

Deadline	30th April 2010		
Application Number:	S/2010/0310		
Site Address:	LAND TO REAR OF VINE COTTAGE FORE STREET WYLYE WARMINSTER BA12 0RQ		
Proposal:	DEMOLITION OF CURTILAGE BUILDING AND PROPOSED ERECTION OF 3 NO. DWELLINGS AND ASSOCIATED ACCESS AND DRAINAGE WORKS		
Applicant/ Agent:	PEGASUS PLANNING GROUP		
Parish:	WYLYETILL/WYLYEVALLE		
Grid Reference:	400860.1 137532.1		
Type of Application:	Full		
Conservation Area:	WYLYE	LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

Reason for the application being considered by Committee

Councillor West has requested that the application be heard at committee if it were recommended for approval, on the grounds of visual impact on the surrounding area/Conservation Area, relationship to adjoining properties and environmental/highway impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission is APPROVED WITH CONDITIONS. This is despite the objection of the Parish Council and seven local residents, although five residents have supported the application. Further details are provided below.

Neighbourhood Responses

7 Letters of support were received

5 Letters of concern were received

Parish Council Response

Object

2. Main Issues

The main issues to consider are:

1. The principle of development
2. The impact on the character and appearance of the Conservation Area, AONB and HRA;
3. The impact on the living conditions of nearby properties;
4. Noise and Disturbance
5. The impact on highway safety;
6. Archaeology;
7. Ground water source protection;
8. Protected Species;
9. Public Recreational Open Space;
10. Other Considerations (SSSI, SAC, flooding and drainage)

3. Site Description

The site consists of Vine Cottage and its associated outbuildings and garden, in Fore Street, Wylde. Vine Cottage is a two-storey dwelling of painted brick and tile positioned close to the road, with an annex outbuilding (stone/brick and tile) immediately on the road frontage, on the opposite site of the entrance driveway off Fore Street.

To the rear of the existing dwelling is garden and strip of unused land divided from the garden by an existing wall. Beyond the wall is the Westbury to Salisbury (Great Western) railway line. To the west of the site is Wylde Terrace, a row of four terraced ex-Local Authority dwellings, while to the east is East Farm House and Miller's Close, a group of converted/new dwellings designed to appear as agricultural buildings fronting Dinton Road. Opposite the site (to the north) dwellings include the Grade II-listed Walnut Cottage.

The application site and its surroundings fall within Wylde's Conservation Area and (in common with the village) lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is also within Wylde's Housing Policy Boundary, an Area of Archaeological Significance and a Ground Water Source Protection Area.

4. Planning History

No relevant planning history. A concurrent application for Conservation Area Consent has been submitted (reference S/2010/0311).

5. The Proposal

The application proposes the erection of three dwellings. These would be formed from the replacement of an existing 'annex' building to the front with a similar-sized dwelling (house 1), and the erection of two dwellings to the rear of the site, in Vine Cottage's existing garden curtilage using a strip of land beyond as garden (houses 2 and 3).

The two new dwellings (2 and 3) would be two storey buildings, designed to appear as

barns relating to Vine Cottage. To this end, they would be relatively tall (7.4m high for house 2; 6.6m for house 3) but utilising dormers within the roofs. House 1 would have three bedrooms while houses 2 and 3 would have four bedrooms.

House 1 essentially involves the re-construction of the existing annex outbuilding. The replacement building would have a similar height and width, but to the rear the existing car port is replaced by bedrooms. A second storey is incorporated within the building by lowering the floor level, having a sunken courtyard, and by lighting the first floor by rooflights. The materials would be light cream render and a reclaimed Welsh slate roof. The building would be re-sited slightly, so that the north west corner is set further back. This 'pivoting' of the building is necessary to ensure vehicle sightlines for cars leaving the entrance to the development as a whole.

House 2 has been designed so that its main form is parallel (but set well back from) Fore Street, with a smaller wing projecting southwards. It would be relatively large, with its main section having a width of just over 15m and a depth of 7.7m. The wing to the rear results in an overall depth for the whole building of 13.6m. It would have low eaves, with minimal domestication on the front elevation, in keeping with its 'barn' design. There would be a separate garage to the east of the house (6.3 x 6.6m x 4.8m height), but this would be attached by means of a glazed link. The dwelling would be timber framed, and the principal materials would be oak boarding with plain clay roof tiles on the main elevations, with stone used for the rear projection.

