

**SOUTHERN AREA PLANNING COMMITTEE 18/11/2010
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

Agenda Item 7

Plan List Item 7a S/2010/0173 REDEVELOPMENT FOR 65 NEW DWELLINGS INCLUSIVE OF NEW VEHICULAR ACCESS TO PEMBROKE ROAD AND EMERGENCY ACCESS TO PENRUDDOCK CLOSE AND ASSOCIATED GROUND MODELLING AND DRAINAGE WORKS AT FORMER PEMBROKE PARK SCHOOL PENRUDDOCK CLOSE SALISBURY SP2 9HH

Area Development Manager notes

The recommendation should read as follows:

Subject to the completion of a legal agreement legally binding obligation in respect of:

- (i) The provision of 40 per cent affordable housing
- (ii) A minimum provision on site of 0.18 hectares of formal open space (excluding the wooded area) and the provision of a commuted sum for the continued maintenance and upkeep of the areas.
- (iii) A contribution towards off site open space (R2)
- (iv) Waste and recycling scheme provision
- (v) The achievement of an environmentally-friendly sustainable scheme, including at least a code three code for sustainable homes rating.
- (vi) The provision of a maintenance scheme for the retained woodland area on the Eastern boundary.
- (vii) A financial contribution towards the provision of off site highway improvement works along Pembroke Road and/or other sustainable highway measures.

It is recommended that planning permission is GRANTED for the reasons set out in the officer report and subject to the additional condition below:

19) No part of the development shall be commenced until the local planning authority has approved in writing a scheme the provision of affordable housing.

REASON: In the interests of securing affordable housing

INFORMATIVE

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The details of the planning benefits referred to in condition 19 have been approved by the local planning authority. A scheme to secure the provision of these approved benefits needs to be submitted and approved by the local planning authority.

Additional Letters from third party objectors

3 additional letters have been received objecting to the proposal on the following grounds:

- The junction where the access is proposed is dangerous due to speeding and inconsiderate motorists.
- Concern is expressed by the neighbouring property at no 54 Pembroke road that no ground movement should take place at their property and that new screening trees will be placed on site.
- The Largest flats are four storeys in height adjacent 54 Pembroke road which will shade the property and obscure the natural view, request that highest point is nearer the entrance on the South side of the scheme.
- Concern is expressed that the wildlife in the wooded area will be eradicated when dwellings are placed close to the woodland and that a solid wall needs to be built adjacent the woodland to ensure that no fly tipping takes place. Also considers it necessary for monies to be provided for the provision of a warden to monitor the area regularly to curb anti social behaviour in the wood.
- Does not wish to halt progress on housing but does want above points to be considered.
- Concern is expressed about the entrances to the managed woodland area as there only appear to be two entrances at the rear of the houses on the east side of the development.
- Concern that the latest amendments introduce an element of overlooking by making plots 60 and 61 to 3 storeys from 2 contrary to policy G2 (vi) of the local plan.
- Wish to see the woodland area retained as such and fenced off.

Plan List Item 7C S/2010/1194 CHANGE OF USE FROM A1 TO MIXED USE FOR TAPAS BAR, DELICATESSEN, RETAIL SALE OF ALCOHOL AND OUTDOOR SEATING AREA AT OLD POST OFFICE SEMLEY SHAFTESBURY SP7 9AU

Third party letters

1 letter of objection has been received the main points raised are:

- The 3 letters of support for the application were from the applicant's partner, property owner and a neighbour
- That the application is contrary policy S9 in all aspects.
- That the 16 letters of objection related to an in principle objection to the application.
- There is a need for at least 5 on site parking spaces to accommodate the applicant and his partner, staff members, neighbours, deliveries, and emergency access in addition to the 10 required from highways.

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One further letter of representation making the following objections:

- To the recommendation of refusal on highways grounds alone. The refusal reason should include the creation of a tapas bar, proximity to school, and impact on neighbours.

