan
- Archaeology

## **REPRESENTATIONS**

**Parish Council** – Observations made by Councillors and members of the public:  
Were developers aware of the well on the site which had previously been used by the Laundry and had this water source been taken into account when planning the houses?  
Width between the existing building of The Old Bakery and the new buildings (Plot 2) needed to be sufficient for owners of the property to be able to repair and maintain their premises.



Had consideration been given to the fact that the Old Bakery building was a cob wall and could be adversely affected by building works? Councillors had not objected to the previous plan for smaller houses to be built on the site; there was a greater need for homes for local people. The three large properties would be more likely to attract people from outside the village.

The design of the entrance, with portico and columns was thought to be „over the top“ for a modern village dwelling.

**Highways Department** – Whilst I have no highway objection in principle to the residential redevelopment of this site, the proposed layout is objectionable on highway grounds as submitted, for the following reasons:

For new development such as this, the „x“ distance at the shared access junction should be 2.4 metres not 2.0m as shown. The width of the new paved footway should be 2.0m in order to provide better general usage and in particular for use by the disabled, and should run along the whole length of The Hollow site frontage.

In respect of the internal layout, the width of the access „throat“ should be at least 4.5m for the first 7 metres of its length and there is insufficient turning space within the site for service vehicles, casual visitors and the allocated space 1c.

I therefore recommend that as submitted, this application be refused on highway grounds for the following reasons:

Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles and pedestrians would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety. Adequate provision has not been made within the site for the parking and turning of vehicles which would lead to vehicles parking or reversing within the highway with consequent risk of additional hazards to all users of the road.

The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with additional hazards to all users of the road.

**New Housing** - The application does not appear to address the requirement for an affordable housing contribution under Core Policy 3 of the South Wiltshire Core Strategy. In this instance the total contribution required will be £45,465 (3 x 4 bed house at £15,155 per dwelling). This would need to be secured through a S106 agreement, with payment being due on commencement of development.

#### **Environment Agency- Object**

We object as we require further work to be undertaken on the flood modelling before we can make an informed decision on the appropriateness of the application:

#### **Flood Modelling**

We have reviewed the hydraulic model and hydrology contained within the Flood Risk and Drainage Assessment prepared by RPS (Revision July 4 2012). There is some further work required before we can accept the results and subsequently review the rest of the development proposal detail.

We have forward to the applicant's agent a full review document for their use. A brief summary of what further modelling work is required:

The model will be suitable for assessing flood risk if the following additional work is undertaken

1. Due to the high permeability of the catchment, a precautionary approach should be used for flood estimation. The peak flows should be based on the 95% upper confidence limits from WINFAP-FEH. The RPS report does not state these, but our estimate is that the 100-year peak flow should be in the order of 11 cubic metres per second to adequately represent the uncertainty.
2. The hydraulic model should have the deck and soffit levels of the structure at model chainage 1,192.7m corrected to match the survey (the current deck level is too low).

The corrected model should be re-run with the updated hydrology and the Flood Risk Assessment report also updated.

## Contaminated Land

The following information can be sought through a standard contaminated land condition: We have reviewed the Report on a Phase 1 Desk Study J12026/DS and Report on A Ground Investigation J12026 and wish to see clarification on the following points:

- The desk study refers to a “former underground storage tank located in the front yard”. Is this tank still in situ or has it been removed and the remaining soil validated?
- The desk study refers to containers on site. Two stores are referenced outside the main steam laundry building. Were there further stores inside the main steam laundry building? Were empty containers kept near HP1 only or other locations on site?
- Where is the on-site well situated?
- The ground investigation report refers to a historical oil spill. When did it happen, how much oil was lost and was this remediated?
- Was WS1 a targeted or non-targeted sample location? If it was targeted what was the reason?
- The ground investigation report states that a groundwater sample was collected from a tap. Is it possible to sample from the well directly?

The ground investigation report recommends additional work with regards to further testing to establish whether the groundwater has been impacted by the site operations, investigation of existing drainage routes and potential soakaways, and investigating seasonal variation in groundwater. We recommend that this work is undertaken. It should be ensured that the drilling technique chosen does not create a pathway to a lower point in the aquifer.

The report also recommends a “more detailed investigation of the abstraction well and the water treatment process”. We recommend this is done if the tap is to be used to sample groundwater. The ground investigation report states that additional works would be best undertaken following demolition of the buildings. We acknowledge that it may be necessary to demolish the building to allow intrusive investigation of the site. We also note in the report that the well was decommissioning redundant boreholes and wells can be found at:

<https://publications.environment-agency.gov.uk/PDF/GEHO0112BWAU-E-E.pdf>

**Natural England** – recommend Habitat Regulations Assessment is required for the River Avon SSSI/SAC (to determine whether there is a likely significant effect due to sedimentation impacts during the construction phase and it may be necessary to require the applicant to produce and implement a suitable construction method statement) and the Salisbury Plain SPA to determine whether there is a likely significant effect due to

recreational disturbance impacts on stone curlew. Wiltshire Council has recently started collecting contributions towards a stone curlew mitigation project which will obviate the need for a HRA with respect to the impact of the application on stone curlew. Also recommend that the measures required and recommended to mitigate against the effects of the proposed development set out in section 7 of the ecological report are secured.

**Archaeology** –The site is in an area of archaeological interest and it lies on the edge of the medieval settlement. The ground investigations demonstrate that there is made ground across much of the site. The latest elements of this are clearly modern, but the lower elements may well be an earlier top and subsoil, which may seal archaeological remains. However, the proposed footprint is similar to the footprint of the existing buildings, which may have had an impact on the potential remains. In addition, trenched evaluation of the site before determination would be problematic due to the existing buildings and the depth of the made ground.

It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out during construction. The applicant should be aware that, if human remains are encountered during the works, they cannot be removed without the appropriate permissions and licences and that this may have an effect upon their programme of works.

Therefore in line with the National Planning Policy Framework (NPPF) and the earlier PPS5 (2010) and PPG16 and Planning (DoE1990) recommend the following condition:

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

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

*Further recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.*

**Environmental Health** – Contaminated land: The applicants have submitted a soils limited ground investigation and note the content including the recommendations for further investigations at the site. Recommend condition:

*No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:*

*Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.*

*Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other*

*authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.*

*Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.*

*REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.*

**Wessex Water** – New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)

Please note that from new regulations will require all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for water supply and 01225 526 33 for waste water.

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

On 1<sup>st</sup> October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105A sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of premises in addition to the existing public sewers shown on our record plans. More information relating to this transfer can be found on our website.

It is important to undertake a full survey of the site and surrounding land to determine the local drainage requirements and to contact our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

**Wiltshire Fire & Rescue Service** – Comments relating to fire safety measures which can be included as an informative.

Reference to developer contributions for hydrants and water supplied for fire fighting and additional or amended fire and rescue service infrastructure - which is not an adopted policy.

**Ecologist** – Salisbury Plain SAC – Habitat Regulation Assessments for both the South Wiltshire Core Strategy and the draft Wiltshire Core Strategy recognise that housing development in combination with other plans and projects could lead to recreational impact on stone curlew which are a feature of the SPA. Wiltshire Council has prepared a draft paper summarising an agreed approach to address these impacts, which is being used as part of the evidence base to support the Infrastructure Delivery Plan which is due to be examined at EIP this Autumn. Under this scheme contributions will be sought for new dwellings within a certain distance of the SPA towards the Wessex Stone Curlew Project which monitors changes in breeding success of stone curlew and liaises with land managers to modify management regimes to ensure the population at Salisbury Plain continues to thrive.

Until the IDP is approved, contributions are being collected under S106 agreements. However, a minimum threshold of ten dwellings has been agreed before S106 payments are due and therefore this application at the current time is not required to pay a contribution. The total loss of income of all developments of less than 10 dwellings that will be approved before the Community Infrastructure Level has been adopted is not expected to lead to any reduction in capacity of the Wessex Stone Curlew Project. Therefore it can be concluded that this scheme, in combination with other plans and projects, is unlikely to lead to significant impacts on the SPA.

Protected species – the ecological report demonstrates that risks to protected species are low provided some basic precautions are taken and recommend informative to cover these issues.

Biodiversity enhancement – the ecologist report gives recommendations for suitable biodiversity enhancements for this site including bat boxes, artificial swallow nests, areas of amenity grassland and recommend condition to agree these details.

River Avon SAC – the development site is contiguous with the SAC and is therefore at risk during the duration of the construction works. In addition the contaminated ground investigation found the site was contaminated with a number of contaminants, within 2 metres of the river and that further work is required before construction work can begin. The presence of water in the River Till this autumn demonstrates that groundwater levels are currently high enough to be encountered during construction and therefore there is a potential pathway linking contamination with the SAC.

The protection of the SAC is not mentioned in any of the supporting documentation to support the application there is insufficient information to be able to conclude no likely significant effects on the River Avon. Suggest that a construction method statement is submitted which identifies all of the risks to the River Avon and identifies the measures that will be taken to avoid these during the demolition, decontamination, and construction stages of development. This can then be conditioned.

In addition the further contamination land studies and remediation will need to be covered by condition.

5 Third party representations summarised as follows:

- Development will enhance the area which has become an eyesore and improve the aesthetics of this part of the village
- Will reduce the small risk of flooding to surrounding properties.
- Will provide high quality housing for surrounding businesses.

- Plot 3 will directly overlook the garden and patio areas of Mill House and the height will block out sunlight during the morning. Suggest position is altered to be closer to the road to reduce intrusion on privacy.
- Reduction in number of dwellings to 3 will reduce vehicular traffic to and from the site and ensure that all related parking is accommodated
- Photographs included in the application show the stream at its lowest water level; the atypical water pattern of the recent summer may present a very different scenario for winter water levels as the base level is much higher and query if this unusual situation has been factored into calculations
- Query whether the discontinuation of the laundry drawing large volumes of water for on-site use from the well has been factored into the calculations of flood risk.
- Columns featured on the porches of plots 2 and 3 are out of keeping for this village location where only a couple of grander houses in the village include columns.
- Welcome proposed pedestrian footpaths along the northern and eastern edges easing progress for pedestrians and improving visibility for turning traffic.
- Concern about surface water drainage which needs to take into account flow that collects along eastern boundary of site including means of collecting this flow, in addition to the porous surface of the parking area
- Query if sufficient space is left between the southern wall of plot 2 and the north wall of The Old Bakery to carry out on-going maintenance and repairs and new provision will be need to be agreed for water from the roof of The Old Bakery which currently flows down a pipe onto the roof of the laundry building.
- Concern over potential damage and inconvenience to adjacent properties/gardens during demolition and construction stages.
- The south elevation of the Laundry building and a low wall topped with panel fencing 2.4m high forms the boundary between Winterbourne House and the site. Only a 1.8m high replacement fence is proposed.
- Windows/openings on the north and NW elevations to Winterbourne House need to be considered. Overlooking from first floor window from plot 3 and new properties. Previous design and access statement referred to need for any elevation facing Winterbourne House to be 20m away and should windows be proposed above 1<sup>st</sup> floor these should be rooflights.
- Loss of employment land to residential. Shrewton residents have few employment opportunities and local businesses (mostly offered by local amenities) are nominal and approx 1000 residents are forced to commute to work from Shrewton. The objector has been seeking business premises for past 5 years and the hairdressing salon on High Street has had to divide floor space within another local business.
- Employment opportunities in Shrewton have been reduced by 14 since the closure of the business (application form only states 3 full time employees).
- Shrewton has limited bus services limiting employment to non-driving Shrewton residents.
- Precedents in the statement from Myddelton & Major are not comparable to Shrewton.

- Premises are not suitable for employment use in their current state, but there is a clear requirement for more employment opportunities in the village.
- Dwellings are imposing luxury houses not in keeping with the outlook of the village or serve the needs of local people.
- Application makes no contributions towards affordable housing.
- Flood risk assessment is flawed as it is based on guesswork there is no gauged flow data for the River Till in the vicinity of the site or within the catchment□.
- There is a flood marker at the boundary of the proposed development which shows a flood height roughly equal to the ceiling height of the ground floor of the adjacent property.

## **ASSESSMENT:**

### ***Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF***

Planning permission was refused for the erection of 8 dwellings on the site under S/2011/1620. The delegated report is attached at appendix A. The reasons for refusal included that the proposal was contrary to guidance in PPS25 (now replaced by the National Planning Policy Framework).

The residential nature of the proposal is classified as a „more vulnerable□ form of development by table 2 of the technical guidance to the NPPF. Paragraph 5 of the Technical Guidance to the National Planning Policy Framework confirms the earlier guidance from PPS25 that only if there are no reasonably available sites in flood zone 1 can you then consider the flood vulnerability of the proposed development in locating development in flood zone 2 and then flood zone 3. An Exception Test□ should only be applied where such development could not reasonably be sited in Flood Zone 1.

With the exception of a small section of the site adjacent to the road which is in flood zone 2, the rest of the site is located within flood zone 3 and therefore residential development should not normally be permitted on the site as a matter of principle. Only where the Sequential Test has shown that there is no reasonable alternative site that could be developed should a site in a higher risk zone be permitted.

On the 14<sup>th</sup> October 2011, the Council's South Wiltshire Core Strategy (SWCS) was found “sound” by the Inspectorate and was formally adopted on 7th February 2012 and now forms part of the development plan for South Wiltshire.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

*“The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas.*

*All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.*

The applicant has undertaken a sequential test, but this has only considered sites put forward in the Parish of Shrewton in the SHLAA and not the whole of the local planning authority area with no special justification to reduce the geographical area of search. The applicant's consultants have considered this site against all of these SHLAA sites in Shrewton and have concluded that *„of those sites within the parish potentially able to deliver the required level of development, none are more preferential in flood risk terms.*

However, as the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1 within the Local Planning Authority area; there is no need consider sites outside of flood zone 1 and the "Exception Test" is therefore not applicable. This stance has been supported at appeal in Middleton Road (planning application reference S/2009/1291) where the Planning Inspector concluded that there were sufficient alternative sites within Flood Zone 1 to accommodate residential development.

The agent has raised concern that *„the Council may be overlooking the fact that the site is a vacant site in the centre of a village that is fast becoming derelict. It is therefore a brownfield site; one which we are aware is likely to become an eyesore to the local community..*

The Flood Risk and Drainage Assessment submitted with the application concludes: *“the site is considered to successfully apply and pass the exception test”* but as previously stated the exception test is not applicable.

The NPPF and the recently adopted SWCS are the most up-to-date policies on flooding and in particular application of the sequential test. These are clear that sites in flood zones 2 and 3 should not be developed ahead of all the other sites in flood zone 1.

Notwithstanding the „in principle" objection to housing on the site; the previous application was also refused on insufficient information grounds:

*(6) Insufficient information has been provided to demonstrate that the proposal won't exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in PPS25.*

The environment agency have objected to this application on the same flood risk grounds as they require further work to be undertaken on the flood modelling before they can make an informed decision on the appropriateness of the application and the same reason for refusal should be included (updated to refer to the NPPF).

### ***Loss of employment land***

The previous use as a laundry business (B1/B2 use) has relocated to Old Sarum Industrial Park. The design and access statement explains that the business provided employment to 7 residents of Shrewton (of which 4 relocated) and 7 employees from outside Shrewton.

Policy E16 of the Salisbury District local plan has been replaced by Core Policy 5 of the South Wiltshire Core Strategy.

The supporting text to the policy states *„achieving the economic objectives for South Wiltshire depends on protecting and enhancing existing employment sites. The Core Strategy seeks to protect south Wiltshire's most sustainable and valued employment*



areas by applying policies to favour employment on these sites. It does recognise that on some of these employment areas there are strong redevelopment pressures for other uses, notably residential and retail.

Core Policy 5 includes that it must be shown that the site is no longer viable for its present or any other employment use with evidence that it has remained unsold for a substantial period of time.

The design and access statement refers to an assessment of the suitability of the site for alternative uses which concludes that

*“within the context of the immediate locality, the wider market within the Community Area and the former Salisbury District Council’s 2007 Employment Land Review and that the site is strategically unimportant and that the current level of business space is the highest since records began in the early 1990s. The marketing of the site has continued since July 2010 with no success.”*

The design and access statement summarises that „it is considered that the redevelopment of the site for non-employment uses would accord with the requirements of core policy 5 for the following reasons:

- Continued B2 uses would be unneighbourly given the high number of residential properties in the vicinity;
- B8 uses would not be appropriate for the site in terms of operational requirements, accessibility and neighbourliness;
- The existing demand for employment premises, including office use, is being adequately provided for by new large development, particularly Solstice Park;
- The existing premises are no longer viable for reuse as a laundry and conversion or redevelopment costs for other uses would be unduly prohibitive.