In contrast, house 3 has a wing projecting to the front (north) with a fully attached garage. This dwelling would have overall dimensions of 16.2m x 14m, with a height of 6.6m. Like house 2m, it would also use dormers to provide the first floor accommodation, though these break the higher eaves line on the main section of the building. The materials used here would be primarily brick and flint under a Welsh slate roof, though the garage 'extension' would use timber boarding under clay tiles, similar to house 2.

6. Planning Policy

The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan (saved policies)

H19 – Development within Housing Policy Boundaries

D2 – Infill Development

C4, C5 – Development within Areas of Outstanding Natural Beauty

C12 – Protected Species

G1, G2 – General Development Criteria

G8 – Groundwater Source Protection

CN8 – Development within Conservation Areas

CN9 – Demolition of Buildings within Conservation Areas

CN10 – Loss of Gardens in Conservation Areas

CN21 – Areas of Special Archaeological Interest

R2 – Public Recreational Open Space

National Guidance

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable Development in Rural Areas

PPS9 – Protected Species

PPS23 – Planning and Pollution Control

PPG24 – Planning and Noise

Other Relevant Guidance

Wylve Conservation Area Appraisal

Circular 03/99 - Planning requirements in respect of the use of non-mains sewerage

7. Consultations

Parish Council

Wylve Parish Council has considered this planning application and objects on two grounds:

1. We suggest the angle of the rebuild of the Annexe be reconsidered to give greater road view for the safety of exiting traffic.
2. We feel the development is taking place in the garden of a house recognised in the Village Conservation Assessment as one of considerable architectural interest. The loss of the garden in this way detracts from the rural nature of the other buildings constituting the Fore St streetscape, again as described in the Village Conservation Assessment and we believe would constitute undesirable "backland development" .

Highways

No objection subject to conditions relating to:

- Access surfacing;
- Access gradient;
- Prevention of visibility splay obstruction;
- Surface water drainage

Archaeology

The site has been subject to an archaeological evaluation which identified archaeological remains of mediaeval and post-mediaeval date, including two substantial pits. It would be appropriate; therefore, that the site has an archaeological watching brief during ground works. This can be secured by condition.

Conservation

Initial comments (summarised)

Further to pre-application comments, no objection in principle to the demolition and rebuilding of the outbuilding. Would like to see an existing plan and elevation of the building in order to comment on the design of the proposed rebuild. This building should be retained as a simple outbuilding, and therefore, ornate features, like the curved dormer and glazed gable ends, would detract from its traditional character.

Concerns have previously been expressed regarding the width and treatment of the access onto Fore Street. Some form of enclosure is proposed to be created with the planting of low hedges adjacent to the entrance but, but it is questionable whether its retention can be controlled by condition

Concerns were raised at the pre-application stage regarding the design concept for the two dwellings at the rear of the site, which are felt to be somewhat contrived. The scheme has not been amended, so these concerns still remain. Concerns also remain about the scale of the proposed dwellings at the rear. House 3 and its associated parking and garden will result in a loss in garden space to Vine Cottage to an unacceptable degree.

The perception of House 2 from street level also raised concerns. While some trees are scheduled to be removed, some new tree planting is being proposed to screen the development. This new planting would need to be quite substantial in order to maintain the existing green backdrop, and to therefore preserve the character and appearance of the conservation area.

Overall, in its present form, an objection is raised to the scheme for the above reasons, which are not in accordance with Policies CN5, CN8 and CN10 of the Adopted Salisbury District Local Plan.

Subsequent comments (summarised)

A computer 3D package was brought to the meeting in the office on 9 August, which showed the scheme from various vantage points. This allayed concerns about the potential impact of the new buildings from general views within the conservation area.

Amended plans received to show a simpler form of building to replace the annex and to simplify the roof form of House 2.

No objection is now raised, subject to conditions relating to windows, rooflight, flues, eaves, rainwater goods, external facing materials and the construction of a sample panel.

Arboriculturalist

No objection

Environment Agency

No objection

Environmental Health

Consider that a condition can be used to deal with potential contamination and noise impact from railway.

Wessex Water

Development is located within a foul sewer area

Network Rail

The following standard comments are deemed appropriate for a development of this nature

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary.

