

Deadline	29/04/09		
Application Number:	S/2009/0307		
Site Address:	CROSS KEYS FOVANT SALISBURY SP3 5JH		
Proposal:	SINGLE STOREY REAR EXTENSION AND INTERNAL ALTERATIONS AND CHANGE OF USE FROM DWELLING TO PUBLIC HOUSE AND DWELLING HOUSE		
Applicant/ Agent:	MRS PAULINE STORY		
Parish:	FOVANT		
Grid Reference:	400670 128515		
Type of Application:	FULL		
Conservation Area:		LB Grade:	II
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

### Reason for the application being considered by committee.

Councillor Deane requested that the application be considered by committee for reasons of local concern, should the recommendation not require Cross Keys Cottage to be tied to the Public House.

Members will recall that this item was deferred from the meeting of 29 October 2009 for a site visit. The item was again deferred at the meeting of 18<sup>th</sup> November 2009 following the recommendation of the Head of Development Management (South), to amend the description of development to include the words "**and dwelling house**" and to re-advertise the proposal with the amended description

The report presented to members on 18<sup>th</sup> November 2009 including its appendices (Appendix 1 and 2) is reproduced below with an amendment to the planning history set out in **bold**.

Appendix 3 includes a letter received from the applicant following the November meeting and the subsequent re-advertisement, and all letters of representation from neighbours, the Parish Council comments, the Conservation Officer's comments and AONB Officer's comments. (see appendix 3)

### 1. Purpose of Report

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

Following completion of a S106 Unilateral Undertaking / agreement in respect of the following matters:

- (i) Recreational contributions in regard to Cross Keys Cottage as required under saved policy R2 of the adopted Salisbury District Local Plan.

### 2. Main Issues

1. Principle of development
2. Likely impact of the proposal on viability and other local facilities.
3. Impact on the amenity of neighbouring properties / should the property be tied?
4. Enforcement issues

5. Design/Character and appearance of the conservation Area / Impact on the Listed building
6. Highway Safety

### 3. Site Description

The site is located on a bend of the A30 main road opposite the Pembroke Arms Public House. The site is within the Conservation Area and the Housing Policy Boundary of Fovant. The property itself formerly The Cross Keys Public House is a grade II Listed building. On the submitted plans, part of the building subject of this application is called "Cross Keys Cottage", with the other part called "The Cross Keys". The part of the building shown as Cross Keys Cottage on the submitted plan is currently occupied as a separate unauthorised dwelling from "The Cross Keys".

### 4. Planning History

Application number	Proposal	Decision
<b>80/867</b>	<b>Car parking facility for 16 cars and construction and alteration of access</b>	<b>Approved with conditions 07/08/80</b>
93/1179	Change of use of right hand side of hotel to house	R 17.1.94
95/35	Change of use of right hand side of hotel to house	Approved with conditions 23 <sup>rd</sup> May 1995
98/0540	Six bedroom unit of accommodation	Approved with conditions 15 <sup>th</sup> June 1998
98/1440	Six bedroom motel unit	Approved with conditions 18 <sup>th</sup> Feb 1999
99/2047	Change of use of public house to dwelling	Approved with conditions 19 <sup>th</sup> April 2000
00/0001	Listed building change of use of house including internal staircase and one new door opening removal of urinals and removal of one toilet	Approved with conditions 7 <sup>th</sup> feb 2000
02/2196	Erect residential unit with associated access drive and parking	Approved with conditions 16 <sup>th</sup> Sept 2003
04/0484	Listed building, to move pedestrian access from main A30, 2 metres to the right in the wall by blocking existing access with stones from the wall and creating new wooden gateway, improving safety	Approved with conditions in 14 <sup>th</sup> April 2004
04/1704	Three bedroom bungalow	Withdrawn 27 <sup>th</sup> September 2004 Withdrawn 9 <sup>th</sup> January 2007
06/2306	Single rear extension and internal alterations to form conversion of dwelling	

06/2353	to public house Single storey rear extension and internal alterations	Withdrawn 9 <sup>th</sup> January 2007
] 07/0634	Listed building, Single storey rear extension Internal alterations	Approved with conditions 17 <sup>th</sup> July 2007
07/0633	Single story rear extension, internal alterations, change of use to public house	Withdrawn 28 <sup>th</sup> February 2008

### **Summary of Planning History**

S/93/1179 was originally recommended for refusal for 3 reasons, overlooking, noise and disturbance from the public house to the occupiers of the dwelling and highway reasons.

Members did not concur with that recommendation and deferred the application to establish whether WCC (as highway authority) could stop up, or make one way the northern end of Brook Street.

When the advice from WCC was negative, the application was then refused on highway grounds alone.

S/95/35 for essentially the same proposal- was submitted once the highway issues appeared able to be addressed and was approved subject to Grampian conditions in respect of highway and parking issues.

The two 1998 applications as set out above cannot be implemented by reason of a Section 106 Agreement dated 19/04/2000 in relation to 99/2047. This agreement affectively revoked these approvals for the units of accommodation in favour of the change of use of the pub to residential. As such the accommodation units are not now material in considering this application.

Another later Section 106 Agreement dated 29/08/03 in relation to 02/2196 as above, also carried over the revocation of the 1998 applications whilst also ensuring the provision of pedestrian and vehicular access to and from the A30 to the proposed development via the existing access, and to ensure that the access is permitted to continue as a right / covenant should the development become separated from the remainder of the Cross Keys site.

Condition 6 of 99/2047, stated;

*"The residential accommodation hereby permitted shall be ancillary to the building currently known as the Cross Keys Hotel forming a single unit of residential accommodation, unless otherwise agreed by the Local Planning Authority upon submission of a planning application in that behalf".*

This proposal now under consideration will also provide a clarification as to what elements of the above approval have not been carried out in accordance with the approved plans. Following a site meeting the details recorded as not complying with the approved plans have been included in this application and are clearly illustrated on the plans. Notably the unit of accommodation has been subdivided by the blocking of the openings in the wall – so "Cross Keys Cottage" (residential) is not accessible from the rest of the building labelled as "The Cross Keys" on the submitted plans (the proposed new public house area).

S/2007/0633 was resolved to be granted by WAC 21.06.07 subject to a S106 agreement to tie the public house and Cross Keys Cottage. Minute 17 of that meeting states:

*"Members considered that the proposal would have a significant and detrimental impact on the adjoining property and would only be acceptable if that property was tied to the use of the pub and not let or sold off separately".*

This agreement was not completed and the application was withdrawn by the applicant on 28.02.2008. The current application under consideration is essentially a resubmission of the withdrawn application.

S/2007/634 is the 'associated' LBC to s/2007/633 granted by WAC at the same meeting. This authorises the 'works' necessary to facilitate the planning application now under consideration. These works include the proposed extension and the solid blocking of the openings in the dividing wall between Cross Keys Cottage and the remainder of the building. This LBC remains extant until 17/07/2010.

## **5. The Proposal**

This proposal is for a single storey rear extension and internal alterations to enable the conversion of the building from residential to a Public House and dwelling. This application is partially retrospective, in that the part of the building labelled as "Cross Keys Cottage" on the application plans is currently occupied as a separate residential dwelling from the other part of the building labelled as "The Cross Keys".

This application therefore not only relates to the change of use to a public house and a proposed rear extension to that part of the building labelled as "The Cross Keys", but also to "regularise" the creation of a separate residential dwellings on the site (the building labelled as Cross Keys Cottage), adjacent to a proposed public house.

(It should be noted that an application for listed building consent for the erection of the rear extension and internal alterations as shown on the current application has already been approved in 2007)

## **6. Planning Policy**

The following policies are considered relevant to this proposal

G1 Sustainable development  
G2 Criteria for development  
D3 Extensions  
CN3 Character and setting of listed buildings  
CN4 Change of use of listed buildings  
CN8 development in conservation areas

Planning Policy Guidance note 15, Planning and the Historic Environment

Planning Policy Statement 1, Delivering Sustainable Developments

## **7. Consultations**

### ***Parish Council***

Support the proposal subject to conditions as follows:

- Section 106 agreement should ensure that Cross Keys Cottage remains in one ownership.
- Proposed ground floor alterations are not contentious
- Support the construction of the extension
- Disabled access to first floor function room will not be possible
- Recycling facilities currently on car park are should not be displaced to land to the south.
- There being at least one pub in the village is of great importance.

The full comments are appended to this report.

### **Highways**

*Observations are the same as the previous application S/2007/0633.*

Previous comments:

Whilst I would not wish to raise a highway objection to the proposal I recommend that, in the interest of highway safety, the existing sub-standard vehicular access situated immediately to the east of Cross Keys be stopped up for vehicular use.

### **Environmental Health**

*I understand that the application site currently has permission for residential use and the application seeks change of use as well as a rear extension to include a kitchen. If planning permission is granted, the public house could have regulated entertainment with a significant risk of causing noise nuisance to the adjoining residential use. Further to this there is a significant risk of nuisance being caused to the adjoining residential use regarding odour from the kitchen and noise from any extraction equipment/ducting. Having said this, I am not in principle against the application though if you are minded to grant planning permission I would recommend that Cross Keys Cottage be ancillary to the proposed public house and **not** sold or rented as a separate entity in its self.*

I would recommend standard condition to control hours of work and protect the nearby residence from noise and nuisance from construction and demolition work.

### **Further comments**

Application for change of use and extension at the Cross Keys Fovant.

Further to our conversation regarding Ed's comments on this planning application. I am in broad agreement with his conclusions as there is significant risk of detriment to amenity of any potential residents of the new dwelling. Modern pubs tend to market themselves with music events, both live and recorded. The Licensing legislation takes stance of presumption in favour of 24 hour opening unless noncompliance with the licensing objectives can be clearly demonstrated. Modern music systems have a high wattage output and hence there can have a significant impact on any attached residential accommodation. There are also other sources of disturbance that we receive complaints about including noise from ventilation systems, noise from customers using exterior smoking areas until the early hours and noise generated by customers leaving premises during the early hours.

I note that the Pembroke Arms opposite was given permission for a granny annex which was then sold as a separate property. We treat applications on a case by case basis. Having examined the plans for this application, which neither of us were involved with, I can see that the officer concluded the impact of the pub on the new dwelling was likely to be significantly less because of the internal lay out which places a bathroom and lobby on the adjoining wall between the pub dwelling and there does not appear to be a shared wall(s) with the bar area where entertainment and loud noise would potentially be most prevalent.

The application under consideration indicates and an existing door between the proposed bar and dwelling will be filled with stud work. This totally unacceptable from an acoustic perspective. The wall is a substantial solid construction and any infill would have to be equally robust.

I note windows of the proposed cottage overlooking the cellar are to be filled. I view this as essential.

The impact of noise and odour from the kitchen would also have to be addressed.

If this application were to go against Ed's recommendation (and only in this situation), I would suggest the conditions ( 11 & 12 below) as an absolute minimum fall back position.

The applicant should be under no illusion that if statutory nuisance were to be shown to exist this department would be required by law to take action. The premise that because someone lives next to a pub they should accept unwarranted levels of disturbance is invalid.

### **Wessex Water**

*No objection has been raised and standard advice has been given regarding the need to agree connection to Wessex Water infrastructure, water Supply and surface water disposal.*

### **Wiltshire Council Archaeology**

Nothing of archaeological interest is likely to be affected by the proposal and I therefore no comments to make.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 24/04/09

Third party comments:

6 letters of objection have been received.

Summary of key points raised

- Road is dangerous and proposal would make it worse particularly at access
- Transportation survey confirms that the road is dangerous
- Cross Keys should remain a single entity
- Government guidance states that rural sites should not be overdeveloped
- Noise would be generated spoiling the quite location
- Fumes from kitchen would be a problem
- Increased traffic would cause safety issue
- Second pub in the village in current economic climate
- Property should not be divided off
- Proposal would have financial consequences for the existing public house
- In present climate public houses are closing at an alarming rate
- Two pubs would result in neither surviving
- One pub is enough for Fovant

Two letters of support have been received.

Summary of key points

- This is an excellent idea
- Cross Keys has been much missed
- It would be very convenient to walk to the Cross Keys
- Applicant is willing and able to provide needed service

## **9. Planning Considerations**

### **9.1 Principle of development**

This site is situated within the housing policy boundary, or development limits of Fovant where the principle of development for purposes such as this is acceptable. Any planning application within such areas will be assessed on its own merit and details whilst taking into account other relevant planning policy and guidance.

### **9.2 Likely impact of the proposal on viability and other local facilities**

The planning history above confirms that the Cross Keys has closed as a business in the past following

approval of the current residential use in 1999. The 1999 approval represented the removal / loss of a village facility. The principal consideration therefore was whether the loss detracted from the range of facilities available to Fovant. At the time the village was served by 2 public houses, the Cross Keys and the Pembroke Arms located immediately to the north of the Cross Keys at the A30 / High Street junction. Both establishments had restaurants and beer gardens. The Pembroke Arms offers accommodation. Given their proximity to each other, it was not possible to argue that they served a strategic purpose or identifiably different communities within the village. The use of either establishment was a matter of preference rather than location. Whilst the loss of the Cross Keys did remove choice, the village never the less retained a licensed pub and therefore access to this service was, and still is available. At the time as now, these material considerations were weighty and it would have been unreasonable from a planning point of view to have rejected the proposal. As such it is reasonable to conclude that the applicants had no overriding requirement to demonstrate that the pub was unviable at the time.

However, as with the previous application S/2007/0633, neighbour comments have been received asking that the applicants should now demonstrate that the pub business in the form proposed would be viable thus promoting the proposed change of use. It is clear however, that policy PS3 of the SDLP is intended for use when a business is proposing closure and where a local facility or service will be lost to the local community following a statutory change of use. Again the 1999 application resulting in the loss of the pub was agreed on the basis that such facilities were still provided over the road thus serving the community. As such the proposal was not contrary to policy.

There is not a clear policy framework either nationally or in the local plan seeking to limit service provision in village communities. In fact the opposite is the case and policy would prescribe that additional community facilities should be encouraged where appropriate. As such it is considered that no material weight can be attributed to the comments relating to viability from a town and country planning standpoint. Therefore, it is considered to be unreasonable to resist this proposal for such reasons particularly in terms of refusing this proposal and any subsequent defence of the decision. It is not the purpose of the planning system to limit competition.

The consideration is therefore to what extent is this proposal appropriate with regard to other material planning considerations.

The applicants state that "the main criterion for the planning application is to change the use to Public House to include the reversion of the Cross keys to its original barn and stable form with ancillary accommodation including the extension as granted in the listed building permission of 17<sup>th</sup> July 2007".

In the previous application it was stated that "The Pembroke Arms opposite has recently applied for a wide ranging liquor and entertainment licence, running from 8 am to the following 3 am, which is likely to appeal to a young clientele. Therefore there is still a genuine need for a traditional public house to serve the older local population and the applicants have received numerous enquiries as to when The Cross Keys will reopen as the pub that it always was. It is worth bearing in mind that the licence only ceased in April 2006, and with the possible increase in activity and noise, which will be generated from the Pembroke Arms, the applicants consider that the continuation of the Cross Keys as a dwelling is unsuitable as it will also be subject to disturbance and noise".

Although the above are comments of the applicants and have not been repeated in this application, they are nevertheless valid from a planning standpoint in so far as local plan policy encourages a variety of community uses intended to serve the wider community. However, the issue of demand for the "traditional" type of pub, and whether any enquiries have subsequently been made giving support for this application is again not a planning matter but is a matter for market forces and local economic factors to decide. Nothing in this application suggests that this proposal would result in an unviable business or, that it would adversely affect any existing business. As such, the proposal cannot be considered contrary to a principle policy in this case, Policy G2 (ii) which sets out criteria against which developments should be considered whilst stressing the importance of avoidance of placing undue burden on existing and proposed services and facilities, (amongst other things). In this case there is no

clear evidence that an undue burden would be placed on these things as a result if this proposal.

### **9.3 Impact on the amenity of neighbouring properties / should the property be tied?**

As the planning history shows, an approval was granted for the change of use of the right hand section of the original pub / hotel to a separate residence in 1995. For both applications the Environmental Health Officer expressed concern about the relationship between residences and adjoining licensed premises, however this change of use has not proved problematic in itself and no complaints relating to noise and disturbance when the Cross Keys was last in use as a pub had been reported.

With regard to this current proposal the plans show that a unit of accommodation, "Cross Keys Cottage"; is in the ownership of the applicant and is within the red line / site area. Discussions since the last application have been had with the applicants concerned with whether Cross Keys Cottage should form part of the proposal as an integral part legally tied to the pub business. It is considered that without the unit the overall area of buildings for the proposed use would be minimal and that this may possibly hinder future viability and potentially resulting in a conflict of uses where noise and disturbance could become an issue. Furthermore, it is not unusual nor is it unreasonable to expect that a public house has accommodation for tourists as overnight stay etc and for accommodation of the landlord / manager. Although the plans clearly show a bed-sit on the first floor next to the function room, the space it provides is very limited. The bed-sit will also share the bathroom / toilet with the function room which could prove problematic. Currently the first floor has accommodation and much of the facilities shown on the plans but, importantly, the remainder of the room is also part of the accommodation and thus it is amply spacious at the moment.

However, whilst the associated residential accommodation is considered to be limited and could be problematic, this proposal will provide accommodation related directly to the proposed use and as such any conflicts with the use are unlikely. Furthermore this can be addressed by condition (suggested condition 6). As discussed earlier whilst it is reasonable to expect more residential accommodation with pubs, this is an ideal rather than a requirement of planning. The only planning basis for tying Cross Keys Cottage to the proposed public house use would be environmental health reasons – noise, smell and disturbance.

The Environmental Health Officer's comments recommend that the property should remain a single unit preventing Cross keys Cottage from being separated off.

Whilst the environmental health comments are material to the determination of this application, it is also considered that a consistent approach must be adopted for this site in common with others. In this respect the applicants have provided additional information in the form of a letter from 'Parker Bullen Solicitors'.

The letter explains amongst other things, that:

"A study of the nearby Pembroke Arms would be instructive. The position there is that similarly, part of the property was sold off to form a separate cottage but the planning permission for the creation of the separate cottage did not include any similar condition. This is despite the fact that, unlike the situation at the Cross Keys, part of the cottage actually overflies an area of the kitchen on the ground floor of the Pembroke Arms, and access to and egress from the rear door of the cottage passes directly in front of the kitchen door and two ground floor bedroom doors of the Pembroke Arms."

The applicants surmise that "the imposition of a condition on The Cross Keys in such circumstances would appear to be inconsistent with the approach previously adopted with the Pembroke Arms and manifestly unfair".

Whilst the environmental health concerns are clear, it is worth considering that processes including extraction, mechanical ventilation and odour control etc are all very strictly controlled under the environmental health regulations and building control. Thus, controls of such exist over and above



planning regulations which would ensure their impacts are not unreasonable. The Environmental Health Officer has recommended conditions that should be imposed if Cross Keys Cottage is not tied to the public house use.

It is considered therefore, on balance, that concerns raised based on disturbance from the proposed use of the pub (kitchen in particular) to Cross Keys Cottage can be adequately dealt with without the need to tie the property as a single unit. In combination with the fact that there are no other demonstrable planning reasons to require a single unit, and in the interest of consistency with other similar approved schemes, a condition or S106 tying the property as a single unit is not recommended by officers.

#### **9.4 Enforcement issues**

As previously stated the plans subject to the 1999 approval, clearly illustrated that the unit of accommodation would be accessible via two doorways from the area now proposed as the bar. The 1999 approval granted permission for a single residential unit. However, the access doors are currently blocked up thus forming a separate unit contrary to the approved plans, in breach of a planning condition.

A further breach of the 1999 approval is that the existing internal layout has been altered via a lobby area just inside the end entrance door to the proposed bar area.

Other elements of the proposal to be rectified include the removal of some "Stud Partition" and a brick wall enclosing the old WCs

In addition to mitigating the internal breaches at this property, the application also seeks to mitigate external breaches of planning. These include the shed storage building to the rear and the fencing / means of enclosure that has been erected along the boundary with the road. Neither of these have the benefit of planning permission - required in both cases.

