

AGENDA

Meeting: Southern Area Planning Committee
Place: South Wilts Grammar School for Girls, Stratford Road, Salisbury,
Wiltshire, SP1 3JJ
Date: Thursday 16 January 2014
Time: **6.00 pm**

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email kieran.elliott@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

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 |

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 27 November 2013.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

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 9 January 2014.** 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 17 - 18)*

To receive details of completed and pending appeals.

7 **Salisbury Conservation Area Appraisal and Management Plan** *(Pages 19 - 46)*

Due to the volume of the Appraisal and Management Plans in relation to the attached report contained in the agenda, they have been circulated to Committee members only. The plans are available on the council's website at <http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=148&MId=7306&Ver=4> and on request.

8 **The Wiltshire County Council (Sheet SU 14 NE) Rights of Way Modification Order No. 11 2006 (Milston restricted Byway No. 16)** *(Pages 47 - 124)*

9 **Planning Applications**

To consider and determine the following planning applications:

- 9a **13/01494/FUL: Tesco and Avon and Riverside Houses, 21-25 Castle Street< Salisbury, SP1 1TT** *(Pages 125 - 160)*
- 9b **S/2012/1603/S73: Stonehenge Campsite, Berwick St James, Salisbury, SP3 4T** *(Pages 161 - 192)*
- 9c **13/04963/FUL: 2a and 4 Earls Court Road, Amesbury, SP4 7NA** *(Pages 193 - 204)*
- 9d **13/05892/FUL: 18c Firs Road, Firsdown, Salisbury, SP5 1SQ** *(Pages 205 - 212)*
- 9e **13/04200/FUL: Lyvers Farm, Lyvers Lane, East Grimstead, Salisbury, SP5 3RX** *(Pages 213 - 224)*

10 **Urgent Items**

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

Part II

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

This page is intentionally left blank

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 NOVEMBER 2013 AT ALAMEIN SUITE - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Terry Chivers (Substitute), Cllr Richard Clewer, Cllr Brian Dalton, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Leo Randall (Substitute), Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Dr Helena McKeown and Cllr Bridget Wayman

116 Membership Changes

It was noted that following Council on 12 November 2013, Councillor John Noeken was removed as a member of the Committee, to be replaced by Councillor Mike Hewitt.

117 Apologies for Absence

Apologies were received from Councillor Richard Britton, who was substituted by Councillor Leo Randall and Councillor George Jeans who was substituted by Councillor Terry Chivers.

118 Minutes

The minutes of the meeting held on 17 October 2013 were presented for consideration. It was,

Resolved:

To approve as a correct record and sign the minutes.

119 Declarations of Interest

There were no declarations.

120 Chairman's Announcements

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

121 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

122 **Planning Appeals**

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

Following discussion, it was determined that on behalf of the Committee, the Chairman would recommend to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste that the Council put forward the decision regarding application S/2012/0815 for Judicial Review.

123 **Planning Applications**

Attention was drawn to the late list of observations and representations, and which would be made available on the council's website with the agenda pack.

124 **13/04590/FUL: The Old George Brewery, 3 Rollestone Street, Salisbury, Wiltshire**

Public Participation

Mr Richard Harris spoke in objection to the application.

Mr Scot Masker (agent) spoke in support of the application.

It was agreed that the reports for applications 13/04590/FUL and 13/04597/LBC would be presented together as they concerned the same site and development.

The Planning Officer introduced a report which recommended that permission be granted. The officer stated that the application had been previously rejected due fear of odours from the extraction system. The new application included an upgraded extraction system and the relocation of the roof flue. The officer confirm that the application was applying for A3 permission only rather than A5; therefore would not include a takeaway service.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the relocation of the flue and clarification of the major differences between this application and the previous application.

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

The Local Member, Cllr Dr. Helena McKeown, then spoke in objection to the application. Cllr McKeown, as a local GP located in Rollestone Street, stated that this is a residential road and many of the residents are elderly and housebound. Cllr McKeown also highlighted the problem of congestion that the

road already faces, as well as concerns that the restaurant could result in excess noise and disturbances late at night.

A debate followed where the issues of congestion, improving the local economy and the positive or negative impacts to residents of Rolleston Road arising from a new restaurant opening on the site were discussed.

At the end of discussion, it was,

Resolved:

That Planning Permission be Approved subject to 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 hereby permitted shall be carried out in accordance with the following approved plans:**

1410/P07 Submitted on 26/09/13

1410/P08 Rev A Submitted on 26/09/13

1410/P09 Rev B Submitted on 26/09/13

1410/P10 Rev E Submitted on 26/09/13

Details of odour and noise control Submitted on 26/09/13

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

- 3 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 site shall be used solely for purposes within Class A3 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).**

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(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.

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

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.

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

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rolleston Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

125 **13/04597/LBC: The Old George Brewery, 3 Rolleston Street, Salisbury, Wiltshire**

The Planning Officer recommended that the proposal be approved subject to conditions, as detailed under Minute 124.

Technical questions and representations from the public and local member were as detailed under Minute 124.

At the conclusion of debate, it was,

Resolved:

That Listed Building Consent be Approved subject to 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 hereby permitted shall be carried out in accordance with the following approved plans:**

| | |
|---|------------------------------|
| 1410/P07 | Submitted on 26/09/13 |
| 1410/P08 Rev A | Submitted on 26/09/13 |
| 1410/P09 Rev B | Submitted on 26/09/13 |
| 1410/P10 Rev E | Submitted on 26/09/13 |
| Details of odour and noise control | Submitted on 26/09/13 |

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

- 3 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 site shall be used solely for purposes within Class A3 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).**

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(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.**

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

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.**

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

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.**

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

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rollestone Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

126 **13/03367/FUL: 88 Ridge, Chilmark, Salisbury, Wiltshire, SP3 5BS**

Public Participation

Mr Robert Molteno spoke in objection to the application.

Mr Tim Reeve, agent, spoke in support of the application.

Cllr Patrick Boyles, Chairman of Chilmark Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended permission be granted. Key issues for consideration included the area's designation as an Area of Outstanding Natural Beauty (AONB) and impact on neighbour amenity.

The Committee then had the opportunity to ask technical questions of the officer. In response to queries, it was confirmed that the proposed development would only be available for personal use and would not be used for commercial purposes. Details were also sought about the permitted development rights on the site.

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

The Local Member, Cllr Bridget Wayman, then spoke in objection to the application, highlighting the presence of the AONB and intrusion into the countryside.

A debate followed, where concerns were raised over the scale of the development, along with its impact on neighbouring properties and issues of appropriate screening. It was also considered whether the development was larger than required in need to serve the intended purpose, and the possibility of future conversion into a dwelling

At the end of the discussion, it was,

Resolved:

To REFUSE the application for the following reasons:

The proposed development was too large and would be an intrusion in the open countryside. The application failed to adhere to regulations C5(i), D3(i), C4 and H31(iii).

127 **13/03819/FUL: Amesbury Bus Station, Salisbury Street, Amesbury, Salisbury, Wiltshire, SP4 7HD**

Public Participation

Ms Kim Blunt (agent) spoke in support of the application.

The planning officer introduced the report which recommended permission be granted. It was stated that the application was for a change of use from a bus station to a commercial car park.

Members of the Committee then had the opportunity to ask technical questions of the officer. Concerns with highway safety, relating to the entrance and exit plans on the Salisbury Road, were raised. In response to queries it was also stated that decisions on pricing in the car park would be the responsibility of the applicant.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Member, Cllr Fred Westmoreland, then spoke in support of the application subject to appropriate conditions.

During debate, it was noted that Amesbury had recently had a reduction in the number of parking spaces available and replacements were required, although some members felt that the site had potential for more productive long term use

than as a car park, and the possibility of restricting the time of use as a car park was discussed.

The restriction of access on the Salisbury Road was also raised.

At the end of discussion, it was,

Resolved:

That Planning 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) No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:**

- Details of the parking layout;**
- Details of the location, scale and appearance of the pay station and any associated signage;**
- Details of the making good to exposed surfaces where features have been removed (i.e. the lean-to building, railings, footways);**

Development shall be carried out in accordance with the agreed details prior to the first use of the car park.

Reason: In the interests of highways safety and the character and appearance of the area.

- 3) Prior to the first use of the development, a revised car parking management plan reflecting the requirement of Policy PS5 of the adopted Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy, as submitted but to include a regular visit by an attendant, shall have been submitted to and approved in writing by the local planning authority. The parking management plan shall be implemented in full accordance with the approved plan at all times following the opening of the car park unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of highway safety and to ensure the adequate provision and control of the car parking.

- 4) Prior to the commencement of work, a signage scheme to include directional road signs, entry / exit signs and internal signs/ directional arrows shall have been submitted to and approved in writing by the local planning authority. This shall include the prohibition of vehicles entering the car park via the Salisbury Road (A345) access. The signs shall be erected in accordance with the approved plan prior to first use of the development, and shall be maintained as such for the duration of the permitted use.

Reason: In the interests of highway safety and to prevent confusion for all users of the car park.

INFORMATIVE - Condition 3 (parking layout)

With reference to the internal arrangement, parking space no.28 seems to obstruct the adjacent disabled space and should be removed. Furthermore, the motorcycle parking may be better placed between spaces 18 & 19 if spaces 7-18 were moved along slightly to open the gap.

128 **13/04550/FUL: Land at Livery Road, West Winterslow, Salisbury, SP5 1RF**

Public Participation

Mr Gary Maloney spoke against the application.

Mr Roman Lukaszewski spoke against the application.

Mr Rob Hewlett (applicant) spoke in support of the application.

Mr Steve Allen spoke in support of the application.

Cllr Simon Port, Winterslow Parish Council, spoke in support of the application.

The planning officer presented the report which recommended refusal as the development was outside the current housing policy boundaries. Key issues were stated to include the principle of the application, and impact on the character of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought over past use of the site as private amenity space and access. Clarification was also sought regarding the village design statement (VDS) and the level of support for the site to be developed within the VDS.

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

The Local Member, Cllr Chris Devine, then spoke in support of the application, highlighting the support of the parish council to sustainable development on the site.

A debate followed, where the amount of consideration to be given to the Village Design Statement versus local Planning policies was raised, in addition to

assessing the impact on the character of the area from the proposed development.

At the conclusion of debate, it was,

Resolved:

That planning permission be Refused for the following reasons:

- 1) The site comprises undeveloped land outside of a Housing Policy Boundary and is in a location that is not identified for housing growth within the development plan. There is a lack of facilities in the vicinity of the site to meet the needs of future residents and consequently few options to travel by means other than the private car, particularly since a lack of footways means that walking would not be a desirable option. The proposal would therefore be contrary to the aims and objectives of the adopted South Wiltshire Core Strategy, having particular regard to Core Policy 1 and saved Salisbury District Local Plan policies H23 and G1(i), and the NPPF.**
- 2) The proposed dwelling would as a result of its isolated location within the open countryside introduce an incongruous feature at odds with the character of the open countryside and would fail to protect or enhance the area contrary to the aims and objectives of saved Salisbury District Local Plan policies C2, C6, G1(iii) and G2(iv&v).**
- 3) The development has not made adequate provision towards affordable housing or public open space, and would therefore be contrary to Core Policy 3 of the adopted South Wiltshire Core Strategy and Saved Salisbury District Local Plan policy R2 (as saved within the adopted South Wiltshire Core Strategy).**

INFORMATIVE:

It should be noted that the reason given above relating to policy R2 and Core Policy 3 could be overcome if all the relevant parties complete a Section 106 legal agreement.

129 13/03515/VAR: Milford House Nursing Home, Salisbury, SP1 1NJ

The Planning Officer presented a single presentation for items 8f and 8g. The application was an extension to the previous application's three year permission and contained no changes. Changes to planning policy since the initial permission were detailed.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were raised if the Highways Agency had any objections to this proposal. and it was stated that their recommendation and lack of objection had not changed.

The Local Member, Cllr Ian McLennan, then spoke in objection to the application, stating that the situation had changed from when permission had been granted, and there were concerns about people walking to work, as the area had become increasingly dangerous and extending permission would increase traffic further.

A debate followed, where the level of traffic on the roads in the area and whether it had changed significantly since permission had initially been granted was discussed, along with whether the increased provision of dementia services in the region made the proposed extensions necessary.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with conditions:

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

REASON To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.**

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

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

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010

REASON: For the avoidance of doubt.

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

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

- 5 The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing.**

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

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

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

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

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a dementia care facility in association with the adjacent Milford House Nursing Home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

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

130 **13/03516/LBC Milford House Nursing Home, Salisbury, SP1 1NJ**

The Planning Officer presented their report in connection to item 8f, recommending planning permission be approved with conditions.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with conditions:

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

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

- 2 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building is satisfactory.

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

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010 Documents /plans

REASON: For the avoidance of doubt.

131 **Urgent Items**

It was agreed that a site visit should be arranged if application 13/03521/FUL - 90 Blind Lane, Ansty, Salisbury, Wiltshire, SP3 5QE, was scheduled to come before the Committee.

(Duration of meeting: 6.00 - 9.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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

This page is intentionally left blank

Southern Area Planning Committee

Wiltshire Council

16 January 2014

APPEALS

Appeal Decisions

| Application Number | Site | Appeal Type | Application Delegated/ Committee | Appeal Decision | Overturn | Costs |
|--------------------|--|-------------|----------------------------------|-----------------|----------|---------------|
| S/2013/0056 | Stonehenge Campsite | WR | COMMITTEE | DISMISSED | YES | |
| S/2013/0043 | Meadow View, Park Lane, Britford | WR | DEL | DISMISSED | | |
| S/2012/900 | Sandhills House, Dinton | WR | DEL | DISMISSED | | |
| S/2012/1071 | Sandhills House, Dinton | WR | DEL | DISMISSED | | |
| S/2012/1834 | Area 10 - Old Sarum | LI | COMMITTEE | ALLOWED | | |
| S/2012/1835 | Area 11 - Old Sarum | LI | COMMITTEE | DISMISSED | | |
| S/2012/1836 | Area 12 - Old Sarum | LI | COMMITTEE | DISMISSED | | |
| S/2012/1778 | Area 9a & 9b - Old Sarum | LI | COMMITTEE | DISMISSED | | COSTS REFUSED |
| S/2012/1829 | Local Centre - Old Sarum | LI | COMMITTEE | ALLOWED | | |
| S/2012/1363 | Twin Elms, The Avenue, Porton | WR | DEL | DISMISSED | | |
| S/2012/1817 | Grasmere Hotel, 70 Harnham Rd, Salisbury | WR | DEL | DISMISSED | | |
| 13/00134/FUL | Grasmere Hotel, 70 Harnham Road, Salisbury | WR | DEL | DISMISSED | | |
| S/2013/0046 | 12-14 Salt Lane, Salisbury | WR | DEL | DISMISSED | | COSTS REFUSED |
| S/2013/0047 | 12-14 Salt Lane, Salisbury | WR | DEL | DISMISSED | | COSTS REFUSED |

| | | | | | | |
|--------------|-------------------------------------|-----------------------------------|-----|---------|--|--|
| 13/01677/FUL | 22 Boscombe Road, Amesbury | Fastrack Householder Appeal | DEL | ALLOWED | | |
|--------------|-------------------------------------|-----------------------------------|-----|---------|--|--|

Outstanding Appeals

| Application Number | Site | Appeal Type | Application Delegated/ Committee | Overtur n |
|--------------------|---|-------------|----------------------------------|--------------|
| S/2012/1705 | Hillbilly Acre, Clarendon | H | ENF | |
| S/2013/0024 | Lime Tree Cottage, Flower Lane, Amesbury | WR | DEL | |
| S/2012/1450 | Dairy House Barn, Whiteparish | WR | DEL | |
| S/2012/1566 | Penruddocke Arms, Dinton | WR | NON DET | |
| S/2013/0071 | Land adj Parish Church Steeple Langford | WR | COMMITTEE | YES |
| E/2012/1543/OUT | Granby Gardens, Ludgershall | H (was WR) | NON DET | |
| 13/00451/FUL | Site at Old Southampton Road, Whaddon | WR | DEL | |
| 13/01159/FUL | Parcel of land to South of B3089 between Teffont and Dinton | WR | DEL | |
| S/2012/1613/FULL | Ridge Side, The Ridge, Woodfalls, Salisbury | WR | DEL | |
| S/2013/255/LBC | Park Cottage, Milton, East Knoyle, SP3 6BG | H | DEL | |
| 13/02645/FUL | Land off St Margaret's Close, rear of 37 Fowlers Road | WR | DEL | |
| 13/01691/ADV | Fabric Land, 45-49 Catherine Street, Salisbury | WR | DEL | |

New Appeals

| Application Number | Site | Appeal Type | Application Delegated/ Committee | Overtur n |
|--------------------|-------------------------------|-------------|----------------------------------|--------------|
| 13/03615/FUL | Land at Duck Lane, Laverstock | WR | DEL | NO |
| 13/03164/FUL | 9 Hilltop Close, Shrewton | WR | DEL | |

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

6th January 2014

Southern Area Planning Committee

Wiltshire Council

16 January 2014

SALISBURY CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

1 Report Summary:

1.1 This report sets out the background to the task of carrying out conservation area appraisals and management plans by the conservation team (the process which has been undertaken) and presents the final draft of the Salisbury Conservation Area Appraisal and Management Plan with a request that the Southern Area Committee approve the disaggregation of Salisbury into 4 parts namely: Salisbury City, Milford Hill, Old Manor Hospital and Britford, and approves the 4 appraisals for each of the individual areas.

2 Background to the Appraisal and Management Plan

2.1 There are approximately 240 conservation areas in Wiltshire covering historic settlements and small villages. A conservation area is described in the Planning (Listed Buildings and Conservation Areas) Act 1990 as “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

2.2 Conservation areas are designated by the local authority and designation is the recognition of an area’s special qualities, which the council intends to safeguard as an important part of the district’s heritage. It is the accumulation of an area’s positive architectural or historic attributes, rather than the quality of its individual buildings, which makes it worthy of conservation area status. The attributes might include: the landscape setting of the area; the grouping of traditional buildings and the resultant spaces and sense of enclosure; the scale, design, type and materials of the buildings; historic boundaries; public realm; landmarks, views and vistas; and the present and former pattern of activities or land uses.

2.3 Conservation area designation allows for strengthened planning controls, gives protection to trees, and provides control over the demolition of unlisted buildings.

3 Planning Policy Context

3.1 The local planning authority is required by the legislation to periodically review their existing conservation areas. An appraisal of each area is therefore required in order to identify the particular attributes that make each conservation area special. Guidance is provided to the local authority in carrying out this task in the English Heritage publication *Guidance on Conservation Area Appraisals* and its companion document *Guidance on the Management of Conservation Areas*, both published in August 2005.

3.2 There is also guidance from central government in the National Planning Policy Framework (chapter 12), which advises that the local authority should consider how planning applications preserve and enhance conservation areas.

3.3 Wiltshire Council has encapsulated the broad principles of the government guidance in its existing local plan policies (saved policy CN8– CN12 of the South Wiltshire Core Strategy) and in policy HE7 of the draft Wiltshire Core Strategy. Planning applications that affect the character of the conservation area should be considered on their individual merits, in the light of the core strategy policies, and taking into account **all other material considerations**. The appraisals and management plans are used to guide and inform the decision-making process.

3.4 The actual wording of the current policies (South Wiltshire Core Strategy) is:

“The District is notable for the quality of its built environment and there are many areas of special architectural or historic interest whose character or appearance it is desirable to preserve or enhance. Such areas can be designated as Conservation Areas. There are now 69 Conservation Areas in the District, ranging from Salisbury City centre to villages and hamlets, with over half of these designated since 1989.” (CN8)

“The Local Planning Authority has a duty to enhance Conservation Areas, and improvements to the quality of such areas through removal of unsightly elements, which may include signs, buildings, advertisements, wiring or other features, are a part of this enhancement process. “ (CN12)

3.5 And in the draft Wiltshire Core Strategy, the relevant policy is HE7 which says:

“The architectural and historic heritage of the plan area will be safeguarded from inappropriate development. Development proposals should preserve or enhance the character of conservation areas. Development involving listed buildings should have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.”

3.6 Conservation area appraisals and management plans and are seen as the first steps in a dynamic process, the aim of which is to seek the preservation and enhancement of the character and appearance of conservation areas and to provide a basis for making decisions about their future management.

4 Purpose and Scope of the Documents

4.1 Each appraisal and management plan aims to:

- Identify those elements of the conservation area which contribute to its character;
- Identify elements which detract from the character;

- Propose measures to maintain or improve the positive character, local distinctiveness and sense of place of the conservation area.

4.2 In the former Salisbury District area, there are 70 conservation areas, of which 10 have adopted appraisals. These are:

Downton
Dinton
Steeple Langford
Old Sarum
Durrington
Amesbury
Broad Chalke
Tisbury
Wylie
Hindon

4.3 In addition to these 10 adopted appraisals, and the draft Salisbury appraisals now under consideration, there are a further 10 in varying degrees of completeness for the following areas:

Alderbury
Barford At Martin
Newton Tony
Netherhampton
Pitton
Bulford
Hanging Langford
Mere
Fovant
Wilton

4.4 The process that has been undertaken in producing these final documents is outlined later in the report. It has been a lengthy process of preparation, consultation and redrafting. Whilst the draft documents have carried some weight to date to assist with the determination of planning applications and for use in appeals, it is hoped that the reports will obtain the committee's approval, and enable them to become a material consideration as part of the planning process.

5 Methodology and Public Consultation

5.1 Conservation consultants were employed by the council to produce the draft conservation area appraisals and management plans, and began carrying out the surveys in 2007. The survey work was carried out in accordance with the guidance mentioned above. The draft documents, once presented by the consultants, were reformatted and illustrated in-house in preparation for public consultation.

5.2 It is central government advice that conservation area appraisals and management plans should form part of the evidence base of the Local Development Framework, therefore, the consultation exercise followed the procedure for evidence base as set out in the approved Statement of Community Involvement.

5.3 The first stage of the public consultation exercise, involving the four conservation area appraisals was undertaken in 2009 and ran for 6 weeks. Letters and cds containing copies of the documents were sent to a number of people, including ward members and local organisations. Copies of the documents were placed on the council's website. An advert was placed in the Salisbury Journal, site notices were displayed in the conservation areas and a public exhibition was held at City Hall.

5.4 In addition to the main consultation exercise, a consultation was carried out directly with owners/occupiers affected by the proposed changes to the boundaries of the conservation areas.

5.5 A summary of the responses received for the consultation on the four 'Salisbury' areas can be found in Appendix 2. Officers examined all of the responses received in conjunction with the consultants, and amended the document as necessary. The table in Appendix 2 show the actions that were taken to address the issues that were raised. As a result of comments in respect of the Milford Hill appraisal, the document was more substantially amended and a further consultation held in January 2010.

6. The Completed Documents

6.1 4 conservation area appraisals and management plans have been through the consultation process and have been produced in a finished format. Three of the appraisals (Milford Hill, Britford and Old Manor Hospital) are relatively modest documents. Each document contains an executive summary at the beginning. The first part of the document contains the appraisal, which attempts to explain the character of the conservation area, and identifies such things as the architectural qualities of the buildings, prevalent local materials, the importance of open spaces and views, as well as the negative elements that exist. The second part of the document contains the management plan, and this identifies such things as buildings at risk, proposals for enhancement, and suggested changes to the boundaries of the conservation areas (NB. Most of the conservation areas were designated more than 20 years ago, and it was necessary to propose changes to the boundaries to take account of the changes that had taken place over the intervening period).

6.2 In contrast, the Salisbury City appraisal is a much bigger document although set out in a similar way. However, rather than breaking down the conservation area into 'character areas' the approach has been to look at the character of each of the medieval chequers and significant areas such as The Close and main thoroughfares.

7 Summary of Recommendations for Salisbury Conservation Area

7.1 The summary of recommendations arising out of the appraisal of the Salisbury Conservation Area is the:

- disaggregation of Salisbury into four distinct conservation areas namely: Salisbury City, Britford, Milford Hill and Old Manor Hospital;
- amendments to the boundaries of Salisbury City, Milford Hill and Old Manor Hospital (none to Britford);
- the identification of buildings at risk;
- the highlighting of unlisted buildings of local importance;
- suggestions for the improvement of the public realm.

8 Article 4 Directions

8.1 The management plan also includes proposals for Article 4 Directions, i.e. the removal of certain householders' permitted development rights. At present, there are a number of alterations that householders can make to their properties without the need for planning permission, even in conservation areas, for example replacement windows. The character of conservation areas can be completely eroded by piecemeal, uncontrolled changes to domestic properties. Each conservation area has been assessed to determine what the potential threats are, and whether the conservation area would benefit from such alterations being controlled.

8.2 It should be noted that the proposals for Article 4 Directions must undergo a separate, legally-prescribed consultation with individual landowners, which needs to take place within a six-month period. Due to current resource issues and changes brought about by local government reform, it is not being proposed to take this part of the document forward at present.

9 Recommendation:

9.1 That the City of Salisbury, Britford, Milford Hill and Old Manor Hospital Conservation Area Appraisals and Management Plans be presented to Cabinet with a recommendation to approve the document, including the proposed boundary changes to the conservation area.

Andrew Guest

Area Development Manager (South)

Report Author: Jocelyn Sage, Senior Planning Officer (Conservation)

Background Papers: City of Salisbury, Britford, Milford Hill and Old Manor Hospital Conservation Area Appraisals. Available at

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=148&MId=7306&Ver=4>

Appendices: Appendix 1: City of Salisbury, Britford, Milford Hill and Old Manor Hospital Management Plan Consultation responses tables

Implications:

- **Financial:** There are no financial implications in respect of this report. All the work has been completed, and the costs already contained within existing budgets.
- **Legal:** A further report would need to be brought before committee and cabinet in respect of the Article 4 directions which have their own statutory procedures (and human rights implications).
- **Human Rights:** Consultation has been undertaken in accordance with the Council's own consultation procedures.
- **Personnel:** N/A.
- **Community Safety:** N/A.
- **Environmental implications:** N/A.
- **Council's Core Values:** Being environmentally conscientious.
- **Wards Affected:** Fisherton & Bemerton; Harnham; St Edmund & Milford; St Francis & Stratford; St Paul's.

Britford Consultation Responses

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|-------------------|-----------|--|---|--------|
| Brian Wheeler | 1 | Query over suggestion (ref. 7.3.3 (3)) that block-cut ridges are not appropriate when a master thatcher claimed that the sacrificial ridge should be replaced with a block-cut one to prolong the life of the thatch. | Thatchers differ in their opinions on ridge types. The traditional local style of ridge is flush. | N/A |
| Gerald Steer | 2 | Agree with document. | N/A | N/A |
| Mrs Andrew Rose | 3 | Would like to see a proposal for the improvement of the footpath network to encourage people to access the area more easily, e.g. could the footbridge at GR 175270 be replaced to enable access from Lower Farm to Alderbury, or a link created between Lower Farm and the fish farm to the north to enable a circular route through the meadows and along the river? | Not within the scope of this document. | N/A |
| Mr & Mrs Ladbury | 4 | Should there be some mention of the former estate cottages on the High Road? Need to consider all properties and the school when thinking about the future of the village. | These were looked at before arriving at proposals to amend the boundary of the CA. | N/A |
| | 5 | The separation of Britford from the Downton Road developments is important to its setting. Should the fields that create this strategic gap be included in the conservation area in order to preserve the character and appearance of the CA? | It is not the purpose of the CA to protect areas from development. | N/A |
| | 6 | Is any funding proposed for repairs to the church lychgate? | The proposals are aspirational. No funding identified at this stage. | N/A |
| | 7 | What is proposed to happen to the former estate yard (now owned by the council) – it is unused and partly derelict? | Need to check for any extant planning permission and mention in document. | |
| Dr Annabel Lawson | 8 | Same issue as 5 above. | See comments to issue 5 above. | N/A |
| | 9 | Some trees have recently been felled. Please check whether the trees shown on plan Figure 9 as screening the sewage works from the bridge at the end of the lane opposite Bridge Farm still exist. | Need to check on site. | |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|-------------------|------------------|---|--------------------------------|---|
| | 10 | The idea to create an open-sided wooden barn to house the cycling is welcomed. | N/A | N/A |
| | 11 | Should the area of archaeological potential extend beyond Rectory Farm, since this area is probably the site of the original ford and therefore, possibly an ancient route? | Check with consultants. | Having reconsidered this, it is not considered that there is sufficient archaeological potential beyond Rectory Farm. |
| Malcolm McCoy | 12 | 13.00 Key views and vistas – the views from Lower Road and Church Lane to the north, and views to the northwest from the area near the church and Rectory Farm (para 7.3.1) are marred by the ugly Wessex Water treatment works at Petersfinger. Include this in 'negative elements' (15.00). Suggest screening with suitable vegetation to the south and east of the works would be a great improvement. | Agree. | Add this to 'Negative Elements' section. |
| | 13 | The 'strategic gap' between Britford and Salisbury should be maintained. | See comments to issue 5 above. | N/A |

Milford Hill Consultation Responses

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--------------------------------|-----------|---|--|--|
| Mrs B Cook | 1 | Argues that St Martin's School and surrounding land together with trees lining Fowler Hill should be conserved. Concerned that Wiltshire Council is not maintaining these trees. | Agree that trees on the edge of school line, which is clearly a historic route, and have significant townscape value. | Agree to amend CA boundary to take in this line of trees. Will need to re-consult . |
| Tim Foat | 2 | <p>a. Disagrees that no 49 Elm Grove Road should be removed from the CA. Thinks this will result in further erosion of the character of the area.</p> <p>b. Suggests introducing a grant scheme.</p> | <p>We consider character eroded in this area.</p> <p>Not being proposed (no funds)</p> | No further action required |
| Eileen Pennell | 3 | Objects to the proposed removal of the Crescent from the CA. Considers the houses are of a distinct character, retaining some of their historic features and with remnants of an orchard. Also would like to see Beckingsale House retained in the CA. | Agree that Crescent has certain arcadian qualities (though few surviving historic features). | Amend boundary to leave The Crescent in the conservation area. Will need to re-consult . |
| Mrs S A Kerrod | 4 | Argues that the Crescent and Beckingsale House have a different character to Tollgate and Rampart Road. They have a more arcadian quality – because of the grounds and trees. Could argue that they are an extension to Milford Hill House. Also that the houses retain some historic features. | See previous comments (3). | Amend boundary to leave The Crescent in the conservation area. Will need to re-consult . |
| Simon Bailey and Amanda Pocock | 5 | Argues that the Crescent is secluded and of a unique character and that the properties have retained significant original features. | See previous comments (3) | Amend boundary to leave The Crescent in the conservation area. Will need to re-consult . |
| Mrs Maureen Moore | 6 | Argues that the town houses in Courtwood Close contribute to the character of the CA, in particular because of their relationship with Shady Bower, The Hollow and Godolphin School. Would wish to see Courtwood Close remain within CA. | Do not agree that houses contribute to character of Milford Hill Conservation Area but do think trees make an important contribution and merit protection. | Revise boundary to leave Courtwood Close in the conservation area. Will need to re-consult . |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|----------------|-----------|---|--|--|
| John Gould | 7 | <ul style="list-style-type: none"> a. Argues that Courtwood Close should be retained within CA in order to preserve its distinctive character, and also the selection of mature trees that front the area. b. Suggests that the Consultation Draft is unclear about whether the area is within, or outside, the CA. | <p>See previous comments (6)</p> <p>Not raised by anyone else so don't consider it needs amending.</p> | <p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p> |
| Shirley Gould | 8 | <ul style="list-style-type: none"> a. Argues that Courtwood Close is a good example of 1970s architecture and would not wish to see ad hoc changes that would spoil the appearance of the Close. b. Also concerned about the line of trees and the historic relationship with Milford Hollow and Godolphin School (potentially weakened). | <p>Disagree good example of 1970s architecture but appreciate point concerning ad hoc changes.</p> <p>Agree trees (although not individual specimens) along roadside important feature of area.</p> | <p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p> |
| Mrs P Cogswell | 9 | <ul style="list-style-type: none"> a. Disagrees with removal of Close from CA and gives three reasons. Firstly that area not included until 1980s when development had been built and area has not significantly changed since that date. b. Secondly that appraisal ignores contribution made by trees along roadside. c. Thirdly because of the historic relationship with Milford Hollow on one side, and Shady Bower on the other. | <p>Noted although think previous officers might have been more pragmatic/relaxed and decided to leave boundary alone ie not a positive affirmation of quality of development.</p> <p>See comments above (8).</p> <p>Noted.</p> | <p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p> |
| Gerald Steer | 10 | Objects to the removal of Rampart Road on the basis that the omission of this road would result in a further lowering of the quality of the terraces. | Actually don't think the quality could be lowered further as very little survival of historic windows, doors, roofs, proliferation of very large dormers etc. However do | <p>Leave Rampart Road in Conservation Area.</p> <p>Will need to re-consult.</p> |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--|-----------|---|---|---|
| | | | consider it is an important view from ring road and a natural boundary to CA. | |
| D E Bate | 11 | “Piecemeal exclusions to the CA inevitably weaken rather than strengthen the protection afforded to Milford Hill”. Accepts that Courtwood Close is ‘architecturally undistinguished’ but that it is part of the development of Milford Hill. | Considering leaving in CA (see previous comments) in order to maintain protection to trees. | Revise boundary to leave Courtwood Close in the conservation area. Will need to re-consult . |
| Simon H B Pearce | 12 | Can’t understand removal of area that was added to the CA following development of The Close. Concerned about implications for Close of deregulation. | See previous comments (8) and (9). | Revise boundary to leave Courtwood Close in the conservation area. Will need to re-consult . |
| The Wiltshire Archaeological and Natural History Society | 13 | Seems to raise no objection to the proposal to exclude 5 areas from the Conservation Area. | Noted. | No action required. |
| Philip Vale | 14 | Flags up a number of errors in document, namely: <ul style="list-style-type: none"> a. Errors in relation to the numbering of houses in Campbell Road; b. One of the maps (Boundary Review map) at the end of the document contains an error (excludes The Old Rectory which is proposed for inclusion in CA). c. Photo in leaflet incorrectly labelled (shows Campbell Road and not Fowler’s Hill). d. No objections to proposal to include Old Rectory into CA on basis that: doesn’t cover internal works; homeowners will not be compelled to carry out certain works; that they will be able to replace single-glazed wooden sash windows at some future point with double-glazed windows which “utilize modern materials”; does not prevent loft conversions/use of rooflights; will not have to reduce height of fences/walls. | Noted and agreed. Noted Noted Noted | Amend document Amend Boundary Review map Amend photo in leaflet and check correct in full appraisal No action required |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--|-----------|--|---|--|
| Michael Drury | 15 | <p>a. Welcomes Article 4 proposals but thinks that the list should not be so restrictive – but include streets rather than short runs of houses.</p> <p>b. Makes the point about the importance of Highway trees in this area and requests that reinstatement of trees should be contained within the management plan.</p> <p>c. Makes several specific points as follows:</p> <p><i>P22 para 18.1 bullet point 4 – inaccurate numbering;</i> <i>P24 para 20.1 – rewording needed;</i> <i>P27 Appendix 27 line 6 – numbering of houses incorrect;</i> <i>P28 Appendix B – as above.</i></p> | <p>Noted. This could be revisited at the stage of considering an Article 4.</p> <p>Noted</p> <p>Noted. JS to check.</p> | <p>No action needed.</p> <p>Consider amending document.</p> <p>Amend document (JS) Amend document (JS) Amend document if necessary Consider amending document</p> |
| Nicola Allerton | 16 | Makes the point that The Crescent has a different character – more tranquil and also verdant. Shares a greater relationship with the YHA than it does with Rampart Road. Feels the area has a more ‘rural’ character and that buildings’ retain their historic character. Would like The Crescent to remain within the CA. | See previous comments (3) | <p>Amend boundary to leave The Crescent in the conservation area.</p> <p>Will need to re-consult.</p> |
| Christine Wilson | 17 | Objects to the removal of Courtwood Close from CA. Concerned about erosion of cohesion of area and impact on trees. Also doesn’t understand why it is now being excluded when it was consciously included. | See previous comments (8) and (9) | <p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p> |
| Courtwood Close Resident’s Association | 18 | Objects to removal of Courtwood Close from CA. Says report is “limited” and “architecturally biased”. Doesn’t see what has changed since it was designated – thinks removal will reduce its architectural diversity. Talks about relationship with Milford Hollow and mentions significant trees on roadside edge. Makes the point that the residents take pride in their area and that it is insulting to remove the area from the | Courtwood Close is not architecturally distinguished and does not contribute positively to CA, however, the trees (although no individual specimens) do make a positive | <p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p> |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--|-----------|--|--|--|
| | | Conservation Area. | contribution to the streetscene. | |
| Susan and Michael Rathbone | 19 | Object to exclusion of Courtwood Close from CA. Cites, in defence of retention of Close in CA: Intimate relationship with Milford Hollow: Importance of trees and boundary hedges on Shady Bower and Courtwood Close in terms of contribution to street scene; Importance of trees/hedges linking Milford Hill and Fowler's Hill; No erosion of historic features in respect of Courtwood Close; Potential importance of this 1970s mews development. | See previous comments (in particular 8 and 9). | Revise boundary to leave Courtwood Close in the conservation area. Will need to re-consult . |
| Salisbury Conservation Area Advisory Panel | 20 | Argue that whilst there has been an erosion of historic features, the western group should not be excluded from the CA in view of the visual prominence of the terraces. Suggested redrawing the boundary to exclude road but retain terraces within. | See comments at 10. | Revise boundary to leave in historic roads but exclude Ring Road. Will need to re-consult . |
| Mr Jim Humberstone | 21 | Doesn't think enough is made of layout ie inherited elements of layout based on former routes etc. Believes passages, back lanes and alleyways are often not clearly identifiable and therefore vulnerable. | Noted but difficult to see how this could be drawn out in appraisal. Importance of certain lanes ie Milford Hollow is mentioned in text. | No further action proposed. |
| Mrs E S Macshane | 22 | Objects to removal of 41 Fowler's Road from CA on basis that it will erode the value of the property. | Dispute that exclusion from CA lowers value of property. In any case, this is not a factor that the appraisal can take into consideration. | Revising boundary to leave Byways Close in CA so will be retained in CA in any case. Will need to re-consult . |
| Network Rail | 23 | No comments in relation to the Milford Hill document. | | No action required. |

This page is intentionally left blank

Old Manor Hospital Conservation Area Appraisal Consultation Responses

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|---------------|-----------|--|--|---|
| Adam Madge | 1 | New award-winning courts building dominates its surroundings but little is said about it, and photos would be useful. | The courts building wasn't under construction at the time of the main survey. | Document updated briefly. |
| | 2 | Apparent contradiction between text and maps re inclusion of the Courts. | This has been amended during the consultation process. | Done. |
| | 3 | Kennet Lodge is now under repair. | ...and extension. The external repair works have now (June 2010) been completed. | Updated doc to reflect improvements |
| | 4 | Llangarren damaged by fire – photo reflecting current condition would be helpful; appraisal could explore what might be acceptable reuse of this site. | Potential development proposals have already been discussed pre-disposal of the site; the 2000 Development Brief forms a starting point. | Include post-fire photo. |
| | 5 | Apparently unauthorised gates at the Lodge. | It is anticipated that these will be replaced by the developer who has recently acquired the site. The gates have been inspected and are not affixed to the brick piers. In the meantime, any security is welcome. | Monitor situation. |
| | 6 | Minor grammatical errors in 6.2, 6.7.1, "up to 670", "Fountain Way" | Accepted | Corrected |
| | 7 | Disagrees that the upvc windows at Montague House necessarily the worst examples in the CA. | No other examples are known. | No action |
| | 8 | Shapland Close isn't correctly shown on the maps | Agree. | JW to amend maps |
| | 9 | Applauds desire to improve the Fountain Way junction but considers this probably unrealistic. | Am inclined to agree but with enough support and negotiation it's not impossible. | No action |
| Robert Stern | 10 | No obj to removal of The Maples and gardens from CA but concerned about environmental protection of the woodland and bat habitat between the houses and The Foyer. | Environmental concerns, not CA specific. | No action |
| John Medhurst | 10 | Resident of The Maples (formerly Nelson Terr). Objects to removal – benefits from tree protection, and is a 'small island of serenity'. | The large beech tree is potentially worthy of a TPO, giving it better protection than afforded by the CA. | Passed to Arb. Officer for consideration. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|---------------------------------------|-----------|--|---|---|
| Irene Kohler | 10 | Resident of The Maples. The woodland to the south is valuable for tawny owls, sparrowhawks, woodpeckers and bats. Surprised that planners considering removing their protection. Essential that the area is protected for the benefit of the city. | Entirely focused on wildlife/environmental concerns rather than built environment. The trees are therefore the only factor within the LPA's potential control under CA designation. | No action |
| Mr & Mrs R Douglas | 10 | Resident of The Maples. Concerned that boundary change would reduce protection of habitat for bats. Lists wildlife seen (as Kohler) on daily basis but suggests copse could be better managed. | CA designation in itself provides no protection for wildlife; it does, indirectly, through the protection of trees, enable limited preservation of habitats, although known habitats of bats are already protected by other environmental legislation. | No action |
| R Deane | 11 | Notes that Nelson Terr now known as The Maples | Indeed it is. | Amended doc to cross-reference the two, then use The Maples throughout. |
| | 12 | The timber framed glazed link referred to in 7.3.1 is actually a cover to a tunnel entrance | Agree. | Text updatead |
| | 13 | Considers that the Ballroom is a 'remarkably late instance of quite pure Georgian style' and could be better described. | Need to consider the EH listing report and possibly use more detail. | Added ref to rifle range, otherwise little from the report of great import. The report is of course available for inspection. |
| Salisbury Conservation Advisory Panel | 14 | Panel considered that removal of the green space on the NW side would be a mistake. | Have revisited the site for this reason; when standing at the corner (to rear of courts) and viewing this site, it appears to have little homogeneous character and is largely developed with modern buildings and the school play area. A panoramic view is on file for reference. | No action. |
| | 1 | Further assessment of the courts' building would be helpful to assess its impact and implications for future devt in the vicinity. | Without further consultation such work could be contentious. | Have slightly amended references to the courts building. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|---|-----------|--|---|--|
| | 3 | The management plan should be updated to reflect the recent activity on the Kennet and Paragon sites. | There has been no activity on the Paragon site, but Kennet Lodge has been refurbished since the report was written. | Removed Kennet Lodge from BAR section. |
| | 15 | Further analysis of the unlisted buildings of local importance could help determine whether there are any whose loss might be acceptable with suitable replacements. | Some work has been done on this for the whole site with a view to informing discussion of potential developments within the CA. This has been dealt with elsewhere and wouldn't necessarily be best placed within this document. | No action. |
| | 16 | 38 Wilton Rd should be added to the Article 4 schedule. | At the time of survey, timber (prob original) windows and chimneys survived but not the roofslates. | Add to the Article 4 list. |
| | | | | |
| | 17 | Questions whether Article 4 directions for Llangarren would be enforceable as historic windows and doors largely destroyed. | Some windows survive, and the character of the area is broadly intact as it mostly comprises listed buildings, so an Article 4 could be beneficial to the CA. | Add Llangarren to Article 4 list. |
| Turley Associates (Peter Lawson) for NHS Wiltshire | 18 | Paras 6.5 and 6.6 contain duplication | True. | Reworded. |
| | 19 | 7.2.2 refers to magnificent trees. Question whether arboricultural assessment carried out. | Formal Arb. Assessment has not been carried out. The contribution of trees to CAs is on the basis of visual amenity, not their health or potential longevity, and this document should help inform the arb. officer of the LPA's principal concerns re trees in a CA. | No action. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|------------|-----------|---|--|-------------------------|
| | 20 | 7.3.1 ref Finch House's 'glazed link' and questions its status. | It is, and to our team's knowledge always has been, part of Finch House which is a principal listed building. Attached at one end, the 'glazed link' is actually a tunnel entrance cover; the tunnels run under and serve Finch House, and this structure was therefore very clearly a functioning part of the building. | No action. |
| | 21 | <i>"There is no evidence that a robust and methodical approach has been applied when assessing the architectural and historic merits of the buildings upon the site", and "No direct explanation or justification as to how any of the unlisted buildings make a positive contribution to the character of the CA."</i> | The assessment largely depends on the published EH advice on the appraisal of CAs, in particular the checklist to assess the contribution of a building; in addition to the substantial experience and expertise of the consultants who have been involved in production of the appraisal. | No action. |
| | 22 | Para 9.3 should refer to the 'readable group' of the AWP buildings on the southern boundary | Fair point, although proposed for exclusion. | No action |
| | 23 | 10.2 refers to townscape plan in Appendix A although this is actually Appendix 1; 18.2 refers Appendix B but also appears to be Appendix 1. | They should be Appendix 1 and 4 respectively | Corrected |
| | 24 | Suggests that no site visits made in preparation of the document as a building highlighted as being of local importance was a temporary wooden cabin which was removed some time ago. | Permission for the cabin's removal was granted in 2006 however our base mapping hasn't been updated. The highlight was clearly a mistake. | Update map accordingly. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|------------|-----------|---|---|------------|
| | 25 | NHS concerned that LPA's 'apparent desire' to retain all remaining buildings will hamper the 'enabling development' necessary for the repair and reuse of the 'more significant grade II listed buildings'. | It is clear that the NHS would wish to be as unconstrained as possible in disposing of or redeveloping the site. It should be equally clear that this is a document describing the characteristics of an area previously acknowledged to be worthy of being a CA, and that there is a necessary presumption that historic buildings should be retained until an argument is made for their loss against policy CN9 of the Salisbury District Local Plan (Adopted 2003). The assertion that only 'the more significant grade II listed buildings' are considered worthy of conservation efforts in a conservation area is cause for concern. | No action. |
| | 26 | No mention of the ongoing works to update the 2000 Development Brief. | No report has yet been produced and cannot therefore be quoted or referenced. | No action. |
| | 27 | Significant concerns about paras 16.1-7 | | No action. |
| | 28 | 16.7 ref to legislative powers is inappropriate. | Agree. Whilst the para is reasonable advice to the council from its consultants, it doesn't need to form part of the management plan for the site. If necessary, the controls already exist without confirmation of this document. | Removed. |
| | 29 | 16.7 wouldn't allow for phased development of the site, and this could still be adequately controlled without comprehensive redevt of the whole site in one go. | Disagree as a comprehensive scheme could be phased. Piecemeal development has already had significant impact on the character of the CA. | No action. |
| | 30 | 17.1.4/17.2.3 refer to urgent works notices. This is inappropriate for this form of document. | Agree, as 29. In fact, despite having received this advice in 2006, the council has maintained a generally non-confrontational approach to the site. | Reword. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|------------|-----------|---|---|---|
| | 31 | Insufficient information re buildings at risk assessment. | This document is not the place to describe all methods and techniques employed in its production; to do so would make it repetitive, unwieldy and un-consumer-friendly. Further information on BAR is available from English Heritage's website should it be required. | None. |
| | 32 | Para 21.0 suggests relocation of facilities provided from Shapland Close elsewhere within the larger site and demolition of the vacated buildings, but this would be unviable | It is assumed that the issue of relocation is the specified destination rather than the notion itself. It is believed the NHS are considering disposing of this site and so this option may well become a possibility at a later date. | Removed 'on the former hospital site' reference |
| | 33 | The buildings of local importance should be marked on a plan in Appendix 1. | They already are, although errors identified above. | None |
| | 34 | The management plan " <i>needs to be grounded in reality, and acknowledge current economic circumstances.</i> " | The management plan is intended to be aspirational, and to last for a much longer period than the current economic conditions. Any proposals within the MP would be subject to further consultation before implementation. It would be inappropriate (and contrary to policy) to accept dramatic loss of buildings solely on the basis of the short-term economic situation. Redevelopment of the site was possible before the current recession and was still not forthcoming. | No action. |