Drainage

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification with an expiry date of 8th April 2010.

7 letters of support have been received, making the following comments:

- It would bring new people into the village helping local facilities;
- The garden will easily accommodate two additional dwellings
- The dwellings will be in keeping with the village;
- There have been no traffic jams or congestion recently;
- The development will not be seen from Fore Street;
- Adequate parking means that it should make little difference to on-road parking;

5 letters have been submitted raising the following concerns:

- The Local Plan makes a clear presumption against tandem or inappropriate development;
- Scale of the development is out-of-proportion to the neighbourhood and the barn-like structures are simply too big;
- The inappropriate suburban influences detract from the Conservation Area;
- Trying to disguise this by the agricultural form of the buildings is entirely contrived;
- The proposal results in a significant loss of amenity to nearby properties;
- There is already a parking problem in Fore Street with the road frequently obstructed by parked vehicles. The significant increase in vehicle movements would only make this worse, including for emergency vehicles;
- The adequacy of the visibility splays are questionable in light of the number of parked vehicles in the vicinity;
- Impact of additional hard-surfacing on flooding;
- The concerns expressed by planning officers (pre-application) about the size and scale of the buildings are justified;
- Impact on AONB and Conservation Area;
- The applicant's agents have a commercial relationship with Wiltshire Council resulting in a conflict of interest;
- Need for consultation regarding re-routing of electricity and telephone cables;
- Need for consultation of local road users;
- Impact from flooding bearing in mind springs and aquifers;
- Exacerbation of sewage problems

9. Planning Considerations

9.1 Principle of Development

The vast majority of the application site is identified in the Local Plan as being within Wylve's Housing Policy Boundary (HPB). Local Plan policy H16 says that within such areas, infilling and small scale redevelopment will be permitted in principle, provided it does not consist of inappropriate backland or tandem development; does not result in the loss of an important open space; and is acceptable in design terms.

The rearmost extremity of the site is outside of the Housing Policy Boundary, where new residential development would not generally be considered acceptable. However, the proposed use of this land would be as domestic garden. Its current use is unclear but the land forms a narrow strip between the existing curtilage and the railway line. While it does not have the appearance of garden (more as 'scrub' land), it is considered that use of it as curtilage would not have an adverse effect on the area's character and appearance. No buildings are proposed on this relatively narrow strip of land. In officer's view, the fact that this land is outside of the HPB does not render the whole scheme unacceptable in principle.

It is recognised that the new Government has revised its guidance to make 'garden grabbing' more difficult. It has done this by revising PPS3's definition of previously developed land, to exclude residential curtilages, and removing the indicative density levels.

This means that the current garden to Vine Cottage, which would have been considered as previously developed land under the previous Government's definition, is now considered 'greenfield'. Meanwhile, it is debatable whether the rear part of the site (that outside the HPB and therefore not curtilage) is 'previously developed land' because although it once formed part of the railway station, it has now been largely assimilated so that its previous use is not obvious.

However, it must be stressed that even if none of the site is now 'previously developed land', the vast majority of it is still within the Housing Policy Boundary and therefore development is still acceptable in principle, despite the change to PPS3. The acceptability of development within HPBs remains as it did before the change to PPS3 came into force. Only until such time as the Core Strategy (and its associated Development Plan Documents) replace the current Local Plan's HPBs will the situation change.

Therefore, given the majority of the site's designation as an HPB, it is not considered that there is an objection in principle to development. This does not make development automatically acceptable, however. Policy H16 still contains criteria that have to be assessed, as do the other planning policies set out above.

In particular policy H16 does warn against *inappropriate* backland development. It is clear that the proposed development is backland (as defined in the Local Plan glossary), in that it is proposed new residential development without a road frontage, lying to the rear of other development.

However, the explanatory text to the policy makes clear that proposals for such development may be allowed where access and car parking is acceptable, there is adequate space between old and new buildings to avoid harm to the amenity of neighbouring houses and where it is ensured that new development is carefully assimilated into existing settlements.

Similarly Local Plan policy D2 supports infill development where it respects the character of the area in terms of building line, scale of the area, heights and massing of adjoining buildings, characteristic building plot width and architectural characteristics. These are all factors to consider in assessing the impact on the character and appearance of the area and the impact on nearby properties, below.