Cross Keys Cottage is currently occupied separately from the remainder of the building and is within the red line of this application. Should members resolve to approve the proposal as recommended (without Cross Keys Cottage being tied to the pub), this separate occupation would no longer be a breach of planning control. As such, it is considered reasonable that the cottage be subject to the requirements of policy R2 of the adopted local plan and be subject to a unilateral undertaking requiring payment of a recreation contribution in accordance with the policy.

Should members require a condition tying Cross Keys Cottage to the public house use, then the current use of Cross Keys Cottage as a separate dwelling will remain unauthorised.

#### **9.5 Design / Character and appearance of the conservation Area / Impact on the Listed building**

The applicants state under Design Criteria that the design of the building has been arranged to clearly differentiate between public and staff areas, with the proposed extension being used for the kitchen, cellar and washroom, and the original building for the bar, lounge and upstairs as a function room and staff bed-sit and bathroom. It is stated that the function room will serve the needs of local societies in particular the local history interest group, which is desperately seeking a permanent base to house their military memorabilia and who have made enquiries to the applicants.

This new arrangement / layout will return the ground floor to its former barn-like and uncluttered interior which itself is appropriate from a listed building point of view.

The design shape and form of the proposed extension has been subject to extensive pre-application consultations following the withdrawal of the previous application. The proposed extension is considered to be closely reflective of the advice given and is now considered to be appropriately designed, in keeping with the existing building in terms of scale and massing and in terms of materials. (It should also be noted that an application for listed building consent for the erection of the rear extension and

internal alterations as shown on the current application has already been approved in 2007).

As such the extension part of this proposal would respect the special architectural or historic interest of this grade II Listed building and, the character and appearance of the Conservation Area in accordance with policies CN3 and CN8 of the adopted SLP.

### **9.6 Highway Safety**

As previously mentioned in this report the SDLP through policy G2, also seeks to avoid undue burden being placed on local roads and infrastructure. The Wiltshire Council Highways department have been consulted and in this case have not objected to the proposal. However this is subject to the stopping up of the existing sub-standard vehicular access immediately to the east of the building. The carrying out of this stopping up will be subject to a planning condition requiring completion prior to first use of the proposed development. The highways officer has not raised any concerns regarding the existing parking area to the side of the buildings accessed off the A30 further up the hill and away from the relatively sharp bend in the road. As such the car-parking areas as shown are satisfactory and will also be subject to conditions ensuring that the area is kept clear of obstruction for the proposed use.

It is clear in the letters received commenting on this proposal that highways safety is of significant concern locally. Neighbours for example have pointed out that several accidents have occurred adjacent to the site and that a recent accident resulted in a fatality.

Further to this a report has been commissioned by the owner of the Pembroke Arms opposite entitled "Transport Report" by: Gillian Palmer who is a qualified experience Transport Planner and Chartered Town Planner. The report concludes that the site is unsuitable to revert to commercial development given the road safety issues at the site and the environs and the inadequacy of the car park and its entrance to deal with the expected number of visitors' cars and size of servicing buildings. (The full report is attached as an appendix – minus the photographs which will not reproduce – these will be shown as part of the presentation).

The report has been carefully examined by the Wiltshire Council Highways officers who have not added any further comments than those set out above. Therefore, the highways consideration is as set out above that no highway objections subject to the conditions as stated are raised to the proposal.

#### *In answer to the issues raised by the Parish Council;*

Whilst the PC supports this proposal, they have considered that the support is subject to conditions which are set out in their comments. However, the following section addressed those issues raised and the full comments are attached to this report.

- The PC would want to see a section 106 agreement ensuring that the property is conditioned as a single unit:

This issue has been dealt with above. As both elements lie within the red line of the application, this could be achieved by condition. This would also give the applicant the right of appeal against the condition.

- That the proposed ground floor alterations are not contentious:

This is dealt with in the report which considers that they are acceptable.

- The PC support the construction of the extension:

Dealt with in the above report.

- Disabled access to first floor function room will not be possible:

This issue is covered in the 'Design and Access Statement' 'Access Criteria'. It is clarified that "the redesign of the Cross Keys barn area has taken this into account. All new building work i.e. doorways,

floor surfaces and toilets will be fully compliant with the latest regulations. It is felt at this point that wheelchair access to the upper floor will not be possible. The main entrance from the car park will have its wheelchair ramp much improved and access to the rear door of the main barn building will be down a ramp. Access to the central accommodation building of the original three, fronting the A30 will be via the original steps front and rear. This cannot be altered due to the nature of the original listed building being on several levels, but this part of the building has its own facilities within the listed building framework”.

Whilst in this case disabled access does not raise concerns, disabled access is also a requirement of the building regulations and the proposal will have to fully comply with them.

- There being at least one pub in the village is of great importance:  
This proposal will not result in the loss of a village pub.

- Recycling facilities currently on car park are should not be displaced to land to the south.

The issue has been raised by the Parish Council, due to the fact that in part the parking area provides space for a village recycling facility. Whilst this provides a useful service to the local community, these facilities are provided by the applicants as a gesture of good will. These issues however, do not constitute a material planning consideration and it is a matter for negotiations between the PC and the applicant.

## **10. Conclusion**

As the committee will now be aware this site has attracted a great deal of interest over time, which has not necessarily always been planning related. However, a very extensive planning history does exist which although not completely, is presented above. This planning history has resulted in a great deal of change to both the site itself, and to the listed building. The changes have increased the numbers of planning units and potential built form on the site, to that illustrated in this application and has in some cases, resulted in detriment to the site and building. Notwithstanding any extant agreements made under previous planning applications, the main planning consideration in this case are derived from the saved policies contained within the adopted Salisbury District Local Plan and Government guidance and statements. In this respect some of the main issues and concerns raised by local people and immediate neighbours have been difficult to mitigate from a planning standpoint.

The issue of viability for example is one. However, in other cases and in particular design of the extension and the improvement of the listed building, it is considered that this proposal will result in an acceptable development and a much improved site.

In addition having consulted the appropriate highways professionals the site can easily accommodate the required level of parking and turning and from a highway safety standpoint, will improve safety by stopping up an existing unsafe vehicular access in favour of a safe one.

As such it is a matter of balance whether this proposal is acceptable. It is considered that this proposal is in accordance with the overriding aims and objectives of current planning policy as set out above, and Government guidance resulting in a development that should be supported from a town and country planning standpoint. The proposed change of use and extension of part of the building to form a new public house is considered to result in a significant visual improvement to the existing building whilst providing a community use against which no demonstrable harm is evident. The creation of a separate dwelling unit adjacent to the proposed public house use is also considered to be acceptable, subject to suitable conditions to limit the impacts of the proposals on residential amenities.

## **Recommendation**

(a) Following completion of a legal agreement for the provision of an open space contribution in

accordance with saved policy R2 of the adopted SDLP in respect of Cross Keys Cottage within 2 months of the date of the committee resolution ;

(b) Approve for the following reason:

The proposed change of use and extension of part of the building to form a new public house is considered to result in a significant visual improvement to the existing building whilst providing a community use against which no demonstrable harm is evident. The creation of a separate dwelling unit adjacent to the proposed public house use is also considered to be acceptable, subject to suitable conditions to limit the impacts of the proposals on residential amenities. The proposal is therefore considered to be in accordance with the aims and objectives of policies G1 Sustainable development, G2 Criteria for development, D3 Extensions, CN3 Character and setting of listed buildings, CN4 Change of use of listed buildings, CN8 development in conservation areas.

(c) And subject to the following conditions

1) No construction of the extension hereby permitted shall commence until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY G2 General Development Control Criteria D3 Design of Extensions

(2) No construction of the extension shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY-G2 - General Development Control Criteria D3 Design of Extensions

(3) No external construction works shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use

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

POLICY G2 General Development Control Criteria

(4) No external construction works shall commence on site until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

POLICY-CN5 Preservation of character and setting of Listed Buildings

(5) The external flue(s) shall be finished in a matt black colour and maintained as such thereafter.

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

setting.

POLICY-CN5 Preservation of character and setting of Listed Buildings

(6) Upon the public house hereby permitted being brought into use, the residential accommodation provided on the first floor of the public house premises (illustrated on the plans DB901 Floor Plans Proposed First Floor), shall be occupied ancillary to the use of the building as a public house as a single planning unit and shall not be occupied at any time by any persons unconnected with the public house.

Reason; The Local planning Authority wish to ensure that the accommodation remains available for the approved use and in the interest of the amenity of the occupiers of the accommodation.

(7) Within 1 month of the date of this permission the access situated immediately to the east of the building shall be permanently stopped up for vehicular use *in accordance with a scheme which shall have been submitted to and agreed in writing by the Local Planning Authority.*

Reason: In the interests of highway safety.

Policy G2 General Development Control Criteria.

(8) Within 1 month of the date of this decision, two parking spaces shall be delineated and marked out on the ground as reserved for the use of the occupiers of Cross Keys Cottage in accordance with a scheme which shall have been submitted to and approved in writing by the Local planning Authority. Such markings and reservation for the use of Cross Keys Cottage shall be retained thereafter.

Reason in the interests of the provision of adequate off street parking-

(9) The use as a public house, hereby permitted, shall not take place until details of the treatment of the boundaries with Cross Keys Cottage have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the public house hereby permitted occupation of the building[s].

Reason in the interests of amenity and to avoid conflict with adjoining users of the car park. Policy G2

(10) No construction or demolition work shall take place on Sundays or public holidays or outside the hours of 8.00am to 6.00pm weekdays and 8.00 am to 1.00pm on Saturdays.

Reason in the interests of the amenities of nearby residents. Policy G2.

(11) The use as a public house, hereby permitted, shall not take place until measures to protect the adjoining residential property against noise from the public bar, and any ventilation plant, refrigeration motors, air conditioning or similar equipment have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority

Reason in the interests of the amenities of adjoining residents. Policy G2

(12) The use as a public house, hereby permitted, shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the control of odour and fumes from extractor fans, ventilation equipment or similar plant. Such a scheme as is approved shall be implemented to the satisfaction of the Local Planning Authority before any part of the public house development is brought into use.

Reason in the interests of the amenities of adjoining residents. Policy G2

INFORMATIVES:

The applicant should be under no illusion that if statutory nuisance were to be shown to exist The Department of Public Protection would be required by law to take action. The premise that because someone lives next to a pub they should accept unwarranted levels of disturbance is invalid.

The Developer is reminded of the requirement to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. This should be agreed as early as possible and certainly before the developer submits to the council any building regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex infrastructure crossing the site.

(d) Should the S106 Agreement not be completed within the time period the decision be delegated to the Director Of Development .

**Appendices:**

Appendix 1: Parish Council comments / received 30/03/09

Appendix 2: Transport Report and covering letter / received 06/04/09

**Background**

Drawing Nos;

**Documents Used**

**in the Preparation**

**of this Report:**

DB901 Floor Plans, Existing and Proposed

DB902 Elevations and Block Plan

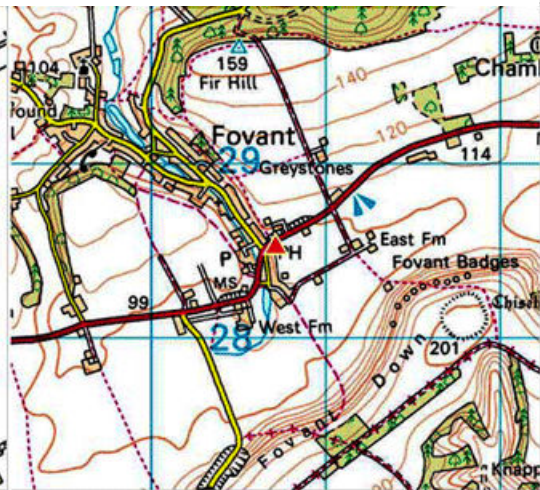
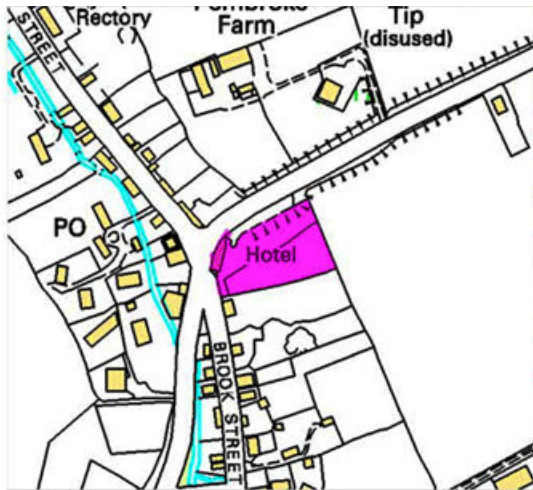
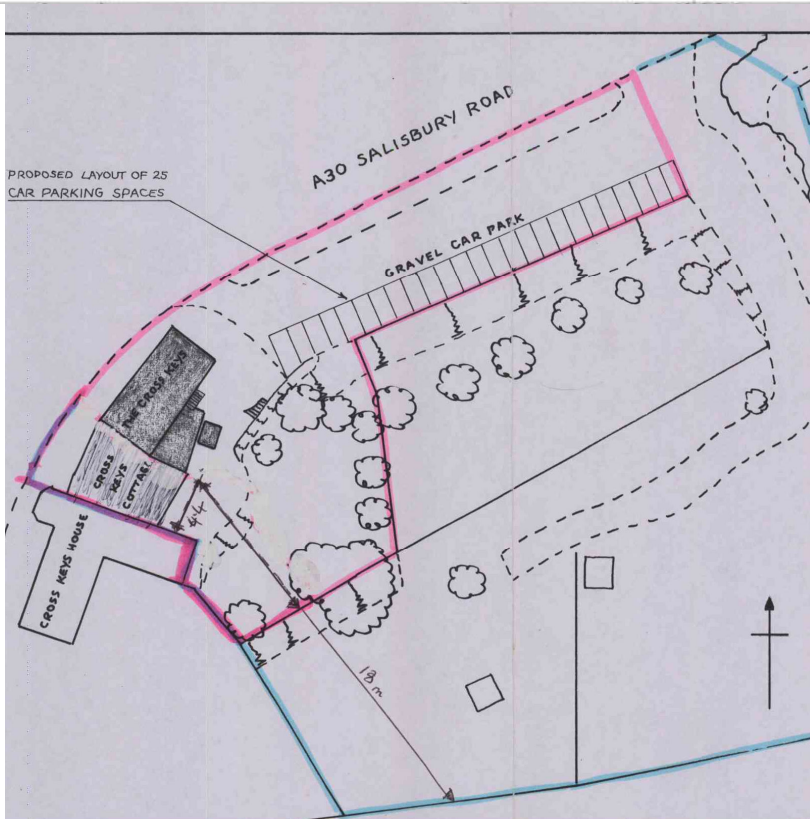
903 A Cross Keys Cottage, Floor Plans

903 B Cross Keys Cottage, Floor Plans

904 North Elevation to main road

Site Visit:

S/2009/307



**Wiltshire Council**  
Where everybody matters

**CROSS KEYS FOVANT SALISBURY SP3 5JH**

SCALE: NTS DATE: 19/10/2009 17:16:27  
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**APPENDIX 1**

# **Fovant Parish Council**

**Parish Clerk : Mrs Elizabeth Young      Telephone/Facsimile: +44 (0)1747 870528**

**APPLICATION REFERENCE NO:    S/2009/0307**

**Proposal:**  
**Full application: single story rear extension – internal alterations - change of use to public house**

**Address:**    The Cross Keys Shaftesbury Road Fovant

**At a meeting held on Tuesday 24 March 2009** the Parish Council considered the above application and has the following response to make:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> No Comment | <input checked="" type="checkbox"/> Support (Subject to conditions as set out below) |
| <input type="checkbox"/> Support    | <input type="checkbox"/> Not supported (For reasons as set out below)                |

**Councillors in attendance:**    R Bell; Mrs A Harris; A Phillips; Mrs G Law;

**Declarations of Interest:** Mrs P Story (applicant)

**Please see following three pages.**

**EA YOUNG**  
**Parish Clerk Fovant Parish Council**

**25.03.09**

## **Application S/2009/0307**

### **Background**

Cross Keys is the section of the old Cross Keys Hotel remaining after Cross Keys House (the western part of the Cross Keys Hotel) was sold and became a residence. The remaining part of the old hotel, Cross Keys, has two visibly different sections, the one nearest to Cross Keys House having a lower roof line. Currently the owner and applicant uses the term "Cross Keys Cottage" to describe that section and "The Cross Keys" to describe the larger and higher section to the East. Those terms are used on the plans and will be used in this document.

An earlier application, S/2007/0633, similar to the present application, was approved by the Western Area Committee on 21 June 2007. However, it was conditional on a Section 106 agreement being signed which would bind Cross Keys Cottage to the Cross Keys. The Section 106 agreement was not signed so the grant of planning permission for building work and change of use to public house lay dormant. Subsequently the applicant withdrew the application. The present application is, in effect, a resubmission with only minor changes.

The Parish Council notes that "Cross Keys Cottage" has been physically separated from the rest of Cross Keys. Drawing DB901 shows the existing blocks as stud walls and their planned replacement with more substantial structures.

### **Section 106**

The parish Council considers that, if change of use to public house is approved, there should be a Section 106 undertaking to ensure that the property in the ownership of the applicant adjoining the proposed public house (ie Cross Keys Cottage) shall not be sold off or let separately from the business and that approval of the application for change of use be conditional on the prior signing of the Section 106 undertaking. This repeats the Western Area Committee Resolution of 21 June 2007.

### **Recommended condition. Require Section 106 agreement**

### **Internal alterations (ground floor)**

The proposed internal alterations to the ground floor layout are not contentious.

### **Erection of a single story extension at the rear of Cross Keys providing kitchen, cellar and washrooms.**

The Parish Council, having considered the extension plans and examined the existing facilities, and having regard to the construction materials specified and the roof pitch complementary to the existing listed building, support the construction of the extension regardless of whether or not change of use to Public House is approved.

### **Providing, on the first floor, a function room and staff bed-sit.**

It is proposed that the first floor function room/staff bed-sit be reached by a flight of exterior stairs.

The Access Criteria section of the application states "It is felt at this point that wheelchair access to the function room on the first floor will not be possible". (Application s/2007/0633 had also included the

words “although the possibility of some form of external lift may be possible at a future date” but that is not in the present application.)

The Parish Council appreciates the difficulties of providing satisfactory access to the first floor. However, satisfactory access is not only needed for wheelchair users but also the elderly and children, and for the movement of food and drink.

The Parish Council considers that the provision of satisfactory access should be dealt with now and not deferred.

The Parish Council notes that the first floor bathroom facilities are “unisex” and are to be used by both members of the public using the function room and the occupant of the staff bed-sit. We question this arrangement and request that the planning staff check that this conforms to current rules and good practice.

**Recommended condition. Provide disabled access to Function Room.**

**Recommended action by Planning Department. Review “unisex” toilet arrangements for conformity with current rules and good practice.**

### **Recycling and parking**

At present the owner and applicant allows part of the car park area to be used for a re-cycling site. The plan indicates that the whole area will be used for car parking associated with the proposed pub business of the Cross Keys. The Parish Council recommends that the recycling activity displaced should not be moved to ground to the south of the car park to avoid adverse impact on an important part of the AONB landscape.

**Recommendation. That the recycling activity displaced should not be moved to ground to the south of the car park.**

## **Change of use to Public House**

The present application gave rise to two contrary threads of debate:

- a. Thread 1. The introduction of a second pub could result in the loss of both pubs because of:
  - (1) The available village trade being divided between both.
  - (2) Both having to pay business tax (not paid if a village has only one pub).
  - (3) Further reductions in sales while the country remains in recession.
- b. Thread 2. The desirability of encouraging new businesses.

We have no data about either of these two considerations. In view of the large number of village pubs closing, and the adverse social consequences of those closures, we consider it likely that there will have been formal studies at local and/or national level which could provide data on this matter. We therefore request SDC to seek information/evidence to inform the judgement which must be made.

We must stress that there being at least one pub in the village is of great importance to the whole village.