Salisbury City Consultation Responses

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--|-----------|---|---|--|
| Salisbury Civic Society | 1 | Splitting the CA into four seems a reasonable approach; the documents cover a good range of details; the quality of the photographs and maps is to be commended. | N/A | N/A |
| | 2 | Suggest need a general map that clearly locates the chequers. | Agree. | Map of Salisbury to be produced which shows the chequers in context of whole city. |
| | 3 | Suggest that more information should be contained within the tables attached to the chequers, e.g. more description of the condition, impact or benefit of the buildings in each chequer, in order to provide better guidance to applicants, officers, etc. | Agree. | Consultants to provide further text. |
| | 4 | Unsure that the chequer approach to analysing the CA is best (not sure that one perceives the chequer character on the ground). Concern that this has resulted in missing out on characterising the wider picture, e.g. views and vistas, which need to be described rather than only marked on maps. | Agree that some further characterisation based on key routes would be beneficial. | Further survey work and characterisation to be carried out. |
| | 5 | Guidance for redevelopment should be general, and to include drawings and plans might be seen as prescriptive. | Agree. | Remove sketches showing suggested proposals. |
| Wiltshire Archaeological and Natural History Society | 6 | The redrawing of boundaries to exclude modern developments appears sensible. | N/A | N/A |
| Salisbury Vision Board | 7 | The board considers that the proposed changes are consistent with the stated objectives of the Vision, and broadly welcomes the proposals. | N/A | N/A |
| | 8 | The proposal shown for the bus station site in Endless Street (Fig 173) is contrary to the objectives of the Vision, and would place unacceptable constraints on the council's ability to bring forward the comprehensive redevelopment of the Maltings. Accordingly the board would request that the plan and supporting text are removed from the document. | Agree. | Remove sketch proposals for Bus Station site. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--------------|-----------|---|--|----------------------------------|
| Gerald Steer | 9 | P8, 5.1.8 – the plague killed local people, but population was maintained by immigrants from the villages. | Noted. | Amend document accordingly. |
| | 10 | P10, 5.3.3 – the buildings around the Market Sq almost all had semi-basements. | Noted. | Amend document accordingly. |
| | 11 | P11, 5.4.1 – there are also a no. of high quality Victorian buildings, especially around the Market Sq. | Agree. | Add these buildings to the list. |
| | 13 | P13, 6.4.1 – Winchester St could also be mentioned, along with Fisherton St, as being a small centre of locally-owned businesses that are generally successful. | Agree. | Add to document. |
| | 14 | P14, 6.5.1 – more mention should be made of the tree-lined horizon around Salisbury, particularly to the south and around Leehurst Swan School. | Agree. | Amend document accordingly. |
| | 15 | P16, 6.6.1 – disagree that most of the chequers are given over to parking. Some remain 'green lungs'. | Disagree – there is a significant amount of parking within the chequers. | N/A |
| | 16 | P21 – note that 51 Blue Boar Row is definitely from the 1480s, as proved by contract sale from County Records. It is NOT 14 th century as stated. | Noted. | Amend document accordingly. |
| | 17 | P23 – in Cross Keys Chequer, Queen St actually faces EAST. | Don't understand this comment. | - |
| | 18 | P73 – more emphasis should be placed on the importance of the trees in the Market Place. | Disagree – feel this has been covered adequately (see p105). | N/A |
| | 19 | P76 – note that in Exeter Street there are at least two buildings that dates from late 15 th century. | Noted. | Amend document accordingly. |
| | 20 | P76 – the Close Wall is made of stone, largely brought down from Old Sarum, hence carved stones. Wall also contains some Hurdcott and Chicks Grove stone. | Noted. | Amend document accordingly. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|------------|-----------|--|---|---|
| | 21 | P77 – Says The Green CRAFT by mistake. | Noted. | Amend document accordingly. |
| | 22 | P81 – there are a number of buildings in Fisherton St that date from the 15 th century, e.g. the Teed Tools building. | Noted. | Amend document accordingly. |
| | 23 | P82 – no mention is made of the appalling quality of the north side of the buildings on the north of Fisherton St that back onto the side of the City Hall and face the Playhouse. | Discuss whether we should add something about this. | Add paragraph regarding opportunities for redevelopment or enhancement. |
| | 24 | P98 – note that mathematical tiles are also often, more commonly, fixed to continuous butted pine boards nailed to framed buildings behind. | Noted. | Amend document accordingly. |
| | 25 | P99 – Victorian influences are not always modest. Ref. The Lloyds Bank (corner of Castle St/Blue Boar Row) and Portland BS (Queen St/Winchester St). | Noted. | Amend document to emphasise that the residential ones are modest. |
| | 26 | P100 – should ‘Poultry cross’ be ‘Poultry Cross’? | Noted. | Amend document accordingly. |
| | 27 | P101 – ref. Comment 20 regarding mix of stones. | Noted. | Amend document accordingly. |
| | 28 | P103, 9.11.1 – there are a no. of slate-hung buildings – Silver St, Crane St, Butcher Row. | Noted. | Amend document accordingly. |
| | 29 | P103, 9.12.1 – frames survive from all the centuries between 13 th – mid-16 th centuries. They are not normally referred to as ‘box timber frames’, just ‘timber frames’. | Noted. | Amend document accordingly. |
| | 30 | P104 – the serrated ridge tiles in Salisbury are ‘thumb ridges’ NOT ‘hog backs’ (they were made by pinching the ridge between thumb and forefinger). Several examples can be seen in the museum. | Noted. | Amend document accordingly. |
| | 31 | P105 – see comment 14 RE: trees. | Noted. | Amend document accordingly. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|---------------------------------------|-----------|---|---|-----------------------------|
| | 32 | P122 – Need more discussions and recommendation for streetscape, surface design and signage. Also suggest comment regarding the chosen design for the Market Place and further pedestrianisation should be mentioned. | The council's public realm strategy will be making recommendations. Noted. | N/A |
| | 33 | General – concern over specific plans and axonometrics – too prescriptive. Suggest would be more appropriate to have text only which identifies potential redevelopment sites, and suggest materials, density, heights, but not illustrate. | Agree. | Remove sketch proposals. |
| | 34 | Support proposals for inclusion of the terraces in Harnham and the omission of the Grasmere House Hotel and sheltered housing scheme. | N/A | N/A |
| Salisbury Conservation Advisory Panel | 35 | Panel happy with the proposed changes to the boundary. | N/A | N/A |
| | 36 | The use of chequers as the basis of the appraisals, whilst understandable, has its limitations, and requires a better map showing relationship to surrounding streets. | See comment on Issue 2 | N/A |
| | 37 | P76 Exeter St – the importance of retaining the complete circuit of the Close wall, particularly its southern section, should be emphasised, to militate against any possible revival of proposals for creating new entrance through it. NB. the materials of the wall are not restricted to solely Chilmark. | Disagree – feel importance of wall is adequately covered. | N/A |
| | 38 | 6.4.1. Fisherton St – the suggestion that this is 'a successful urban quarter, unlike the central retail area' is highly contentious and needs amending. | Noted. | Amend document accordingly. |
| | 39 | Brown St – reference needs to be made to the visual contribution of the unlisted Baptist church. | Noted. | Amend document accordingly. |
| | 40 | 7.4.9 – the reference to 'modest Victorian influence' underplays the contribution made by Victorian buildings to the city, particularly to the centre. | Noted. | Amend document accordingly. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|---------------|-----------|---|--------------------------|--|
| | 41 | 14.1 – The Cathedral Hotel, Milford St, should be removed from the BAR list. | Noted. | Remove Cathedral Hotel from BAR list. |
| | 42 | The section relating to the bus station in Central car Park should be removed in its entirety, as it is quite unrealistic in the light of the proposed Vision. | Agree. | Remove sketch proposals for bus station. |
| | 43 | All references to redevelopment of specific sites should be restricted to written material, with drawings removed (too prescriptive). | Agree. | Remove sketch proposals. |
| | 44 | The section dealing with the Market Place needs to be updated to reflect the recent appointment of architects and the particular design approach. | Disagree. | N/A |
| | 45 | Further analysis of sites which make a negative contribution to the townscape would be useful. Possible sites include the back gardens of houses on the N side of Fisherton St, which face towards the Playhouse and City Hall, and the small WC-owned car park on the N side of Salt Lane (at its E end, near The Greencroft). | Noted. | Do not consider that it is feasible to go into further detail on individual sites. |
| | 46 | 21.3.1 – refers to civic society's 'Streetscape – Streets for All' survey document. A reference could also be usefully inserted at some point to the civic society's 'Salisbury in Detail' book, for its portrayal of individual features of value within the CA. | Noted. | Amend document accordingly. |
| Richard Deane | 47 | 5.2.1 – final sentence unclear. | Noted. | Amend document accordingly. |
| | 48 | 6.6.1 (Character area 1: historic core, including chequers) says 'most of the chequers are given over to parking in the centre'. Is this not an exaggeration? | Disagree – see issue 15. | N/A |
| | 49 | 6.6.5 (St Edmund's Ch etc.) 1 st para – after 'demolished in 1865' add 'and replaced by the present chancel'? | Noted. | Amend document accordingly. |
| | 50 | 6.6.5 townscape summary – update on swimming pool building (2 nd para), and add reference to new Bourne Hill extension? | Noted. | Remove the reference to the swimming pool building and update on extension to Bourne Hill. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|-----------------|-----------|---|--|---|
| | 51 | 6.6.8 title Water Lane NOT Street. | Noted. | Amend document accordingly. |
| | 52 | 6.6.10 Watermeadows, townscape summary, 2 nd para – Should be Town Path NOT Walk (mentioned 3 times). | Noted. | Amend document accordingly. |
| | 53 | 7.4.8 Final point – mathematical tiles on many buildings, but tuck only on a few? | Noted. | Amend document accordingly. |
| | 54 | 7.7.1 – Point 4 on train station is inaccurate, both by confusing two buildings and getting the listed status wrong (though the latter is corrected later). | Noted. | Amend document accordingly. |
| | 55 | Post office is of Chilmark Stone NOT Portland/Purbeck. | Noted. | Amend document accordingly. |
| Jim Humberstone | 56 | Opening stages of document – should place greater emphasis on what is so special about the city and its origins. Significance of cathedral being raison d'être for plan of city. This should guide philosophies for the protection of the city. | It is considered that sufficient weight has been given to the origins of the city, for the purpose of this document. | N/A |
| | 57 | Historic background – should emphasise the role of bishops as developers and urban entrepreneurs. Important urban design exercise. | It is considered that sufficient weight has been given to the origins of the city, for the purpose of this document. | N/A |
| | 58 | Phased development of the city should be mentioned, and how this is identifiable in the street pattern, layout and grain. | Do not consider that this is necessary here. | N/A |
| | 59 | Townscape – should place greater emphasis on townscape characteristics as an outcome – not just buildings, design and materials – but the 3-D relationships of spaces and enclosure (in the manner of Gordon Cullen). | Consider that further analysis would be beneficial. | Additional text to be produced based on key routes. |
| | 60 | Bibliography – could add 'Salisbury – the Changing City', Breedon Books, 2003 (written by the local studies' librarian), and also 'Understanding Place', EH, 2009. | Agree. | Add to bibliography. |

| Respondent | Issue No. | Issues Raised | Officer Comment | Action |
|--------------|-----------|--|---|--------|
| Network Rail | 61 | <p>Object to the inclusion of the railway station within the conservation area. Cannot see any reason for doing this, given that the station is a listed building.</p> <p>Furthermore, Network Rail is concerned that CA designation could impact on its ability to operate, manage and improve the railway.</p> | <p>Conservation areas and listed buildings are two separate, sometimes overlapping, forms of designation.</p> <p>Operational issues are not grounds for objecting to CA designation. Can only object on grounds that are not of special architectural or historic interest.</p> | N/A |

This page is intentionally left blank

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

19 DECEMBER 2013

WILDLIFE AND COUNTRYSIDE ACT 1981

THE DEFINITIVE MAP AND STATEMENT FOR THE AMESBURY RURAL DISTRICT COUNCIL AREA DATED 1952 AS MODIFIED UNDER THE PROVISIONS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

The Wiltshire County Council (Sheet SU 14 NE) Rights of Way Modification Order No. 11 2006 (Milston restricted Byway No. 16)

Purpose of Report

1. To:
 - (i) Consider the evidence and duly made objections and representation relating to the above Order.
 - (ii) Recommend that the Order be submitted to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed subject to correcting an error on the order map by amending the symbol to the way being added to reflect the statutory prescribed symbol for a Restricted Byway.

Background

2. On 13 August 2001 Jancis Henman, on behalf of The Friends of Milston and Brigmerston, applied to Wiltshire County Council for an Order to be made under Section 53 of the Wildlife and Countryside Act 1981 to:
 - (a) 'delete the footpath leading from Brigmerston corner, Church Road, Milston through the farmyard to RUPP 16 Milston leading to Durrington with a width of two metres'; and
 - (b) add 'the footpath leading from Brigmerston corner, Church Road, Milston and then running parallel to Barn House and Cottage on right then crossing diagonally left to join RUPP 16 leading to Durrington with a width of two metres.'
3. The applicant had incorrectly identified the status of the route described in paragraph 2(a) above as a footpath. In 2001 this section of right of way was shown on the definitive map as a Road Used as a Public Path (RUPP). The RUPP was reclassified as a Restricted Byway on 2 May 2006. The map attached at **Appendix A** shows the application routes to be deleted and added.

4. The application was supported by 41 user evidence forms completed by 42 people who claim to have used the route described in paragraph 2(b) above since 1916.
5. The Council has a duty to investigate applications of this nature and to make an Order if, on the balance of probability, it is reasonably alleged that public rights exist over the claimed route and to delete ways if evidence comes to light that there is no public right of way of any description on the definitive map.
6. Officers considered all the evidence available to them and concluded in a Decision Report attached at **Appendix B** that the route referred to in paragraph 2(a) above ought to be deleted and an Order to add a Restricted Byway on the route claimed in paragraph 2(b) above ought to be added to the definitive map.
7. On 2 August 2006 a Modification Order was made under Sections 53(3)(c)(i) and 53(3)(c)(iii) of the Wildlife and Countryside Act 1981, seeking to bring the changes referred to in paragraph 6 above into effect. The Order was duly advertised, two objections were received to the making of the Order from Mr A R H Smith of The Barn House on behalf of himself and family and from Mr B Riley. A representation was made to the making of the Order from Defence Estates. Copies of the objections and representation are attached at **Appendix C**.

Main Considerations for the Council

8. The main issues to be taken into consideration are set out in paragraphs 4 – 27 of the Decision Report attached at **Appendix B**.
9. The judgement given by the Court of Appeal in R v Secretary of State for the Environment ex parte Burrows and Simms (1991) 2 QB 354 held, in effect that if evidence comes to light to show that a mistake had been made in drawing up the definitive map, such a mistake can be corrected in either of the three ways envisaged in Section 53(3)(c) of the Wildlife and Countryside Act 1981.
10. There is a consistent portrayal of the claimed route as part of the local road network on the maps described in the Decision Report. This supports the application applied for by Jancis Henman and triggers the duty of the Council to modify the definitive map and statement accordingly by adding to the definitive map and statement as a Restricted Byway on the claimed route and the deletion of the section of Milston 16 currently shown through Brigmerston farmyard. The historical evidence is entirely supported by the significant amount of user evidence also submitted with the application. No statements and plans have been deposited under Section 31(6) of the Highways Act 1980 in this area.
11. No mapping evidence has been discovered by Council officers to confirm that the section of Milston 16 currently shown on the definitive map through Brigmerston farmyard is correct. Taking the map evidence into consideration with all the other evidence relating to Milston 16, as the legislation requires the Council to do, officers believe that the section of Milston 16 shown through the farmyard should be deleted from the definitive map.

12. The Order was advertised in accordance with the regulations and the attached objections and representation have been received. The Order must now be forwarded to the Secretary of State for determination. The test that the Secretary of State will apply in deciding whether or not to confirm the Order in relation to the proposed additional Restricted Byway made under Section 53(3)(c)(i) is:

Does a right of way subsist on the balance of probabilities? This requires that there is clear evidence in favour of public rights and no evidence to the contrary.

13. In considering the part of the Order concerning deleting that part of Milston 16 through the farmyard made under Section 53(3)(c)(iii), in accordance with the decision of the Court of Appeal in *Trevelyan v Secretary of State for the Environment, Transport and the Regions* (2001) it will fall to the Secretary of State to start with the initial presumption that the way did exist. The standard of proof required to show that the inclusion of the right of way on the definitive map was incorrect is the balance of probabilities. But evidence of some substance had to be put in the balance if it was to outweigh the initial presumption that the way had been correctly included.

The Objections to the Order

14. On 23 August 2006 Mr Andrew R H Smith of the Barn House wrote to the Council:

'My family and I object, most forcefully, to the proposed re routing of the Restricted Byway. The occupants of the land, through which the Byway presently runs, locked and fenced the access and route some months ago and signs were erected forcing the walking public to make their way via an overgrown and often muddy track adjacent to our Property.....

In general terms the property through which the Byway runs was used continuously by the public from the moment we moved into our property in October 2001 until four months ago..... It should also be appreciated that the proposed re routing is directly along a path which becomes waterlogged during the winter months and overgrown during the summer.

Given that the Byway is presently routed mostly along a made up track, the re-routing would in fact be over a less direct and more inconvenient route and therefore the reason for the re-route is unclear and questionable.'

Comment on the Objection

15. Mr Smith is not contesting the physical presence of a route adjacent to his property along the line of the proposed Restricted Byway as he has acknowledged its existence in his letter dated 23 August. He states 'an overgrown and often muddy track adjacent to our Property' and 'the proposed re-routing is directly along a path which becomes waterlogged during the winter months and overgrown during the summer.'

16. Mr Smith states that he and the family moved into Barn House in October 2001. Gates were erected across the route of the proposed Restricted Byway in effect giving the appearance that it is within the curtilage of Barn House; however, the land over which the route crosses is not within the registered title of the property. Mr Smith has not produced any evidence to challenge the use of the proposed Restricted Byway given by the 42 local people who have completed witness evidence forms testifying to daily use of the route dating back to 1916. Many of the people who completed user evidence forms commented on a former owner of Barn House frequently observing them from his garden using the claimed right of way and never being challenged whilst doing so.
17. Mr Smith has not produced any evidence of use of the route through Brigmerston farmyard.
18. In 'A Guide to definitive maps and changes to public rights of way' produced by Natural England the legal considerations to be taken into account in matters relating to definitive map modification orders are made clear. The guide, which is targeted at members of the public, states:

'Definitive map modification orders are about whether rights already exist, not about whether they should be created or taken away. The suitability of a way for users who have a right to use it, or the nuisance that they are alleged to cause, or to be likely to cause, are therefore irrelevant. So also is the need for public access, locally, if the order alleges that public rights do not exist.'

Evidence is the key

The definitive map is a legal recognition of existing public rights to walk, ride and use vehicles. As such, any proposal to modify it by means of a definitive map modification order to add a right of way has to be judged by the legal test: 'Do the rights set out in the order already exist?'. If they do, then the map must be modified, regardless of any effect on anyone's property interests, or whether or not the routes physically exist at the present time on the ground. Similarly, if the evidence in support of the order proves to be sufficient, and the test is not satisfied, then the map remains as it is, however desirable it may seem for the public to have those additional rights.'

Evidence is also the key where the proposal is to remove some or all of the rights recorded on a way already shown on the map. In this case it must demonstrate clearly that a right of way, of that status, did not exist when it was first shown on the definitive map, and that an error was made.'

19. Mr Riley wrote on 25 August 2006 to object to the status of the additional right of way being added to the definitive map as a Restricted Byway. Mr Riley believes that 'on the balance of probability, the correct status is a byway open to all traffic.' Mr Riley goes on to explain that:

'In all probability, many (perhaps most) former RUPPs will have been used by MPVs (including tractors and traction engines) before 1 December 1930, and in some cases mainly by MPVs in the five years before 2 May 2006.'

The principal evidence implying MPV use of Milston 16 before 1 December 1930 (a tree lined lane until at least 1954) consists of its classification on four Bartholomew's half-inch maps, which are available for inspection.

1. Survey Atlas of England & Wales, Plate 64, 1904: 'Other Driving roads'

2. *Reduced Survey for Tourists & Cyclists, Sheet 29, 1911 'Secondary Roads (Good)'*
3. *Reduced Survey for Tourists & Cyclists, Sheet 29, 1920 'Motoring Roads: Secondary Roads'*
4. *Revised Contoured Map, Sheet 29, 1929: 'Motoring Roads: Secondary Roads'*

Comment on the objection

20. Section 67 of the Natural Environment and Rural Communities Act 2006 ends certain unrecorded public rights of way. Section 67(1) states:

'An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement-

- a) was not shown in a definitive map and statement, or*
- b) was shown in a map or statement only as a footpath, bridleway or restricted byway.*

But this is subject to subsections (2) to (8). Officers are not aware of any of the exceptions in subsection (3) relating to public rights applying to the section of additional Restricted Byway. No evidence of actual vehicular use of the route has been submitted to the Council. Section 67 of the Act is attached to the Decision Report at **Appendix C** to this report.

Representations in support of the Order

21. Mr R D Watts, Senior Land Agent at the Defence Estates, wrote on 14 September 2006 to support the making of the Modification Order which is the subject of this report. Mr Watts stated:

'I would make the point that the Byway has never run through our land and when I used to work at our Durrington office, on an almost daily basis for approximately 8 years, I would walk the route in front of what is now Mr Smith's house along the correct route. There had not been any problems with this route until the ownership of The Barn House changed hands. It was at this time that difficulties began to arise over access along the byway as it was obvious that the new owner wished to prevent access in front of their property and it was at this time that the local inhabitants began to go through the MOD land, hence the reason why we put the signs up.

As access along the byway has been restricted by the erection of gates, I assume you will be taking enforcement action against Mr Smith.

Concerning the condition of the paddock along which the right of way runs, the tenant has strimmed the nettles, which I understand is your responsibility, which now allows unimpeded access along the correct route.

I really fail to see how Mr Smith can object; indeed I am somewhat confused as to how it is on the definitive map because the byway has never taken this route.'

Comment on the Representation

22. The evidence in support of the Order provided by Mr Watts on behalf the Defence estates is welcome.

Safeguarding Considerations

23. Considerations relating to safeguarding anyone affected by the making and confirmation of an Order made under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Order must be confirmed based on the relevant evidence alone.

Public Health Implications

24. Considerations relating to any public health implications of the making and confirmation of an Order made under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Orders must be confirmed based on the relevant evidence alone.

Environmental Impact of the Recommendation

25. Considerations relating to the environmental impact of the making and confirmation of an Order made under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Orders must be confirmed based on the relevant evidence alone.

Risk Assessment

26. Considerations relating to risks or safety of the impact of the making and confirmation of an Order under Section 53(2) of the Wildlife and Countryside Act 1981 are not considerations permitted within the Act. Any such Orders must be confirmed based on the relevant evidence alone.

Financial Implications

27. It is considered that with this case, and the need to test the evidence of witnesses from both sides, that a Public Inquiry is unavoidable. However, the decision whether to determine an Order by written representations, a Hearing or a Public Inquiry rests with the Secretary of State.
28. The Council has a duty in law to support Orders where it is considered that on the balance of probability public rights subsist or the definitive map erroneously shows a right of way as it is believed the evidence shows for that section of Milston 16 which runs through Brigmerston farmyard. Budgetary provision has been made for this duty.

Legal Implications

29. The making of this Definitive Map Modification Order is in line with the Council's statutory duty under Section 53(2) of the Wildlife and Countryside Act 1981. When the Order was made in 2006 no challenge to the exercise of this duty was made and it is considered unlikely that any would be made now.

30. The Order attracted objections to the changes it sought to make and must be forwarded to the Secretary of State for Food, Environment and Rural Affairs for determination.
31. If the Council fails to do this it may be liable to judicial review at a possible cost in the region of £50,000.
32. The Secretary of State may decide to determine the Order by way of written representations, a local hearing or a public inquiry. Costs for written representations and a hearing are likely to be low (below £500) but would be in the region of £5000 - £10000 for a public inquiry. As this is related to a statutory duty, financial provision has been made for this.
33. These costs relate to the provision of the inquiry and the Council's own costs in supporting its stance on the Order. The Council would only be liable to the awards of costs against it by any objector if it was deemed by the Inspector to have acted in an unreasonable manner.
34. It is not considered likely that this would occur.
35. Any decision taken regarding this Order after it has been forwarded to the Secretary of State may be challenged, but the liability for this is the Secretary of State's and not Wiltshire Council's.

Options Considered

36. That:
 - (i) The confirmation of the Order is supported as made.
 - (ii) The confirmation of the Order is supported with modifications.
 - (iii) The confirmation of the Order is objected to.

Reasons for Recommendation

37. Under Section 53(3)(c)(i) the Surveying Authority is not required to prove beyond all reasonable doubt that rights exist. The burden of proof lies on the 'balance of probability', i.e. that it is more likely than not that the rights exist. An Order may be made under this section where rights can be 'reasonably alleged to subsist'; however, at the confirmation of an Order a more stringent test applies, that public rights 'subsist'. The wording for Section 53(3)(c)(iii) is different, as the Surveying Authority has to be satisfied that there 'is' no public right of way shown on the definitive map.
38. The earliest map examined which officers believe shows the route sought to be added to the definitive map is Andrews' and Dury's map of Wiltshire dated 1773. Whilst it may be argued that this map is on such a small scale, 2 inches to 1 mile, that it is not possible to identify with any degree of accuracy the route of a particular way, when compared with the later mapping evidence, in particular the large scale Ordnance Survey maps, a picture of the road layout of this area becomes clear. There is a consistent portrayal of the claimed additional route as part of the local road network on the maps described in the

Decision Report attached at **Appendix B**. This supports the application applied for by Jancis Henman and triggers the duty of the Council to modify the definitive map and statement accordingly by adding to the definitive map and statement as a Restricted Byway the claimed route and the deletion of the section of Brigmerston 16 through the farmyard. The historical evidence is entirely supported by the significant amount of user evidence also submitted with the application. No statements and plans have been deposited under Section 31(6) of the Highways Act 1980 for the land over which the claimed Restricted Byway runs.

39. No mapping evidence has been discovered by Council officers to confirm that the section of Milston 16 currently shown on the definitive map through Brigmerston farmyard is correct. Taking the map evidence into consideration with all the other evidence relating to Milston 16 the Council has considered, officers believe that the section of Milston 16 shown through the farmyard should be deleted from the definitive map.
40. The order map has a drafting error on it as the route to be added as a Restricted Byway is not portrayed with the statutory prescribed symbols. Consequently, officers recommend that the Order be submitted to the Secretary of State with the recommendation that the Order plan be modified accordingly.

Recommendation

41. That the Wiltshire County Council (Sheet SU14 NE) Rights of Way Modification Order No. 11, 2006 (Milston Restricted Byway No. 16) is forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Order be confirmed with the modification to the Order map to show the Restricted Byway to be added by a broken line and small arrowheads.

Tracy Carter
Associate Director of Environment and Leisure

Report Author:
Barbara Burke
Definitive Map and Highway Records Team Leader

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

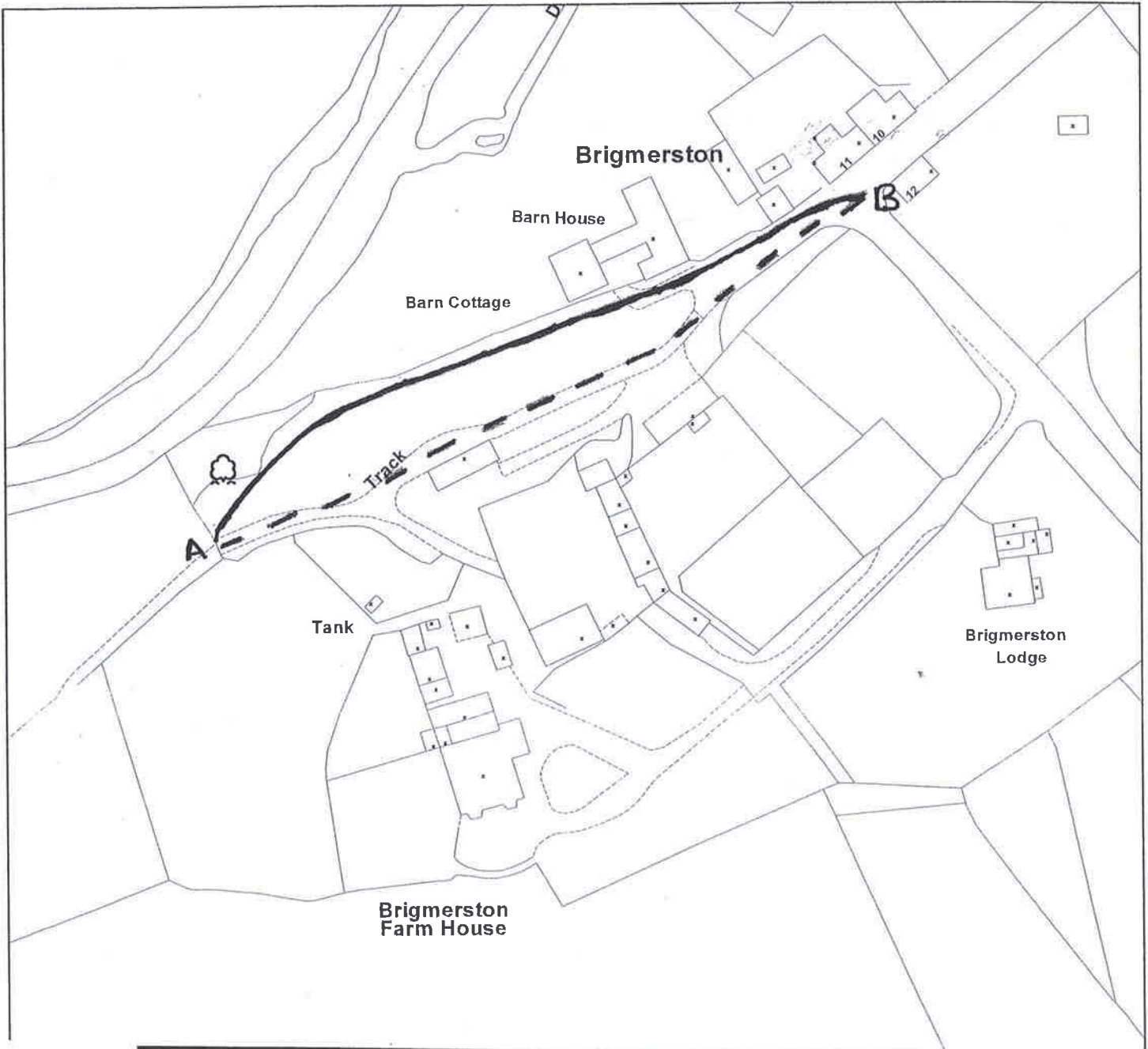
Correspondence with Parish Council, user groups, other interested bodies and members of the public

Appendices:

Appendix A - Order Plan
Appendix B - Decision Report
Appendix C - Decision Report Attachments



GIS by ESRI (UK)



MILSTON RESTRICTED BYWAY No. 16

Key

Length of restricted byway to be added: A ————— B

Length of restricted byway to be deleted: A - - - - - B

Reproduced from the Ordnance Survey Map with the permission of the Controller of H.M. Stationery Office, Crown Copyright reserved. License Number 100023455

Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. George Batten, BSc(Hons), C.Eng FICE FIHT, Director of Environmental Services, Wiltshire County Council

Prepared by: KLF Date: 1st August 2006 Scale: 1:1250 Grid Ref: SU 156-453



This page is intentionally left blank

Wildlife and Countryside Act 1981, Section 53

Application to delete a section of Milston 16 and add a restricted byway to form part of Milston 16 to correct a drawing mistake on the definitive map

Decision Report

The application

1. On 13 August 2001 Jancis Henman, on behalf of The Friends of Milston and Brigmerston, applied to Wiltshire County Council to:
 - (a) 'delete the footpath leading from Brigmerston corner, Church Road, Milston through the farmyard to RUPP 16 Milston leading to Durrington with a width of two metres.' and
 - (b) add 'the footpath leading from Brigmerston corner, Church Road, Milston and then running parallel to Barn House and Cottage on right then crossing diagonally left to join RUPP 16 leading to Durrington with a width of two metres.'

The applications are attached at BB1, **Appendix C**.

2. The application was supported by 41 user evidence forms completed by 42 people who claim to have used the route described in paragraph 1(b) above since 1916. A summary of the forms is attached at BB2, **Appendix C**.
3. Notice of the application was served on all owners and occupiers of land affected by both applications.

Legal considerations

4. Wiltshire Council is now the Surveying Authority for the county of Wiltshire excluding the Borough of Swindon. Surveying Authorities are responsible for the preparation and constant review of definitive maps and statements of public rights of way. Section 53(2)(b) of the Wildlife and Countryside Act 1981 states-

As regards every map and statement the Surveying Authority shall-

- (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and

- (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of these events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.
5. The events referred to in subsection 2 above which are relevant to this case are:
- 53(3)(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:
- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A, a byway open to all traffic;
- (ii) that there is no right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.
6. The Council must consider all available relevant evidence both user and historical. Section 32 of the Highways Act 1980 states:
- ‘A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.’
7. Section 53(5) of the Wildlife and Countryside Act 1981 allows for any person to apply for an Order under Section 53(2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3). The provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.
8. Schedule 14 to the 1981 Act states:
- Form of applications
1. An application shall be made in the prescribed form and shall be accompanied by-

- (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates and
- (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application.

Notice of applications

- 2. (1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates
 - (2) If, after reasonable enquiry has been made, the authority are satisfied that it is not practicable to ascertain the name and address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
 - (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
 - (4) Every notice or certificate under this paragraph shall be in the prescribed form.
- 9. A Surveying Authority has discretionary power to waive strict compliance to Schedule 14 when determining an application or may consider the application to be improperly made whereby the Surveying Authority may use the evidence brought to its attention as a trigger to make its own decision under Section 53(2) of the 1981 Act.

Following the decision in the Court of Appeal case R (on the application of the Warden and Fellows of Winchester College and Humphrey Feeds Limited) v Hampshire County Council and the Secretary of State for the Environment Food and Rural Affairs delivered on 29 April 2008 [2008] EWCA Civ 431 Lords Ward, Dyson and Thomas found that if the outcome of an application turned on the application of Section 67(3) of the Natural Environment and Rural Communities Act 2006 then strict compliance with Schedule 14 would be required in respect of the presentation of 'copies of any documentary evidence ... which the applicant wishes to adduce in support of the application'. This is required in Section 67(6) for Section 67(3) to apply. However, Justice Dyson went on to say in paragraph 55 of his decision 'I wish to emphasise that I am not saying that, in a case which does not turn on the application of Section 67(6), it is not open to authorities in any particular case to decide to waive a failure to comply with paragraph 1(b) of Schedule 14 and

proceed to make a determination under paragraph 3, or to treat a non compliant application as the trigger for a decision under Section 53(2) to make such modifications to the DMS as appear requisite in consequence of any of the events specified in subsection (3).'

10. Section 67 of the Natural Environment and Rural Communities Act 2006 ends certain unrecorded public rights of way. Section 67(1) states:

'An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement-

(a) was not shown in a definitive map and statement, or

(b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

But this is subject to subsections (2) to (8).

Officers are not aware of any of the exceptions in subsection (3) relating to public rights applying to Milston 16. The section of the 2006 Act is attached at BB3, **Appendix C**. Milston 16 is shown on the definitive map and statement as a restricted byway. The application meets the requirements of schedule 14 of the 1981 Act.

11. The Highways Act 1980 allows, in Section 31(1) for the dedication of a right of way to be deemed highway unless there is sufficient evidence during the relevant 20 year period that there was no intention to dedicate it.

Section 31(1) states:

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in sub-section (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in sub-section (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes –

(a) has erected in such a manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway, and

(b) has maintained the notice after 1 January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary

intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

- (4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in sub-section (3) above, so however, that no injury is done thereby to the business or occupation of the tenant.
- (5) Where a notice erected as mentioned in sub-section (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as highway is, in the absence of proof to a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as highway.
- (6) An owner of land may at any time deposit with the appropriate council -
 - (a) a map of the land on a scale of not less than 6 inches to 1 mile and
 - (b) a statement indicating what ways (if any) over the land he admits to having been dedicated as highways;

And, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time-

- (i) within ten years from the date of deposit
- (ii) within ten years from the date on which any previous declaration was last lodged under this section,

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgement of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.

- (7) For the purpose of the foregoing provisions of this section, "owner", in relation to any land, means a person who is for the time being entitled to dispose of the fee simple in the land, and for the purposes of sub-sections (5) and (6) above "the appropriate council" means the council of the county, metropolitan district or London Borough in which the way (in the case of sub-section (5) or the land (in the case of sub-section (6)) is situated or, where the land is situated in the City, the Common Council."

Evidence submitted in support of the applications

12. The evidence provided by the members of the public who filled in the user evidence forms, referred to in paragraph 2 above, describes daily use in some cases, but otherwise, very regular use of the route claimed by the applicant for the additional right of way. The route being claimed is shown on the County Series Ordnance Survey map, plot number 69a. The use dates from 1916 until the route was obstructed in 2001. The use during this 85 year period was exercised as of right, openly and without the permission of the owner of the land over which the route crossed. The evidence provided described use on foot with two witnesses who stated they had cycled over it. Some witnesses described the route as Cuckoo Lane. The route was described as being outside the curtilage of Barn House and Barn Cottage. The former owner of Barn Cottage stated his bedroom window looked directly on to the path and the path was in daily use. Other witnesses referred to a former owner of Barn House being a keen gardener, who had often been seen in his garden whilst they used the path and he did not challenge their presence. A number of the witnesses described the route having a width of 15 feet.

Evidence discovered by the Council relating to the applications

13. The Planning Inspectorate has produced 'Definitive Map Orders: Consistency Guidelines' which provide information and references to resources and relevant case law to assist in the interpretation and weighing of evidence on Definitive Map Orders (DMOs). They are the primary reference material for Inspectors in determining such Orders.

In evaluating historical evidence it is necessary to recognise that differing weight must be given to different evidence. A number of general principles need to be applied when evaluating documents and there is a need to understand the context in which the maps were compiled:

- (a) Why was the document compiled?

What was the purpose of the compilation process and of the particular document within that process? If for example the recording of the existence of a public highway was of significance to the process of compiling the document, considerable evidential weight will be added. Weight is added if the document was conclusive evidence for a particular purpose.

- (b) How was the document compiled?

The requirements for recording need to be checked, for example what scales and conventions were applied to the mapping and recording process. Was the process based upon a new survey or on updated older records? Was there an external check on accuracy? Public participation in the process of compiling the document strengthens the value of the evidence.

(c) Who compiled the document?

Consideration needs to be made of the consequences of the legal effect of the compiler either including or failing to include a highway. Declarations against the compiler's interest carry more weight than declarations in the compiler's interest. The sanctions for falsifying evidence also affect the weight accorded to evidence.