Plan List Item 7E S/2010/1252 PROPOSED 2 BED DWELLING WITH INTEGRAL DOUBLE GARAGE AT 106 MALTHOUSE COTTAGE TISBURY SALISBURY SP3 6NN

Letter from third party objector

1 letter of objection has been received objecting the main points raised are:

- Inappropriate development
- Insufficient parking and road safety
- Form, design and appearance is inappropriate
- The extension of the terrace would be preferable
- Loss of hedges
- Loss of a green
- Open street scene
- Drainage concerns

Plan List Item 7F S/2010/0451 PROPOSED DEMOLITION OF EXISTING NURSERY BUILDING AND CONSTRUCTION OF NEW THREE BEDROOM DWELLING, GARAGE AND ASSOCIATED GROUND WORKS INCLUDING CONSTRUCTION OF A NEW ACCESS OFF FOLLY LANE AT PLOT OPPOSITE 7 SCHOOL HILL SCHOOL HILL/FOLLY LANE ALDERBURY SALISBURY SP5 3DR

Parish Council Letter

Alderbury Parish Council (Letter and attachment dated 2 August 2010)

Parish Council endorses suggestion that site should be offered to the village for use for local amenities. Possibilities suggested include allotments, wildlife garden, a quiet sitting area, community orchard. Although slightly derelict site, would be an amenity for the village.

N.B. Parish Council confirms that there is a local waiting list for allotments and is acquiring a site off the Southampton Road in Alderbury.

Letters from third party objectors

One further letter of representation making the following objections:

- Design does not fit its surroundings, is boxy and over-size

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- Access is awful – first crash, your responsibility.
- If there is to be a house here, which is questionable, then for the sake of the neighbourhood, the neighbours and the village, do not put up this box.

Also letter from immediate neighbour (Yew Tree Cottage, Folly Lane):
Attached in full (see Appendix 1)

Letter from agent

Letter attached in full (see Appendix 2)

Area Development Manager notes

The recommendation should read as follows:

Following completion of a unilateral agreement in relation to policy R2, it is recommended that planning permission is GRANTED for the following reasons:

The proposal will allow the enhancement of the Conservation Area and whilst outside the Housing Policy Boundary *it is previously developed land which* is not in an isolated position or remote from the settlement and as the proposed dwelling is considered to be of an appropriate scale and design for the site *and not to harm the character or setting of the adjacent Listed Building, the proposal* is considered acceptable *in accordance with policies G1, G2, H23, C6, D2, CN5 and CN8*

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Appendix 1

**Submission by Henry Wilkinson to Southern Area Committee Meeting
18th November 2010
Application Number S/2010/0451**

In support of presentation by Mr Henry Wilkinson occupier of Yew Tree Cottage,
Folly Lane, Alderbury, SP5 3DT

We ask the Planning Committee to find against the recommendation of the Planning Officer because:

- 1. Important material information is missing from the report.
- 2. Some material information provided to the planners is inaccurate and misleading.
- 3. The new material information means the right balance has not been struck between the different policies resulting in invalid arguments.
- 4. A precedent should not be set whereby allowing a site to become derelict facilitates its development. (see section 3.3)
- 5. There is a rare if not unique opportunity for the site to be used to the benefit of the local community encouraging greater appreciation of the conservation area and the 9 listed properties on the hill.

1.0 Material information missing from the reports:

1.1 All the surrounding properties are listed whereas the report and submission by the Pegasus Planning Group on behalf of the Longford Estate only mentions Yew Tree Cottage. There is no excuse since the applicant owns the three 17th Century cottages that overlook the site. (Please see Annex 1 for a complete list) This changes the whole emphasis of the report allowing the open area at the foot of the listed cottages numbers 5, 6 and 7 to be considered under CN4 as within their curtilage if **the space is considered to be essential to their character.** "Where this is the case, development within these open areas will be resisted." **Also in point is G2 (v) "avoidance of the loss of important open areas, a gap in a frontage or natural or built features". And in G2 (vi) avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers;**



This view into the area will be entirely blocked by the development.

