

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 undermentioned 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
NORTHERN AREA 7 SEPTEMBER 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 Page	Application No Officer	Parish/Ward Recommendation Ward Councillors
1	S/2006/1417	DURRINGTON
	Mrs B Jones	APPROVED WITH CONDITIONS
	OUR LADY OF HEAVEN CHURCH PHILIP ROAD DURRINGTON SP4 8DT CHANGE OF USE OF OUR LADY OF HEAVEN CHURCH FROM D1 TO MIXED USE, WITH B1 ON GROUND FLOOR AND RESIDENTIAL USE (C3) ON FIRST AND SECOND FLOORS AND THE ERECTION OF A FURTHER 2 SEMI DETACHED DWELLINGS AND ASSOCIATED WORKS	DURRINGTON WARD Cllr Baker Cllr Rodell Cllr Mrs Greville
2	S/2006/1201	DURNFORD
S.V.	Mr T Wippell	APPROVED WITH CONDITIONS
	GREAT DURNFORD MANOR GREAT DURNFORD SP4 6BA ERECTION OF A FISHING HUT (RETROSPECTIVE)	LOWER WYLYE AND WOODFORD VALLEY WARD Cllr Brady
3	S/2006/1465	AMESBURY EAST
	Mr A Madge	APPROVED WITH CONDITIONS
	COMPLETE HOMES LAND & DEVELOPMENT LTD 51 & 53 ANTROBUS ROAD AMESBURY SALISBURY SP4 7ND	AMESBURY EAST WARD Cllr Brown Cllr Noeken Cllr Peach

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2006/1417		
Applicant/ Agent:	TURLEY ASSOCIATES		
Location:	OUR LADY OF HEAVEN CHURCH PHILIP ROAD DURREINGTON SALISBURY SP4 8DT		
Proposal:	CHANGE OF USE OF OUR LADY OF HEAVEN CHURCH FROM D1 TO MIXED USE, WITH B1 ON GROUND FLOOR AND RESIDENTIAL USE (C3) ON FIRST AND SECOND FLOORS AND THE ERECTION OF A FURTHER 2 SEMI DETACHED DWELLINGS AND ASSOCIATED WORKS.		
Parish/ Ward	DURREINGTON		
Conservation Area:		LB Grade:	
Date Valid:	7 July 2006	Expiry Date	1 September 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

Councillor Greville has requested that this item be determined by Committee due to the controversial nature of the application.

SITE AND ITS SURROUNDINGS

The site is an existing vacant church and grounds, prominently located on a corner within a mature housing estate. The brick church has steep pitches over the four quadrants of the building, and glazed features, with a single storey flat roof extension to the west elevation. A low brick wall encloses the site on two sides, and stairs lead up to the doorway on the north elevation. Land to the south is currently overgrown and laid to grass. Dwellings in the vicinity are generally two storey terraces, with bungalows to the south.

THE PROPOSAL

The applicant is seeking planning permission to change the use of the ground floor of the church (Use Class D1) to a mixed use, with B1 on the ground floor and residential (Use Class C3) on the first and second floors. A further two semi detached houses would be erected on the land to the south of the church.

PLANNING HISTORY

TP391	O/L Application for RC Church and Presbytery	Approved.
2003/1744	O/L Residential Development Church And Land Adjacent	WD
2004/2307	O/L to demolish existing church and redevelop for residential use.	Refused:

1) The proposed development by virtue of the loss of the existing church and community facility, which though currently closed is considered to be central to the social life of the settlement, in the absence of sufficient evidence to demonstrate that the existing or an alternative community-related use is no longer viable or could not be viable on this site is contrary to Policies PS3 and G1 of the Adopted Replacement Salisbury District Local Plan (June 2003) and Policy DP1 of the Wiltshire Structure Plan that seek to prevent the loss of existing community facilities and to promote the vitality and viability of local communities in the interests of sustainable development.

CONSULTATIONS

WCC Highways -	No objection subject to conditions and amended plan.
Archaeology -	No objection
Forward Planning -	See comments below
Wessex Water -	Points of connection to be agreed, and LPA to be satisfied with surface water disposal.
Environmental Health -	Ground floor should be restricted to office use only (See below)
English Nature -	No objection , subject to recommendations of ecological survey.
Police Liaison -	No response

REPRESENTATIONS

Advertisement	Yes Expiry 10/8/06
Site Notice displayed	Yes Expiry 10/8/06
Departure	No
Neighbour notification	Yes Expiry 1/8/06
Third Party responses	Yes Two letters of objection on the grounds of overlooking, need for boundaries or fences, two houses are overdevelopment, loss of on street parking spaces, disturbance during construction, loss of community facility, paid for by the community.