Using these basic principles and having regard to the Planning Inspectorates Consistency Guidelines and advice in the book Rights of Way A Guide to Law and Practice by John Riddall and John Trevelyan Wiltshire Council officers have devised a system of categorising the historical evidence.

| Category | May provide evidence for | Examples |
|----------|--|--|
| A | Legal creation of a highway Reputation of a way as a highway Physical existence of a way Conclusive evidence of public rights | Inclosure Acts, Awards and plans Orders creating, diverting or extinguishing highways Railway and canal Acts and Plans Definitive Map and statement |
| B | Reputation of a way as a highway Physical existence of a way | Documents, maps and plans drawn up as a result of legislation, consulted upon but whose primary purpose was not to record public rights e.g. Tithe Awards, 1910 Inland Revenue Act documentation |
| C | Reputation of a way as a highway Physical existence of a way | Includes local government records e.g. Highway Boards, County Council, parish council |
| D | Reputation of a way as a highway | Other maps and documents showing highways additional to or as part of their purpose e.g. parish maps, estate plans and conveyances |
| E | Reputation of a way as a highway Physical existence of a way | Commercial maps and some Ordnance Survey records |
| F | Reputation of a way as a highway Physical evidence of a way | Local repute, consultation responses |

14. In 'A History of the County of Wiltshire', volume 15 produced by the Victoria County History, Milston and Brigmerston are described-

'The villages of Milston and Brigmerston apparently originated within a westwards meander of the Avon, Milston on the north bank, Brigmerston on the south, and grew round a rectangle of lanes. The east side of the rectangle was a track in 1841 and did not survive in 1851. The name Church Road was applied to both the south and the west sides in the 20th century. Both villages were bypassed by the Figheldean-Bulford turnpike road. Brigmerston may have been the wealthier of the two settlements in the 14th century. Milston was more populous in the mid 19th century, Brigmerston in the later 20th.

Brigmerston.

The north side of the rectangle of lanes, extending west beyond Church Road, formed a village street for Brigmerston.....The principal farmstead in the village, Brigmerston Farm, was at the west end of the street on the south side, the farm buildings west of the house. A new farmhouse was built south west of the buildings between 1851 and c. 1877.'

The location of the village street is shown on mapping to be dealt with later in this report. Part of the claimed additional right of way runs along the village street described above.

Victoria County History [VCH] was founded in 1899 and was originally dedicated to Queen Victoria. VCH is an encyclopaedic record of England's places and people from earliest times to the present day. Based at the Institute of Historical Research in the University of London since 1933, the VCH is written by Historians working in Counties across England.

Category A evidence

15. The definitive statement prepared under Section 32 of the National Parks and Access to the Countryside Act 1949 with the relevant date of the 16 November 1952 states 'Milston 16 C.R.B. From the northern end of Durrington path No.12 leading north across the Ford and *North-east along the cart track past Brigmerston Farm to Church Farm, ulc 10006* [authors italics]. The route described in the definitive statement is along a defined track which ran past and not through Brigmerston Farm i.e. on the route which the application seeks to have added to the definitive map and statement. No right of way is described on the route currently shown on the definitive map as the route of Milston 16. The definitive statement is attached at BB4, **Appendix C**.

Category B evidence

16. A Tithe Award dated 1841 covering the parish of Milston is held in the County History Centre. The map attached to the Award shows a lane along the route of the claimed right of way in the same manner as the C32 Figheldean to Bulford road and unclassified road 10006 Church Street. The road leads east

off Church Street to the river, an extract from the Tithe Award map is attached at BB5, **Appendix C**. A number of allotments are shown and numbered to the north and south of the lane which I have shown in a table attached at BB6, **Appendix C**. Whilst the allotments are in the ownership of only two people, Charles Edward Rendall and Reverend Peter Hall, a number of people occupy them for a variety of purposes as you might expect in a typical village street. The lane shown on the Tithe Award plan is in the approximate position of the lane shown on the County Series Ordnance Survey maps which I will be describing later on in this report and is the route of the claimed additional path in the application under consideration. No route is shown on the map along the line shown on the definitive map as the right of way.

The Tithe Award for Milston is derived from the Tithe Commutation Act of 1836 which reformed the way in which the established church was financed by tax (the tithe) on local agricultural output. The 1836 Act converted tithes into fixed money rent. The documents consist of three elements, the apportionment, the map and the file and they are solely concerned with identifying titheable land. The apportionments are statutory documents which were in the public domain; however, the maps were not made for the purpose of establishing or recording rights of way. Tithe maps are generally good evidence of the topography of the roads they portray, especially those which form boundaries of titheable land.

Category C evidence

17. In the papers of the Amesbury District census 1851 held in the History Centre a note and plan concerning the hamlet of Briggerston may be found, attached at BB7, **Appendix C**. The text states:

'Milston

This Parish consists of the Village of Milston and the hamlet of Briggerston close adjoining. There are in Briggerston 2 out of the way cottages, *situate in a hollow by the River side beyond Mr Edward's farm on a swampy trackway to Durrington*. They lay on the right hand side.' [Authors italics]

The plan, which is hand drawn and not to scale, identifies Mr Edward's farm alongside a 'road down to the river' with 2 'out of the way Cottages' shown on the opposite side of the road on the river side. From comparing the map and description against the Tithe Award map and the slightly later drawn Ordnance Survey maps it is reasonable to say the route being depicted on the map is the same route i.e. the route relating to the claimed additional way in the application.

18. Wiltshire County Council was required to consult with all the parish council's within its administrative area at the preparation stage of the definitive map and statement to ascertain the location and status of public rights of way within their parish. County Series Ordnance Survey plans were sent to the councils in 1950 with the request that they drew on the maps the routes of the public rights of way and described the route on forms. Milston Parish Council drew a right of way on a map along the track to which the application to add a right of way refers i.e. along the route past what is now Barn House and shown on the underlying Ordnance Survey map. On the form the parish council described the path as:

'Milston 2 Footpath Durrington to Brigmerston. Follows Durrington – Milston footpath for 250f then after stile thence north to unmetalled road.' The nature of the surface was described as 'Metalled for first 250f thence meadow for 300f then unmetalled road' The unmetalled road section of the path was described as being fenced.

On 8 February the County Surveyor wrote to Mr Bartlett, Chairman of Milston Parish Meeting, regarding the survey of rights of way:

'The cart track or unmetalled road which you refer to in your description of path No. 2 continues southwards to the western end of path No. 1 after crossing a ford. I think this should be added to your schedule, but I should be glad to have your observations as to whether this is a public right of way throughout its whole length.'

In his reply dated 4 July the Chairman confirmed 'Para 2 Agree with W.D.L.A. footpath No 2 should be as originally shown.'

Whilst the length of path being referred to in the letter is not the length of way which is the subject of the application, but its continuation, the Chairman is clearly confirming the location of the entire length of the path which it is claiming as a public right of way i.e. along the route shown by the Ordnance Survey as a track alongside what is now Barn House, not a line through Brigmerston farmyard. Documents appended at BB 8, **Appendix C**.

Category D evidence

19. On 16 November 2000 Salisbury District Council received an application for permission for development at Barn House, Brigmerston which was given the reference S/00/2164. The application was made by R and S Howes Partnership, agents on behalf of Mr J Elliott of Barn House, Brigmerston, Wiltshire, who was stated to be the owner of the Barn House. The development proposed was to 'demolish and re-build' Barn House. The site plan produced to a scale of 1:2500 appears from how the plots are numbered, e.g. plots 64, 66 and 72, to be based on the County Series Ordnance Survey map. The site is delineated by a red line. On the block plan produced at a scale of 1:500 Barn House is shown along 'Existing Lane' i.e. the route sought

to be added to the definitive map. On the Appraisal page within the documentation held with the application in the County History Centre, under site notes, against 'HIGHWAY Traffic, Access, Parking' an officer had commented 'In need of renovation'. The application completed presumably with the knowledge of the owner of Barn House at that time clearly acknowledged the existence of a track outside his curtilage on the route which the application seeks to add to the definitive map.

The application was approved on 9 February 2001 with one of the conditions being:

'3. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within

a) 8 metres of the top of any bank or watercourses

b) 8 metres of any side of an existing culverted watercourse inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.'

Copies of papers attached at BB9, **Appendix C**.

Category E evidence

20. Evidence in this category includes commercial and Ordnance Survey maps. The value of this category of evidence lies in the continuity of the records over a long period of time, the different compilers and the public use of them. Not all commercial maps are derived from the same surveys.
21. Andrews' and Dury's map of Wiltshire was produced in 1773 at a scale of approximately 2 inches to the mile. The map was based on an original survey. The conventions used on the map to indicate natural and artificial features are those generally employed at the time. Whilst the Wiltshire map has no key the compiler's map of Hertfordshire does have a key and the symbology deployed on that map appears to be the same as used on the Wiltshire map. Relief is represented by vertical shading, woods are depicted as compact clumps of roughly drawn tree-tops and roads are traced by double lines and turnpike gates are marked. The map does show a T junction of roads at the heart of the hamlet of Brigmerston one of which leads in an easterly direction to the river with buildings lying to north and south of the road. Whilst the map is crudely drawn, considering the map in the context of the other evidence available to Council, the map is showing a route in the approximate position of the route shown on the later Tithe Award map and County Series Ordnance Survey maps as the claimed additional right of way. The map is appended at BB10, **Appendix C**.

22. Greenwoods map of Wiltshire dated 1820 has been examined and it shows a fenced track on the same alignment as the mapping evidence I have previously described. According to the inscription on the map it was completed after an actual survey of the county made in 1819 and 1820. John Chandler in his book *Printed Maps of Wiltshire 1787 – 1844* states the following about the map:

'In surveying Wiltshire, Greenwood had the advantage over his predecessors of the Ordnance Survey's published trigonometrical survey, which described with great accuracy the principal and some of the secondary triangulation of England and Wales. He might also, although he appears not to, have used and copied from the recently published Ordnance Survey sheets covering the south and centre of the county. His surveying methods, it must be confessed, fell far short of the standards set by the Ordnance Survey, but his map should not be disregarded on that account. Unlike the Ordnance Survey he appears to have relied for his information not only on topographical survey, but also on existing local manuscript maps, such as estate and enclosure maps; on printed guidebooks and official sources, such as census reports, for the orthography of names and hierarchy of settlements; and on local knowledge collected by the surveyors, especially relating to boundaries. The achievement of mapping Wiltshire's parish boundaries, two decades before the appearance of the tithe commutation maps, was in itself a considerable one, which should deserve our respect. And in other regards, too, the existence of a detailed map compiled largely independently of Andrews and Dury and the Ordnance Survey, from a new topographical survey and from secondary sources, should give Greenwood's map an importance and significance for Wiltshire historians which has not hitherto perhaps been adequately appreciated.'

The route depicted by Greenwoods on his map is shown extending down to the river Avon much further than on the Ordnance Survey manuscript drawing of 1808 which I will describe later. I suggest this different depiction is an example of Greenwood's surveyors having consulted other local records in the compilation of the map. An extract from the map is produced at BB11, **Appendix C**.

23. John Cary was born in Warminster in 1754 and worked from London as a map maker, engraver and publisher. He was active in the early part of the 19th century. In 1794 he was commissioned by the Postmaster General to undertake a survey of main roads in the country and he undertook considerable work on the English Ordnance Survey prior to 1805. Cary appears to have used actual surveys, as well as the work of others, in the production of his maps. On his map of Wiltshire dated 1832 roads are recorded in one of four classifications, a detailed road classification system at that time which is particular to Cary's maps. The 1832 map shows a parochial

road on the line of the claimed right of way. An extract from the map is produced at BB12, **Appendix C**.

24. In 1969 the publishers, David and Charles, produced what was referred to as sheet 14 in the Old Series Ordnance Survey 1 inch maps. The survey in Wiltshire began in 1793. The local topographical survey was undertaken between 1807 and 1811 at a uniform scale of 2 inches to 1 mile. The published map is a composite document embodying material from a succession of dates. The engraving of 1817 based on the survey of 1807-1816 remains intact over much of the sheet. The major revisions result from the periodic insertion of railway material.

The relevant section of the map is produced as printed and an extract at an enlarged scale at BB13, **Appendix C**, shows a fenced road along the route shown on the Tithe Award map leading from Brigmerston through buildings to Durrington.

25. According to the notes on Cassini's Popular Edition of the Ordnance Survey 1 inch map, map 184 Salisbury and The Plain 'The original impetus behind the creation of the Ordnance Survey and the original Old Series maps had been one of military necessity. Although the maps had soon assumed a more civilian aspect and market, the Ordnance Survey continued to fulfil an important wartime role. During the First World War its normal activities were suspended and over 5,000 people were engaged on military work, producing more than 32 million maps for the war effort.

The end of the conflict co-incided with another revolution as dramatic as that which had swept the country three generations earlier with the advent of the railways – the increased use of the motor car. By the 1920s, this new and independent means of transport had helped create an entirely new market for maps..... Responding to this, the Ordnance Survey, under the Director-Generalship of Colonel Charles Close, began re-surveying the country in 1912 with a view to producing maps that were both accurate and eye-catching in design. After the war, and guided by the results of public consultation, the one-inch Popular Edition was launched.'

The relevant sheet shows a fenced track on the same alignment as the earlier Old Series map described in the above paragraph but by the time of this survey the road no longer continued through to Durrington. The map is produced at BB14, **Appendix C**, together with an enlarged extract and an extract from the key to the map. According to the key on the map the route is shown as a road less than 14 feet wide.

26. Sheet 54 of the First Edition 6 inches to 1 mile Ordnance Survey sheet surveyed between 1877-78 shows a fenced track to the north of Brigmerston Farm on the same alignment as the other mapping evidence already

described, no route is shown passing through the farm yard. An extract from the map is at BB15, **Appendix C**.

27. J B Harley, in his book *Ordnance Survey Maps a descriptive manual* published by the Ordnance Survey in 1975, states that Ordnance Survey maps at the scale of 1:2500 originated in the mid nineteenth century in response to the urgent need for accurate plans for land registration purposes. An extract from the 1st edition of the relevant sheet, which was surveyed in 1877-78, is reproduced along with an extract from the 1926 revision at BB16, **Appendix C**. Both editions show a track which is separately numbered and measured to the north of Brigmerston Farm along the alignment of mapping previously described, such as the Tithe Award map. In his description on Areas in his book Mr Harley states 'The system by which each parcel of land is numbered, its area calculated from the map, and this value printed on the sheet is peculiar to the 1:2500 series and helps render it an important tool in the conveyancing and registration of land. The Ordnance Survey large scale maps, which show practically all permanent fences and hedges, are particularly suitable for use as the basis of the description of the land to which each title refers.... A parcel is accordingly defined as any area which is measured and published on the plan; it may be a single feature, usually an enclosure, or it may consist of several adjacent features grouped together. As a general rule parcels are bounded by lines of natural detail, such as hedges or streams (although in creating 'Town Areas' other features such as railways are used), but they are sometimes bounded artificially as by administrative boundaries or the sheet edge. Each parcel is given a reference number....there are minimum areas below which certain features are not measured separately...In any case there are exceptions to such thresholds and some features are *always* separately numbered and measured irrespective of their size. They include railways in rural areas (in built up areas they may form part of 'Town Areas'), all public roads, whether fenced or unfenced..' Mr B St G Irwin Director General of the Ordnance Survey at the time the book was published stated in the Foreword of the book that Dr Brian Harley was a leading authority on Ordnance Survey maps.

Decision.

28. The judgement given by the Court of Appeal in *R v Secretary of State for the Environment ex parte Burrows and Simms* (1991) 2 QB 354 held, in effect that if evidence comes to light to show that a mistake had been made in drawing up the definitive map, such a mistake can be corrected in either of the three ways envisaged in Section 53(3)(c) of the Wildlife and Countryside Act 1981.
29. Under Section 53(3)(c)(i) the Surveying Authority is not required to prove 'beyond all reasonable doubt' that rights exist. The burden of proof lies on the 'balance of probability', i.e. that it is more likely than not, that the rights exist. An Order may be made under this section where rights can be 'reasonably alleged to subsist'; however, at the confirmation of an Order a more stringent

test applies, that public rights 'subsist'. The wording for Section 53(3)(c)(iii) is different, as the Surveying Authority has to be satisfied that there 'is' no public right of way shown on the definitive map.

30. The earliest map examined, which officers believe shows the route which is the subject of the application, is Andrews' and Dury's map of Wiltshire dated 1773. Whilst it may be argued that this map is on such a small scale, 2 inches to 1 mile, that it is not possible to identify with any degree of accuracy the route of a particular way, when compared with the later mapping evidence, in particular the large scale Ordnance Survey maps, a picture of the road layout of this area becomes clear. There is a consistent portrayal of the claimed route as part of the local road network on the maps described in this report. This supports the application applied for by Jancis Henman and triggers the duty of the Council to modify the definitive map and statement accordingly by adding to the definitive map and statement as a restricted byway the claimed route and the deletion of the section of Milston 16 at Brigmerston Farm. The historical evidence is entirely supported by the significant amount of user evidence also submitted with the application. No statements and plans have been deposited under Section 31(6) of the Highways Act 1980 for the area over which Milston 16 runs.
31. No mapping evidence has been discovered by council officers to confirm that the section of Milston 16 currently shown on the definitive map through Brigmerston farmyard is correct. Taking the map evidence into consideration with all the other evidence relating to Milston 16 the Council has considered officers believe that section of Milston 16 shown through the farmyard should be deleted from the definitive map.

Barbara Burke

Definitive Map and Highway Records team leader

This page is intentionally left blank

WILTSHIRE COUNTY COUNCIL

WILDLIFE & COUNTRYSIDE ACT 1981

DEFINITIVE MAP & STATEMENT OF RIGHTS OF WAY
FOR THE COUNTY OF WILTSHIRE

Notice of Application for Modification Order

To: **Rights of Way Section, Environmental Services Department, Wiltshire County Council, county Hall, Trowbridge, Wilts. BA14 8JD**

*I*WE (please insert your name or the name of the organisation making the application)
..... THE FRIENDS OF MILSTON & BRIGMERSTON
of (please insert your full address) MILSTON HOUSE, MILSTON,
DURRINGTON, SALISBURY, WILTSHIRE SP4 8HT.

hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

deleting the footpath/~~bridleway/byway~~ open to all traffic (please delete the irrelevant status) **leading from** (please describe the position and route of the right of way you are referring to)

..... BRIGMERSTON CORNER, CHURCH ROAD,
MILSTON THROUGH THE FARMYARD TO RUPP 16,
MILSTON leading to Durrington

with a width of 2 METRES

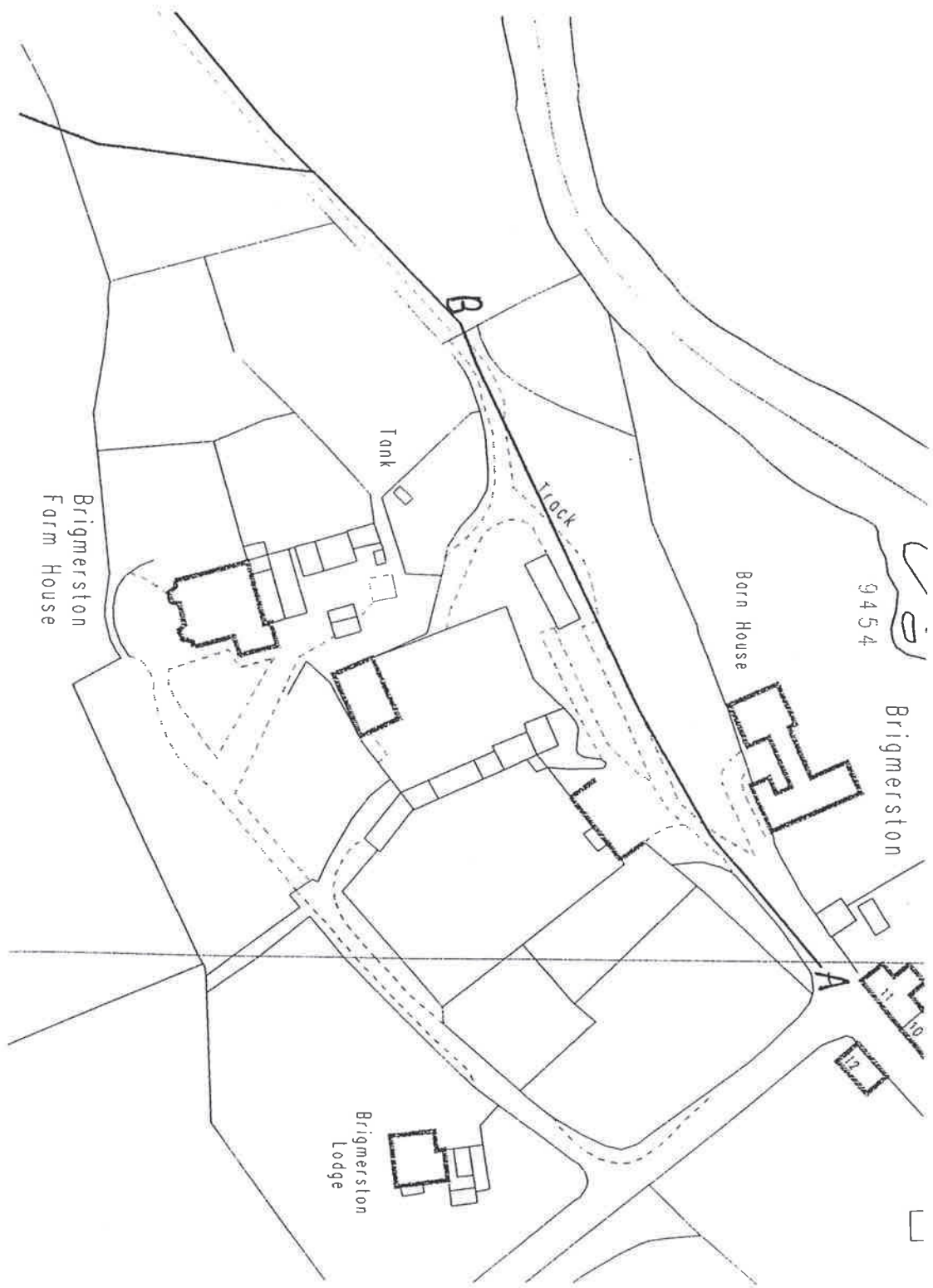
The route of the right of way is shown on the attached map.

*I*WE attach copies of the following documentary evidence and or statements of witnesses in support of this application.

Dated 13th August 2001 ..

Signed James Heaman
p.p. The Friends et al

For a definition of the various categories of rights of way please see overleaf.



KCR

WILTSHIRE COUNTY COUNCIL

WILDLIFE & COUNTRYSIDE ACT 1981

DEFINITIVE MAP & STATEMENT OF RIGHTS OF WAY
FOR THE COUNTY OF WILTSHIRE

Notice of Application for Modification Order

To: Rights of Way Section, Environmental Services Department, Wiltshire County Council, county Hall, Trowbridge, Wilts. BA14 8JD

I/WE (please insert your name or the name of the organisation making the application)
..... **THE FRIENDS OF MILSTON & BRIGMERSTON,**
of (please insert your full address) **MILSTON HOUSE, MILSTON,**
DUKKINGTON, SALISBURY, WILTSHIRE SP4 8HT.

hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

adding the footpath/~~bridleway/byway~~ open to all traffic (please delete the irrelevant status) **leading from** (please describe the position and route of the right of way you are referring to) **B.RIGMERSTON CORNER, CHURCH ROAD, MILSTON & THEN RUNNING PARALLEL TO BARN HOUSE & COTTAGE ON RIGHT THEN CROSSING DIAGONALLY LEFT TO JOIN RUPP 16 leading to Durrington**
with a width of: **2 METRES**

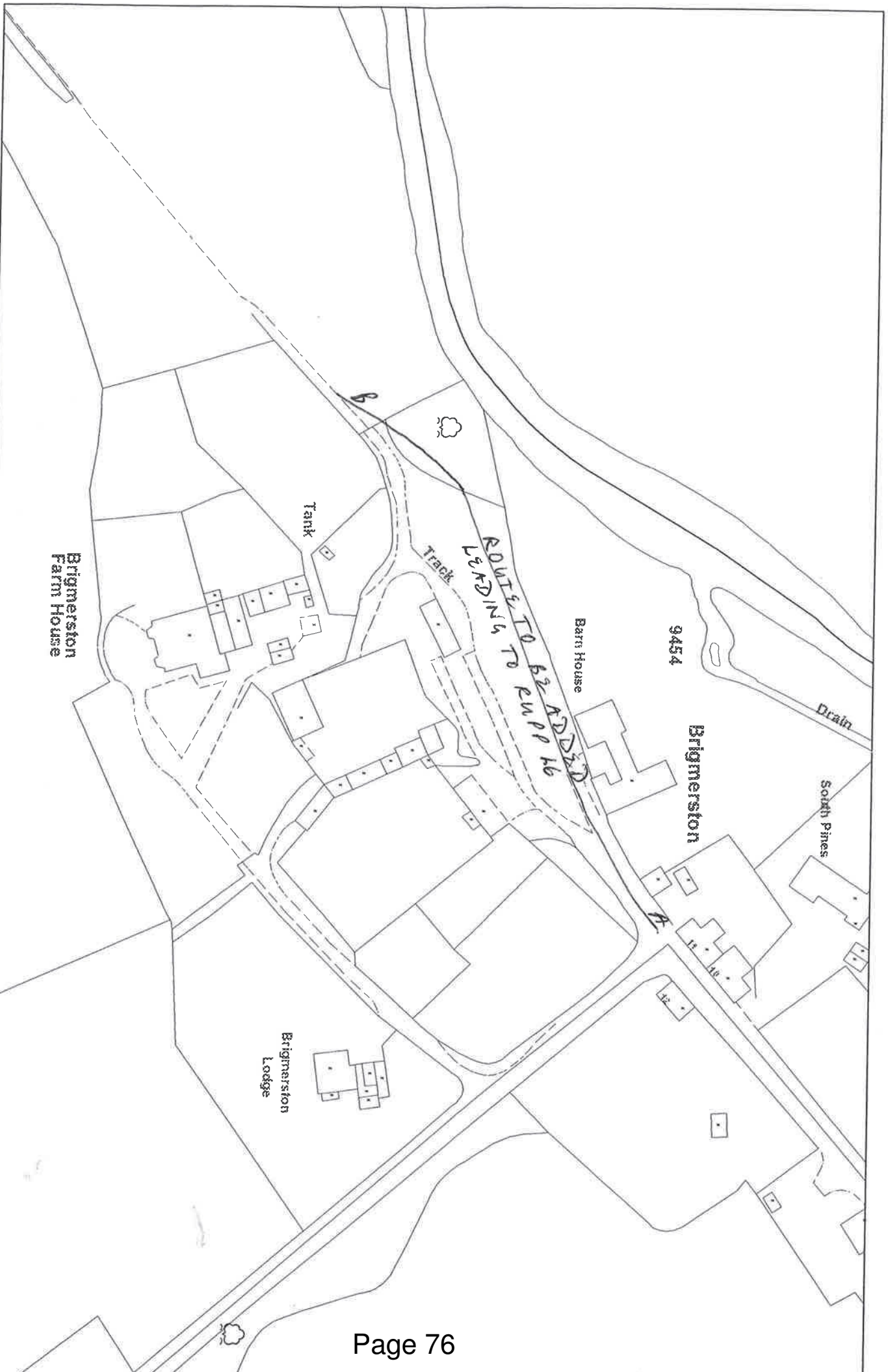
The route of the right of way is shown on the attached map.

I/WE attach copies of the following documentary evidence and or statements of witnesses in support of this application.

Dated **13th August 2001.**

Signed **Jancis Herman**
J.J. The Friends et al?

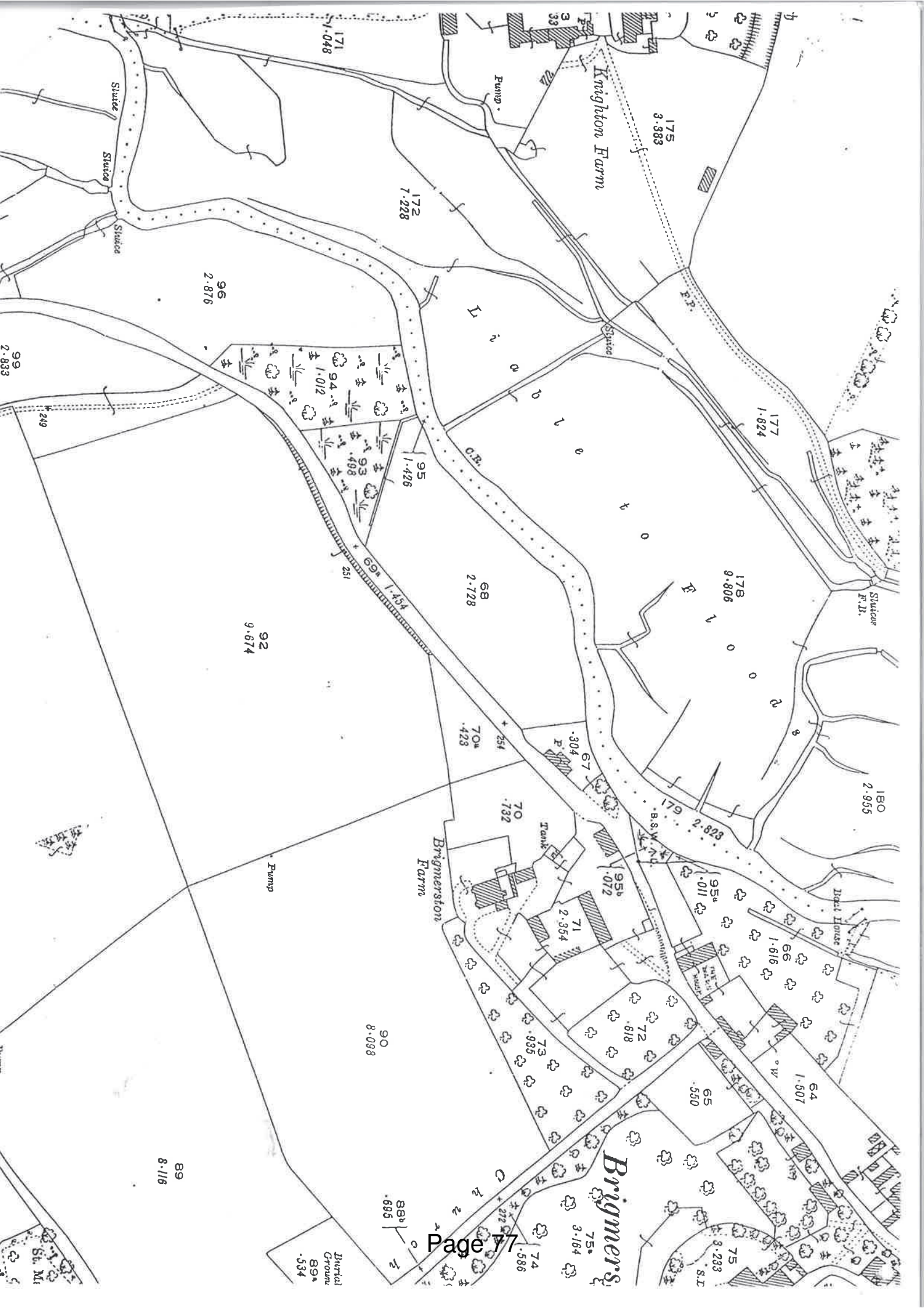
For a definition of the various categories of rights of way please see overleaf.



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2000.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Date: 06 June 2001
 SLA: LA 076910
 Scale: 1:1250



| Name | Route used | Period of use | Comments |
|-------------|---|---------------|--|
| Batty H M | County Series O S route | 1956 – 1995 | Uses the route for recreation about 30 times a year now obstructed with barbed wire and soil at Briggerston |
| Broe T A | Route hand drawn on modern map but not on CS line | 1973 – 2001 | Uses for recreation about 24 times a year now obstructed by soil and barbed wire at Briggerston |
| Card P J | Alongside Barn house over stile into meadow but deviates off the CS line | 1935 – 1980 | Uses for recreation most Sunday evenings from 1935 – 1950 |
| Courage L P | Alongside Barn House and wall now demolished over stile into meadow. Not shown all along the CS line | 1995 – 2001 | Uses weekly, barb wire obstructed the route in April/June 2001 |
| Courage W J | Alongside Barn House and wall to stile into meadow. Not shown all along the CS line | 1995 – 2001 | Used 3 times a week Blocked in spring 2001 with a bank and barb wire |
| Dryden J | Drew route alongside Barn House and wall referred to a stile into area by the river | 1960 – 2001 | Used 2 – 3 times a week in childhood now twice a week. Bank and wire fence erected 2001 obstructing the route |
| Dryden | Described route alongside Barn House and wall into field | 1960 – 2001 | Used 3 times a week when children were young. "001 builder pulled down the wall and stile put bank on the right of way |
| Foyle C D | Described route between the farm and barn House alongside wall now demolished over stile into water meadows | 1980 – 2000 | Used once a month route signed stopped from using 2001 |
| Freeman | Route alongside Barn House and wall now demolished | 1932 – 1998 | Used it first with Milston Brownies/Guides Use it about twice a month. Has seen other people using it. Stile erected at end of Barn Cottage wall in 1980 |

| | | | |
|-----------------|--|-------------|---|
| Gow A C | County series route, marked where the stile was | 1967 – 2001 | Blocked in 2001 with old vehicles, building materials and stile removed. Had used daily |
| Haines J M | County Series route to stile | 1980 – 1996 | Walked it but didn't say how often |
| Henman J | County Series route | 1991 – 2000 | Used almost daily during the summer. Saw other dog walkers on it. Stile removed by owner of Barn House in 2001 who put up barb wire across the way earth bank and saplings planted on route |
| Henman R W | Alongside barn House and wall to stile | 1991 – 2001 | Used route at least once a week. Developer of barn house removed stile, erected an earth bank on the route. Saw former owner of Barn House whilst using the route never challenged |
| King M | County Series route | 1990 – 2001 | Used for dog walking. Signed as a public right of way |
| Lester-Card | County Series route | 1973 - 2001 | Used irregularly |
| Lloyd-Price R M | County Series route | 1979 – 2000 | Knew former owner of Barn House, right of way never in the bounds of that property. Present owner has incorporated the path into his garden |
| Lloyd-Price Z | County Series route | 1980 – 2000 | Used it about 25 times a year. Former owner of Barn house was great gardener and was often there or in his fruit cage so he would have known lots of people used the path |
| Love M B | County Series route between the farm and Barn House | 1990 – 2000 | Used once or twice a year |
| Love W E | Approximately County Series route, described as same | 1990 – 2000 | Part of dog walking circuit |

| | | | |
|----------------|--|---|---|
| | route as other witnesses past barn house and former wall to stile | | |
| Mortimer A C | Approximate County Series route on signed path to meadow | 1950s onwards | Used it once or twice a month. 15 feet wide |
| Mortimer E B | County Series route on sign posted path | 1940 – 1950, 1970 – 2001 | Used it weekly in the 1940s recently approximately 12 times a year. Width 15 feet |
| Parsons N I | No route marked or identifiable route described | 1958 – 1975 | Walked route as a child [born 1952]. |
| Piece Y R | Partially County Series route described as Cuckoo Lane [other witness has described it as this]. Described as following wall to stile into meadows | 1951 – 2000 | Used it approximately 10 times a year. Saw other people using it |
| Reed H J | County Series route but not all the way. Route described same as other witnesses alongside former wall to stile into field | 1971 – 78 regular use 1n the 80s and 90s irregular use | 2001 old wall demolished by developer of Barn House stile also removed and earth bank put across the right of way. Was signed |
| Rennie J J | County Series route | 1948 – 2001 | Route signed as right of way Use 24 times a year, saw other users. Obstructed with barbed wire and earth bank |
| Rennie M | County Series route | 1960 – 2001 | Used it with her children, grand children and dogs. Saw other users, was signed |
| Sheppard A | Approximate County Series route | 1977 – 1998 | Use about 6 times a year, width 3 metres, signed |
| Sommerton S G | Partially County Series route past barn house and wall to stile to meadow | 1952 – 1999 | Used about 12 times a year, width 8 – 10 feet. Signed. Obstructed by barb wire and high bank |
| Spreadbury A J | County Series route | 1936 – 2000 | Dog walking route 70 to 100 times a year. Width 12 to 14 feet. |

| | | | |
|--------------------|--|---------------------------------|---|
| | | | Barn House wall removed in January 2001 with stile obstructed with barbed wire |
| Spreadbury F | County Series route | 1916 – 1965 | Used it since childhood 50 or 60 times a year |
| Stephenson E W | Approximate County Series route, described as Cuckoo Lane | 1974 – 1980 | Used about 20 times in the period 1974 – 1980, saw other walkers. Exit onto Cuckoo Lane has recently been blocked |
| Stephenson A M | As above | As above | As above |
| Stephenson-Jarrett | No route drawn on the map but described as Cuckoo lane leading past dwelling and wall to stile into meadow | Walked in childhood [born 1964] | Walked 5 times a year, width 4 to 5 metres |
| Sturgess M E | Partially on County Series route, described alongside Barn house and wall | 1965 – 1970 and 1984 -1995 | Used for dog walking. Route marked on the Tithe award map |
| Tamplin L | County Series route | 1996 – 2000 | At least twice a week dog walking, 3 metres wide and signposted, location common knowledge |
| Tamplin P H | County Series route | 1996 – 2000 | Difficult to use when wet so use probably less than once a month. Well defined route |
| Taylor H | County Series route | 1992 – 1999 | Daily use walking and cycling. Width about 4 metres, new building has encroached on it. Lived in barn cottage and his bedroom window looked out onto the path. Was signed |
| Toomer C J | County series route | 1980 – 1986 | Walked with a dog about 6 times a year. Width 5 metres |
| Toomer R J | Partially County Series route. Described alongside Barn Cottage and wall to stile into | 1992 – 1998 | Used it for dog walking about 5 times a year, width 5 metres |

| | | | |
|-------------|---|----------------------------|--|
| | meadow | | |
| Vandeleur S | Partially County Series route but described as following track past barn house over a stile | 1994 – 2001 | Use it at least once a week from May to August on foot and cycle. Signed. Well used path |
| Weaver B | County Series route and route through farmyard | 1937 – 1955 last used 1985 | As a child used it daily, gates always open |

- (2) After paragraph (h) insert –
 “(i) a National Park authority; or
 (j) the Broads Authority.”
- (3) Omit “or” preceding paragraph (h).

PART 6

RIGHTS OF WAY

Rights of way and mechanically propelled vehicles

66 Restriction on creation of new public rights of way

- (1) No public right of way for mechanically propelled vehicles is created after commencement unless it is –
- (a) created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for such vehicles, or
 - (b) created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles.
- (2) For the purposes of the creation after commencement of any other public right of way, use (whenever occurring) of a way by mechanically propelled vehicles is to be disregarded.

67 Ending of certain existing unrecorded public rights of way

- (1) An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement –
- (a) was not shown in a definitive map and statement, or
 - (b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.
- But this is subject to subsections (2) to (8).
- (2) Subsection (1) does not apply to an existing public right of way if –
- (a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,
 - (b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),
 - (c) it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,
 - (d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or
 - (e) it was created by virtue of use by such vehicles during a period ending before 1st December 1930.
- (3) Subsection (1) does not apply to an existing public right of way over a way if –

- (a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,
 - (b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application, or
 - (c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles –
 - (i) was reasonably necessary to enable that person to obtain access to the land, or
 - (ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.
- (4) “The relevant date” means –
- (a) in relation to England, 20th January 2005;
 - (b) in relation to Wales, 19th May 2005.
- (5) Where, immediately before commencement, the exercise of an existing public right of way to which subsection (1) applies –
- (a) was reasonably necessary to enable a person with an interest in land to obtain access to the land, or
 - (b) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only,
- the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.
- (6) For the purposes of subsection (3), an application under section 53(5) of the 1981 Act is made when it is made in accordance with paragraph 1 of Schedule 14 to that Act.
- (7) For the purposes of subsections (3)(c)(i) and (5)(a), it is irrelevant whether the person was, immediately before commencement, in fact –
- (a) exercising the existing public right of way, or
 - (b) able to exercise it.
- (8) Nothing in this section applies in relation to an area in London to which Part 3 of the Wildlife and Countryside Act 1981 (c. 69) does not apply.
- (9) Any provision made by virtue of section 48(9) of the Countryside and Rights of Way Act 2000 (c. 37) has effect subject to this section.

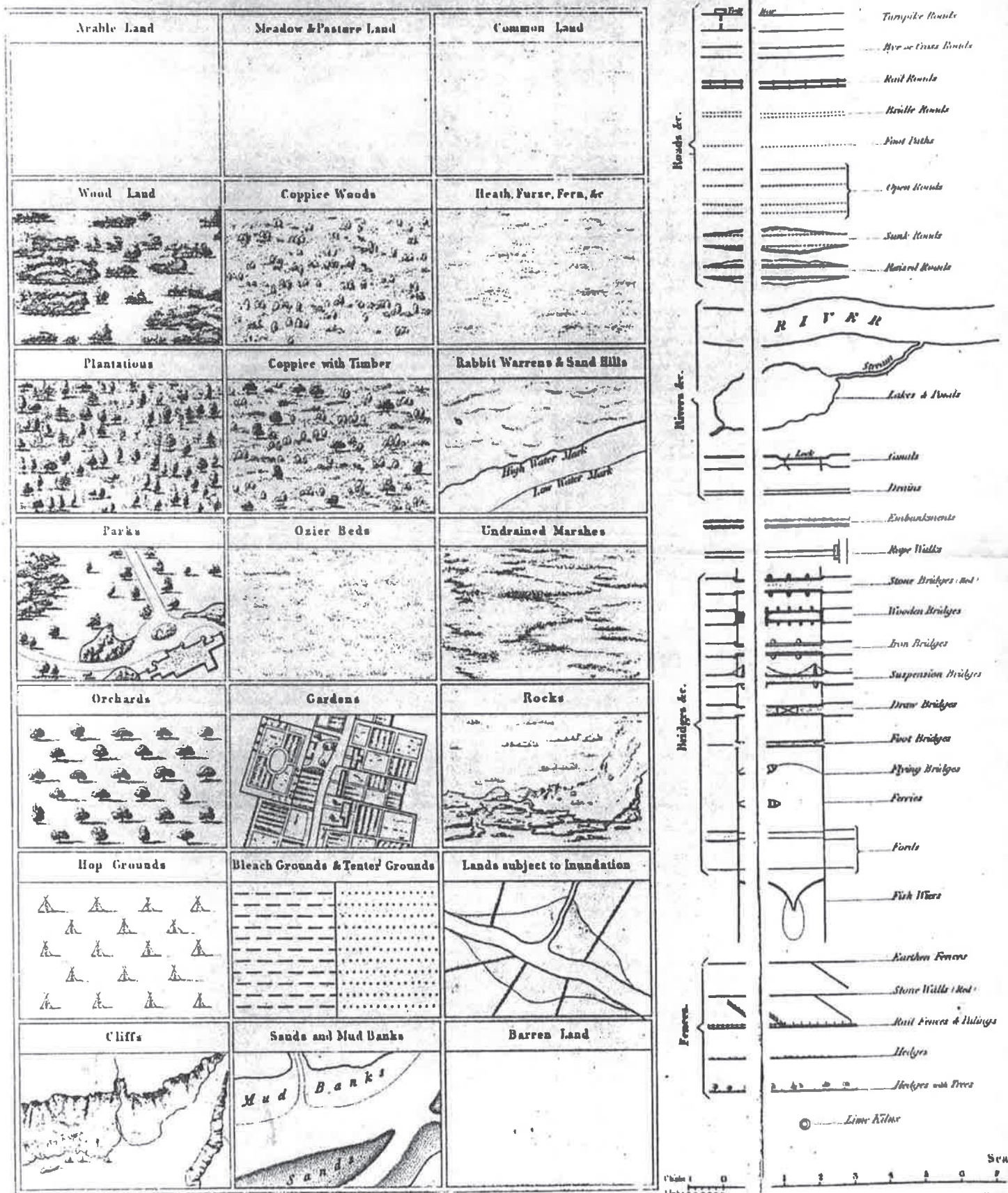
68 Presumed dedication of restricted byways and use by pedal cycles etc.