Planning Department	
Rec.	18 NOV 2010
Acknowledged	-----
Copy to	-----
Action	-----

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1.2 The potential continued 'Community Use' of the site raised in our two letters and also raised in a mislaid / missing letter by Alderbury Parish Council, has not been considered. The site represents a rare opportunity to create the chance for people to pause and enjoy the conservation area, its wild life, range of plants and the 9 listed buildings in the vicinity.

1.3 The highways report discusses the access but does not consider the effect of the increased traffic speed on the Yew Tree Cottage exit onto the road. It is our contention that the increased view marked by the blue sight line will allow the traffic to accelerate faster around the corner and so will be travelling significantly faster when it arrives at the narrower road opposite Yew Tree Cottage – not does it take into account that the permission requires the removal of some 3m of high mature hedge from the frontage of Yew Tree Cottage's own property .

2. Inaccurate / misleading material information:

Inaccurate / misleading information has been provided making it very difficult to accurately assess the impact of the development on the neighbouring listed properties. In terms of elevation, restriction of views into the area and traffic safety I believe the information provided is insufficient or unreliable. I am particularly disappointed that the Architects did not see fit to include more detail of the neighbouring hedge lines and development.

2.1 The elevations provided in the initial application show the distance between no. 7 Lights Lane and the proposed development as being much further apart (over one third of the distance again) than on the site plan. New elevations have not been submitted that allow a true comparison to be made and the true impact of the development on the neighbouring cottages to be assessed. Which drawings are correct?

2.2 The ongoing permitted development of Yew Tree Cottage has not been reflected on the plans.

2.3 The required blue sight line needs the removal of between 3 and 5 metres of mature 2.5 metre high hedge belonging to Yew Tree Cottage and just short of where the road narrows. This is careless and will require either a new line to be approved or the loss of our hedge.



Mature mixed hedge at the road boundary between Yew Tree Cottage and the proposed development.

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View from boundary along Folly Lane towards narrowing road.

3. Invalidated arguments in report for S/2010/0451

3.1 Reference section 9.1 Principle and Policy Considerations paragraph 5 – **mentions G1 (ii) but misses the equally important G1 (iii) conserve both natural environment and cultural heritage of district** – (made much more significant because of the listed buildings at Annex A)

3.2 Reference section 9.1 Principle and Policy Considerations paragraph 7 “**none of the objectors to the proposal, including the Parish Council have suggested that there is a demand for additional facilities on this site” Re 1.2 above. This was referred to in two of our letters. The first dated 3rd May 2010 mentioned possible use as allotments and the second dated 17th October 2010 mentioned the possibility of a community orchard or garden**

3.3 Section 9.2 paragraph 1 links demolition and tidying of the site with being granted planning permission. I think this sets an unfortunate precedent and that **it merges two issues which should be kept separate. Because the site under CN4 (In many cases the open areas surrounding listed buildings, which may be within or beyond the curtilage, are essential to their character. Where this is the case, development within these open areas will be resisted.) is in our opinion within the curtilage of three or four listed properties policies CN10 and CN11 also apply and in section 6.19 it states “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.**

This duty to clear the site applies irrespective of the proposed development and independently of it. The proposed development should sufficiently enhance the area in its own right and not be granted just because the site is currently derelict.

3.4 Section 9.2 paragraph 1 and 9.2 second last paragraph now provide invalid arguments. In particular with reference to the statement “there will be little apparent loss of spaciousness.” The elevations provided are I believe misleading in this respect and I refer you to the pictures below taken at approximately 5m above the road level and so 1.5 metres below the ridge of the proposed development. From this you can see that the development will obscure the view from the three listed cottages

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and crowd them. It should also be remembered that the listed cottages have very small rooms and so are built on a different scale to the proposed development.



Shows how listed cottages 5 and 6 (opposite) and cottage 7 to the right dominate the area. The structure to the right is the prefabricated building subject of the demolition request.



View from Yew Tree Cottage showing how the chimney top is lower than the eaves of no 7.

5. The **unique opportunity** is for this area with its natural security provided by the overlooking cottages to be used for a community orchard, pond and nature reserve

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with seating and a path allowing walkers to come around the corner inside the hedge.