Parish Council response **Objection:**

1) The church and surrounds have been used as a local youth congregation area for a number of years. Even when the church was being used regularly, groups of young people would use it as a meeting place, to play games, do amounts of vandalism, broken windows, graffiti and defecation. There was a constant battle by the volunteer helpers to keep the church presentable for family worship. We consider this development will do a lot to raise the standard of this area but recommend that extra measures are necessary to deter youth from congregating. We would like the Secure by Design Architect/Police partnership to look at the plans and advise. We recommend that the entrance door to the flats be electronically locked to stop unauthorised access to the stairwell. We recommend the passageway at the rear of the Church and designed for disabled access has a lockable gate to stop a rat run around the back of the building. There are no details on the plans of the boundary protection. Local residents would like a minimum of 2m wall or fence. The existing wall does nothing to stop access to and from the site. We like the idea of a waste bin storage but think where it is proposed is problematic. Waste bins need to be securely contained within the curtilage. Due to the number of different residents in the flats, communal access and recreation areas, we recommend a caretaker organisation is formed so each flat contributes to outside cleaning, maintenance and security including painting and repairs, to ensure the standard of the building is maintained.

2) Philip Road and Charles Road are owned and maintained by SDC. They are substandard in width so have not been adopted by WCC. There was no provision made for off road parking at individual premises. Garages were supplied by SDC at the rear of Charles Road. Unfortunately a number of these cannot be used as they need repair. This means the only option to residents is to park on street, which get very congested with parked vehicles. Although the developer has proposed the minimum number of parking spaces on and off road, in this location with the substandard access roads, the number will leave absolutely no leeway for visitors and temporary parking. In fact the parking spaces 10 –13 off Charles Road will actually cause problems not solve them. By allowing 4 cars to park off road will stop 3 cars parking on road (as they do now) so there has only been a gain of 1 car space. Due to traffic congestion, we consider 5 spaces for the office use is insufficient. Other office employees will not be walking to work. Visitors/customers to the offices need parking spaces. If the developer goes down the route of office space on the ground floor we would recommend a travel plan is submitted and agreed before occupation. The same for the nursery school unless it caters for local children when the majority would either be dropped off or walk.

3) The Houses. The internal design and measures to reduce the effect on neighbouring amenity seems quite satisfactory. However, taking account of the extra disruption and loss of amenity due to increased traffic movements and parked vehicles in an already highly congested area we

consider the proposal to be overdevelopment and should be reduced in density, unless other measures are considered to reduce the congestion.

MAIN ISSUES

1. Principles and planning history
Scale, design and impact on neighbouring amenities
Highway issues
Public Open Space
Nature Conservation

POLICY CONTEXT: SDLP Policy G1, G2, D2, H16, R2, PS3, E17, PPG3 Housing

PLANNING CONSIDERATIONS

1. Principle of Residential Development on the Site

The application site lies within the Durrington Housing Policy Boundary and therefore, residential development would be acceptable under Policy H16, subject to the other relevant policies of the Local Plan. It is also noted that the original approval for the site included land to the immediate south of the church for development of a presbytery.

Principle of Employment Use and Loss of Community Facility

Policy PS3 of the Local Plan states that, "The change of use of premises within settlements that are currently used, or have been used for retailing, as a public house or to provide a community facility **central to the economic and/or social life of the settlement**, will only be permitted where the applicant can prove that the current or previous use is no longer viable".

The supporting text acknowledges the difficulties for traditional village facilities to maintain their viability but identifies the important role that such facilities play in offering an alternative to car journeys and contributing to the social life of communities. However, the Local Planning Authority would not wish to enforce the retention of such facilities where they are unviable and unlikely to become viable in the near future. Policy G1 seeks to promote a sustainable pattern of development that reduces the need to travel; promotes the vitality and viability of local communities; and conserves the natural environment and cultural heritage of the District.

Is the church central to the economic/social life of the settlement and is it viable?

Under the previous application, the church was considered to be central to the social and cultural life of the settlement. However, it was not sufficiently demonstrated that on the balance of probabilities, the church was no longer *viable* as a community use, or unlikely to become viable in the foreseeable future. Given the requirements of Policy G1 (ii), the applicant needed to demonstrate that another community use, or even a mixture of a community and residential uses would not be viable.