- (1) Amend section 31 of the Highways Act 1980 (c. 66) (dedication of highway presumed after public use for 20 years) as follows.
- (2) After subsection (1) insert –
 - “(1A) Subsection (1) –
 - (a) is subject to section 66 of the Natural Environment and Rural Communities Act 2006 (dedication by virtue of use for mechanically propelled vehicles no longer possible), but

| <u>Parish</u> | <u>Path No.</u> | <u>Description of Path</u> | <u>Approximate Length</u> | <u>Width</u> | <u>Limitation or conditions affecting public rights</u> |
|---------------|-----------------|--|---------------------------|--------------|---|
| Milston. | 16. | C.R.B. From the northern end of Durrington path No. 12 leading north across the Ford and north-east along the cart track past Brigmerston Farm to Church Road, U/c. 10006. | 800 yards | | |
| | 17. | F.P. From path No. 6 leading north across the River Avon by the new footbridge to road U/c. 10006, east of Milston Church. | 75 yards | | |
| | 18. | F.P. From the western end of road U/c. 10002 at Milston Bridge leading west along the north bank of the River Avon to path No. 17 at the new footbridge. | 200 yards | | |
| | 19. | C.R.B. From the Hampshire County boundary near Hare Warren, west of Devil's Ditch, leading north and north-west to Figeneldean path No. 26 at Dunch Hill. | 1400 yards | | |



CONVENTIONAL SIGNS TO BE USED IN THE PLANS COMMUTATION OF TITHE IN ENGLAND



Tithe award Allotments

| Landowner | Allotment No. | Occupier | Name & description of land or premises | State of Cultivation | Area |
|-----------------------------|---------------|--|--|----------------------|----------|
| Charles Edward Rendall | 16 | Himself | Bwad mead | Meadow | 7a 2r |
| Ditto | 17 | Himself | Gudgeon mead | Meadow | 4a 1r 5p |
| Ditto | 10 | Himself | Court Heme | Pasture | 2a 10p |
| Ditto | 11 | Himself | Homestead | | 1a 27p |
| Ditto | 64 | Himself | Plantation | | 2a 18p |
| Ditto | 7 | Himself | Farm Yard | | 17p |
| Ditto | 9 | Himself | Farm Yard | | 20p |
| Ditto | 10 | Himself | Willow bead | Meadow | 3p |
| Ditto | 12 | Himself | Upper mead | Meadow | 3a 1r 5p |
| Ditto | 4 | Charles Edward Rendall and Rolfe Robert | House and Carpenters shop | | 35p |
| Ditto | 5 | Robert House, Rolfe Robert and Henry Peviett | Gardens | | 15p |
| Ditto | 8 | James Sims and William Hopgood | Cottage and gardens | | 34p |
| Ditto | 11 | John Smith and John Harding | Cottage and garden | | 1r 1p |
| Reverend Peter Hall (Glebe) | 18 | Reverend James Ellaby and Charles Edward Rendall | Gudgeon meadow | | 2a 3r 8p |

Roads Rivers and waste 104a 3r 37p

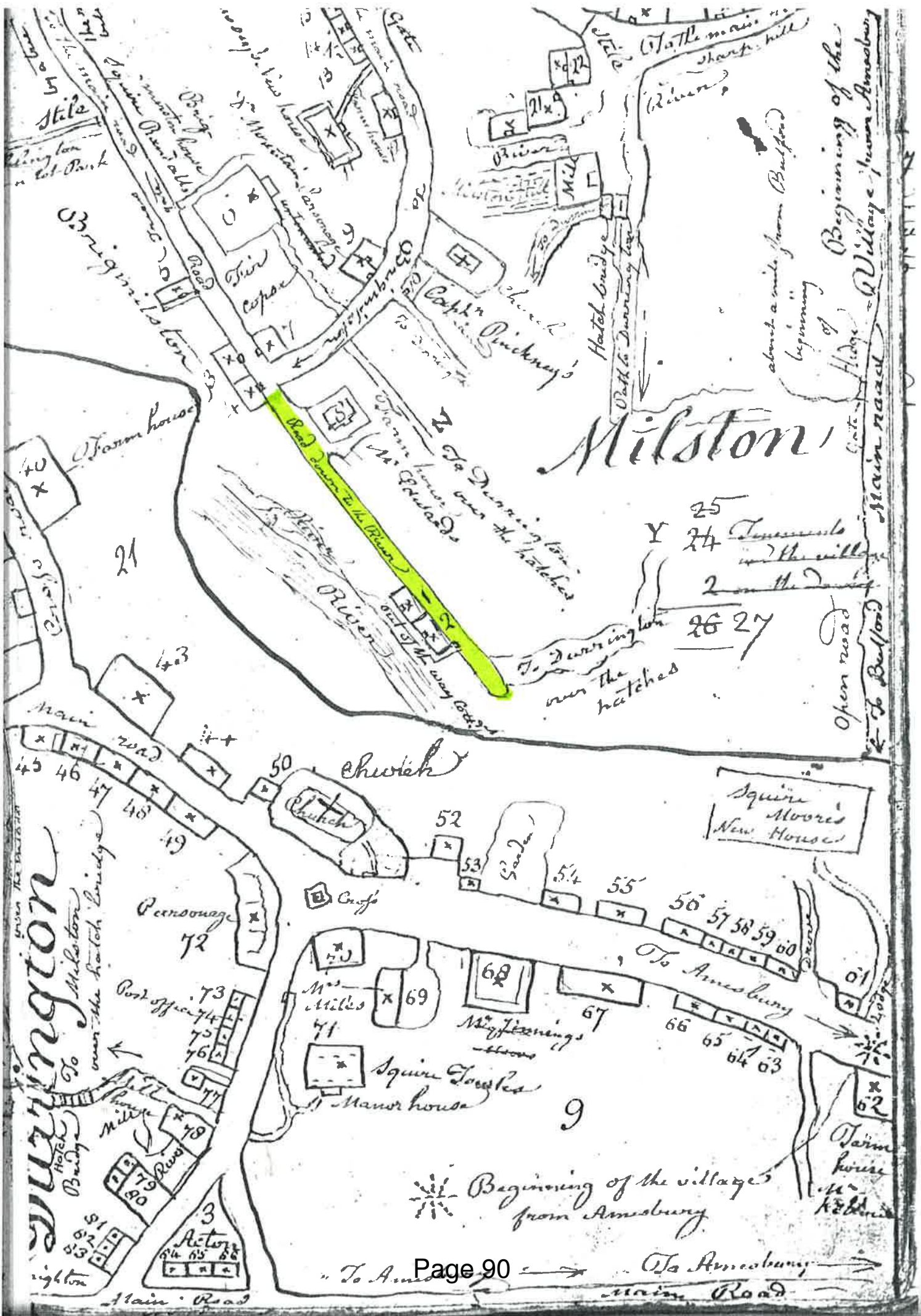
May -
(Parish) and two outposts, which are

1st The Hamlet called Longs Pennings situated a mile distant on the cross road from Bulford to Andover (over Beacon Hill) and consisting of 4 cottages and Farm build^gs.

2nd The hamlet called Tidworth Pennings situated $1\frac{1}{2}$ mile distant at the end of a broad waggon track road that turns sharp off to the right a little beyond Mr John Robbins' farm house. It is just opposite the first turning down to Milston (on the left). It consists of 2 cottages and extensive farm buildings.

Milston

This Parish consists of the Village of Milston and the hamlet of Brigmilston close adjoining. There are in Brigmilston 2 out of the way cottages, situated in a hollow by the River side beyond Mr Edwards' farm on a swampy trackway to Durrington. They lay on the right hand side.



| | | |
|---|----|-----------------------------|
| Y | 25 | |
| | 24 | Trenches in the village |
| | 2 | the Ditch |
| | 26 | 27 |
| | | Durrington over the hatches |

Parish claim form

ACCESS TO THE COUNTRYSIDE ACT, 1949.
PUBLIC RIGHT OF WAY.

NAME AND DESCRIPTION
(AY, ETC.)

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PUBLIC RIGHT OF WAY.

PARISH OF

PARISH OF

PATH No. *1*
(to correspond with No. on map)
 PATH No. *2*
(to correspond with No. on map)
Grileston

NAME OR SITUATION AND DESCRIPTION
(FOOTWAY, BRIDGEWAY, ETC.)

*Footpath - Runwington to Arginton. 150' wide open stile
 follows Runwington - Grileston footpath for 300' then stile
 runs with the unmetalled road.
 Then path continues to Runwington 1/2 way to the 1000ft
 mark and along and back to Runwington 1000ft
 mark and of 1300ft to farm.*

NATURE OF SURFACE

*metalled for first 250' then unmetalled
 for 300' then unmetalled road*

STILES, GATES, FOOTBRIDGES, STEPPING STONES

750' stile.

WHETHER DIRECTION POSTS ON WAY
(GIVE PARTICULARS)

No.

OBSERVATIONS:

LENGTH

1000 yds

WIDTH

*20' open
 10' metalled*

WHETHER FENCED OR OPEN

APPROXIMATE PERIOD OF UNINTERRUPTED USER:—

YEARS FROM

WHETHER REPAIRED BY PARISH, DISTRICT, BOROUGH
 OR COUNTY COUNCIL:—

DATE OF REPAIR

WHETHER SUBJECT TO PLOUGHING

DATE OF SURVEY

WHETHER SHOWN ON UNDERMENTIONED MAPS:—
M 1175 L/V NE

ORDNANCE 6" SHEET. REF.

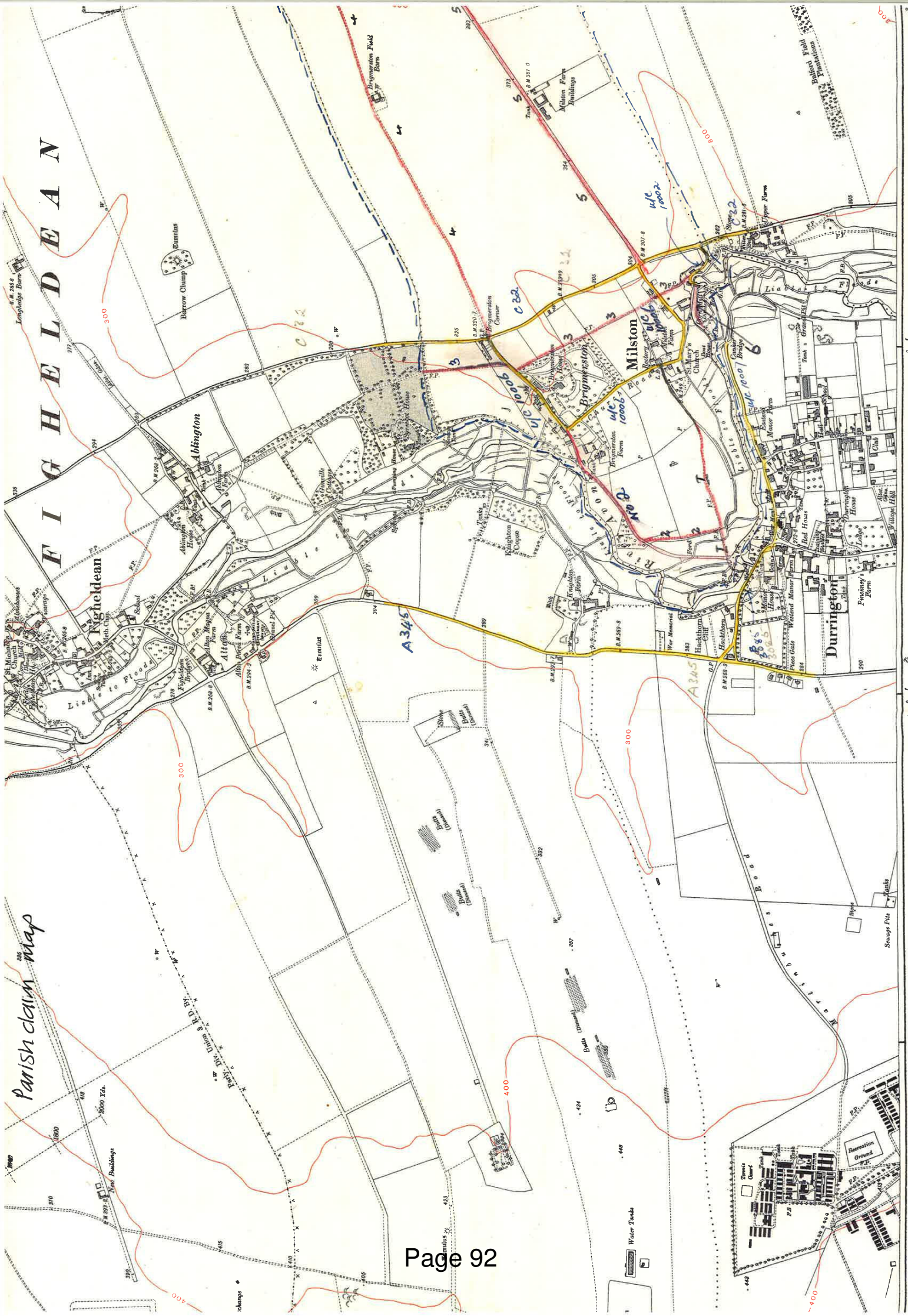
INCLOSURE AWARD

LANDOWNER'S MAP (DEPOSITED UNDER SECTION 1 (4) OF
 THE RIGHTS OF WAY ACT, 1932)

OTHER MAPS:—

Parish claim map

F I G H E L D E A N



the info... should the... tion has... arisen... on as

7

TAP/GA.

8th February, 1951.

R.E. Bartlett, Esq.,
Addison House,
Milston,
Durrington,
Wilts.

Dear Sir,

Survey of Rights of Way

The following are my observations on the plans and statements relating to the survey of rights of way:-

The cart track or unmetalled road which you refer to in your description of path No. 2 continues southwards to the western end of path No. 1 after crossing a ford. I think this should be added to your schedule, but I should be glad to have your observations as to whether this is a public right of way throughout its whole length.

Many of the tracks across Briggerston Down, although at present inaccessible to the public, undoubtedly form part of public ways which run through other parishes. I think perhaps they should be included in the schedule as they may at some future time be restored to public use. If this is correct this would involve the following additions to your schedule:-

Path No. 7. From the eastern end of path No. 5 leading east across path No. 9 and a ford over Nine Mile River, crossing paths Nos. 10 and 11 near the ditch and continuing east to its junction with path No. 12 near the county boundary at Hare Warren. Length 3200 yards.

Path No. 8. From the eastern end of path No. 5 leading east south east across path No. 9 and a ford over Nine Mile River, thence across path No. 10 across Milston Down to its junction with Path No. 11. Length 2800 yards.

Path No. 9. From the northern parish boundary near Goats Wood leading south across paths Nos. 7 and 8 to the southern parish boundary at Milston Pirs. Length 2500 yards.

ation

Path No. 10. From the north-eastern parish boundary leading south-west across paths Nos. 7, 11, and 8 to the southern parish boundary towards Bulford Camp. Length 2900 yards.

Path No. 11. From the northern parish boundary near Goats Wood leading south-east crossing paths Nos. 7, 10, and 12, forming a junction with path No. 8, and then crossing paths Nos. 13 and 14, thence leading to the parish and county boundary towards Parkhouse Camp. Length 3100 yards.

Path No. 12. From the north-eastern parish and county boundary at Hare Warren, leading south-west, making a junction with path No. 7, crossing paths Nos. 11 and 8, to the southern parish boundary towards Bulford Camp. Length 2500 yards.

Path No. 13. From the eastern parish and county boundary near The Belt, leading south-west crossing path No. 11 to the southern parish boundary towards the Rifle Ranges. Length 1270 yards.

I should be glad to have your views on these questions at your early convenience.

Yours faithfully,

County Surveyor.

Addison House

Dulston

Durrington

Wells

4 July 51.



Dear Sir

Reference W.D. L.A. 1
letter, dated 20 July
para 1, it is felt
that his point should
be met by showing
such portions of the paths
as are restricted in
some particular colour
so that the Public are

not misled.

Para 2

Agree with W.D.A.
Footpath no 2 should
be as originally shown.

Please accept my
apologies for the delay

Yours faithfully

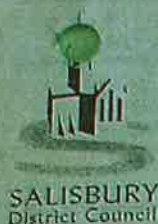
A. Bantle

Chairman

Wulston Parish

MILSTON

S / 00 / 2164



Planning Office
Salisbury District Council
61 Wyndham Road
Salisbury SP1 3AH

Telephone [01722] 434327
Fax [01722] 434520
DX 58026 Salisbury

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Four completed copies of this form and six copies of all plans accompanying the application together with the correct fee should be sent to the above address.

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

| | | |
|--|--|--|
| 1. NAME & ADDRESS OF APPLICANT | NAME: MR. J. ELLIOTT ADDRESS: BARN HOUSE, BRIGMERSTON, WILTSHIRE | |
| | POSTCODE: | Tel. No.: |
| 2. NAME & ADDRESS OF AGENT (if any) (to whom all correspondence will be sent) | NAME: R & S HOWES PARTNERSHIP ADDRESS: 97 TORQUAY ROAD, PAIGNTON, DEVON | |
| | POSTCODE: | Tel. No. 01803: 522578 |
| 3. FULL ADDRESS OR LOCATION OF SITE (OUTLINED IN RED ON SUBMITTED PLAN) | BARN HOUSE, BRIGMERSTON | |
| | POSTCODE: | |
| 4. DESCRIBE THE DEVELOPMENT FOR WHICH YOU ARE APPLYING | DEMOLISH AND RE-BUILD | |
| 5. WHAT IS THE APPLICANT'S INTEREST IN THE LAND? (e.g. owner, tenant, prospective purchaser) | OWNER | |
| 6. WHAT IS THE PRESENT USE OF THE LAND/BUILDINGS? | HOUSE | |
| 7. WHAT IS THE SITE AREA? (Edged red) | Hectares | OR <input type="checkbox"/> sq.m. |
| 8. IS THERE ANY ADJOINING LAND WHICH THE APPLICANT OWNS OR CONTROLS? (If so please give its location and show it edged blue on the submitted plans.) | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 9. DOES THE PROPOSAL INVOLVE:- | | |
| (A) THE CONSTRUCTION OF NEW BUILDINGS | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| | IF RESIDENTIAL STATE NUMBER OF NEW DWELLINGS | No. of new Dwellings |
| | IF NON-RESIDENTIAL STATE TOTAL GROSS FLOOR AREA | sq.m. |
| (B) THE ALTERATION, EXTENSION OR IMPROVEMENT OF AN EXISTING BUILDING | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | STATE TOTAL GROSS FLOOR AREA OF (a) BUILDING(S) AS EXISTING | sq.m. |
| | (b) PROPOSED NEW BUILDING WORK | sq.m. |
| | (c) ANY BUILDINGS TO BE DEMOLISHED | sq.m. |
| (C) THE CHANGE OF USE ONLY OF AN EXISTING BUILDING OR LAND | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | STATE TOTAL GROSS FLOOR AREA OF ANY BUILDINGS AFFECTED BY THE PROPOSAL | sq.m. |
| (D) ANY OTHER ENGINEERING OR BUILDING OPERATION | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 10. IS THE APPLICATION FOR:- | | |
| (A) FULL PLANNING PERMISSION | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| (B) OUTLINE PLANNING PERMISSION | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | IF SO, IS DETAILED APPROVAL SOUGHT AT THE PRESENT TIME FOR ANY OF THE FOLLOWING: | |
| | Siting <input type="checkbox"/> | Design <input type="checkbox"/> |
| | External Appearances <input type="checkbox"/> | Means of Access <input type="checkbox"/> |
| | Landscaping <input type="checkbox"/> | |
| (C) APPROVAL OF RESERVED MATTERS FOLLOWING GRANT OF OUTLINE PERMISSION | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | PLEASE STATE | |
| | (a) ORIGINAL PERMISSION NUMBER | |
| | (b) DATE OF ORIGINAL PERMISSION | |
| | (c) CONDITION NUMBER (IF ANY) | |
| (D) RENEWAL OF TEMPORARY PERMISSION | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (E) CONTINUATION OF USE OF LAND OR BUILDINGS WITHOUT COMPLYING WITH TERMS OF A CONDITION PREVIOUSLY IMPOSED | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Salisbury District
Planning Department

Rec. 22 NOV 2000

Application

PUBLIC INSPECTION COPY

11. DOES THE PROPOSAL INVOLVE
 (a) CONSTRUCTION OF A NEW ACCESS TO A HIGHWAY? VEHICULAR YES NO
 (b) ALTERATION OF AN EXISTING ACCESS TO A HIGHWAY? VEHICULAR YES NO PEDESTRIAN YES NO

12. IS THERE A PUBLIC FOOTPATH OR BRIDLEWAY OVER THE LAND? YES NO NO
If it is proposed to stop-up or divert a public footpath or bridleway, a separate application is needed.

13. HOW DO YOU PROPOSE TO DISPOSE OF:
 (a) SURFACE WATER? SOAKAWAY
 (b) FOUL SEWAGE

| | Mains | Septic Tank | Cesspit | Other | Not Applicable |
|-------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| TO EXISTING | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TO PROPOSED | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

14. HOW WILL WATER SUPPLY BE OBTAINED?
 FROM EXISTING: Mains Private
 FROM PROPOSED: Mains Private
If from a private supply, do you have the owner's consent to connect to that supply? YES NO

15. DOES THE PROPOSAL INVOLVE FELLING TREES? YES NO If yes, please show affected trees on submitted plans

16. IS THERE A LISTED BUILDING ON THE SITE? YES NO NOT KNOWN NOTE: Separate Listed Building Consent may be required.

17. PLEASE STATE THE MATERIALS TO BE USED IN THE NEW BUILDING WORK, INCLUDING COLOUR, TYPE AND MANUFACTURER.
 RENDER: BRICK
 WALLS: COLOUR CREAM 'AMBION WINSOR EED'
 HALF TIMBER: OAK STAIN
 ROOF: REDLAND OR MALLEY CONCRETE SMALL INTERLOCKING TILES
 BRICK TO MATCH EXISTING

18. LIST OF PLANS AND DRAWINGS SUBMITTED WITH THIS APPLICATION: 2018/18

IF THE APPLICATION IS FOR OFFICE, INDUSTRIAL, WAREHOUSE, STORAGE OR SHOPPING USE, YOU MUST ALSO COMPLETE PART 2 OF THE FORM; FOR WASTE DISPOSAL PART 3, AND FOR MINERAL WORKINGS PART 4. FOR NEW AGRICULTURAL DWELLINGS FORM P/71/2 MUST BE COMPLETED.

DECLARATION

I/We hereby apply for permission to carry out the development described in this application and on the accompanying plans.

DATE 17/11/2000 SIGNED [Signature] ON BEHALF OF MR. J. ELLIOTT

ONE OF THE FOLLOWING CERTIFICATES MUST BE COMPLETED (* Delete where inappropriate)

CERTIFICATE A: to be completed if the applicant is the free holder or a lease holder with a lease which has at least 7 years unexpired.

- I CERTIFY THAT: on the 21 days before the date of the application nobody, except the applicant, was the owner of any part of the land to which the application relates. None of the land to which the application relates is, or is part of, an agricultural holding.
- OR
- I have/the applicant has* given the required notice to every person other than myself who, on the day 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name: _____ Address at which notice was served: _____ Date on which notice was served: _____

SIGNED [Signature] ON BEHALF OF MR. J. ELLIOTT DATE 16/11/2000

CERTIFICATE B: to be completed where the applicant is not the free holder or is a lease holder with an unexpired lease of less than 7 years.

- I CERTIFY THAT: I have/the applicant has* given the required notice to every person other than myself who, on the day 21 days before the date of the application was the owner of any part of the land to which the application relates, as listed below:

Owner's name: _____ Address at which notice was served: _____ Date on which notice was served: _____

- None of the land to which the application relates is, or is part of, an agricultural holding.
- OR
- I have/the applicant has* given the required notice to every person other than myself who, on the day 21 days before the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name: _____ Address at which notice was served: _____ Date on which notice was served: _____

SIGNED _____ ON BEHALF OF _____ DATE _____

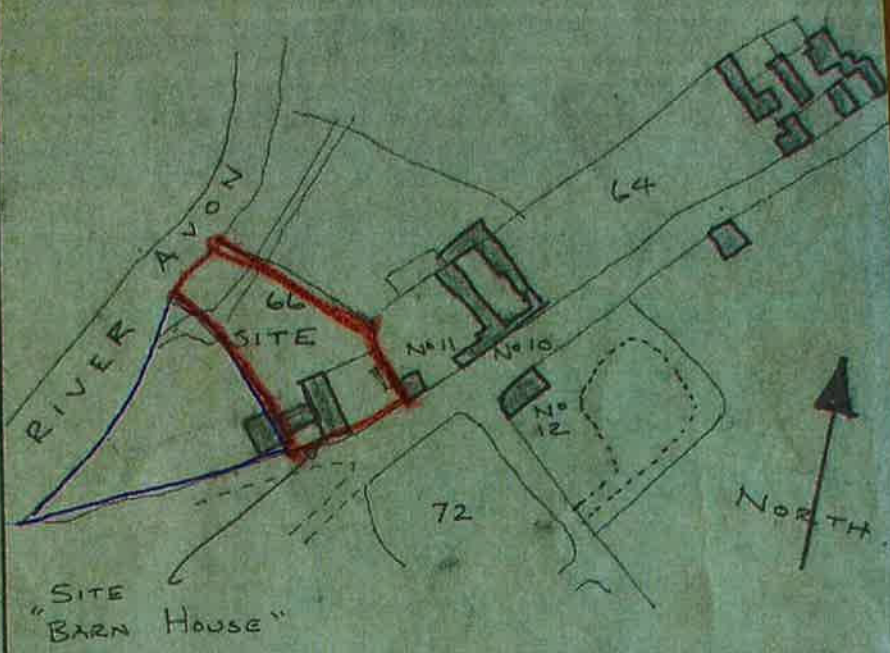
CERTIFICATE A

CERTIFICATE B

C:\PLANNING\REG-FORM\PLANAPP\FX.D

B: stair rooflight relocated: rooflight added on suite 2. Oct 00

Planning Department
21 July 2000
Signed



0.5 N° LIV 8 1937

SITE PLAN SCALE 1:2500

'A' BALCONY REMOVED FROM ELEVATION SOUTH WEST. 8/9/20

S / 00 / 2164

'BARN HOUSE'
BRIGMERSTON
DURRINGTON
SALISBURY.

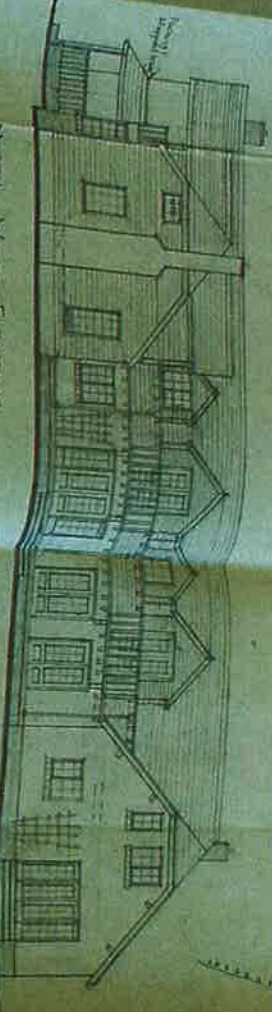
SCALE 1:100
ALL DRAWINGS COPYRIGHT SPECIAL REFERENCE IS MADE TO E188
CONDITIONS OF ENGAGEMENT CLAUSES 3.15, 3.16 & 3.17 WHICH APPLY IN FULL
THIS DRAWING MAY NOT BE REPRODUCED IN ANY FORM ALL SIZES TO BE CHECKED
AND VERIFIED ON SITE SCALE NO DIMENSIONS FOUNDATION DETAIL FOR
CLEARANCE ONLY SUBJECT TO SOIL CONDITIONS & ENGINEER'S DETAILS
ANY BOUNDARY CONSENTS MUST BE SOUGHT FROM ADJOINING OWNERS

DWG N° 2018/18 JULY 2000.

PUBLIC INSPECTION COPY
RODNEY AND STUART HOWES PARTNERSHIP
Chartered Architects

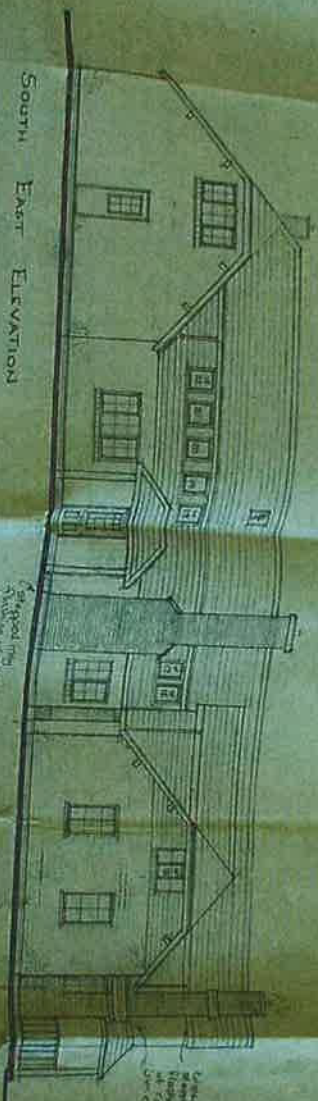


North West Elevation

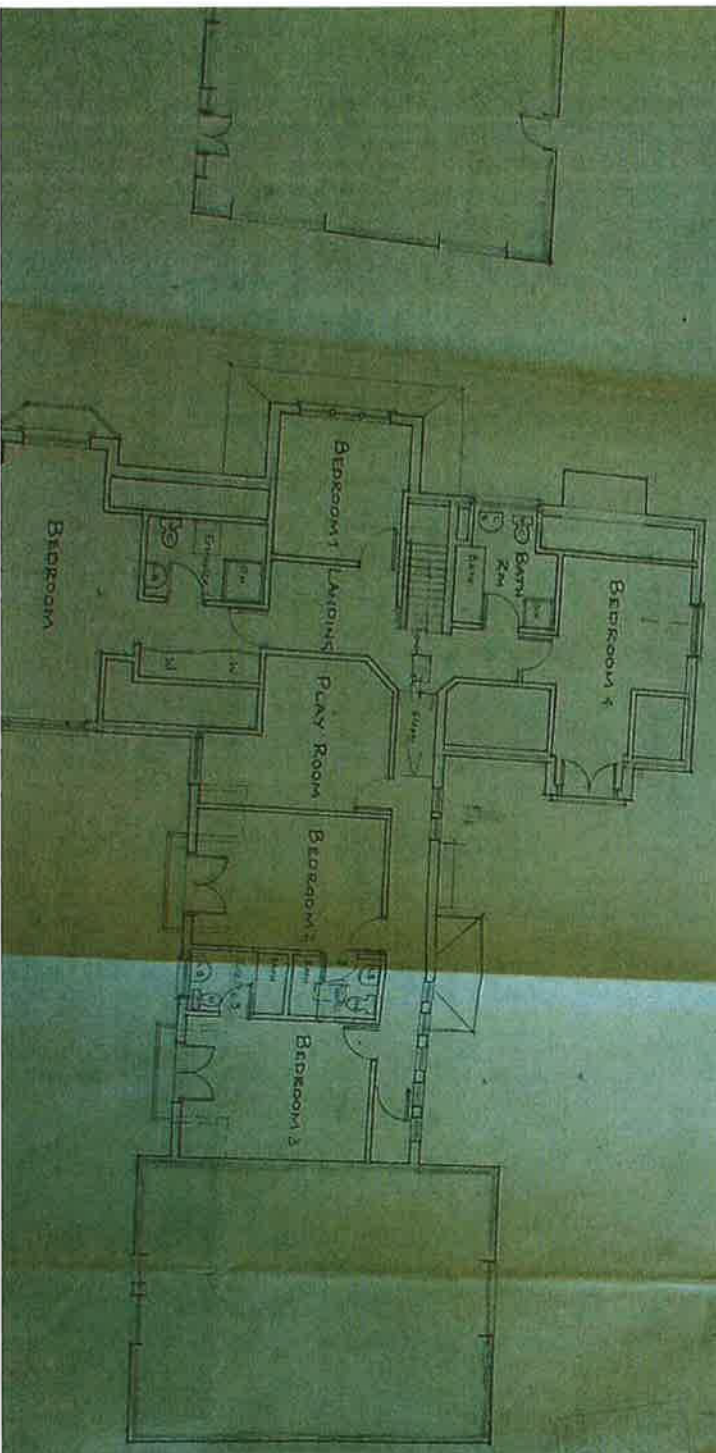


SECTION X-A

South East Elevation



Garage door to be added to this elevation



Planning Department
89 FEB 26 1991
APPROVED
GIVEN THE TOWN'S PLAN

Block Plan
SCALE 1:500



FRONT ELEVATIONS OF PROPOSED GARAGE PORT: SCALE 1:500



D.S. N° L.V. 8 1997
SITE PLAN
SCALE 1:2500

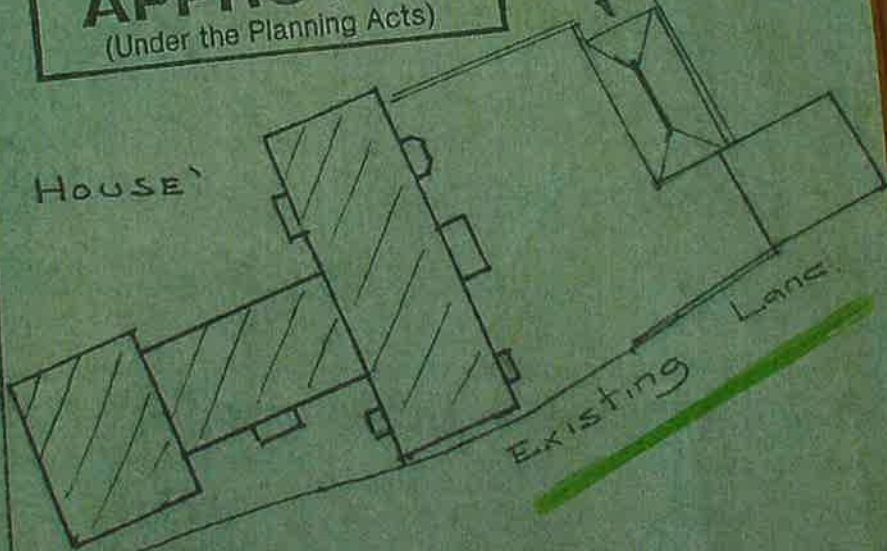
S/100/2164

BARN HOUSE
BRISWATER
DURKINGTON
SALISBURY

SCALE 1:100

Salisbury District Council
Planning Department
09 FEB 2001
Proposed
APPROVED
Port
(Under the Planning Acts)

'BARN HOUSE'



BLOCK PLAN
SCALE 1:500

Decision



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING PERMISSION

Name and address of agent:

R & S HOWES PARTNERSHIP
97 TORQUAY ROAD
PAIGNTON
DEVON
TQ3 2SE

Name and address of applicant:

MR J ELLIOTT
BARN HOUSE
BRIGMERSTON
DURRINGTON
SALISBURY
SP4 8HX

Reference No: S/2000/2164
Date Registered: 22/11/00

PROPOSAL: FULL APPLICATION - DEMOLISH AND
REBUILD BARN HOUSE
LOCATION: BARN HOUSE BRIGMERSTON
DURRINGTON SALISBURY

**SALISBURY DISTRICT COUNCIL
HEREBY GRANTS FULL PLANNING PERMISSION
FOR THE ABOVE DEVELOPMENT
(Subject to the conditions overleaf / attached)**

Signed:

(Authorised Officer)

Date: 09 FEB 2001

Please refer to the notes
attached to this decision

| | | | |
|------------------------------|---|----------|---|
| S/2000/2164 | 22/11/00 | 17/01/01 | MR J ELLIOTT R & S HOWES PARTNERSHIP |
| MILS | | | |
| Easting: 415957.071867808 | Northing: 145599.282951197 | | |
| PROPOSAL: | FULL APPLICATION -DEMOLISH AND REBUILD BARN HOUSE | | |
| LOCATION: | BARN HOUSE BRIGMERSTON DURRINGTON SALISBURY SP4 8HX | | |

REASON FOR REPORT TO MEMBERS

Councillor Spencer disagrees with recommendation because of the scale of the proposed operation and the detrimental impact on the historic hamlet.

SITE AND ITS SURROUNDINGS

Barn House is a large property set within a large plot adjacent the River Avon watercourse located to the South West of the small hamlet of Brigmerston. The site has been the subject of an application for a Certificate of Lawfulness for the occupation of barn house and barn cottage as two separate dwellings and was approved on 12 January 2000. However there is no distinct boundary between the two properties and the current applicant is in ownership of both properties. The existing structure consists of a T shaped footprint with a two storey element to the north east incorporating accommodation in the roof space. The structure that links the two properties is single storey in nature.

The application site is outside the HPB of the settlement.

THE PROPOSAL

It is proposed to demolish Barn House and rebuild to the same footprint with additional extensions and alterations to the property including the increase in roof height of the linked structure allowing first floor accommodation in the roof space. A number of dormer windows are also included within the proposal. The demolition of the existing structure is required as the existing timber walls are invested with woodworm and the front foundations require strengthening.

PLANNING HISTORY

The site has been the subject of an application for a Certificate of Lawfulness for the occupation of Barn House and Barn Cottage as two separate dwellings and was approved on 12 January 2000 (S/1998/1066 relates). In addition consent was given on 9 October 2000 for extensions and alterations to Barn House (S/2000/1335 relates). The proposed alterations were identical to the proposals submitted as part of this application. The only difference between the two applications relates to the demolition of the existing structure due to structural problems.

CONSULTATIONS

- | | | |
|--|---|--|
| Housing & Health Officer | - | No objections |
| Environment Agency conditions below | - | No objections on flood risk grounds subject to |
| English Nature | - | No objection – there is no evidence of bats at the site. |

REPRESENTATIONS

Advertisement No

| | | |
|-------------------------|-----|-----------------|
| Site Notice displayed | Yes | Expiry 21/12/00 |
| Departure | No | |
| Neighbour notification | Yes | Expiry 14/12/00 |
| Neighbour response | No | |
| Parish Council response | No | |

MAIN ISSUES

1. Accordance with housing policy
2. Impact on neighbouring amenity
3. Nature conservation and impact on adjacent river environment and wider landscape setting

POLICY CONTEXT

H30, C7 and C12, C18 and G1 of adopted SDLP

PLANNING CONSIDERATIONS

1. Accordance with housing policy

The proposed development now relates to a replacement dwelling within the open countryside and as such policy H30 is relevant.

Policy H30 states:

The replacement of an existing dwelling in the countryside will normally be permitted provided that:

- (i) *the proposed replacement dwelling is not significantly larger than the existing dwelling;*
- (ii) *the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;*
- (iii) *the dwelling is not disproportionate in size to neighbouring properties;*
- (iv) *the siting of the replacement dwelling is closely related to that of the existing;*
- (v) *current parking and access standards can be met; and*
- (vi) *the existing dwelling has not been abandoned.*

Where the residential use of the existing dwelling is the result of a temporary, or a series of temporary permissions, any permanent replacement dwelling will only be permitted in exceptional circumstances.

The proposed replacement dwelling would be built within the same footprint of the existing property. The proposed alterations to the design and nature of the property include the introduction of first floor accommodation in the roof space of part of the dwelling that links Barn House and Barn Cottage incorporating dormer windows and additional fenestration to all elevations of the existing property. The proposed changes to the design and nature of the property would result in a dwelling that is larger than the existing property. However it is considered that the resulting dwelling would not be significantly larger than the existing property. In addition it is considered that the proposed alterations and extensions add greater legibility to the existing structure, are not out of keeping with the surrounding environment and in design terms are considered an improvement to the existing property. In any case the proposed changes to the existing property do not differ from the alterations already granted planning permission under S/2000/1335.

The proposal is therefore considered to comply with the criteria set out in policy H30 of the SDLP.

2. Impact on neighbouring amenity

As stated above the existing structure consists of two linked properties and as such the amenity of the two properties needs to be safeguarded against any new development that may have an adverse impact. The SW elevation of Barn House faces Barn Cottage and it is proposed to

construct two dormer windows in the roof space of this elevation. Window 25, as indicated on the plans, would look directly onto the patio area of the adjoining property. Whilst this window does serve a bedroom, additional light would come from two new, fairly large windows to the NW and NE elevations and it is therefore considered that it is acceptable to attach a condition so that this first floor bedroom window be fixed and obscure glazed.

It is considered that the proposed alterations do not cause demonstrable harm to the amenity of the neighbours to the NW of the site.

3. Nature conservation and impact on adjacent river environment and wider landscape setting

The property is set within close proximity to the River Avon with the garden area sloping towards the river to the north west of the site. The flood plain of the River Avon is designated as a Site of Special Scientific Interest and candidate Special Area of Conservation under the European Habitats Directive. As such policies C12 and C18 are relevant to this application. The Environment Agency have proposed a number of conditions relating to the restriction of development that is within close proximity of the watercourse and the restriction of storage of materials within the 1 in 100 floodplain. These conditions were attached to the previous consent and are considered acceptable in this case. Whilst the proposals would lead to a larger dwelling on this site it is considered that due to the size of the plot and the resulting design the proposed development would not harm the general setting of the adjacent river environment and the wider landscape setting.

The proposal is therefore considered to comply with policies C7, C12 and C18 of the SDLP.

CONCLUSION

The proposed replacement dwelling is considered to meet the criteria of policy H30 and is not considered to harm the setting of the adjacent river environment of wider landscape area.

RECOMMENDATION: SUBJECT TO A BAT SURVEY AND NO ADVERSE COMMENTS FROM ENGLISH NATURE AS A RESULT OF THE BAT SURVEY THEN,

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

0014 To secure a harmonious form of development.

3. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within

(a) 8 metres of the top of any bank or watercourses
and/or

(b) 8 metres of any side of an existing culberted watercourse inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

4. There shall be no storage of any materials including soil within that part of the site liable to flood as shown as the 1 in 100 year flood plain on drawing no 35837/FM/32/11(2).

To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.

APPRAISAL PAGE

Site Visit Date

29/11

Application Number

S/00/2164

Site Notice Displayed

Yes No

Description of Development correct Yes No

Consultations adequate Yes No

Publicity adequate Yes No

CONSERVATION

LISTED BUILDINGS

DESIGN & APPEARANCE

Scale, massing, character, materials

AMENITY

Privacy / Overlooking
Terracing

AMENITY AREA

Conforming with policy R2

HIGHWAY

Traffic, Access, Parking

LANDSCAPING

Enclosure, Ex. Trees
Levels / Topography

NOISE / POLLUTION


ADJOINING LAND USES

DRAINAGE

DISABLED ACCESS

FLOODING

SITE NOTES

- Existⁿ structure = large foot print with 2 storey gable with side & form  footprint
↑ separate dwell^y

- adj river & in flood plain & slope down

- Textured white render with some roof slopes of small concrete dark tiles + timber cladding

- In need of renovation

- Skelevation = mobile home but good boundary treatment - trees etc

- Amenity NW elev. faces river & no prospect

- NE = facade. Wall but fair distance away - 1st floor window in SW elev face been Hoyle obscure + omit bed c!