9.2 The impact on the character and appearance of the Conservation Area, AONB and the area in general

The impact on the character and appearance of the area, particularly on Wylie's Conservation Area, is an important consideration as identified by Local Plan policy CN8 (development in the Conservation Area).

The Wylie Conservation Area Appraisal (September 2008) describes Fore Street as being 'less coherent' than others and has a more semi-rural character with more space between and in front of buildings. The appraisal goes on to say that buildings are consistently two storey, with differing roof pitches varying the heights of buildings.

It says that the building line varies but is most commonly buildings set back (in some

cases well back) off the road, with gardens and parking in front. This is less evident travelling east where the combination of outbuildings, boundary walls and mature planting provides a much harder edge to the road frontage.

The Appraisal specifically says that the outbuildings and boundary wall of Vine Cottage form a key group in the street scene and help define enclosure of the road. Vine Cottage and its outbuildings are identified as 'Key Contributory Buildings', although none are actually listed.

Furthermore, although within the Housing Policy Boundary, The Conservation Officer expressed initial reservations at the size and scale of the proposed development at the rear and describing the design concept as being somewhat 'contrived'.

In response to the Conservation Officer's initial concerns, the applicants have argued, including through the use of 3D imaging, that the impact of the dwellings to the rear would not be significant. It is argued that this is because public views of the buildings would be largely screened by trees, landscaping, the landform and existing buildings. Furthermore, it is argued that the relatively lower position of Fore Street means that the scale of the rear dwellings would not be apparent to the casual observer, other than perhaps through the entrance driveway.

The applicants argue that, far from being contrived, the proposal has been designed carefully to reflect the local vernacular, and that it would not look out of place. They point to the nearby development at Miller's Close as an example of residential development in the village that reflects the historically agricultural character of the area.

It is accepted that the proposed buildings have been designed to a high standard, with careful reflection of building forms and materials. In relation to the proposed layout and siting of the development it is not considered that the erection of dwellings would necessarily be contrived in this location.

The two rear dwellings have the appearance of converted barns that might have been associated with Vine Cottage. Reference is made in the appellant's Design and Access Statement to the converted Miller's Close and buildings associated with Walnut Tree and East Farmhouse. The dwellings would have no domestic features (eg chimneys, fenestration) on their principle (northern) elevations and this, plus the large roof spans, high ridges and low eaves all give the appearance of agricultural buildings.

It has to be said that the erection of agricultural barns (ie barns that have been 'converted' to form these dwellings) is unlikely to have occurred historically where the dwellings are now proposed. Had barns really been built for the farm, they would either have been close to the main agricultural buildings at Miller's Close/East Farm, or been some way away as an independent grouping. It is for this reason that initial concerns about the 'contrived' nature of the development were raised by officers.

However, this does not mean that residential development should be ruled out on the position now proposed, nor that the design of dwellings should not have a rural feel or 'barn like' appearance. In reality the application site is unlikely to be read by the casual observer in the context of the proximity of other former agricultural buildings.

It is also recognised that the extent to which the development is visible is relatively limited, a fact which has been made clearer by further submissions from the applicant. In fact House 3 is likely to be entirely screened either by trees, vegetation or the existing dwelling at Vine Cottage. Only the roof of House 2 is likely to be visible, again being screened by trees, the landform and House 1. Landscaping should not be relied upon to 'mask' buildings, particularly in winter months. However, it is accepted that landscaping, landform and the existing/replacement buildings will help to minimise the prominence of the development.

Infill development is permitted (by policy D2) where it is acceptable in terms of building heights, massing, plot widths, architectural characteristics and the building line. The dwellings would have similar ridge heights to Miller's Close and Wylie Terrace though would be higher than Vine Cottage (by over 2m) and East Farm House.

In terms of the building line, these both vary considerably in the vicinity as the Conservation Area Appraisal makes clear. Wylie Terrace and East Farm House are much closer to the road, giving them greater prominence than would be the case with the proposed rear dwellings, both of which would be set back by some 49m from the road edge. This means that the proposal would not conflict with a clear building line and that the mass and height of the dwellings would not look out of place.

The applicants have also revised the design of House 2, removing a previously-proposed 'wagon porch' (a large stone entrance porch), resulting in simpler and less imposing building. Of the two 'backland' dwellings, House 2 would be the dwelling most visible when viewed from Fore Street. Although the height to ridge of House 2 would remain as originally proposed (at around 7.5m), it is considered that these design changes help to minimise the impact of the development on the Conservation Area.