Members will be familiar with the marketing information put forward under the previous application, and reasons for the closure of the church. The applicant had undertaken a marketing exercise and advertised the premises with a guide price of £150,000. However, it was considered that the applicant had failed to adequately market the premises/site as the advertising details only referred to the existing D1 use of the premises. The marketing exercise failed to establish whether there was potential interest for an alternative community-related use, such as a retail shop, office use or leisure use, that would continue to promote the vitality and viability of the local community and was flawed as the premises were mainly advertised under residential sections in the Property Journal and websites, and not marketed commercially. Furthermore, a 'for sale' board was not displayed at the site. Further concerns were raised when the applicant rejected an offer on the grounds that it failed to reflect the actual market value of the site for office use. This suggested that the property had not been marketed at a realistic price, other than for use as a church or an alternative D1 use. Secondly, the submission of an offer for the use of the building/site for office purposes demonstrated that there is interest in the site for a community-related use that would be of greater benefit to the vitality and viability of the

local community than a residential use. The proposal was therefore considered contrary to Policies PS3 and G1.

In order to address this reason for refusal, the applicant has submitted a statement outlining a revised marketing plan for the premises, which is attached as Appendix 1. The plan would appear to have overcome the main flaws identified in the first marketing exercise, in that: Marketing boards were attached to the building

Details were circulated to a variety of community groups and employers, including the Parish Council and County Council

It was made clear on the details that there was potential for additional uses subject to planning permission

Price – offers were invited.

However, Forward Planning have expressed concern that the property was only advertised in the local press *once* during the six month period, and ideally, it should have appeared monthly. Therefore, Members would need to consider whether they are satisfied that the marketing exercise was sufficient in scope. The marketing exercise concluded with the completion of sale to the current applicant, and it is considered that the proposed B1 use would comprise an alternative community related use for the site, which would continue to promote the vitality and viability of the local community, in accordance with Policy G1 and PS3.

Policy E17 supports the conversion of existing buildings within settlements for employment use, subject to seven criteria, including satisfactory access to services and the local highway network, appropriate scale, accessibility by a range of transport modes, impact on character and amenities of an area, the environment of nearby dwellings being adversely affected, and there being no significant adverse impact on landscape or nature conservation. The views of the highway authority in terms of the suitability of the site are given below. The scale and design of the building is considered appropriate to the area, as the employment site comprises the ground floor of an existing building.

In terms of the impact on nearby occupiers, the Environmental Health Officer has no objection to the ground floor being used as office space during normal office hours. However, light industrial use (also Class B1) would not be acceptable, as there is likely to be a detrimental impact on neighbouring amenities. Therefore, the use of the ground floor should be strictly limited to B1 office use only.

In conclusion, *provided* members are satisfied that the marketing exercise was sufficient, that use of the ground floor is limited to B1 office, and subject to the comments of the highway authority below, the use of the ground floor of an existing building within the settlement of Durrington for B1 office use is considered to comply with Policy E17. Forward Planning have suggested that the conversion of the building should be completed before there is any occupation of the dwellings, to ensure that the building is completely restored, in the interests of visual amenity.

2. Scale, design and impact on neighbouring amenities

The application seeks alterations to the existing elevations of the building, to accommodate the residential use. Five flats are to be created in the roof void of the former church. The access stair to the flats would be via a newly created internal staircase.

North elevation: This elevation would include the new internal staircase, created by a two storey extension with pitched zinc composite lead panel roof. The existing glazed detailing is recessed by about 1.5m beneath the canopy of the steep pitched roof of the church. Two juliet balconies are proposed for the first and second floors. These balconies would face towards properties and front gardens in Charles Road. However, the separation would be about 18m, and this distance coupled with the recess of the glazing is considered on balance to be acceptable, and unlikely to unduly disturb the neighbouring amenities of dwellings opposite the site. Furthermore, the church is not excessively tall, and therefore, a person standing on the second floor balcony would only be about 8m above ground level. Therefore, given the height, separation, and recessed position, the balconies are considered to be acceptable, and unlikely to cause undue disturbance to neighbours through overlooking. However, it is considered that the details of the

balconies should be conditioned, to ensure that they remain recessed, in accordance with the submitted floorplans.

West elevation: Windows in the existing glazed west elevation would be removed, to prevent undue overlooking into neighbouring properties. Obscured glazing is proposed for the new stairwell, which would also prevent overlooking. The existing single storey extension would be maintained in its current form, with the addition of two patio doors. The impacts of the changes on neighbouring amenities are considered acceptable subject to a condition to ensure the stairwell is obscured.

South elevation: This elevation is currently plain, with brick and tile. New openings would be formed on the first and second floors, with the addition of 4 rooflights, and patio doors. This elevation does not directly overlook any properties, and faces up Philip Road. Therefore the visual and amenity impacts are considered to be acceptable.