Summary

The site in question is in a unique position lying on a very popular walk through the village, providing a view into the conservation area and overlooked by three quintessentially English country thatched and listed 17th Century cottages and set beside a listed redbrick estate cottage all within a conservation area. It is because this open space is so overlooked that the opportunity exists to really enhance the area for the enjoyment of the local community with its natural security provided by the neighbours.

A proposal was made to this effect recommending a community orchard with pond was forwarded by the Parish Council but was not received by the Planning Officers before they reached their decision. For this material reason this planning permission should be denied at least until a full feasibility study has been carried out and change of use away from that of a community facility is agreed. This is in keeping with policy G1

I remind the Committee that as a neighbour I have no right of appeal and so once the development is approved it is in effect final and the opportunity to consider the wider **possibilities for future generations will have been missed.** (See [Adopted Local Plan Introduction](#) Accordingly it embraces the concept of sustainable development, in terms of endeavouring to reconcile the need for growth with the protection of the natural and built environment, [for the benefit of future generations.](#))

The burden in recent times has shifted towards the developer to prove that the development **is good enough to deserve planning permission**". The applicant has made insufficient effort to consider the impact on the neighbouring listed buildings, and failed to correct and update the elevation plans presented with the initial proposal and missed the opportunity to take into account the shape of the new development at Yew Tree Cottage.

We remain concerned that the highways authority were not aware of the local debate concerning the junction and did not sufficiently consider the impact of increasing traffic speed into a bottle neck opposite Yew Tree Cottage.

Ideally the development of Yew Tree Cottage and the replanting of mixed boundary hedge should be completed and the plot cleared before any development permission is granted. This should be reconsidered as part of the ongoing review of the local conservation area plan. Then the extent to which the planned development affects the listed buildings and conservation area could be matched against the proposed community use.

Rejecting the planning application would be in keeping with the Aims of the Local Plan and in keeping with the recent planning letter dated 6th July 2010 – revocation of Regional Strategies with its increased emphasis on local consent.

The aims of our Local Plan include: 1. - **To protect and enhance the natural and built environment.** And 2. - **To promote a high quality of life for the people of this District without compromising the quality of life for others. These aims are expressed in G1 2.5**

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In accordance with Government guidance, the Local Planning Authority will take into account such factors as the need to protect landscape, wildlife habitats and historic features and the best and most versatile agricultural land. Open areas and features, such as hedges and walls, should be retained where they contribute to the character of the area.

Policy CN9 6.18 Open spaces, fields, breaks between buildings and gardens also often contribute in a very marked way to the character and appearance of Conservation Areas. The development of such spaces will not be permitted. Care should be taken to ensure that views into and out of Conservation Areas remain unspoilt and opportunities should be taken to improve views that do not contribute to the character of the area.

Furthermore under Policies CN10 and CN11 we have a duty to remove the existing **and now redundant pre school building irrespective of any planning permission.**

Conclusion:

We as a community are in danger of missing a unique opportunity to significantly enhance a very special area to the benefit and enjoyment of the whole community.

We would also be in danger of setting an inappropriate precedent with the development of an area being seen as the only alternative to leaving it derelict.

Annex 1 to Submission by Henry Wilkinson to Southern Area Committee
Meeting 18th November 2010
Application Number S/2010/0451

319387 YEW TREE COTTAGE , FOLLY LANE, SP5 3DT (Runs beside the pre school plot)
ALDERBURY Grade: II NGR: SU1837427008
SALISBURY
WILTSHIRE

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319390 7, LIGHTS LANE, SP5 3AL (Over looks the pre school plot)
ALDERBURY *Grade: II NGR: SU1839926983*



319395 5 AND 6, SCHOOL HILL, SP5 3DR (Over look the pre school plot)
ALDERBURY *Grade: II NGR: SU1839626953*