Although the proposal would result in the loss of gardens within the Conservation Area, which on the face of it would appear to be contrary to Local Plan policy CN10, it is not considered that the gardens to the rear of Vine Cottage are sufficiently contributory to the Conservation Area's character to justify refusal. Similarly their loss would not have a meaningful impact on the AONB's natural beauty.

In relation to the demolition of the annex to form House 1, while this is a consideration for the Conservation Area Consent application, but should also be assessed as part of this application. The Conservation Area Appraisal identifies the outbuilding as having a positive contributory effect, and clearly loss of the building without a replacement would have a detrimental effect on the Conservation Area, reducing the extent of enclosure that is currently provided by the annex building.

The proposed development, however, seeks to re-build the annex building so that it is almost identical to the existing building when viewed from the front, with the exception that the front windows are lower and that the building would be repositioned, so that the north west corner is set back. The re-siting is proposed to achieve the sight lines necessary to ensure adequate visibility for the additional vehicles entering and leaving the site.

If it were considered that the re-siting (necessary only to enable development of the rest of the site) resulted in a loss of a sense of enclosure, then the proposal would be

considered contrary to Local Plan policy CN9. However, it is considered that the replacement of the annex would not significantly diminish the extent of enclosure provided by buildings on the site.

Furthermore, the application includes the provision of a new stone boundary wall (and grass verge) between the site access and Vine Cottage. This would replace an existing hedge and would therefore give a greater sense of enclosure. Setting the building back further, or pivoting the building further south, suggested by the Parish Council to provide greater sightlines, would risk a loss of enclosure and is not considered necessary by the Highways Department

The Conservation Officer did express concerns about other aspects of the design of house 1, in relation to ornate features (like the curved dormer and glazed gable ends) detracting from the current simplicity of design of the existing annex. In response the applicants have revised these elevations, removing the dormer (replacing it with three rooflights on the rear elevations) and 'Juliet' balcony. The revised elevations also remove the previous glazed sections on the west gables and elevation. This gives the building a much simpler and preferable appearance.

Overall, it is considered that initial concerns about the proposal's 'contrived' design, scale and appearance have been overcome. On balance, it is considered that the proposals would not harm the character and appearance of Wylde's Conservation Area. Similarly the natural beauty of this part of the AONB would not be harmed. It is therefore considered that the proposals would comply with Local Plan policies CN5, CN8, CN9 and CN10 and the advice in PPS5. It would not conflict with Local Plan policy H16 (in relation to design and development assimilating into the settlement) and it would comply with Local Plan policy D2.

9.3 The impact on the living conditions of nearby properties

Consideration has been given to the impact of the proposals on the living conditions of nearby properties, though loss of light, overshadowing or over-dominance. The nearest dwellings are Miller's Close and East Farmhouse (to the east), Wylde Terrace (to the west), and Walnut Cottage, Two Gates and 14 Orchard Cottages on the opposite side of Fore Street. Consideration also has to be given to the amenities of Vine Cottage itself.

In relation to overlooking, it is generally considered that a 20m separation distance between opposing habitable upper floor windows is necessary to ensure that a reasonable standard of privacy is maintained. Ground floor windows can normally be screened by boundary treatments. In this case adequate separation is available between the proposed dwelling's upper floor windows and windows in neighbouring dwellings.

Towards Wylde Terrace (to the west) there are no upper floor windows proposed on House 3's west elevation. Only ground floor kitchen and utility room windows would face this way, and the properties in Wylde Terrace itself are set some way forward of the proposed rear houses. The north elevation of House 3 would also have no first floor windows. It is considered that the properties in Wylde Terrace would not suffer undue overlooking.

On the eastern side (towards Miller's Close and East Farm House) Houses 1 and 2

would also have no first floor windows facing in this direction. House 2's living room would have small ground floor windows only which could adequately be screened. House 3 would have windows serving first floor habitable rooms facing east but at a distance of more than 30m. It is therefore considered that Miller's Close and East Farmhouse would also not suffer undue overlooking.

To the north, House 1 would have two ground floor windows facing the highway, serving the kitchen and dining room which couldn't be screened because of the position of the road. These would be less than 20m from the property opposite, but they would replace existing windows in the current annex, and the re-siting of House 1 further south would actually slightly improve the situation compared with that which currently exists.