Whilst it is accepted that the site is in a residential area, where considerations of impact to neighbours from alternative employment uses on the site would be particularly important, that isn’t to say an alternative employment use would have adverse impact.

The design and access statement refers to a more detailed assessment by Myddelton & Major chartered surveyors and estate agents. This provides details of marketing of the site explaining that in 2010 the steam laundry was put into voluntary liquidation and marketing was undertaken including circulation of marketing particulars in June 2010; marketing boards on the High Street frontage; an advertisement in the local press on 22<sup>nd</sup> July 2010; and web marketing. The property remained on the market until it was sold in November 2010 and that

*“during the marketing period there was one enquiry from a quasi retail showroom/employment user who was considering relocation within South Wiltshire, but rejected the property due to its physical condition. All other enquiries and viewings were undertaken by residential property developers”*

The planning department normally advises that marketing should be for a period of 6-9 months and involve:

- Offer of the site for sale on a freehold basis or for the lease of the site without restrictive clauses.

- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals, websites and appropriate advertising boards.
- Clear recording of the marketing undertaken and details of the respondents, which are capable of verification if required.

The site has not been marketed since it was sold in November 2010 and whilst Myddelton & Major state “

*“in the intervening period since the property was sold 18 months ago, market conditions have deteriorated and there are no new factors which alter our conclusion that this property is no longer viable for business/industrial use”* □ there is no up-to-date marketing evidence to support this and third party representations suggest that there is a demand for employment use of the site. It is considered that insufficient information has been provided to demonstrate that the site is no longer viable for employment uses.

***Scale, design, impact to residential amenity/living conditions***

Local planning authorities are expected to give preference to the development of brownfield as opposed to greenfield sites and policy G1 promotes the efficient use of land.

Policy H16 will apply, where the principle of new small-scale development and redevelopment is established as acceptable subject to various criteria and policies contained within the development plan.

Policy D2 in particular states that proposals for street and infill development will be permitted where the proposals respect or enhance the character or appearance of an area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Objective 16 of the Council's Design Guide states (page 67) also refers to the need for new development proposals to exhibit *„How the new dwelling(s) will relate to the context and to each other to create a particular place”*.

Policy G2 requires that development should avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers.

The NPPF's Core Planning Principles (para 17) includes that planning should *„always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

The design and access statement refers to „

*“the removal of the industrial buildings and their replacement with residential units would be expected to result in a net benefit to the character and appearance of the local townscape and to the amenities of existing neighbouring residential properties”* □ and recognises *„it is nevertheless important to consider the physical form of the surrounding properties in relation to the proposed development to ensure that the resulting scheme has at least a neutral effect, or preferably, a net improvement to residential amenities.”* □

Residential amenity refers to the quality of residential areas and the value to local residents and is affected by significant changes to the environment including privacy,

outlook, daylighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of a development proposal in relation to neighbouring properties, gardens and window positions.

There are two parts to the assessment of this scheme on residential amenity. Firstly, the likely impacts on occupiers of the new dwellings, and the likely impacts on adjacent amenities surrounding the site.

The proposed layout has a central driveway between plots 1 and 2 to access parking areas and plot 3 to the rear of the site. As the vehicular access is between plots 1 and 2, noise and disturbance from use of the shared driveway must be considered; although these plots have been designed with limited windows on the north and south elevations to limit potential disturbance.

Objections have been raised to overlooking and overshadowing from the proposed dwellings to Winterbourne House and Mill House, with particular concern regarding plot 3 to the rear. Plot 3 has bedroom windows at first floor on the west elevation and an en-suite bathroom window at first floor on the south elevation. It is possible to condition that the en-suite bathroom window is obscured glazed and to restrict any additional windows being added to the south elevation, such that it is not considered that Winterbourne House would be unduly affected.

With regard to the impact to Mill House, plot 3 is marked on the layout plan to be 14.029m from the west boundary of the site. Mill House is also separated from the site by the river and there is close boarded fencing to the east boundary of the garden of Mill House. Taking into account this separation, it is not considered that the proposed development will unduly affect Mill House.

2- 8 Hindes Meadow are single storey bungalows opposite the site with south facing gardens and approximately 2m high wall to the road. Nos 3 and 4 sundial cottages to the north of the site are two storey with front gardens/driveways to the south. Subject to restricting additional windows being added to the north elevation of plot 1 it is not considered that these dwellings will be unduly impacted upon.

Concerns have also been raised with regard to the impact to The Old Bakery due to the proximity of the existing buildings and proposed plot 2 to the boundary and in particular the discharge of surface water which currently discharges into the site from The Old Bakery and potential impact to the cob walls of The Old Bakery; these are civil issues although they may be covered under the Party Wall Act and Building Regulations.

Objections also refer to the south boundary treatments which vary between a 1.8m high close boarded fence (replacing the existing elevation of the laundry building) and 2.4m high fence above a low wall and possible damage to adjoining gardens during demolition/construction works. Again potential damage is a civil issue - although the grant of planning permission does not override any private property rights.

With regard to the boundary treatments, the 1.8m high fence will screen the ground floor of plot 3 from Winterbourne House and subject to conditioning that the first floor en-suite bathroom window is obscured glazed and restricting any additional windows being added to the south elevation; it is not considered that Winterbourne House would be significantly impacted upon by the resultant development.

The site occupies a corner position which is particularly prominent within the street scene. Concerns have also been raised to the design of the proposed dwellings including that they are not in keeping with the more modest character of dwellings in the area and the columned porches to plots 2 and 3 in particular are out of keeping.

The general design of the proposed buildings with plots 1 and 2 having hipped roofs and double fronted with central entrances are considered to reflect the characteristic vernacular along the principal routes through Shrewton.

The application includes street scene elevations with the outline of the existing buildings shown including that of the corner building which has been demolished. This illustrates that the scale of the proposed dwellings are comparable to the previous corner building and Sundial Cottages opposite.

It is proposed to construct the dwellings with brick walls under clay tile roofs. Whilst the majority of dwellings are of render elevations under slate roofs; there are examples of brick/painted brick and clay tile in the area.

Notwithstanding the „in principle“ objection on flooding grounds to residential redevelopment of this site; it is considered that overall, the development will not significantly unduly impact upon neighbouring properties and will be appropriate to the character and appearance of the area.

### ***Impact to SSSI/SAC and SPA***

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest and Special Area of Conservation. This site has protection under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994 require that the significance of any potential effect on the qualifying interest of the SAC is fully assessed before an application can be determined.

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England's advice, other consultation responses and any other information available, the local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSIs, including the River Avon system SSSI. The Site is designated because of the 6 habitats and species it contains (floating vegetation, sea and brook lamprey (fish), atlantic salmon, bullhead (fish), and Desmoulins whorl snail).

The Habitats Directive applies the precautionary principle to SACs. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question.

Natural England had advised that a Habitats Regulation Assessment is required to determine whether there is a likely significant effect on the SAC from possible sedimentation impacts during the construction phase and that it may be necessary to require the applicant to produce and implement a suitable construction method statement.

An ecological assessment was submitted as part of the application documentation which recommends that the river should be protected from disturbance during the construction works on site through the addition of appropriate fencing along the site boundary to create a buffer zone to minimise disturbance. However, this doesn't provide specific details to demonstrate that the SAC will be protected from access, litter and liquid sources of pollution during the entire construction period.

There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

Reference has also been made to the Salisbury Plain Special Protection Area and stone curlew; although the council's ecologist has confirmed that the scale of the development proposal under 10 dwellings is unlikely to lead to significant impacts on the SPA.

### ***Contaminated Land***

A phase 1 desk study and Report on a Ground Investigation have been submitted as part of the application documentation. The council's contaminated land officer has raised no objections subject to conditioning the recommended additional work outlined in the report. The Environment Agency has also raised a number of queries but have confirmed that these could be addressed in a similar condition.

### ***Protected Species***

The ecological assessment includes details of a survey for protected species, which confirms no protected mammal, plant or invertebrate species were found to be present on site. No evidence was found for use of any of the buildings by bats; although the buildings were considered to have the potential to support bats and the site contains habitats with the potential to support nesting birds. The council's ecologist supports the recommended mitigation measures which could be conditioned.

### ***Highway Safety***

The Highways Officer has advised that the „x“ distance at the shared access junction should be 2.4 metres not 2.0m as shown. The width of the new paved footway should be 2.0m in order to provide better general usage and in particular for use by the disabled, and should run along the whole length of The Hollow site frontage.

In respect of the internal layout, the width of the access „throat“ should be at least 4.5m for the first 7 metres of its length and there is insufficient turning space within the site for service vehicles, casual visitors and the allocated space 1c. The highways officer has recommended the application for refusal.

### ***Affordable Housing***

Paragraph 50 of the NPPF states:

*50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

●● *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*

●● *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*

●● *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.*

The application will trigger an affordable housing contribution of £12,882 as per Core Policy 3 of the South Wiltshire Core Strategy. This policy requirement is noted in the design and access statement accompanying the planning application.

The Council's Affordable Housing Economic Viability Study 2009 formed part of the evidence base for the formulation of Core Policy 3 and consequently has been subject to public scrutiny as part of the core strategy adoption process.

It will be necessary to include a reason for refusal relating to Core Policy 3 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a S106 agreement to make the relevant contribution.

## **R2**

The scheme relates to the creation of new residential development and in order to comply with the requirements of saved policy R2 of the local plan, applicants are required to enter into a S106 agreement and provide a commuted financial payment towards recreational facilities.

Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The R2 financial payment consists of a capital sum, which is used to purchase new recreational equipment or improve an existing facility, and a 5% administration charge.

A financial payment is required per dwelling and also varies depending upon the number of bedrooms in each dwelling.

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, it will be necessary to include a reason for refusal relating to policy R2 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a S106 agreement to make the relevant contribution.

## **Archaeology**

The council's archaeologist has advised that the site is in an area of archaeological interest and lies on the edge of the medieval settlement of Shrewton. The existing development on the site may have had impact on potential remains, but may also seal lower archaeological remains that could be disturbed by the proposed development.

Whilst saved policy CN21 of the local plan states that where an application may affect a potential site of archaeological interest, the local planning authority will request an archaeological evaluation to be carried out before the planning application is determined, the council's archaeologist has advised that trenched evaluation of the site before determination is problematic due to the existing buildings and depth of made ground on the site. As such the archaeologist has recommended a condition if the application were approved to require a written programme of archaeological investigation to be agreed.

### **Other issues**

The agent is aware of the objections to the application and has requested that the application exceeds the 8 week statutory determination period aiming to overcome these.

Once planning applications are formally submitted the local planning authority has very little scope to negotiate amendments due to the statutory deadlines for the applications; which is why the local planning authority recommends that applicants/agents use the pre-application advice procedure which identifies issues with proposals which may be addressed before the submission of a formal application.

Whilst it may be possible to resolve some of the objections with amended plans/further information; the proposal will still be unacceptable in principle as the site is located within flood zones 2 and 3. Therefore the local planning authority sees no reason to exceed the 8 week statutory handling deadline.

### **RECOMMENDATION: REFUSE**

(1) The precautionary approach adopted by The National Planning Policy Framework is that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and a 'Sequential Test' must be undertaken to see whether there are alternative lower risk sites that could accommodate the development. The proposal is for a 'more vulnerable' form of development proposed within Flood Zones 2 and 3. The NPPF makes clear that such development should be located in Flood Zone 1 unless it can be demonstrated that no such sites are available.

The applicant has undertaken a sequential test, but this has only considered sites put forward in the Parish of Shrewton in the Strategic Housing Land Availability Statement (SHLAA). The SHLAA and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that there is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, within the Local Planning Authority area to meet the housing development needs of the area. An 'Exception Test' should only be applied where such development could not reasonably be sited in Flood Zone 1 and is therefore not applicable.

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone location, the flood vulnerability of the residential development and the sequential test of the NPPF and technical guidance to the NPPF.

(2) Insufficient information has been provided to demonstrate that the proposal will not exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in the NPPF.

(3) Insufficient evidence has been submitted to demonstrate that the use of the land/buildings for business/employment use is no longer viable, contrary to Core Policy 5 of the Adopted South Wiltshire Core Strategy.

(4) Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(5) Adequate provision has not been made on the site for the parking and turning of vehicles in a satisfactory manner, which would lead to vehicles parking or reversing within the highway with consequent risk of additional hazards to all users of the road, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(6) The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with additional hazards to all users of the road, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

(7) The proposed development does not make provision for off -site affordable housing and is contrary to Core Policy 3 of the Adopted South Wiltshire Core Strategy.

(8) The proposed development does not make provision for off-site public recreational open space facilities and is contrary to saved policy R2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the Adopted South Wiltshire Core Strategy.

#### INFORMATIVE

1. It should be noted that the reason given above relating to saved policy R2 and Core Policy 3 of the Adopted South Wiltshire Core Strategy could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement contributing to recreational open space provision and affordable housing.



**Application Reference:** S/2011/1620  
**Date of Inspection:** 11/1/2012  
**Date site notice posted:** 11/11/11 – expiry date  
**Date of press notice:** n/a

## **POLICIES**

Adopted Salisbury District Local Plan saved policies, including the following saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy:

G1 – Sustainable development  
 G2 – General Criteria for development  
 D2 – Infill development  
 H16 – Housing Policy Boundaries  
 R2 – Open space provision  
 E16 – Employment  
 TR11 – Off street parking spaces  
 TR14 – Cycle parking  
 C6 – Special landscape area  
 C18 – Development sites bounded by watercourses  
 CN21 – Archaeology  
 C12 – Protected species

Draft South Wiltshire Core Strategy:

Core Policy 3 – Meeting Local Needs for Affordable Housing  
 Core Policy 5 – Employment Land

Government Guidance:

PPS25 – Development and Flood Risk  
 PPS25 Development and Flood Risk - Practice Guide  
 PPS23 – Planning and Pollution Control  
 PPS3 – Provision of affordable homes  
 PPS1 – Sustainable development  
 PPS9 – Biodiversity & Geological Conservation  
 Circular 06/2005 – Biodiversity and Geological Conservation

Planning guidance: Salisbury District Council Design Guide - Creating Places Design Guide

## **ISSUES**

- Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of Planning Policy Statement 25 „Development and Flood Risk“ (PPS25)
- Loss of employment
- Scale, design, residential amenity/living conditions
- Impact to SSSI/SAC
- Protected species
- Highway safety
- Recreational open space – saved policy R2 of Salisbury District Local Plan
- Affordable Housing – SWCS Core Policy 3
- Archaeology
- Contaminated land

## REPRESENTATIONS

**Orcheston Parish Council** – No comment

**Shrewton Parish Council** –

- The new development has not made full use of improving the visibility on the corner.
- In general appreciate the improvement to the area but the plans must reach their full potential to improve the location for the benefit of all the villagers.
- Queries over design and access statement:
- Is River Till a SSSI
- There is no direct bus link to Amesbury from Shrewton
- Vehicle movements may not reduce. Consider that traffic levels have increased
- Concern about visibility sightlines at the corner- property on the corner may need realignment
- Unclear about exact location of railings
- Concern access will be used as a shortcut, request for pavements and road to be adopted by highways
- Query if street lighting is proposed
- Shrewton also has a social club
- Query if there are any plans for social housing
- Query if footway will be publicly accessible
- Suggest ramps at each end of footpath
- Question if wall by the river has been assessed for strength to carry the weight of the development

**Archaeology** –

The site is in an area of archaeological interest and it lies on the edge of the medieval settlement. The ground investigations demonstrate that there is made ground across much of the site. The latest elements of this are clearly modern, but the lower elements may well be an earlier top and subsoil, which may seal archaeological remains. However, the proposed footprint is similar to the footprint of the existing buildings, which may have had an impact on the potential remains. In addition, trenched evaluation of the site before determination would be problematic due to the existing buildings and the depth of the made ground.

It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out during construction. The applicant should be aware that, if human remains are encountered during the works, they cannot be removed without the appropriate permissions and licences and that this may have an effect upon their programme of works.

Therefore in line with PPS5 (2010) and the earlier PPG16 and Planning (DoE1990) the following recommendations are made: Recommendation Full condition.

No development shall commence within the area indicated (proposed development site) until A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

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

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

Further recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

**Wiltshire Fire & Rescue Service** – comments relating to fire safety measures which could be added as an informative

**Environment Agency**- We are responding to emailed correspondence of 28 November, 01 and 05

December 2011, as received from Stephen Young of Pro Vision Planning & Design. The supply of this correspondence and the supplementary modelling data that is attached is regarded as additional information, submitted in response to our original consultation (ref: WX/2011/119924/01) and objection to this proposal.

## **Flood Risk**

Whilst we acknowledge that further information and discussion has been supplied in respect of the relevant functional floodplain (flood zone 3b) and estimated increases in flood depths, we wish to **maintain our objection** to this proposal.