ADDITIONAL NOTES / SKETCH

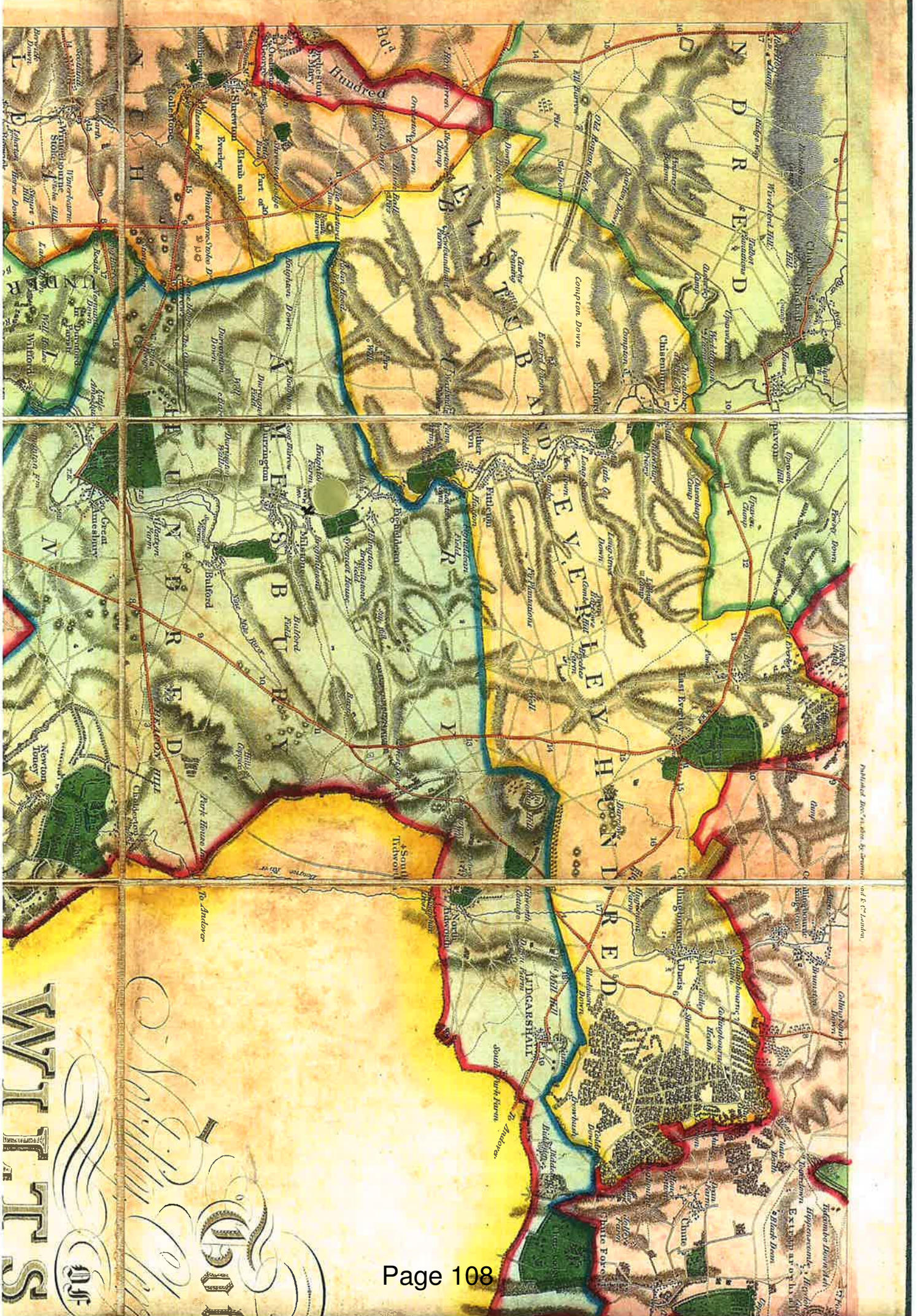
- Area in vicinity not ~~eye~~ of any public character & proposals appear to build on existⁿ design & theme

- Although large property created, large plot & should accommodate - add legibility & form + work survey of existⁿ! as with S/00/1355

Other

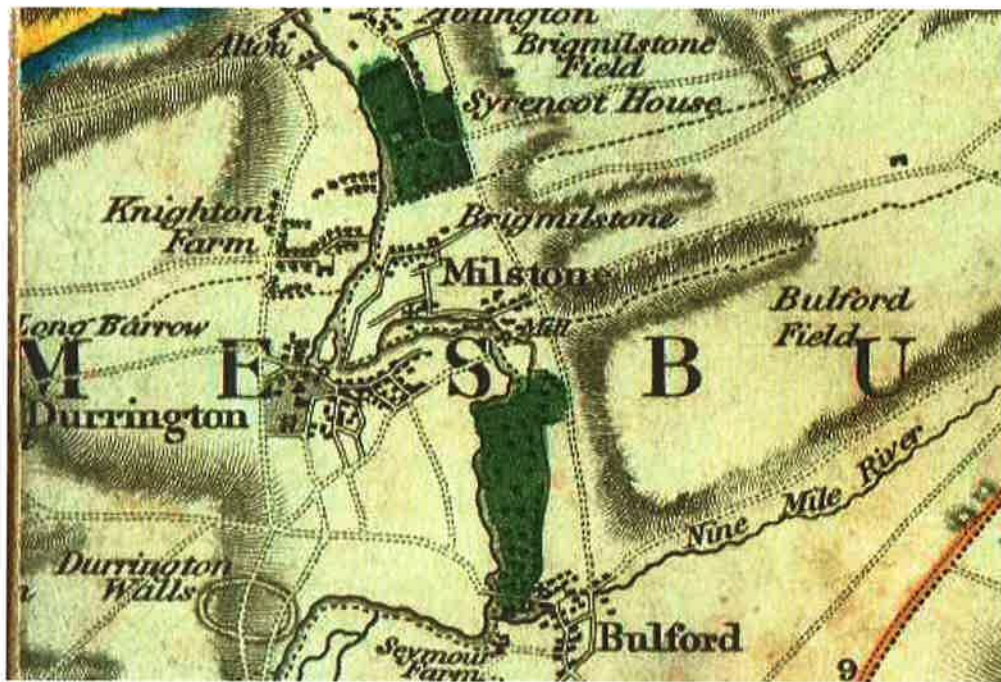


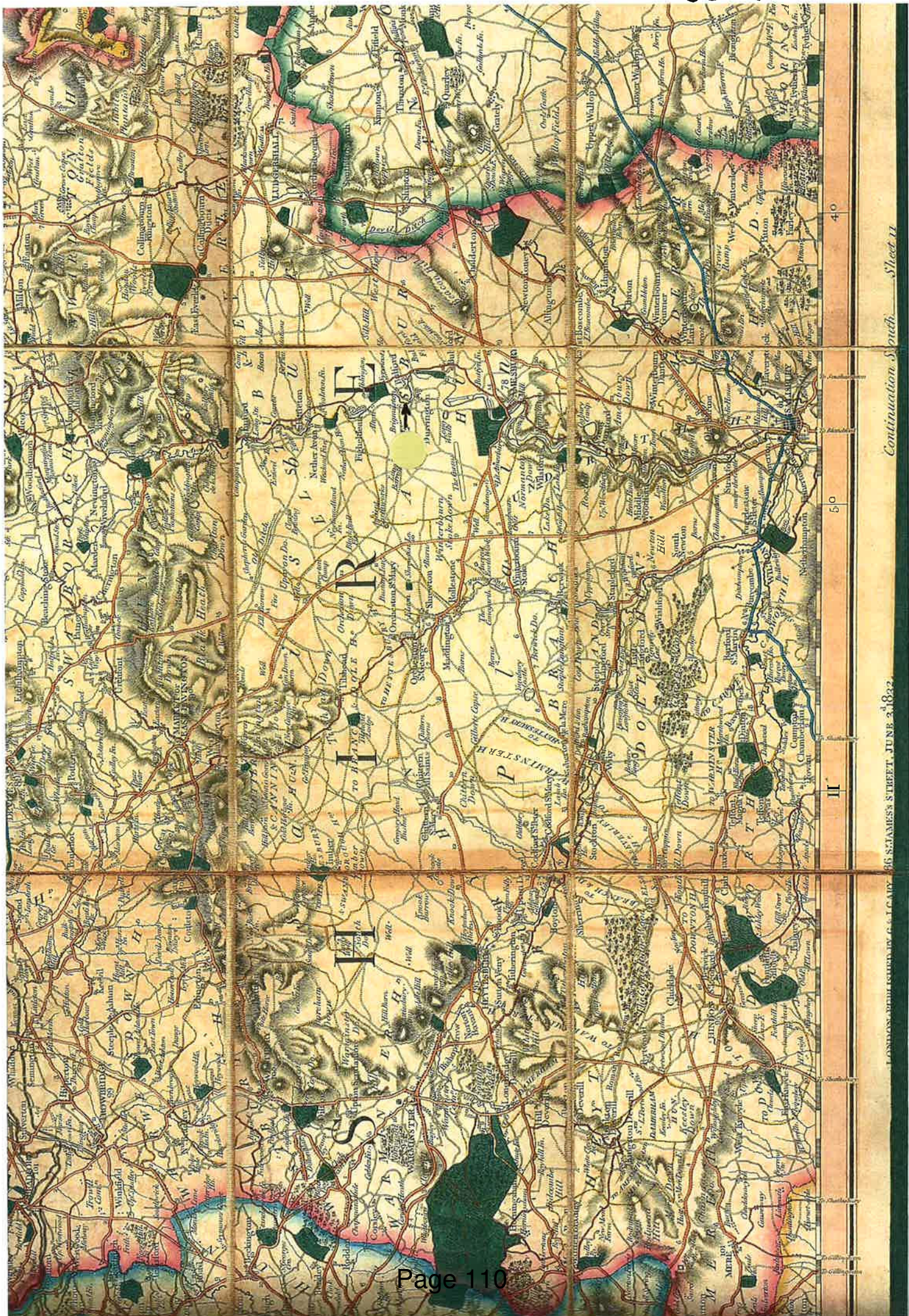




Published Dec. 24, 1860 by Wm. Watts & Co. London.

Greenwoods Map of Wiltshire 1820





Continuation South Sheet 11

LONDON MAP ISSUED BY G. ICARY 36 STAMMES STREET, JUNE 3, 1832.



Cary 1832 enlarged

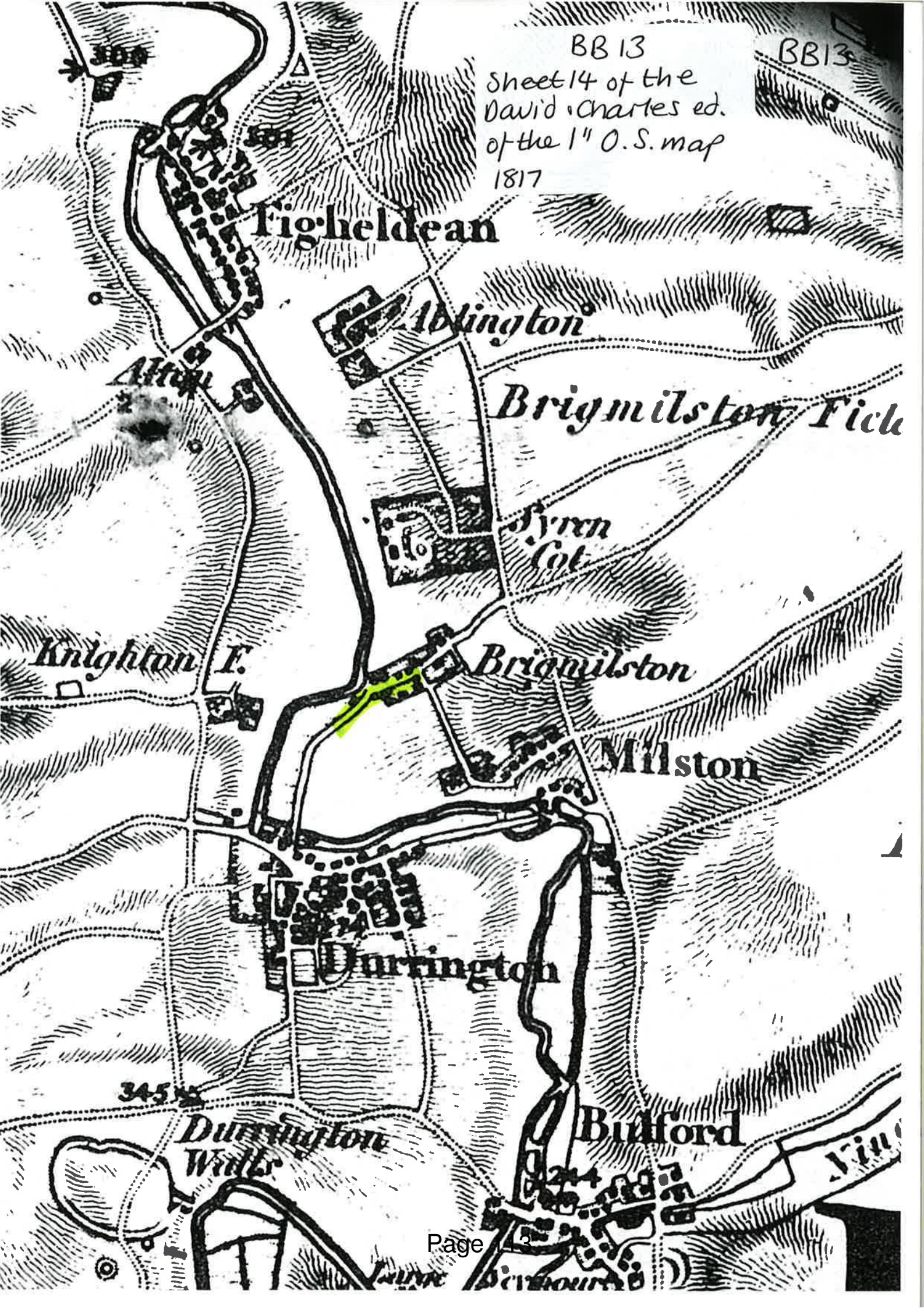
Explanation.

- Mail Roads
- Timpike Roads
- Carriage Roads *which are Parochial Roads*
- Parochial Roads
- Churches and Chapels
- Cities
- Borough Towns { *The Stars denote the Number of Members* }
 { *returned to Parliament*
- Market Towns { *The distance from London* } WELLINGTON
 { *is prefixed to each town*
- Parishes Sidbury
- Villages and Farms Crablake
- Gentlemens Houses and Grounds
- Hills { *The Figures denote their Elevation* }
 { *above the level of the Sea*
- Lakes and Rivers
- Navigable Canals
- Drains
- Iron Rail Road
- Antient Earth Work
- Roman Roads
- Boundaries of Counties
- Boundaries of Hundreds
- Cliffs
- Piers
- Rocks *always uncoveral*
- Rocks *covered at high water*
- Rocks *always covered*
- Sands *covered at high water*
- Sands *always covered*
- Anchorage
- Direction of the Currents
- The figures on the coast shew the depth of water in fathoms*



BB 13
Sheet 14 of the
David Charles ed.
of the 1" O.S. map
1817

BB13



Figheldean

Abington

Brigmilston Fick

Syren
Cot

Knighton F.

Brignilston

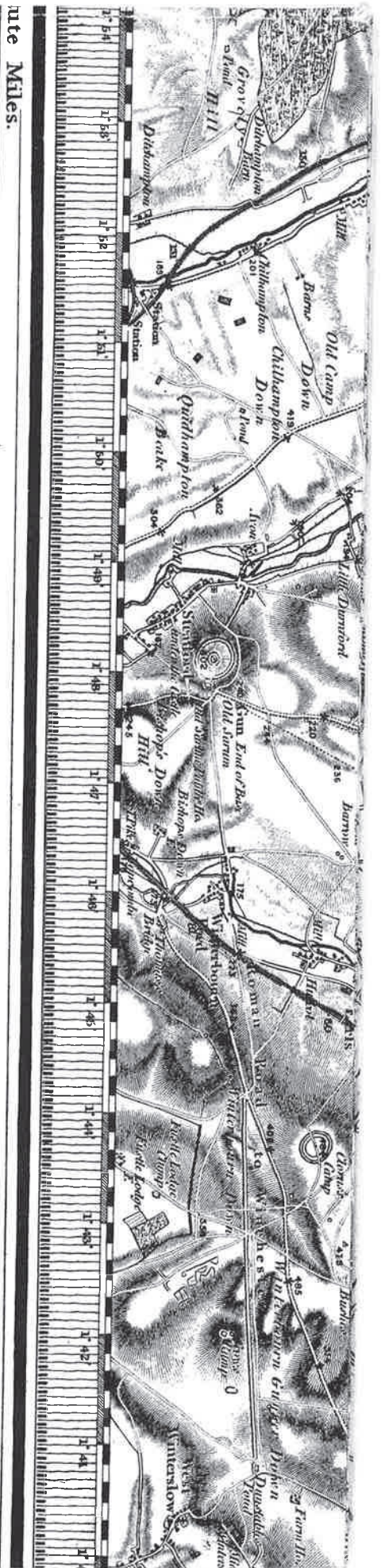
Milston

Durrington

345

Durrington
Walls

Butford



Engraved at the Drawing Room in the Tower, under the Divis

title slip which describes the issue as 'Ordnance Survey of Great Britain. Part the VIIth. Containing the Central Part of Wiltshire, A Portion of Somersetshire, and the remaining Part of Hampshire, Comprised in Plates No. 14, and 19.' On the early states no borders were engraved—possibly to facilitate the mounting of different sheets as a unit for one county, although on some copies a separately engraved border has been pasted on (RGS, Duke of Wellington set). The marginal imprints read 'Published 14th. Augt. 1817, by Col. Mudge, Tower,' and 'Engraved at the Drawing Room in the Tower, under the Direction of Col. Mudge, by Benjn. Baker & Assistants—The Writing by Ebenr. Bourne.' There may be more than one state of the map in this early period.

2) James Gardner printings (1824–40)

In 1824, James Gardner, former trigonometrical surveyor with the Board of Ordnance, was appointed agent for the sale of the Ordnance maps. In the bottom border of the map he was permitted to have engraved 'Sold by Jas. Gardner, Agent for the Sale of the Ordnance Maps 163, Regent Street, London.'¹² In addition, 'Printed by Ramsshaw' is added in the bottom margin.¹³ The border has been completed on all sides; and, probably in more than one state, we may expect to encounter minor revisions to topography.

3) First electrotype printings (1850s)

'Printed from an Electrotpe' is not added below the bottom border, but by analogy to other sheets a duplicate plate may have been first made c.1850. A number of changes may be noted. The Gardner and Ramsshaw imprints have been deleted. The numbers of adjacent sheets have been added within borders, and an arabic sheet number by the roman in the north-east corner. The first railway information, namely the Wilts & Somerset Railway—serving Trowbridge and terminating abruptly in open country at Westbury station—has been inserted. The BM copy is accession-stamped 1854.

The Index to the Tithe Survey, showing parish boundaries, was based on an

electrotpe duplicate of this printing but in an earlier state which lacks the Wilts & Somerset Railway.

4) Middle electrotype printings (1860s)

A new inner edge has been added to the border, and values for latitude and longitude within it. Further railway material has been inserted including the Wilts Somerset & Weymouth Railway (Salisbury Branch), the Berks & Hants Railway and a line (unnamed) following the Roman Road to Silchester. The BM copy is accession-stamped 1863 and bears the OS embossed stamp 1863. Other electrotypes made in the 1860s are exemplified by the RMA copy, the duplicate plate for which was made in 1865, but the map actually printed in 1866. Additions include a branch line from the Berks & Hants Railway to serve Marlborough and a number of spot heights.

5) Late electrotype printings (post 1870, David & Charles facsimile)

Changes made after the 1860s, probably effected on several electrotypes, recorded further railway construction. A new electrotype plate was made in 1871,¹⁴ but the map published by David & Charles is printed from an OS Record Copy, the electrotype plate for which was made in 1891 and the map actually printed in 1893. Railways have been added to June 1882 and new material (since the 1860s) includes the Swindon Marlborough & Andover Railway. Numerous spot heights have been added to the plate—some using the convention of an arrow pointing to a number.

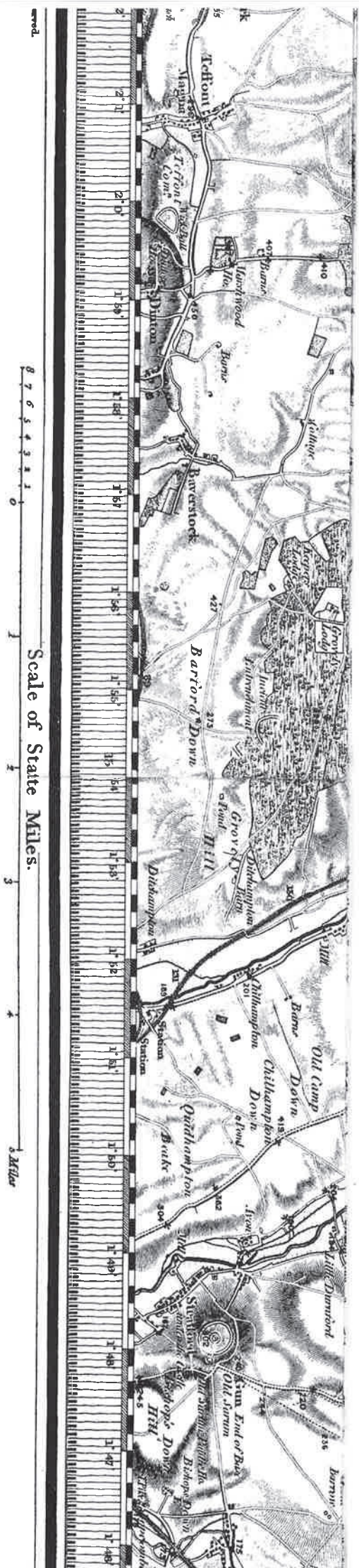
We may sum up by saying that the map published in facsimile is a composite document embodying material from a succession of dates. The engraving of 1817 (based on a survey 1808–16) remains intact over much of the sheet. The major revisions result from the periodic insertion of railway material.

J. B. H.

References

¹ William Mudge and Isaac Dalby, *An Account of the . . . Trigonometrical*

Survey of England of the triangulation
² The measurement vol 1, pp 256–68.
³ *British Parliament*
⁴ For an index to
⁵ *British Parliament*
⁶ These common drawing number
⁷ See sheet 76 of
⁸ Sir Charles Clark edition with an
⁹ This is the size,
¹⁰ I owe this suggestion
¹¹ BM Maps 148 e
¹² The London directory from 1824 to 184
¹³ James Ramsshaw listed in the directory engraved on the Ordnance had g
¹⁴ I owe this state



to establish in receipt of the British

state, printed from a press in the Tower, were then circulated for corrections to be made by well-informed gentry within the county; again, as with sheet 19, published on the same day, it is possible that Sir Richard Colt Hoare cast his eye over a proof.⁹

PUBLICATION HISTORY

The main stages in the revision of the map are outlined below, although these should not be regarded as a definitive carto-bibliography embracing all printings where addition or deletion has produced alteration to the copper-plate or its successive electrotypes. Nonetheless, it will assist historians in assessing the extent of revision between the first printing of 1817 and that reproduced by David & Charles, and allow isolated copies, in a variety of local map collections, to be dated approximately.

1) Early printings (1817–c1824)

Sheet 14 was first published on 14 August 1817, as one of a pair of sheets (OS numbers 14, 19) issued on the same day, and both measuring c29 x 23in.⁹ In common with a band of sheets occupying central England, the reason for this reduction of size from the larger sheets (36in x 24in) employed elsewhere is not clear, although it may be related to the projection of the map from independent meridians at Greenwich and Butternon Hill, with the result that the intervening country would not divide into equal rectangles.¹⁰ The influence of projection on the construction of the map is also confirmed by the fact that it does not form a right angle at the north-east corner and the northern neat line is about half-an-inch shorter than the southern: it was along the tapering eastern edge of sheet 14 that part of the discontinuity arising from sheets projected from separate meridians had been reconciled.

Sheets 14 and 19 do not coincide with the county boundaries of the area they cover, although the traditional practice of the Board of Ordnance in attempting to issue the sheets in relation to a county, is reflected in a contemporary printed

title slip which describes the issue as 'Ordnance Survey of Great Britain. Part the VIth. Containing the Central Part of Wiltshire, A Portion of Somersetshire, and the remaining Part of Hampshire. Comprised in Plates No. 14, and 19.'¹¹ On the early states no borders were engraved—possibly to facilitate the mounting of different sheets as a unit for one county, although on some copies a separately engraved border has been pasted on (RGS, Duke of Wellington set). The marginal imprints read 'Published 14th, Aug^t. 1817, by Col^l. Mudge, Tower,' and 'Engraved at the Drawing Room in the Tower, under the Direction of Col^l. Mudge, by Benjn. Baker & Assistants—The Writing by Ebenr. Bourne.' There may be more than one state of the map in this early period.

2) James Gardner printings (1824–40)

In 1824, James Gardner, former trigonometrical surveyor with the Board of Ordnance, was appointed agent for the sale of the Ordnance maps. In the bottom border of the map he was permitted to have engraved 'Sold by Jas^s. Gardner, Agent for the Sale of the Ordnance Maps 163, Regent Street, London.'¹² In addition, 'Printed by Ramshaw' is added in the bottom margin.¹³ The border has been completed on all sides; and, probably in more than one state, we may expect to encounter minor revisions to topography.

3) First electrotype printings (1850s)

'Printed from an Electrotype' is not added below the bottom border, but by analogy to other sheets a duplicate plate may have been first made c1850. A number of changes may be noted. The Gardner and Ramshaw imprints have been deleted. The numbers of adjacent sheets have been added within borders, and an arabic sheet number by the roman in the north-east corner. The first railway information, namely the Wilts & Somerset Railway—serving Trowbridge and terminating abruptly in open country at Westbury station—has been inserted. The BM copy is accession-stamped 1854.

The Index to the Trihe Survey, showing parish boundaries, was based on an

electrotype duplicate of Wilts & Somerset Railw;

4) Middle electrotype pri

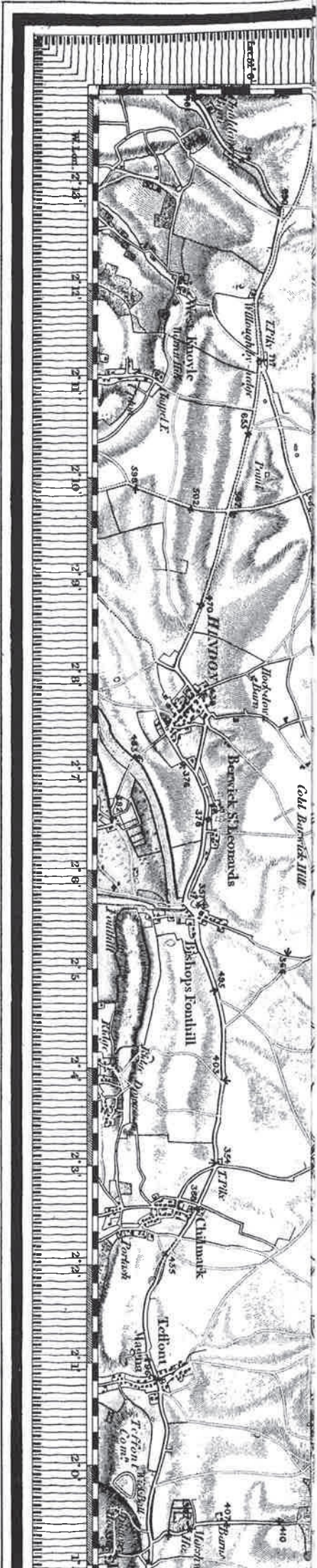
A new inner edge has been added within the Wilt's Somerset & Weym Railway and a BM copy is accession-sta Other electrotypes mad duplicate plate for which 1866. Additions include a Marlborough and a numt

5) Late electrotype printi

Changes made after the recorded further railway 1871, '4 but the map public Copy, the electrotype plai printed in 1893. Railway (since the 1860s) includ Numerous spot heights t vention of an arrow point We may sum up by sayi document embodying ma 1817 (based on a survey The major revisions resul

References

1 William Mudge and 1



Published in 1817 by Col. Mudge, Tower.

Engraving executed by John Hill.

All rights of reproduction reserved.

SHEET 77 DEVIZES

Sheet 77 of the David & Charles edition was sheet 14, named Devizes, in the *Old Series of Ordnance Survey 1in maps.*

SURVEY

The survey of Wiltshire began in 1793 when the triangulation¹ of Dorset was extended northwards, by Captain William Mudge and Isaac Dalby, to observe trigonometrical stations at Old Sarum, Four Mile Stone (on the road from Salisbury to Devizes) and Beacon Hill near Amesbury. These observations were continued in 1794 and, in June of that year, the measurement of the base-line of verification on Salisbury Plain was put in hand. This base extended from Old Sarum Castle (where 'Gun End of Base' is marked on sheet 14: an upturned gun muzzle marked the exact site) to Beacon Hill near Amesbury, and was measured with a hundred-foot steel chain.² As Mudge reports: '... great pains were taken to produce an accurate result', and his detailed description of the stages in the operation can leave us in little doubt as to the meticulous care exercised with the geodetic framework for the first 1in maps, although we should not forget, that in this early period at least, the trigonometrical survey was regarded as an end in itself.

The interior triangulation, extending the framework of precisely located points to many other local landmarks—including church spires, prehistoric earth works, windmills and clumps of trees—was completed in the early 1800s under the direction of Lieutenant-Colonel William Mudge and Captain Thomas Colby.

The local topographical survey was undertaken—apart from the line of the Marlborough turnpike in the north of the sheet surveyed in 1816—between 1807 and 1811 at a uniform scale of 2in to 1 mile. It was executed by the Royal Military Surveyors and Draftsmen, and probably assisted by local surveyors hired for the task. Their methods seem to have included the use of compasses to

take angular measurements, and pacing or the perambulator to establish distances within the triangulated framework. The field parties were in receipt of supplementary pay for every square mile successfully surveyed and planned.³ Copies of the fair drawings of this work are preserved in the British Museum.⁴

DRAWING AND ENGRAVING

From the nine field drawings relating to sheet 77 in whole or part, a final draft was prepared for the engraver at a scale of 1in to 1 mile. This reduction was undertaken by Thomas Yeakell,⁵ also a Royal Military Surveyor, whose office was in the Drawing Room of the Tower of London. He may have been assisted by other members of the Corps, some of whom returned to work in the Tower after a summer season in the field. A revision and selection of material took place at this stage. For instance the milestones (ms) indicated along several roads on the drawings have been omitted from the engraved map; there are minor revisions to the spelling of place-names (eg Fifield, west of Marlborough, becomes Fyfield); and some of the descriptions of antiquities on the drawing have been edited for the engraver. The drawings for the Salisbury Plain area give the appearance of being executed with particular care: the hill sketching is carefully done by the use of a fine black colour wash; settlements are shown in red, roads buff and the Kennet & Avon Canal in green.⁶ As befits a region rich in prehistoric earthworks both the drawings and the engraved sheets are something of a landmark in the history of the Ordnance Survey's depiction of archaeological sites. It seems likely that on this sheet, as on sheet 19 (D & C 76) to the west, Sir Richard Colt Hoare (1758-1838), the Wiltshire antiquary, had a hand in the inclusion of so much specialised detail.⁷

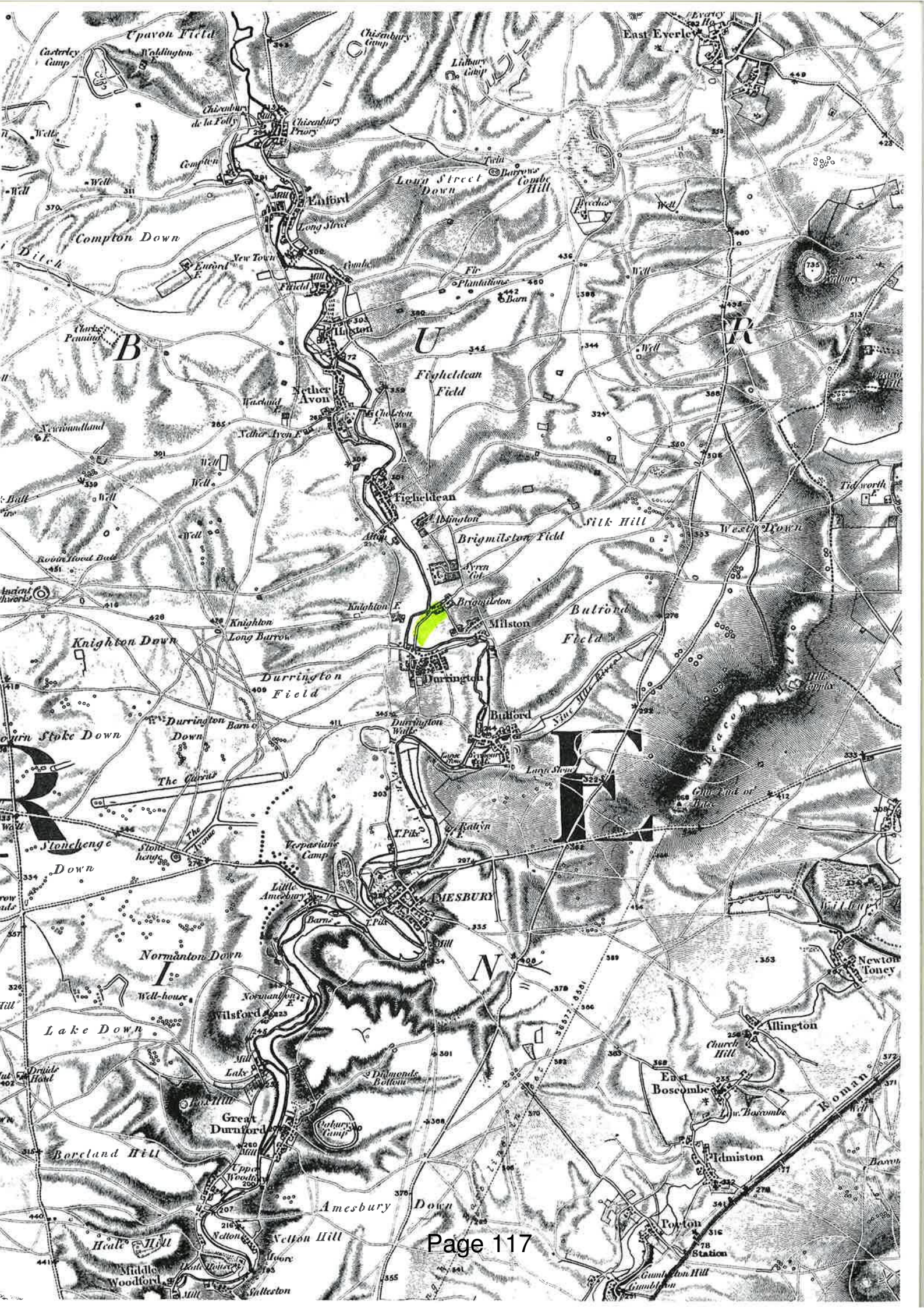
An engraver's workshop had been set up in the Tower after 1801 with Benjamin Baker (formerly in private practice in Islington) as principal engraver. The lettering was cut by Ebenezer Bourne, one of his four assistant engravers at this date. Proof impressions of the map, both in outline and later finished

state, printed from to be made by well 19, published on th his eye over a proof

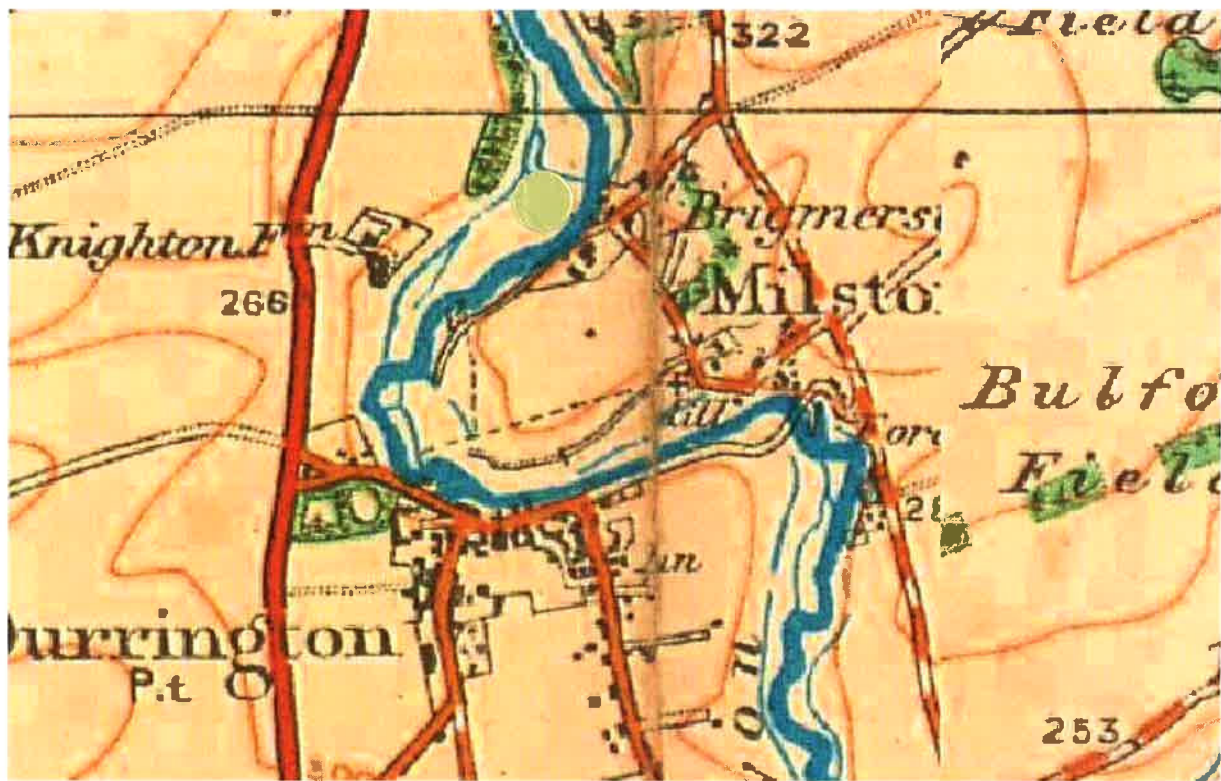
PUBLICATION HI

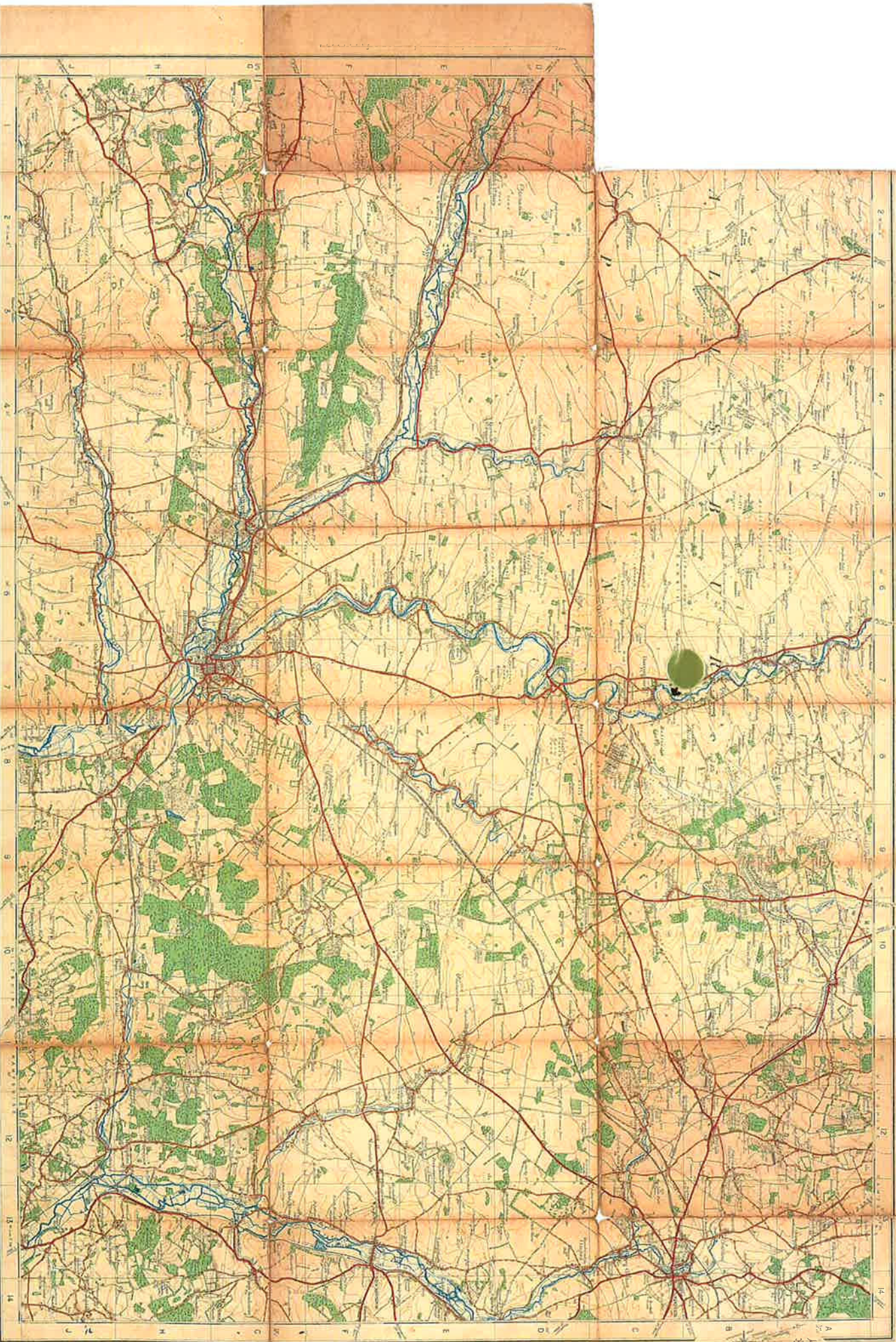
The main stages in should not be regar where addition or successful elector extent of revision t David & Charles, ar to be dated approx:

- 1) Early printings (Sheet 14 was first (OS numbers 14, 11 In common with a this reduction of si; is not clear, althou dependent meridial intervening county projection on the c it does not form a line is about half-a eastern edge of st projected from sep Sheets 14 and 15 cover, although the to issue the sheets



Enlarged extract from Popular Edition of 1919 1 inch Ordnance Survey map





Engraved at the **ORDNANCE SURVEY OFFICE, Southampton.**
 Surveyed in 1882-5 and Published in 1892-3.
 Revised in 1897. and in 1903-5.
 Revised (5th Revision) in 1913.
 Published by Colonel Sir Charles Close, KBE, CB, CMG, Director General.
 Printed at the Ordnance Survey Office, Southampton. 1919.