In terms of intervisibility within the site, House 1 would be 20m from Vine Cottage and over 40m from House 2. Houses 2 and 3 would be more than 20m from the main parts of Vine Cottage. Between House 2 and House 3 there would be a separation of only 8.9m. However, while House 2 would have a bedroom window facing west, House 3 has no windows in its eastern end elevation. House 3 does have first floor windows in its northern projection, but this is far enough away from House 2 for that property's privacy to be adequate.

In terms of dominance and over-shadowing (loss of light), it is considered that the separation distances set out above mean that there would be more than adequate space between the proposed buildings and its neighbours. Any loss of light to be minimal and the proposed dwellings would not dominate or impose upon nearby dwellings.

Overall, it is considered that the development would not harm the living conditions of nearby properties, and would in that respect comply with Local Plan policy G2.

9.4 Noise and Disturbance

The Salisbury to Westbury railway line runs to the south of the application site, around 30m from the nearest of the two rear dwellings and Network Rail have commented that the potential for noise and disturbance from the railway to the occupiers of the dwellings is a factor to be considered in the application.

Network Rail has not objected to the application but have said that conditions should be used were necessary. The Council's Environmental health department has been consulted and consider that a noise assessment needs to be undertaken in accordance with PPG24. However, they have confirmed that this can be dealt with by a planning condition, rather than being a requirement before a decision is issued.

Subject to the imposition of a suitable condition, including measures for mitigation if necessary, it is considered that the proposal would not result in unacceptable levels of noise and disturbance for occupiers of the development.

9.5 The impact on highway safety

The application proposes access to the development using the current entrance, off Fore Street. Concerns have been expressed regarding traffic generation from the development and highway safety. The Highways Department were initially concerned

that inadequate visibility would be available for vehicles leaving the site because of the position of the existing annex building. However, this building is proposed for re-positioning to allow for adequate visibility.

The Highways Department has now raised no objection to the proposal, subject to standard conditions regarding access surfacing, gradient, prevention of visibility splay obstruction and surface water drainage.

Provided these conditions are imposed, there is no reason to believe that the development would have an adverse impact on road users, and therefore an appeal against refusal on these grounds would be difficult to defend. The proposal would therefore comply with Local Plan policy G2.

9.6 Archaeology

Local Plan policy CN21 and PPS5 gives guidance regarding archaeology. Following pre-application advice, the applicants have undertaken an archaeological survey. The survey, involving the excavation of three trenches found some medieval pottery and two possible pits of post-medieval or modern times.

The Council's Archaeologist has considered the submitted survey, and considers that a watching brief should be carried out while development takes place, in case any further archaeological features are found. This could be secured by condition. Subject to this, it is considered that the proposal would not be unacceptable in terms of archaeology, and that the relevant planning policies will be satisfied.

9.7 Ground water source protection

The application site is within an Area of Groundwater Source Protection, where Local Plan policy G8 requires that water sources are protected from pollution caused by construction.

The applicants have submitted a Construction Method Statement setting out measures to be taken during construction to ensure that development does not result in significant risk of polluting the ground water source.

The Environment Agency is the lead consultee of Groundwater. They have considered the applicants' Statement and have raised no objection. It is recommended that a condition is imposed ensuring compliance with the Method Statement. Subject to this condition, it is considered that the proposal would comply with policy G8.

9.8 Contamination

Land at the rear of the application site was once part of Wylve's railway station, closed in the 1960s. This means that there is the potential for part of the site to be contaminated with railway-related substances.

It is accepted that the part of the site most likely to be contaminated is that closest to the railway line, which is not itself being physically developed, making any release of contaminants that much less likely. Never-the-less, contamination is an important issue,

as PPG23 makes clear.

In light of the advice from the Council's Environmental Health department, it is recommended that a condition is imposed requiring a scheme for contamination surveying, together with appropriate steps if contamination is found during development.

9.9 Protected Species

Local Plan policy C12 and Government advice in PPS9 make clear the importance of protected species. The applicants have submitted a bat survey, undertaken by professional ecologists, to assess the potential for bats within the building to be demolished.

