

Schedule of Planning Applications for Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the under mentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

AHEV	- Area of High Ecological Value
AONB	- Area of Outstanding Natural Beauty
CA	- Conservation Area
CLA	- County Land Agent
EHO	- Environmental Health Officer
HDS	- Head of Development Services
HPB	- Housing Policy Boundary
HRA	- Housing Restraint Area
LPA	- Local Planning Authority
LB	- Listed Building
NFHA	- New Forest Heritage Area
NPLP	- Northern Parishes Local Plan
PC	- Parish Council
PPG	- Planning Policy Guidance
SDLP	- Salisbury District Local Plan
SEPLP	- South Eastern Parishes Local Plan
SLA	- Special Landscape Area
SRA	- Special Restraint Area
SWSP	- South Wiltshire Structure Plan
TPO	- Tree Preservation Order

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE

CITY AREA COMMITTEE 2ND MARCH 2006

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item	Pages	Application No Officer Ward Councillors	Parish/Ward Recommendation
1	3 - 5	S/2005/2241 Mr B Hatt	ST MARK & STRATFORD REFUSAL
SV		LAND TO THE REAR OF DAIRY COTTAGE STRATFORD ROAD STRATFORD SUB CASTLE SALISBURY CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC USE (INCLUSION AS PART OF DAIRY COTTAGE) – RETROSPECTIVE.	CLLR NETTLE CLLR PAISEY CLLR MRS WARRANDER
2.	6 - 10	S/2005/2591 Mr R Hughes	ST MARTIN & MILFORD APPROVED WITH CONDITIONS
SV		20 NORTH STREET SALISBURY INTERNAL AMENDMENTS TO FORM ONE DWELLING FROM TWO FLATS (AMENDMENTS TO PLANNING PERMISSION S/2005/2064).	CLLR HOWARTH CLLR TOMES

Part 1

Applications recommended for Refusal

1

Application Number:	S/2005/2241		
Applicant/ Agent:	A E CHUBB LIMITED		
Location:	LAND REAR OF DAIRY COTTAGE STRATFORD ROAD STRATFORD-SUB-CASTLE SALISBURY SP1 3LH		
Proposal:	CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC USE (INCLUSION AS PART OF 'DAIRY COTTAGE') - RETROSPECTIVE		
Parish/ Ward	ST MARK & STRAT		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	3 November 2005	Expiry Date	29 December 2005
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

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

The interest shown in the application

SITE AND ITS SURROUNDINGS

Dairy cottage is a detached residential property located within a well-established residential area within the Housing Policy Boundary of Stratford Sub Castle. The property backs onto open fields.

THE PROPOSAL

This retrospective application is for the change of use on a area of agricultural land approximately 0.03 hectares to the rear of Dairy cottage to domestic use. The area of land also overlaps the rear boundary of the property "Mistral". As part of the change of use, a 1.8 m high close-boarded fence has been erected on the boundary.

PLANNING HISTORY

No relevant history to this application

CONSULTATIONS

Environmental Health – No observations

Conservation – Objections concerning the impact on the open countryside and the damage to the conservation area and Scheduled Ancient Monument

Right of Way – No objection

REPRESENTATIONS

Advertisement	Yes	
Site Notice displayed	Yes	
Departure	No	
Neighbour notification	Yes	28/11/05
Third Party responses surrounding area	Yes	1 neighbour concerned with the effect on the surrounding area

MAIN ISSUES

Impact on character and appearance of conservation area.
Impacts on rights of way

POLICY CONTEXT

- C1 - The rural environment
- C2 - The rural environment
- C7 - Landscape setting
- CN8 - Conservation Areas
- CN11 - Views to and from conservation areas
- CN20 - Ancient Monuments and Archaeology

PLANNING CONSIDERATIONS

Impact on landscape setting of Stratford Sub-castle

Due to its edge of village location the site and surroundings exhibit semi rural characteristics the above retrospective proposal would appear out of place within the surrounding area and would alter the appearance of the open countryside, which is part of the Landscape Setting of Salisbury and Wilton and the setting of the Scheduled Ancient Monument. The change of use would in itself allow further changes to be made to the land such as the introduction of garden features such as washing lines, patios, ponds and ornaments which would be detrimental to the appearance of the countryside by encroaching into it and would detract from the visual amenity of the surrounding area, which is undesirable.