**Recommended action by SDC/WCC. Investigate the availability of information relating to pub closures which may inform discussion and decision in this case.**

## **Transportation Report**

**Cross keys, Fovant, Wilts SP3 5JH:**

**Application number S/09/0307.**

**Single storey rear extension, internal alterations, and change of use to public house.**

### **Introduction.**

I am Gillian Palmer BSc MSc MIHT, MCILT, MRTPI, Transport Planner and Chartered Town Planner. I have over 30 years experience of transport planning, including more than 20 years in dealing with the traffic, access and servicing aspects of planning applications. I have been retained by Mr Barrett of the Pembroke Arms to present this report in support of his objection to the above development.

My conclusion is that the site is unsuitable to revert to a commercial development given the road safety issues at the site and its environs and the inadequacy of the car park and its entrance to deal with the expected number of visitors' cars and size of servicing vehicles.

### **The Site.**

I visited the site on 20<sup>th</sup> March 2009. The site is situated on the south side of the A30 Salisbury Road on the inward aspect of a sharp bend and on a downward gradient on the approach to Fovant village. The site comprises the eastern section of the building which I understand has been a pub/hotel dating back for centuries. The western most section is now a private house. The middle section is a separate cottage, currently

vacant. I understand that it is the Council's intention that this centre building be retained as ancillary residential accommodation to any proposed pub. The section of the building which is the subject of this application was converted to a private dwelling in 1999.

The site includes the original parking area for the previous pub. This is currently used by the applicant for parking, and recycling facilities are also located there. There are proposals for another dwelling to the south of the site (02/2196) which would also use the access to the car park. This car park originally had 2 entrances, one opening within 25 m of the apex of the sharp bend. It is likely in the past that the car park operated a one way arrangement, with vehicles accessing the car park from the east side and egressing via the western access. This would have obviated the need for vehicles to turn round within the site as they would be obliged to do now. This entrance was closed on the advice of the Highway Authority, and its closure was a condition of a previous application. The remaining entrance to the car park is 80 m from the apex of the bend. The main carriageway at this point is 7m wide

### The Proposal.

The proposal is to convert the east part of the Cross Keys building back to a public house. This proposal is similar to S/2007/0633, (withdrawn). There is a long history of applications relating to this site which I will not rehearse in this report. The proposal comprises a ground floor bar area (approx 60 sq.m) and a single storey rear extension to provide kitchen and lavatory facilities.

A function room is proposed at first floor level (approx 35 sq.m.), and an extremely small residential bedsit is also proposed. It is of note that it is proposed that the residential bathroom would be used by the public. An outside seating area may also be incorporated, though this is not clear from the application drawings.

## Previous Transportation History.

I have read the great deal of correspondence and reports provided to me by my client, and it is clear that this section of road causes great concern to residents, commercial occupiers and council Members and officers alike. There is a long history of discussions between the Highway Authority (WCC), Salisbury District Council, the Police and the Parish Council going back several years regarding traffic management measures to improve the safety record at this site.

Of particular concern is the speed of traffic approaching the bend and the tendency of drivers travelling south west to misread the sharp left hand bend in the road, with subsequent loss of control. I am advised that there have been 18 accidents in a 3 year period including both damage only and personal injury accidents. Several of the accidents have resulted in damage to buildings, causing the occupier of the Post Office to take steps to protect the property with barriers. I understand that there was fatal accident involving a motorcyclist in 2008. The accident record at this location should be well known to the Local Planning Authority. I note that the Highway Department (WCC) do not object to the proposal, and I am surprised that they have not commented on it in more detail, given the level of interest in road safety at this location. Various measures have been put forward to mitigate accident risk and some have been implemented. A traffic management scheme was introduced in October 2005, which included measures to make the island at the junction of more visible to drivers, and to improve carriageway markings, for example "*SLOW*" markings. Other measures relating to a signage review are on hold pending the results of a county wide review of speed limits. At present a 40 mph limit is in force, with reinforcement, as promoted by the Parish Council, by a vehicle activated flashing sign on the approach to the bend. The data from the speed sign shows a consistent 21% of vehicles sampled exceeding the speed limit.

The proposals for various safety measures at this site continue to be investigated by WCC and SDC, including further carriageway markings and signage. The authorities are rightly concerned to avoid over cluttering with signs.

### Comments on the Application.

The car park measures approx 10 m in depth. This is not sufficient for cars to be parked at 90 degrees as shown on the proposed plan. They will need to be parked in an "echelon" arrangement in order to allow sufficient space (6m behind the vehicle) for drivers to manoeuvre in and out of the spaces. There is little space for vehicles to turn round within the existing site. It would not be possible to achieve 25 spaces as shown on the application drawing. Certainly the spaces shown are less than the normal standard of 4.8m x 2.4m. I calculate that approximately 15 - 17 spaces of an operational standard could be achieved.

The pub will generate both customer and servicing traffic. Although many visitors would be local people and therefore likely to travel on foot, the pub would inevitably attract customers from further afield who will arrive by car. The style and nature of a proposed pub cannot be controlled by planning conditions. Although a quiet traditional pub may be envisaged, any operator will be seeking to maximise customer numbers and therefore profit. An operator concentrating on good food for example may seek to attract customers from a wider area. If successful, the pub could accommodate 100 people (standing, depending on fire and other regulations), and the function room 20 seated, and possibly more standing. The garden area could accommodate an additional 30 or more people. The smoking laws mean that outside areas are used much more at all times of the year, and cannot just be regarded as "summer daytime" facilities. Assuming that 30% would walk, and the other 70% would come by car, I estimate that 35% of customers would be car drivers. With 100 people in total, 35 cars would be generated, twice the capacity of the car park. Assuming a busy pub, people in the garden and a function on the first floor, then the capacity of the car park would be



exceeded on a regular basis. Some of the spaces would in any case be used by staff and any residential uses at the site. Overflow parking would result in an extremely dangerous situation with drivers tempted to park in unsuitable locations within the car park itself or on the public highway. The development would result in significant turning traffic in and out of the access, especially during the evening during the hours of darkness, and where there is no street lighting. This hazardous situation would be exacerbated if the car park was overfull.

The pub will require deliveries of beer, foods and other consumables, as well waste collections etc. I estimate that there could be at least 1 or 2 servicing trips per day, and I am concerned that problems that will occur with servicing of this site. I note that the site entrance is shared by a development site to the south. I attach a photograph provided by my client that shows the difficulties of a Large Goods Vehicle leaving the site. This would be exacerbated by parked vehicles within the site. I have checked the layout of the car park with vehicle template overlays produced by Autotrax to 1:200 scale. Large vehicles, for example a 9 metre refuse lorry, would not have sufficient space readily to turn round within the site, a manoeuvre that would be impossible if parked cars were present. When leaving the site, it would not be possible for drivers of large vehicles to position the vehicle correctly in order to achieve a left turn into the main road without going over to the opposite traffic lane. (see photo in Appendix) The situation would be compounded if a larger vehicle, e.g. 11m were to be attempting this manoeuvre.

The pub would give rise to increased pedestrian traffic. There are already problems for pedestrians crossing at this location, with poor sight lines, fast moving traffic, lack of street lighting and a complex road junction to contend with. The potential for vehicular/pedestrian conflict would be made worse by additional pedestrian volumes.

### Summary and conclusion

A pub /inn has existed on this site in the past for centuries. However, the way the road now operates in terms of volume and speed of traffic, and the difficult conditions on the road at this location despite various measures to address them, means that in my opinion the site is *unsuitable in traffic and road safety terms to be reinstated as a public house*. The reasons are:

The car park is too small for the number of cars likely to be attracted to the proposed pub;

The layout of the car park could not be achieved as shown on the plan, and would achieve significantly fewer spaces;

There is insufficient space for goods vehicles to turn round in order to leave the site in a forward gear especially if cars were present;

The orientation of the entrance to the site would not allow large vehicles to leave, turning left, without crossing to the opposite side of the road;

Pedestrians attracted to the pub would be at risk crossing in this location, given the hazards present.

I would respectfully suggest that planning permission is refused for this commercial development.

GMP 6/4/09

*Gillian Palmer BSc MSc MIHT MCILT MRTPI  
Transport Planner and Chartered Town Planner*

## **APPENDIX 3**

### **Contents:**

- 1. Letter from applicant following Southern Area Committee meeting November 2009.**
- 2. Parish Council comments.**
- 3. Conservation Officers comments.**
- 4. Summary of Neighbours comments and letters received.**
- 5. Letter from AONB**

## LETTER FROM THE APPLICANT FOLLOWING THE SAC MEETING HELD 18<sup>TH</sup> NOVEMBER 2009

### Submission of IDEAS for any changes to written report

I was very worried by the hidden agenda of County Councillor Tony Deane and Fovant Chairman Councillor Nigel Knowles. I have contacted by email Janet Lee on this and other matters with regard to the conduct at the Meeting. The exemplary conduct of the Chairman should be praised!

- 1) Remove any reference to Pembroke Arms Function other than the Cottage Reference
- 1a) Can the name Function room be changed in any way to reflect the real use of Meeting Room/Village Office with all the printing equipment I have for our Three Towers Community Magazine. I am Editor
- 2) Make it plain the new Notice was posted on (24/04/09) and has been in position for 6 months
- 3) Add the date of the Car Park Permission by SDC to the relevant dates and the fact that it has been in use since that date with no problems or accidents attributed to it.
- 4) Recycling vehicle in photo. At my discretion and visit the site 6.30am to 7.30am (having seen Mr Barrett with his camera they no longer exit in this fashion, they do it within the site)
- 5) Parking spaces Minimum of 20 with 2 for cottage as extra where the stable is positioned
- 6) Highways western exit already closed (15 months- still to be approved)
- 7) Up to date photos of car park and buildings? Mr Barrett's taken prior to final clear up of the composting site in the car park.
- 8) Explain Mr Barrett's report by Highways Expert was done prior to this change in the Car Park. Work was done in the summer months.
- 8) Emphasis new Staircase to upper floor.
- 9) Cottage has always been on plans with work completed in 2004 as per Planning Application. Cliff Lane visited the site.
- 10) Cottage only occupied from July. I had expected the permission to have been granted when I signed the Lodgers agreement with the Mother of the Couple .They were coming from US to assist Mother/Father and myself.
- 11) Licensing of the premises should not be a matter to be brought forward to the Committee, nor should the recent licensing of the Village Hall for the **occasional** Function be a reason for refusal as touted by Mr Barrett in his speech.
- 12) Accidents on the road – it must be emphasised they are nothing to do with my property and they are no more or less than over the 28 years I have live here and run a business from this premises. Mr Barrett is so new to this and gets so agitated. No accidents of people being hit by traffic from either direction on this bend despite the numerous pedestrians who cross from Brook Street to the Shop, Post Office and Pembroke Arms and then in reverse to The Cross Keys.

### *Finally*

*The sad death always touted by Mr Barrett, was a motorcyclist entering the village from Shaftesbury, overtaking and ending up braking hard and going over the handlebars of his brand new Harley Davidson in unsuitable clothing. Only his head (in a cycle helmet) hit the rear panel of the car turning into the village. A tragic accident for a lovely family. NOT TO BE PARADED AS A REASON*

## FOVANT PARISH COUNCIL

### APPLICATION NUMBER S/2009/ 0307 (rev) dated 26 Nov 09

**Proposal:** Single Storey Rear extension, internal alterations to Gde II Listed Building, and Change of Use to Public House and separated Residential Dwelling

**Address:** The Cross Keys,  
Shaftesbury Rd, Fovant, SP3 5JH.

At a meeting held on Tuesday, 8 December 2009, at 6.30 pm the Parish Council considered the above application and has the following response to make:

**In Attendance:** Cllrs Mrs Harris, Mrs Law, Mrs Story, Leppard, Wyatt, Phillips and Knowles

**Applicants:** Not present                      **Public:** Mr D Davies, Mr Bell

**Declarations of Interest:** Cllr Mrs Story

**Site Visit:** No

**Cllrs in attendance:** N/A

No comment	
Support	
Support subject to conditions	
Object	√
<p><b>Suggested special conditions/reasons for refusal based on local knowledge</b></p> <p>Council reviewed the WC Planning Hub letter dated 26/11/2006 which referred to the recent additional scope of the original planning application to a new description adding "and Dwelling House", and advising an extension of time to 16 Dec 2009 for receipt of comments relating to this aspect. Council observed that no new documentation had been received with the letter and therefore used as points of reference the original planning documentation and the most recent Officers Report to the Southern Area Planning Committee meeting on 19 Nov 2009.</p> <p><b>Decision:</b> Councillors unanimously voted not to support the application, by reason of:-</p> <ul style="list-style-type: none"> <li>(i) the Parish Council was being asked to comment on a change of scope to include the regularisation of the present unlawful separation to form of a new dwelling, although there is no documentary evidence that the Applicant has actually formally requested such a new dwelling.</li> <li>(i) Environmental concerns as previously high-lighted by the Parish Council and Environmental Services Dept.</li> <li>(ii) Health &amp; Safety issues with respect to first floor access, external access to cottage section and public access.</li> <li>(iii) Highways issues as identified in the Independent Report and noting approx 30 accidents/1 death at the junction.</li> </ul>	

Elizabeth Young (Mrs)  
Dated: 9 Dec 2009

## **CONSERVATION CONSULTATION RESPONSE**

**To:** Andrew Bidwell

**Ref:** S/2009/307

**Location:** Cross Keys, Fovant

**Proposal:** Single storey rear extension and internal alterations and change of use from dwelling to public house and dwelling house

**Comments by:** Elaine Milton

**Date:** 7<sup>th</sup> January 2010

***Conservation,  
Development Services  
South***

### **Comments**

The application for listed building consent for the erection of the rear extension and internal alterations to subdivide the public house from 'Cross Keys Cottage' has been approved under reference S/2007/0634.

I have no additional comments on the physical works to the building to those made under S/2007/0634. The guidance in PPG15 is that the best way of securing the upkeep of historic buildings is to keep them in active use, and that the best use is normally the use for which the building was originally intended. In this respect, the change of use of part of the building back to public house would seem to be appropriate.

**SUMMARY OF NEIGHBOUR COMMENTS RECEIVED AND LETTERS**

- **Another public house is not needed**
- **To add more traffic to this stretch of road would be dangerous**
- **An increase in road traffic will increase risk to pedestrians**
- **The market for two competing businesses is not large enough to support both**
- **Parking on the site could be a problem and is inadequate**
- **No need for another pub in Fovant**
- **The property should not be divided into another dwelling**
- **The proposed separation suits the present applicant but may seriously limit a future owner**
- **The property is unsuitable to re-open as a pub due to its dangerous position on a blind bend**
- **Fovant could end up with no pub at all**

S/09/0307

Hazeldene  
Sutton Road  
Fovant SP3 5LF

Planning Department

Rec.	25 NOV 2009
Acknowledged	
Copy to	AB
Action	

Chairman  
Fovant Parish Council

22 November 2009

Dear Sirs,

Planning Application S/2009/309: Cross Keys

We have been somewhat surprised to note in the Parish Council Minutes that the Cross Keys has once again applied for change of use.

When we moved to the village in 1983 there were 3 pubs, a school, a village shop, a post office, a butcher, a haberdashers and a school. By a near miracle the village shop, the post office and one pub have survived. The village simply could not support three pubs and, as we understand it, reached the stage where none were viable until both the Poplars and the Cross Keys (+ the nearby Lancers) closed. The Pembroke struggled on through various mismanagements and is at last becoming an asset to the village, which one would hope will continue to gain support and become financially viable.

There is a very real danger that we will lose our only remaining pub if it has to share the custom it is building up with a second pub. The Cross Keys ceased to trade some years ago for reasons which are even more valid now and I see no merit in allowing a change of use.

This letter is submitted for your consideration.

Yours faithfully,

  
R & S.B. Dixon

Copy to: Salisbury District Planning Office. ←



Planning Department

Rec. 01 DEC 2009

Acknowledged

Copy to

Action

AB

Hazeldene  
Sutton Road  
Fovant SP3 5LF

Area Development Manager  
Wiltshire Council  
61 Wyndham Road  
Salisbury SP1 3AH

29 November 2009

Dear Madam,

Planning Application S/2009/300<sup>7</sup>: Cross Keys

Thank you for your letter of 26 November.

Once upon a time, the Cross Keys was a public house with accommodation. Mrs Story then sold off the attached dwelling house (Cross Keys House) and ceased to trade as a pub, understandably, as she had become more disabled.

I am not a pub regular but I do enjoy the occasional meal at our existing pub, as I understand do many of the local senior citizens.

I refer to my letter of 22 November and simply reiterate my concerns that if the Cross Keys reverts to a licensed public house Fovant will end up with no pub at all.

There is also of course the issue of more traffic on that dangerous bend.

I do not therefore feel that it is in the best interests of the village to grant this application.

Yours faithfully,

  
S.B. Dixon (Mrs)

This data was entered into the form at <http://www.salisbury.gov.uk/planning/development-control/planning-applications/2009/0307/submit-comment.htm>

I agree to the disclaimer above **Yes**

I wish to **Object**

Name **Lisa Bailey**

Address **13, The Elms, Fovant, Wiltshire.**

Post Code **sp3 5jz**

**Comments From reading the proposed changes to the Cross Keys, including the application to open the property as a public house, I would like to object. The grounds on which I am objecting is that I am greatly concerned that due to the speed of vehicles and number of accidents that occur on that bend, there could be a fatal accident to villagers using the premises when they cross from the Cross Keys back to the High Street. I have also observed that the parking would also create a problem, as there is only one entrance and exit to the Cross Key property. This could potentially create a problem when lorries deliver beer/sundries to the premises. I have also used the car park there for dropping off recyclables and found it difficult to see traffic coming from both directions. As opening the premises as a public house, this would therefore potentially increase traffic on the A30 at an already treacherous bend, and increase the problem. I would also like to add that we already have one public house in the village, which I understand is struggling to survive in such difficult times and the opening of another would not help the situation.**

**Yours Sincerely,  
Lisa Bailey**

If you wish to be emailed a copy of your comment, tick this box **Yes**

Entered Wed Dec 02 2009 23:06:47 GMT+0000 (GMT Standard Time)

Planning Department
Rec. 15 DEC 2009
Acknowledged
Copy to AB
Action

Fovant Post Office  
High Street  
Fovant  
SP3 5JL

14/12/09

Ref: S/2009/307/FULL

Planning application at Cross Keys, Fovant

Dear Sir/Madam,

I am writing to object to the above planning application.

The entry/exit to the car park of the Cross Keys is on a very dangerous stretch of the A30 near the junction with Fovant High Street. This has been the site of several accidents in the past few years, as we know to our cost at the Post Office. Traffic using the Cross Keys will only worsen this situation in my opinion. There has even been an accident since the flashing warning sign was installed, even though in this case our neighbour's wall was demolished instead of the frontage of the Post Office.

Yours sincerely

R. HALL

**Wren House  
Bridge Gardens, Tisbury Road  
FOVANT, Salisbury  
Wiltshire, SP3 5DT**

Planning Department	
Rec.	16 DEC 2009
Acknowledged	AB
Copy to	
Action	

FAO: Andrew Bidwell Esq  
Development Services  
Wiltshire Council  
61 Wyndham Road  
Salisbury, SP1 3AH

14<sup>th</sup> December 2009

Dear Andrew,

**Planning Application Ref: S/2009/307/FULL ("CROSS KEYS" FOVANT)**

Thank you for the letter dated 26<sup>th</sup> November 2009 regarding the above planning application and the proposed change in description for this application. I wish to make the following points regarding the proposed development as a whole and not just related to the dwelling house adjoining the public house.

As a relative newcomer to the village of about 3 years I have only ever known the Pembroke Arms as the public house for the village. Another public house is not needed in this village and certainly not one so close to where the Pembroke Arms is now. The potential noise, traffic and environmental issues within such a small area located on a major road surely deem this impractical. When the Cross Keys was last a public house the smoking ban did not exist, people did not go outside late at night as there was no need, longer opening hours were also not applicable and traffic has no doubt increased since that time. Now it could be the case if this plan were approved that late at night groups of people from 2 pubs within yards of each other could be outside smoking and creating noise levels that are just not in keeping with such a small village and in turn have a detrimental affect on the whole area.

However my final point which I touched upon briefly is indeed the most important. I have stood outside the Pembroke and spent time watching the A30 road and vehicular access from there into Fovant High Street and Brook Lane and the car park of the pub. To add more traffic and access of this tiny stretch of the busy and dangerous A30 would be an accident waiting to happen. I have no doubt whatsoever that should this application be approved and you have 2 public houses on the tight bend of a major trunk road that accidents will happen and serious ones at that, a 2<sup>nd</sup> pub will cause chaos and pose a serious threat to the safety of Fovant already undermined by a lack of speed prevention on the aforementioned stretch of A30.