319399 THE COURT HOUSE , TUNNEL HILL, SP5 3DR
ALDERBURY *Grade: II NGR: SU1829526903*
SALISBURY
WILTSHIRE

319401 CHURCH OF ST MARY , TUNNEL HILL, SP5 3DR
ALDERBURY *Grade: II NGR: SU1823926926*
SALISBURY
WILTSHIRE

**319402 FORT MEMORIAL IN THE CHURCHYARD, ABOUT 6 METRES
SOUTH OF THE PORCH OF THE CHURCH OF ST MARY , TUNNEL HILL,**

**SOUTHERN AREA PLANNING COMMITTEE 18/11/2010
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SP5 3DR

ALDERBURY *Grade: II NGR: SU1824626913*
SALISBURY
WILTSHIRE

**319403 HEAD MEMORIAL IN THE CHURCHYARD, ABOUT ONE METRE
FROM THE SOUTH SIDE OF THE CHANCEL OF THE CHURCH OF ST
MARY , TUNNEL HILL, SP5 3DR**

ALDERBURY *Grade: II NGR: SU1825626939*
SALISBURY
WILTSHIRE

319404 THE LODGE , TUNNEL HILL, SP5 3DR

ALDERBURY *Grade: II NGR: SU1820426878*
SALISBURY
WILTSHIRE

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MS/CIR.L.0118

17th November 2010



Development Manager
Wiltshire Council
South Wiltshire Office
Planning Office
61 Wyndham Road
Salisbury
Wilts
SP1 3AH

For the attention of Janet Wallace

Dear Madam

Town and Country Planning Act 1990 (as amended) Full Planning and Conservation Area Applications by The Longford Estate. Applications Ref S/2010/0451 and S/2010/0452.

Proposed redevelopment of the former Alderbury Nursery School site, Folly Lane, Alderbury for one 3 bedroom dwelling and garage together with associated works (access and groundworks). Proposed demolition of the former nursery school building

Response to the Parish Council and neighbour comments

I refer to the above applications and correspondence from the Alderbury PC, the occupiers of Yew Tree cottage and Totterdown Cottage and would be grateful you would bring this letter to the attention of the South Area Committee as part of late correspondence. So far as the neighbour comments are concerned I will focus on the Yew Tree Cottage letter as its contents are reflected in the Totterdown Cottage letter and is also an immediate neighbour to the application site.

PC letter dated 2nd August

I understand that this letter and attachment slipped through the net in not appearing on the Council's website. It refers to a proposal from one of the residents in the village but I note it is anonymous. Notwithstanding this, it suggests that a number of alternative uses have been put forward namely:

- Allotments
- A wildlife reserve

With regard to allotments, I note that the PC support this use but its letter predates negotiations which it has had with the Longford Estate (the applicants) in respect of a more suitable allotment site within the village on which it has agreed terms so this option has been addressed (see attached email from the PC to Wiltshire Council). I would add that the application site would not, in my view, be appropriate for allotments in view of the need for parking which the PC requested for the site it has now agreed to lease. I suspect parking on street as suggested would be resisted by the Council in any event.

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Turning to a possible wildlife reserve, the site has an existing community use and is not allocated or identified for wildlife purposes in the village, neither does it have any special wildlife qualities recognised by any statutory agency which necessitates designating the land for this purpose. As a result the application proposal will not impact on any recognised protected species.

Neighbour Comments

Access

The access into the site has been agreed with the County highways department and represents a significant improvement over the existing access at the School Hill/Folly Lane Junction which will be closed. It will not be necessary to remove any neighbouring vegetation and most of the vegetation along the frontage to the site can be retained and gapped up where necessary. This application will represent a net improvement in traffic conflict including the removal of potential on street parking, collection/dropping off compared with a continued nursery (or similar) use of the site.

Residential Amenity

The orientation and rear garden aspect of both the proposed dwelling and the neighbouring Yew Tree Cottage (including the recently approved rear extensions to it) are clearly focussed westwards. Recognised distances between windows of the two properties are well in excess of the normal development control criteria used to assess planning applications and as a result residential amenity will not be affected. By comparison reuse of the site as a nursery or similar community facility (which the Village Hall have commented that it prefers to see in the village), would produce potentially more impact than the residents of one property.