East elevation: This existing elevation includes the greatest proportion of glazing, which is set at a slight angle to the road, and is not recessed beneath the eaves of the church. Three juliet balconies would be added to the first and second floors, and two rooflights would be included. The two first floor balconies would serve bedrooms, and the second floor would serve a kitchen/lounge. These balconies would be about 20m from the front elevation and garden of two opposite dwellings, which have large rear gardens. However, the church is not excessively tall, and therefore, a person standing on the second floor balcony would only be about 7m above ground level. This is comparable with the second floor rooflights or dormers of many dwellings. Therefore, given the height and separation, the balconies are considered to be acceptable, and unlikely to cause undue disturbance to neighbours.

The terrace of 2x3 bed houses would be sited about 8.5m from the boundary with dwellings to the west and about 3m from the east boundary. There would be no first floor side (east/west) elevation windows and the dwellings would have a catslide roof on the rear elevation, incorporating rooflights, to minimise overlooking into properties in Charles Road. Materials would be brick with slate and some amenity space for the flats is included. The 8m separation of the rooflights from adjoining properties, and their low height above ground level (about 4.5m) would minimise overlooking into neighbouring dwellings and gardens, the proposals are considered acceptable under Policy G2. The dwellings are considered to be modest, and would be provided with a garage and amenity space. The design and scale are considered acceptable, and the development would occupy part of the site allocated for the presbytery approved under the original outline application. Parking allocations are described below, a new boundary wall would be provided for Sherwood's boundary, and existing boundary walls and fences would remain for the new dwellings. However, all other boundaries should be conditioned. The proposal is considered to be acceptable in terms of design, scale and impact on neighbours, in accordance with Policy G2, D2 and H16.

Highways and Access

Vehicular access to the site would be from the existing access in Philip Road. An additional access would be created in Charles Road to facilitate the four parking spaces. Pedestrian access would be from Philip Road and Charles Road. 17 car parking spaces are allocated as follows, with secure cycle parking:

2x3 bed houses = 4 spaces (2 per unit including garage)	3x2 bed flats = 6 spaces (2 per unit)
2x1 bed flats = 2 spaces (1 per unit)	Office use = 5 spaces.

The Highway Authority has confirmed that the proposals reflect discussions with the applicant. The parking requirements are largely acceptable, but some shared use of parking might be necessary for the mixed use B1/flats. This should be relatively easy to manage, as the building would form a managed unit, where parking during the day would be reduced for the residential units creating space for the B1 use. The parking level and layout is therefore acceptable. It is therefore recommended that no highway objection be raised subject to conditions.

Public Open Space: A completed section 106 Agreement in respect of Policy R2 has been received.

Nature Conservation

A Bat Survey has been submitted by the applicant, which concluded that no signs of bats were found. Boundary trees were judged unsuitable to support bat roosts. Therefore, the report includes recommendations in case bats are discovered, and to ensure that the timing of development covers the needs of nesting birds. English Nature has raised no objection, subject to the findings of the survey being followed by condition.

CONCLUSION

The proposal seeks to make effective use of previously developed land within an urban settlement. A marketing exercise has been undertaken to test the viability of the existing church and other community uses, and concluded that the ground floor of the site may be viable for either a nursery or B1 office use, which would continue to contribute to the vitality and viability of the local community. Members should satisfy themselves that single press article for the marketing was adequate. The proposed residential conversion would be acceptable in terms of design, scale and impact on neighbours, and the development would not be detrimental to nature conservation interests, or highway safety.

RECOMMENDATION: Approve, subject to receipt of monies in respect of Policy R2, by 14th September 2006.

REASONS FOR APPROVAL:

The proposed redevelopment of Our Lady of Heaven Church to provide a B1 office use on the ground floor, with residential flats on the first and second floor, and two additional dwellings with associated parking and amenity space in the grounds would be in accordance with the adopted policy provisions of the Salisbury District Local Plan, and would contribute towards the vitality and viability of the local community, would not unduly disturb neighbouring amenities or be detrimental to nature conservation interests or highway safety.

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: 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. No development shall commence until a schedule of materials, colours and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s], windows, any cladding, and roof[s] of the proposed development (comprising materials and finishes for: all site boundaries, all hard surfaces, the church conversion, the two new dwellings and their garages) have all been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development

3. There shall be no occupation of the offices, flats or dwellings hereby approved until the proposed shared use vehicular access has been laid out with a minimum width of 4.5m and in a position to be agreed in writing by the Local Planning Authority, before any development commences. (See the attached plan).

Reason: For the avoidance of doubt and to ensure that vehicles entering and leaving the shared use parking area can do so without obstruction in the interests of highway safety.