This application will not add anything to the village. It will simply congest the area, impose safety and environmental issues and have a detrimental affect on Fovant and it for these reasons I object to this planning application.

I thank you for your time and consideration to my issues.

Yours sincerely,

Christopher Taylor (Mr)

Mrs J Howles, Area Development Manager

Wiltshire Council

61 Wyndham Road

Salisbury

Wiltshire

SP1 3AH

Planning Department	
Rec.	17 DEC 2009
Acknowledged	-----
Copy to	--- AB ---
Action	-----

Dr D.P.Walters

Flanders Field

Brook Street

Fovant

Wiltshire

SP3 5JB

Ref: S/2009/307/Full

Dear Mrs Howles

I wish to comment on the above planning application. The application includes the request for restoration of the Cross Keys as a public House. In my opinion the situation of the building makes it totally unsuitable to open once more as a public house owing to its dangerous position on a blind bend. The increased traffic pulling out of the car park would make further accidents far more likely. It is already an accident black spot with several serious accidents already having been recorded. For this reason I propose that the application is rejected

Yours sincerely

David Walters

Dear Sirs,

Further to my original objection and transportation report, having read the officers reports, I would like to bring to attention many of the inaccuracies, stated by all parties.

### 1. Size of Car Park

The size of the parking bays are minimum industry standards. the reference is the Manual for Streets, published by DFT, 2007. I attach a link.

<http://www.dft.gov.uk/pgr/sustainable/manforstreets/pdfmanforstreets.pdf>

Paragraph 8.3.49 states that:

“for echelon or perpendicular parking bays will need to be indicated or marked. Bays will need to enclose a rectangular area about 2.4m wide and a minimum of 4.2 m long.

I would suggest that your officers, go back and re-calculate, as there could not possibly be 25 available parking spaces.

I also suggest that a commercial vehicle needs 14.5m to turn around without reversing; therefore the exit as per our original photographs, the car park is not suitable. With vehicles in her proposed car park, surely this would not be possible within the site.

### 2. Highways

I challenge the number of accidents occurring on this bend, as I know as a resident on this road there have been a much higher number than the 3 stated by your Officer. I am gathering the evidence to this fact and will submit it to you.

With the new proposed 50 mph speed limit, surely this will make entry and exit (by foot or vehicle) from any part of these premises, highly perilous.

### 3. Environment

It appears that notice has NOT been taken of the Environmental Health Officer's report on this application.

4. There is Planning Consent for a Bungalow on the back part of this concerned property's land, which if built, would add to the overdevelopment of this site, as per AONB guidelines, also this would impact more on this junction.

5. The function Room is totally unsuitable, for either a 'village office' or 'meeting room' or any other kind of Public space, as there is a lack of Fire Escapes. And if as the Applicant says she is the Editor of the Parish magazine, and sadly disabled, how is she going to be able to access this office?

6. The cottage as far as I am aware has been occupied on and off for 3 years, however, the applicant has stated that it has only been occupied

from July. It is known that there were people, who were having their house constructed in the village, renting the cottage. I do have further photographic evidence to support my objection if required Yours Sincerely

M. Barrett



Dear Sirs,

I wish to object on Planning Application s/2009/0307.

I wish to object on the grounds of

- 1 I do not feel that there is a need for another Public House in Fovant, as one pub can barely survive.
- 2 I know that the road is already unsafe, surely by putting another busy access point on this road will make it even more so.
- 3 It is not correct that the property should be divided into another dwelling as it does not have sufficient fire escapes.

Yours Sincerely

J. Ring  
Ashfield  
Tisbury Road  
Fovant

**Cross Keys House, Fovant, Salisbury SP3 5JH**

December 16, 2009

Planning Department

Rec.	18 DEC 2009
Acknowledged	
Copy to	A.B.
Action	

The Area Development Manager  
Wiltshire Council

Dear Madam  
**Your reference S/2009/307**

We are replying to your letter of 26 November 2009. We are immediate neighbours to Cross Keys.

The Planning Decision of 2000 that the Cross Keys should not be subdivided further, reinforced in a subsequent planning meeting in 2007 which required the applicant to sign a Section 106 agreement on this matter, would be reversed by this application. There is no supporting material with this revised application to justify the reversal of an earlier planning decision, despite the fact that creating a public house with just one small unit of accommodation not directly accessible from the bar area undoubtedly raises questions about the character of the public house. The proposed separation may suit the present applicant, but it surely seriously limits options for any future potential owner.

Without discussion on these matters we cannot support the application.

Yours faithfully



1.4.12/09

Royal Mail

Forward Sub Delivery Office -

Forward

SP3 55H

Ref. S12009/507/Full.

Dear Sir/Madam,

I would like to object to the change of use of the brass keys to be coming a Public House.

The extra traffic that this would generate close to a hazardous bend which should be recognised as an accident "black spot" would increase the likelihood of more crashes into the adjacent properties and other vehicles. This together with a speed limit

increased to 50 mph will make this stretch of the road even more dangerous.

Yours sincerely,

B. Harte (MVC)

Subcontractor

Planning Department

Rec.	15 DEC 2009
Acknowledged	
Copy to	AB
Action	

Mr A Bidwell  
Wiltshire Council  
Planning Office  
PO Box 2117  
Salisbury  
SP2 2DF

Planning Department	
Rec.	03 DEC 2009
Acknowledged	-----
Copy to	-----
Action	-----

Mr N M Little  
Lancers House  
Sutton Mandeville  
Salisbury  
SP3 5NL

Date: 2nd December 2009

Planning Application Number 8/2009/0307

Dear Mr Bidwell,

I feel compelled to write to you with regards to the pending application mentioned above.

My four main concerns are based upon the assumption that the application is approved and relate to the change of use to a public house, I would therefore ask that you give these matters due consideration.

**Road Safety**

The Pembroke Arms in Fovant is my companies preferred destination for accomodating both staff and business colleagues, I have unfortunately witnessed first hand how traffic uses this section of the A30 and on more than one occasion have either helped to marshall the traffic or gone to the assistance of drivers that have crashed. To create a further access point for commercial traffic at this section of the road appears to increase the risk of accidents and therefore possible further fatalities. I feel sure the Council will have investigated this risk as well as the feasibility of cars and lorries entering and exiting from the same point at the same time, but felt that this needs to be mentioned.

It would be horrific to witness a further tragedy that may have been avoidable and it would be devastating should this involve one of my staff or business colleagues.

**Public Safety**

Increasing the road traffic on the A30 as well as in and out of Fovant at the junction, will undoubtedly increase the risk to the general public on foot, if the level of foot traffic was to increase as well as the road traffic on what is already a difficult road to cross, then surely it is only a matter of time before someone is going to be run over. Perhaps traffic lights and pedestrian crossings may be considered in order to protect the lives of the ageing local population.

**Local Economy**

Fovant appears to have its own vibrant yet fragile micro-economy and it is incredibly convenient to be able to offer overnight accomodation that includes parking and where food is served, when conducting business meetings without having to drive off again. My Company requires this facility on average 4-5 times per week and often for colleagues commuting to and from London. In the current climate it seems incredible that the vilage retains a Post Office, which is so pleasing and useful for our visitors. It also has a garage where they can get any urgent repairs done as well as fuel for the next day and a shop where, most items can be purchased at the last minute even in the evening.

This as well as the location contributes towards Fovant and the Pembroke Arms being our location of choice for guests when doing business. It is apparent that should another Public House open in the village, then the days of the Pembroke Arms are probably drawing to a close. It would be a shame for The Pembroke Arms to close as the area has already lost The Poplars, The Lancers, The Royal Oak and even The Cross Keys failed to stay open during much healthier economic times.

Unless the other Public House was to provide the same facilities, then my trade and including that of the hundreds of overnight bookings I supply, would be forced to select another location. In turn this would obviously hurt the other businesses that we and our colleagues find so useful and that may rely on the extra trade we provide.

Being in business, I understand and appreciate that competition is both necessary and indeed healthy. My concern here is that the market place for two competing businesses is not large enough to support them both and as a result, facilities that are currently available may not be in the future. This will then have a negative impact on my business which generates employment in the area, which in turn distributes wealth locally.

#### **Environmental Impact**

In the event that The Pembroke Arms was to close and a new Public House was to open, without overnight accommodation and catering facilities, then the need to drive further would still exist. The options appear to be to stay in a B&B and drive off for an evening meal, where confidential meetings can be conducted and then back again or, to stay at an alternative location further away from the work commitment and hence drive the extra mileage twice a day.

It appears that the nearest location that would provide overnight accommodation, parking and the facilities we would require is roughly 5 miles away. This would add 10 miles per day to the required journey per vehicle which when multiplied by the number of annual guests, will certainly add up to a not insignificant carbon footprint.

I am encouraged to see that the Council feels that their own Wiltshire 2026 - Planning for Wiltshire's future is considered as "perhaps the most important document within the Local Development Framework". Therefore I trust that Environmental Impact and knock-on effects of any decision will be considered during your deliberation process.

It is indeed important to meet the needs of a growing population over the coming 20 year period and Fovant can only benefit from more people coming to stay in their unique and beautiful village.

#### **Summary**

May I thank you for taking the time to read this letter and I have total faith that the Council will pay due to consideration the Social, Economic and Environmental issues that have been raised.

Yours sincerely,

Mr N M Little



Scanned

Page 1 of 1

**Hayley Clark**

**From:** Helen Fletcher  
**Sent:** 12 August 2009 15:55  
**To:** developmentmanagementsouth@wiltshire.gov.uk  
**Cc:** Green, Jose  
**Subject:** FAO :- Judith Howles

Planning Department  
Rec 13 AUG 2009  
Act  
Copy  
Action

*J. Howles* AB

Re :-

Planning Application S/2009/0307 Cross Keys Fovant

Dear Mrs Howles,

I am writing to you regarding the above named Planning Application, as I wish to express my concerns over the lack of consistency and treatment of this application.

I personally sent in an objection and independent traffic report back in April and it was only been posted online on 7th AUGUST, after my numerous phone calls and finally contact with my local Councillor. I was initially informed that my application was inadmissible due to the report being biased. I took advice on this and was told that in no way was the traffic report biased.

I felt that I had to commission this report as Wiltshire Highways had told me that they had not looked at the application concerned due to the fact that the application is identical to the previous application submitted. It isn't, it is a brand new application.

I also know of other objections that have not been posted onto the Wiltshire website, I would like to know the reason behind this.

It is clear to all that have looked at this application, excluding the planning office it seems, that this application is a means to regularise an existing breach of planning.

The middle section of the cross keys has been partitioned off into a separate dwelling, which has now been let out. I cannot find any application to erect the current wall separation that is in place, surely there should be an application to erect this divide. This divide is clear on the current application as a new addition to be erected, even though it is already in place!! Therefore this is a blatant example of flouting the planning regulations especially on a listed building such as the Cross Keys.

The previous application s/2007/0633 was withdrawn as I understand due to the fact that the Applicant refused to sign a Part 106 agreement, surely a 106 should be put in place again, so will this application be withdrawn again?

I would like a response to this letter as I would like to know why the application concerned seems to be treated very differently to other applications. If this application is not looked at as a NEW application I feel that I may have to take further steps.

Yours Sincerely

Michael Barrett

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13/08/2009

# Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty

AONB Office, Castle Street, Cranborne, Dorset, BH21 5PZ

Tel: 01725 517417 Fax: 01725 517916

Email: [info@cranbornechase.org.uk](mailto:info@cranbornechase.org.uk) Website: [www.cwwdaonb.org.uk](http://www.cwwdaonb.org.uk)



Andrew Bidwell  
Development Services  
Wiltshire Council  
61 Wyndham Road  
Salisbury  
SP1 3AH

Planning Department

Rec. 03 DEC 2009

Approved by

Copy to

Action

30<sup>th</sup> November 2009

Dear Andrew

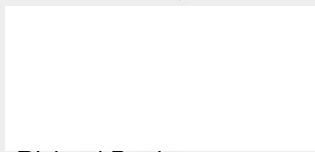
**PA S/2009/307 The Cross Keys, Fovant, SP3 5JH  
Erection of single storey rear extension and change of use from dwelling to public house and dwelling house**

Thank you for giving the AONB team the opportunity to comment on this application.

The only comment the AONB Team has to make is to please refer back to our previous observations in relation to the Cross Keys, letters of 20 November 2006 for PA S/2006/2306 and 3 April 2007 for PA S/2007/633, and 19<sup>th</sup> May 2008 for S/2008/839.

To clarify these comments stated 'The AONB team are keen, in accordance with the Management Plan, to facilitate proposals that sustain a living and working countryside without prejudicing the landscape character or the reasons for designating the AONB. This site is at a point where two landscape character areas come together; Donhead – Fovant Hills and Fovant Greensand Terrace. Matching materials to the locality should, nevertheless, be fairly straight forward'.

Yours sincerely



Richard Burden  
Landscape and Planning Advisor

Evolve Business 100% recycled

*Working with you to keep this living landscape special*





Deadline	10/12/09		
Application Number:	S/2009/1539		
Site Address:	78 ST. MARKS AVENUE SALISBURY SP1 3DW		
Proposal:	RETENTION OF EXISTING HOUSE AND ERECTION OF 4 ADDITIONAL HOUSES TOGETHER WITH A NEW PRIVATE DRIVE AND ALTERATIONS TO ACCESS		
Applicant/ Agent:	MR ROBERT DAVIS		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	414998.8 131179.7		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

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

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

- Scale of development

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions and the applicant entering into an Agreement in respect of the provision of public open space (policy R2).

### 2. Main Issues

The main issues to consider are :

1. Policy context
2. Design and impact on street scene/Character of the area.
3. Impact on amenities
4. Impact on highway safety and existing parking problems
5. Impact on trees on the site
6. Protected species
7. Public Open Space, Policy R2

### 3. Site and surroundings

The dwelling known as no.78 Marks Avenue is sited immediately adjacent to the northern boundary of the site and its vehicular access is sited immediately adjacent to the southern boundary of the site. St Marks Avenue is subject to a 30mph speed limit, is a bus route and has limited waiting (2hrs) on-street parking in the vicinity of the site.

The site is well treed and is currently occupied by garaging, outbuildings, a swimming pool,

ornamental and vegetable gardens and a small orchard. The site is approximately a metre below St Marks Avenue and slopes steeply away from the road towards the cemetery which forms the eastern boundary of the site. Whilst the site slopes slightly down from north to south, the fall across the depth of the site from west to east is approximately 13 metres.

To the south of the site are large detached houses in large grounds. On the opposite side of St Marks Avenue, on rising ground above the site, the dwellings are also comparatively large and detached with their principle elevations facing the street. On the lower side of the site, to the south of the cemetery is a four storey block of flats in a backland position; whilst to the immediate north of the site is part of a modern estate of small semi-detached houses on small plots.

#### 4. Planning History

81/0601	ERECTION OF A SINGLE DWELLING AND GARAGES AND CONSTRUCTION OF NEW VEHICULAR ACCESS AT PART OF GARDEN	AC	03/06/81
88/0207	INCREASE HEIGHT OF SECTION OF REAR BOUNDARY WALL.	AC	09/03/88
90/0391	PROPOSED EXTENSION , DOUBLE GARAGE AND SUN ROOM.	AC	09/05/90
00/1897	EXTENSION AND ALTERATIONS	APFP	30/11/00
02/0075	VARIATION OF PERMISSION S/2000/1897 FOR CONSTRUCTION OF DISABLED ACCESS.	APFP	18/02/02
07/2546	BALCONY TO REAR	APFP	14/02/08

#### 5. The Proposal

The proposal is to retain the existing dwelling no.78 St Marks Avenue and in the garden, erect four dwellings. ( one five bed roomed house and three 3-bedroomed houses; all with a study). The one five bedroomed house will be sited to face St Marks Avenue and will retain, for its sole use, the existing vehicular access off St Marks Avenue. The three 3-bedroomed dwellings which would be located at the rear of the site will be accessed via a new private drive to the immediate south of no 78 St Marks Avenue and this new drive will also serve the existing dwelling, (no.78). A new turning area will be provided in the centre of the site and parking is to be provided for all the dwellings in two, shared two-storey split level garages.

#### 6. Planning Policy

The following policies are considered relevant to this proposal.

G1 and G2	General aims and criteria for development
G5	Protection of water supplies
H8	Housing Policy Boundary
D2	Design criteria
TR14	Provision of cycle parking

R2 Provision of public open space

Also relevant are:-

SDC Supplementary Planning Guidance

Achieving Sustainable Development

PPS3

Housing

## 7. Consultations

### ***City Council***

None received

### ***Highways***

No objections subject to a condition that the first 5 metres of the new drive has a consolidated surface and that the gradient of this section of the drive does not exceed 1 in 15.

As the new access will affect a residents parking scheme in St Marks Avenue, the relevant traffic regulation order will require to be revoked and remade at the applicants expense

### ***Environmental Health***

No objections subject to conditions regarding control of noise and pollution during construction works and control of hours of work.

### ***Wessex Water***

Located in a sewered area with foul and surface water sewers. Point of connection can be agreed at the detailed stage. There are also water mains within the vicinity and a point of connection can be agreed at the detailed stage.

### ***Wiltshire Fire and Rescue Services***

Comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of domestic sprinklers.

### ***Design Forum***

The forum felt that the proposal would result in too many buildings and too much hard surfacing on the site, and that this would not be in keeping with the character of the area (large detached dwellings with generous gardens). Although there are smaller houses at the lower level to the north east, it was considered that the site is read more in context with St Mark's Avenue.

It was felt that the gardens, particularly to no.78 and the new house on St Mark's Avenue would be too small for the size of the houses, and that the access routes, turning and garaging would dominate the site. Furthermore, the fundamental design and orientation of no.78 (with its south-facing conservatory and views) would be compromised by the driveway and new dwelling in such close proximity.

The forum suggested that it could support the principle of one new dwelling alongside no.78 on St Mark's Avenue, or three dwellings at the bottom of the garden of no.78, but not both.

It also considered that, for practical reasons, each dwelling should have a garage within its own curtilage.

## **8. Publicity**

The application was advertised by site notice/neighbour notification with an expiry date of 19 November 2009

10 letters of objection have been received.

Summary of key points raised

### **Concerns regarding highway safety**

St Marks Avenue is being used as a short cut and despite speed restrictions vehicles travel at excessive speed.

Vehicles exiting the site will have a restricted view because of parked cars.

Proximity to 4 schools gives rise to safety concerns re the new access

Increased traffic. Minimum of 9 extra cars

Shared drives are unsatisfactory – lead to friction between neighbours

New access will remove most of on-street parking in this locality

Will restrict amount of 2hour parking available.

Sloping drive (1 in 8) will cause problems in severe weather.

Sloping access will be difficult for emergency vehicles.

Where will the wheelie bins go?

### **Concerns regarding character of the area**

Out of keeping with the area

Four extra houses will increase noise in a very quiet area

Detrimental impact on St Marks Avenue

Increase in density out of keeping with locality

Overdevelopment of the site

Accept room for one extra house, adjacent to no.78.

Three houses at the bottom of the slope out of keeping with character of the area

### **Amenity issues**

Loss of daylight and privacy, overlooking of lower properties

Disturbance to neighbours due to lights from vehicles coming up the slope

Linkway was designed not to overlook no.78 St Marks Avenue but the three dwellings to rear of the site will result in loss of daylight to house on Linkway. Amelioration would be if apex of new house was no more than 1metre above boundary wall.

Window in garage in 76A will overlook bathroom, could it be obscure glazed or omitted?

Boundary hedge should be replaced with a wall

Floor levels and ridge heights should be adhered to.

No provision for surface water.