The Proposed Garage

It is claimed that the garage will look into French windows proposed in next door neighbours extension yet the garage has no windows, is for one car, has no capacity for living accommodation above it due to its size and can be implemented to a finished floor level which can be controlled by a planning condition. It is claimed that the Yew Tree Cottage is "*in a completely private location with no buildings nearby*". However the application probably accommodated a dwelling in the past and of course there are two thatched cottages opposite which are both listed buildings. This context is clearly explained in the committee report.

The Proposed Access Drive

The proposed access drive is to serve one dwelling and will not result in major disruption to the neighbouring property by virtue of noise and car fumes neither will it result in the destruction of boundary landscape planting. Both the proposed dwelling and the neighbouring property are set in spacious plots with ample garden and a westwards outlook and the construction of a drive will not result in loss of privacy to the neighbouring property in planning terms. The site does benefit from an existing use and this fall back position is an added dimension in considering any impacts on adjacent properties.

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Inappropriate in Size and Location

The application scheme is for a three bedroom narrow span detached cottage with a thatched roof and is to a design brief which evolved in detailed discussions with the Council's Conservation and Planning officers. It is the simplicity of the design, use of vernacular materials (the Council receives very few thatched house applications due to the cost of construction) and the opportunity to remove a visual detractor from within the Conservation Area which has led to the balanced recommendation for approval.

The site has no intrinsic views across the Conservation Area as is claimed as it is completely screened from the wider landscape by dense mature vegetation on its western boundary. Indeed it is this very containment and proximity to adjacent listed properties which defines its context and this is why the scheme is seen in beneficial terms as constituting an enhancement to the Conservation Area.

Summary

We do of course respect the neighbours right to object as there is no house on the site at present but the proposals should be considered in a wider context in that it removes a less suitable use which has been relocated and has elicited very little in the way of local objection. The design of the scheme has been discussed in great detail with the Council who has taken a balanced view preferring a residential use of the site compared to a continued community use within the existing building.

The Longford Estate are recognised as protecting community facilities as in the case of this application which is supported by the Village Hall who are keen to retain and promote community facilities within the village. The Estate's recent acquisition of Waleran Close, Alderbury which has been let to the Parish Council on a long lease is a case in point and the current plans to expand the football club illustrate its continuing "hands on" role in the local community.

The recommendation for approval is a balanced one which weighs in favour of protection to and enhancement of the Conservation Area compared to the breach in Policy which has only limited impact. That is why your planning officers were prepared to engage in dialogue to establish a beneficial solution. The site is clearly an anomaly and one whose development will not lead to a precedent for other development in view of its quite specific characteristics.

We hope therefore that the Committee will support the recommendation for approval.

Yours faithfully



Martyn Smith
Director
Email: martyn.smith@pegasuspg.co.uk

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cc: Chris Whalley - Longford Estate.
cc: Stuart Martin – Stuart Martin Architects.

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D 17/09

Chris Whalley

From: Carly Hill [alderburyclerk@btinternet.com]
Sent: 07 October 2010 10:53
To: janet.wallace@wiltshire.gov.uk
Cc: Chris Whalley; Linda Whetton
Subject: Query on Planning concerning new Allotments
Attachments: Alderbury Allotment Plan.JPG

→ look in
grw. ch
file

Dear Mrs Wallace

Further to our conversation yesterday. I wish to ask you to find out whether the Alderbury Parish Council need to apply for Planning Permission on starting new allotments just off the Southampton Road.

I have attached a copy of the area planned. Please note that the car park area will not be so large we are only using the top third and only will be putting plastic matting on top of the grass. There will be approx 30 plots. We are also only allowing sheds and small green houses (approx 2m x 3m). We shall be having deer fencing and gates put up. I hope this is enough information. If you need any further information please let me know.

I will also be contacting Mr Hannis at Highways Development for their input on the access to the fields concerned.

?! The Longford Estate is leasing the land to the Alderbury Parish Council for Allotments, Mr Whalley the Director of Estates is dealing with this process.

I look forward to hearing from you as soon as possible.

Carly Hill
Clerk to the Alderbury Parish Council

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