We reiterate our concerns in respect of the proposed bypass culvert and confirm that a blockage scenario should be modelled and presented for our consideration. In addition we confirm that all responsibility for the maintenance and operation of such third party assets as the proposed culvert and associated inlet structure would remain with the developer and / or any management company that may be established for this development.

We would not support a development proposal that exacerbates flood risk or is supported by modelling outputs that indicate a worsening of flood depths or flooding to property or infrastructure. Whilst we note that the estimated increases in water depths are said to range between 20-30mm, such worsening cannot be offset by the sensitivities of the modelling work.

## **Modelling**

We have the following detailed comments to make with regard to the supporting Flood Risk Assessment (FRA) and hydraulic modelling that has been supplied.

The FRA contains no discussion regarding the absence of flow gauges within the relevant catchment area. Equally the generation of the necessary Qmed value and growth factors is only briefly discussed.

We note that the pooling group has been reduced from a record length of 1200 years to 500 years without any outline as to why certain stations have been removed.

The details provided do not explain how the relevant hydrograph has been established. This would usually be through the use of the ReFH method. Additionally this method could have been used as a further check of the 1000 year flood estimate.

It is understood that MIKE model files and relevant sensitivity test results have been submitted within Appendix H of the FRA supplied. However we have been unable to access this data, and are unable to verify the 'delta' value of 0.85 or the wave approximation setting. We note that the building footprints have been raised to 99mAOD within the FRA. An alternative to this approach would have been to use an approximate wall height of 200m/300m, to represent notional threshold levels. Any flood level above this value would enter the properties and give a better indication of actual flooding. Raising walls to an arbitrarily high value means there will not be property flooding while flood levels continue to rise elsewhere on the site. Showing the pure model outputs on a map in this way, rather than mapping the extents, can indicate that properties are not flooding.

The attached guidance documents offer guidance to assist the applicant in respect of the relevant modelling and flood flow estimation. Document 379\_05 relates to the development of hydraulic models, whilst document 197\_08 relates to hydrological analysis.

For further clarification of our comments in respect of the relevant modelling work, we suggest that the applicant liaise directly with Richard Coombes of our Data Management team, on 01258 483389.

However, for more general guidance in respect of the flood risk implications of this proposal the applicant should refer to our Development & Flood Risk Engineer in this matter: Gary Cleaver on 01258 483434.

### **Flood Defence Consent**

In addition to the above we highlight that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Till, designated main river. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact our Development & Flood Risk Officer, Daniel Griffin on 01258 483351.

### **Environmental Health**

Contaminated land: Happy with the methodology employed and the conclusions made in the Ground investigation report. Will require further information in lieu of the conclusions made in section 6.9 of the report.

Recommend Environment Agency are consulted and in particular groundwater protection team

### **Public protection**

No adverse comments

### **Wessex Water**

New water supply and waste water connections will be required from Wessex Water to serve the proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)

Please note that from 1<sup>st</sup> April 2012 all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for water supply and 01225 526 33 for waste water. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

On 1<sup>st</sup> October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105A sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of premises in addition to the existing public sewers shown on our record plans.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage requirements and to contact our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

## **Highways Department**

The layout of the proposed development would perpetuate the existing sub-standard layout in terms of its access arrangements, restricted visibility and restricted turning radius at the High Street/The Hollow road junction.

In Section 5.22 of the submitted Design and Access Statement, details are given of the eye height of a seated car driver together with ground levels and raised footpath levels in order to demonstrate that sufficient forward visibility is provided for emerging vehicles. This doesn't, in my view, take into account the proposed railing on top of the footway, which would seriously restrict visibility from and of drivers at the site exit. The junction is also sub-standard in terms of its minimum kerb radii and restricted visibility at the north-western corner of Plot H1, particularly in respect of its use by pedestrians.

Section 3.10 of the Transport Statement refers to Drawing No. 3821.001 which shows the swept path of a refuse vehicle leaving the site in an easterly direction only. This movement would not be possible for a large vehicle wishing to turn left out of the site and could lead to excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the road.

At the eastern end of the site access, it is considered that the use of the proposed visitor parking space is impracticable and potentially hazardous. The doors of a car parked in this space would open directly onto the High Street carriageway and furthermore, in my view, drivers would be unlikely to follow the „one way“ arrangement when leaving the site. A car parked in this space would also obstruct visibility for users of the proposed footway immediately to the north of it, against the interests of highway safety.

In my view the presence of parked vehicles as proposed would inhibit access to the rear of the proposed dwellings, including access to the refuse and cycle storage sheds. This could lead to vehicles parking away from the parking spaces shown and thereby restrict the available vehicle manoeuvring area.

For the above reasons I recommend that this application be refused and would summarise the grounds of refusal as follows:

1. Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety.
2. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.
3. The horizontal alignment of the proposed access layout is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the public highway.

## **Ecologist**

Salisbury Plain SAC - Natural England has confirmed that it does not expect increased recreational visits arising from the core strategies to lead to significant effects on the Salisbury Plain SAC features.

River Avon SAC – A judgement of likely significant effects for the SAC has been completed. Whilst conditions could be added to require the developer to provide a surface water drainage scheme and details of water conservation measure; the application should be refused as there is insufficient information provided to be able to conclude there will be no likely significant effects. The developer needs to provide a more detailed construction method statement to provide some assurance that the SAC will be protected from access, litter, liquid sources of pollution during the entire construction period.

**Protected species** - The ecological report demonstrates that risks to protected species are low provided some basic precautions are taken. Recommend informative to cover these issues. Biodiversity enhancement – The ecology report gives recommendations for suitable biodiversity enhancements for the site to meet the policy requirements of PPS9 including incorporating bat boxes into the fabric of some dwellings, artificial swallow nests in bin stores, and sowing areas of amenity grassland with a native wildflower mix. No information is provided to show the location and design of such features. Sheds will be used as bin stores and as these are not open, will not be suitable for swallow nests. The eaves of the side elevations of houses 1,2 and 3 could be suitable for swallow cups, otherwise bird brick for other species could be included here, or bat tubes. These details could be obtained through condition.

## **Natural England**

Recommend Habitat Regulations Assessment is required for the River Avon SSSI/SAC and Porton Down SPA, and a construction method statement

## **Conservation**

The proposals would have a very limited impact on the setting of the nearest listed building, Whiteways, and the others further to the south of the site but concerns raised that development does not turn the corner in built form and leaves the rear and parking areas open and more visible to the High Street. Query why hipped roof used on otherwise symmetrical terrace with gable roofs?

## **New Housing**

The current application is suggesting 8 open market homes. However, in line with Core Policy 3 of the South Wiltshire Core Strategy we will require 25% of the total homes being built to be provided as affordable homes. This equates to 2 units.

There is sufficient housing need in Shrewton to support our request for the affordable housing. There are currently 20 applicants on the housing register who are classed as being in housing need, and who are asking for Shrewton as their first area of choice. In addition there are applicants in housing need who are asking for Orcheston and Tilshead and who are likely to also be interested in Shrewton due to the lack of affordable housing available in either of those villages. This is just the minimum need identified. Based on the needs data we have, I would suggest that the affordable homes provided on site should be 2 x 2 bed house. This could either be 2 x rented homes, or 1 x rent and 1 x shared ownership, although this can be agreed at a later date.

All affordable homes should meet Code for Sustainable Homes Level 3 and there will be minimum size standards to be achieved. I would recommend that the applicant contacts one of our partner housing associations to establish a price that they could pay for the affordable homes and to discuss other requirements. A list of our partner housing associations is attached. Those who are most active in development in South Wiltshire are Spectrum, Synergy, Radian, Raglan and Aster. Wilts Rural HA and Hastoe HA do also specialise in smaller rural schemes, although any of them on the list can be approached.

We will only consider an off-site contribution where there are exceptional circumstances. In this instance we wish to see affordable housing provided on-site as there are no other potential sites coming forward in that area which could deliver affordable housing for the need that has been identified.

I would therefore have to raise an objection to the current application due to the lack of affordable housing provision.

4 Third party representations summarised as follows:

- Overdevelopment of the site (size of land and corner site)
- Insufficient off street parking proposed – will add to traffic congestion (previous developments have lead to increased on street parking/obstruction)
- Road safety - Additional traffic would be highway hazard
- Concern that bats occupy the buildings proposed to be demolished
- Concern about obstruction to traffic during demolition/construction works
- Concern about surface water drainage which needs to take into account flow that collects along eastern boundary of site

## **Assessment**

### ***Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of Planning Policy Statement 25 'Development and Flood Risk' (PPS25)***

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to guide development away from areas at high risk and to ensure that the most vulnerable development is located in areas of lowest flood risk.

PPS25 acknowledges climate change and the likelihood that sea levels will continue to rise over forthcoming decades. As a consequence, PPS25 expands on the objective of Planning Policy Statement 1 "Sustainable Development" (PPS1) in relation to how planning should facilitate and promote sustainable patterns of development, avoid flood risk and accommodate climate change.

The precautionary approach adopted by PPS25 is that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should they consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses (the sequential test) and applying the exception test if required.

The residential nature of the proposal is classified as a „more vulnerable“ form of development by Annex D of PPS25 which identifies that an „Exception Test“ should only be applied where such development could not reasonably be sited in lower risk flood zones. The „Exception Test“ is therefore not applicable in this instance.

The site is located within Flood Zones 3 and 2 and therefore residential development should not normally be permitted on the site as a matter of principle. Only where the Sequential Test has shown that there is no reasonable alternative site that could be developed should a site in a higher risk zone be permitted.

Paragraph 4.36 of PPS25 explains that „PPS25 requires the application of the sequential test to all planning applications in flood risk areas, including those on previously developed land, unless the area or site has already been allocated through a sequential test informed by a SFRA.“

Paragraphs 4.25 and 4.27 of PPS25 make it clear that the onus for undertaking the sequential test is on the developer: „it is the responsibility of the developer to assemble to evidence for their application to allow the local planning authority’s planning officer to carry out the sequential test. “The design and access statement states at paragraph 4.34 „ it is important to remember in this respect that the application site lies within the long established settlement boundary for Shrewton. It may therefore be concluded that considerations undertaken by Wiltshire Council (and its predecessor bodies) is such that the site passes the Sequential Test.□

The site is within a Housing Policy Boundary, but housing policy boundaries have not been sequentially tested. The applicant has not undertaken a Sequential Test. Paragraph 4.30 of PPS25 explains that “reasonably available alternative sites can be identified from evidence based documents which feed into the development of the Local Development Documents e.g. Strategic Housing Land Availability Assessments.□

On the 14<sup>th</sup> October 2011, the Council’s South Wiltshire Core Strategy was found “sound” by the Inspectorate. As a result, from that date, the draft policies within this document now carry significant weight in the determination of planning applications. Shrewton is within the Amesbury Community Area identified in the SWCS. The SWCS (pg 99) refers to the Strategic Housing Land Availability Assessment, stating that at least 2395 new homes will be provided to meet the needs of the Amesbury Community Area over the lifetime of the strategy.

Paragraph 12.2c of the SWCS (revised by MAJ/08 – one of the major changes to the SWCS proposed at the initial hearings and confirmed as necessary by the Inspector to make the plan sound) states:

*“The Strategic Housing Land Availability Statement (SHLAA) and the Strategic Flood Risk Assessment (SFRA) currently demonstrate that this is a readily available and deliverable 5-year supply of housing land in Flood Zone 1, the zone of least risk, to meet the housing development needs of the area. Proposals put forward in areas of high risk (Flood Zones 2 and 3) will need to be supported by clear evidence that no lower risk alternative sites are available. This is in order to apply the Sequential Test in line with the requirements of PPS25. The findings of the SHLAA and SFRAs Level 1 and 2 will carry considerable weight when testing the suitability of proposals put forward in higher risk areas. All new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (Sustainable Drainage) unless site or environmental conditions make these measures unsuitable.□*

The applicant has not demonstrated that the site should be brought forward for development ahead of other housing in safer areas. As the local planning authority has identified a readily available and deliverable 5 year supply of housing land in Flood Zone 1, there is no need consider sites outside of flood zone 1. This stance has been supported at appeal (an appeal decision is attached at Appendix C where the Planning Inspector concluded that there were sufficient alternative sites within Flood Zone 1 to accommodate residential development which would not undermine the objectives of PPS25 and other policies aimed at minimising flood risk). As a matter of principle, the proposal is in conflict with the provisions of PPS25.

The Environment Agency has also objected that the Flood Risk and Drainage Assessment and modelling outputs fail to demonstrate that the proposal won’t exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure (explained in the Representations section of the report). This should form an additional reason for refusal.



## ***Loss of Employment Land***

The previous use as a laundry business (B1/B2 use) has relocated to Old Sarum Industrial Park. The design and access statement explains that the business provided employment to 7 residents of Shrewton (of which 4 relocated) and 7 employees from outside Shrewton.

Saved Policy E16 of the Salisbury District local plan states that on land allocated or currently used for employment purposes, the construction, change of use or redevelopment for other purposes will only be permitted where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities unless the land or premises are no longer viable for an employment generating use and/or where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that outweigh the loss of local jobs.

The South Wiltshire Core Strategy proposes to replace saved policy E16 of the Salisbury District Local Plan by Core Policy 5 – Employment Land. The policy wording of E16 has been amalgamated into Core Policy 5, and expanded:

### **Core Policy 5 - Employment Land**

Permission will not be granted for development of land or buildings previously or currently used for, or allocated for, activities falling within Use Classes B1, B2 or B8, unless it can be demonstrated that:

- i) the proposed development will generate the same number or more jobs than could be expected from the existing use, or any potential employment use; or
- ii) where the proposal concerns loss of employment land of more than 0.25ha within Salisbury city or the settlements of Amesbury, Downton, Mere, Tisbury or Wilton, it is replaced with employment land of similar size elsewhere in that settlement; or
- iii) it can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment use on a greater part of the site, providing the same number or more jobs than on the original whole site; or
- iv) the site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area; or
- v) there is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy, both currently and in the long term; site appraisal criteria, as provided by the Employment Land Review, must be applied and an objective assessment made of the sites potential contribution to the economy, in line with other sites in the area; it must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time, following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

The supporting text to the policy states „achieving the economic objectives for South Wiltshire depends on protecting and enhancing existing employment sites. The Core Strategy seeks to protect south Wiltshire’s most sustainable and valued employment areas by applying policies to favour employment on these sites. It does recognise that „on some of these employment areas there are strong redevelopment pressures for other uses, notably residential and retail.“

Core Policy 5 includes that it must be shown that the site is no longer viable for its present or any other employment use with evidence that it has remained unsold for a substantial period of time.

The design and access statement summarises that „it is considered that the redevelopment of the site for non-employment uses would accord with the requirements of policy E16 for the following reasons:

- Continued B2 uses would be unneighbourly given the high number of residential properties in the vicinity;
- B8 uses would not be appropriate for the site in terms of operational requirements, accessibility and neighbourliness;
- The existing demand for employment premises, including office use, is being adequately provided for by new large development, particularly Solstice Park;
- The existing premises are no longer viable for reuse as a laundry and conversion or redevelopment costs for other uses would be unduly prohibitive.

Whilst it is accepted that the site is in a residential area, where considerations of impact to neighbours from alternative employment uses on the site would be particularly important, that isn't to say an alternative employment use would have adverse impact and no evidence has been provided of marketing of the site for alternative employment uses.

The planning department normally advises that marketing should be for a period of 6-9 months and involve:

- Offer of the site for sale on a freehold basis or for the lease of the site without restrictive clauses.
- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals, websites and appropriate advertising boards.
- Clear recording of the marketing undertaken and details of the respondents, which are capable of verification if required.

Insufficient information has been provided to demonstrate that the site is no longer viable for employment uses.

### ***Scale, design, residential amenity/living conditions***

Local planning authorities are expected to give preference to the development of brownfield as opposed to greenfield sites and policy G1 of the Adopted Local Plan promotes the efficient use of land. However, PPS3 and PPS1 gives clear guidance that the Government's objective and commitment to promoting the efficient use of land must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality. PPS 3 in particular makes it clear that whilst new development must make the best use of available land this should not compromise the quality of the environment.

Policy D2 states that proposals for street and infill development will be permitted where the proposals respect or enhance the character of appearance of an area including the building line, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit „*How the new dwelling(s) will relate to the context and to each other to create a particular place*“.

The Council’s urban designer has provided detailed comments on the application (included in the representation section of the report above).

The proposal includes raising the floor levels of the proposed buildings and gardens to be above the potential flood level. The proposed buildings as a result will be noticeably higher than the existing and surrounding buildings. The site also occupies a corner position which is particularly prominent within the street scene.