Will sewage be pumped up to St Marks Road or go through the cemetery

Inconvenience to local residents whilst houses are being built due to builders vehicles etc

## **9. Planning Considerations**

### **9.1 Policy context**

The scheme would create four new dwellings in the garden of no.78. Whilst this raises the density of development in the locality, it would still be low compared to the development to the immediate east. The site is within the Salisbury Housing Policy Boundary where small scale redevelopment is in principle acceptable, providing the proposal is in accordance with the other criteria for the Local Plan and is keeping with the character of the locality. National guidance as expressed in PPS3 also seeks to encourage the efficient use of residential land within sustainable settlements and hence encourages a density of development of at least 30 dwellings per hectare. This site is close to the town centre, schools and other facilities and has good access to public transport. It is not subject to any other designation which might restrict development. However, whilst, there is no in principle objection to backland or tandem development. In the Adopted Local Plan, the Local Plan does suggest that such development is only acceptable where; there are no amenity objections, such as overlooking, noise and disturbance and where the vehicular access is suitable.

### **9.2 Design and impact on street scene/character of the area.**

Currently this part of St Marks Avenue has a traditional residential character. The area is well treed and the road generously sized. As no.78 has a frontage approximately twice that of its neighbours, in terms of character of the area, the sub-division of the site's frontage will result in two dwellings on plots, which will appear from the street, to be very similar in size to others in the locality. Whilst the depth of the plot of no.78 would be less than its immediate neighbours to the north, that of the proposed dwelling on St Marks Avenue (no.74) would be similar in size and both plots would be larger than that of no.68 St Marks Avenue. The width of proposed new central access between the two dwellings is proposed to be 4.8m. Whilst this is wider than the access drives in the locality, it is not unusually wide and thus it is considered that even with the creation of a new access, the addition of a new dwelling on the frontage of the site; would not have a detrimental effect on the visual appearance of this part of St Marks Avenue.

The proposed dwelling on St Marks Avenue is a substantial five bed roomed dwelling with a steeply sloping roof and a large front gable. It is proposed that the building be of brick under a clay tiled roof and the fenestration and detailing are traditional. There are curved brickwork details over the ground floor windows and doors and the front gable is to be tile-hung. The design of the proposed dwelling on St Marks Avenue (no. 74) is considered appropriate to the area.

In terms of the remainder of the site, which due to its sloping nature is virtually invisible from St Marks Avenue; the character of the surrounding area is slightly different and relates much more to the Bishopstone development and the area around the London Road. To the east of the site there is much higher density of development, mainly semi-detached pairs of dwellings on small plots to the north and 4-storey block of flats to the south. Also, it has to be borne in mind that there is tandem development to the immediate south of the site, off St Marks Avenue. In terms of the much higher density of development which predominates to the rear of the site, the addition of three 3-bedroomed dwellings are considered to be in keeping with the general character of the area and are judged to be acceptable.

### **9.3 Impact on amenities**

#### **9.3.1 Impact on existing surrounding occupiers**

The proposed dwelling on St Marks Avenue (no74) has been designed so that there is only one first floor window facing towards the existing no.78 and that is an en-suite window which can be conditioned to be both obscure glazed and top-opening. Design Forum noted that the design and orientation of no.78 (with its south-facing conservatory and views) would be compromised by the driveway and new dwelling in such close proximity. However, in view of the size of the dwelling and its elevated position, and whilst the occupiers will be aware of the new dwelling, in this case, it is not judged that the amenities of the occupiers would be so compromised as to be a sufficient reason for refusal .

As regards no 68, there are no proposed windows on the southern elevation. Whilst the rear windows will overlook gardens and towards no72, it is considered that in view of the steep slope of the land and the positioning of no. 72, that whilst the occupiers will be aware of the new dwelling, in a residential area there is always some inter-visibility between dwellings. However,, as in this case, the angle of view will be oblique, this change is this change is not judged to be so detrimental as to be a sufficient reason for refusal

In relation to the dwellings on the opposite side of St Mark's Avenue, these dwellings are sited higher than both no78 and the proposed no.74 and whilst the erection of a new house on St Marks Avenue will change the current situation, it is considered that in an existing residentially developed areas, the introduction of a new dwelling in this location, will not detrimentally effect the amenities of the current occupiers.

Therefore, as a consequence of the above, and on balance, it is considered that the privacy enjoyed by adjacent dwellings would not be so significantly affected as to warrant refusal of the application on these grounds.

### ***9.3.2 Impact on future occupiers of proposed dwellings***

The scheme uses the slope of the land and has been designed so that there is very limited possibility of inter-visibility and overlooking between the dwellings to the front and rear of the site. A unique feature of the scheme is the creation of two 2-storey garages which will be sited adjacent to a turning area to serve all five properties and which act as an additional interruption to the views across the site.

The Council's Environmental Health Officer has raised no objections to the proposal, subject to conditions which would limit the hours of work in the interests of the amenities of the neighbours. Also it would appear from the submitted plans that the four dwellings will have large rooms and substantial amenity/garden space and whilst in relation to 76A and 76B this space would be overshadowed by the large sycamore on the adjacent cemetery, it is considered that this is not untypical of other residential development elsewhere in the city.

Whilst the Design Forum considered that, for practical reasons, each dwelling should have a garage within its own curtilage rather than share the split-level garaging, shared garaging is a common answer to the parking of vehicles and in this case the split-level garaging is a design solution to the particular features of this site.

Consequently, it is considered that the proposal would result in acceptable living accommodation for the future occupiers of the dwellings on the site and the existing no.78.

### ***9.4 Impact on highway safety and existing parking problems***

Much concern has been expressed regarding the speed of traffic in this area, the difficulties that vehicles would have in accessing the site and the impact of the loss of the on-street parking area would have on highway safety.. In overall terms, clearly the introduction of a further four dwellings will increase the number of vehicles using the site, but within the city, it is not considered that this would be so significant in relation to the number of vehicles using the road as to warrant refusal on these grounds.

Objections have been received from neighbours regarding the problems likely to arise because the access drive to the three dwellings at the rear will be steep, however, the Highway Authority, whilst insisting on a gradient of 1 in 15 for the first 5metres of the drive, has not supported refusal of this application on these grounds.

This scheme proposes two split level garages and a central turning area and whilst this is an unusual arrangement it is in response to the character of the site and the Highway Authority has no objection to as vehicles using the site will be able to enter and leave in a forward gear.

Consequently, it is considered that the erection of an additional four dwellings on this site would be unlikely to have any more impact on highway safety than the current use of the land. Given the Highway Authority's comments, it would also be difficult to support a refusal of the scheme on highway grounds.

#### ***9.5 Impact on trees on the site***

The site is well treed and there are a number of trees on the frontage of the site which give character to the area. However, whilst the development would result in the removal of approximately twelve of the trees from the site, the majority are small fruit trees and the Arboricultural Impact Appraisal suggests that all are either in a poor condition, or so small as to not warrant retention. Adjacent to the eastern boundary of the site are the trees in the cemetery. A large tree will overhang the garden of the proposed dwelling no.76A but as it will be some 14m from the dwelling, it is not considered that this will so affect the amenities of the occupiers as to result in pressure to have the tree removed. are to be removed from the site

#### ***9.6 Protected species***

A survey by a competent professional has identified no protected species inhabiting the site.

#### ***9.7 Public Open Space Policy R2***

A contribution for recreational facilities would be required for the new dwelling pursuant to the above policy.

### **10. Conclusion**

The principle of increasing the density of development within existing residential areas is acceptable.

The construction of four new dwellings on the site, in the manner proposed, would have no adverse impact on the character of the street scene.

The dwelling as proposed would not have such a significant impact on surrounding amenities

as to warrant refusal.

There are no highway objections to the proposed new access to the site.

**Recommendation :**

Subject to applicants entering into a section 106 agreement relating to the payment of a commuted sum towards the provision of public open space in accordance with policy R2, then:

**APPROVE** for the following reason

The principle of new residential development is acceptable within the Housing Policy Boundary and as the construction of four new dwellings would have no adverse impact on the character of the street scene and there would be no significant detrimental impact on surrounding amenities on balance the proposal is considered to be acceptable in accordance with the Salisbury District Local Plan.

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) Other than those approved by this permission, there shall be no other windows inserted in the dwellings hereby permitted.

REASON To ensure adequate privacy for the occupants of neighbouring premises.

POLICY G2 General criteria for development

(3) No development shall commence on site until the trees on the site which are to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction and the recommendations of the Arboricultural Impact and Method Statement report prepared by Barrell Tree Consultancy dated 29 September 2009. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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

POLICY G2 General criteria for development

(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:



- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY-G2 General criteria for development:

(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.

POLICY G2 General criteria for development: CN17 Trees protected by Tree Preservation Orders

(6) During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

REASON To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY G2 General criteria for development

(7) No development approved by this permission shall commence until a scheme of water efficiency measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

#### POLICY G5 Protection of water supplies

(8). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-C and Class E (extensions/enlargements/outbuildings) shall take place on the dwellinghouse hereby permitted or within its curtilage.

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

#### POLICY G2 and D2 Criteria for development

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

REASON In the interests of highway safety

#### POLICY G2 Criteria for development

(10) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4 5 metres from its junction with the public highway

REASON In the interests of highway safety

#### POLICY G2 Criteria for development

(11)The proposed new access is directly affected by a residents parking scheme in St Marks Avenue The construction of the new access shall not take place until the relevant traffic regulation order has been revoked and remade to omit the new access width and the remade order implemented and completed

REASON In order to provide a safe access to the development

#### POLICY G2 Criteria for development

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

#### POLICY G2 Criteria for development

## INFORMATIVE 1 DOCUMENT/PLANS SUBMITTED WITH THE APPLICATION

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 reference 2397/7 received on 15 October 2009.

Drawing reference 2397/8 received on 15 October 2009.

Drawing reference 2397/9 received on 15 October 2009.

Drawing reference 2397/10 received on 15 October 2009.

## INFORMATIVE 2 HIGHWAYS

The applicant should be advised to contact Paul Shaddock of the Salisbury Transportation Team on 01722 434671, who will design and co ordinate the traffic regulation order work, the cost of which will be borne by the applicant. The cost includes advertising the order changes, staff time, signs and road markings.

## INFORMATIVE 3 ENVIRONMENTAL HEALTH

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Services Department on (01722) 434333 prior to commencement.)

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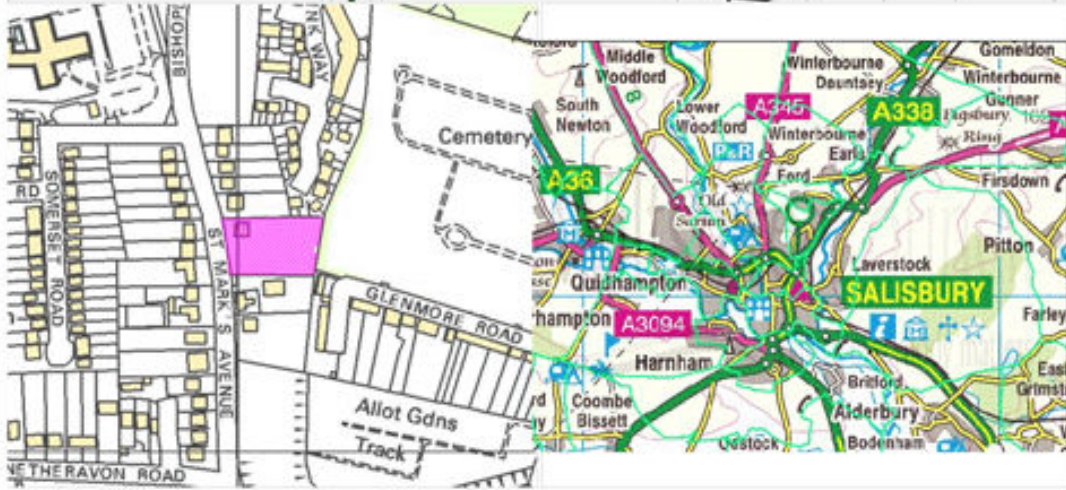
Appendices:

NONE.

Background Documents Used in the Preparation of this Report:

Drawing reference 2397/7 received on 15 October 2009.  
Drawing reference 2397/8 received on 15 October 2009.  
Drawing reference 2397/9 received on 15 October 2009.  
Drawing reference 2397/10 received on 15 October 2009.

S/2009/1539



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78 ST. MARKS AVENUE SALISBURY

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Deadline	02/11/09		
Application Number:	S/2009/1343		
Site Address:	LOWENVA SHRIPPLE LANE WINTERSLOW SALISBURY SP5 1PW		
Proposal:	O/L SEVER LAND DEMOLISH EXISTING DOUBLE GARAGE/WORKSHOP; ERECT A DETACHED 2 STOREY 4 BEDROOM HOUSE AND 2 DETACHED DOUBLE GARAGES		
Applicant/ Agent:	KEN PARKE PLANNING CONSULTANTS		
Parish:	WINTERSLOW		
Grid Reference:	424667 132712		
Type of Application:	OL		
Conservation Area:		LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

### Reason For The Application Being Considered By Committee

To consider the above application which was deferred at the last committee for a site visit following a call in by Councillor Devine.

#### 1. Purpose of Report

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

#### 2. Main Issues

The main issues to consider are :

1. The principle of the proposed development
2. Highway issues
3. Siting and scale
4. Impact on neighbour amenity

#### 3. Site Description

Lowenva is a detached 2 storey house with a single storey double garage and workshop on a large site contained by a number of mature coniferous and deciduous trees. The site is accessed from a single width unadopted lane known as Shrippl Lane which is a public highway.

#### 4. Planning History

78/0694 new garage and workshop A/C  
82/1135 extension above residential workshop A/C

## **5. The Proposal**

The application is for outline planning consent for the erection of 1x four bed dwellinghouse and the erection of 2 detached double garages following the severance of land and demolition of an existing double garage/workshop.

## **6. Planning Policy**

- Salisbury adopted (saved) local plan policy G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policy D2 (Design)
- Salisbury adopted (saved) local plan policy H16 (Housing Policy Boundary)
- PPS1 & PPS 3

## **7. Consultations**

### ***WCC Highways***

Object on grounds of insufficient visibility splay and sight lines for the proposed development

### ***Environment Agency***

No objection

### ***Winterslow parish council***

Support the application, with comments

### ***Arboricultural Officer***

No objections in principle subject to a method statement

### ***Wessex Water***

No objections subject to in formatives

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters  
Expiry date 15/10/09

Five letters of objection have been received regarding:

- highway safety
- surface water run off
- design and scale of proposal
- impact on wildlife

Two letters raising no objection



## **9. Planning Considerations**

### ***9.1 The principle of the proposed development.***

The site is located within the Housing Policy Boundary for Winterslow. In such areas development proposals such as this are considered to be acceptable in principle and the main planning considerations therefore centre on the details of the development proposal on a case by case basis.

### ***9.2 Highway Issues***

The proposed development takes its access off the Shriple, a roughly surfaced unlit track (Byway 38) which serves a number of existing dwellings. Wiltshire Highways comment that “at its southern junction with The Common, from a point measured 2.4m back into the centre line of Byway 38, visibility from and of a vehicle leaving Byway 38 falls significantly below the recommended standard in an easterly direction. This result is in an inadequate and unsuitable access to serve the proposed development”.

Following the initial comments from Highways further representations have been made by the agent regarding highway safety (which are attached as an appendix) that seek to address the Highways concerns. However. Following these additional comments from the agent a site visit was conducted by Highways and a second response was received which consider that the points raised do not overcome the issue of highways safety and such the objections remain.

### ***9.3 Siting and scale***

The application is outline only and provides an indication of the siting and footprint of the proposed dwelling. The applicant has described the dwelling as having four bedrooms and being of two storey construction. The proposed dwelling is shown located approximately in line with the existing buildings at Lowenva. In this respect the indicated siting and scale of the proposed buildings is considered accordant with the general building line, plot widths, scale and height of those in the immediate vicinity.

### ***9.4 Impact on neighbour amenity***

Whilst the specific details of the design, orientation and layout of the proposed dwelling is not provided for consideration in the current outline application, and would be dealt with in detail in a subsequent reserved matters application, on the basis of the detail provided in respect of the siting of the proposed dwelling it is considered that the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

## **10. Conclusion**

The proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers and is considered to be of an acceptable siting and scale. However the proposed development takes its access off the roughly surfaced unlit track (Byway 38) which has a scheduled width of 3.04m only. At its

southern junction with The Common, from a point measured 2.4m back into the centre line of Byway 38, visibility from and of a vehicle leaving Byway 38 falls significantly below the recommended standard in an easterly direction. This result is in an inadequate and unsuitable access to serve the proposed development as such is contrary to the aims and objectives of policy G2 of the adopted Salisbury District Local Plan.

### **Recommendation**

It is recommended that this application be REFUSED for the following reasons:

The proposed development takes its access off the roughly surfaced unlit track (Byway 38) which has a scheduled width of 3.04m only. At its southern junction with The Common, from a point measured 2.4m back into the centre line of Byway 38, visibility from and of a vehicle leaving Byway 38 falls significantly below the recommended standard in an easterly direction. This result is in an inadequate and unsuitable access to serve the proposed development as such is contrary to the aims and objectives of policy G2 of the adopted Salisbury District Local Plan.

### **Appendices:**

Email correspondence regarding highway objection

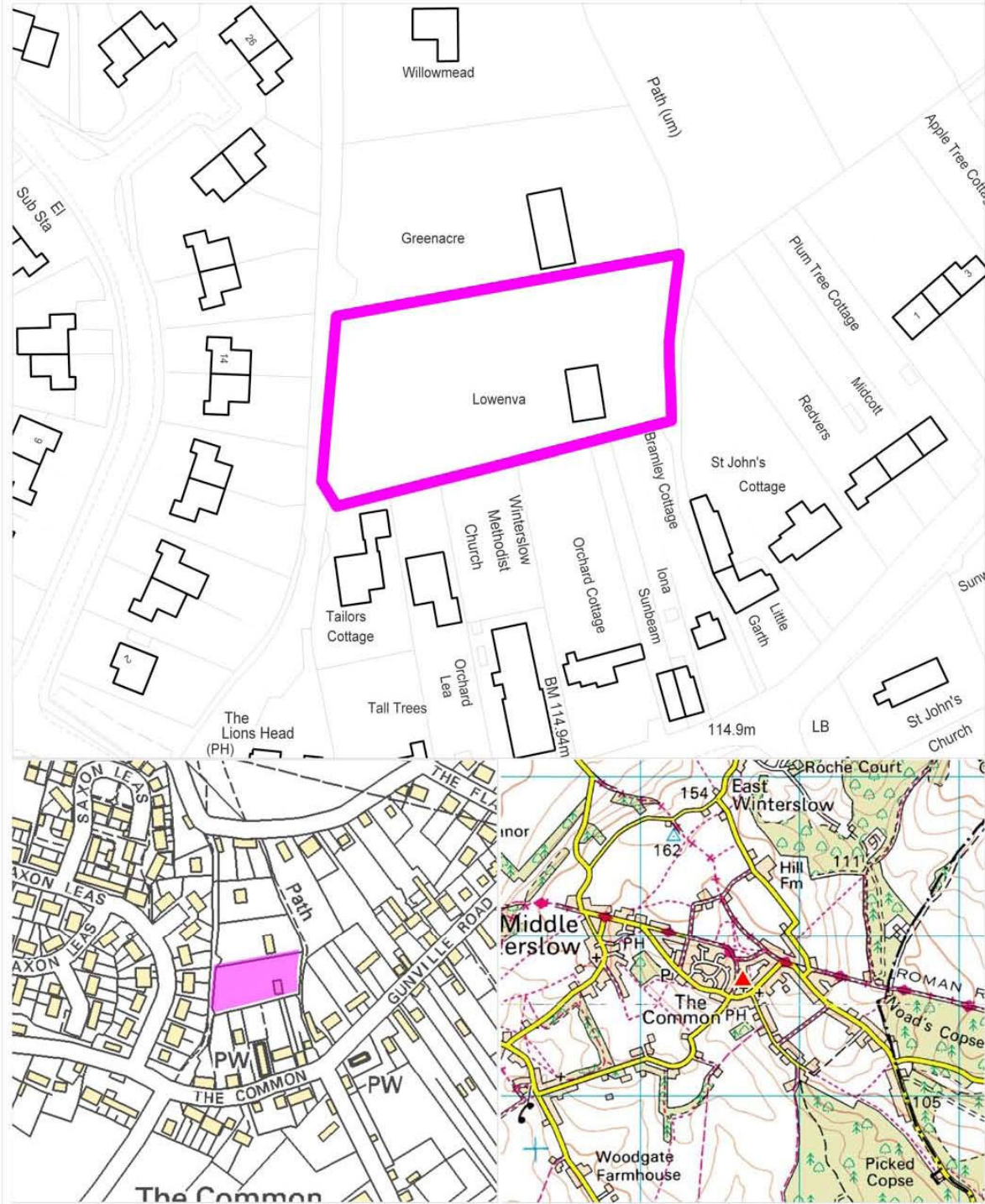
### **Background Documents Used in the Preparation of this Report:**

08/1490/100

O/L SEVER LAND DEMOLISH EXISTING DOUBLE GARAGE/WORKSHOP; ERECT A DETACHED 2 STOREY 4 BEDROOM HOUSE AND 2 DETACHED DOUBLE

S/2009/1343

Site Visit:



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LOWENVA , SP5 1PW

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## APPENDIX 1

**From:** Hannis, Rob

**Sent:** 27 November 2009 18:10

**To:** Hatt, Ben

**Cc:** harding, john

**Subject:** FW: Planning application S/2009/1343 - Proposed development At Lowenva, Shrippl lane, Winterslow.

Ben, I spoke to Phil Caseley yesterday after visiting the site with John - our view is that we have a strong position on road safety grounds and I have expressed this to Phil. We measured the sight line because he felt we had not provided sufficient evidence in our observations - having looked at it with John, I am convinced we have made a good and reasonable judgement and I feel his tone is threathening and most unhelpful. But his client can of course appeal. Could LPA put a cost claim in as well because we have given consistent advice on previous applications and pre-app with him?