4. There shall be no occupation of the offices, flats or dwellings hereby approved until the parking spaces numbered 1-13 on the approved plan have been permanently marked out, and the parking spaces and manoeuvring areas have been hard surfaced in accordance with details

which shall be submitted to and agreed in writing by the Local Planning Authority, before any development commences.

Reason: In the interests of highway safety.

5. There shall be no occupation of the development hereby approved until the driveway serving plot 1 has been surfaced in a suitable consolidated material (not loose stone or gravel) for a distance of 5 metres from the back of footway.

Reason: In the interests of highway safety

6. Detailed working drawings at a suitable scale of 1:10 to show details of the juliet balconies of the flats hereby approved and a drawing at scale 1:100 showing a lockable gate system for the west side passage shall be submitted to and approved by the Local Planning Authority before any development commences. The development shall be implemented in accordance with the approved details and maintained in that condition thereafter.

Reason: To secure a harmonious form of development in the streetscene, prevent undue overlooking and ensure that the side passage is not used as a "ratrun" by pedestrians.

7. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to any occupation of the eight new dwellings hereby approved.

Reason: In the interests of the amenity and the environment of the development.

8. Notwithstanding the provisions of Class[es] A to E of Schedule 2 (1) to 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 dwelling(s) nor the erection of any structures within the curtilage nor any insertion of additional first floor windows, rooflights or velux unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: In the interests of neighbouring amenities and to prevent undue overlooking.

9. Landscape Scheme: The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure a satisfactory appearance to the development.

10. The proposal shall be carried out in strict accordance with the details and recommendations of the Bat Survey dated July 2006 (including timing of the development with reference to nesting birds) by Devon Wildlife Consultants.

Reason: To safeguard the nature conservation interests of protected species.

11. The development shall be in accordance with the amended plans ref: A2182/100 Rev A and any other details to be agreed in writing by the Local Planning Authority. There shall be no occupation of the dwellings hereby approved until the proposed stairwell glazing as shown on A2182/105 west elevation has been obscured to the satisfaction of the Local Planning Authority. The stairwell shall be maintained in that condition thereafter.

Reason: For the avoidance of doubt

12. There shall be no occupation of the dwellings or flats hereby approved, until the external conversion of the former church building has been fully completed, and the B1 office use has been fully completed internally and is available for occupation, to the satisfaction of the Local Planning Authority and in accordance with the floor and elevation plans hereby approved.

Reason: In the interests of visual amenity, and to ensure that the residential and B1 office use can be occupied at the same time.

13. The ground floor of the development hereby approved, as shown on Ground Floor plan ref A2182/107 shall be used for B1 office use and for no other purpose (including any other purpose in Class B1 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (V01A)

Reason: For the avoidance of doubt and to enable the Local Planning Authority to exercise control over the use of the premises in the interests of regulating any alternative kinds of B1 or D1 activities which could adversely affect amenities of neighbouring dwellings and flats.

INFORMATIVES:

1. This approval does not give any consent for the demolition of Our Lady of Heaven Church.

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

Policy G1	Sustainable Development	R2	Public Open Space
Policy G2	General Principles for Development	PS3	Community Facilities
D2	Design	E17	Employment
H16	Housing Policy Boundary	and PPG3	Housing

Application Number:	S/2006/1201		
Applicant/ Agent:	ITL ASSOCIATES		
Location:	GREAT DURNFORD MANOR GREAT DURNFORD SALISBURY SP4 6BA		
Proposal:	ERECTION OF A FISHING HUT (RETROSPECTIVE)		
Parish/ Ward	DURNFORD		
Conservation Area:		LB Grade:	
Date Valid:	12 June 2006	Expiry Date	7 August 2006
Case Officer:	Mr T Wippell	Contact Number:	01722 434554

REASON FOR REPORT TO MEMBERS

Cllr Brady has requested the application be brought before committee because of the interest shown in the application by the neighbouring property.

SITE AND ITS SURROUNDINGS

Great Durnford Manor is a Grade II Listed building, set in approximately 2000 acres of private farming, forestry and sporting land. The estate runs alongside the River Avon, and the owners hold fishing rights on this side of the river.

The fishing hut lies to the north of Great Durnford Manor close to the bank of the River Avon, set amongst some mature trees, and within the Salisbury Special Landscape Area. The site is accessed by a track from the main house.

THE PROPOSAL

The application (now retrospective) seeks permission for a softwood hut with black felt roofing tiles, located approximately 340 metres from Durnford Manor. The hut is in the style of a log cabin/ lodge and consists of a large veranda with table and chairs, a pine-clad inner room with windows on three sides, and a further 2 storerooms to the rear.

