

Application Number:	S/2011/0708		
Deadline:	11/07/11		
Site Address:	Hillbilly Acre Southampton Road Clarendon Salisbury SP5 3DG		
Proposal:	Resubmission of S/2011/0422 - Change of use of land to residential gypsy site containing eight mobile home units (three of which are retrospective), alterations to highway access, boundary treatments, provision of parking areas and associated landscaping		
Applicant/ Agent:	Mr David Cooper		
Parish:	Alderbury		
Grid Reference:	417228 128257		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

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

Councillor Devine has called the application before Committee due to widespread public concern in the villages of Alderbury and Clarendon.

The application was deferred from the Committee meeting on 07.07.2011 for a site visit.

### **1. Purpose of report**

To consider the above application and, subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution, to recommend that planning permission be GRANTED subject to conditions.

### **2. Report summary**

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

- Principle of proposed development including Housing policy considerations as set out under local plan policies and other relevant local and national planning guidance
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon nature conservation interests including the adjacent River Avon SSSI and SAC
- Impact upon neighbour amenity
- Impact on the character and setting of adjacent listed buildings
- Flood risk
- Provision of recreational open space

The application has generated objections from two parish councils and 174 letters/representations of objection from the public.

#### Neighbourhood Responses

174 letters/representations received objecting to the proposal

1 letter of support received

### **3. Site Description**

The application relates to an approximately rectangular parcel of land of approximately 0.7 hectares on the southwest side of Southampton Road, between Petersfinger and Alderbury. The access to the land is via a lay-by off of Southampton Road (at the north east end of the

site) and a connecting internal driveway providing access to each of the four internally divided plots (referred to as Avon View, Rambling Rose, Hillbilly Acre and Sunhill).

The application site is screened from public views from the roadside by solid metal panel gates, walls, fences and a combination of tree and other natural foliage along the roadside boundary. The north west and south east side boundaries of the site consist of significant mature mixed tree and hedge screening, and the rear south west boundary towards the river valley is comprised of large mature trees and mixed foliage.

The site contains a number of single storey, block-built and timber constructed buildings and static mobile homes, three static mobile homes are understood to be currently occupied by persons of Gypsy and Traveller status.

The adjoining land to the immediate south west of the application site is designated within the adopted local plan as an Area of High Ecological Value. Part of the adjoining land is included within the Clarendon Grange Meadows County Wildlife Site (CWS), and the River Avon is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

#### 4. Relevant Planning History

Application Number	Proposal	Decision
S/2011/0422	Change of use to residential gypsy site containing eight mobile home units (three retrospective), alterations to Highway access, boundary treatments, provision of parking areas and associated landscaping	WD 03.05.11
S/2009/1831	Retention of greenhouse, shed and retaining wall. Provision of new storage building and boundary fence	REF 29.01.10
S/2008/1559	Erection of a single storey residential dwelling with on-site parking and the provision of a new vehicular access	REF 03.11.08
S/2002/1447	Construction of dwelling	REF 19.10.02
S/2001/0918	Siting of a caravan for residential purposes	REF 17.12.01
S/1998/0583	Erection of shed	WD 15.07.04

#### 5. Proposal

The application proposes the change of use of land to a residential gypsy site containing eight mobile home units (three of which are retrospective), alterations to highway access, boundary treatments, the provision of parking areas (internal to the site) and associated landscaping.

#### 6. Planning Policy

Local Plan: policies G1, G2, C2, C11, CN3, CN5, H34, C7, R2

ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites

Emerging South Wiltshire Core Strategy (SWCS) Core Policy 4 (Making adequate provision for gypsies and travellers)

## 7. Consultations

### **Environment Agency**

No objection, subject to Conditions and Informative

### **Building Control**

No response received

### **Minerals and Waste Policy Team**

No response received

### **Education Officer**

No response received

### **Environmental Health**

No comments or objections

### **Conservation Officer**

No response received

### **English Heritage**

No comment in detail; the application should be determined in accordance with national and local policy guidance, and on the basis of Wilts Council's specialist conservation advice

### **Fire Officer**

No response received

### **Principal Ecologist**

No objection, no likely significant effects on the adjacent River Avon SAC

### **Planning Enforcement Officer**

Any previously unauthorized development at the site is the subject of the current planning application

### **Forward Planning (Planning Policy) Team**

Recommend approval

### **Wiltshire Highways**

No Highway objection, subject to a Condition requiring minor alterations to access

### **Wessex Water Authority**

No objection, standard letter of advice provided re foul and surface water disposal

### **Aldbury Parish Council**

Objection, grounds include Highway safety, neighbour amenity, impact on listed buildings, impact on adjacent River Avon SSSI

### **Clarendon Park Parish Council**

Objection, grounds including Highway safety, over development, landscape impact & impact on services

### **Winterslow Parish Council**

No response received

## 8. Publicity

The application was advertised by site notices and neighbour consultation.