Rob

---

**From:** Phil Caseley

**Sent:** 27 November 2009 12:37

**To:** Hatt, Ben

**Cc:** harding, john; Hannis, Rob; 'Robin Henderson'

**Subject:** RE: Planning application S/2009/1343 - Proposed development At Lowenva, Shrippl lane, Winterslow.

Ben, notwithstanding John's final comments, there has been no assessment of speed for the road so I consider the comments invalid. To advise that visibility is substandard without that assessment will no doubt put your authority at a risk of an award of costs when it comes to appeal. They have also confirmed that there has been no investigation into the accident statistics for the area, another issue that I would have expected to be undertaken in their decision making process.

The Highways team have advised me of a measurement of about 28m to the nearside edge when unless there is a significant likelihood of overtaking the measurement can be taken to the centre of the road as condoned by Manual for Streets (MfS). A recent application I have dealt with in Wylve accepted relaxations from the nearside edge so the highway authority are not dealing with application in a like manner, the circular for costs also advises this may be open for an award.

Your highways team have acknowledged that there is a very light flow of traffic on the main road, so much so that a speed survey is very unlikely to gain the required amount of vehicles, this in itself is a matter where MfS also accepts that relaxations can be made.

Lastly, the fact that the Highway Authority have accepted applications on the Shrippl which were ancillary to the main use accepts the principle of increase in traffic, the negligible increase associated with this application being 5 per day because of its remote location is likely to be able to be accommodated with significant implication for road safety.

It strikes me that there has been no formal assessment of the scheme in relation to likely speeds, where visibility can be measured to, or that there has been planning history that accepts additional vehicular traffic on the Shrippl using the access to the Common. All of these issues lead me to believe that at appeal there is a real risk of an award of costs and I ask you to bear this in mind in coming to your final decision.

Phil Caseley

### Address

JPC Highway Consultants

98 St Georges Drive

Bournemouth

BH11 8NY

Registered in England and Wales No 054452328

Registered Office: 9 Queens Road, Bournemouth, Dorset. BH2 6BA

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**From:** harding, john

**Sent:** 27 November 2009 11:55

**To:** Hatt, Ben

**Cc:**

**Subject:** Planning application S/2009/1343 - Proposed development At Lowenva, Shrippe lane, Winterslow.  
Ben,

Further comments for clarification as discussed.

The proposed development takes its access off the roughly surfaced unlit track (Byway 38) which has a scheduled width of 3.04 metres only. At its southern junction with The Common, from a point measured 2.4 m back into the centre line of By 38, visibility from and of a vehicle leaving By 38 falls significantly below the recommended standard in a easterly direction. I therefore adhere to my recommendation of refusal dated 2nd October 2009.

Regards,

John Harding

Development Control Engineer

Department of Transport Environment & Leisure

Wiltshire Council

County Hall

Trowbridge

BA14 8JN

Deadline	19/08/09		
Application Number:	S/2009/0900		
Site Address:	HAZELDENE GILES LANE LANDFORD SALISBURY SP5 2BG		
Proposal:	ERECTION OF 2 X HOLIDAY CABINS		
Applicant/ Agent:	MR MICHAEL HAYWARD NEW FOREST LAVENDER		
Parish:	LANDFORD		
Grid Reference:	427257.3 119890.3		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

### Reason for the application being considered by Committee

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

- Environmental/highway impact

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are :

- Compliance with policy
- Impact on the Special Landscape Area/NFHA/New Forest National Park
- Highways

### 3. Site Description

The agricultural holding is approximately 7ha in area and is set back from the main road, behind trees and hedges and whilst the farm buildings which are largely set together along with the existing dwelling may be intermittently visible from the A36, the views are at some distance.

The proposed two chalets are to be located alongside the existing agricultural buildings, close to the existing dwelling and on the edge of the site; alongside which there is a public footpath.

### 4. Planning History

78/1312 O/A agricultural dwelling for market gardening. R Appeal Withdrawn

79/595 O/A erection of dwelling and garage in connection with

	horticulture.	R
80/354	O/L erection of an agricultural dwelling.	Withdrawn
80/950	Erection of glass houses and O/L for one agricultural dwelling.	AC
80/1490	Approval of matters reserved. Agricultural dwelling house.	A
00/434	Erection of horticultural work/store building	R
01/1564	Horticultural workshop/storage building	A
02/2533	PN – Pole barn for use as a tractor store and bulk compost.	NOBJ
PN/06/0012	Agricultural workshop/store	Prior approval not required;
PN/07/0016	Polytunnel	Prior approval not required
PN/08/0010	Greenhouse, shelter and polytunnel in connection with lavender production	NOBJ

## 5. The Proposal.

It is proposed to erect two timber cabins for holiday letting in support of the existing agricultural enterprise. The holding has in recent years been largely converted from market gardening to the growing of lavender and the two chalets are intended to be closely linked and support this business.

## 6. Planning Policy

G1 and G2	Aims, objectives and criteria for development
C2 and C6	Development in the countryside
C20	Development to meet the needs of agriculture etc
C21	Farm diversification
H23	Applicability of Housing Policy Boundaries
HA16	Holiday accommodation in the New Forest Heritage Area
HA13	Tourist attractions in the New Forest Heritage Area
T7 and T9	Holiday accommodation
SDC	Salisbury and Stonehenge Tourism Strategy
PPS7	Sustainable development in rural areas
PPG13	Transport

## 7. Consultations

***New Forest National Park***



Not yet received

### ***Environment Agency***

Proposal is to use non-mains drainage. This is only acceptable if connection to the main sewer is not feasible. If non-mains drainage is the only option, a Consent to Discharge will be required.

### ***Parish Council:***

**Object:** The Council is concerned by several aspects of this application.

Not all existing buildings are shown on the plan:

The cafe building was granted planning permission because it was required as a “drying room” No application to widen the access from Giles Lane can be remembered – the general consensus is that it used to be a single gate.

The “Visitor” side of the enterprise already attracts a very large number of visitors (and hence cars) down Giles Lane. As far as the Council is aware no planning consent has been granted for this “Visitor centre”.

The cafe was originally assumed to be an adjunct to the lavender growing/processing business and as such it was assumed by the Parish Council that it did not need planning consent. The current application appears to be a diversification of what seems to be a rapidly developing retail/visitor centre, rather than of the lavender farm itself. The proposal is not for a conversion of redundant farm buildings but for the new development of two residential units (who occupies them seems somewhat academic, as it might in any case be difficult to monitor, but the suggestion is that it could be for eleven months in the year) in an area where additional permanent residential units are not permitted. The chalets and associated car-parking would be clearly visible from the footpath, certainly until any screening had grown.

It seems to the Parish Council that this would be an opportune moment to consider the planning implications of all the current activities which have evolved on this site as well as the proposed chalets. The Supporting Statement certainly suggests that the visitor element could be significant in the long term, even though the various elements may develop in stages. The Parish Council considers it inappropriate to grant consent for the chalets when the over-arching scheme itself does not have planning consent.

### ***Highways***

Refuse as the proposal is remote from services and will encourage motorised journeys

### ***Wiltshire Fire and Rescue Services***

Comments relating to need for satisfactory access for fire engines and adequate water supplies.

### ***Environmental Health***

No objection but consider that the Applicant’s proposal to enter into a S106 Agreement should

be accepted and occupation should be limited to holiday use only

### ***Southern Water***

No response received

### ***Wessex Water***

Not in the area served by Wessex Water

### ***Tourism Officer***

Support. The Tourism strategy has identified a shortage of self-catering bed spaces. Would support offer of Applicant to enter into a S106 Agreement to limit occupation to holiday use. The encouragement for visitors to walk, cycle, fish and buy locally is encouraging, though the estimates of employment are considered optimistic

## **8. Publicity**

The application was advertised by site notice/neighbour notification with an expiry date of 23 July 2009  
No letters of support/objection have been received.

## **9. Planning Considerations**

### ***9.1 History***

The small holding has gradually evolved from primarily market gardening to primarily the growing of lavender. Since 2000, various buildings in association with the business have been permitted/erected following the Prior Notification procedure. They include a tractor store, workshop and drying area shelter.

### ***9.2 Compliance with policy***

The site is located within the New Forest Heritage Area where the development of tourist attractions and the expansion of holiday chalet accommodation is not permitted. The supporting text of the Local Plan explains that the reason for this stance is because of the increasing pressures on the New Forest from visitors.

Government guidelines as expressed in PPS 7 suggests that tourism and leisure activities are vital to many rural economies and helps support the prosperity of country towns and villages. PPS7 recommends supporting sustainable rural tourism and leisure developments that benefit rural businesses and which utilise and enrich, but do not harm the character of the countryside. PPS7 recognises that even in areas that are statutorily designated for their landscape there will be scope for tourist and leisure developments. The Government's long term strategy for farming is to support increasingly diversification into non agricultural activities as this can be vital to the continuing viability of farm businesses.

The Salisbury and Stonehenge Tourism Strategy prepared by the former Salisbury District

Council identified the shortage of self-catering facilities and the need to support the visitor economy in the local area and like PPS7 supports the provision of self catering holiday accommodation in rural areas where this would accord with sustainable development objectives.

The Salisbury District Local Plan also supports the provision of small scale holiday accommodation where it can be demonstrated that there would be no adverse effect on the quality of the landscape and the proposal would comply with the criteria of the Local Plan policies. In principle therefore, as the site does not have direct access from the trunk road, would be well screened from most vantage points (with new screening proposed adjacent to the existing public footpath), would not affect the amenities of neighbours and no conservation interest would be harmed; the proposal would appear to comply with this aspect of the Local Plan.

Other policies in the Local Plan, support the diversification of employment opportunities and traditional farming activities and in this case, the justification for the provision of holiday accommodation is the support that the proposal will give to the farming activities on the holding. The farm was traditionally an intensive horticultural unit, but the unit has diversified to include the production of containerised and field grown lavender, which is then sold as plants or dried and processed into other products. Additionally as an ancillary activity, educational courses are held, whose purpose is to provide an educational agricultural experience for visitors, this supports and helps sustain the core activity on the holding. This proposal to have two holiday units is also to support the diversification of the farming enterprise. Part of the tourist attraction of the accommodation will be the opportunity to stay on a working farm, to take part in farm activities as well as to use the well defined local network of footpaths/bridleways to explore the local countryside. The Salisbury and Stonehenge tourism strategy has identified a need for further self-catering accommodation in rural areas and it is considered that as the proposal would aid the viability of the holding, that it would be in accordance with the aims of government policy which are to support the rural economy.

However, it is considered that because these are the reasons for the provision of this additional residential accommodation in the open countryside, and because there are clear policy objections to the provision of permanent residential accommodation in the countryside outside of a Housing Policy Boundary; that the proposed accommodation should be clearly identified as being for holiday letting purposes only, with visitors length of stay controlled so that the accommodation is clearly a diversification from the farm activities and is supportive of the holding's agricultural activities.

### ***9.3 Impact on the Special Landscape Area/NFHA/New Forest National Park.***

The proposed two chalets will visually form part of the existing farm complex and visually they will have no detrimental impact on the surrounding countryside which is designated as a Special Landscape Area within the New Forest Heritage Area. The provision of further gates and hard surfaced areas are considered acceptable within a farm complex and the provision of additional screening particularly adjacent to the public footpath can be conditioned. Whilst the chalets/cabins would be located close to the existing farm dwelling, it is considered that the creation of the two residential units, even in the revised location, which is slightly closer to the other buildings on the site, is not considered to adversely affect the amenities of the residents of the farmhouse. However, in order to control the impact of the buildings on the open countryside and as the residential accommodation is justified solely as a diversification of the farm enterprise for the encouragement of rural tourism; it is proposed that any consent be conditioned so that any additions or extensions to the buildings would require planning

permission.

The area around the holiday lets is to be physically separated from the existing farm buildings, though visually still part of the farm complex; in order to ensure that the holiday accommodation is used for rural tourism in support the viability of the farm enterprise, because part of the tourist attraction will be the opportunity to stay on a working farm. Notwithstanding the comments of the Parish Council regarding unauthorised 'visitor' activities, this proposal has been considered solely in the context of the agricultural use of the land and the support for farm diversification which is expressed in both national and local policies. Therefore relates only to the proposed holiday cabins and recreational store building within the area outlined in red on the drawing accompanying the application and does not relate to any other building on the site outlined in blue

#### **9.4 Highways**

The Highway Authority does not support this proposal as in its view the holiday accommodation would be located in an area which was remote from services and its use would encourage motorised journeys and so would be contrary to the aims of PPG13.

By its very nature, the majority of agricultural enterprises will be at a distance from sustainable settlements and any diversification into non agricultural activities will encourage the use of the private car in locations where there is no public transport available. PPS7 moreover, recommends that Local Planning Authorities support sustainable rural tourism which benefit rural businesses. In this case, the scheme is for visitors to stay on a working farm and participate in activities on the farm as well as use the local footpaths and bridleways. Therefore whilst there may be some small increase in traffic when tourists arrive at the start of their holiday and leave at the end, this is not considered to be so great as to warrant being a reason for refusal.

### **10. Conclusion**

The proposed development is in accordance with local tourism guidance and Government guidance as expressed in PPS7. Overall, as it is considered that this proposal will benefit a rural business and in view of its very small scale is unlikely to have any detrimental impact on the countryside and the surrounding environment, and therefore providing it is conditioned so that the accommodation is solely for use of visitors; the proposal is considered acceptable.

### **Recommendation**

APPROVE subject to conditions

Reasons for approval

The proposed development is in accordance with local tourism guidance, the policies in the Local Plan and Government guidance as expressed in PPS7. Overall, as it is considered that this proposal will benefit a rural business and in view of its very small scale is unlikely to have any detrimental impact on the countryside and the surrounding environment, the proposal is considered acceptable.

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 take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the building[s].

REASON In the interests of the amenity and the environment of the development.

POLICY G2, C2 and C6 general and countryside policies

3 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/extensions or external alterations to any building forming part of the development hereby permitted.

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

POLICY- C2 and C6 protection of the Special Landscape Area

4 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation/cabins hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 Countryside policies, H23 Housing policy boundaries, C21 Farm diversification

5 No person shall occupy the holiday accommodation hereby permitted for a continuous period of more than 21 days in any calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY:C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification

6 The owners/ operators of the site shall maintain an up -to -date register of the names of all owners/occupiers of individual cabins on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification

7 The holiday accommodation/cabins hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

POLICY C2 and C6 countryside policies, H23 Housing policy boundaries, C21 Farm diversification.

#### INFORMATIVE 1

#### DOCUMENT/PLANS SUBMITTED WITH THE APPLICATION

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.

Block plan showing site for cabins and store received on 24 June 2009

Location plan and elevations of two cabins and store received on 24 June 2009.

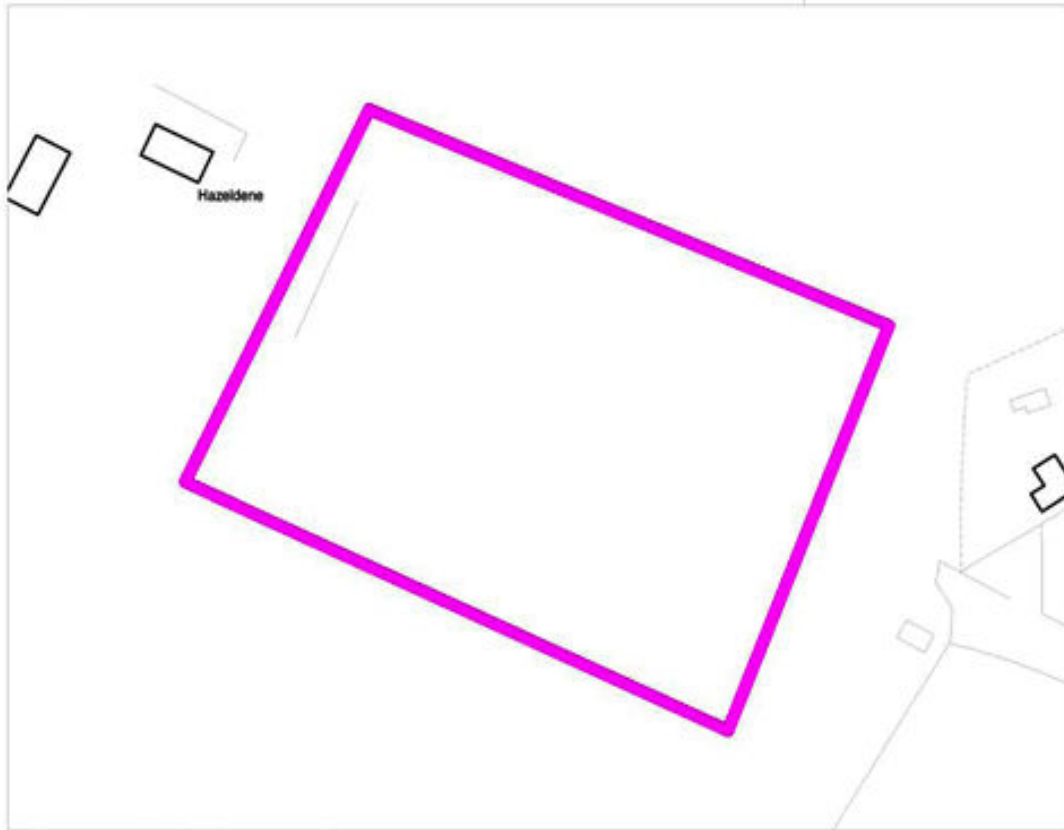
Additional Plan revising location of holiday cabin received on 2 November 2009

**Appendices:**

NONE.

ERECTION OF 2 X HOLIDAY CABINS

S/2009/900



**Wiltshire Council**  
Where everybody matters

**HAZELDENE GILES LANE LANDFORD SALISBURY**

SCALE: NTS DATE: 21/12/2009 16:13:49  
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Deadline	08/01/10		
Application Number:	S/2009/1704		
Site Address:	HIGH HOUSE LOWER CHICKSGROVE TISBURY SALISBURY SP3 6NB		
Proposal:	INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSIONS		
Applicant/ Agent:	MR SIMON RUTTER		
Parish:	SUTTON MANDEVILLE		
Grid Reference:	397414.3 129255.5		
Type of Application:	FULL		
Conservation Area:		LB Grade:	II
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

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

- the scale of the development
- visual impact on the surrounding area
- design
- local interest

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are :

5. Impact on the surrounding AONB
6. Housing Restraint Area considerations
7. Impact on the character and setting of listed building(s)
8. Scale design and materials
9. Impact on neighbour amenity
10. Nature conservation interests

### 3. Site Description

High House is a grade II listed cottage situated on the eastern side of Lower Chicksgrove. The cottage is a two storey detached dwellinghouse believed to date from the early 18<sup>th</sup> Century and has a 19<sup>th</sup> Century lean-to addition on the north side elevation, together with a two storey 20<sup>th</sup> Century extension adjoining the east (rear) elevation.