The hut is sited on the outskirts of mature woodland, where trees provide screening to the hut when viewed from upstream. However, the fishing hut is partially visible from the downstream area, and visible from the water meadows across the Valley.

In an attempt to lessen any impact on visual amenity, the applicant has painted the hut green, and has planted tree saplings between the hut and the river.

RELEVANT PLANNING HISTORY None relevant to this application

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expired 13/07/08
Departure	No	
Neighbour notification	No	

Third Party Representations: Objection received, which states that;

Considers that other infringements of planning control have taken place that are not considered by this application. These include a new access roadway with parking area and banjo style loop. Also consider that a septic tank has been installed without planning permission, and that water pipes have been laid to the hut.

Considers this is not a temporary structure but is permanent in its nature. Considers that it is a corporate fishing enterprise which is wholly inappropriate in planning, environmental and policy terms.

Advice contained in PPS7 states that new building in the open countryside should be strictly controlled. No justification for allowing the commercial fishing hut, dining venue and associated works has been provided. The site lies in the open countryside where policy C6 of the Adopted Local Plan applies. Only development which is essential to the rural economy will be permitted. It is considered that there is no demonstrable need for the facility. The development will be very visible and is not acceptable in planning policy terms.

The site lies within an area of archaeological significance. An archaeological investigation should be requested.

The development is considered to be contrary to policies G1 and G2 of the adopted local plan.

The site is located close to the River Avon which is a site of Special Scientific Interest where a plan or project may have a significant effect on a European Site. The habitat regulations require that an appropriate assessment of the proposals be carried out by the local planning authority.

Considers that to discharge to a septic tank in such close proximity to the SSSI and within the River Avon flood plain as identified by the environment agency is contrary to policy C17 of the adopted local plan.

It is considered no advantage whatsoever occurs to the locality by the erection of the structure, the impact of which will be entirely negative in every aspect.

This is a brief summary of the main points raised by the objector to this application and a full copy of their objection letter is provided at Appendix A, which members should read prior to committee.

Consultations:

Archaeology- Confirm that there are no archaeological features known in the area and it appears to be away from the water meadows to the west. As construction has already taken place, any archeological features that may have been in the location will have been disturbed. Therefore no comments are given.

Environment Agency- No objection to the retrospective fishing hut. The submitted Flood Risk Assessment is considered to meet the requirements of Planning Policy Guidance 25. However, as flood risk is expected to increase over time, the EA does not absolve the developer of their responsibilities to ensure a safe development.

English Nature- No objections raised, as there is no water supply, surface water or foul sewage to dispose of. However, if this were to occur in the future, further clarification must be given to EN as to the source of water supply and/or methods of disposal to ensure no impact upon the SSSI/SAC.

Policy Context: C1, C2, C6, C9, C10, C17, CN21, G1, G2, G4, G5, H23, R1C, PPS7, PPS9

Parish Council Response: Support

PLANNING CONSIDERATIONS

Impact on Visual Amenity

When assessing proposals in rural settings, it is important that the landscape is protected from unnecessary development, and the character of the area is not compromised. Any new development needs to be sensitive to the locality, and should be judged against Policies C1, C6 and C9 of the adopted Local Plan.

It is considered that the creation of a fishing hut in this location has not had a significant impact on the character of the wider landscape to warrant refusal. The hut is well screened by vegetation when viewed from upstream, and is largely hidden from view at the bottom of the valley.

Despite being visible from across the river and water meadows, the hut is of dark wooden materials within a wooded setting, and in this context, the development does not constitute an eyesore or detrimental visual intrusion from ground level. The applicant's attempt to further lessen any impact via the planting of trees between the hut and the river is to be welcomed, as this will further reduce any impact on visual amenity over time.

Access Arrangements

During the site visit, it was noted that a rolled-rubble access track leading to the hut had been newly constructed or recently repaired. This issue has also been questioned by a third party representative. In reply to this query, the applicant has stated that the track has been in existence for at least two generations of owners, and only repair works have been carried out to the track recently to enable agricultural and sporting machinery and vehicles to gain access to different areas of the estate.

The nature of the track is an important consideration in visual amenity terms, and should be judged against Policies C1, C6 and C9 of the adopted Local Plan. Aerial photography from 2001 indicates that at that time informal grassed tracks existed in these locations, and whilst the works to the track are noticeable in this location, it is considered that this impact will reduce over time as the grass grows back.