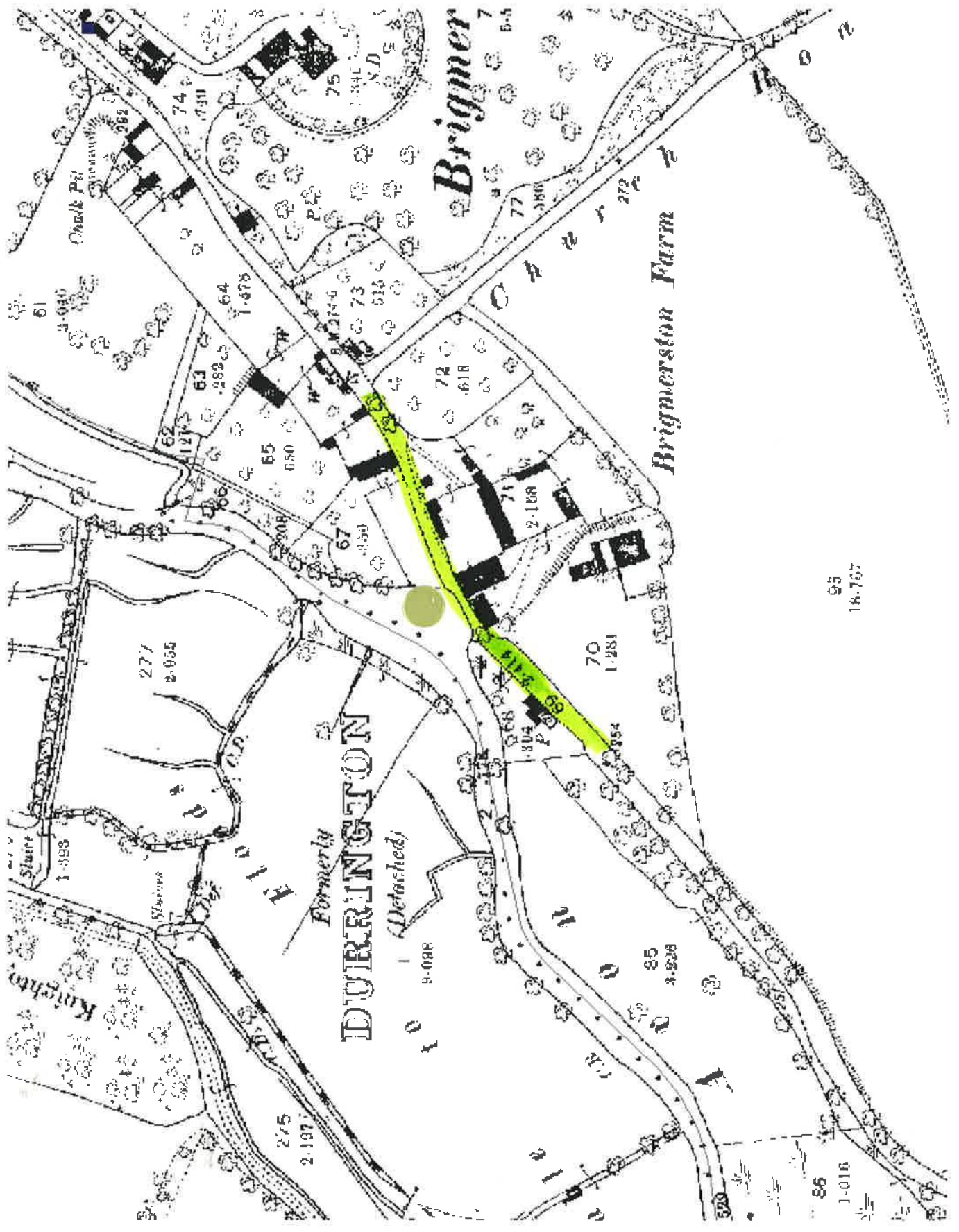
N.B. The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.

| | Surface | Good & fit for fast traffic | Fit for ordinary traffic | Indifferent or winding road | Bad | |
|--|--------------------------|--------------------------------|-----------------------------|--------------------------------|-----|---------|
| Main Routes between towns | over 14' of Metalling | | | | | Railway |
| Other Roads | | | | | | " |
| Roads under 14' wide | | | | | | Minor |
| Minor Roads | | | | | | Wood |
| Bridle & Footpaths | | | | | | Orcha |
| (Private Roads are uncoloured. Unfenced Roads are shown by dotted lines) | | | | | | |
| Slopes steeper than $\frac{1}{4}$ | | | | | | |

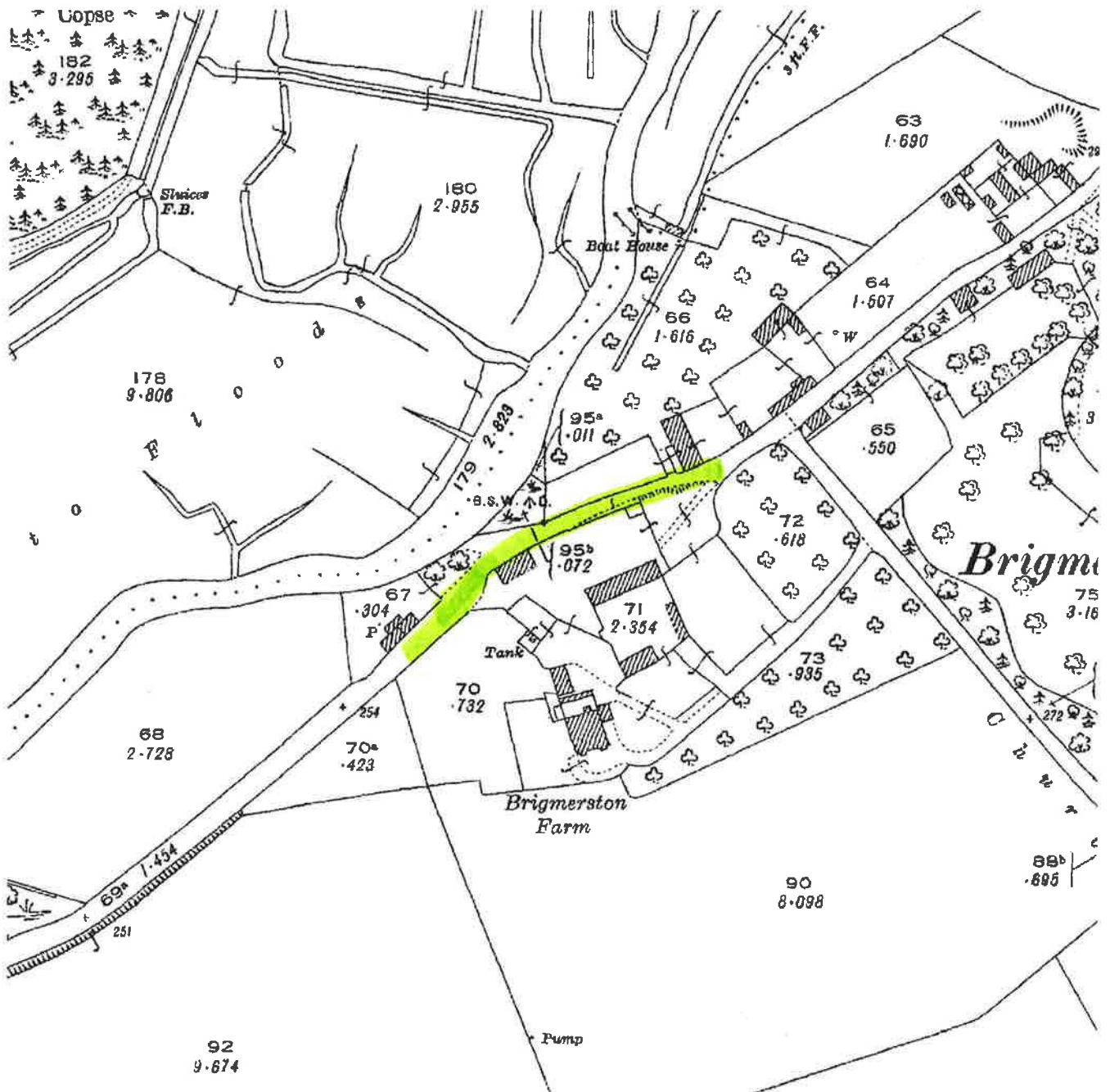
Key for 1 inch Ordnance Survey map revised in 1913 and printed in 1919



First edition County Series Ordnance Survey map, surveyed 1877-78, 25 inches to 1 mile



1926 edition 25 inches to 1 mile Ordnance Survey Map
County Series, surveyed 1877-78



This page is intentionally left blank

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|-----------------------|-------------------------------|
| Date of Meeting | 16 January 2014 | | |
| Application Number | 13/01494/FUL | | |
| Site Address | Tesco and Avon and Riverside Houses 21 - 25 Castle Street Salisbury Wiltshire SP1 1TT | | |
| Proposal | Demolition of existing retail unit (Class A1) and Avon and Riverside Houses (Class B1) and redevelopment of the site to provide a replacement retail unit at ground floor, hotel at second and third floor levels together with car parking, landscaping and ancillary works | | |
| Applicant | Spenhill Developments Ltd | | |
| Town/Parish Council | SALISBURY CITY | | |
| Electoral Division | Salisbury St Edmund and Milford | Unitary Member | Cllr Dr Helena McKeown |
| Grid Ref | 414323 130126 | | |
| Type of application | Full Planning | | |
| Case Officer | Lucy Minting | | |

Reason for the application being considered by Committee

Councillor Dr Helena McKeown has requested that this application be determined by Committee due to:-

- Impact on visual amenity;
- Design – bulk, height, general appearance;
- Impact on local economy including other visitor accommodation.

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:-

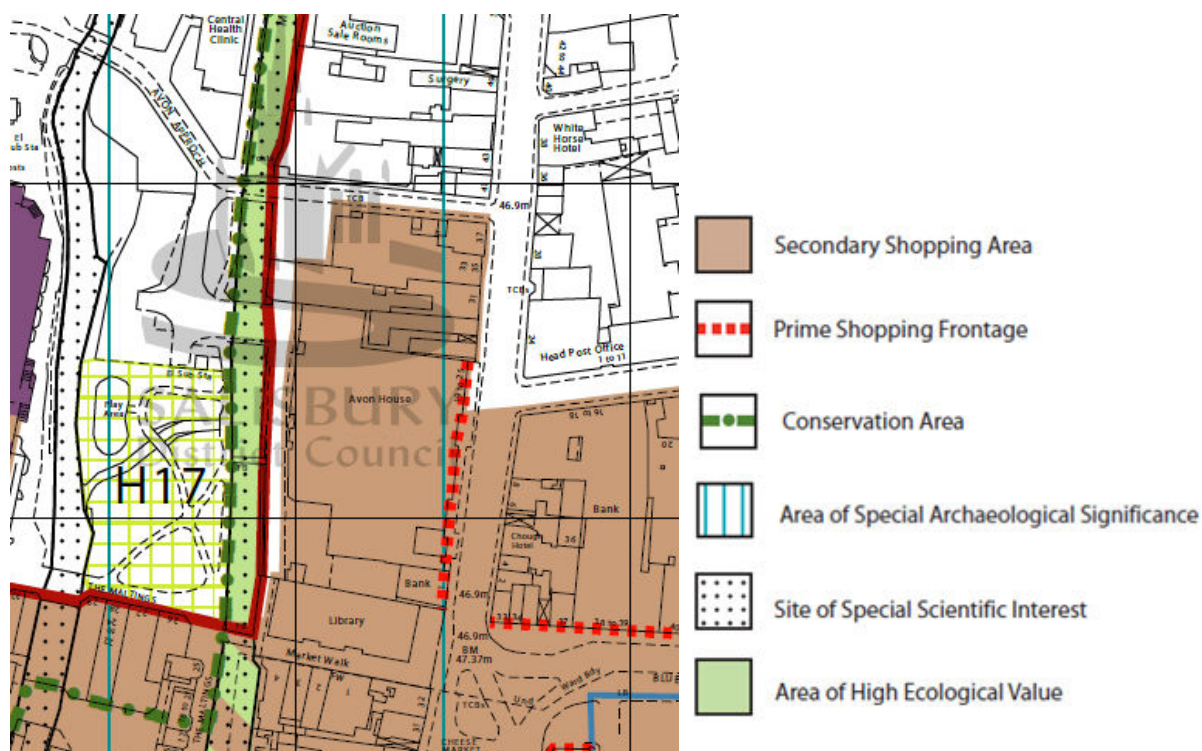
1. Principle – Protecting retail centres & tourist accommodation
2. Impact on the character and appearance of the townscape, conservation area and listed buildings and landscaping/public realm
3. Highway considerations – access/parking

4. Nature conservation interests - impact on SAC/SSSI
5. Waste & recycling
6. Archaeology
7. Amenity and noise issues
8. Environmental Impact Assessment

The application has generated an Objection from Salisbury City Council and 42 representations of objection.

3. Site Description

The application site lies within a Primary Shopping Area (front (Castle Street) elevation), a Secondary Shopping Area (rear (river side) elevation), the Salisbury Conservation Area, and an Area of Special Archaeological significance. It is also adjacent to the millstream fed by the River Avon which is a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and an Area of High Ecological Value.



The site is currently supports modern buildings incorporating two historic facades to Castle Street. Fronting Castle Street the site comprises an army careers office and a retail store presently trading as Tesco at ground floor with ancillary storage and staff facilities, and further self-contained offices above, currently largely vacant (Avon and Riverside Houses).

The site is bounded to the east by Castle Street and to the north and south by listed buildings fronting onto Castle Street. A road running adjacent to the millstream accessed from Avon Approach borders the site to the west and provides access to Avon House and Riverside House, the rear service area for Tesco and a car park with 65 car parking spaces.

4. Planning History

| Application Number | Proposal | Decision |
|---------------------------|---|--------------------|
| 3761 | Erection of additional covered cattle pens | AC 15/07/1949 |
| 8510 | Outline erection of shop, estate office, showrooms, and office at the Castle Auction Mart and No 19 Castle Street | Refused 03/02/1966 |
| A527 | Alterations to shop front | A 21/06/1966 |
| E926 | Retail trade stores, warehousing & office suites | Withdrawn |
| A698 | Erection of a supermarket, one shop unit, offices and 2 maisonettes, bridge over stream at 19-25 | A 09/08/1966 |
| 8511 | Outline for erection of offices and salerooms and car park at rear of castle auction mart | Withdrawn |
| A961 | Erection of supermarket, shop, offices, 2 maisonettes & bridge over stream | AC 14/02/1967 |
| B336 | Erection of supermarket, unit shop, offices and two maisonettes, erection of new bridge across millstream | A 21/11/1967 |
| B992 | Erection of supermarket, maisonette & offices | A 16/07/1968 |
| C20 | Erection of supermarket & offices | AC 20/08/1968 |
| C485 | Revised shop front & elevation to offices | A 15/07/1969 |
| G275 | Retail trade stores, warehousing and office suites | A 27/03/1974 |
| S/1974/0657 | Extension of retail trade store with ancillary accommodation also offices at 3-17 | A 13/11/1974 |
| S/1974/0022 | Demolition of existing buildings | A 19/03/1975 |
| S/1978/0783 | Conversion of unloading bay into an in store bakery at 19-25 | AC 18/08/1978 |
| S/1984/0712 | Installation of chiller unit on roof for new ventilation & comfort cooling system at Riverside House, Avon Approach | AC 28/06/1984 |
| S/1987/1132/ADV | Internally illuminated company name sign | R 01/12/1987 |

| | | |
|-----------------|--|---------------|
| | Riverside House | |
| S/1991/0765 | Construction of new refrigeration plant room & installation of new refrigeration plant at roof level 21- 25 Castle Street | AC 04/07/1991 |
| S/1992/0676ADV | Internally illuminated shop signs 21-25 Castle Street | AC 08/07/1992 |
| S/1993/0212/ADV | Internally illuminated fascia sign and projecting sign at Employment Services | AC 23/03/1993 |
| S/1997/0241ADV | Internally illuminated fascia sign 21-25 Castle Street | AC 01/05/1997 |
| S/1997/1097 | Change of use from offices to medical offices and day care facilities (B1-D1) Riverside House | AC 30/12/1997 |
| S/2001/1009 | Install new ATM housing through glazing at 21-25 Castle Street | AC 11/07/2001 |
| S/2001/1126 | Internally illuminated static fascia sign at Tesco | R 31/07/2001 |
| S/2001/1127 | Internally illuminated static fascia sign at Tesco | R 31/07/2001 |
| S/2002/1284 | Various illuminated signs at Tesco, 21-25 Castle Street. | R 09/08/2002 |
| S/2002/1285 | New glazed entrance doors. New glass canopy. New shopfront fascia. New render treatment. New ATM machine installation at retail store. Tesco, 21-25 Castle Street. | AC 09/08/2002 |
| S/2002/1856 | Alteration to front fascia. New signage and alteration to entrance lobby at Army Careers office 13 Castle Street | AC 25/10/2002 |
| S/2002/1894 | Installation of 1 through the glass ATM at 21-25 Castle Street (Tesco) | AC 19/10/2002 |
| S/2003/0052 | Various internally illuminated and non-illuminated signs (Tesco) | R 31/03/2005 |
| S/2006/1663/AD | Shopfront signage (Tesco) | AC 19/09/2006 |
| S/2006/1691/FUL | Replacement of existing ATM to new location (Tesco) | AC 19/09/2006 |
| S/2006/1808 | Relocating entrance door and fire exit | AC 12/10/2006 |
| S/2007/2569 | Change of use of premises from B1 (office) to D2 | AC 21/02/2008 |

| | | |
|-------------|--|---------------|
| | (Assembly & leisure) above 25 Castle street | |
| S/2008/1099 | Removal of 1.80m high chain link fence with new 1.80m high palisade fence where fence is adjacent to the highway (retrospective) (car park at rear) | AC 13/08/2008 |
| S/2010/0740 | Erection of 7 fascia signs to front and rear of store (Tesco) | AC 14/07/2010 |
| S/2012/1316 | Change current fascia and bus stop signs to new design standards and install new directory sign and direction to store signs (Tesco) | R 18/09/2012 |

5. The Proposal

With the exception of retaining the two historic brickwork facades on the Castle Street frontage, it is proposed to demolish all existing buildings on the site and erect a part three storey/part four storey building in its place to provide a new retail store (and associated servicing space), a cafe and an hotel.

The retail store would fill the majority of the ground floor space with frontages to both Castle Street and the river side. It would have a high ceiling, effectively using both the ground and first floor space. The three storey element of the new building would front Castle Street, containing a cafe on the third floor. The four storey element would front the river side, the third and fourth floor containing the hotel accommodation with ground floor access to this from the river side. Servicing of the building would be from the river side.

The river side frontage would be opened up and re-modelled to make better use of this space. The car park would be retained with re-modelled access and turning for service vehicles. The existing 65 car parking spaces would be shared between the hotel (42 spaces) and the store (23 spaces).

6. Planning Policy

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

G1 (Sustainable development)

G2 (General)

G9 (Planning Obligations)

D1 (Design)

CN3 (Alterations to listed buildings)

CN5 (Development affecting the setting of listed buildings)

CN8 (Development in conservation areas)

CN9 (Demolition of buildings in conservation areas)

CN11 (Views into and out of conservation areas)

CN12 (Removal or improvement of features which detract from the quality of the

conservation area)
CN14 (New shopfronts in conservation areas)
CN15 (Internally illuminated signs)
CN17 (Trees in conservation areas)
CN21 (Development within an Area of Special Archaeological Interest)
CN22 (Archaeology – preservation and recording)
CN23 (Archaeology – implications and investigations)
C11 (Development affecting Areas of High Ecological Value)
C12 (Protected species)
TR11 (Provision of off-street car parking spaces)
TR14 (Cycling parking)
S1 (Primary Shopping Frontages)
S2 (Secondary Shopping Area)
S3 (Location of Retail Development)

South Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy and distribution of growth in south Wiltshire)
Core Policy 2 (Strategic Allocations)
Core Policy 5 (paragraph 5.53a - Protecting Retail Centres)
Core Policy 7 (Maltings/Central car park)
Core Policy 8 (Salisbury skyline)
Core Policy 19 (Water efficiency and River Avon SAC)
Core Policy 20 (Pollution and phosphate levels in the water environment)
Core Policy 23 (Hotels, Bed and Breakfasts, Guest Houses and Conference Facilities)

Waste Core Strategy 2009:

Policy WSC6 – Waste Reduction & Auditing

SPG:

Salisbury District Council Design Guide “Creating Places”
Salisbury District Council “Shopfront & Advertisement Design”
The draft Salisbury Conservation Area Appraisal and Management Plan, Jan 2010.

National Planning Policy:

National Planning Policy Framework (NPPF) March 2012

7. Consultations

Salisbury City Council

Object to original scheme (no comments received on amended plans):

- The planning officer to consider the relationship between the development and the proposed Maltings development
- No economical impact assessment undertaken by the developer
- Inadequate parking provision
- Poor access to parking provision
- Landscaping and tree planting is of poor quality

- Lack of architectural merit
- Insufficient cycle parking
- Insufficient space allowed for pedestrian flows
- Out of character for surrounding conservation area

English Heritage

No objections, summarised:

The design as a whole has been through various amendments which acknowledge comments by English Heritage and the local planning authority. Our advice that the brickwork facades should be retained has been followed and incorporated into the scheme. The overall scale and bulk of the development is acceptable and the detail of the design has been amended to reflect the overall context and the proposals for the new buildings are now acceptable. Advise public realm improvement works to riverside.

Following receipt of amended plans our specialist staff have considered the information received and do not wish to offer any comments. 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 objections subject to conditions and informatives (a construction management plan, contaminated land, flood risk, sustainable construction)

Natural England

No objections, summarised:

The proposal is unlikely to have an adverse effect on the SSSI and unlikely to significantly affect the interest features of the SAC. Support the recommendations of the Environment Agency.

Recommend measures to enhance biodiversity of the site and enhance the environmental value of the site are secured. The proposed amendments to the original application relate largely to design, and are unlikely to have significant different impacts on the natural environment than the original proposal.

WC Archaeology

No objections, summarised:

This site has potential to include significant heritage assets with an archaeological interest that relate to the medieval period of Salisbury. Recommend a phased programme of archaeological works should be conditioned on any planning permission. The first phase of these works would be likely to include a combination of watching brief and evaluation.

WC Economy & Regeneration Service

No objections, summarised:

Support the principle of development of a replacement supermarket and hotel on this site.

The Council is a partner with developer Stanhope for the delivery of a comprehensive regeneration scheme on the adjoining Central Car Park and Maltings site in line with the aspirations of the Salisbury Vision and the Wiltshire Core Strategy. This will become the subject of a comprehensive planning application expected to be submitted in 2014.

The delivery of a high quality public realm lies at the heart of the Council's objectives for the Maltings and Central Car Park area and will be a key component of the proposals that the Council's development partner Stanhope will be bringing forward and consulting upon over the coming months. The application (Tesco) site is inextricably linked in public realm and landscape terms with the Maltings regeneration area and public realm solutions should be considered for these areas in a comprehensive way.

The proposals that Stanhope will be developing over the coming months for the wider area will need to take account of this but it is likely that a decision on the Tesco site will come before these plans are much further developed.

Support the amended landscaping scheme which will encourage shared movement and the de-cluttering of boundaries and includes the removal of the existing steel fencing which is very unattractive and significantly limits the permeability of the site.

WC Urban Design

No objections, summarised:

The proposed design of the Castle Street and Riverside Elevations now respect the rhythm and scale of the neighbouring street facades through the combined subdivision and steeping of the facades along the overall street frontage, the size and proportion of openings and retention of the historic brickwork facades. In order to raise the design to a quality commensurate with the historic buildings that define the conservation area, additional detailing and features across both elevations was recommended including improvements to the detailing of the fenestration/ mullions/framing and intermediate support to the retained facade, to improve the detailing and appearance of the facade designs.

WC Conservation

No objections, summarised:

The demolition of the modern buildings is unproblematic - contribution to the character of the Conservation Area being neutral at best.

The continued retention of the retained facades within the redevelopment is welcome and helps to limit the impact of the store on the Castle St elevation.

The scale of the building is not inappropriate in the setting but wary of the width of the new frontage and the possible monotony of its treatment, but on this and other aspects of design and materials defer to the detailed comments of the council's urban design advisor. Considering the quality of the existing buildings on the river side, it is difficult to argue that the existing character of the CA would be adversely harmed by the scheme. Details of signage and any illumination, advertising vinyls and material samples to be agreed.

WC Public Protection Services

No objections subject to conditions (a scheme for acoustic insulation from all externally mounted plant and equipment; a scheme for the discharge and control of fumes, gases and odours from the supermarket and hotel and any existing hours of use conditions attached to the existing supermarket use to be carried forward).

WC Spatial Planning

No objections.

As the hotel proposal is in a city centre location which is in principle acceptable there is no policy requirement to provide an impact study. Core Policy 23 is supportive of new hotels within Salisbury City Centre and tourism uses are a town centre use as defined by the NPPF so the proposal is also in accordance with national policy. A similar policy to CP23 is also within the Wiltshire Core Strategy CP39.

WC Highways

No objections subject to conditions (a construction method statement, a service management plan and delivery of the parking area)

WC Ecology & Landscape

No objections subject to condition (Construction Environmental Management Plan).

Wiltshire Fire & Rescue

Comments relating to fire safety measures which could be added as an informative and a request for developer contributions towards fire & rescue related infrastructure (officer's note – this is not an adopted planning policy).

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation. Re-consultation was also carried out following receipt of amended plans.

23 representations of objection to original plans, summarised as follows:

- Impact to long term future and sustainable economic viability of Salisbury City.
- Salisbury does not need a budget/branded hotel
- Budget hotels don't target group tour market
- There is not a shortage of accommodation in Salisbury already served by B&Bs and hotels
- Hotel will threaten viability of existing businesses
- Existing hotels have been hit by numerous challenges which have reduced room rates and net earnings whilst increasing fixed overheads and profits have been squeezed to the margins
- The proposed hotel will inevitably mean that investment in the existing stock in the City will be put at serious and significant risk and long term sustainability of small hotel sector in Salisbury if the supply in the market is allowed to reach saturation point driven by a lodge product that will drive down Average Daily Rates to the market place

- If application is approved what assistance will be given to hotels when faced with the overriding economic consequences that will inevitably result
- Reference to NPPF stating impact assessments and sequential test are required for retail and leisure development outside of town centres
- City Centre Management have called for a survey on existing accommodation needs and demands
- A budget/branded hotel will have a detrimental character on medieval City which has individual, independent businesses
- Existing hotel Red Lion is for sale
- Salisbury needs individual shops giving greater variety and service not a larger Tesco store
- Inconvenience to shoppers during demolition/construction phases
- Would be better to develop the site with low cost affordable housing
- Carbon emissions from traffic using car park when less vehicles should be using the city centre
- North elevation may reduce light to business premises in Castle Mews
- Noise disruption during the demolition and construction of development impacting on patient care in chiropractic practice in Castle Mews to North of site
- Possible falling debris affecting adjacent buildings and health and safety of passageway to Castle Mews
- Visual impact from modern extension in medieval town not in keeping with existing character

Including 17 letters of objection from existing Salisbury accommodation providers all with the following text:

Outlined below are serious concerns from existing Salisbury Accommodation providers and in particular their fears for long term future and the sustainable economic viability of Salisbury City.

We have attached with this letter a graph illustrating occupancy from April 2012-March 2013, drawn from hotels to the smallest B&B, together with a copy of an article from a leading Sunday newspaper.

We have grave concerns about the proposal for the development of a budget hotel on the recently refurbished Tesco Metro site.

It is strongly believed that this will have a detrimental effect on the character of our medieval city, where individual, independent businesses create an experience that many of the visitors to the City enjoy.

We would welcome the Abode Hotel's proposal for a 5 star boutique hotel, which is already in receipt of planning permission and has recently been renewed as this adds to the diversity and mix of the accommodation currently provided in the City.

In 2009 The Clovelly Hotel in Mill Road put in a planning application to convert to serviced apartments, having identified a niche market which would add to the diversity of the accommodation mix in Salisbury.

It took several months for this application to be approved, one reason given was closing The Clovelly Hotel would result in the loss of accommodation provision in Salisbury, the other reason they were viewed as building development.

The proposal for this hotel in Salisbury is not adding to or enhancing the existing accommodation providers, collectively employing around 120 local people. Not only do they provide jobs for local employees, they also enhance the local economy, using local produce and recommendations on a nightly basis to the local hostellers. Many are independent Salisbury family businesses with total commitment to the economy of the city and surrounding areas.

We do have hotels that are capable of accommodating coach parties. Having done some research there seems to be a trend toward coach parties requiring in excess of 100 rooms allowing for everyone to be accommodated in one location. The Holiday Inn at Amesbury currently can fulfil this requirement. The Spenhill development does not support 100 rooms in their proposal.

We support anything that will enhance the economic development of our Medieval City, however, this proposal from Spenhill Developments would be better placed targeting the need for social housing and low cost housing for the many young people who wish to remain and work in this City, but are precluded because of the prohibitive cost of property.

From the initial application, we have also noted the fire officer's comments which raises further concerns. In addition the application states 70 car parking spaces which we feel is questionable on that site.

There is a need to comply with the architectural heritage of our City and retain the existing frontage with the conservation and cityscape. We do not feel Spenhill's proposal is sympathetically aligned with our medieval City's heritage.

Finally, at the very least, we would expect that before this current application is considered, the developer should be asked to fund a comprehensive analysis of accommodation demand and supply which includes a study of the impact that this proposal will have on the demand and supply of accommodation in the city as Salisbury City Centre Management have proposed.

19 representations of objection to amended plans, summarised as follows:

- Demand for rooms in Salisbury has never been lower and local hotels are struggling to survive
- Developer has based their findings that there is demand on an out of date survey. Need an up to date survey
- Existing consents have faltered - The Old Post Office site has not been developed
- Hotel will affect viability of 26 local businesses which may close and apply for residential conversion and also result in loss of employment (over 120 jobs) and redirect business elsewhere
- The overall design of the building is uninspiring, bland and featureless and should not be allowed in a conservation area
- The design is out of keeping with the historic core of the conservation area
- The repetitive bay design, consistent roof line and construction and only slight articulation of the facade are alien. Historically Burbage plots widths would be 7-8m

and different ambitions and wealth resulted in a heterogeneous mix of buildings constructed from a limited pallet of materials

- The windows are partly false to mask the floor plates of the construction behind the facade
- Some windows are not easily accessible meaning cleaning and maintenance to the detriment of the street scene
- The bay system approach to the design shows 2 windows per unit, when classically normally there would be 3 openings per bay which reflects classically the central portal
- The attempt at articulation of the facade is too little to avoid the monolithic appearance of the building.
- The riverside elevation with repetitive bay system, continuous line of flat roof and consistent use of one material will result in bland monolithic building
- This is an opportunity to make an exemplar of good design in historic locations and the scheme should be rejected
- A revised scheme is needed that enhances Castle Street.
- Site is not suitable for access by coach with operational side of mix of HGVs, coaches and cars detrimental to the walkway/cycleway/play area adjacent to the River Avon
- Sequential test is required to ensure viability of existing businesses and environment will not be damaged
- Welcome redevelopment but only if suitable usage can be found (suggest residential)
- Salisbury has adequate accommodation needs
- It would be more beneficial for Salisbury to have a luxury hotel with spa and conference facilities which could increase visitor numbers
- If this was an out of town development then no objection as this would target larger coach parties and encourage growth
- Insufficient car parking
- Do not want to encourage car traffic when park and ride is available to keep vehicles out/reduce carbon emissions
- Existing hotels, guest houses and bed and breakfasts offer high level of care and promote local area with personal knowledge which will not be replaced by budget accommodation provider
- Noise impacts from users of hotel and impacting policing and crime rates
- Housing for elderly and disabled more appropriate to Salisbury
- Budget hotels are not appropriate for historic Salisbury that attracts discerning visitors who come because of their interest
- May set precedent for other leisure venues inappropriate in a historic city
- Restaurant would have a detrimental effect on adjacent eating houses

Comments by Salisbury Conservation Advisory Panel to original plans, summarised

Retention of facades, degree of articulation in the new design, loss of false balcony and lowering of Castle Street shopfront windows are all improvements on the first pre-application version of the design and use of upper floor to front elevation for a cafe is sensible. Suggest that grouping of windows in pairs, with diversions between pairs acting as pilasters is not in accordance with historic practice or surviving Georgian brickwork and suggest grouping of windows in threes would improve design and view of ATM in facade from Chipper Lane. Minimal amount of recession/projection is area for improvement. Signage improved by use of freestanding letters fixed directly onto brickwork. External

works on riverside need careful consideration given role as part of a key route for pedestrians and cyclists (refer to suggestions in Civic Society comments). Full details need to be provided of roller shutter doors

Comments by Salisbury Civic Society to original plans, summarised:

Support the replacement store in principle, on the basis of continued employment and provision of a supermarket store central to the city rather than out of town and regeneration of a run-down building, currently detracting from the quality of the conservation area. There are conflicting views within the committee on the success of the proposed design. The committee on balance support retaining the 19th century brickwork facades subject to new brickwork being successfully detailed and followed through. The aspiration to open up the back of the store through removing the screening brick wall and making the store more transparent to make more of the riverside approach was supported. Concern over scale of loading bay given its prominence and dominant nature adjacent to the hotel main entrance. Given the upcoming Maltings redevelopment adjacent it is important to consider the material palette choice and quality of spaces between and surrounding the buildings. The building and adjoining land has the potential for a considerable positive impact on improving public spaces by the way they are treated and detailed comments are provided on the landscaping and public realm aspects of the building which would require only some modest investment but result in enormous mutual benefit to the store, hotel and public spaces and setting. Suggestions include improving footpath routes, rationalising car parking and service vehicle approach, significant new tree planting and native species, sedum roof in building design.

Comments from Salisbury City Centre Management, summarised:

Support developments designed to improve Salisbury's competitiveness in respect of tourism and the proposals will add to the diversity of accommodation, but concerned at the possible impact to the existing accommodation providers. The study in 2005 concluding there is a shortfall in budget and high quality accommodation and the Council's tourism strategy from 2006 are out of date.

Any new hotel accommodation needs to increase the demand for as well as the supply of bed spaces. The developer should fund a comprehensive analysis of accommodation demand and supply and impact that the proposal will have on demand and supply.

Comments from Cycling Opportunities Group for Salisbury (COGS), summarised:

It is not clear how cycle ways will be enhanced by the development. The car park area of the site is within the Maltings and Central Car Park development site and it needs to be clear how improved cycle routes will be taken forward by this development. The Avon Valley cycle route is part of the Sustrans National Cycle Network (route 45) and is an important route for tourism, leisure and utility journeys we would like to see this route taken south through the new site. In the current design cyclists will need to navigate their way through the hotel car park leading to conflict with vehicles.

Access to the car park and additional vehicle movement are also significant concern. Cycle parking provision is needed on both sides of the store.

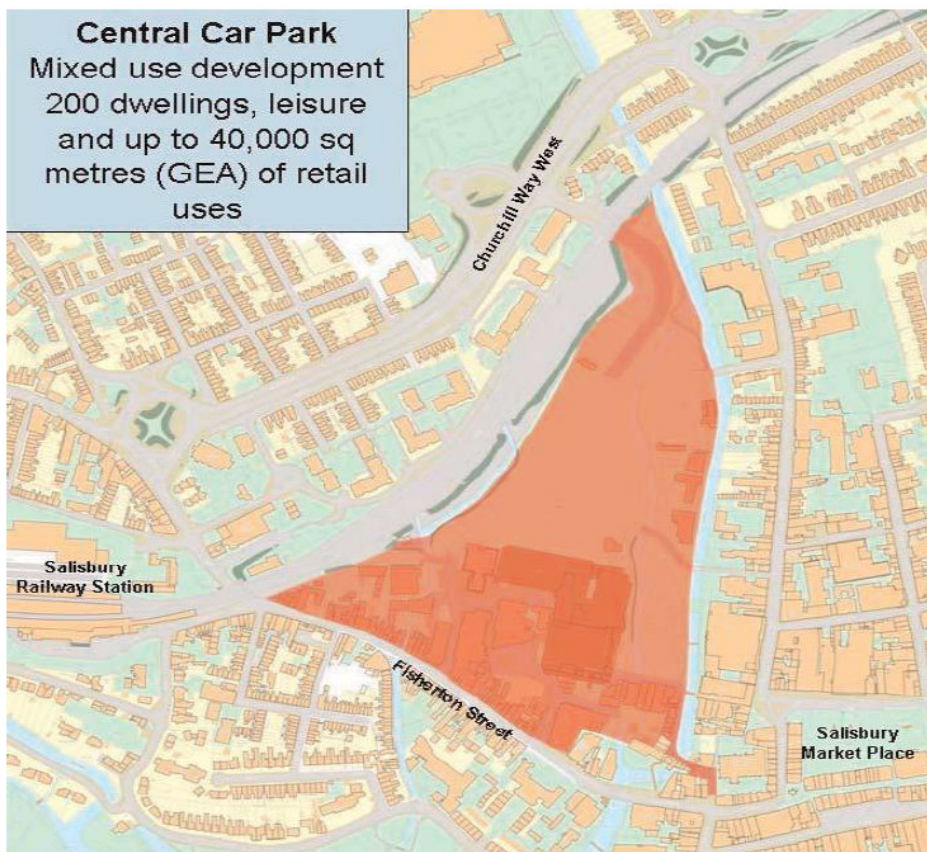
9. Planning Considerations

9.1 Principle – Protecting retail centres & tourist accommodation

The South Wiltshire Core Strategy (SWCS) seeks to protect and enhance the vitality and viability of Salisbury which is the primary service centre in south Wiltshire and is also identified in Core Policy 1 as being the economic and cultural centre for south Wiltshire. Strategic Objective 6 of the SWCS is to *'provide an improved range of retail choice in Salisbury...and to encourage greater numbers of tourists which will make a growing contribution to the economy.'* The SWCS (para 12.8) identifies that *'there is a lack of supply of both budget and high quality leisure accommodation.'* Paragraph 6.4 of the SWCS refers to the need to maintain the retail centre of Salisbury in the face of intense sub-regional competition, improve its tourism role and conserve and enhance its unique built environment.

The SWCS identifies that (para 3.7) *'due to changing behaviour and mobility, shoppers no longer shop just to satisfy everyday needs, but as a major leisure activity. Quality restaurants, coffee shops, cafes and bars, health and fitness centres, leisure and cultural facilities are also important in larger centres to attract shoppers and encourage longer stays and higher spending. There is a challenge to ensure that south Wiltshire, especially Salisbury, can adapt to these changes to cement its place as a significant centre providing an important retail function for a wide catchment.'*

The site is also adjacent to the strategic allocated mixed use redevelopment site of the Central car park/Maltings (Core Policy 2) which aims to secure the future of Salisbury as a retail centre and also provide a contribution to new employment opportunities. A series of development templates for the strategic sites are included in the SWCS and the supporting text to Core Policy 2 explains that together with the development templates, comprehensive master plans will need to be produced by developers in consultation with the local authority and local communities.

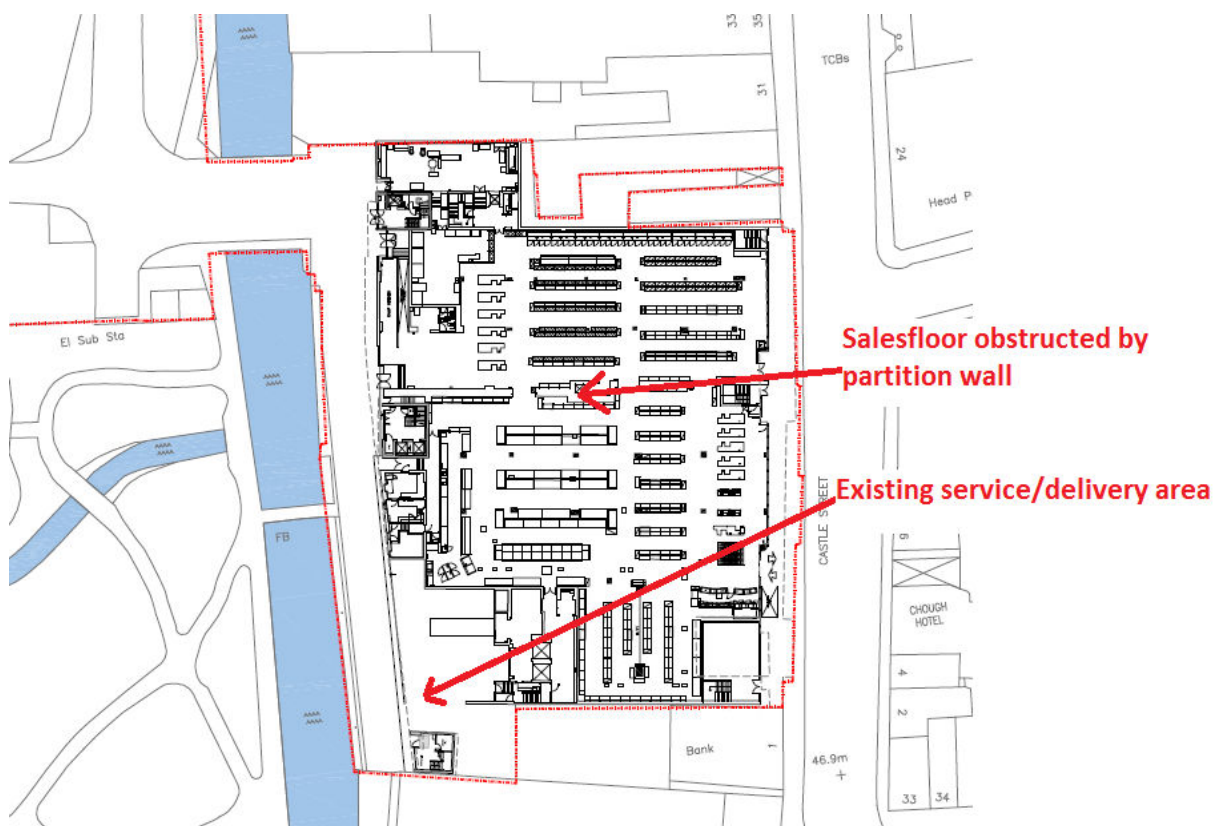


The template acknowledges that one of The Maltings constraints includes ‘*some fragmented land ownership*’ and whilst the map of the development template for the land at Maltings and Central car park includes the service yard and private car park, it is in private ownership and is part of the current application site. The place shaping requirements included in the template include that the development should upgrade public open space including riverside walks and provide a high quality public realm.

The NPPF requires local plans to ‘define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations’

The Castle Street elevation is defined as a Primary Shopping Area and the rear riverside elevation is defined as a Secondary Shopping Area, within which retail (A1) development is acceptable in principle (policy S3) and saved policy S1 aims to ensure that retailing activity remains the dominant land use within Primary Shopping Areas.

The Planning Statement accompanying the application explains the reason for the proposal stating ‘*the internal layout of the sales floor is obstructed by a partition wall, which effectively divides the sales area in two. The back of house storage is located in the wrong positions (much of the storage is located at first floor) to make restocking the store an (in)efficient process. The delivery bay is located in the south-west corner of the site and, as such, for delivery vehicles to access the delivery bay, they must undertake a difficult reversing manoeuvre along the river Avon.*’



Existing store floor plan showing constraints

The existing retail floor space is 2,426 sq metres. The replacement retail store will increase the sales floorspace by 62 sq metres.

The Planning Statement states that *'the provision of a high quality replacement supermarket with an improved internal layout and light and airy modern feel will provide an enhanced shopping experience. The larger retail sales area will facilitate an increased range and meet better the needs of local residents and tourists.'*

The SWCS (para 6.24) refers to studies undertaken to inform the strategy have identified that there is capacity to support additional retail floorspace over the Core Strategy period within the city centre as detailed in the table below:

Convenience Goods Capacity Projections (sq m net)

| | 2011 (sq m net) | 2016 (sq m net) | 2021 (sq m net) |
|-------------------------|-----------------|-----------------|-----------------|
| South Wiltshire (total) | 1,157 | 2,241 | 3,385 |
| Salisbury City Centre | 464 | 1,389 | 2,365 |

Source: GVA Grimley Retail and Leisure Needs Study

Comparison Goods Capacity Projections (sq m net)

| | 2011 (sq m net) | 2016 (sq m net) | 2021 (sq m net) |
|-------------------------|-----------------|-----------------|-----------------|
| South Wiltshire (total) | 9,211 | 22,551 | 38,218 |
| Salisbury City Centre | 5,031 | 13,346 | 22,970 |

Source: GVA Grimley Retail and Leisure Needs Study

Note: These figures are provided as an indication of the baseline capacity and are not intended to represent an absolute ceiling. Any proposals will need to be assessed against the tests as set out in PPS4

With regard to the operator of the proposed hotel, the Planning Statement explains that *'discussions are continuing with a number of interested parties, but to date no agreement has been made with an end user. It is anticipated that the end user will be a budget to mid range hotel operator.'*

The majority of third party objections raised (see summary above) concern the impact on existing bed and breakfast and hotel businesses, expressing concern that a budget hotel would pose a threat to competition.

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material planning considerations that indicate otherwise. Opposition to business competition would not amount to a material planning consideration in this particular context.