Whilst the general design of the proposed buildings is considered to reflect the characteristic vernacular along the principal routes through Shrewton; it is considered that the proposal to raise the floor levels of the development will result in the development appearing over-bearing within the street scene and will have an adverse impact upon the character and appearance of the surrounding area. This will be particularly apparent approaching the site from the east or west. The dwelling on the corner with High Street and The Hollow (plot H8) in a raised position with gable end and 2<sup>nd</sup> floor accommodation will in particular appear over-bearing within the street scene. At the West end of the site it is also considered that the raised level of the dwelling (plot H1 and H2) in combination with the significantly deeper footprint than the existing building will appear over-bearing within the street scene.

It is considered that the width of the vehicular access to the High Street and parking bays extending to the outer edge of the site will reveal to the street scene a space dominated by cars, rear garden fences and garden sheds.

Paragraph 17 of PPS3 states that matters to consider when assessing design quality include the extent to which the proposed development provides private outdoor space such as residential gardens. It goes on to expand that where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is a good provision of private garden areas which should be well-designed, safe, secure and stimulating. In this case, the Local Planning Authority considers that the development provides insufficient amenity space and would clearly not be providing the high-quality housing that government guidance envisages.

Amongst other things, PPS3 advises that whilst using land efficiently is a key consideration in planning for housing, paragraph 10 lists the delivery of high quality housing as one of the specific outcomes that the planning system should deliver. The PPS is clear in saying that while redevelopment should be encouraged; this should not be at the expense of the standard of accommodation provided for both future and existing occupiers.

The revision to PPS3, which excludes the definition of gardens as brownfield land and removes the requirement upon local authorities to have regard to the national minimum density for housing, is considered to be a clear intention of the government to require local planning authorities to consider local context very carefully in determining planning applications.

The aims of the Saved Salisbury District Local Plan as outlined in paragraph 1.6 of the supporting text includes the promotion of a high quality of life for the people of the District.

The requirements of policy G2 are reinforced by PPS1, which refers to the conditions of surroundings having a direct impact on the quality of life.

It is considered that the development provides insufficient amenity space and would clearly not be providing the high-quality housing that government guidance envisages.

Notwithstanding the „in principle“ objection on flooding grounds to residential redevelopment of this site; it is considered that overall the development also amounts to an overdevelopment of the site, to the detriment of the character and appearance of the area.

### ***Impact to SSSI/SAC and nature conservation interests***

The site backs onto the River Till, which is a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest and Special Area of Conservation. This site has protection under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994 require that the significance of any potential effect on the qualifying interest of the SAC is fully assessed before an application can be determined.

Under the Habitat Regulations 1994, any development with the potential to affect a Special Area of Conservation and its designated species must be subject to strict scrutiny by the decision maker, in this case the LPA. The Authority should not permit any development, which would have an adverse effect on the integrity of the River Avon SAC, alone or in combination with other developments, unless certain rigorous tests are met.

Having regard to Natural England's advice, other consultation responses and any other information available, the local planning authority needs to decide whether the plan or project, as proposed, alone or in-combination would adversely affect the integrity of the site, in the light of its conservation objectives. That is, whether the plan or project would adversely affect the coherence of the site's ecological structure and function, across its whole area or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

The River Avon Special Area of Conservation (SAC) is underpinned by component SSSIs, including the River Avon system SSSI. The Site is designated because of the 6 habitats and species it contains, namely:

- a) floating vegetation,
- b) sea lamprey, (fish)
- c) brook lamprey, (fish)
- d) atlantic salmon, (fish)
- e) bullhead, (fish)
- f) desmoulins whorl snail.

The Habitats Directive applies the precautionary principle to SACs. Plans can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question.

Natural England had advised that a Habitats Regulation Assessment is required to determine whether there is a likely significant effect on the SAC from possible sedimentation impacts during the construction phase and that it may be necessary to require the applicant to produce and implement a suitable construction method statement.

An ecological assessment was submitted as part of the application documentation which recommends that the river should be protected from disturbance during the construction works on site through the addition of appropriate fencing along the site boundary to create a buffer zone to minimise disturbance. However, this doesn't provide specific details to demonstrate that the SAC will be protected from access, litter and liquid sources of pollution during the entire construction period.

There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

### ***Protected species***

The ecological assessment includes details of a survey for protected species, which confirms no protected mammal, plant or invertebrate species were found to be present on site. No evidence was found for use of any of the buildings by bats; although the buildings were considered to have the potential to support bats (building 4 is identified as having a medium to high bat roosting potential due to the proximity of the building to good foraging habitat and suitable access and roosting points) and bats were recorded foraging nearby.

Mitigation measures are recommended in the form of bat boxes to be located in the fabric of the new dwellings. The site also contains habitats with the potential to support nesting birds and the ecological assessment recommends that the clearance and demolition of buildings should be taken to avoid bird nesting season or not without prior inspection by an ecologist. These could be subject to conditions, so it is not necessary to add a reason for refusal with regard to these aspects.

### ***Highway safety***

The highways department has raised objections to the application on the grounds (explained in the representations section) that the development would perpetuate the existing sub-standard layout in terms of its access arrangements, restricted visibility and restricted turning radius at the High Street/The Hollow road junction.

### ***Affordable Housing***

PPS3 (paragraph 29) states:

*„29. In Local Development Documents, Local Planning Authorities should:*

*– Set an overall (ie plan-wide) **target** for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in this PPS.19 It should also reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured. Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment.*

*– **Set separate targets for social-rented and intermediate affordable housing** where appropriate. A sufficient supply of intermediate affordable housing can help address the needs of key workers and those seeking to gain a first step on the housing ladder, reduce the call on social-rented housing, free up existing social-rented homes, provide wider choice for households and ensure that sites have a mix of tenures.*

*– **Specify the size and type of affordable housing** that, in their judgement, is likely to be needed in particular locations and, where appropriate, on specific sites. This will include considering the findings of the Strategic Housing Market Assessment and any specific requirements, such as the provision of amenity and play space for family housing, and,*

where relevant, the need to integrate the affordable housing into the existing immediate neighbourhood and wider surrounding area.

**-Set out the range of circumstances in which affordable housing will be required.**

*The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum thresholds, where viable and practicable, including in rural areas. This could include setting different proportions of affordable housing to be sought for a series of site- size thresholds over the plan area. Local Planning Authorities will need to undertake an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed, including their likely impact upon overall levels of housing delivery and creating mixed communities. In particular, as the new definition of affordable housing excludes lowcost market housing, in deciding proportions of affordable housing to be sought in different circumstances, Local Planning Authorities should take account of the need to deliver low cost market housing as part of the overall housing mix.*

*– Set out the **approach to seeking developer contributions** to facilitate the provision of affordable housing. In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area.*

The draft policies within the SWCS now carry significant weight in the determination of planning applications. Core Policy 3 (Affordable Housing provision) applies to the development which is a target of providing 25% on-site affordable dwellings (2 of the proposed dwellings would need to be affordable).

The Council's Affordable Housing Economic Viability Study 2009 formed part of the evidence base for the formulation of Core Policy 3 and consequently has been subject to public scrutiny as part of the core strategy adoption process.

The housing department has advised that there is sufficient housing need in Shrewton to support the need to provide on-site affordable housing. There are currently 20 applicants on the housing register who are classed as being in housing need, and who are asking for Shrewton as their first area of choice. In addition there are applicants in housing need who are asking for Orcheston and Tilshead and who are likely to also be interested in Shrewton due to the lack of affordable housing available in either of those villages. This is just the minimum need identified. Based on the needs data, the housing department has suggested that the affordable homes provided on site should be 2 x 2 bed houses. This could either be 2 x rented homes, or 1 x rent and 1 x shared ownership, although this can be agreed at a later date.

The housing department will only consider an off-site contribution where there are exceptional circumstances. In this instance we wish to see affordable housing provided on-site as there are no other potential sites coming forward in that area which could deliver affordable housing for the need that has been identified.

The development does not provide on-site provision of affordable housing and is contrary to Core Policy 3 of the draft South Wiltshire Core Strategy.

**R2**

The scheme relates to the creation of new residential development and in order to comply with the requirements of saved policy R2 of the local plan, applicants are required to enter

into a unilateral undertaking and provide a commuted financial payment towards recreational facilities.

Local Plan policy R2 makes clear that all new proposals for residential development must contribute towards recreational open space facilities. This is because the increase in the number of people living within the area puts greater pressure on the existing recreational facilities and generates greater demand for new facilities.

The R2 financial payment consists of a capital sum, which is used to purchase new recreational equipment or improve an existing facility, and a 5% administration charge.

A financial payment is required per dwelling and also varies depending upon the number of bedrooms in each dwelling.

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, it will be necessary to include a reason for refusal relating to policy R2 in the event of an appeal against a decision to refuse the scheme but to include an informative that this can be overcome by the submission of a unilateral agreement agreeing to make the relevant contribution.

### ***Archaeology***

The council's archaeologist has advised that the site is in an area of archaeological interest and lies on the edge of the medieval settlement of Shrewton. The existing development on the site may have had impact on potential remains, but may also seal lower archaeological remains that could be disturbed by the proposed development.

Whilst saved policy CN21 of the local plan states that where an application may affect a potential site of archaeological interest, the local planning authority will request an archaeological evaluation to be carried out before the planning application is determined, the council's archaeologist has advised that trenched evaluation of the site before determination is problematic due to the existing buildings and depth of made ground on the site. As such the archaeologist has recommended a condition (should the application be approved) to require a written programme of archaeological investigation to be agreed.

### ***Contaminated land***

A contaminated land ground investigation report was submitted as part of the application documentation. The council's contaminated land officer has raised no objections subject to conditioning the recommended additional work outlined in section 6.9 of the report.

### **RECOMMENDATION: REFUSE**

- (1) The precautionary approach adopted by PPS25 is that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and a 'Sequential Test' must be undertaken to see whether there are alternative lower risk sites that could accommodate the development. The proposal is for a 'more vulnerable' form of development proposed within Flood Zones 2 and 3. Planning Policy Statement 25 makes clear that such development should be located in Flood Zone 1 unless it can be demonstrated that no such sites are available.

The applicant has not demonstrated that the site should be brought forward for housing development ahead of other sites in Flood Zone 1. The proposal would therefore represent an unacceptable form of development with particular regard to its flood zone

location, the flood vulnerability of the residential development and the sequential test of PPS25.

(2) The proposed development by reason of the number of dwellings proposed; the raised floor levels and resultant overall height and scale of the development in relation to existing buildings; the size of the private amenity spaces; the width of the vehicular access road with formal parking spaces extending to the outer edge of the site and formal raised pedestrian walkways constitutes a poor design of development leading to a proposal that amounts to an overdevelopment of the site that is vehicle dominated and will have an adverse visual impact within the street scene; to the detriment of the character and appearance of the area which has a rural context. It will also create a poor living environment to the detriment of the amenities of the future occupants of the site. Overall, the development is contrary to saved policies G1, G2, D2, H16 and C6 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy, and Objective 16 of the Council's design guide "Creating Places".

(3) Vehicles and pedestrians resulting from the proposed development entering and leaving the site where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience all road users to the detriment of highway safety, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(4) Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(5) The horizontal alignment of the proposed access layout is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the public highway, contrary to saved policy G2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

(6) Insufficient information has been provided to demonstrate that the proposal won't exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure, contrary to guidance contained in PPS25.

(7) Insufficient evidence has been submitted to demonstrate that the use of the Land/buildings for business/employment use is no longer viable, contrary to saved policy E16 of the Adopted Salisbury District Local Plan and Core Policy 5 of the draft South Wiltshire Core Strategy.

(8) The proposed development does not make provision for 25% on site affordable housing and is contrary to Core Policy 3 of the draft South Wiltshire Core Strategy and guidance within PPS3.

(9) The proposed development does not make provision for off-site public recreational open space facilities and is contrary to saved policy R2 of the Adopted Salisbury District Local Plan and included in the saved policies listed in Appendix C, of the draft South Wiltshire Core Strategy.

## INFORMATIVE

1. It should be noted that the reason given above relating to saved policy R2 of the adopted Local Plan could be overcome if all the appropriate parties agree to enter into a Section 106



Agreement contributing to recreational open space provision.



## Appeal Decision

Site visit made on 10 August 2010

by **David Hogger** BA MSc MRTPI MCIHT

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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ov.uk

**Decision date:**  
**9 September 2010**

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**Appeal Ref: APP/Y3940/A/10/2127150**  
**29 Middleton Road, Salisbury SP2 7AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Molton against the decision of Wiltshire Council.
- The application Ref S/2009/1291/FULL, dated 20 August 2009, was refused by notice dated 27 October 2009.
- The development proposed is 12 apartments (6 studio, 2 one bedroom and 4 two bedrooms) and to demolish disused car parking garages.

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### Decision

1. I dismiss the appeal.

### Preliminary Matter

2. Following the site visit I requested comments from both main parties with regard to the implications for the proposal as a result of the revocation of the Regional Spatial Strategy and the decision of the Council to suspend progress on the South Wiltshire Core Strategy. I have taken into account the responses submitted in my determination of this appeal.

### Main Issues

3. The main issues are:
  - the level of risk posed to the occupants of the proposed dwellings by the proximity of the gas holder;
  - whether or not the proposal would undermine policies aimed at minimising flood risk; and
  - whether or not adequate provision has been made for public recreational open space.

### Reasons

4. The site, which currently includes some single storey garage buildings, is located in a comparatively sustainable location, within walking distance of the City centre, a number of public transport routes and the nearby retail park. Planning Policy Statement 3: Housing promotes the effective and efficient use of previously developed land. I also note that the Design and Access Statement refers to a number of sustainability initiatives that are proposed

including a car sharing scheme. It is against this background that I have determined the appeal.

***The Proximity of the Gas Holder***

5. The proposed building would be about 28m from the gas holder site and about 40m from the holder itself, which is defined as a major hazard site by virtue of the storage of hazardous substances.
  6. The Health and Safety Executive (HSE) advise that the whole site lies within the consultation distance of the gas holder and straddles the inner and middle zones. Using its own methodology (known as 'Planning Advice for Developments near Hazardous Installations') and taking into account the size, nature and other characteristics of the proposal, the HSE refers to the potential risks to the residents of the proposed dwellings and advises against such development.
  7. The HSE confirms that the consultation zones around the gas holder have recently been increased in size and that this occurred after the permission for residential development at 31 Middleton Road had been granted.
  8. The appellant argues that there is a very low risk of an accident occurring and that because the risk appears to be acceptable to the existing residents of nearby dwellings there is no reason to conclude that the residents of the proposed dwellings would assess the risk differently. Reference is also made to planning applications for residential development that have been approved elsewhere in Middleton Road.
  9. I have been given no substantive evidence to demonstrate that existing residents in the area are content with the risk posed by the gas holder. I am also mindful of the views of the Advisory Committee on Major Hazards which argues that the existence of intervening development should not affect the advice the HSE gives with regard to proposed developments which may appear to be less at risk than existing development.
  10. With regard to other developments in Middleton Road I have not been given full details of their planning history although it would appear that circumstances have changed since some of them were approved.
  11. The appellant seeks to draw parallels between this scheme and the proposal for a new stand and hotel at the Brit Oval (Inspector's Report Ref: APP/N5660/V/08/1203001), where there are gas holders adjacent to the site. Although I have not been given all the details of that case and I am bound to determine the appeal before me on its own merits, I have given careful consideration to all the evidence that has been submitted on this matter.
  12. In his Report to the Secretary of State the Inspector concludes that "the identified demand and need for the development, and the sporting and economic benefits that it would bring, together outweigh any non-compliance with the Unitary Development Plan".
  13. I interpret that to mean that the benefits of that scheme were of substantial significance. I do not consider that the benefits of this proposal are close to being of the same scale and therefore, unlike at the Brit Oval, they do not justify an exception to policy being made.
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14. Circular 04/2000 acknowledges the expertise of the HSE in this field and states that the advice that it gives should not be overridden without the most careful consideration. The Circular also advises that where the HSE's evidence is challenged with evidence that is not well supported by technical information or proven superior expertise, the HSE evidence should continue to be given due weight.
  15. I consider that there is insufficient justification for overriding the HSE advice and on the first issue I conclude that the level of risk to the prospective residents of the proposed development would be unacceptable. The requirement of saved policy G2 of the Salisbury District Local Plan (SDLP) which seeks to ensure that development does not occur in locations which are liable to environmental problems due to their proximity to incompatible development, would not be met. My finding on the first issue is sufficient on its own to justify the dismissal of this appeal.