174 letters/emails of objection were received

One email in support of the application was received

Summary of key relevant points raised:

- Principle
- Highway safety
- Landscape impact
- Neighbour amenity
- Impact on nature conservation/adjacent River Avon SAC
- Impact on adjacent listed buildings

## **9. Planning Considerations**

### ***9.1 Principle of proposed development including Housing policy considerations as set out under local plan policies and other relevant local and national planning guidance***

The application is in part retrospective and relates to an approximately rectangular parcel of land of approximately 0.7 hectares on the southwest side of Southampton Road, between Petersfinger and Alderbury.

The land has a lay-by and connecting internal driveway from the highway at the north eastern corner providing access to each of the four internally divided plots (referred to as Avon View, Rambling Rose, Hillbilly Acre and Sunhill).

The application site is screened from public views from the roadside by solid metal panel gates, walls, fences and a combination of tree and other natural foliage along the roadside boundary. The north west and south east side boundaries of the site consist of significant mature mixed tree and hedge screening, and the rear south west boundary towards the river valley is comprised of large mature trees and mixed foliage.

The site contains a number of single storey, block-built and timber constructed buildings and static mobile homes, three static mobile homes are understood to be currently occupied by persons of Gypsy and Traveller status.

The site is not within a Housing Policy Boundary or other such designated area within the local plan where new residential development would be acceptable in principle, however the application relates to the provision of residential accommodation for a persons of Gypsy and Traveller status, the application should be judged against the criteria of local plan policy H34 (together with other relevant policy context).

The Council does not dispute the status of the applicant and existing/future occupiers of the site as a Gypsies within the definition of Gypsies and Travellers as set out within ODPM Circular 01/2006.

Local plan policy H34 is applicable in the determination of the application.

### ***9.2 Status of the local plan and ODPM Circular 01/2006:***

The Council's Spatial Planning Team (Planning Policy) advises that current adopted policy relating to Gypsy and Traveller Sites is provided by the Wiltshire and Swindon Structure Plan 2016 (As saved) Policy DP15 and the Salisbury District Local Plan (As saved) Policy H34. In addition, guidance is provided at the national level through the ODPM Circular 01/06 *Planning for Gypsy and Traveller Caravan Sites*. The Coalition Government has indicated that guidance contained within this Circular will be replaced with a light-touch guidance outlining the council's statutory obligations, however Circular 01/06 remains pertinent to this particular case until a replacement is issued.

The DCLG *Designing Gypsy and Traveller Sites – Good Practice Guide* (May 2008) should also be considered in assessing the suitability of this site for Gypsy and Traveller Accommodation.

In addition to this guidance the Gypsy and Traveller Site Allocations DPD *Issues and General Approach Report* (April 2010) identifies a Site Selection Methodology to assist in indentifying sites to meet Gypsy and Traveller needs. The criteria is based on Circular 01/06 and Good Practice Guidance and is being developed through a process of local

consultation, with both the settled and travelling communities. An initial assessment of this site based on the Site Assessment Template found at Appendix C of the DPD suggests that this site would be suitable for development given its relatively sustainable location.

The conclusion and recommendation of the Council's Spatial Policy Team is as follows:

*In accordance with Section 54A of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should be approved, because:*

*The proposal would conform in principle to Policy H34 of the Adopted Salisbury District Local Plan and Core Policy 4 of the Emerging South Wiltshire Core Strategy.*

### **9.3 Impact upon highway safety**

The Highways officer has visited the site and taken measurements at the access lay-by. Subject to the agreement of a scheme to create minor improvements to visibility by partially reducing the height of existing walls forming the sides of the lay-by access, and the creation of a consolidated driveway surface within the lay-by, there is no Highway objection.

### **9.4 Impact upon visual amenity and landscape character**

By virtue of the existing boundary features, the application site is well screened within the immediate and wider local environment. The closest right of way passes approximately between 118m and 78m to the south west on the opposite side of the River Avon. The north west and south east side boundaries of the site consist of significant mature mixed tree and hedge screening, and the rear south west boundary towards the river valley is comprised of large mature trees and mixed foliage.

The proposal principally relates to the provision of a limited number of single storey modular structures within the site. By reason of the existing significant level of boundary screening, the proposed development is not considered to be out of sympathy with the landscape of the surrounding designated Landscape Setting of Salisbury and Wilton.

### **9.5 Impact upon nature conservation interests including the adjacent River Avon SSSI and SAC**

The adjoining land to the immediate south west of the application site is designated within the adopted local plan as an Area of High Ecological Value. Part of the adjoining land is included within the Clarendon Grange Meadows County Wildlife Site (CWS), and the River Avon is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

The potential impact(s) of the proposed development have been assessed by the Council's Principal Ecologist (the District Ecologist) and Natural England.

The Principal Ecologist has undertaken a judgement of likely significant effects for the River Avon SAC which concludes there would be no likely significant effects. The Principal Ecologist has noted that part of the Clarendon Grange Meadows CWS lies between the application site and the River Avon SAC, however she concludes that as the site is screened from the CWS by a line of trees, and there is no public right of way through the site, there is no reason to presume the CWS site would be vulnerable to the effects of the proposed development.

Natural England has confirmed its position of no objection, provided the granting of planning permission for the proposed development would not lead to an increased risk in pollution to the river.