The survey found no evidence to suggest that it provides a habitat for bats. Although a number of precautionary recommendations have been made, it concludes that bats are not a material consideration in this application. Subject to the imposition of conditions to secure the recommendations of the ecologist, it is considered that the proposal would not conflict with Local Plan policy C12 and PPS9.

9.10 Public Recreational Open Space

Local Plan policy R2 required that all new residential proposals provide for the increased pressure on public local recreational facilities generated by the development. For schemes of less than 10 dwellings, provision should normally be made by means of a financial contribution securable through a unilateral agreement under s106 of the Town and Country Planning Act.

The contribution is based on the number of units and the number of bedrooms per unit. Although the annex is currently in residential use, it only forms ancillary accommodation, so for the purposes of policy R2 the annex replacement (House 1) is treated as a new dwelling. There are 2 x 4 bedroom units and 1 x 3 bedroom units, which equates to a figure of £6283.20.

The applicants accept that a financial contribution is necessary, and that this can be secured prior to granting consent. Subject to that, the proposal would comply with Local Plan policy R2.

9.11 Other Considerations (SSSI, SAC, flooding and drainage)

In accordance with the Conservation of Habitats and Species Regulations 2010, consideration has been given to the impact on the River Wylye, which is part of the River Avon river system and is designated a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

Given the distance between the site and the river (some 250m), the measures proposed to limit the impact from construction pollution and contamination, and the degree of intervening development, it is considered that the proposal would not adversely affect the River Avon system SSSI or SAC. No further assessment under the Habitat or Environmental Impact Assessment regulations is therefore required. The site is also outside of Environment Agency Flood Zones 2 and 3, meaning that development is not

considered to be at risk from flooding.

In relation to the disposal of sewerage, connection is proposed to the main public sewer in Wylie. This complies with the advice in circular 03/99, Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

10. Conclusion

It is considered that the proposed development would not be unacceptable in principle. It would not consist of backland development that would be inappropriate, and would not harm the character or appearance of the Wylie Conservation Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, or the setting of adjacent listed buildings. The development would not result in harm to the living conditions of nearby properties, highway safety, archaeology, ground water source protection, protected species, the River Avon Site of Special Scientific Interest or Special Area of Conservation or public recreational open space facilities. It would not be at unacceptable risk from noise or disturbance.

The proposed development would therefore comply with saved policies H16 (Development within Housing Policy Boundaries), C4, C5 (Development within Areas of Outstanding Natural Beauty), D2 (Infill Development), C10 (Nature Conservation), C12 (Protected Species), G1, G2 (General Development Criteria), G8 (Groundwater Source Protection), CN8 (Development within Conservation Areas), CN9 (Demolition of Buildings within Conservation Areas), CN10 (Loss of Gardens in Conservation Areas), CN21 (Areas of Special Archaeological Interest) and R2 (Public Recreational Open Space) of the Adopted Salisbury District Local Plan (saved policies).

It would also comply with National Guidance in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Protected Species), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and the advice the Wylie Conservation Area Appraisal and circular 03/99.

Recommendation

Subject to the submission of a unilateral agreement under s106 of the Town and Country Planning Act for the provision of a financial contribution to secure public recreational open space facilities in accordance with Local Plan policy R2

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

It is considered that the proposed development would not be unacceptable in principle. It would not consist of backland development that would be inappropriate, and would not harm the character or appearance of the Wylie Conservation Area, the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, or the setting of adjacent listed buildings. The development would not result in harm to the living

conditions of nearby properties, highway safety, archaeology, ground water source protection, protected species, the River Avon Site of Special Scientific Interest or Special Area of Conservation or public recreational open space facilities. It would not be at unacceptable risk from noise or disturbance.

The proposed development would therefore comply with saved policies H16 (Development within Housing Policy Boundaries), C4, C5 (Development within Areas of Outstanding Natural Beauty), D2 (Infill Development), C10 (Nature Conservation), C12 (Protected Species), G1, G2 (General Development Criteria), G8 (Groundwater Source Protection), CN8 (Development within Conservation Areas), CN9 (Demolition of Buildings within Conservation Areas), CN10 (Loss of Gardens in Conservation Areas), CN21 (Areas of Special Archaeological Interest) and R2 (Public Recreational Open Space) of the Adopted Salisbury District Local Plan (saved policies).

It would also comply with National Guidance in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Protected Species), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise) and the advice the Wylde Conservation Area Appraisal and circular 03/99.