### **Flood Risk**

16. The site lies within Flood Zone 2. Planning Policy Statement 25: Development and Flood Risk (PPS25) advises that the preference is for development to take place in Flood Zone 1. However, if it can be satisfactorily demonstrated by means of a Sequential Test that there are no reasonably available sites in areas with a lower probability of flooding, then in principle consideration can be given to other sites, for example within Flood Zone 2.
17. The Council confirms that its Strategic Housing Land Availability Assessment – May 2009 (SHLAA) concludes that there is potential for almost 15,000 dwellings within Flood Zone 1 in the former Salisbury District Council area. I have been given no evidence to demonstrate that the SHLAA was not produced in accordance with the SHLAA Practice Guidance published by the Department for Communities and Local Government and therefore I attach weight to its conclusions. Even if the four strategic sites in Salisbury (which are identified in the 'suspended' Core Strategy) were not taken into account, the Council state that there would still be a 5 year supply of deliverable housing sites on land within Flood Zone 1.
18. The appellant has undertaken a Flood Risk Sequential Test (FRST) which assesses 104 sites. The FRST concludes that only 4 sites are reasonably available at the present time and that the development of this site is likely to be required in order that the Council's housing target can be met.
19. I am not familiar with all the sites identified in the FRST and I have not been given a detailed explanation of the methodology used. However, the Council state that all the sites in the SHLAA and Core Strategy have been identified as "being acceptable and available for development in the next five years" and on the evidence I have been given I could not confidently dispute this claim.
20. Policy preparation is an iterative process and I acknowledge that there is currently a level of uncertainty regarding housing provision in the area. Nevertheless I am satisfied that there is insufficient justification at this time to consider development on land outside Flood Zone 1. This approach reflects the advice in PPS25 which states that "the overall aim of decision-makers should be to steer new development to Flood Zone 1".

21. Although the Environment Agency did not submit a formal objection to the proposal, I note that it advised that "if there are alternative sites the development will need to be refused" and I have taken that advice into account.
22. I am mindful that the Flood Risk Assessment concludes that in principle the site is developable subject to the incorporation of appropriate design measures to minimise flood risk. Although this adds weight in favour of the proposal, it does not outweigh my conclusion that there is no over-riding justification for allowing development in Flood Zone 2.
23. On the second issue I conclude that there are sufficient alternative sites available within Flood Zone 1 to accommodate residential development which would not undermine the objectives of PPS25 and other policies aimed at minimising flood risk. Even if I had reached a different conclusion on this issue, it would not have outweighed my concerns regarding the proximity of the gas holder.

#### ***Open Space Provision***

24. The appellant has submitted an executed Unilateral Undertaking which makes it clear that before work on the development could commence the necessary contribution towards public open space would have to be made. I consider that this meets the requirements of Circular 05/2005: Planning Obligations and therefore the requirement of SDLP saved policy R2, which seeks to ensure that provision is made for recreational open space, would be met.

#### **Conclusions**

25. I have found that the sustainability credentials of the proposal are sound and that an appropriate approach to the provision of open space has been taken by the appellant. However, neither of these findings outweigh my conclusions that the risk to potential residents posed by the proximity of the gas holder would be unacceptable and that sufficient land for housing has been identified by the Council within Flood Zone 1.
26. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*David Hogger*

Inspector



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## Appeal Decision

Site visit made on 26 March 2013

by **David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

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

Decision date: 11 April 2013

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**Appeal Ref: APP/Y3940/A/12/2187013**

**Land adjacent to The Retreat, Ashley Road, Salisbury, SP2 7DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr B Johnston (JJ Acquisitions Ltd) against the decision of Wiltshire Council.
  - The application Ref S/2012/771/FULL, dated 1 May 2012, was refused by notice dated 17 August 2012.
  - The development proposed is demolition of existing outbuildings and the erection of a single dwelling.
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### Decision

1. I dismiss the appeal.

### Main issues

2. The main issues are firstly, whether the appeal site represents an appropriate location for the proposed development, with particular reference to flood risk; and secondly, whether the proposal makes adequate provision towards affordable housing and recreational open space requirements.

### Reasons

#### *Flood risk*

3. The appeal site lies to the north-west of a detached 2-storey residential property known as The Retreat. It contains a number of block and brick-built outbuildings set around a hard-surfaced yard with a grassed area beyond, lying adjacent to a drainage ditch and a branch off the River Avon. It is reached by means of an existing driveway from Ashley Road, which also serves existing detached single-storey residential properties known as The Nook and The Haven. A Flood Risk Assessment (FRA) submitted with the planning application indicates that the site lies within Flood Zones 2 and 3.
4. The appeal proposal seeks to erect a 2-storey, 3-bedroom dwelling on the site but the National Planning Policy Framework ("the Framework") states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Such areas include Flood Zones 2 and 3 which are defined, in the Technical Guidance document which accompanies the Framework, as those which are subject to medium and high probabilities of flooding, respectively.
5. The Framework further indicates that when development is being considered in areas subject to flood risk, a Sequential Test needs to be undertaken with the aim of steering new development to areas with the lowest probability of flooding. It

goes on to explain that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

6. The appellant has not undertaken a Sequential Test but, instead, relies on the fact that the Environment Agency (EA) has raised no objection to the proposed development, subject to the imposition of a condition specifying a finished floor level no lower than 49.20m Above Ordnance Datum (AOD). However, the EA also states that the Sequential Test needs to be demonstrated for this proposal. The appellant appears to pay little regard to this qualifying comment from the EA, arguing instead that the appeal proposal would be at no risk from flooding, would remain safe throughout its lifetime, would not increase the flood risk elsewhere and would only give rise to a technical conflict with the Framework guidance.
7. The appellant goes on to comment that as the appeal site lies within half a mile of the city centre, and within easy walking distance of all major services and facilities, the proposal demonstrates compatibility with wider sustainability objectives set out in the South Wiltshire Core Strategy (SWCS) and would pass the Exception Test set out in the Framework. However, the Framework makes it quite clear that the Exception Test only comes into play once a Sequential Test has first shown that it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. That is not the case here.
8. Moreover, the Council has pointed out that the SWCS is an up to date part of the development plan, having been adopted just over a year ago in February 2012. This document indicates that the Council has identified a readily available and deliverable 5-year supply of housing land in Flood Zone 1 (low probability of flood risk) and that as a result it is not necessary for it to consider sites for housing outside of Flood Zone 1. I see no reason to take a contrary view to the Council on this matter. In taking this position I have had regard to the Framework's reason for directing new development to areas with the lowest probability of flooding, namely so as to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change. There is no certainty that this would be achieved with the appeal proposal.
9. In particular, information in the FRA indicates that the 1:200 year (undefended) flood level for the site should be taken as 48.60m AOD, to include an allowance for climate change over the life of the proposed development. Whilst the finished floor level of the proposed dwelling could be set above this level, road levels on Ashley road itself, in the vicinity of the appeal site, fall below it. Although the EA has indicated that access to and along Ashley Road would be acceptable in such circumstances, it does further comment that the view of the Emergency Services in respect of such proposals, and indeed evacuation from this area during a severe flood event, remains unclear.
10. I have noted the appellant's reference to a 2010 appeal decision<sup>1</sup> to grant planning permission for a dormer bungalow on land subject to risk of flooding in the East Riding of Yorkshire. The appellant maintains that unlike the 2 appeal decisions referred to by the Council<sup>2,3</sup> this proposal is directly comparable to the appeal proposal and should therefore weigh significantly in the appeal proposal's favour. However, despite the appellant's claims there is nothing in the submitted evidence regarding this East Riding proposal which enables me to establish how

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<sup>1</sup> Appeal Ref APP/E2001/A/10/2132827, dated 25 October 2010

<sup>2</sup> Appeal Ref APP/Y3940/A/10/2127150, dated 9 September 2010

<sup>3</sup> Appeal Ref APP/G0908/A/11/2161670, dated 6 December 2011

comparable it was to the current proposal, especially with regard to such matters as the layout of surrounding development and proximity to watercourses.

11. In any case, all the appeal decisions just referred to pre-date the publication of the Framework and were therefore determined in a somewhat different planning policy climate. Although the Framework and its Technical Guidance have retained key elements of the former Planning Policy Statement 25 (PPS25) "Development and Flood Risk", there is now a well-defined presumption in favour of sustainable development. For decision-taking the Framework explains that this means, amongst other matters, that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless specific policies in the Framework indicate that development should be restricted. Locations at risk of flooding are noted as falling into this latter category and in view of this point it is my assessment that the current proposal, which I have assessed on its own merits, does not therefore benefit from this presumption.
12. On this first main issue I therefore conclude that the appeal site does not represent an appropriate location for the proposed development as it would be at odds with the requirements and procedures relating to flood risk as set out in the Framework and its accompanying Technical Guidance.

*Affordable housing and recreational open space*

13. In addition to its concerns regarding flood risk, the Council refused planning permission for 2 further reasons, relating to the absence of provision for off-site affordable housing and for off-site public recreational open space facilities. For the first of these the Council alleged a conflict with Core Policy 3 ("Meeting Local Needs for Affordable Housing") from the SWCS; whilst for the second, the proposal was held to be in conflict with saved policy R2 ("Open Space Provision") of the Adopted Salisbury District Local Plan.
14. However, the Council made it clear that both of these reasons for refusal could be overcome if the appellant was to enter into an appropriate planning obligation to secure the necessary financial contributions. Subsequent to the Council's refusal the appellant has submitted a unilateral undertaking made under S106 of the Town and Country Planning Act 1990, agreeing to make contributions towards public and amenity open space and affordable housing in accordance with the aforementioned SWCS and Local Plan policies.
15. I understand the Council has seen this unilateral undertaking and has not made any adverse comments on it. I see no reason to doubt that the contributions accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and with paragraph 204 of the Framework. I can therefore take the unilateral undertaking into account, and conclude that it would overcome the concerns expressed in the Council's second and third reasons for refusal.

**Conclusion**

16. Notwithstanding my favourable findings on the second main issue, my adverse conclusion regarding flood risk means that this proposal is not acceptable. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that the appeal should be dismissed.

*David Wildsmith*

INSPECTOR



S/2013/0406 – Shrewton Steam Laundries Ltd, High Street, Shrewton. SP3 4BZ



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## Report to the Area Hub Planning Committee

<b>Date of Meeting</b>	05 <sup>th</sup> September 2013
<b>Application Number</b>	13/01181/FUL
<b>Site Address</b>	10 Church Road, Idmiston, Salisbury, Wiltshire, SP4 0AZ
<b>Proposal</b>	New single storey side extension, roof extension, front and rear dormers, detached garage and landscaping to 10 Church Road to create a 6 bedroom dwelling. New two storey 5 bedroom dwelling within the existing curtilage of 10 Church Road
<b>Applicant/Agent</b>	Mr & Mrs Richard Maloney / Snug Projects Ltd
<b>Town/Parish Council</b>	Idmiston
<b>Grid Ref</b>	Easting: 420000 Northing: 137243
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charlie Bruce-White

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### Reason for the application being considered by Committee

Cllr Hewitt has called in the application on the grounds of the scale of the development, its relationship to adjoining properties, and design.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **APPROVED subject to conditions**.

#### 2. Report summary

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

1. Principle of development;
2. Character and appearance of the area;
3. Amenities of adjoining and nearby property;
4. Highway considerations;
5. Ecology;
6. Archaeology;
7. Affordable housing and recreational open space.

#### 3. Site Description

The site relates to a reasonably large detached dwelling, situated within a generous sized plot, on Church Lane within the village of Idmiston. The site slopes reasonably steeply from the road frontage to the rear of the curtilage. The part of Church Lane within the vicinity of the site has a semi-rural character resulting from its well landscaped front gardens and the set back of dwellings away from the street. The site is within the Housing Policy Boundary.

#### 4. Relevant Planning History

None relevant

## 5. Proposal

The proposal comprises two parts:

- The subdivision of the plot and the formation of a new dwelling, utilising the existing access; and
- The extension of the existing dwelling and the formation of a new detached garage and access to serve it.

## 6. Planning Policy

Local Plan: policies G1, G2, D3, H16, C6, C12, CN22, TR11, TR14, R2

Core Strategy: core policies 1, 3

Central government planning policy: NPPF

## 7. Consultations

### Parish Council

Object to new dwelling as contrary to Core Strategy objectives for new growth within unsustainable locations. Concerned about its proximity to, and the resulting effect upon, 12 Church Road. Also concerned that detached garage is too high and close to the existing and proposed dwellings.

### Highways Officer

No objection subject to conditions regarding new access.

### Ecologist

No objection

### Archaeologist

No objection subject to archaeological watching brief condition

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

1 letter of representation was received, raising the following objections/concerns:

- Loss of privacy;
- Increase in noise and disturbance.

## 9. Planning Considerations

### 9.1 Principle of development

Local Plan policy D3 states that extensions to existing properties, or the development of ancillary buildings within their curtilages, will be permitted where:

- (i) the proposal is compatible in terms of: the scale, design and character of the existing property and use of complementary materials; and

- (ii) the development is integrated carefully in relation to other properties and the overall landscape framework.

Local plan policy H16 states that small scale development and redevelopment will be permitted within the Housing Policy Boundaries, subject to the following criteria:

- the proposal will not constitute tandem or inappropriate backland development;
- the proposal will not result in the loss of an open area which makes a positive contribution towards the character of the settlement; and
- the proposal will not conflict with the Design Policies of the Plan.

The site is within the Housing Policy Boundary, and policy H16 is saved within the South Wiltshire Core Strategy. Therefore the new dwelling is acceptable in principle.

It is noted that the draft Wiltshire Core Strategy proposes to remove the Housing Policy Boundary from Idmiston. However, the Wiltshire Core Strategy is not yet adopted, and is not likely to be until the end of the year / beginning of next year. Therefore the weight to be afforded to the proposed policy changes are limited, and do not outweigh the current housing policies of the Local Plan.

## *9.2 Character and appearance of the area*

Extension/alterations to existing dwelling, new garage & access

The existing dwelling has an unattractive two storey side extension, over which it is proposed to form a new pitched roof, which would continue the ridge and profile of the main roof to the original dwelling. The result would be a significant improvement to the dwelling's appearance. Also proposed is a single storey extension to the side of the dwelling. Although this would have a flat roof, it would be a subservient structure in a high quality modern design. Other alterations include new dormer windows, also in a modern style to complement the single storey extension, and the reconfiguration of existing windows/doors. The Parish Council have confirmed that they support the refurbishment aspect of the proposals.

The new garage would be sited towards the front of the existing dwelling, against the newly created boundary with the adjacent plot. It would be a suitably subservient structure, sited approximately 8 metres from the front of the dwelling and on lower ground, and would be largely obscured from views on the street by the existing front boundary landscaping. Its design would be appropriate, comprising a pitched roof double garage up to approximately 5.5 metres in height, with timber clad elevations and tiles to match the existing dwelling.

The new access would be similar in appearance to the existing one, and whilst it would result in some of the landscaping to front boundary being lost, the majority would be largely unaffected and the tree lined character of the street would remain intact. For the purposes of maintaining a visibility splay, some of the lower branches of the conifer trees to the front boundary would need to be removed (crown raised), although any loss of low level greenery could be offset by imposing a condition to secure new hedge planting behind the line of the splays. Such new planting would also ensure that, when the conifers reach the end of their life cycle and require removal, an alternative mature planting screen will already exist.

## New dwelling

The new dwelling would be situated on an appropriate building line, mid-way between the existing dwelling and 12 Church Road. The resulting plot widths of the new and existing dwellings would be typical of those found on Church Road. In terms of building height and scale, the proposal would comprise a one and a half storey dwelling, with its first floor rooms contained partially within the roof space, which would result in a building that would have its eaves and ridge heights mid-way between the two storey existing dwelling and single storey 12 Church Road. Consequently, in terms of its siting and scale, the new dwelling would provide an appropriate transition between the large two storey existing dwelling, and the more modest bungalow at 12 Church Road.

In terms of architectural style and materials, the new dwelling would comprise a modern take on a chalet bungalow design, incorporating several design features and the same palette of materials as from the refurbished existing dwelling. Overall it is considered that it would be of a good quality of design that would respect the character and appearance of the area, as required by the design policies of the Local Plan.

Notwithstanding the above, the new dwelling would be sited within a part of the plot where the front boundary landscaping would be least affected, and given its existing screening effect the dwelling would not be particularly visible within the streetscene.