The original listed cottage comprises of natural stone elevations under a slate roof. The cottage is of simple rectangular design and modest proportions.

#### 4. Planning History

77/0199	PORCH OVER EXISTING ENTRANCE DOOR AND 2 NO DORMER WINDOWS	AC	13-04-77
00/1109	ERECTION OF CONSERVATORY	AC	03-08-00
00/1110LB	ERECTION OF CONSERVATORY	AC	03-08-00
S/2008/1684	CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUINE, CONSTRUCTION OF ALL WEATHER ARENA/ MENAGE	AC	20/11/08
S/2008/1700	ERECT DETACHED STABLE BLOCK	AC	20/11/08
S/2009/1710	NEW ACCESS AND DRIVE, GARAGE, SWIMMING POOL WITH PLANT ROOM AND ASSOCIATED GARDEN WALL.	WD	21/12/09

#### 5. The Proposal

The application proposes alterations and enlargements to the existing two storey rear addition, including an increase by approximately two metres in the length of the building (over two storeys) to the rear together with a new first floor projecting 'oriel' window.

Also proposed is an increase in the footprint of the rear addition by approximately 2 metres along the full length (as extended) of the northern elevation, being approximately 14 metres in length. Also proposed within the extended north elevation are two two-storey tower elements, one hipped and one with full gable to the existing ridge height of the existing rear addition.

Within the south elevation of the rear addition, changes include a new (third) dormer window at first floor level within the extended part of the roof, alterations to the existing two dormer windows, and the provision of a new conservatory of approximate dimensions 5m wide by 2.6m depth.

Within the north elevation of the existing lean-to addition to the main cottage, alterations to the two north facing windows are proposed by way of being re-set at a lower level within the wall.

#### 6. Planning Policy

- Salisbury adopted (saved) local plan policy G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policy D3 (Extensions)
- Salisbury adopted (saved) local plan policies CN3 & CN5 (Listed Buildings)
- Salisbury adopted (saved) local plan policy H19 (Housing Restraint Areas)
- Salisbury adopted (saved) local plan policy C5 (Landscape Conservation)

- Salisbury adopted (saved) local plan policy C12 (Nature Conservation)
- Planning Policy Guidance 15 – Planning and the Historic Environment (PPG15)
- Planning Policy Statement 9 – Biodiversity and Geological Conservation

## **7. Consultations**

### ***WCC Highways***

No Highway objection

### ***Conservation officer***

Strongly objects to the proposals

### ***Rights of Way***

No objection

### ***District Ecologist***

Advice provided re the three tests set out within the Habitats regulations 1994

### ***AONB group office***

Concerns expressed that the external details appear slightly strange for the character of the existing building, comment re access (relevant to withdrawn application S/2009/1710)

### ***Sutton Mandeville Parish Council***

No comment

## **8. Publicity**

The application was advertised by press notice, site notice and neighbour notification letters  
Expiry date 17.12.09

No third party representations in respect of the proposed development were received

## **9. Planning Considerations**

### ***9.1 Scale, design and materials and the impact of the proposals on the listed building***

The application proposes alterations and enlargements to the existing two storey rear addition, including an increase by approximately two metres in the length of the building (over two storeys) to the rear together with a new first floor projecting 'oriel' window.

Also proposed is an increase in the footprint of the rear addition by approximately 2 metres along the full length (as extended) of the northern elevation, being approximately 14 metres in

length. Also proposed within the extended north elevation are two two-storey tower elements, one hipped and one with full gable to the existing ridge height of the existing rear addition.

Within the south elevation of the rear addition, changes include a new (third) dormer window at first floor level within the extended part of the roof, alterations to the existing two dormer windows, and the provision of a new conservatory of approximate dimensions 5m wide by 2.6m depth.

Within the north elevation of the existing lean-to addition to the main cottage, alterations to the two north facing windows are proposed by way of being re-set at a lower level within the wall.

In terms of the scale, design, character and setting of the original listed cottage, the existing two storey rear addition (being in part a converted attached garage) is already considered to constitute a relatively large addition to the listed building which, notwithstanding its subservient ridge height to the main roof of the original cottage, by reason of its matching width to that of the original cottage, and length which at approximately 12.5 metres already exceeds the length of the original cottage by approximately 3.5 metres, already constitutes a prominent addition to the listed building that is less subservient than would normally be considered appropriate to its character and setting.

In view of the scale of the existing addition to the property, the principle of further significant enlargements to the property would appear to be unlikely to be acceptable and will require very close consideration in respect of their impact on the character and setting of the listed building.

It is considered that the proposal to substantially increase the footprint and mass of the existing two storey rear addition both at the north side and the eastern end, together with the incorporation of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a very significant adverse impact on the character and setting of the listed building.

In respect of the proposed glazed garden room/conservatory adjoining the south elevation, this feature, by introducing a projecting built feature within the south facing elevation, would be at odds with the general linear form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

In these respects the comments of the Conservation officer are particularly relevant and as such have been included below in full:

*High House is a grade II listed cottage on the eastern side of Lower Chicksgrove. Believed to date from the early 18<sup>th</sup> century, with a full width 19<sup>th</sup> century leanto on the north side and a 20<sup>th</sup> century converted garage attached to the east. This later extension was converted into accommodation with dormers after an application in 1977, and its rear wall aligns with the rear wall of the original cottage. This addition is already one metre wider than the original house to which it is attached, and despite its slightly lower ridge, it has a prominent presence which is less subservient than one would normally wish for. The proposal, then, to extend this a further 3m to the east and adding a dormer, would worsen this situation, adversely affecting the setting of the listed building. The design of the eastern elevation with a first floor bay appears to introduce a substantially different design approach, seemingly quite Arts & Crafts inspired, and in my view sits uncomfortably with the unaltered southern elevation of the listed building. The substantial stone gables on the northern side are almost baronial in their treatment, sitting well with*

*the proposed eastern elevation but bearing no relationship to the historic elements of the building, which it is our duty to protect. These gables also project some way to the rear of the existing rear wall which is extended by the use of a catslide arrangement, thus raising significant concerns of a dominant and overbearing extension. The proposal to add a glazed garden room to the southern elevation of this part only serves to exacerbate the situation.*

*The changes to the dormers are generally acceptable, although the details provided appear to show double glazed units with applied glazing bars, with which I also have concerns.*

*There is also a proposal to alter the windows on the 19<sup>th</sup> century leanto as the existing openings are high internally. Rather than lower just the foot of the window, it is shown that the whole window would be lowered; this would lead to a relatively unusual arrangement, as it is normal to have windows up to the eaves plate, or under a simple arch at the eaves.*

*The internal alterations are modest and relatively innocuous.*

*In my opinion, the proposals would adversely affect the listed building in several ways and introduce new styles and forms which are incongruous with its existing character. I therefore object strongly to the proposals.*

Therefore it is considered the proposed development, by reason of the additional scale and mass it would add to the already significant two storey rear extension, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor handing 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

The alterations to dormer windows within the south facing roof elevation are relatively minor and the specific details of glazing and materials could be controlled by a Condition requiring such details to be approved in writing.

### **9.2 Impact on neighbour amenity**

By reason of the distance and relationship between the application site and the nearest neighbouring residential properties, the proposal is not considered likely to unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

### **9.3 Impact on the designated Housing Restraint Area**

By reason of the additional scale and mass the proposed development would add to the already significant two storey rear extension, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor handing 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

Such adverse impact on the character and setting of the listed building, it is considered, would in turn adversely affect the character of the settlement/neighbourhood designated as a Housing

Restraint Area.

#### **9.4 Impact on the surrounding AONB**

For the reasons described in 9.1 and 9.3 (above) it is considered the proposed development would be out of sympathy with the landscape of the on the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, in general and within the immediate locality.

#### **9.5 Nature conservation interests**

The protected species survey provided by the applicant (as undertaken by Fieldwork Ecological Services Ltd in November 2009) indicates that bats have been using the loft space within the two storey rear extension. The evidence indicates the presence of a pipistrelle bat roost, possibly a maternity roost which has been used over a period of time including the summer of 2009.

The proposed alterations to the rear extension and dormer windows would affect the roost, however the applicant's consultant proposes to incorporate mitigation in the form of installing bat-access tiles to ensure that bats will be able to continue roosting in the future.

The District Ecologist has highlighted that, should a Natural England licence be required in respect of the works and the impact on bats, then the three tests of the Habitats regulations 1994 (as amended) should be considered. Of the three tests, test number 1 asks whether the development is required for imperative reasons of overriding public interest including those of a social and economic nature.

In respect of the proposed development at High House, the proposal is considered discordant with local plan policies by reason of the additional scale and mass it would add to the already significant two storey extension at the rear of the property, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

In these respects the proposal is not considered to be required for imperative reasons of overriding public interest, and would, by reason of its adverse impact on the character and setting of the listed building, be detrimental to the public interest. In this respect it is considered the proposal fails the first test as set out in the Habitats regulations 1994 (as amended).

However, the timing and duration of the proposed development could be controlled by Condition to ensure that works are only carried out between October and March, thereby negating any requirement for a licence from Natural England.

## **10. Conclusion**

The proposed development, by reason of the additional scale and mass it would add to the already significant two storey extension at the rear of the property, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and

the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

The proposed glazed garden room/conservatory adjoining the south elevation would, by introducing a projecting built feature within the south facing elevation, be at odds with the general linear character and form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

The proposed development thereby fails to accord with the provisions of the Development Plan, and in particular Policies D3 (Extensions), CN3 (Listed Buildings), H19 (Housing Restraint Areas) and C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of PPG 15 (Planning and the Historic Environment), insofar as the proposed development is considered incompatible in terms of the scale, design, materials and character of the existing listed cottage, and would have an adverse impact on its character and setting. The proposed development would thereby have an adverse impact on the character of the designated Housing restraint Area and would be out of sympathy with the landscape of the on the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty in general and within the immediate locality.

### **Recommendation**

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

The proposed development, by reason of the additional scale and mass it would add to the already significant two storey extension at the rear of the property, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

The proposed glazed garden room/conservatory adjoining the south elevation would, by introducing a projecting built feature within the south facing elevation, be at odds with the general linear character and form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

The proposed development thereby fails to accord with the provisions of the Development Plan, and in particular Policies D3 (Extensions), CN3 (Listed Buildings), H19 (Housing Restraint Areas) and C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of PPG 15 (Planning and the Historic Environment), insofar as the proposed development is considered incompatible in terms of the scale, design, materials and character of the existing listed cottage, and would have an adverse impact on its character and setting. The proposed development would thereby have an adverse impact on the character of the designated Housing restraint Area and would be out of sympathy with the landscape of the on the surrounding Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty in general and within the immediate locality.

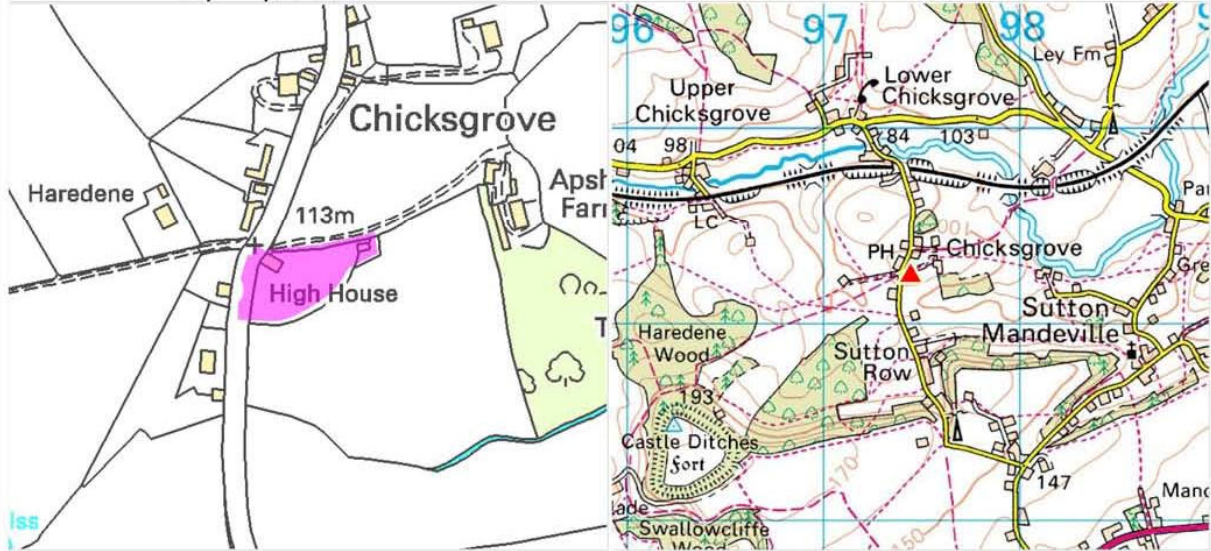
<b>Appendices:</b>	None
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**Background Documents Used in the Preparation of this Report:**

- Development plan documents as detailed at 6 (above)
- Habitats regulations 1994 (as amended)



Site Visit:





Deadline	08/01/10		
Application Number:	S/2009/1705		
Site Address:	HIGH HOUSE LOWER CHICKSGROVE TISBURY SALISBURY SP3 6NB		
Proposal:	INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSIONS		
Applicant/ Agent:	MR SIMON RUTTER		
Parish:	SUTTON MANDEVILLE		
Grid Reference:	397414.3 129255.5		
Type of Application:	LBC		
Conservation Area:		LB Grade:	II
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

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

- the scale of the development
- visual impact on the surrounding area
- design
- local interest

### 1. Purpose of Report

To consider the above application and to recommend that listed building consent be REFUSED

### 2. Main Issues

The main issues to consider are :

- Impact on the character and setting of listed building(s)

### 3. Site Description

High House is a grade II listed cottage situated on the eastern side of Lower Chicksgrove. The cottage is a two storey detached dwellinghouse believed to date from the early 18<sup>th</sup> Century and has a 19<sup>th</sup> Century lean-to addition on the north side elevation, together with a two storey 20<sup>th</sup> Century extension adjoining the east (rear) elevation.

The original listed cottage comprises of natural stone elevations under a slate roof. The cottage is of simple rectangular design and modest proportions.

#### 4. Planning History

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#### 5. The Proposal

The application proposes alterations and enlargements to the existing two storey rear addition, including an increase by approximately two metres in the length of the building (over two storeys) to the rear together with a new first floor projecting 'oriel' window.

Also proposed is an increase in the footprint of the rear addition by approximately 2 metres along the full length (as extended) of the northern elevation, being approximately 14 metres in length. Also proposed within the extended north elevation are two two-storey tower elements, one hipped and one with full gable to the existing ridge height of the existing rear addition.

Within the south elevation of the rear addition, changes include a new (third) dormer window at first floor level within the extended part of the roof, alterations to the existing two dormer windows, and the provision of a new conservatory of approximate dimensions 5m wide by 2.6m depth.

Within the north elevation of the existing lean-to addition to the main cottage, alterations to the two north facing windows are proposed by way of being re-set at a lower level within the wall.

#### 6. Planning Policy

- Salisbury adopted (saved) local plan policy CN3 (Listed Buildings)
- Planning Policy Guidance 15 – Planning and the Historic Environment (PPG15)

#### 7. Consultations

*Conservation officer*

Strongly objects to the proposals (see report text at 9.1)

**Sutton Mandeville Parish Council**

No comment

**8. Publicity**

The application was advertised by press notice, site notice and neighbour notification letters  
Expiry date 17.12.09

No third party representations in respect of the proposed development were received.

**9. Planning Considerations**

**9.1 Scale, design and materials and the impact of the proposals on the listed building**

The application proposes alterations and enlargements to the existing two storey rear addition, including an increase by approximately two metres in the length of the building (over two storeys) to the rear together with a new first floor projecting 'oriel' window.

Also proposed is an increase in the footprint of the rear addition by approximately 2 metres along the full length (as extended) of the northern elevation, being approximately 14 metres in length. Also proposed within the extended north elevation are two two-storey tower elements, one hipped and one with full gable to the existing ridge height of the existing rear addition.

Within the south elevation of the rear addition, changes include a new (third) dormer window at first floor level within the extended part of the roof, alterations to the existing two dormer windows, and the provision of a new conservatory of approximate dimensions 5m wide by 2.6m depth.

Within the north elevation of the existing lean-to addition to the main cottage, alterations to the two north facing windows are proposed by way of being re-set at a lower level within the wall.

In terms of the scale, design, character and setting of the original listed cottage, the existing two storey rear addition (being in part a converted attached garage) is already considered to constitute a relatively large addition to the listed building which, notwithstanding its subservient ridge height to the main roof of the original cottage, by reason of its matching width to that of the original cottage, and length which at approximately 12.5 metres already exceeds the length of the original cottage by approximately 3.5 metres, already constitutes a prominent addition to the listed building that is less subservient than would normally be considered appropriate to its character and setting.

In view of the scale of the existing addition to the property, the principle of further significant enlargements to the property would appear to be unlikely to be acceptable and will require very close consideration in respect of their impact on the character and setting of the listed building.

It is considered that the proposal to substantially increase the footprint and mass of the existing two storey rear addition both at the north side and the eastern end, together with the

incorporation of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a very significant adverse impact on the character and setting of the listed building.

In respect of the proposed glazed garden room/conservatory adjoining the south elevation, this feature, by introducing a projecting built feature within the south facing elevation, would be at odds with the general linear form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

In these respects the comments of the Conservation officer are particularly relevant and as such have been included below in full:

*High House is a grade II listed cottage on the eastern side of Lower Chicks Grove. Believed to date from the early 18<sup>th</sup> century, with a full width 19<sup>th</sup> century leanto on the north side and a 20<sup>th</sup> century converted garage attached to the east. This later extension was converted into accommodation with dormers after an application in 1977, and its rear wall aligns with the rear wall of the original cottage. This addition is already one metre wider than the original house to which it is attached, and despite its slightly lower ridge, it has a prominent presence which is less subservient than one would normally wish for. The proposal, then, to extend this a further 3m to the east and adding a dormer, would worsen this situation, adversely affecting the setting of the listed building. The design of the eastern elevation with a first floor bay appears to introduce a substantially different design approach, seemingly quite Arts & Crafts inspired, and in my view sits uncomfortably with the unaltered southern elevation of the listed building. The substantial stone gables on the northern side are almost baronial in their treatment, sitting well with the proposed eastern elevation but bearing no relationship to the historic elements of the building, which it is our duty to protect. These gables also project some way to the rear of the existing rear wall which is extended by the use of a catslide arrangement, thus raising significant concerns of a dominant and overbearing extension. The proposal to add a glazed garden room to the southern elevation of this part only serves to exacerbate the situation.*

*The changes to the dormers are generally acceptable, although the details provided appear to show double glazed units with applied glazing bars, with which I also have concerns.*

*There is also a proposal to alter the windows on the 19<sup>th</sup> century leanto as the existing openings are high internally. Rather than lower just the foot of the window, it is shown that the whole window would be lowered; this would lead to a relatively unusual arrangement, as it is normal to have windows up to the eaves plate, or under a simple arch at the eaves.*

*The internal alterations are modest and relatively innocuous.*

*In my opinion, the proposals would adversely affect the listed building in several ways and introduce new styles and forms which are incongruous with its existing character. I therefore object strongly to the proposals.*

Therefore it is considered the proposed development, by reason of the additional scale and mass it would add to the already significant two storey rear extension, and by reason of the introduction of design features that bear no relationship to the existing simple and modest

character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

## **10. Conclusion**

The proposed development, by reason of the additional scale and mass it would add to the already significant two storey extension at the rear of the property, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

The proposed glazed garden room/conservatory adjoining the south elevation would, by introducing a projecting built feature within the south facing elevation, be at odds with the general linear character and form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

The proposed development thereby fails to accord with the provisions of the Development Plan, and in particular Policy CN3 (Listed Buildings) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of PPG 15 (Planning and the Historic Environment), insofar as the proposed development is considered incompatible in terms of the scale, design, materials and character of the existing listed cottage, and would have an adverse impact on its character and setting.