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 approved shall be undertaken in accordance with the following approved plans:

REASON: for the avoidance of doubt and in the interests of proper planning

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

- (i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- (ii) Full details of proposed rooflights, which shall be set in plane with the roof covering;
- (iv) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- (v) Large scale details of proposed eaves and verges (1:5 section);
- (vi) Details of rainwater goods (which shall be metal and finished in black);
- (vii) samples of the external facing materials (including roof materials)

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

REASON: In the interests of preserving the character and appearance of the

Conservation Area.

POLICY: CN8

(4) No part of the development hereby permitted shall not be 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

(5) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5m metres from its junction with the public highway.

REASON: In the interests of highway safety

POLICY: G2

(6) No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1 0m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: G2

(7) No development shall commence until details of the means of surface water drainage of the site (including surface water from the access/driveway), incorporating sustainable drainage details, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the drainage details thereby approved. No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains.

REASON: in the interests of highway and railway safety, and the amenities of nearby properties.

POLICY: G2

(8) Development shall be undertaken in accordance with the recommendations of the protected species survey dated November 2009 (set out at section 6) and the Arboricultural Appraisal dated 26th June 2008 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of protected species and the character and appearance of the area with regard to trees.

POLICY: C12, G2

(9) No groundworks shall commence on site until an archaeological watching brief has been arranged to be maintained during the course of the works affecting the historic fabric of the building. The watching brief shall be carried out in accordance with the written specification, by a professional archaeologist, which shall have been first agreed in writing by the Local Planning Authority.

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

POLICY- CN21

(10) 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 external alterations or development within Part 1, Classes A-H (including the insertion of further windows) shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the character and appearance of Conservation Area, to ensure that the integrity of the design is maintained, and to prevent the insertion of windows that could result in loss of privacy within the site and to adjoining neighbours.

POLICY: CN8, G2

(11) Construction work shall not begin until a scheme for protecting the proposed residential properties from noise and vibration from the nearby railway line has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.

REASON: to ensure a reasonable standard of accommodation

POLICY: PPG24

(12) Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

- (a) A full desktop survey of historic land use data,
- (b) A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).
- (c) A risk assessment of the actual and potential pollution linkages identified,
- (d) A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented, and the validation report shall be forwarded to the Local Planning Authority, prior to first occupation of the first of the dwellings hereby approved being occupied.

REASON: In the interests of public health and safety

POLICY: G2

(13) The development hereby approved shall be undertaken in accordance with the mitigation measures proposed in the Construction Method Statement dated February 2010 unless otherwise agreed in writing by the Local Planning Authority.

REASON: in the interests of preventing groundwater pollution

POLICY: G8

(14) Works to construct the development hereby approved shall only take place between the hours of 08:00 to 17:30 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place on Sundays or Public Holidays.

REASON: in the interests of the amenities of nearby properties

POLICY: G2

(15) No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall 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 Conservation Area.

POLICY- CN8

(16) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the

protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

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

POLICY- G2, CN8

Appendices	None
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Background documents used in the preparation of this report	<p>Construction Method Statement, February 2010</p> <p>Archaeological Evaluation, February 2010</p> <p>Chalkhill Protected Species Survey, November 2009</p> <p>Topographic Survey - LDS/8829-1/O, received 5th March 2010</p> <p>Location Plan - 1113/08 received 5th March 2010</p> <p>Proposed Site Plan - 113/09F, received 8th June 2010</p> <p>Existing and Proposed Street Scenes and Proposed Site Section - 113/10F, received 6th July 2010</p> <p>Proposed Plans and Elevations House 1 - 113/12E, received 6th July 2010</p> <p>Proposed Plans and Elevations House 2 - 113/13C, received 6th July 2010</p> <p>Proposed Plans and Elevations House 3 - 113/14B, received 17th August 2010</p> <p>Site Section C-C - 1113/15D, received 17th August 2010</p> <p>Proposed Plans and Elevations Garages to Vine Cottage and House 1 - 1113/16, received 5th March 2010</p> <p>Existing Plan and Elevations of annex building - 1113/18, received 8th June 2010</p> <p>View from North from 3D Model – 1113/20, received 6th July 2010</p> <p>Sectional View from 3D Model – 1113/19, received 6th July 2010</p>
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