### *9.3 Amenities of adjoining and nearby property*

The occupants of the neighbouring bungalow at 12 Church Road have raised concerns over the proximity of the new dwelling to their property, and the affect this could have upon privacy. From its closest point, the new dwelling would be sited just under 4 metres from the boundary with this neighbour, and approximately 7 metres from the neighbouring dwelling itself. The new dwelling would be set behind the rear building line of this neighbouring property, so that it has the potential to be readily apparent from the neighbouring rear garden. However, significant boundary screening exists on the boundary, on both the applicants' and neighbours' sides, and following the submission of amended plans no first floor windows are proposed on the facing side elevation of the new dwelling. Furthermore, the rear of the new dwelling would be set into the slope of the plot, reducing the impact of its bulk, and its rear projecting extension has been designed with its roof sloping away from the boundary. Taking these factors into account, it is not considered that there would be a loss of privacy, or significant overbearing or overshadowing effects.

It is not considered that the neighbour to the other side of the plot, 8 Church Road, would be significantly affected given the distance of separation involved and the single storey height of the proposed side extension.

### *9.4 Highway considerations*

The Highways Officer confirms that the proposed parking and access arrangements are satisfactory, and recommends no objection subject to standard conditions regarding the formation of the new access.

### 9.5 Ecology

The Council's Ecologists confirms that the development presents a low risk to protected species, and therefore raises no objection.

### 9.6 Archaeology

The Council's archaeologist confirms that the site is of archaeological interest, and therefore recommends that an archaeological watching brief is undertaken during construction, which can be secured through a planning condition.

### 9.7 Affordable housing and recreational open space

The residential development of the site triggers the need for contributions towards affordable housing and public open space, under Core Policy 3 and Local Plan policy R2 respectively. Should a resolution for approval be made, the applicants will need to enter into a S106 legal agreement before the final issue of planning permission in order to secure the relevant payments.

## 10. Conclusion

The proposed development would be acceptable in principle and would be appropriate to the character and appearance of the area. The residential amenity of neighbours would not be significantly affected, and subject to conditions the proposal would be acceptable in highways and archaeological terms. Subject to a S106 agreement the development would make appropriate provision towards affordable housing and recreational open space.

## 11. Recommendation

That subject to the applicant entering into a S106 legal agreement to secure:

- a) Financial contributions towards recreational open space;
- b) Financial contributions towards affordable housing;

Permission be **GRANTED subject to the following conditions:**

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

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

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

Plan Ref....P465-102-P2...	Dated....14.08.13....
Plan Ref....P465-103-P2...	Dated....20.06.13....
Plan Ref....P465-104-P3...	Dated....14.08.13....
Plan Ref....P465-105-P3...	Dated....14.08.13....
Plan Ref....P465-111-P2...	Dated....14.08.13....
Plan Ref....P465-112-P1...	Dated....20.06.13....

Plan Ref....P465-113-P2...	Dated....14.08.13....
Plan Ref....P465-121-P1...	Dated....20.06.13....
Plan Ref....P465-123-P1...	Dated....20.06.13....
Plan Ref....P465-124-P1...	Dated....20.06.13....
Plan Ref....P465-125-P2...	Dated....14.08.13....
Plan Ref....P465-126-P1...	Dated....20.06.13....
Plan Ref....P465-127-P1...	Dated....20.06.13....
Plan Ref....P465-128-P2...	Dated....14.08.13....
Plan Ref....P465-129-P2...	Dated....14.08.13....
Plan Ref....P465-301-P1...	Dated....20.06.13....

Reason: For the avoidance of doubt.

- 3) No development shall commence on site until details, and where so requested samples, of the materials to be used for the external walls and roofs of 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.

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

- details of trees and hedges to be retained, together with measures for their protection in the course of development;
- details of new planting, which shall include planting to be undertaken behind the proposed visibility splay and splayed access;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard surfacing materials;
- minor artefacts and structures (e.g. refuse and other storage units, signs, lighting etc).

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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



Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological shall be carried out in accordance with the approved details.

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

- 7) The development hereby permitted shall not be first occupied until the first five 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.

- 8) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

- 9) No part of the development shall be first occupied until the visibility splays shown on the approved plans ref: P465-102 P2 have been provided with no obstruction to visibility at or above a height of 0.9m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

- 11) Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday. There shall be no work on Sundays and Public Holidays. This condition does not apply to the internal fitting out of the buildings.

Reason: In order to limit the noise and disruption to adjacent neighbours during antisocial hours.

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## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <sup>th</sup> September 2013
<b>Application Number</b>	13/01220/OUT
<b>Site Address</b>	Land North West of The Avenue, Salisbury, SP2 9PS
<b>Proposal</b>	Outline Application for proposed new cemetery with vehicular access from The Avenue (resubmission of S/2012/0815)
<b>Applicant</b>	Persimmon Homes
<b>Town/Parish Council</b>	South Newton
<b>Grid Ref</b>	Easting 411498 Northing 132501
<b>Type of application</b>	Outline Application
<b>Case Officer</b>	Adam Madge

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### Reason for the application being considered by Committee

A previous application for a cemetery was refused by committee on this site. The Area Development Manager therefore considered it appropriate that members made a decision at committee on this and the alternative application of 13/01223/OUT at Land East of The Avenue rather than dealing with the application under officers delegated powers.

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be Granted subject to conditions.

Members should note that this application is accompanied by an environmental statement as required under schedule 2 of the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2011 (as amended).

#### 2. Report Summary

The main issues to consider with this application are as follows –

1. Alternatives (and the previous application)
2. Socio economic impact
3. Ecology and Nature conservation
4. Landscape and Visual Impact
5. Agricultural circumstances
6. Transport and Access
7. Air Quality
8. Noise and Vibration
9. Hydrology Drainage and Flood Risk
10. Ground Conditions

#### 3. Site Description

The application site is located to the North of the main Fugglestone Red site allocation in the western corner of the existing New Cut crossroads. The site is adjacent a busy

crossroads at the junction of Snakey Hill, The Avenue and the main A360 Devizes road. Trees surround the site on two sides along The Avenue and Devizes road. To the North of the site is the existing Wessex Water Camp Hill pumping Station.

#### **4. Planning History**

A previous application for a cemetery was considered at this site and was refused on the 22<sup>nd</sup> February 2013 under our reference S/2012/0815. The application was considered at committee and refused for the following reasons –

*1) The proposed cemetery, by reason of its prominent siting in open countryside and the inevitable high visibility of associated development (such as gravestones, the car park and associated storage), would detract from the amenities of the countryside contrary to saved policy C2 of the South Wiltshire Core strategy.*

*2) The proposed cemetery by reason of its siting outside of the Fugglestone Red development template area and outside the development limits of Salisbury is considered to be too remote from the city and limited primarily to servicing by private motor vehicles. It would therefore be an unsustainable form of development contrary to saved policy G1 of the south Wiltshire Core strategy*

This application has now been appealed by the applicant and is due to be heard at hearing in the coming months.

#### **5. The Proposal**

The proposal is a resubmission of the previous application (as above) along with further information detailing in more depth the reasons that the applicants consider this to be a more appropriate site than the site originally earmarked for development in the draft masterplan for the site which went before the planning inspector at the Enquiry in Public into the South Wiltshire Core Strategy.

The application is for the change of use of the existing corner field at the New Cut crossroads to use as a cemetery. It is also proposed to create an entranceway onto the Avenue to serve the cemetery.

#### **6. Planning Policy**

The National Planning Policy Framework (NPPF)

The following saved policies of the Salisbury District Local Plan are considered relevant to this proposal:-

G1- General principles of sustainable development.

G2 General criteria for development.

G9 Planning obligations

D8 Public Art.

CN21 Archaeology

CN22 Preserving archaeological remains in situ

CN23 Requirements for archaeological assessment.

C13 Ecological enhancement.

C12 Protected species.

TR11 Off street Car parking.

The following policies of the adopted South Wiltshire Core strategy are considered relevant to this proposal –

Core policy one Settlement and distribution of growth in South Wiltshire.

Core policy two Allocated sites

Core policy Nineteen Water efficiency and the river Avon SAC

Core policy twenty Pollution and phosphate levels

## **7. Consultations**

### **English Heritage**

No comments, recommend that the application is determined in accordance with National and local guidance

### **Environment Agency**

No objections subject to conditions

### **Highways Agency**

No objections

### **Wiltshire Council Environmental Health**

No objections subject to conditions

### **Wiltshire Council Archaeology**

Does not consider it likely from the results of the trenched evaluation that has already taken place that there will be significant archaeological remains.

### **Wessex Water**

A water main is shown on the existing plans development will not be allowed on top of the existing water main.

### **Wiltshire Highways**

No objections subject to conditions.

### **Wiltshire Landscape Officer**

I have looked over both of the applications for a cemetery in association with the Fugglestone Red development. It is worth noting that during the design development of the Fugglestone Red I have liaised with the applicants landscape architect and the principle of the cemetery to the north west was acceptable in landscape terms. While the proposal to the east is more visually prominent it is clear in both cases that the nature and scale of the development could be mitigated with landscape infrastructure planting. In both cases I would advise that a condition is included for the submission of a detailed landscape masterplan including hard landscape and planting details (which I would expect to have a varied age structure for a more immediate impact and naturalistic effect). I also recommend that a management plan for the site is developed, as cemeteries are valuable Green Infrastructure assets and also offer opportunities for biodiversity and wildlife conservation.

### **Wiltshire Trees Officer**

The trees on the western side of The Avenue, adjacent to the proposed Cemetery site, are a mix of Beech and Pine. They are planted in two distinct lines with the Beech closest to the road and the Pine to the west. The line of Beech are over 3 metres from the roadside.

Considers the direct loss of trees as a result of the access road should be no more than about 10 trees, difficult to estimate the number of additional losses as a result of the visibility splay but given the distances the Beech are presently planted back from the highway, the numbers should be very limited (if any). Requests clarification from the applicant.

The loss of any trees in this area is disappointing but concedes the trees in question are early mature at best and could be replaced quite easily (unlike mature trees). In the tree officers view appropriate replanting throughout the cemetery, in mitigation, could be secured by condition if permission was granted.

In consideration of the above, the impact on the landscape should be limited to views along a small section of The Avenue, directly next to the access road.

### **Wiltshire Council Ecology**

No comments on the application

## **8. Publicity**

### **Wilton Town Council**

Supports the application

### **Salisbury City Council**

Strongly supports the application

Two letters of objection

One letter considers that a cemetery is not appropriate and that we should be considering other greener methods of recycling of bodies such as Alkaline Hydrolysis, freeze drying and composting. Cannot go on forever taking up productive land and burying the problem. There is for instance a swimming pool in Redditch heated by the crematorium. Considers that the application should be turned down as this is an excellent opportunity for Wiltshire Council to lead the way with alternative solutions.

Second letter – Doesn't consider that there is anything different about this application than the last application and that was refused because it was too far out of the city. The sign for entering the city of Salisbury is on the Fugglestone Red roundabout so this proposal is still too far out of the city. Considers that perhaps it should be built in the grounds of the Cathedral closer to the city as there are already bodies there. Or knock down some of the Old decaying buildings around Churchfields and build it there.

### **Salisbury Civic Society**

Having expressed reservations about the proposed cemetery site NW of the Avenue at the time of the first application, the Society now wishes to make an outright objection to the proposal. It believes that the Avenue forms a natural boundary beyond which it would be inappropriate to develop, even for a relatively non-intense use such as a cemetery, which in practice would tend to act as the thin end of a wedge, leading to the likelihood of further



subsequent high intensity development. It would be a clear intrusion into open countryside, in contravention of the S Wilts Core Strategy and Saved Policies. There has been no proper consideration of the landscape issues, and the potentially urbanising effect of such a development over time seems to have been overlooked.

The possibility of a cemetery E of the Avenue, within the original Fugglestone Red footprint as written into the Core Strategy, is now the subject of a different application, and this has influenced the Society to strengthen its stance on the site which is the subject of this application.

## **9. Planning Considerations**

### *9.1 Alternatives*

The alternative to this site (which was shown on the draft masterplan considered by the planning inspector at the Enquiry in Public) is discussed in detail, under planning reference 13/01223/out

### *9.2 Socio Economic Impact*

There is an identified need for a new cemetery to serve Salisbury as the existing cemetery on London road has little capacity within it for further burials. The cemetery on Devizes road was closed to new burials some time ago as there is no space left. There is therefore an established urgent need for a new cemetery in Salisbury to serve the people of Salisbury. Wilton Town council have also expressed an interest in sharing the cemetery because whilst their own cemetery currently has some spare capacity it will not be long before further space is required. Therefore both Salisbury City Council and Wilton Town Council support this application

The applicants have agreed to fund a tarmac road to the formal entrance to the cemetery in accordance with the submitted access plans for the junction and to provide the necessary funding for car parking at the entrance for 20 cars. They have also agreed to increase the public art budget (of the main Fugglestone Red Development) to pay for the new wall to the cemetery as this will include ornamental gates and railings. A water and electricity supply is also proposed. There will be a post and rail fence to the boundaries. These are matters that have been agreed with the city and Wilton council and meet their requirements.

### *9.3 Ecology and Nature Conservation*

An ecology survey has been carried out of the site which did not find significant ecology above that which would be expected to be found in a field of this nature. Natural England were consulted on the previous application and raised no objections to it. As the development of the cemetery is likely to take place over an extended period of time with the gradual increase in graves. Any impact from this development is likely to be spread over a considerable number of years and a cemetery such as this does by its nature often provide areas for wildlife. The councils ecologist states she has no comments to make on this application.

#### *9.4 Landscape and Visual impact*

The previous reason for refusal of the application referred to the impact that the cemetery would have on the surrounding landscape positioned as it is on a high point at the New Cut crossroads. Whilst inevitably there will be an impact on the landscape (as any development would have) It is not considered that this would be unduly significant in that the types of development such as gravestones, car parking etc are all relatively low level the landscape impact is considered acceptable.

This particular piece of land does have a number of mature trees to the boundary particularly on The Avenue where the trees form part of the historic route to Wilton House. These are newer trees than those further down the Avenue and therefore whilst some will have to be removed to create the vehicular entranceway to the cemetery, approximately ten (see tree officers comments) It is not considered that these will significantly alter the character of The Avenue other than in this short stretch.

At the reserved matters stage it is anticipated that some planting could be provided if necessary however it is not intended to place buildings on this site and therefore development that takes place in terms of the access way, wall and gates and parking is all likely to be low level having a minimum impact on the surrounding landscape. It is considered that this complies with policies G2 (iv) of the South Wiltshire Core Strategy.

The applicants have produced a full landscape submission in relation to this site which concludes that the landscape impact can be mitigated.

Members should note that the landscape officer met with the applicants prior to the submission of the first application and talked with them about the potential landscape impact and was and is of the opinion that the landscape impact of this is limited and that with a further landscaping condition including the submission of a masterplan to cover landscaping on the site the site could be adequately landscaped so as not to have a significant impact on the surrounding area.

#### *9.5 Agricultural Circumstances*

The development of this cemetery will involve the loss of an agricultural field and whilst the loss of this agricultural land is regrettable. The loss of this one agricultural field is not considered to outweigh the benefits of a much needed new cemetery for the city and the benefits that this will bring for residents of Salisbury and Wilton as a whole.

#### *9.6 Transport and Access*

One of the concerns of members on the previous application was that the cemetery would be difficult to access particularly by those without a car as it was located on the outskirts of the new development. The site has clearly not changed in it's location from that previously proposed. However it should be noted that the Fugglestone Red development has been designed to allow for buses to circulate in and out of the development and whilst clearly at this outline stage the details of that bus service are not known. It is anticipated that a bus service will serve this significant area of housing and therefore Salisbury residents will be able to access the cemetery by bus as the development is built out.

Other bus services are available along Wilton road to the South which can be accessed on foot via the new footpath to the UKLF site. Similarly there is a park and ride stop at the bottom of the Avenue.

The vehicular access to the cemetery will be obtained from the Avenue and consists of a simple junction which will be accessed via a right hand turn ghost lane enabling safe turning against the flow of traffic. It is envisaged that there will be car parking for a funeral cortege and mourners at the cemetery and for up to 20 vehicles. This has been agreed with the City Council as an appropriate provision.

### *9.7 Air Quality*

An air quality assessment was carried out for the whole of the larger housing development site as part of the EIA for the previous application S/2012/0814. This concluded that existing and future pollution concentrations at the application site are below the set objectives used in their assessment.

It is not considered that the relatively small amount of vehicles that will access this site are likely to significantly contribute to the air quality issues at the site and in the surrounding local area.

### *9.8 Noise and Vibration*

It is considered that it will be unlikely that there will be a significant amount of noise from the proposed cemetery when it is up and running. Any noise is likely to come from construction of the site and this is likely to be short lived given the small amount of construction work required. There are no immediate neighbours in the vicinity of the cemetery. It is considered therefore that noise and vibration are unlikely to be a significant issue.

### *9.9 Hydrology Drainage and flood Risk*

The applicants have submitted a flood risk assessment with the application which concludes that the development situated as it is at this high point of land would not be at risk of flooding. The Environment Agency has raised no objections to this application subject to conditions which are replicated in the recommendation below.