The change of use would also fail to preserve the appearance and character of the conservation area by interrupting the bounding strip that acts as a buffer zone between the rear gardens of the houses along Stratford road and the larger fields that run up to the Scheduled Ancient Monument of Old Sarum. Furthermore the introduction of the timber-boarded fence has created an unsightly harsh feature at the boundary.

Impact on right of way

The public right of way across the property has been maintained to a satisfactory degree with the rights of way warden. The removal of a new stile erected at the end of the new fencing would be necessary as the only purpose for a stile here is for the retention of stock which does not apply.

Conclusion

The site lies within a designated conservation area and within the Landscape Setting of Salisbury and Wilton as defined in the development plan and forms part of the setting of the Scheduled Ancient Monument. The development has resulted in the domestication of the site including the introduction of a stark unduly alien and intrusive bordering fence and would result in further progressive domestication over time, though the introduction of the features residential paraphernalia. As such the proposal fails to preserve the character and the appearance of the surroundings, in conflict with policies C1, C2, C7, CN8, CN11 and CN20 of the adopted Salisbury District Local Plan.

RECOMMENDATION: REFUSE for the following reason:

REASON FOR REFUSAL:

The site lies within a designated conservation area and within the Landscape Setting of Salisbury and Wilton as defined in the development plan and forms part of the setting of the Scheduled Ancient Monument. The development has resulted in the domestication of the site including the introduction of a stark unduly alien and intrusive bordering fence and would result in further progressive domestication over time, though the introduction of the features residential paraphernalia. As such the proposal fails to preserve the character and the appearance of the surroundings, in conflict with policies C1, C2, C7, CN8, CN11 and CN20 of the adopted Salisbury District Local Plan.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

- C1 - The rural environment
- C2 - The rural environment
- C7 - Landscape Setting
- CN8 - Conservation Areas
- CN11 - Views to and from Conservation Areas
- CN20 - Ancient Monuments and Archaeology

Part 2

Applications recommended for Approval

2

Application Number:	S/2005/2591		
Applicant/ Agent:	BAYVIEW DEVELOPMENTS LIMITED		
Location:	20 NORTH STREET SALISBURY SP2 7SG		
Proposal:	INTERNAL AMENDMENTS TO FORM ONE DWELLING FROM TWO FLATS (AMENDMENTS TO PLANNING PERMISSION S/2004/2064)		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	14 December 2005	Expiry Date	8 February 2006
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Councillor Howarth has requested that this item be determined by Committee due to:
The controversial nature of the application

SITE AND ITS SURROUNDINGS

The site is located in the Conservation Area, and surrounded by residential and other mixed commercial development. There is an existing vehicular access off North Street.

At the time of writing, the structures on the site, including the three storey town house (No.20 North Street), have been demolished, and the site levelled, and work has commenced on site with respect to the approved housing scheme.

THE PROPOSAL

It is proposed to alter the design of the approved 9 dwelling proposal by changing the internal layout of two of the approved flats fronting onto North Street into one 2 bed dwelling. The external design of the scheme remains largely as previously approved under S/05/2064, other than a change of material from render to brick on the east façade of the terrace, and the bricking up of a dummy doorway on the façade facing North Street.

PLANNING HISTORY

S/04/2175 – Demolition of No.20 North Street and existing yard buildings, and erection of 7 houses, and 2 flats, and alteration of existing access and car parking. Refused by CAC, but allowed on appeal.

S/05/0428 – Demolition of No.20 North Street and existing yard buildings. Approved.

S/05/0427 – Demolition of No.20 North Street and existing yard buildings, erection of 5 town houses and 3 flats including on site parking and amenity space. Approved.

S/05/2064 – Amendments to design of S/04/2175. Approved 5/12/05.