Para 12.8 of the SWCS refers to a Tourism Strategy for South Wiltshire and a Review of Hotel and Conference Facilities in Salisbury District (2006). This has been challenged by third parties on the grounds that these documents are out of date. Requests have also been made from the third party objectors for a study on the possible impact that the provision of additional bed-spaces may have on the city's existing accommodation providers.

Hotels are defined in the NPPF as main town centre uses:

'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas,

restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'

Paragraph 5.53a of the SWCS states that Salisbury City Centre is the principal shopping centre within south Wiltshire and is vulnerable to possible edge or out of centre retail and leisure development. As such applications outside or on the edge of Salisbury City that include retail or leisure floor space over the locally set 200 square metres floor space threshold should be accompanied by an impact assessment.

Paragraph 23 of the NPPF states that planning policies should be positive to promote competitive town centre environments and paragraph 26 of the NPPF supports the sequential approach of the SWCS stating that 'when assessing applications for retail, leisure and office developments outside of town centres ... local planning authorities should require an impact assessment if the development is over a locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sqm).' The spatial planning department have advised that as the hotel proposal is a main town centre use in a city centre location, there is no policy requirement to provide bed space or impact studies.

Core Policy 23 is also supportive of new hotels within Salisbury city centre and tourism and hotel uses are a town centre use as defined by the NPPF. It follows that the proposal is also in accordance with this policy. A similar policy to CP23 is also set out in the emerging Wiltshire Core Strategy (CP39).

The scheme will result in the loss of the existing offices. The Planning Statement supporting the application refers to the office space provided in Avon and Riverside Houses being '*in a poor state of repair and has been vacant for three years. The external appearance of the buildings, together with their internal condition and inefficiency provide an opportunity to comprehensively redevelop the site.*'

The proposed hotel will result in employment opportunities and the application form states the numbers are to be confirmed but suggest an average number of jobs for a hotel of this size would be 30 full and part time positions.

The proposed hotel has limited facilities with only a small food and beverage area and reception at first floor and is based on a 'room only' specification which will encourage guests to eat out in local restaurants spreading economic benefits beyond the hotel itself.

Competition in this context is not a planning matter and the principle of redevelopment of the site to increase the retail area and to provide a 65 bedroom hotel within the city centre is the sequentially preferable location for such uses and is therefore acceptable.

Saved policy G1 sets out criteria to ensure that development accords with the principles of sustainable development including making efficient use of urban land particularly on previously developed sites and conserving both the natural environment and cultural heritage. Similarly, saved policy G2 sets out general criteria against which development proposals are assessed to ensure that the high quality of both the built and natural environment is maintained. The SWCS recognises that (para 3.7a) '*the historic character of Salisbury city centre has imposed constraints on the scale and type of additional floorspace that could be provided within the existing shopping areas*' and as such the

development also needs to be well integrated with the existing shopping area and have no adverse impact on the local historic environment explained more below.





9.2 Impact to the character and appearance of the townscape, conservation area and listed buildings and landscaping/public realm

The site is located within a prominent location within the historic centre of Salisbury designated as a conservation area and the buildings to the north, south and east are listed buildings, including the grade II* listed number 1 Castle St to the south (currently ASK restaurant). It is therefore a very sensitive site for the introduction of any new buildings.

The listed buildings are identified on the following extract from the Salisbury Conservation Area Appraisal and Management Plan:



HERITAGE ASSETS

-  Existing conservation area boundary
-  Proposed conservation area boundary
-  Listed building
-  Positive contribution building

TOWNSCAPE

-  Prominent corner
-  Space leak/weak townscape
-  Vista
-  Positive frontage

Designation as a conservation area does not preclude the possibility of new development, but it is expected to be of a standard high enough to maintain and enhance the quality of the conservation area and to be sensitive to its character and appearance. In considering planning applications, it is necessary to ensure that the form, scale, design and materials of new development protects the character and appearance of the area.

Any changes should preserve or enhance the character of the conservation area and the setting of adjacent and nearby listed buildings and redevelopment schemes should be influenced by the existing townscape character, integrate within the existing townscape and enhance the urban fabric in the centre of the city. Paragraph 58 of the NPPF in

particular states that development should respond to local character and history, and reflect the identity of local surroundings and materials and paragraph 132 requires development to enhance heritage assets and make a positive contribution to their setting.

The Conservation Officer considers that Castle Street is one of the most important streets in the city, linking the Old and New Sarum developments since the latter's foundation. Castle Street is characterised by buildings with narrow plot widths and a vertical emphasis to designs. There are currently four different buildings on the Castle Street frontage, distinguishable above the continuous projecting fascia canopy which extends across the whole Castle Street frontage:



The proposed scheme includes the retention of the upper storey facades at the southern end of the Castle Street frontage and demolition of the remaining buildings on the site.

Both English Heritage and the conservation officer support the retention of the historic facades which offer some context to surrounding buildings whilst also lessening the impact of any new development through reducing its size, and have raised no objections to the demolition of the remainder of the buildings which are not considered to contribute to the character or appearance of the conservation area.

The elements of new build are considered to respect the building line, scale of the area and massing of adjoining buildings and characteristic plot widths. The conservation officer was concerned about the width of the new frontage to Castle Street and the possible monotony of its treatment. Responding to the comments from the council's urban designer, in order to successfully integrate the development with the historic townscape and its riverside setting, additional detailing has been included across both elevations in order for the development to respect the variety and extent of traditional small scale detailing which is a strong characteristic of the street scene.

The Design and Access Statement explains that *'the predominant fenestration detailing in the vicinity is that of traditional windows set within solid brickwork...with variations of set-in depths, glazing bar configurations, projecting cills, architraves and or rendered reveals adding to the variation and character of the architecture'* and that this *'layered characteristic'* informs the design. The proposed new elevations have an outer skin of brick with bronze or pre-patinated metal as a second layer of contrasting material as

shown on the typical section and elevation detail plan:



Typical Plan, Section and Elevation Details - Castle Street



1. Clear glazed metal framed windows
2. Bronze / Pre patinated metal
3. Brick
4. Clear glazed metal framed shop front glazing
5. Paired window bays selectively positioned
6. Stone copings / cills
7. Substantial stone mullions

The river side elevation has no retained elements, being completely demolished and replaced:



Extent of development site to riverside frontage



The conservation officer does not consider that the existing character of the conservation area would be adversely harmed by the proposed river side elevation. Responding to comments that the roller shutter doors to the delivery bay were too prominent adjacent to the entrance to the hotel, the amended plans have made the hotel entrance more prominent and pedestrian-friendly.

The replacement buildings are under the 12.2m height limit within the city (which is lower than the existing buildings on the site), to comply with Core Policy 8.

The architect has confirmed that all windows will be clear glazed with the exception of opacified glazing to the means of escape doors to the hotel and Castle Street elevations and natural stonework around the ATM surround and either side of the lobby on the Castle Street frontage which is marked on the elevation plans (shown on the extracts below):



The use of clear glazing is important and will make the store more transparent and make more of the riverside approach, and is supported. In order to ensure that this is maintained, a condition restricting the painting or obscuring is necessary in order to achieve active frontages.

Applications should include biodiversity enhancement measures, in accordance with paragraph 118 of the NPPF. Section 40 of the Natural Environment and Rural Communities Act (2006) also states 'Every public authority must in exercising its functions have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.' Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

The scheme also proposes to relocate the service/delivery area to the north west corner of the site, enabling the river side frontage outside the store (currently screened by boundary walling to the river) to be removed and improved landscaping provided.



Treatment of river side frontage

The Council's landscape and ecology officers support the proposals to open up the riverbank providing full pedestrian access along the east riverbank through removing the fence that currently blocks the southern boundary of the site with the library and making more of the riverside approach.

Comments received from English Heritage, Salisbury Civic Society, Salisbury Conservation Area Panel, Natural England, the Council's Landscape and Ecology officers and Salisbury City Council all supported improvements to the landscaping and public realm aspects of the scheme. The Civic society promoted additional tree planting in the area occupied by the car park although as the car park layout is not changing this constrains the opportunities for additional planting. An amended landscaping scheme has however been submitted including supplemental planting. Following negotiations with the applicant's landscape consultant, the WC landscape and ecology officers now support the amended landscaping scheme which is considered to preserve and enhance the riverside/public realm environment including additional trees next to the river north of the access road and in particular the removal of the palisade fencing around the existing private car park and replacement with a timber knee rail. This will considerably aid visual

permeability and allow a better integration of the site with the current surroundings and interface with the future Malting's development.

No changes are proposed to the river channel itself. Planted coir rolls have previously been included in the river channel at the base of the retaining wall in this area; but they were difficult to establish and the council's ecologist has agreed that there may be a more holistic approach to the river channel coming forward as part of the Maltings redevelopment scheme.

9.3 Highway considerations – access/parking

It is proposed to retain the existing 65 car parking spaces to be allocated for use by the hotel and foodstore divided such that 42 car parking spaces will be provided for the hotel and 23 car parking spaces for the foodstore.

The WC highways department has advised that whilst the development will result in a reduction in the amount of parking available for customers to enable parking for the proposed hotel and is not in line with current parking standards, being within the city centre, the site is in a sustainable location with nearby public car parks and very good public transport opportunities. It follows that there are no highways objections.

The Cycling Opportunities Group for Salisbury are particularly concerned about how cycle linkages through the Tesco site may connect with the bigger Maltings and Central Car Park redevelopment scheme.

The highways department have specifically considered these comments and have checked the proposed Town Cycle Network Map for Salisbury which does not show a desired route in this location (through Tesco car park) and there is no indication of a potential link. This area is well served by cycle routes albeit some of the routes are on-street rather than separate routes. The inclusion of a link through the Tesco site is not considered appropriate or necessary by the highways department.

The highways department have advised that proposed cycle parking adjacent to the entrance lobby to the retail store in the south west corner of the riverside elevation is in line with the saved policy TR14 and whilst additional cycle parking at the Castle Street entrance would be a benefit there does not appear to be adequate space to the front of the store without encroaching on the highway.

Given the location of the site within the tight constraints of the City centre, the highways officer has recommended that consideration must be given to the demolition and construction itself in terms of vehicle activity and the impact on other residents and businesses and has recommended conditions requiring a Construction Method Statement and Service Management Plan.

9.4 Nature conservation interests - impact to SAC/SSSI

The National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The site lies close to the River Avon Special Area of Conservation (SAC), Site of Special Scientific Interest, and overlies a major aquifer. The SAC is protected under the

Habitats Regulations 2010.

Under the Habitat Regulations 1994, any development with the potential to affect a SAC 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.

Applications need to supply sufficient information to allow the Council to determine whether there will be likely significant effects of the development on the SAC features (4 species of fish, a species of snail and aquatic vegetation) and demonstrate that appropriate measures will be taken to ensure that the river system is protected from any pollution by producing a method statement that assesses potential risks and how these will be addressed.

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.

A template environmental management plan has been included with the application documentation although as the contractor has not been confirmed, the council needs to see the specific measures that will be taken at this site to control risk to the SAC. The Environment Agency recommends a condition for the submission of a Construction Environmental Management Plan which is supported by Natural England and the Council's ecologist.

In light of advice from Natural England, the Environment Agency and the Council's ecologist, there is a potential for the site to have an effect on the SAC. However, in view of the advice that the proposal would not be likely to have significant effects on the environment and subject to the imposition of conditions it is considered that the development will not adversely affect the integrity of the European Site.

The water demand after construction will potentially impact on water resources. Core Policy 19 of the SWCS also requires all new commercial development to include water efficiency measures and a condition can be added requiring details to be agreed.

An energy assessment has also been submitted with the application which refers to energy efficient measures that will be incorporated in the development including the addition of solar panels on the roof of the hotel and a green sedum roof on the flat roof sections.

9.5 Waste & recycling

The Council's approach to waste reduction and auditing is outlined in Policy WCS6 of the Waste Core Strategy June 2009. This policy requires that proposals for any new development of shopping facilities over 500 square metres and leisure facilities will need to provide facilities for the source separation and storage of different types of waste for recycling and / or composting.

A waste audit has been submitted as part of the application documentation which states that prior to commencement of development a site specific Environmental Plan and Waste Management Plan will be put in place and updated throughout the project lifetime. The waste audit also refers to waste in the operational life of the proposed uses which includes a 'recycling zone' to segregate waste from the retail unit. With regard to the hotel, the waste audit states 'at present there is no identified end operator for the hotel. As such it is difficult to assess the waste impact of the use until such time as an end operator is named' so the audit refers to procedures hotel of this size and format undertake in general.' It will be appropriate to condition this.

9.6 Archaeology

The application is accompanied by an archaeological desk based assessment of the site. No previous archaeological works have been undertaken within the site, although a number of investigations have been carried out in the wider area, comprising evaluation trenching, excavations and archaeological watching briefs during construction works.

The site has archaeological potential being within the medieval city of Salisbury, along one of the four main routes in the city ending at the Market Place. As Castle Street leads to the former town of Old Sarum, it is likely that this was a well used route on which a number of merchants' houses are likely to have been located and in principle, the potential for uncovering buildings from the medieval development of the city is high. Additionally it is possible that earlier remains, pre-dating the medieval foundation of the city may also exist within the site.

The Salisbury Extensive Urban Survey (2004) refers to the area between the river and Castle Street possibly being the location of dyers' workshops and other related buildings of the textile industry.

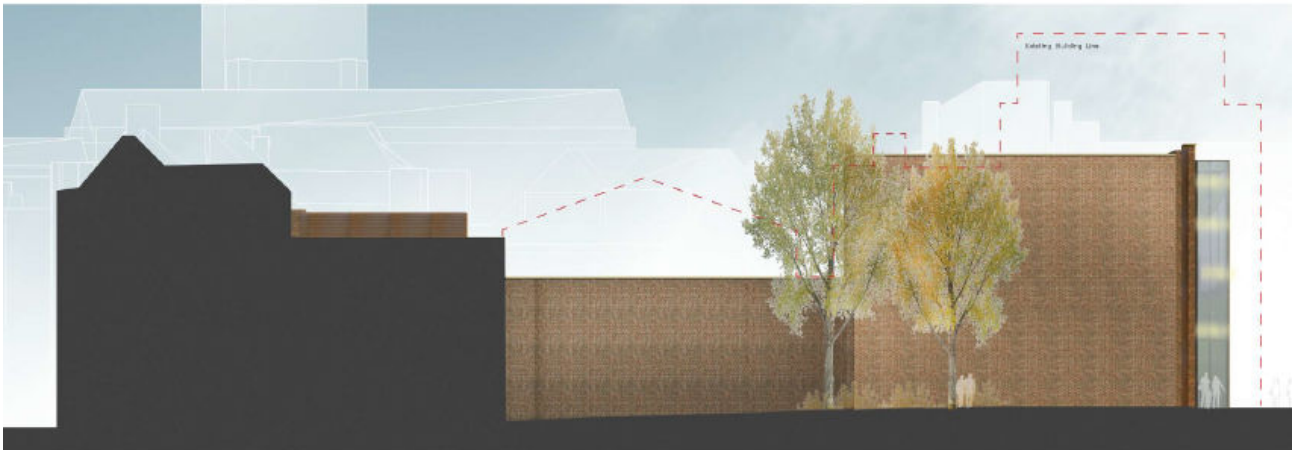
Previously development within the site may have limited the potential for the survival and identification of previously unrecorded archaeological remains and as the site is occupied by buildings, this provides little opportunity for any pre-determination archaeological investigations. As such the Council's archaeologist has recommended that a programme of archaeological works would need to be agreed as a condition.

9.7 Amenity and noise issues

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".

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.*'

A third party objection included concern that the redevelopment may affect adjoining right to light for premises in Castle Mews to the North of the site. A plan has been submitted to demonstrate that the proposed development will reduce in height/bulk compared to the existing building as shown on the extract plan below, so lighting conditions in this Mews area will be likely to improve.



Section through site showing outline of existing building in red on North elevation

The public protection team have recommended conditions including a scheme for acoustic insulation from all externally mounted plant and equipment and a scheme for the discharge and control of fumes, gases and odours from the supermarket and hotel. They also recommended a condition restricting delivery and opening hours but the existing use has no such restrictions. If a statutory nuisance was to occur, this would be covered by Environmental Protection Legislation

9.8 Environmental Impact Assessment

The development does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 but it does fall within Schedule 2 of the Regulations (as an 'urban infrastructure project').

However, a Screening Opinion has been undertaken which concluded that there would not be 'significant environmental effects' as a result of the proposed development and an Environmental Impact Assessment is not required.

10. Conclusion

The principle of redevelopment of the site to increase the retail area and a 65 bedroom hotel within the City centre is the sequentially preferable location for such uses and is therefore acceptable.

The core planning principles of the National Planning Policy Framework include that planning should promote mixed use development in sustainable locations.

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

RECOMMENDATION

Permission be approved 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 within the proposed development site until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

- 3 No development shall commence on site until a scheme of acoustic insulation for the purposes of preventing and controlling the emission of noise from all externally mounted plant and equipment, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details and shall be maintained at all times in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the area.

- 4 No development shall commence until a scheme for the discharge and control of fumes, gases and odours from the supermarket and hotel, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details and shall be maintained at all times thereafter.

Reason: In the interests of the amenities of the area.

- 5 No development shall commence until a Construction Environmental Management Plan, incorporating pollution prevent measures, including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this suspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters from pollution, by potential land contaminants being revealed and disturbed by construction.

- 7 No development shall comment on site (including any works of demolition) until a Construction Method Statement, has been submitted to and approved in writing by the local planning authority. This shall include the following:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) Hours of construction, including deliveries;
- i) Routing of construction traffic.

The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and the natural environment through the risks of pollution and dangers to highway safety during the demolition and construction phases of the development.

- 8 No development shall commence until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority for the retail use. The agreed Service Management Plan shall be implemented in accordance with the agreed details.

Reason: To ensure that adequate provision is made within the site to accommodate service vehicles in the interests of highway safety.

- 9 The hotel development hereby approved shall not be first brought into use until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority for the retail use. The agreed Service Management Plan shall be implemented in accordance with the agreed details.

Reason: To ensure that adequate provision is made within the site to accommodate service vehicles in the interests of highway safety.

- 10 No development shall commence until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority for the retail use. The agreed Waste Management Plan shall be implemented in accordance with the agreed details.

Reason: to ensure facilities are provided for the source separation and storage of different types of waste for recycling and or composting.

- 11 The hotel development hereby approved shall not be first brought into use until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority for the retail use. The agreed Waste Management Plan shall be implemented in accordance with the agreed details.

Reason: to ensure facilities are provided for the source separation and storage of different types of waste for recycling and or composting.

- 12 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: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 13 The development hereby approved shall not be occupied until details of the cycle parking spaces and a timetable for implementation of these spaces have been submitted to and approved in writing by the local planning authority and shall be implemented in accordance with the approved details.

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 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.

- 15 No walls of the development hereby permitted shall be constructed until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall demonstrate the face bond of the brickwork and the mortar mix and finish and pointing style and shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 16 No development shall commence on site until details of the position, design, external appearance and decorative finish of all railings, fences (including the replacement fencing to the carpark), 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 (including the removal and replacement of the palisade fencing to the car park).

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

- 17 No development shall commence on site until large scale details (1:10 scale) of all window types (including elevations and sections of the windows, head, sill and window reveal details) 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: In the interests of visual amenity and the character and appearance of the area.

- 18 No development shall commence until a method statement detailing how the brickwork facades to the Castle Street elevation will be retained has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

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

- 19 No development shall commence until details of the shopping trolley storage area (which shall be within the footprint of the building) have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

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

- 20 No development shall commence until a scheme of water efficiency measures to reduce the water consumption of the replacement retail store and hotel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and thereafter retained in accordance with the approved details.

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

- 21 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.

- 22 The window glass in the ground floor Castle Street and Riverside elevation frontages shall be clear glass (unless otherwise marked on the approved plans) and shall not be painted or otherwise obscured.

Reason: To safeguard the appearance and character of the shopping street in the interests of visual amenity and the character and appearance of the area.

- 23 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan reference: M1112/121D Proposed Ground Floor Plan, received by this office 23/10/2013

Plan reference: M1112/120C Proposed Site Plan, received by this office 23/10/2013
Plan reference: M1112/122D Proposed Mezzanine Floor Plan, received by this office 23/10/2013
Plan reference: M1112/123D Proposed Second Floor Plan, received by this office 23/10/2013
Plan reference: M1112/124D Proposed Third Floor Plan, received by this office 23/10/2013
Plan reference: M1112/125B Proposed Roof Plan, received by this office 23/10/2013
Plan reference: M1112/131B Proposed North and South Elevations, received by this office 23/10/2013
Plan reference: M1112/132C Proposed Section, received by this office 23/10/2013
Plan reference: M1112/127C Proposed Elevations in context (with the exception of the Castle Street Elevation which is amended by M1112/128D), received by this office 21/11/2013
Plan reference: M1112/128D Proposed Castle Street Elevation, received by this office 02/12/2013
Plan reference: M1112/129C Proposed Riverside Elevation, received by this office 21/11/2013
Plan reference: M1112/130C Proposed Southern Boundary Elevation, received by this office 21/11/2013
Plan reference: M1112/133C Remaining Elevations, received by this office 21/11/2013
Plan reference: M1112/135A Section and Elevation Details – River Frontage 01, received by this office 21/11/2013
Plan reference: M1112/137A Section and Elevation Details – East Facing Hotel 01, received by this office 21/11/2013
Plan reference: M1112/139A Section and Elevation Details – River Frontage 01, received by this office 21/11/2013
Plan reference: M1112/140A Section and Elevation Details – River Frontage 02, received by this office 21/11/2013
Plan reference: M1112/136A Section and Elevation Details – River Frontage 02, received by this office 21/11/2013
Plan reference: M1112/138A Section and Elevation Details – East Facing Hotel 02, received by this office 21/11/2013

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

INFORMATIVE: 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.

INFORMATIVE: Protected Species

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species, work should STOP immediately and the applicant's or the council's ecologist should be contacted on 01225 718458 for advice on how to proceed.

INFORMATIVE: 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.

INFORMATIVE: 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.

INFORMATIVE: Wiltshire Fire & Rescue

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

INFORMATIVE: Environment Agency

Construction Environmental Management Plan

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

The use of plant and machinery

Oils/chemicals and materials

Wheel washing

The use and routing of heavy plant and vehicles

The location and form of work and storage areas and compounds

The control and removal of spoil and wastes

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Flood Risk

The site lies within very close proximity of the River Avon, designated a 'main' river. The proposal includes extensive demolition works, prior to major construction works, within close proximity to the river. It is important the works are carried out in a sensitive manner, and do not adversely impact on the river corridor.

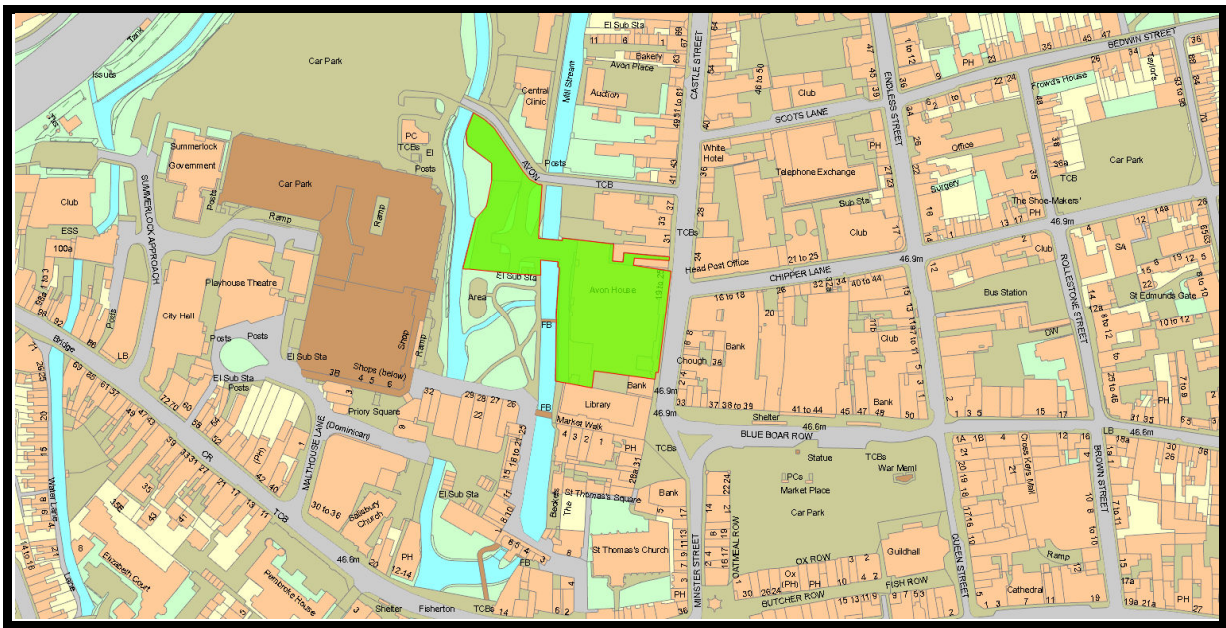
Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency (EA) is required for any proposed works (permanent or temporary), including demolition works, or structures in, under, over or within 8 metres of the top of the bank of the River Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483 421 to discuss the scope of EA controls, and to obtain an application form.

INFORMATIVE: Highways

The applicant should make contact with the Area Highway Engineer with regards to protecting pedestrians using the footway across the site frontage as a footway closure may be required.

This page is intentionally left blank

13/01494/FUL - Tesco and Avon and Riverside Houses, 21 - 25 Castle Street, Salisbury, SP1 1TT



This page is intentionally left blank

REPORT TO THE AREA HUB PLANNING COMMITTEE

| | | | |
|----------------------------|---|-----------------------|----------------------|
| Date of Meeting | 16 January 2014 | | |
| Application Number | S/2012/1603/S73 | | |
| Site Address | Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4T | | |
| Proposal | Application for the development of land without compliance with Condition 10 of Appeal Decision S/2010/0007 and in accordance with information submitted | | |
| Agent/Applicant | Allen Planning Ltd / Mr W Grant | | |
| Town/Parish Council | WINTERBOURNE STOKE | | |
| Electoral Division | Till and Wylve Valley | Unitary Member | Cllr Ian West |
| Grid Ref | 407467 140542 | | |
| Type of application | S73 | | |
| Case Officer | Mrs Lucy Minting | | |

Reason for the application being considered by Committee

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

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

The application was deferred at the Southern Area Planning Committee meeting on the 5th September at the request of the applicant in order to allow the applicant to amend the scheme to address the then recommended reason for refusal.

Amended plans have since been received which were subject to a period of re-consultation.

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.

2. Report summary

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

1. Planning appeal decision;
2. Whether the revised 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); 17 representations of objection from third parties and 1 representation of support.

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 dismissed 11/11/2013 |

5. Proposal and background

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.

Some lighting has already been installed. The condition requires a lighting scheme to be submitted and approved for both the existing external and any additional external lighting proposed, so any existing lights already installed and any new lights are covered by this application.

The lighting scheme originally proposed 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'.

In order to maintain dark night skies at this rural location, the use of uplighters was not considered appropriate or necessary. It had also not been demonstrated that the lighting scheme including uplighters would not result in light spillage outside the site which would have an adverse visual impact on the surrounding landscape and the application was recommended for refusal.

The scheme has been amended as follows:

- 7 wall mounted lights to electric hook up (EHU) points;
- 13 Bollards with cowls up to 1m high (with bulbs reduced from 18Watt to 9Watt);

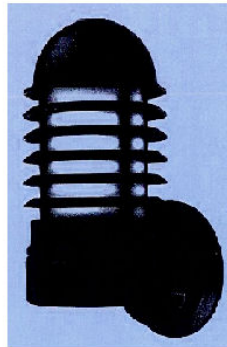
- 18 downlighters (to be added to signs, posts along drive and south boundary, EHU points and shower/WC block)
- The wall mounted light to the gents shower/WC block (numbered 35 on the plan) is no longer proposed
- All lights are proposed to be on timers from dusk until 10pm
- The height of the downlighters will be 1m high above ground level
- The downlighters on the shower/WC blocks will be 2m high above ground level.



Proposed downlighter

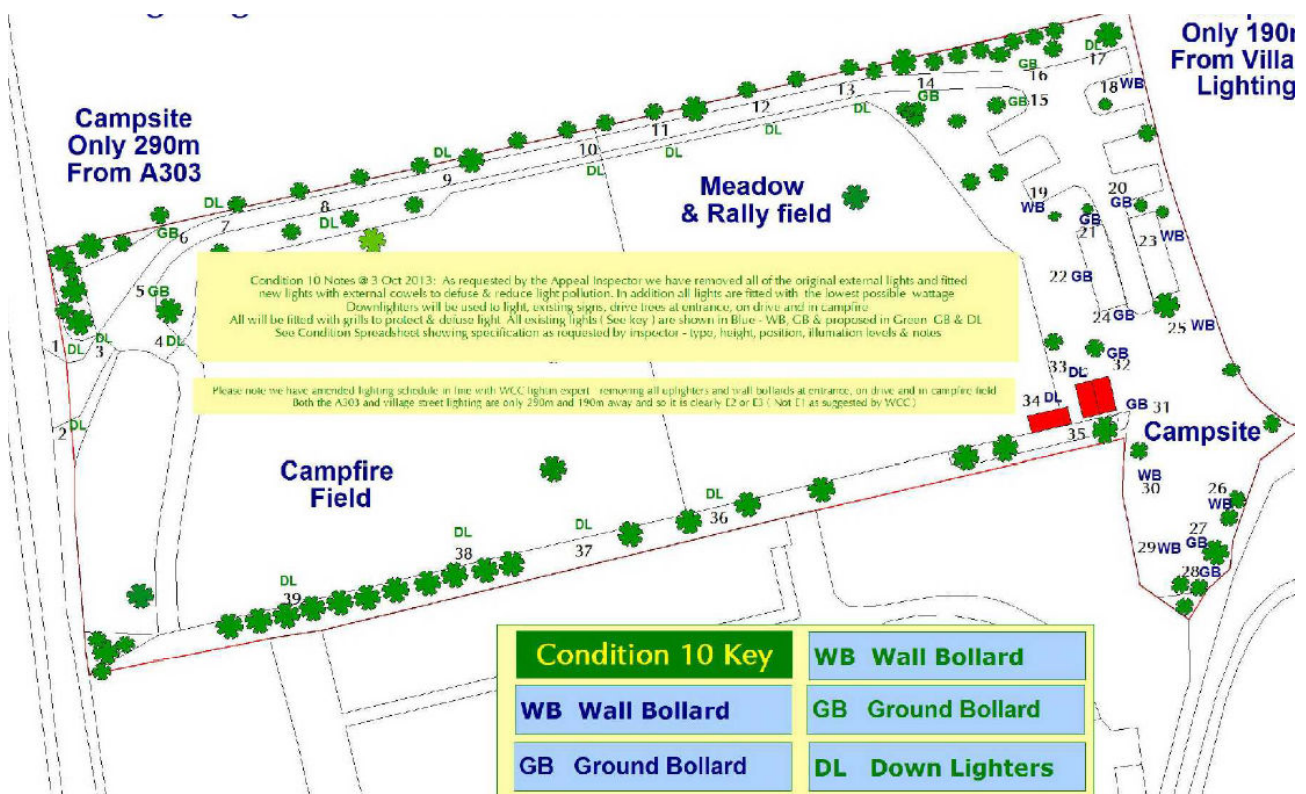


Proposed bollard with cowl (75cm-1m high)



Proposed wall mounted unit

These are shown on the accompanying plan and schedule together with the specifications of the equipment to be used.



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

Winterbourne Stoke Parish Council comments on amended plans

Support, subject to conditions:

- a) The Atkins report (the council's exterior lighting consultant) recommendations are implemented fully.
- b) The down-lighters are mounted so that the top surface is not higher than 1.1metres above ground level so as to minimise light spillage off-site whilst still providing acceptable illumination, excepting that downlighters 1DL and 2DL will be illuminating the entrance sign

Exterior Lighting Consultant comments on amended scheme summarised:

Given the changes made to the proposals through the removal of uplighters, introduction of cowls to bollards and reduced wattage there will be significant reductions to upward light spill and visibility from external viewpoints.

The downlighters should be mounted parallel to the ground inside the site, with the three units used for the sign illumination (units 1, 2 and 4) angled into the site and away from the roadway. This will minimise the view from outside the site.

Based on the proposed mounting heights of the downlighters and bollard and wall mounted lights which should be conditioned (a maximum height of 1m on the edges of the site and 2m to the shower/wc blocks), taking into account the location of the units, the screening and bunding it is not considered that there will be any significant light spill outside of the site and a horizontal lux plan is not required.

The light units should be conditioned as per the lighting schedule.

Wiltshire Council Landscape Officer:

No objections.

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 objections.

Wiltshire Council Environmental Health

No objections.

8. Publicity

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

Representations received to original submission:

10 representations of objection received (including from CPRE) to the original submission.
Summary of key relevant points raised:

- The number of lights and lighting from dusk is inappropriate, excessive and unnecessary
- Lights are conspicuous, too bright and excessive. Site is visible from the road.
- The lighting is out of keeping with the area and threatens enjoyment of countryside.
- Site should be returned to a more natural state.
- 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
- Site was once a tranquil dark field in unspoilt countryside
- Additional lighting unnecessary. Campsite has been running for several years with existing lighting. 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 be movement activated, not be left on all night and interior lights on the shower blocks should be on timers.
- Lights distracting to road users representing danger
- 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 and to be as invisible as possible from neighbouring property.
- 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
- Hedge planting is deciduous and screening will be less effective during winter months when the lighting will need to be turned on for the maximum period. Suggest lighting only used for those parts of the site that are actually occupied.
- 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.'

1 representation of support received to original submission because of the jobs and employment that is created by the campsite.

Berwick St James Parish Council Supported the original submission 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.

Representations received following receipt of amended plans:

7 representations of objection received, summarised as follows:

- Object to lights in a country field on the periphery of a village designated as a special landscape area and lack of light pollution enabling star gazing. Lights will be seen from afar and will spoil the character and nature of the countryside
- Site will appear as a runway/funfair/suburban in midst of countryside
- Users will expect to need to bring their own torches or lanterns
- Shower/toilet block has lights when it is dark
- Berwick St James village has no street lighting
- Site already has sufficient lighting. Further lighting is unnecessary.
- Applicant/agent consider site is E2 but they are not lighting experts

- Both E1 and E2 areas should have minimal lighting and high levels of existing lighting should not justify an increase nearby
- Accept facilities are lit for health and safety reasons but site should be inconspicuous, low-key and in keeping with peaceful secluded surroundings. 38 lights are over-ambitious and should only be the minimum required for security and working purposes
- Lighting should be the minimum needed. 38 lights proposed with no explanation for purpose. Amended plans do not address lighting expert advice – whilst many 18 watt lights have been reduced to 9 watts and uplighters have been replaced with downlighters but power has risen from 26W to 50W and a horizontal illuminance diagram or additional information about vertical illumination or justification for the necessity of the 38 lights proposed has not been supplied
- Check what other local campsites have
- Car headlights will light track, additional lighting of track is unnecessary (light nos 5-14) and has not been justified
- Site is not being enforced. Lighting already in place is unauthorised and causing light pollution in an E1 zone
- Site should be closed in breach of condition 10 of planning permission
- Neighbouring dwellings only have discreet lighting in keeping with countryside location and security lights on outbuildings and do not justify proposed lighting
- Recommendation should not be influenced by need for AA pennants or tourist board ratings which have no minimum requirements for lighting
- HSE does not legally require lighting scheme
- MOD to be consulted on airspace impact
- No Lighting Management Scheme provided to monitor/measure light pollution
- E-Den pod has internal lighting visible beyond the campsite

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 revised 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

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.

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.

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 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 Council's 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 applicant disagreed, drawing 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 applicant's agent stated *'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'.

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.

The council's lighting consultant advised that the use of uplighters which served no functional purposes should be rejected due to significant likelihood of upward light, spill light and visibility from outside the campsite and in the absence of a 'lux' or light spillage plan showing the amount of light travelling outside the site in both horizontal and vertical planes to demonstrate otherwise, the original lighting scheme was recommended for refusal.

The lighting consultant accepted that the illumination of signage at the campsite entrance did serve as a functional purpose; but suggested downlighters or additional bollards would be more suitable.

The uplighters have now been removed from the scheme and replaced with downlighters. The lighting consultant has advised that the disagreement between the council and the applicant on the environmental zone will not affect the decision now the uplighters have been removed.

A lux plan has not been provided. However, the council's lighting expert has advised that based on the information provided in the revised lighting scheme (which includes mounting/heights of the lighting units, and can be conditioned); taking into account the location of the units, the existing landscape screening and bunding and proposed heights of the units it is not considered that there will be any significant light spillage outside of the site and subject to also conditioning the use reduced wattage lamps to the bollards – all as on the lighting schedule), a lux plan is not required and the amended lighting scheme is now acceptable.

10. Conclusion

Subject to conditions requiring compliance with the submitted details, it is not considered that the revised lighting scheme will result in significant light spillage outside of the site boundaries or have an adverse effect on the character and appearance of the locality designated as a special landscape area, the nearby Winterbourne Stoke Conservation Area or visual amenity.

11. Recommendation: Planning Permission be APPROVED with conditions:

- 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).

Reason: For the avoidance of doubt.

- 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.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

- 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.

Reason: To prevent noise and disturbance to nearby residents of the site.

- 4 No 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.

Reason: To prevent noise and disturbance to nearby residents of the site at unsociable hours.

- 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.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

- 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.

Reason: To protect the visual amenity and character of the area and also help to safeguard the living conditions of nearby dwellings.

- 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.

Reason: To prevent noise and disturbance to nearby residents of the site.

- 8 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 made available to the local planning authority for inspection at reasonable notice.

Reason: To support the other conditions.

- 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).

Reason: To safeguard the living conditions of the occupants of Over the Hill

- 10 All external lighting shall be carried out in accordance with the approved Lighting Condition 10 Plan dated 3rd October 2013, received by this office on 7th October

2013 and Condition 10 External Lighting Schedule dated 3rd October 2013, received by this office on 7th October 2013.

Downlighter units numbered 1, 2 and 4 on the External Lighting Schedule for sign illumination shall be mounted so that they are angled into the site and away from the roadway.

Downlighter units numbered 3, 7, 8, 9, 10, 11, 12, 13, 17, 36, 37, 38 & 39 on the External Lighting Schedule shall be mounted with the bottom surface/the source of illumination parallel to and not more than 1m high above ground level.

Wall mounted and bollard light units numbered 5, 6, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32 on the External Lighting Schedule shall be mounted to not exceed 1m high above existing ground level.

Wall mounted downlighter units numbered 33 and 34 on the External Lighting Schedule shall be mounted with the bottom surface/the source of illumination not more than 2m high above ground level.

All lights shall be on timers to switch off at 10pm.

The lighting hereby approved shall be installed in accordance with the agreed details and maintained as such thereafter. Any existing lights already installed shall be amended to be in accordance with the agreed external lighting scheme as detailed above within 3 months of the date of this decision.

Other than those agreed, there shall be no further lighting of the site, unless otherwise agreed through a new planning permission.

Reason: In order to safeguard visual amenity.

- 11 All landscaping shall be carried out in accordance with the Stonehenge Campsite Landscape Management Plan 2009-2014 (dated 10th October 2012, reference WFG/TA/10.10.11) and the Detailed Planting Proposals 2009-2014 (dated 16/11/2012, reference 390-11 Rev A) accompanying planning application S/2012/1777 subject to the following amendments:
- a) Paragraphs 5.4, 5.5 and 5.6 are replaced as follows:
The first phase will be undertaken at some point between years 2 and 5 (where year 1 is 2009). The first phase will include removal of the 6 individual conifers along the eastern part of the boundary and 9 of the trees in the solid tree belt. This will open up gaps in the existing planting, allowing light in and allowing the establishment of broadleaf species.
In the longer term (that is, between years 10 and 12 unless otherwise agreed in writing by the local planning authority), the remaining conifers will be removed and the gaps will be planted with further broadleaf woodland planting.
- b) Paragraph 5.12 which refers to the woodland mix and the associated table is amended to exclude the use of non-native species of Corsican Pine, Larch, Thuja or Evergreen Holm Oak (*Quercus ilex*) or Scots Pine (*Pinus Sylvestris*). Where already planted, these shall be removed within 3 months of the date of this decision, with the exception of the 10 Scots Pine (*Pinus Sylvestris*) already planted which shall be removed by 31st March 2018.
- c) The planting key on the Detailed Planting Proposals plan is amended to exclude the use of non-native species of Corsican Pine, Larch, Thuja or Evergreen Holm Oak (*Quercus ilex*) or Scots Pine (*Pinus Sylvestris*). Where already planted, these shall be removed within 3 months of the date of this decision, with the exception of the 10 Scots Pine (*Pinus Sylvestris*) already planted which shall be removed by 31st March 2018.
- The approved landscape management plan shall be implemented in full in accordance with the approved timetable.

Reason: To ensure adequate landscaping in order to safeguard visual amenity.

- 12 The approved alarm system that has been fitted to the cesspit providing warning against overflowing, and was agreed in writing by the local planning authority on the 21st October 2011 shall be retained and maintained.

Reason: To help prevent pollution to watercourses.

- 13 The visibility splays of 4.5m x 75m across the site frontage measured from the centre line of the access adjacent to the northern site boundary shall be maintained permanently free obstruction above a height of 300mm.

Reason: In the interests of highway safety.

Appeal Decisions

Inquiry held on 17-18 May 2011

Site visit made on 19 May 2011

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

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

Decision date: **11 July 2011**

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

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

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

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

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

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

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

<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.

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

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

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

Application for costs

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

Procedural matters

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

The enforcement notices

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

Preliminary matters

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

The appeal under ground (c) (Appeal B)

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

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

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

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

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

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

Background

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

Main issues

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

² Evidence of Anthony Allen

³ Wiltshire and Swindon Structure Plan (SP)

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

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

26. In the light of the above I consider that the main issues in these appeals are:
- (i) the effect on the character and appearance of the locality including its effect on the Special Landscape Area (SLA) within which the site is located and the nearby Winterbourne Stoke Conservation Area (CA),
 - (ii) the effect on the living conditions of occupants of nearby dwellings through potential noise and disturbance, and
 - (iii) whether other considerations including economic benefits outweigh any harm that is identified.

Reasons

Character and appearance

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

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

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

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

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

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

Living conditions

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

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

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

Economic benefits

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

Fallback position

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

Other matters

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

⁷ Full time equivalent (FTE)

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

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

¹⁰ Site of Special Scientific Interest (SSSI)

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

Conditions

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

¹¹ Evidence of Charlie Bruce-White

¹² Document 13 to the Inquiry

¹³ Contained in the Statement of Common Ground

- garden. In consequence, I lean to the view of the appellants that there would not be a materially harmful effect on the amenities of the occupants of Keepers Cottage from the use of pitches 13-15 on Drawing: Landscape Plan 2010 and the condition I will impose will reflect that conclusion.
58. Conditions are suggested to limit the area for tented camping, the number of tents and the number of days that the use would be permitted. The area to be used is not in dispute by the parties (the area notated as Rally Fields/Blue Land on drawing 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 11/95¹⁴ advises that such permitted rights should only be removed in exceptional circumstances and I consider that this is such a case to safeguard the living conditions of occupants of nearby dwellings and also as uncontrolled camping and caravanning on the remainder of the site would cause harm both to the visual amenity and character of the area.
63. Conditions to restrict the location and number of fire pits and to prevent the playing of amplified music at any time in the appeal sites and to place a time limit of 2300 hours for the termination of the playing of unamplified music on any day will help to prevent noise and disturbance to nearby residents of the site at unsociable hours.

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

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

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

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

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

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

Formal decisions

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

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

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

70. I direct that the enforcement notice be corrected by the deletion of "to development took place " and the substitution 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 Annex C to this decision.