### *9.10 Ground Conditions*

The applicant has concluded that there is unlikely to be any significant effect on ground conditions or contamination as a result of this development, and officers agree with this assessment. As such the development will comply with policy G2 (viii) which is a saved policy of the South Wiltshire Core Strategy.

### *9.11 Other issues*

The civic society have raised the understandable issue of this site being the 'thin end of the wedge' in terms of building on this side of the Avenue. That is to say that the development of this site potentially could set a precedent for further development on this side of the Avenue in the future. Members will be aware that each application has to be treated on its merits and if this application were to be granted it does not automatically follow that further development will take place at this location. Cemeteries' are relatively unique in their

character and are often placed on the outskirts of developments as the most appropriate area for them to be situated. They are different in character to other forms of built development and whilst further development on this side of the Avenue can never be completely ruled out in the future, equally the development of the cemetery does not imply or 'open the door' to further to further unchecked development.

## **10. Conclusion**

The applicants have demonstrated through the submission of further details regarding landscape and accessibility to the site that it is in an appropriate area for a new cemetery to be located being as it is likely to be close to bus routes through Fugglestone Red. Appropriate landscape measures can be imposed by condition and as such it is considered that the proposal complies with policy G1 and G2 of the saved policies of the South Wiltshire Core strategy.

## **RECOMMENDATION**

### **Grant Planning Permission subject to conditions**

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: This is an outline application submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

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

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

- 4) No development approved by this permission shall be commenced until a scheme to assess the risk to groundwater, incorporating suitable measures to mitigate those risks, must be submitted to and approved by the Local Planning Authority. It should include the following detailed information:

1. Tier 1: Risk screening in accordance with Environment Agency guidance Assessing the Groundwater Pollution Potential of Cemetery Developments
2. Where required by the tier 1 assessment, a tier 2: Preliminary quantitative risk assessment with detailed desk study and preliminary site investigation

3. Where required by a tier 2 assessment, a tier 3: Detailed quantitative risk Assessment

4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.

5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.

REASON : In order to protect controlled waters

5) All burials in the cemetery shall be:

1. a minimum of 50m from a potable groundwater supply source;
2. a minimum of 30m from a water course or spring;
3. a minimum of 10m distance from field drains;
4. no burial into standing water and the base of the grave must be above the local water table;

REASON In order to Protect controlled Waters.

6) No development shall commence until full details of the ghost island right turn junction have been submitted to and approved in writing by the Local Planning Authority. The junction shall be completed in accordance with the approved details prior to first use.

Reason: In the interests of Highway safety

7) A landscape masterplan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the first use of the development, for its permitted use. The landscape masterplan shall be carried out as approved.

REASON: To ensure the proper management and planning of the landscaped areas in the interests of visual amenity.

8) The development shall be carried out strictly in accordance with the following plans and documents –

Site location plan PO920\_07

Design and Access statement PO920\_6-1

Planning Statement dated 17<sup>th</sup> June 2013

Environmental Statement dated May 2012 P.0747

Transport Assessment dated P.O747 May 2012

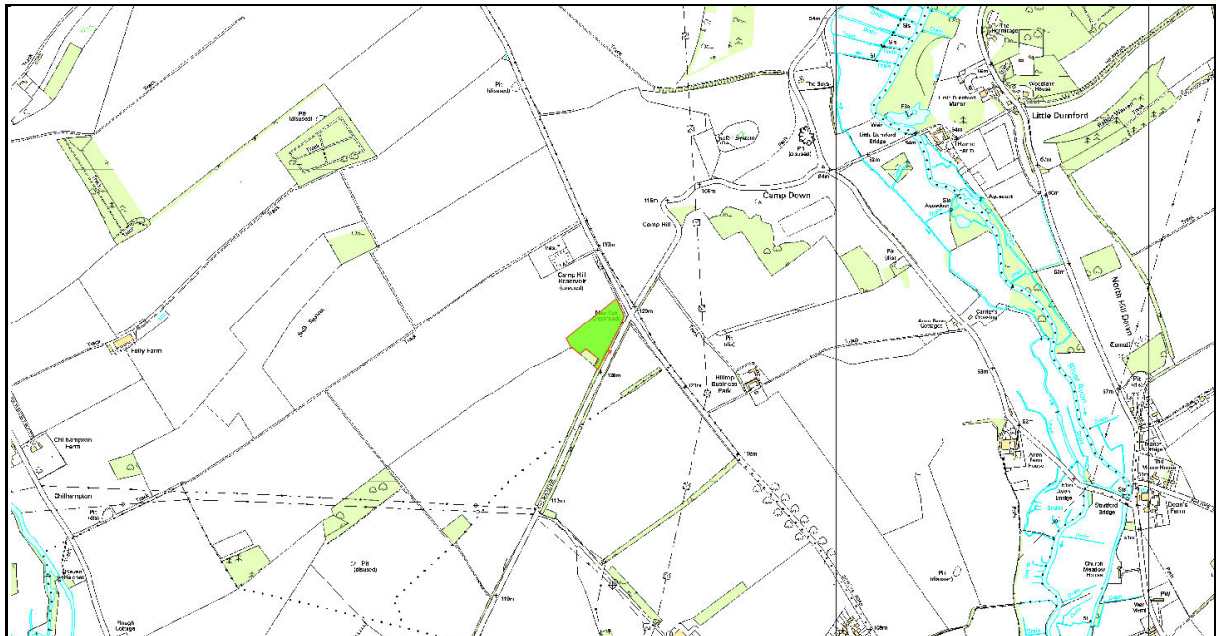
Landscape and Visual Impact Assessment dated by the Cooper partnership July 2013

Statement of pre application community consultation dated 17<sup>th</sup> June 2013

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

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13/01220/OUT – Land North West of The Avenue, Salisbury. SP2 9PS



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## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <sup>th</sup> September 2013
<b>Application Number</b>	13/01223/OUT
<b>Site Address</b>	Land East of The Avenue, Salisbury, SP2 9PS
<b>Proposal</b>	Outline Application for proposed new cemetery with vehicular access from The Avenue (resubmission of S/2012/0815)
<b>Applicant</b>	Persimmon Homes
<b>Town/Parish Council</b>	Salisbury City Council
<b>Grid Ref</b>	Easting 411049    Northing 132845
<b>Type of application</b>	Outline Application
<b>Case Officer</b>	Adam Madge

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### Reason for the application being considered by Committee

A previous application for a cemetery was refused by committee on the site to the North West of this one. The Area Development Manager therefore considered it appropriate that members made a decision at committee on this and the alternative application of 13/01220/OUT at Land North West of The Avenue rather than dealing with the application under officers delegated powers.

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted subject to conditions**.

Members should note that this application is accompanied by an environmental statement as required under schedule 2 of the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2011 (as amended).

### 2. Report Summary

The main issues to consider with this application are as follows –

1. Alternatives (and the previous application)
2. Landscape and Visual Impact
3. Flood risk and ground conditions
4. Archaeology and cultural heritage
5. Ecology and Nature Conservation
6. Agriculture
7. Transport and Access

### **3. Site Description**

The application site is located to the North of the main Fugglestone Red site allocation on the Eastern side of the Avenue that runs between Wilton and the Devizes road. The site lies at a point where there is an existing farm access into the land and where the site is bounded by more mature trees. The site slopes in a southerly direction downhill.

### **4. Planning History**

There is no specific planning history for this site, however a previous application for a cemetery was considered at an alternative location North West of this one but was refused on the 22<sup>nd</sup> February 2013 under our reference S/2012/0815. The application was considered at committee and refused for the following reasons –

*1) The proposed cemetery, by reason of its prominent siting in open countryside and the inevitable high visibility of associated development (such as gravestones, the car park and associated storage), would detract from the amenities of the countryside contrary to saved policy C2 of the South Wiltshire Core strategy.*

*2) The proposed cemetery by reason of its siting outside of the Fugglestone Red development template area and outside the development limits of Salisbury is considered to be too remote from the city and limited primarily to servicing by private motor vehicles. It would therefore be an unsustainable form of development contrary to saved policy G1 of the south Wiltshire Core strategy*

That application has now been appealed by the applicant and is due to be heard at hearing in the coming months.

### **5. The Proposal**

The proposal is in outline form only and asks members to consider the principle of a cemetery on this site along with an accompanying access, all other details are for later consideration. It is proposed to use the existing farm access to get to the site. The access way will therefore be from the Avenue.

This site is the site shown on the indicative masterplan presented to the Enquiry in Public and considered by the planning inspector prior to the adoption of the South Wiltshire Core Strategy.

### **6. Planning Policy**

The National Planning Policy Framework (NPPF)

The following saved policies of the Salisbury District Local Plan are considered relevant to this proposal:-

G1- General principles of sustainable development.

G2 General criteria for development.

G9 Planning obligations

D8 Public Art.

CN21 Archaeology

CN22 Preserving archaeological remains in situ

CN23 Requirements for archaeological assessment.

C13 Ecological enhancement.  
C12 Protected species.  
TR11 Off street Car parking.

The following policies of the adopted South Wiltshire Core strategy are considered relevant to this proposal –

Core policy one Settlement and distribution of growth in South Wiltshire.  
Core policy two Allocated sites (Fugglestone Red)  
Core policy Nineteen Water efficiency and the river Avon SAC  
Core policy twenty Pollution and phosphate levels

## **7. Consultations**

### **English Heritage**

No comments, recommend that the application is determined in accordance with National and local guidance

### **Environment Agency**

No objections subject to conditions

### **Highways Agency**

No response

### **Wiltshire Council Environmental Health**

No objections subject to conditions

### **Wiltshire Council Archaeology**

Considers that there is potential for the site to contain archaeology and therefore recommends that a condition be imposed requiring a trenched evaluation.

### **Wessex Water**

Wessex water have no objection to the proposed location of the new cemetery..

### **Wiltshire Highways**

No objections to the proposal and do not consider there is any need to impose highway conditions.

### **Wiltshire Landscape Officer**

I have looked over both of the applications for a cemetery in association with the Fugglestone Red development. It is worth noting that during the design development of the Fugglestone Red I have liaised with the applicant's landscape architect and the principle of the cemetery to the North West was acceptable in landscape terms. While the proposal to the east is more visually prominent it is clear in both cases that the nature and scale of the development could be mitigated with landscape infrastructure planting. In both cases I would advise that a condition is included for the submission of a detailed landscape masterplan including hard landscape and planting details (which I would expect to have a varied age structure for a more immediate impact and naturalistic effect). I also recommend that a management plan for the site is developed, as cemeteries are valuable Green Infrastructure assets and also offer opportunities for biodiversity and wildlife conservation.

**Wiltshire Council Ecology**

No comments on the application

**8. Publicity****Wilton Town Council**

Supports the application

**Salisbury City Council**

SCC supports this application but wishes to note the difficulty of safe management of disabled access due to the topography of the site and traffic management.

One letter of objection

**Salisbury Civic Society**

There is a strong preference for this site which does not have significant changes of level and is potentially a very attractive site for a cemetery with views to the wider landscape. However, the use of the existing farm access is not supported because of the loss of mature Oak and Beech trees in The Avenue (numbers still to be clarified by the case officer). There would also be a detrimental visual impact and urbanizing effect that would result from the need to meet current highway standards for visibility splays given the 60 mph in this area. A formal access with signs, a gate etc would add to this urbanizing effect. It is considered that a well designed access route could be provided from the main Fugglestone Red development – possibly a tree lined avenue to provide an attractive and appropriate approach to the cemetery site. It is unclear as to why this option was not explored at an earlier stage or the possibility of locating the cemetery in a larger area of woodland setting close to the main access road off of the proposed new roundabout at the north east end of The Avenue.

It is essential that the planning authority clearly establish which trees are to be felled as part of the proposed development. Currently it is difficult to assess the true impact of this proposal not only in terms of the general visual impact but on the more mature trees which apparently have historic value as part of The Avenue as referred to by the case officer in his report to the Southern Area Committee on 14 Feb 2013. More details of the proposed layout and design for this site showing the location of the car parking; lighting details and particularly the planting details with numbers and locations for new/replacement tree planting would have been helpful.

The concerns raised by Salisbury City Council about 'the difficulty of safe management of disabled access due to the topography of the site and traffic management' are difficult to substantiate. Although the site starts to fall away to the east overall it is reasonably level and user safety will depend on the detailed design and layout of the circulation routes and burial plots. The City Council's concerns over traffic management could be alleviated if the cemetery access was designed to be an extension of the Fugglestone Red development. This would have the substantial benefit of not impacting on any of The Avenue trees and there would be no need for signs and a formal entrance which would give this area a more urban feel.

## 9. Planning Considerations

### 9.1 Alternatives

The alternative to this site which was previously submitted as a planning application is on land to the North West of the Avenue the details of this site are contained within the accompanying report to this one 13/01223/OUT.

### 9.2 Landscape and visual impact

The site is bounded along it's roadside frontage with Beech and Oak trees whilst there is no vegetation on the fields eastern and western side and a hedge on the remaining side. The field itself contains no trees or shrubs.

The councils landscape officer has viewed and commented on both this and the accompanying application (see comments above) She raises no objections to either site but makes the point that this site is that more prominent than that to the North West of the Avenue. Notwithstanding this she feels that with adequate landscaping and the imposition of a condition requiring a masterplan for the landscaping this site could be suitable in landscape terms for a cemetery as envisaged on the draft masterplan.

Concerns have been raised by the Salisbury Civic society not about the site itself in landscape terms but there is some concern about the access to be used and the number of trees that this will entail removing in particular concern was expressed that individual trees were not recorded and that they were recorded as groups. In response to this the applicant has provided an updated arboricultural impact assessment and has commented on the issue of numbers of trees to be removed.

*"It is of the opinion of our arboriculture consultant that recording trees as 'individuals' within these groups and recording the exact number of trees to be removed has no real benefit as the trees are relatively young, therefore the Root Protection Areas are pretty much the same throughout, with no real variation in attributes within the groups (see BS detail above). The value is of the group itself as "a cohesive arboricultural feature", we therefore propose that mitigation for its partial loss will be provided through the provision of a cohesive arboricultural feature elsewhere within the site rather than on a tree for tree basis, negating the need to identify each individual tree within the groups to be lost."*

The arboricultural statement has stated that the following trees (or groups of trees) will be removed from the site in order to create a visibility splay.

Tree Number	Category	Reason
T15, T16, T17, T18, T19, T20	A	To facilitate visibility splay.
Part of G27 & G29	B	To facilitate visibility splay.
H23, Part of G22, Part of G21	C	To facilitate visibility splay.

These trees (or groups of trees are shown on a plan that accompanies the planning application).

There was also concern about the urbanising effect that a gate and signage will have on The Avenue. The Civic Society considers that a better access with a less harmful effect upon the trees in The Avenue could be achieved by accessing the site from the main Fugglestone Red development itself. Perhaps by putting tree lined Avenue through the Fugglestone Red development to provide an attractive entrance to the cemetery.

The issue of whether to have the entrance off the Avenue or to have it within the main Fugglestone Red development was considered prior to the submission of the original application and there were a number of issues that suggested a cemetery with access from the Avenue was preferable. The first was that the city/parish councils would prefer their own controllable entrance to the site. The second was that using what would be residential streets and then through the employment area to get to the site for funeral courteses etc was felt to be less appropriate than having one access off the Avenue.

It is therefore considered that in both practical and landscape terms that the best position for the access is from The Avenue and it is further considered that the proposal in landscaping terms will comply with policy G2 of the saved policies.

### *9.3 Flood Risk and Ground Conditions*

The applicants have submitted a flood risk assessment with the application which concludes that the development is not in a flood risk area and therefore is not at risk of flooding. The Environment Agency has raised no objections to this application subject to conditions which are replicated in the recommendation below.

The applicant has concluded that there is unlikely to be any significant effect on ground conditions or contamination as a result of this development, and officers agree with this assessment. As such the development complies with policy G2 (viii) which is a saved policy of the South Wiltshire Core Strategy.

### *9.4 Archeology and Cultural Heritage*

The Councils archaeologist has commented on this application and stated that the site has an archaeological interest however it is considered appropriate that a small amount of further trenching is undertaken and that this is secured by condition which could be carried out post decision. A list of conditions at the end of this report includes the suggested archaeological condition. It is not considered that this development will have a significant effect on either the ancient monument at Old Sarum or on the registered park and garden at Wilton house.

### *9.5 Ecology and Nature Conservation*

An ecology survey has been carried out of the site which did not find significant ecology above that which would be expected to be found in a field of this nature. Natural England were consulted on this application and raised no objections to it. As the development of the cemetery is likely to take place over an extended period of time with the gradual increase in graves. Any impact from this development is likely to be spread over a considerable number of years and a cemetery such as this does by its nature often provide areas for wildlife. The council's ecologist states she has no comments to make on this application.