## **Recommendation**

REFUSE listed building consent for the following reasons:

The proposed development, by reason of the additional scale and mass it would add to the already significant two storey extension at the rear of the property, and by reason of the introduction of design features that bear no relationship to the existing simple and modest character of the listed building (i.e. the first floor hanging 'oriel' window feature in the rear and the two two-storey stone 'tower' features on the side), would have a significant adverse impact on the character and setting of the listed building.

The proposed glazed garden room/conservatory adjoining the south elevation would, by introducing a projecting built feature within the south facing elevation, be at odds with the general linear character and form of the existing building, thereby resulting in a feature that would be discordant with the scale, form, design and character of the existing listed building.

The proposed development thereby fails to accord with the provisions of the Development Plan, and in particular Policy CN3 (Listed Buildings) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of PPG 15 (Planning and the Historic Environment), insofar as the proposed development is considered incompatible in terms of the scale, design, materials and character of the existing listed cottage, and would have an adverse impact on its character and setting.

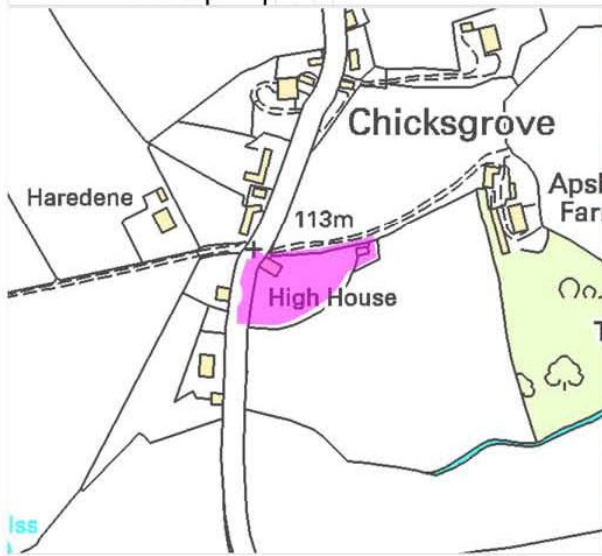
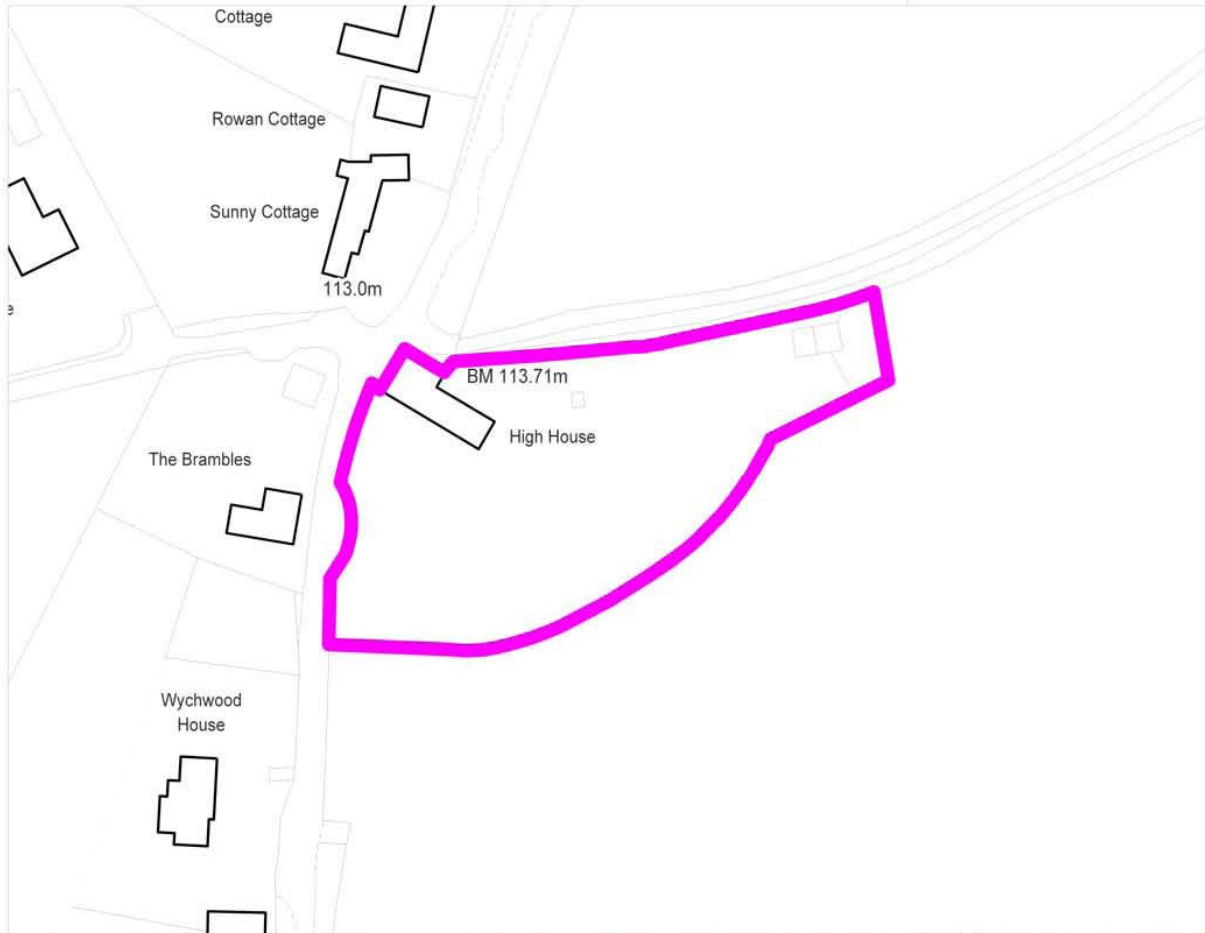
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<b>Appendices:</b>	None
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<b>Background Documents Used in the Preparation of this Report:</b>	Development plan documents as detailed at 6 (above)
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Site Visit:





Deadline	10/12/09		
Application Number:	S/2009/1537		
Site Address:	WARE FARM BENN LANE FARLEY SALISBURY SP5 1AF		
Proposal:	ERECTION OF POLYTUNNEL		
Applicant/ Agent:	MRS FRANCCESCA WARE		
Parish:	PITTON & FARLEY		
Grid Reference:	422693 129362		
Type of Application:	FULL		
Conservation Area:	FARLEY	LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

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

- Scale of development
- Visual impact upon the surrounding area

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are :

- Impact on the existing character of the conservation area
- The principal of the proposed development
- Impact on the landscape of the surrounding Special Landscape Area
- Impact on the amenity of neighbours
- Scale, design and materials

### 3. Site Description

The application relates to an area of grassland/paddock of approximately 0.7Ha within the settlement of Farley. The application site is situated towards the eastern side of the settlement, and is within the designated conservation area and wider Special Landscape Area. The land adjoins the designated Housing Restraint Area to the north.

The application site comprises of two main paddocks and has a large barn in the south west corner with associated consolidated access track (from the gated access onto Ben Lane) and hardstanding area.

The land is bounded by hedgerows and post and rail timber fencing, and is understood to be under equine use.

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

S/93/0635	O/L Agricultural dwelling and access	REF 01.07.93
S/92/0783	O/L Agricultural dwelling (cottage style)	REF 02.07.92
S/80/1157	O/L Two storey dwelling with gge & access	REF 05.11.80
S/80/1156	O/L Single storey dwelling with gge & access	WD 06.10.80
S/75/0444	O/L Two storey dwelling (chalet bungalow) with gge & access	REF 30.07.75

#### **5. The Proposal**

The application proposes the erection of a single polytunnel. The proposal would locate the structure within the eastern paddock, towards the north eastern boundary.

#### **6. Planning Policy**

The following policies are considered relevant to this proposal:

- G1 & G2 (General Principles for Development)
- CN8 & CN11 (Conservation Areas)
- C2 (The Rural Environment)
- C6 (Landscape Conservation)

#### **7. Consultations**

Conservation Officer – No objections to the proposal

Environment Agency – No objection

Pitton & Farley parish council – Object to the proposal on grounds of its use being unspecified, adverse impact on the Special landscape Area, and concerns in respect of the potential future commercial use of the structure/site.

#### **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification letters  
Expiry date 19.11.09

No third party letters have been received.

#### **9. Planning Considerations**

##### ***9.1 The principle of the proposed development***

The application site is used (and appears to have been historically used) for the keeping of horses, and is therefore not currently in agricultural use. The use of the proposed polytunnel to

produce plants and vegetables for the applicants personal consumption/use is considered akin to an allotment use, that being a use which is widely accepted as being agricultural use (a view supported by case law and various decisions by planning Inspectors).

Whilst it is therefore clear that the provision of a polytunnel on the land for the purposes described would introduce an element of mixed use onto the site, the level of mixed (agricultural) use proposed is not considered capable/sufficient to trigger a change of use of the land from the accepted main equine use.

The proposal therefore, whilst introducing a small element of agricultural use onto the site, is considered acceptable in principle, subject to its accordance with Development Plan policies in respect of landscape impact, impact on the conservation area and impact on neighbour amenity.

### ***9.2 Impact on conservation area and Special Landscape Area***

The proposed building would consist of a single polytunnel of approximate dimensions 14m long x 7m wide x 3m high with double doors at the southern end. The construction of the polytunnel would consist of polythene membrane over a steel hooped framework over a 150mm hardcore base.

The polytunnel would be located within the eastern paddock, towards the north eastern boundary of the site.

The applicant has confirmed that site levels surrounding the building are to remain unaltered.

The applicant has indicated that the use of the polytunnel would be to grow plants and vegetables for her own use.

The proposal is considered to constitute a utilitarian agricultural-type structure that would not be inappropriate in the context the surrounding area in terms of its scale, design and materials.

The parish council has expressed concern in respect of the potential for alternative commercial uses of the polytunnel. These concerns could be mitigated by a planning Condition to control the use of the structure (i.e. preventing any commercial, industrial or business use).

The conservation officer has assessed the proposal and has no objections.

By reason of its agricultural appearance and its location in an area that is relatively well-screened by existing hedgerows to the south and west, and natural screening along the adjacent boundary to the immediate north, the proposed polytunnel structure is not considered likely to have an adverse impact on the surrounding conservation area, or the landscape of the Special Landscape Area.

### ***9.3 Impact on the amenity of neighbours***

The nearest residential neighbours to the site are Farley Farm Cottage to the north, North Gable to the west and Silverbirch Cottage to the south west.

The proposed polytunnel would be located approximately 35 metres from the closest dwelling at Farley Farm Cottage. Taking into consideration the distance and relationship between the site of the proposed polytunnel and the nearest neighbouring properties, it is considered the

proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

## 10. Conclusion

The proposed development accords with the provisions of the Development Plan, and in particular policies G1 & G2 (General Criteria), CN8 & CN11 (Conservation Areas), C2 (The Rural Environment) & C6 (Landscape Conservation) of the saved policies of the adopted local plan, insofar as the proposed polytunnel is considered appropriate in terms of its scale, design and materials, would not unduly affect the amenity of neighbours, and would not adversely affect the existing character of the conservation area or the landscape of the surrounding Special landscape Area.

## Recommendation

That the application be APPROVED for the following reason:

The proposed development accords with the provisions of the Development Plan, and in particular policies G1 & G2 (General Criteria), CN8 & CN11 (Conservation Areas), C2 (The Rural Environment) & C6 (Landscape Conservation) of the saved policies of the adopted local plan, insofar as the proposed polytunnel is considered appropriate in terms of its scale, design and materials, would not unduly affect the amenity of neighbours, and would not adversely affect the existing character of the conservation area or the landscape of the surrounding Special landscape Area.

And subject to the following Conditions:

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

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

2. The development hereby permitted shall not be used for any industrial, business or other commercial use/purpose.

REASON: To allow the local planning authority to retain control over the use of the site in the interests of the appearance of the site and the amenities of the area.

POLICY- G1 & G2 (General Criteria), C2 (The Rural Environment), C8 (Conservation Areas) & C6 (Landscape Conservation)

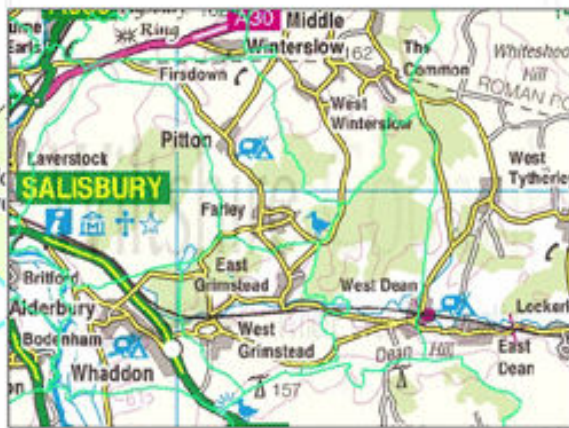
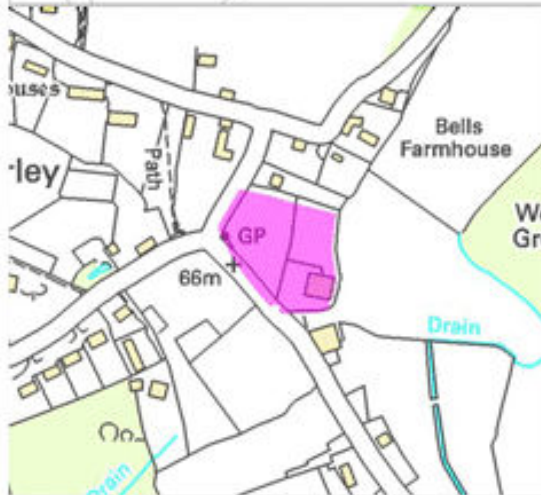
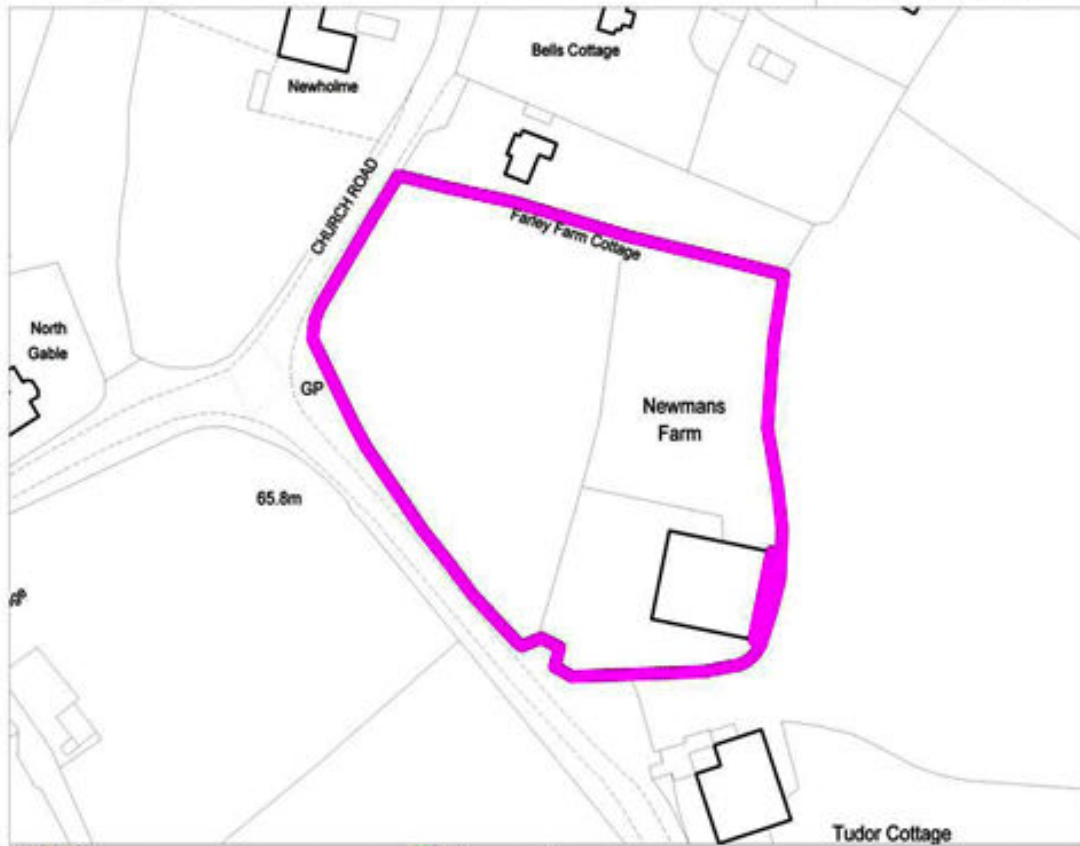
<b>Appendices:</b>	None
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<b>Background Documents Used in the</b>	Development Plan policies as detailed at 6 (above) Pitton and Farley Parish Plan 2007
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**Preparation of  
this Report:**









Deadline	25/01/10		
Application Number:	S/2009/1784		
Site Address:	FRICKERS BARN SUTTON MANDEVILLE SALISBURY SP3 5NL		
Proposal:	ERECTION OF TWO 3.6M X 3.6M LOOSE BOXES WITH 3.6M X 2.7M TACK/STORE ROOM		
Applicant/ Agent:	MR TOBY GREEN		
Parish:	SUTTON MANDEVILLE		
Grid Reference:	398441 127937		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

### Reason For The Application Being Considered By Committee

To consider the above application which has been made by a relative of a Councillor

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are :

- Impact on amenities
- Scale, design and impact on Area of Outstanding Natural Beauty

### 3. Site Description

Frickers a detached property located within the rural settlement of Sutton Mandeville and is within an Area of Outstanding Natural Beauty.

### 4. Planning History

Application number	Proposal	Decision
s/2005/0824	Construction Of Agricultural Workers Dwelling	A/C 01/11/05

### 5. The Proposal

Permission is sought for the erection of two loose horse boxes and tack/store room

## **6. Planning Policy**

The following policies are considered relevant to this proposal

- G2- General Criteria for development
- D3- Good design
- C5- Landscape Conservation and Area of Outstanding Natural Beauty

## **7. Consultations**

### ***Town/ Parish council***

No objection

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification

Expiry date 31/12/09

## **9. Planning Considerations**

### ***9.1 Impact on amenities***

The proposal is not considered to have an impact on the amenities of the surrounding area due to its location. The loose boxes are located at the south west corner of the adjoining field to Frickers Barn and as such will have a minimal impact on the surrounding Area of Outstanding Natural Beauty. The proposal will be situated over 40m from the highway and will be screened from view by existing buildings further reducing the impact on the surrounding area. The impact is further reduced as a hedgerow to the western boundary will screen the proposal from view as such is considered that the proposal will not have a detrimental impact on the amenities of the surrounding area.

### ***9.2 Scale, design and impact on Area of Outstanding Natural Beauty***

The scale and design of the proposal are considered to be acceptable due to the appropriate location of the loose boxes. The timber construction and the low roof pitch will ensure that the proposal merges with the rural surroundings and respects the character of the immediately surrounding area. Furthermore the orientation of the structure ensures that it will not introduce a bulky or oppressive feature into the open countryside. The proposal is of a traditional design for a building of this nature that is not an uncommonly found in locations such as this and is sympathetic to its rural surroundings and the Area of Outstanding Natural Beauty.

## **10. Conclusion**

The proposed loose boxes and store/tack room is considered on balance to be acceptable in terms of scale design, impact on amenities and the Area of Outstanding Natural Beauty for the reasons outlined above and as such in accordance with the provisions of the Development Plan, and in particular Policies G2, D3, C5 of the adopted Salisbury District Local Plan.

### **Recommendation**

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

The proposed loose boxes and store/tack room is considered on balance to be acceptable in terms of scale design, impact on amenities and the Area of Outstanding Natural Beauty for the reasons outlined above and as such in accordance with the provisions of the Development Plan, and in particular Policies G2, D3, C5 of the adopted Salisbury District Local Plan.

<b>Appendices:</b>	None
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<b>Background Documents Used in the Preparation of this Report:</b>	Elevations Floor plan Site location plan
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ERECTION OF TWO 3.6M X 3.6M LOOSE BOXES WITH 3.6M X 2.7M TACK/STORE ROOM

Site Visit:

S/2009/1784