For the purposes of this application, it must be noted that irrespective of the time the track has been in existence, under the General Permitted Development Order 1995, it is assumed that the track in question could have been repaired without the need for planning permission, and therefore any impact of the track on visual or other amenities in the area cannot be controlled by this department. This authority will be investigating the matter further, to ascertain whether any additional permissions are required.

Irrespective of the levels of planning control over the track, referring to the likelihood of pollution caused by intensified vehicular traffic and pedestrian movement in the immediate area, in the absence of any Environment Agency, Archaeology or English Nature objections, the additional pollution is not considered significant enough to warrant refusal. The hut is to be used infrequently and on a seasonal basis, and the additional parking of vehicles near to the hut is not likely to cause significant additional pollution.

Impact on Natural Environment and Protected Species

No objections have been raised from the Environment Agency. An appropriate flood-risk assessment has been submitted, showing the fishing lodge located on land approximately 3m above the top of the bank of the River Avon, with flood reconnaissance photographs showing the site unaffected.

English Nature have been consulted, and do not object to the proposal. Although concerns may have been raised prior to the construction of the hut, relating to the potential for pollution during construction (for example through accidental spillage or run-off carrying exposed soil or building materials into the river), as this scheme is now retrospective, no objections are given.

The applicant has confirmed in writing that there is no water supply, surface water or foul sewage to dispose of from the hut. As such, pollution to the river is not considered to be an outstanding issue. However, if a water supply, surface water or foul sewage arrangements were to occur in the future, further clarification must be given to English Nature as to the source of water supply and/or methods of disposal to ensure no impact upon the Site of Special Scientific Interest (SSI) or nearby watercourse.

In the absence of any objections, and in accordance with Policies C10, C17, G4 and G5 of the adopted Salisbury District Local Plan, and the guidance notes in PPS 9, it is considered that the development has had no significant adverse impacts on the Natural Environment or Protected Species to warrant refusal.

The objector has stated that an appropriate assessment is required to assess the harm caused by the hut on the local surroundings. As the material impacts of the development are now retrospective, a first-hand evaluation by the case-officer has already been undertaken, and in the absence of any objections from consultees, an appropriate assessment is not judged to be

necessary, as the impact of the development is not considered significant. Referring to any likely impacts caused by the current use of the hut, the following points are noted;

The amount of fishermen using this stretch of the river is unlikely to increase significantly from current or historic levels. Usage of the river in this location is unlikely to intensify in the future, and therefore any additional impacts are considered to be minimal. Members may consider it necessary to restrict the usage of the hut via planning condition if the application is to be approved.

Use of Development

The main issue to consider in this application is the intended use of the fishing hut for business purposes. As the applicant has confirmed that the primary use of the building is for fishermen to take shelter in connection with a profit-making operation, approving this application would be tantamount to allowing a new recreational business in a rural location. This issue should be considered against Policy R1c of the adopted Salisbury District Local Plan, and PPS 7.

When considering the use of the hut, the following points are noted;

The lodge appears to provide an ancillary facility to visiting anglers as part of the estate's business, and therefore has the potential to be economically beneficial in terms of improving and developing the local tourism offer.

The proposal is a facility for recreational use, supporting recreational activity in the countryside.

The hut's location is good (in employment/ business terms), being directly between the two key attractions of Stonehenge and the city of Salisbury. The nearby villages of Durnford, Lake, Wilsford and Woodford all have bus services. Therefore, the facility has the potential for being economically beneficial to the area.

The dimensions of the cabin, and the absence of any toilet, kitchen, washroom or cesspit facility would indicate that it could not be used as accommodation or readily be converted into one.

Impact on Residential Amenity

The cabin is approximately 200 metres from any other building, and is well screened to the west and north-west where the nearest dwellings are situated themselves somewhat more than 200 metres away. In terms of other recreational users, again, there does not appear to be an issue, in relation to Policy G2 of the adopted Salisbury District Local Plan: there is little visual impact nor pollution or noise, and the use relates, as previously, to angling.

Conclusion

The fishing hut is sited close to existing vegetation and woodland, and is constructed of appropriate materials, which help it to blend in with the rural surroundings. Although visible from the watermeadows from the other side of the river, additional tree planting between the hut and the River will (over time) provide additional screening to wider landscape. The newly repaired track will also become less visible over time, as grass covers the excavations.

In the absence of any objections in relation to the impact on archaeology, nearby watercourse, wildlife or natural habitat, and in the absence of any Policy objections as to the use of the development, overall, the scheme is considered to be an appropriate form of development.

However, if Councillors consider that the planning impacts of the scheme are more finely balanced than indicated in the officer's report, it can be considered whether the harm caused by the fishing hut on the surrounding area is significant enough to warrant its removal.