Kevin Nield

INSPECTOR

ANNEXE C

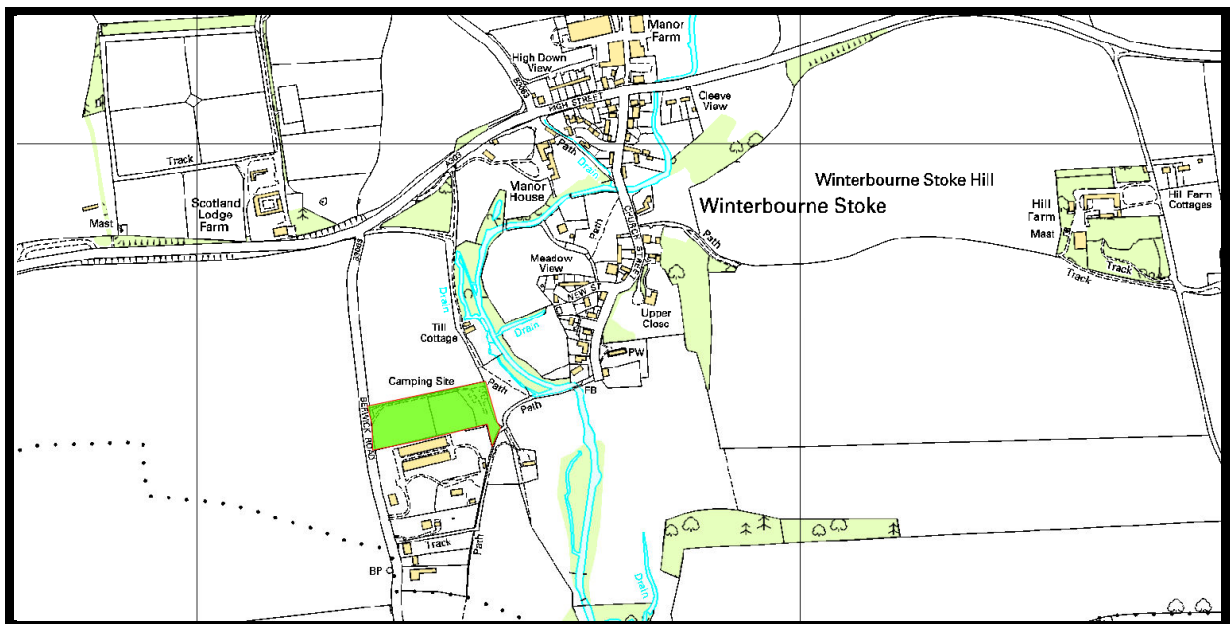
SCHEDULE OF CONDITIONS FOR APPEAL C: APP/Y3940/A/10/2136994

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



This page is intentionally left blank

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|-----------------------|-----------------------------------|
| Date of Meeting | 16 January 2014 | | |
| Application Number | 13/04963/FUL | | |
| Site Address | 2a and 4 Earls Court Road, Amesbury, SP4 7NA | | |
| Proposal | Demolition of existing dwellings and erection of 5 x 3 bed terraced dwellings, associated hard and soft landscaping, car parking and new access | | |
| Applicant | Weird Projects Ltd | | |
| Town/Parish Council | AMESBURY | | |
| Electoral Division | Amesbury West | Unitary Member | Cllr Fred Westmoreland |
| Grid Ref | 415746 141384 | | |
| Type of application | Full Planning | | |
| Case Officer | Tom Wippell | | |

Reason for the application being considered by Committee

The application has been called to committee by Councillor Fred Westmoreland in view of the design.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be **GRANTED** subject to conditions.

2. Report Summary

The issues in this case are:

- The principle of residential development;
- Impact on visual amenity and character of the area;
- Impact on residential amenity;
- Highway safety;
- Impact on protected species;
- Archaeology;
- Trees;
- Affordable housing/public open space contributions.

Publicity of the application has resulted in an objection from the Town Council and 13 objection letters. There has been no letters of support.

3. Site Description

The application site is located on the north-east side of Earls Court Road within a predominantly residential area. The site presently supports a two storey house and a

bungalow sited on raised ground above the level of Earls Court Road.

Established development within the vicinity varies in age, size and style and includes bungalows, chalet bungalows and houses. Opposite the site is a listed thatched cottage. The surrounding area has been the subject of various new developments, including replacement dwellings and infills.

4. Planning History

S/2012/1290 – Outline application to replace bungalow with two-storey dwelling
APPROVED

S/2013/0133 – Demolition of existing dwellings and erection of 5 x 3 bed and 1 x 1 bed terraced dwellings, associated hard and soft landscaping, car parking and new access
REFUSED

The above application for 6 houses was refused for the following reasons:

- 1. The proposed development, by reason of its size, siting and design, would detract from the character and appearance of the locality. In particular, the height and massing of the building is considered to be at odds with the more modest buildings surrounding the site, and the terrace form of the building sited relatively close to the front boundary of the site is considered to be unduly dominant in the streetscene. Additionally the limited space around the building creates a cramped appearance which equally detract from the character of the immediate surroundings. This is contrary to Policies H16 and D2 of the Salisbury District Local Plan (which are saved policies of the adopted South Wiltshire Core Strategy).*
- 2. The proposed building, by reason of its siting relatively close to the front and rear boundaries of the site, would be un-neighbourly, allowing direct overlooking of the properties to the front and rear to the detriment of residential amenity. This is contrary to Policy D2 of the Salisbury District Local Plan (which are saved policies of the adopted South Wiltshire Core Strategy).*
- 3. The application does not make provision for the increase in pressure on recreational open space facilities and affordable housing stemming from the additional housing. This is contrary to Policy R2 of the Salisbury District Local Plan (which is a 'saved' policy of the South Wiltshire Core Strategy) and Core Policy 3 of the South Wiltshire Core Strategy.*

5. The Proposal

Planning permission is sought for the demolition of the existing dwellings and the erection of a pair of three-bedroom semi-detached houses and 3 three-bedroom terrace houses (five houses altogether). To accommodate the houses the existing raised ground would be cut so that the ground floor slabs would be at a level close to that of the road. The houses themselves would 'read' as two storey although with their second floor lofts utilised as third bedrooms, lit by front and rear facing rooflights. The houses would be positioned further forward on the site than the existing dwellings, this allowing terrace gardens to be provided at the rear.

An existing cob wall along the rear boundary would be retained and a new 'trellis privacy

fence' erected in front of it. Walls and railings would define the front boundary.

Parking spaces for the houses would be provided in a courtyard at the south-east end of the site, again cut into the sloping ground with retaining walls. It would provide 10 spaces in accordance with the parking standards.

6. Planning Policy

Local Plan Policies: G1, G2, D2, H16, R2, (as 'saved' within the adopted South Wiltshire Core Strategy)

South Wiltshire Core Strategy: Core Policy 3

NPPF

7. Consultations

Town Council: The Town Council objects to the development, for the following reasons:

- The design could be further improved, on the part of the main structures
- The cob wall should be retained
- An up-to-date ecology report needs to be given
- R2 funding is required for recreation and social housing
- Consideration should be given to issues raised by previous reports: highway safety - close proximity to retail outlets and educational facilities nearby and their impact on additional vehicles entering and leaving the site

WC Archaeology

The proposal does not propose a significant new footprint of impact. Therefore consider it unlikely on the evidence available that significant archaeological remains would be disturbed by the proposed development.

WC Highways

No objection.

WC Environmental Health

No objections, subject to conditions.

County Ecologist: Would not normally ask for an ecology survey for dwellings of this type in the middle of an urban area such as Amesbury. However the house and bungalow appear to have been derelict for some time, likewise the garden has been abandoned. If bats are present in the buildings, they will probably be species of crevices dwelling bats such as pipistrelles. These species can readily be accommodated in the design of new buildings by incorporating bat tiles, bat boxes etc. Of the other protected species, slow worms and breeding birds are the most likely to be present. Few individuals of either species can be expected at the site due to its relatively small size and poor condition of the habitats.

So, suggest that in this rare situation, it is not essential to obtain a bat survey before the application is determined since it is likely that a development licence would be issued by

Natural England if a bat roost was discovered. The presence of other protected species can be brought to the developer's attention through an informative.

Recommend a condition that no works, including demolition works, will commence until a report providing the results of a bat survey undertaken by an independent ecologist has been submitted for local planning authority approval.

WC Conservation

No comments.

WC Housing

An affordable housing financial contribution is required.

8. Publicity

The application has been advertised by way of site notice, newspaper advert and letters to near neighbours.

The publicity has generated thirteen letters of objection and no letters of support.

The letters of objection are summarised as follows:

- Overdevelopment of the site
- Overbearing impact within streetscene
- Too close to road
- Too high and bulky
- Inappropriate design for this area
- Little difference in design terms between this application and the last one
- Overlooking to the front
- Overlooking to the rear
- Overshadowing/overbearing impacts to the sides and rear
- Increase in traffic will be detrimental to highway safety, especially so close to the school
- Increased traffic will cause noise and disturbance to neighbouring properties
- Vehicles entering/leaving the site will affect pedestrian safety
- Construction traffic/ workers will cause noise and disturbance
- Impact on ecology
- Impact on trees
- Impact on archaeology
- Impact on cob-wall towards the rear
- The site could be used for alternative community uses

9. Planning Considerations

9.1 Background

An earlier application for a single dwelling to replace the bungalow was approved in 2012 (S/2012/1290), and an application for a terrace of 6 houses was refused at this site in 2013 (13/00133/FUL).

9.2 Principle

The site is located within the Amesbury Housing Policy Boundary where the principle of new residential development is acceptable, subject to the criteria as set out in 'saved' Policy H16 of the South Wiltshire Core Strategy. Of particular importance is that the proposal should not result in the loss of an open space which contributes to the character of the area and should not conflict with other design policies of the development plan.

Policy D2 relates to street and infill development, and requires that proposals should respect or enhance the character and appearance of the area including building lines, scale of the area, heights and massing of adjoining buildings and the characteristic building plot widths.

Having regard to this policy background, a proposal for additional new dwellings at the site is not considered unacceptable in principle provided it is appropriate in terms of its scale and design to its context, and provided other interests including residential amenity and highway safety are addressed.

9.3 Scale, design and siting

The current proposal is considered acceptable in terms of its scale, design and siting. The previously refused scheme envisaged a single block of six terrace houses. In the current proposal there is a pair of semi-detached houses and three terrace houses, with a gap in-between to break up the bulk. Additionally to address the bulk, the overall height has been reduced so that the ridgeline is now close to that of the adjoining house at no. 2. Architectural features such as porches, chimneys, railings, window-heads, quoins and staggered footprints have also been incorporated into the design to reflect the variety of housing in the locality.

Whilst it is acknowledged that the openness of the existing site would be reduced by increasing the built form and siting the buildings closer to the road, it is considered that the reduced scheme now presented is, in fact, in-keeping with the varied character of the area, and as such, an objection based on inappropriate scale and design could not be sustained.

There would be no harm to the setting of the Grade II listed thatched cottage opposite the site, and there would be no adverse impact on the cob-wall towards the rear of the site, which will have a trellis added. Subject to materials being agreed by condition, it is not considered that an objection based on impact could now be sustained.

9.4 Impact on residential amenity

The previous application for six dwellings was refused due to the close proximity of the dwellings to the front and rear boundaries of the site, which would be un-neighbourly allowing direct overlooking from windows of the properties to the front and rear.

The current scheme again sees windows facing towards the thatched cottage opposite. However, the amount of glazing at the front has been reduced over the previous application (with the first-floor full length windows and dormer windows omitted or replaced with smaller windows), and on balance it is considered that the impact from overlooking across the road would not now be significant enough to warrant refusal,

given that overlooking 'front to front' is not unusual or usually unacceptable in a suburban street such as this.

At the rear of the site, the proposal is also considered to represent an improvement in terms of privacy, with 5 dormer windows now omitted from the rear roof slopes (replaced by roof lights) and changes in levels providing a better relationship with the existing properties to the rear and sides. Whilst it is accepted that at least some of the higher level rear-facing windows will be visible from neighbouring gardens, in the context of Earls Court Road, which is a typical suburban road where to a certain extent mutual 'back to back' and 'back to side' overlooking is inevitable, the limited overlooking which would now occur is considered to be acceptable. A trellis is proposed on the rear boundary wall, which would help to prevent any overlooking into the neighbouring gardens from the ground and first floor windows in the rear elevations of the new dwellings.

Although the houses would be sited quite close to the north-west boundary of the site and forward of the building line of the existing house here (no. 2), due to the orientation of the houses and the layout of the garden at no. 2, it is not considered that there would be an overbearing impact sufficient to justify refusal for this reason.

9.5 Highway Safety

Initial concerns raised by the WC Highways officer about visibility at the entrance to the parking courtyard have been addressed by a reduction in the height of the front boundary wall. As a consequence there are no highway objections.

9.6 Impact on Protected Species/ Archaeology/Trees

The County Ecologist has been consulted and considers that it is not essential to obtain a bat survey

before the application is determined since it is likely that a development licence would be issued by Natural England if a bat roost was discovered. The presence of other protected species can be brought to the developer's attention through an informative. Therefore, a condition should be added to any approval to ensure that no works, including demolition works, shall commence until a report providing the results of a bat survey is undertaken by an independent ecologist and has been submitted for Local Planning Authority approval.

The County Archaeologist has been consulted and raises no objections to the scheme, as no significant archaeology will be affected by this development.

There are no significant trees within the site worthy of Tree Preservation Orders.

9.7 Affordable Housing/ Public Open Space Contributions

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 and Core Policy 3 of the South Wiltshire Core Strategy, applicants are required to enter into a legal agreement and provide a commuted financial payment. The applicant has indicated a willingness to enter into such an agreement (subject to a viability appraisal) and therefore no objections are raised, subject to a financial contribution being received as part of any approval.

RECOMMENDATION

To delegate to the Area Development Manager to APPROVE, Subject to the applicant entering into a Section 106 agreement requiring financial contributions towards affordable housing and recreation provision, and subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the local planning authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be 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 building is appropriately detailed

3. Prior to commencement of the development hereby approved full details of the “new trellis privacy fence between 1.8m and 2.4m high” and the “new retaining wall” shown on drawing no. 0776/02A dated 09/2013 shall be submitted to the local planning authority for approval in writing. The details shall include plans of the design and appearance of the fence and wall and, in the case of the fence, its method of fixing. The fence and wall shall be erected/constructed prior to first occupation of any of the houses, and both shall be retained and maintained in place thereafter.

REASON: The application contains insufficient detail to enable assessment of the fence and wall at this time. The fence is necessary to ensure the privacy of neighbouring properties is safeguarded.

4. Prior to erection of the sheds shown on drawing no. 0776/02A dated 09/2013 details of their design and appearance shall be submitted to the local planning authority for approval in writing. The sheds shall then be erected in accordance with the approved details.

REASON: The application contains insufficient detail to enable assessment of the sheds at this time. Assessment is necessary to ensure the design of the sheds would not have a detrimental impact on amenity.

5. No works, including demolition works, shall commence until a report providing the results of a bat survey undertaken by an independent ecologist has been submitted for local planning authority approval. The report will include the findings of a phase 1 bat survey and any subsequent phase 2 surveys deemed necessary by the ecologist, provide details of any necessary mitigation measures and recommend whether a Natural England licence is required for works to proceed. The works will be undertaken in accordance with the recommendations of the approved report.

REASON: To safeguard protected wildlife species.

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), there shall be no additions to, or extensions or enlargements of any buildings forming part of the development hereby permitted.

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

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

REASON: In the interests of residential amenity and privacy.

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 construction works or deliveries shall take place on Sundays or public holidays or outside the hours of 8.00am and 6.00pm weekdays or 8.am to 1.00pm on Saturdays.

REASON: In the interests of neighbouring amenities- Policy G2

10. No burning of waste shall take place on the site during the demolition or construction phase of the development.

REASON: In the interests of residential amenity.

11. This development shall be in accordance with the submitted drawings:

- 0766/01 rev D, dated September 2013 and received to this office on 07/11/13
- 0766/02 rev A, dated September 2013 and received to this office on 09/10/13
- 0766/03 rev A, dated September 2013 and received to this office on 09/10/13
- 0766/04 rev A, dated September 2013 and received to this office on 09/10/13

REASON: For the avoidance of doubt.

12. INFORMATIVE:

There is a risk that reptiles such as slow worms or grass snakes could occupy the application site. These species are protected by the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution under this Act. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation by hand. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding and planning permission does not provide a defence against prosecution under this Act. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

This page is intentionally left blank

13/04963/FUL – 2A AND 4A Earls Court, Amesbury, Salisbury, SP4 7NA



This page is intentionally left blank

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|-----------------------|--------------------------|
| Date of Meeting | 16 January 2014 | | |
| Application Number | 13/05892/FUL | | |
| Site Address | 18c Firs Road, Firsdwn, Salisbury, Wiltshire, SP5 1SQ | | |
| Proposal | Proposed raising of roof to create first floor extension including 3 dormers and porch to east elevation, 6 rooflights to west elevation | | |
| Applicant | Mr Cornforth | | |
| Town/Parish Council | FIRSDOWN | | |
| Electoral Division | Winterslow | Unitary Member | Cllr Chris Devine |
| Grid Ref | 421396 133373 | | |
| Type of application | Full Planning | | |
| Case Officer | Tom Wippell | | |

Reason for the application being considered by Committee

Councillor Chris Devine has called-in the application for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Wide-spread Public & PC concern in the village of Firsdwn

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be **GRANTED** subject to conditions.

2. Report Summary

The application has generated objections from the Parish Council and four third parties. There have been no letters of support.

3. Site Description

The application relates to number 18c Firs Road, being a detached bungalow on a 'backland' site within the settlement of Firsdwn.

The property is accessed via a private track from Firs Road running between numbers 16 and 18 Firs Road. This track also serves three other backland plots – 18a, 18b and a newly constructed dwelling to the rear of no. 3 Firs Close. The property has an area of gravel hardstanding at the front and a modest garden curtilage to the south and east sides.

4. Planning History

| | | | |
|--------------|--|----------------|-----------------|
| 74/530 | O/L 3 bungalows with garages | A | 17.09.74 |
| 84/524 | O/L 2 bungalows | R | 30.06.83 |
| 87/1553 | O/L 2 dwellings | R | 26.11.87 |
| 88/626 | O/L one dwelling | R | 19.5.88 |
| 89/159 | Three bungalows & garages | R | 16.03.89 |
| | | App Dis | 0.11.89 |
| 89/2099 | Two bungalows & garages & alteration to access at land at rear of 18 Firs Road | AC | 04.04.90 |
| 91/1838 | Construction of a 4 bed. bungalow and access at plot no. 1 | AC | 12.02.92 |
| 91/1839 | Construction of a 4 bed. bungalow and access at plot no. 2 | AC | 12.02.92 |
| 02/52 | Erection of a new bungalow. at 18 Firs Road. | R | 04.03.02 |
| | | App Dis | 04.10.02 |
| 02/2294 | one dwelling | R | 20.01.03 |
| 03/527 | one dwelling | R | 15.05.03 |
| | | App Dis | 17.11.04 |
| 03/2361 | Two storey extension and conservatory at rear of property | R | 22.12.03 |
| 04/348 | New Bungalow at rear of 18 Firs Road | R | 13.04.04 |
| 04/1004 | New Bungalow at 18 Firs Road | R | 05.07.04 |
| 04/2264 | New bungalow + access with parking | W/D | |
| 04/2462 | New bungalow with access and parking. | AC | 16.12.04 |
| 08/0490 | creation of new access to provide individual access to no 18 | WD | 30/04/08 |
| 08/1059 | new separate access to serve dwelling | AC | 31/07/08 |
| 13/00538/FUL | Proposed raising of roof and creation of rooms in the roof space with two dormer windows on the front elevation | REF | 12.07.13 |
| 13/03027/FUL | Proposed raising of roof and creation of rooms in the roof space with 2 dormer windows on the front elevation and 1 dormer on rear | REF | 24.10.13 |

This application was refused for the following reason:

“The proposal, by reason of the increase in size of the dwelling and the resulting intensification in its use as a larger house, would result in an over-development of the site, to the detriment of the character and amenities of the area. Furthermore, the additional

bulk created by the increase in size would result in an overbearing impact on neighbouring properties. This is contrary to Policies D3 and G2 of the Salisbury District Local Plan (which are saved policies of the South Wiltshire Core Strategy)".

5. The Proposal

The proposal is to erect a first floor extension to provide additional living accommodation. This would involve the raising of the eaves and the ridgeline of the existing building and the insertion of three dormer windows in the new front roof slope and six obscure-glazed rooflights in the new rear roof slope. The overall ridge height of the building would increase by 2.1m (from 5.1m to 7.2m). It is also proposed to erect an enlarged open-sided porch on the front of the building.

6. Planning Policy

Salisbury District Local Plan ('saved' policies of the South Wiltshire Core Strategy: G2, D3, H16

NPPF

7. Consultations

Firsdown Parish Council

Object on grounds of overdevelopment, increased ridge height, detrimental impact on neighbouring properties, concern of increased traffic/noise, parking concerns/emergency vehicle access

WC Highways

No objection

8. Publicity

The application was publicised by site notice and neighbour notification letters.

Four third party representations have been received objecting on grounds including excessive scale, design out of keeping, increased noise and disturbance, and undue overlooking of neighbouring properties.

9. Planning Considerations

9.1 Visual Impact

This area is defined by dwellings of mixed age, size and design. There are houses, chalet bungalows and bungalows. For example, no. 18 is a house (two stories), no. 16 is a bungalow (single storey) and no. 14 is a chalet bungalow (two stories). The other properties sharing the track to the application site comprise a bungalow (no. 18a), and two storey chalet bungalows (no. 18b and the new dwelling).

The proposal is to change the application dwelling to a two storey chalet style house. Within this context of houses, bungalows and chalet bungalows this proposed style of dwelling is not considered to be discordant or out of keeping. The design is considered to be harmonious with the evolution of the area. What is more, the site is considered to be

capable of accommodating the resulting larger dwelling without a cramped or overcrowded appearance by virtue of the adequately sized plot. For these reasons it is not considered that there would be a harmful visual impact.

9.2 Impact on Residential Amenity

The proposed development, by reason of the relatively modest increase in ridge height, would not represent an over-dominant form of development when viewed from the neighbouring properties at the sides, front and rear.

Views from the front facing dormer windows would be towards the shared track serving the four backland dwellings which in all respects is a communal and mutually overlooked space. The new dwelling opposite is sufficiently distanced from the site to ensure no loss of privacy.

The rear elevation of the existing dwelling is approximately 5 metres from the boundary fence with the rear garden of no. 20 Firs Road. It is proposed to erect six rooflights in the rear facing roof slope. To prevent overlooking the applicant proposes to use obscured glass in all six rooflights. This, together with their fixing shut (to prevent overlooking when open), would safeguard the privacy of the owner/occupier of no. 20 when using the garden. A condition is recommended accordingly. The dwelling at no. 20 itself is some 35 metres from the site.

Subject to the above condition and a further condition preventing the insertion of any additional windows or other openings within the first-floor level beyond those detailed in the submitted plans, it is considered that the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining properties.

RECOMMENDATION

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

Reason: In the interests of residential amenity and privacy.

3. Before the development hereby permitted is first occupied the 6 rooflights in the rear elevation shall be permanently glazed with obscured glass and permanently fixed shut.

Reason: In the interests of residential amenity and privacy.

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

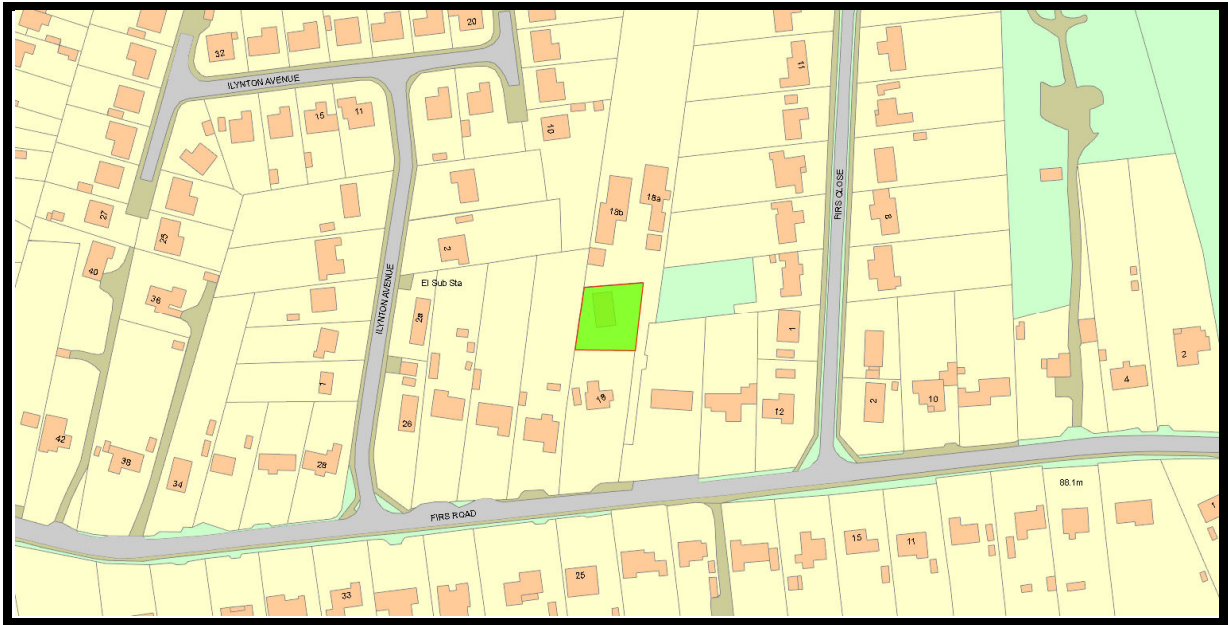
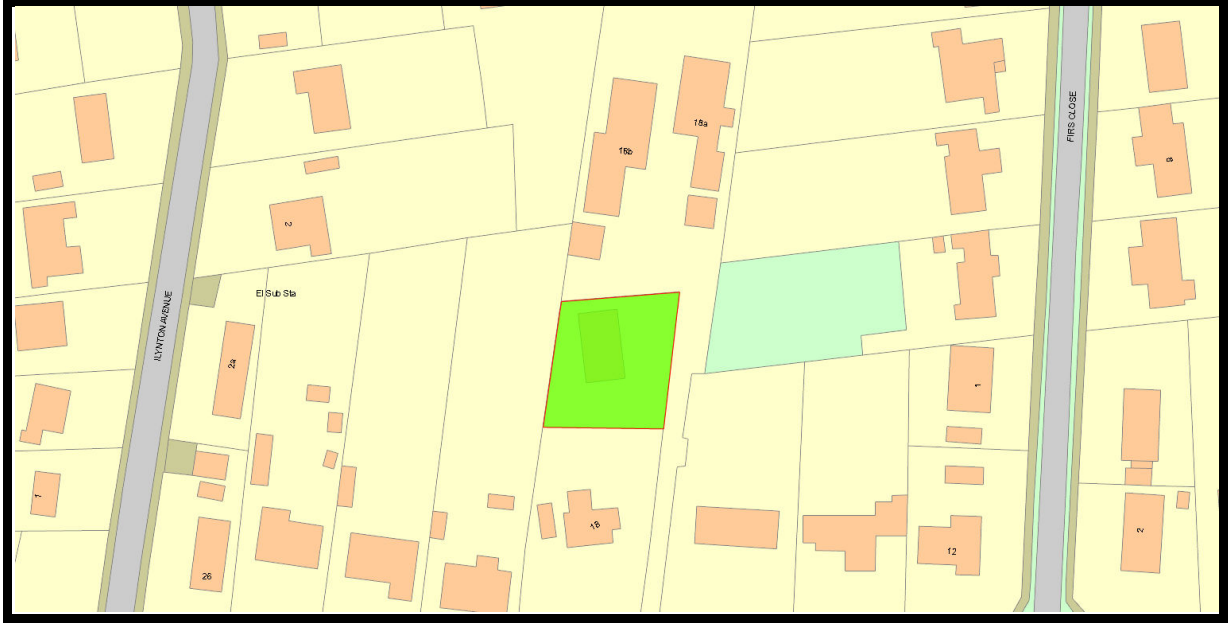
-DC13-002, dated October 2013 and received to this office on 11/11/13

-DC13-003, dated October 2013 and received to this office on 11/11/13

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

This page is intentionally left blank

13/05892/FUL – 18c Firs Road, Firsdawn, Salisbury, SP5 1SQ



This page is intentionally left blank

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|-----------------------|-----------------------------|
| Date of Meeting | 16 January 2014 | | |
| Application Number | 13/04200/FUL | | |
| Site Address | Lyvers Farm, Lyvers Lane, East Grimstead, Salisbury, SP5 3RX | | |
| Proposal | Demolition of existing dwelling erection of replacement with the demolition of existing agricultural buildings | | |
| Applicant | Mr Cooper | | |
| Town/Parish Council | Grimstead | | |
| Electoral Division | Alderbury and Whiteparish | Unitary Member | Cllr Richard Britton |
| Grid Ref | 422402 128140 | | |
| Type of application | Full Planning | | |
| Case Officer | Ben Hatt | | |

Reason for the application being considered by Committee

The application has been called to committee by Councillor Richard Britton for the following reason:

- Design and impact on area.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be **GRANTED** subject to conditions.

2. Report Summary

The issues in this case are:

- The principle of residential development in this location;
- Design and impact on character of the area;
- Highway safety;
- Financial contributions.
- Ecology

The application has received an objection from East Grimstead Parish Council and no representations from other third parties.

3. Site Description

The application site is an area of land currently occupied by agricultural buildings and a separated dwellinghouse. It has an existing access from Lyvers Lane.

The site is on the west side of Lyvers Lane with open farmland to its north, west and south sides. The existing residential dwelling which is to be demolished is at the east of the site and adjacent to the entrance drive.

In planning policy terms the site lies within the countryside outside of the housing policy boundary of East Grimstead.

4. Planning History

| | |
|-------------|--|
| S/1998/0567 | Change of use from farm building to light industrial |
| S/2001/0586 | Alterations and extensions |
| S/2002/0788 | Occupation of the dwelling other in compliance with condition 1 of 7949/12744 & 5810/9444 |
| S/2003/0646 | Remove stables; extend bungalow at ground and first floor level and alterations to existing access |
| S/2003/1895 | Continued use of disused poultry houses for storage of gearboxes, classic cars and classic car components |
| S/2004/1154 | Change of use of redundant agricultural building to business |
| S/2004/0607 | Replacement dwelling and alterations to access |
| S/2004/0099 | Change of use if redundant agricultural building to business use (workshop and store) with associated residential unit |
| S/2005/2510 | Create ménage and change use of land for equestrian purposes |
| S/2007/0318 | Change of use of redundant agricultural building to mixed business and associated residential |
| S/2008/1217 | Demolition of existing dwelling; replacement dwelling and garage |
| S/2011/0491 | New storage building for mixed equestrian and agricultural use |
| S/2011/1104 | Application to vary condition 1 of approved application S/2008/1217 (demolition of existing dwelling, replacement dwelling and garage) to extend the time allowed to implement the planning permission |

5. The Proposal

The proposal is to demolish the existing dwelling and barns and erect a new dwelling, garage and home office on the site of the barns.

The new dwelling would be large with accommodation over two and three floors. Its design is traditional.

6. Planning Policy

Salisbury District Local Plan: Policies G1, G2, D2, H30 (as 'saved' within the adopted SWCS)

South Wiltshire Core Strategy: none

NPPF

7. Consultations

East Grimstead Parish Council:

The Parish Council considers that this application contravenes Policy H30 which states that the replacement dwelling should be closely associated on the site and not significantly larger than the existing building. There is also concern over the height and size of the proposed building, and that the existing building may be retained. It is pointed out that the proposed footprint compared to the existing is at least 70% larger. There is also no drawing of the existing dwelling available to compare size & massing – in this respect councillors considered the application to be incomplete and further drawings (at same scale) should be provided.

The application also identifies possible harm to protected species and the environment, but no ecology report to view. The council highlighted that the application was incomplete in terms of drawings and reports.

The Parish Council recommends REFUSAL for this proposal on the grounds that:

- a) It is not in keeping or appropriate with its environmental surroundings.
- b) The siting of the replacement dwelling is not closely related to the siting of the existing dwelling.
- c) The applications also identifies possible harm to protected species and the environment. The parish Council would have liked to have viewed an ecology report but there wasn't a report available to view.
- d) The extraordinarily large windows have no precedent in local residential housing.
- e) The Parish would like to see a preclusion to any further development of the existing building.
- f) Not compliant with saved policy H30 which states replacement dwelling must not be significantly larger than existing chalet bungalow and be closely related to the existing site.
- g) The footprint of the existing dwelling is approx. 115 M2 (including conservatory) and not 190M2 as stated in the design & access statement (para 5.5). The increase in building footprint is approx. 70%. Parish Councillors considered this increase, together with the fact that the proposed dwelling is on three floors, results in a significantly larger dwelling.
- h) The proposed dwelling is approx. 180 M from the site of the existing dwelling.
- i) Councillors failed to see the relevance of reference to, and drawings of, the extant application S/2008/1217 & S/2011/1104.
- j) The councillors considered the design & access statement to be incorrect as follows:
 - Para. 1.5 - The replacement dwelling will not replace a large dwelling on the immediate site of the existing dwelling - presumably the reference to 'large detached dwelling' refers to the extant approved dwelling.

- Para. 1. 7 - Planning permission has not been granted for a new dwelling on the immediate site of the proposed dwelling- again presumably this refers to the extant application.

Demolition of existing dwelling:

Parish Councillors were concerned that the existing dwelling would not be demolished due to the construction of the proposed dwelling not being dependent upon demolition of existing dwelling. Planning department must legally ensure demolition is enforceable.

Retention of the existing dwelling would result in an additional burden on the access to the public highway - in the past highways have refused any additional vehicular movements at the point of access to the highway.

Further policy considerations:

The site area is not within the Housing Policy Boundary of East Grimstead. There is no agricultural or forestry need - the site is in open country side.

Extant application for replacement dwelling on site of existing chalet bungalow – Application Nos. S/2008/1217 & S/2011/1104.

Councillors were concerned that in the event of the application for new dwelling at location off buildings (App.No. 13/04200) being approved the applicant would be in a position to demolish the existing chalet bungalow and construct a replacement dwelling on the same site area-this would result in an additional dwelling using the vehicular access onto the public highway. Highways have, in the past, stated that an additional dwelling using the access is not acceptable.

Councillors were of the opinion that should approval be granted for the new dwelling the extant approval for a replacement dwelling should be rescinded and this requirement form a condition of any planning approval that may be forthcoming.

WC Ecology:

The Extended Phase 1 Habitat Survey Report (Ahern Ecology, Sept 2013) demonstrates various protected species issues associated with demolition of the house and barns in this application.

Regarding barn owls, a nest box at the southern end of one of the barns is being used for breeding and therefore I suggest that a condition is used to ensure that demolition of this barn is undertaken in such a way as to avoid a breach of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to cause disturbance to this species while it is breeding. In addition, mitigation will need to be provided and I suggest this is done through a condition to mark locations of barn owl boxes pre- and post construction on a site ecological mitigation plan. Swallows can be equally covered by this condition.

In relation to bats, the consultants consider the dwelling house has been confirmed as a bat roost, probably for brown long-eared bats and several of the barns hold medium potential for bats. So far the consultant has not commented on the risk of the roost being significant and no mitigation has been put forward for the worst case scenario. I suggest therefore that plans are submitted to demonstrate the location and design of a replacement roost, being mindful of the proposed new location of the barn owl box, so that

the application can be determined. Currently I cannot conclude whether or not a Natural England licence would be granted if indeed it is required.

The barns appear to be unsuitable for a significant (breeding / hibernation, large pre-maternity) roost and therefore mitigation is likely to take the form of bat boxes etc.

I suggest bats will need to be covered in two conditions, one to require further survey to inform whether a Natural England licence will be required and a second to secure the bat mitigation measures.

WC Housing:

As the proposals do not include any net gain in the number of residential dwellings, there will be no requirement for an affordable housing contribution.

8. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated no letters of support or objections.

9. Planning Considerations

9.1 Principle

This application follows a previous approval for the erection of a 5 bedroom house on the site.

The site lies within open countryside. Saved Policy H30 of the Salisbury District Local Plan, indicates that the replacement of an existing dwelling in the countryside will be permitted provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;
- (ii) the siting of the replacement dwelling is closely related to that of the existing;
- (iii) current parking and access standards can be met; and
- (v) the existing dwelling has not been abandoned.

The parish council have raised concerns that the proposal is not in accordance with Policy H30, and it further states that the proposal is not in keeping with its surroundings, would possibly harm protected species, and would be significantly larger than the existing dwelling.

It is acknowledged that the proposed dwelling is larger than the existing. It is also acknowledged that the proposed siting is some distance from the existing dwelling, albeit within the same overall holding. However, it is material in this case that the proposed dwelling would not only replace the existing dwelling but would also replace an extensive

group of not insubstantial barns. The proposed dwelling is considered to have a comparable impact to that of the existing barns and dwelling in combination, and consequently it is not considered that any measurable harm would be caused by its additional size and different siting. In isolation the proposed dwelling is considered to be of a high standard of design appropriate to its rural surroundings.

There is an extant permission for a replacement dwelling on the site of the existing dwelling (S/2011/1104). To ensure that there is no net gain in dwelling numbers or over-development of the site a S106 agreement would be necessary to rescind this extant planning permission in the event of planning permission being given. The applicant has indicated agreement to enter into this obligation.

The site is isolated from the nearby neighbouring properties sited along Lyvers Lane being at the far end of the site away from the existing dwelling. As a consequence there would be no adverse impact on residential amenity.

9.2 Design and impact on character of the area

The proposal would result in a large dwellinghouse on the site of existing agricultural buildings. The existing dwelling is currently sited away from the agricultural buildings and so the proposal would see the overall development of the site limited to one location. The site itself is reasonably well screened from views to and from the open countryside, and it is not considered that any glimpsed views of the new dwelling would detract from visual amenity in any event. Overall it is considered that the proposal would have no greater impact than the existing developments on the site.

9.3 Highways

The WC Highways Officer has raised no objections to the on-site parking provisions for the development and the alterations to the access. Whilst the proposed replacement dwelling would be of a larger overall scale than the existing dwelling it would be unlikely to result in a significant increase in traffic flow using the access track and as such is considered to be acceptable in terms of highway safety. It is noted that there is a concern from the Parish Council regarding additional pressure on the existing access, however the proposal is for a replacement dwelling and would not result in a net gain in the number of dwellings on site.

9.4 Contributions

The proposal which is for a replacement dwelling would not result in a net gain of residential units and therefore there is no requirement for any contributions towards affordable housing (CP3) or recreational facilities (R2).

9.5 Ecology

An extended phase 1 habitat report has been submitted as part of this application. No objections have been received from the WC Ecologist subject to conditions which would ensure mitigation for protected species.

10.0 Conclusion

The proposed dwelling and associated development would not have an adverse impact on the visual appearance and character of the area. The impact would be comparable to that of the existing buildings on the site which are to be demolished. There would be no harmful impact on other material considerations, including residential amenity and ecology.

The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, and D2 (as saved within the adopted South Wiltshire Core Strategy).

RECOMMENDATION

To delegate to the Area Development Manager to APPROVE permission, subject to the applicant entering into a Section 106 agreement to rescind the earlier planning permission, 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 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.

3. Before any works commence, a report detailing the results of bat surveys undertaken in accordance with the recommendations at 5.2 of the Extended Phase 1 Habitat Survey Report (Ahern Ecology, Sept 2013) shall be submitted for the approval of the local planning authority.

REASON: To safeguard protected wildlife species.

4. 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:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, 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 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.

7. Prior to first occupation of the dwelling hereby approved all existing buildings indicated to be demolished in the Design and Access Statement accompanying the application and the existing dwelling, Lyvers, shall be demolished and the resulting waste materials removed from the site. Following removal of the waste materials the land shall be re-graded to original levels and re-used for appropriate purposes in accordance with a scheme to be first approved in writing by the local planning authority.

REASON: To accord with the terms of the planning application and to ensure that the development results in enhancement of the area which is one of the exceptional reasons planning permission has been granted in this case.

8. Before works commence, drawings identifying the location and design of ecological mitigation measures for bats, barn owls and swallows shall be submitted for local planning authority approval. The measures shall be implemented in accordance with the approved drawings before first occupation of the new dwelling and they shall be retained in a suitable condition for use by bats and/or birds (as appropriate) thereafter.

REASON: To safeguard protected wildlife species.

9. No demolition of any barn within the application site shall be undertaken while barn

owls are breeding on site and until a survey by a competent person has confirmed that breeding barn owls are absent. At least one alternative breeding box for barn owls shall be provided at the site in accordance with details to be approved in writing by the local planning authority prior to occupation.

REASON: To safeguard protected wildlife species.

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

Extended phase 1 Habitat Survey Report,
Design and Access Statement,
Drawing nos. Ceg/p/03, Ceg/p/02, Ceg/p/01 received on 13/09/13.

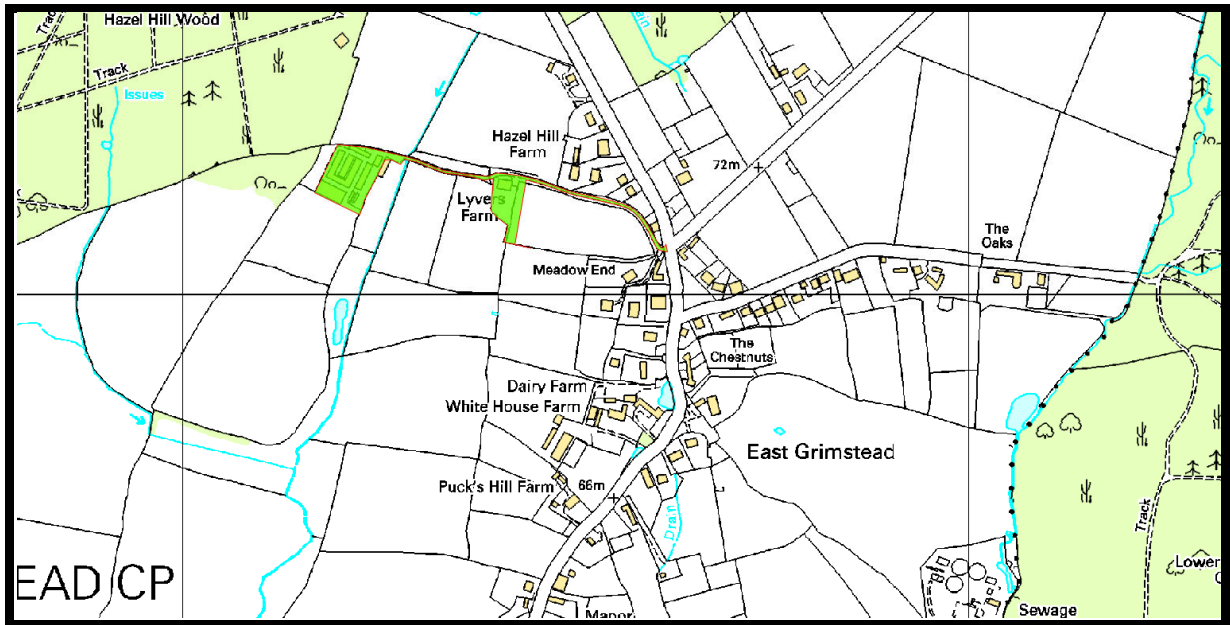
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

This page is intentionally left blank

13/04200/FUL –Lyvers Farm, Lyvers Lane, East Grimstead, Salisbury, AP5 3RX



This page is intentionally left blank