CONSULTATIONS

WCC Highways	- No objections
Housing & Health Officer	- No observation
Wessex Water Authority	- Apparatus on site need to be protected
Environment Agency	- No objection
WCC Archaeology	- No comments

REPRESENTATIONS

Advertisement	Yes. Expiry 26/1/06
Site Notice displayed	Yes. Expiry 26/1/06
Departure	No
Neighbour notification	Yes. Expiry 11/1/06

Third Party responses None
(On this point, please note that the previous version of this report erroneously reported that one letter had been received regards this application. However, no record of the receipt of any letter has been found on detailed inspection).

MAIN ISSUES

Differences between approved and proposed scheme and the impact of those differences on Conservation Area, Residential amenity, and highway safety.

POLICY CONTEXT

PPG3

R2 D2 G2 G1 CN8

PLANNING CONSIDERATIONS

1. Principle

Planning permission for 9 dwellings has been allowed on the site. As a result the main issue for determination is the impact of the differences between the proposed and the approved schemes.

2. Impact on Conservation Area/Design

Whilst the LPA considered that the original design was unacceptable (see S/04/2175), the Inspector found the design acceptable. The LPA then approved the external appearance as part of S/05/2064.

This scheme only envisages internal alterations to the approved scheme, with limited external alterations, which would not differ significantly from the approved scheme.

It is therefore considered that the internal layout change proposed does not materially alter the scheme significantly in a manner that would affect the judgement reached by the Inspector.

3. Impact on residential amenity

Whilst the LPA considered that the original scheme would have several negative effects on adjacent amenities, the Inspector reasoned that it would be acceptable. The LPA then subsequently approved application S/05/2064, with a condition relating to insertion of windows in the southern flank wall of the building to which this latest application relates.

The proposed changes relate only to internal alterations, and therefore the overall design of the building remains as approved by the inspector. Therefore, the use of this building for one dwelling rather than two smaller dwellings would in the opinion of the LPA, cause no greater harm to adjacent amenities than the scheme approved by the inspector.

The conditions added previously relating to withdrawal of permitted development rights for extensions and window insertions will however protect adjacent amenities to a certain degree, above and beyond the conditions imposed previously by the inspector.

4. Highway safety

The Inspector considered that given the city centre location, 6 parking spaces serving 9 dwellings would be an acceptable ratio.

Given that 6 parking spaces are maintained as part of this revised scheme, that the number of dwellings is effectively reduced to 8, and that WCC Highways have no objections to the revised layout, it is considered that an objection on parking and highway safety grounds could not be supported on appeal.

5. Ancillary enforcement issues

On 29 April 2005 planning permission was granted on appeal for the demolition of 20 North Street and existing yard buildings and the erection of 7 houses and 2 flats, the alteration of an existing access and the provision of car parking (ref: S/2004/2175).

The block plan approved as part of the permission was not dimensioned but, scaling off the drawing, it shows the end wall of the terrace of 7 new dwellings to be approximately 1 metre from the boundary of the site with properties in Water Lane at its south eastern corner and approximately 1.8 metres at its north eastern corner. The drawing is however annotated in this area with 'unable to obtain access – assumed building line'. The reason for this is that a large building previously occupied this corner of the site, and was flush to its boundaries.

A subsequent planning application was approved on 5 December 2005 (ref: S/2005/2064). This was fundamentally similar to the scheme allowed on appeal but included a revised parking layout in line with recommendations made by the Local Highway Authority. The development was described as 'Amendments to planning permission 04/2175 including revised car park layout and change of roof design to plot 3'.

The legal position is that consent will have been granted for details shown on any drawings approved as part of a planning permission, even if those details are not specified within the description of the development.

Again, insofar as the relevant area is concerned, the block plan approved as part of this revised application is not dimensioned but, scaling off the drawing, it shows the end wall of the terrace of 7 new dwellings to be approximately 500mm from the boundary of the site with properties in Water Lane at its south eastern corner and approximately 700mm at its north eastern corner.

The current application (ref: S/2005/2591) is for 'Internal amendments to form one dwelling from two flats (amendments to planning permission S/05/2064). Insofar as the relevant area is concerned, the block plan is the same as that approved under S/2005/2064).