The proposed development is therefore considered accordant with the nature conservation policies of the adopted local plan and relevant national and European guidance and legislation.

### ***9.6 Impact upon neighbour amenity***

The closest neighbouring residential properties to the application site are St Maries Grange to the immediate south east, Alderbury Holt to the east (on the opposite side of the road), and Belmont House to the north west.

The proposed development constitutes a residential use of the land which in principle is considered compatible with the residential use of adjoining land.

The application site is contained within significant boundary features, and has its own established access and internal driveway. The structures proposed are single storey modular static mobile home units which it is considered would not result in the undue overlooking or overshadowing of neighbouring properties. In this respect 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.

### ***9.7 Impact on the character and setting of adjacent listed buildings***

By reason of the lack of permanent buildings or structures proposed within the site, and by reason of the existing significant boundary features between the site and the adjacent G1 (St Maries Grange) and GII (Belmont House) listed buildings, and the position of the existing access to the site being set approximately equidistant between the neighbouring listed dwellinghouses, it is considered the proposed development would not have an adverse impact on the character and setting of the listed buildings.

English Heritage was consulted on the development proposal but, at the time of writing, had not provided a consultation response.

### ***9.8 Flood risk***

The applicant's Hydrological Report and submitted flood risk information has been assessed by the Environment Agency. The Environment Agency raise no objection to the proposed development, subject to Conditions relating to floor levels for the mobile homes and surface water drainage methodology, and informatives relating to Flood Defence Consent and non-mains drainage.

### ***9.9 Provision of recreational open space***

The proposed new residential development, if approved on a permanent basis (i.e. not a time limited or temporary consent) would require a contribution towards public recreational open space in the form of a unilateral planning obligation completed by the applicant and the submission of funds for the relevant contribution.

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution, the proposed development would be accordant with Policy R2 of the adopted Salisbury District Local Plan.

## 10. Recommendation

Subject to the landowner entering into an appropriate unilateral planning obligation and submitting the relevant financial contribution in accordance with Policy R2 of the adopted Salisbury District Local Plan

### **Planning permission be GRANTED for the following reason:**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G1 & G2 (General Criteria for Development), C2 (Development in the Countryside), H34 (Gypsy sites), C7 (Landscape Conservation), C11 (Nature Conservation), CN3 & CN5 (Listed Buildings) and R2 (Recreational Open Space) of the saved policies of the adopted local plan, insofar as the proposed development relates to the provision of residential accommodation for person(s) of Gypsy and Traveller status and is considered accordant with the criteria set out within adopted local plan policy H34 and the criteria of Core Policy 4 of the emerging South Wiltshire Core Strategy in terms of being acceptable in landscape and nature conservation terms, and being located within close proximity of settlement(s) and their local services and amenities. The proposal would not unduly affect the amenity of neighbours or adversely affect the wider landscape setting of Salisbury and Wilton.

The proposed development would not have adverse impacts on nature conservation, or the adjacent River Avon SAC and SSSI.

### **Subject to the following conditions:**

1) The number of mobile home units stored and/or occupied within the overall site shall not exceed eight units in total.

REASON: To enable the local planning authority to control the intensity of the occupation of the site, in the interests of amenity, highway safety and nature conservation interests.

POLICY - H34 (Gypsy Sites), G1 & G2 (General Criteria for Development), C11 (Nature Conservation) & C7 (Landscape Setting of Salisbury & Wilton) of the adopted local plan

2) The occupation of the mobile homes hereby approved shall be limited to a person or persons of gypsy and traveller status as defined within ODPM Circular 01/2006, or a widow or widower of such a person or persons, and to any resident dependants.

REASON: Permission would not normally be granted for this development, but regard has been paid to the personal circumstances of the applicant, being of Gypsy and Traveler status which are considered, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY - H34 (Gypsy Sites) of the adopted local plan and Core Policy 4 of the emerging South Wiltshire Core Strategy

3) This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 30.03.2011, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt

4) The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 43.0m above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

5) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

POLICY: G2

6) Development shall not begin until a scheme for improvements to the existing highway access to the site has been submitted to, and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a schedule of works to improve visibility at the site access by reducing the height of the existing block walls and cutting back vegetation. The scheme shall also include the provision of a consolidated surface of the existing splayed access area and the delineation of the highway edge.

REASON: In the interests of Highway safety.

#### INFORMATIVES

All works in, under, over or within 8 metres of a Main River channel will require prior Flood Defence Consent (FDC) from the Environment Agency, in accordance with the Water Resources Act 1991 and Byelaws legislation. Works within the extent of Flood Zone 3 (1:100 year floodplain) may equally require FDC unless granted exemption via the issue of planning permission. Should you or the applicant wish to discuss the above please contact Gary Cleaver (Development and Flood Risk Engineer) on (01258) 483434.

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact the Environment Agency on 08708 506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

#### ENVIRONMENT AGENCY NOTE TO APPLICANT

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent, to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Please note, this Environmental Permit may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a



SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (Eg soakaway) within 250m of a SAC, SPA, Ramsar or SSSI.