## 9.6 Agricultural

The development of this cemetery will involve the loss of an agricultural field and whilst the loss of this agricultural land is regrettable. The loss of this one agricultural field is not considered to outweigh the benefits of a much needed new cemetery for the city and the benefits that this will bring for residents of Salisbury and Wilton as a whole.

## 9.7 Transport and Access

The site will be accessed from the Avenue by vehicle via a T junction. The councils highways officer has viewed this has no comments on it and does not require any conditions as a result of this proposed access.

The applicant's consultants have produced a highways statement which outlines the alternative ways of accessing this site to the car. This includes four bus routes which at present stop some way from the proposed cemetery on Wilton and Devizes road (including Bemerton Heath). There is the likelihood that with the development of Fugglestone Red 2 a further route closer to the proposed cemetery may be added. Cycling is on road past the development and the nearest train station is some distance away.

## 10. Conclusion

The site was originally allocated within the draft masterplan for Fugglestone Red which was considered at the Enquiry in Public. It was considered at that stage as a potential site for a cemetery and no objections were raised to it. None the less the site is more prominent in landscape terms than the site to the North West of the Avenue but with landscaping is not considered inappropriate in landscape terms. The site is located closer to the main built development of Fugglestone Red 2 and therefore in visual terms will be seen in this context. The proposal therefore complies with policy Core policy two which allocates the site for development with the south Wiltshire core strategy.

## RECOMMENDATION

### Grant Planning Permission subject to conditions

1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: This is an outline application submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

2) Application for the approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

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

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4) No development approved by this permission shall be commenced until a scheme to assess the risk to groundwater, incorporating suitable measures to mitigate those risks, must be submitted to and approved by the Local Planning Authority. It should include the following detailed information:

1. Tier 1: Risk screening in accordance with Environment Agency guidance Assessing the Groundwater Pollution Potential of Cemetery Developments
2. Where required by the tier 1 assessment, a tier 2: Preliminary quantitative risk assessment with detailed desk study and preliminary site investigation
3. Where required by a tier 2 assessment, a tier 3: Detailed quantitative risk Assessment
4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.
5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.

REASON : In order to protect controlled waters

5) All burials in the cemetery shall be:

1. a minimum of 50m from a potable groundwater supply source;
2. a minimum of 30m from a water course or spring;
3. a minimum of 10m distance from field drains;
4. no burial into standing water and the base of the grave must be above the local water table;

REASON In order to Protect controlled Waters.

6) A landscape masterplan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the first use of the development, for its permitted use. The landscape masterplan shall be carried out as approved.

REASON: To ensure the proper management and planning of the landscaped areas in the interests of visual amenity.



7) The development shall be carried out strictly in accordance with the following plans and documents –

Site location plan PO920\_01-2

Design and Access statement PO920\_6-1

Planning Statement dated 7 th June 2013 CIR.P.0920

Environmental Statement dated June CIR.P.0920

Transport statement by Brookbanks

Landscape and Visual Impact Assessment dated by the Cooper partnership  
July 2013

Statement of pre application community consultation dated 17<sup>th</sup> June 2013

CIR.P.0920

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

8) No development shall commence within the area indicated (proposed development site)

Until:

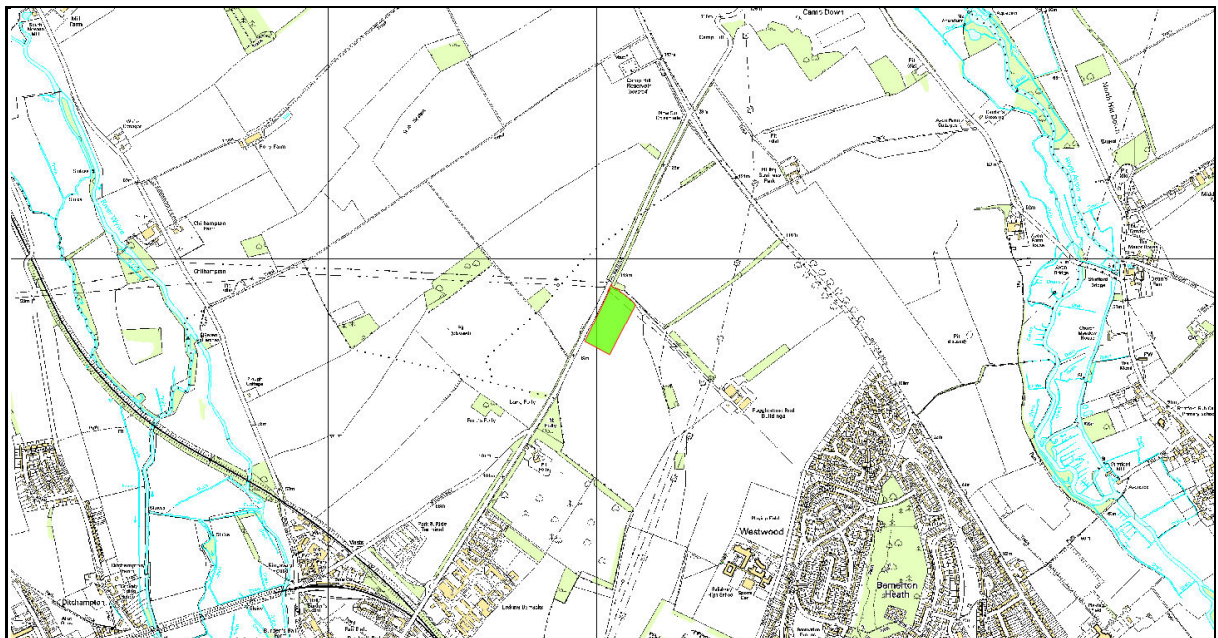
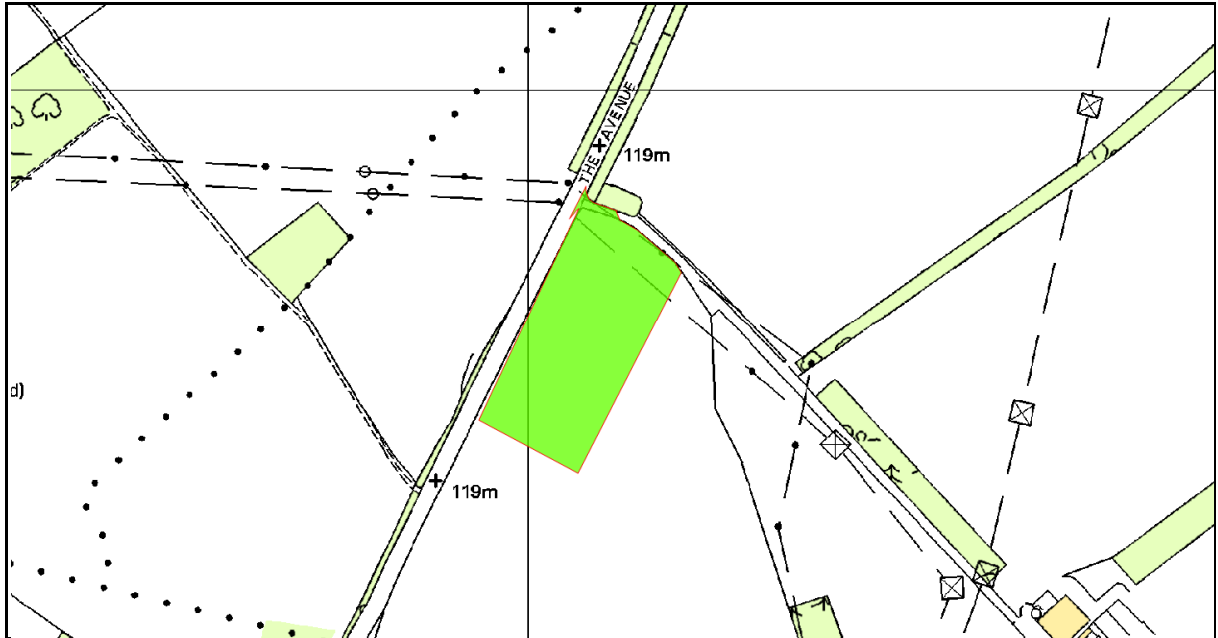
A written programme of phased archaeological investigation, which should include on site work and off site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority and

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

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

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13/01223/OUT – Land East of The Avenue, Salisbury. SP2 9PS



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## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	05 <sup>th</sup> September 2013
<b>Application Number</b>	13/01284/FUL
<b>Site Address</b>	12 Middleton Road, Salisbury, Wiltshire, SP2 7AY
<b>Proposal</b>	Conversion of existing end of terrace 4 bedroom house to form 2 dwellings (1 x 2 bed terrace house and 1x 1 bed end of terrace house)
<b>Applicant</b>	Mr Robert James
<b>Town/Parish Council</b>	Salisbury City Council
<b>Grid Ref</b>	Easting 413949 Northing 130536
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Tom Wippell

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

The application has been called to Committee by Cllr Clewer due to concerns in respect of Car Parking- The issue here is residents parking, and the additional parking that the site will add.

#### 1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that, subject to the landowner entering into an appropriate legal agreement and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan and Policy CP3 of the South Wiltshire Core Strategy, planning permission be **GRANTED subject to conditions.**

#### 2. Report summary

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

- Principle of development
- Scale, design and materials
- Impact upon neighbour amenity
- Car parking and impact upon highway safety
- Planning obligations

The application has generated no comment from Salisbury City Council and 2 letters of objection from the public.

Neighbourhood Responses  
2 letters received objecting to the proposal  
No letters of support received

### **3. Site Description**

Number 12 Middleton Road is a two storey, four bedroom terraced dwellinghouse located within a predominantly residential area within close proximity to the city centre. The property has direct street frontage and an enclosed rear garden which is accessed via a pedestrian passageway from Middleton Road.

### **4. Relevant Planning History**

None relevant to this application

### **5. Proposal**

The application proposes the conversion of the dwellinghouse to create 2 dwellings (1 x 2 bed terrace house and 1 x 1 bed end of terrace house).

### **6. Planning Policy**

Adopted policies; G2, H8, D3, TR14 and R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Core Policy 3 of the South Wiltshire Core Strategy

National Planning Policy Framework

### **7. Consultations**

#### **Salisbury City Council**

No comment

#### **Wiltshire Council Highways**

In line with the current parking standards as given in Wiltshire Local Transport Plan 2011-2026, there is a requirement for 3 parking spaces for a 4 bedroom property, 2 spaces for a 2-3 bed and 1 space for a 1 bed. On that basis the parking requirement for the existing arrangement is the same as for that proposed, 3 spaces.

Whilst it is acknowledged that all parking would take place on the public highway (within the residents parking zone of the Middleton Road area) I am satisfied that the proposal should not add to the parking pressures on Middleton Road. I therefore would not wish to raise a highway objection based on the information received.

#### **Wiltshire Council Housing**

Confirm that any planning consent should be subject to the applicant entering into a S106 agreement to pay an affordable housing contribution of £7,578 as per Core Policy 3 of the South Wiltshire Core Strategy. The applicant has agreed to enter into an agreement if the scheme is approved by Committee.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation letters.  
2 letters received objecting to the proposal  
No letters of support received

Summary of key relevant points raised:

- Land allocated for bin storage is not 100% owned by applicant
- An affordable housing contribution is not required, as there is plenty of existing affordable housing within Salisbury
- Insufficient parking provision

## **9. Planning Considerations**

### *9.1 Principle of development*

The application site, being a two storey terraced house, is located within the H8 Housing Policy Boundary of Salisbury where, except as provided by the other policies of the local plan, residential development will be permitted. In this respect the principle of the proposed development is considered acceptable.

### *9.2 Scale, design and materials*

The application proposes the conversion of the existing building to facilitate the creation of 1 x 2 bed terrace house and 1 x 1 bed end of terrace house. There are no proposed external physical alterations to the application dwelling, other than the addition of a new door and window in the ground-floor side elevation.

Each of the dwellings will have an area of outside space which can be accessed by the rear path leading onto Middleton Road. The outdoor areas will accommodate enough area for waste/recycle storage and for the secure parking/storage of bicycles, in accordance with the saved Local Plan transportation policy TR14.

It should be noted that the Land Registry have confirmed that the application site (including the access path and bin storage area) is owned by the applicant.

### *9.3 Impact on neighbour amenity*

The proposed subdivision of the existing house would not change the use class of the property, but would create two separate residential units within the existing property.

By reason of the layout of the proposed flats, and the orientation and relationship between the property and surrounding residential properties, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or existing occupiers.

### *9.4 Highway issues*

The application has been called to committee because concern has been expressed about car parking and the additional vehicles this proposal may add to the area

Current parking policy, and the terms and conditions for Wiltshire's resident parking permit schemes, are presented in 'LTP3', which is the third evolution of the Wiltshire Local Transport Plan. LTP3 sets out the Council's objectives, implementation plans and targets for transport in Wiltshire for the period from March 2011 to March 2026. Regarding parking standards, LTP3 sets out minimum space requirements for residential developments. The standards follow:

<b>Bedrooms</b>	<b>Minimum Spaces</b>
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor Parking	0.2 spaces per dwelling (unallocated)

LTP3 states that under certain circumstances these minimum standards can be discounted, for example, if a site lies within a sustainable town or city centre. Regarding residents' parking schemes, LTP3 states that these have the following purpose:

"Residents' parking schemes are aimed at tackling problems caused by commuter and shopper parking. All schemes operate between the hours of 8am and 6pm Monday to Saturday inclusive, except public holidays. The schemes are not intended to resolve parking problems outside of these times".

The parking schemes are administered by WC Parking Services. The current terms and conditions of the schemes are set out in the latest version of the Local Transport Plan (LTP3). The process for setting up permit schemes states the following:

"In terms of residential entitlement, this may be based upon a maximum number of permits per household, e.g. one, two or in some cases three. In other cases, permits have been allocated based on the availability of parking spaces (e.g. 75-100% – allow two permits/household and visitors' permits). Visitor permits may be awarded by the number of people aged over 18 in a household, at set amounts per year or as above based on space availability".

The terms to be applied in each parking scheme area are a matter for Parking Services to determine and not Development Services. The WC Highways Development Control Officers have been consistent in their responses to planning applications within parking scheme areas, stating that they could not sustain objections to proposals in areas which have good access to public transport and services (and where non-availability of on-street parking is an appropriate deterrent to car ownership in any event). However, the Highways DC Officers have recommended informative (not conditions) being added to planning permissions stating that permits may not be issued to new developments, in accordance with LTP3.

In line with the current parking standards as given in Wiltshire Local Transport Plan 2011-2026, there is a requirement for 3 parking spaces for a 4 bedroom property, 2 spaces for a 2-3 bed and 1 space for a 1 bed. On that basis the parking requirement for the existing arrangement is the same as for that proposed, 3 spaces.

The Highways Officer having assessed the proposed development has raised no highway objection and considers that the existing parking permits allocated to the additional unit will not be increased as a consequence of this development, and as such there is unlikely to be an increase in on-street parking within the controlled area.



Regarding parking permits, the development could result in two additional permits being issued over and above the two permits the existing house may be entitled to. However, these permits would apply primarily to daytime hours only, when officers have not experienced parking congestion in this locality in any event.

The Highways Officer also considers it material that other similar developments have been permitted in the immediate locality.

### *9.5 Planning obligations*

The proposed new residential development would require contributions towards public recreational open space under policy saved local plan policy R2 and a financial contribution towards the provision of offsite affordable housing.

## **10 Conclusion**

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with saved Local Plan Policy R2 together with policy CP3 of the South Wiltshire Core Strategy, the proposed development is considered to be acceptable. The subdivision of the application dwelling into two residential units is not considered to result in harm to neighbouring amenities and is not perceived to result in harm to users of the highway.

## **11 Recommendation**

### **Planning permission be GRANTED for the following reason:**

That planning permission be approved subject to the applicant entering into a S106 agreement covering the following matters:

1. A financial contribution towards off-site recreation provision; and
2. A financial contribution towards off-site affordable housing provision,

unless this is satisfactorily demonstrated to undermine the viability of the development;

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

In pursuance of its powers under the above Town & Country Planning Act 1990, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below), subject to compliance with the condition(s) specified hereunder:-

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social and environmental conditions of the area.

### **Subject to the following conditions:**

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

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

2. This development shall be in accordance with the following submitted drawings:  
12/1832/201 A, dated 02/04/13 and received to this office on 25/06/13

Reason: For the avoidance of doubt

**INFORMATIVE:**

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

13/01284/FUL – 12 Middleton Road, Salisbury. SP2 7AY



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