Following the demolition of the existing buildings a temporary close-boarded boundary fence was erected in the north east corner of the site. The developer has explained that this is a more substantial fence than might normally be seen around construction sites because the occupier of the adjacent dwelling (23 Water Lane) had expressed concern regarding security issues. The curtilage of that dwelling had not previously had its own boundary treatment as the boundary had been marked by the, now demolished, building on the development site. The rear of the

property would therefore have been left somewhat exposed if moveable fencing had been erected in this case.

The developer has further explained that the fence has however been sited, in error, within the site rather than on its boundary. This appears to be supported by the relationship of the fence with that to the rear of 22 Water Lane and the pattern of the block work at the end of the building to the immediate north of the site.

Although it is not within the remit of the Council to seek to establish legal boundaries on private land, it is considered that the existence of the temporary fence may have contributed to the impression that the end wall of the terrace of dwellings has been constructed closer to the boundary than shown on the approved block plan.

The Planning Officer (Enforcement) has visited the site and has found that the distances between the boundary of the site and the terrace as constructed are as follows: To the fence at the rear of 22 Water Lane in the south eastern corner: 1.05 metres. To a point corresponding with the corner of the block work on the adjacent building at the north eastern corner: 1.2 metres.

Therefore, compared to the block plan forming part of planning permission S/2005/2064, the terrace is in fact approximately 500mm further away from the boundary than has been approved.

Technically neither of the planning permissions that have been granted has been implemented as the development is being carried out in accordance with the details submitted under the current planning application. However, as noted above, insofar as the area in question is concerned, the block plan forming part of this application is the same as that already approved. Therefore, if the current application were to be refused, the fallback position for the developer would be such that there would be no change in the approved position of the terrace.

Although there is a discrepancy between the position of the terrace as built and as approved, it is not considered that enforcement action would be appropriate in this case as the effect of the discrepancy is to move the new building further away from existing residential properties.

RECOMMENDATION: APPROVE

CONCLUSION – REASONS FOR APPROVAL

The site already benefits from planning consent for 9 dwellings and 6 parking spaces. The revisions to the scheme to provide 8 dwellings and 6 parking spaces would have no greater impact on the conservation area, on adjacent amenities, or on highway safety than the previously approved scheme.

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. (A07B)

Reason 1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1)of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED).

2. Samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be as previously approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason 2. To secure a harmonious form of development.

3. Within one month of the date of the issue of this planning permission, large scale (1:10) details of the new windows, window cills, doors, porch canopies, dormers and access gates shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (D07A)

Reason 3. To secure a harmonious form of development.

4. Within one month of the date of the issue of this planning permission, full details of both hard and soft landscape works, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason 4. In the interests of visual amenity.

5. No dwellings shall be occupied until car and cycle parking spaces have been laid out within the site in accordance with the submitted plans; such spaces should be kept available for use at all times.

Reason 5. In the interests of highway safety.

6. Notwithstanding the provisions of Classes A-E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings, or the erection of any structures and enclosures.

Reason 6. In the interests of amenity.

7. There shall be no windows inserted in the east elevation of the end of the terrace or the south elevation of the dwellings adjacent to the southern boundary (adjacent the public house and no 24/22 East Street).

Reason 7. To ensure adequate privacy for the occupants of neighbouring premises.

INFORMATIVES

1. The developer should note that Salisbury District Council has adopted a strategy relating to the issuing of new parking permits within the city centre parking zones. This strategy affects future occupants of your development, in that future occupiers may be refused parking permits. We would be grateful if this information could be conveyed to future purchasers and occupiers of the dwellings.
2. Please note that Wessex Water has highlighted that some of its apparatus may cross the site and need to be protected during development.
3. This decision has been in accordance with the following policies of the Adopted Salisbury District Local Plan:

Policy	- Purpose
R2	- Recreational Open Space
D2	- Infill Development
G2	- Residential Amenities
G1	- General Development & Sustainable Development
CN8	- Protection of Conservation Areas.

Part 3
Applications recommended for the Observations of the
Area Committee

No Observations