RECOMMENDATION: Approve

For the following reasons:-

In the absence of any objections in relation to the impact on archaeology, nearby watercourse, wildlife or natural habitat, and in the absence of any Policy objections as to the use of the

development, it is considered that the scale, design, siting and materials of the fishing hut are appropriate to the general development criteria, in accordance with policies C1, C2, C6, C9, C10, C17, CN21, G1, G2, G4, G5, H23 and R1C of the adopted Salisbury District Local Plan, and the guidance given in PPS7 and PPS9.

And subject to the following conditions:

1. The hut shall only be used as an ancillary facility in association with fishing, and the maximum number of people using the hut at any one time shall be no more than 14. Should the fishing use of the structure cease, the hut shall be removed, and the land restored to its former condition.

Reason: In the interests of residential amenity, and to safeguard protected species.

2. No vehicular parking shall take place adjacent to the fishing hut, unless for maintenance purposes. All parking of vehicles for users of the fishing hut shall take place adjacent to Great Durnford Manor or in the service area in front of the sewage disposal system that serves the Manor.

Reason: In the interests of pollution control and to safeguard protected species and the nearby watercourse.

3. The fishing hut shall only be used from dawn, and up to a maximum of one hour after dark, and shall not be used for overnight accommodation.

Reason: In the interests of residential amenity, and to safeguard protected species.

4. There shall be no external lighting of the site or buildings without the prior written permission of the Local Planning Authority. (N01A)

Reason: In the interests of residential amenity, and to safeguard protected species.

5. There shall be no water supply, surface water or foul sewage disposal installed at the fishing hut hereby approved, unless otherwise agreed in writing by this Authority. (D01A)

Reason: To safeguard the nearby watercourse and SSSI/SAC.

INFORMATIVE:

Under the terms of the Water Resources Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Avon, designated a 'main river'. The applicant should contact Mike Holm, in the Agency's Development Control Team to apply for Land Drainage Consent (tel: 01258 483437).

INFORMATIVE:

This decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

C1	-	Protection of natural beauty and amenity
C2	-	Development which benefits local economy and maintains or enhances the environment
C6	-	Development Criteria in Special Landscape Areas
C9	-	Loss of woodland or landscape and tree planting
C10	-	Protection of SSSI
C17	-	Conservation and enhancement of rivers and watercourses
CN21	-	Archaeology protection
G1	-	General Development Criteria
G2	-	General Criteria for Development
G4	-	The Water Environment
G5	-	Development requiring water services
H23	-	Development in the Countryside
R1C	-	New outdoor recreation facilities in the countryside
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation

Application Number:	S/2006/1465		
Applicant/ Agent:	R RIGIANI - EGG DESIGN GROUP		
Location:	51 & 53 ANTROBUS ROAD AMESBURY SALISBURY SP4 7ND		
Proposal:	THREE NEW DWELLINGS		
Parish/ Ward	AMESBURY EAST		
Conservation Area:		LB Grade:	
Date Valid:	14 July 2006	Expiry Date	8 September 2006
Case Officer:	Mr A Madge	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Peach has requested that this item be determined by Committee due to the interest shown in the previous application at this site.

SITE AND ITS SURROUNDINGS

The site is a piece of land that forms part of the rear gardens to no 51 and 53 Antrobus road Amesbury. The area is surrounded to the South, East and West by post war ex council and council owned properties. To the north of the site lies the similar age Stonehenge secondary school. The site is shown to be accessed by land lying between 51 and 53 Antrobus road.

THE PROPOSAL

The proposal is for detailed planning consent for the approval of three detached two storey dwelling houses situated in the rear gardens of 51 and 53 Antrobus road and accessed via a private drive between 51 and 53 Antrobus road.

PLANNING HISTORY

02/2462 Four dwellings with alteration to access between 51 and 53 Antrobus road Withdrawn 18/2/03

03/0378 Backland development for 3 houses & parking & formation of access between 51 and 53 Antrobus road Refused 3/4/04

05/1128 O/L Application for the development of 3 number detached dwellings at the rear of 51 - 53 Antrobus road, Amesbury. Approved 4/8/05

CONSULTATIONS

WCC Highways - At time of writing no response had been received. The officers recommendation is based on the highways authority having no objections to the application. The highways response will be reported to the committee when that is received.

Wessex Water Authority- The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has not disclosed how they propose to dispose of surface water. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes Expired 17/08/06
Departure	No
Neighbour notification	Yes Expired 08/08/06
Third Party responses	No
Parish Council response	No objection

MAIN ISSUES

The difference between this application and the previous outline application.
Design and appearance of the new dwellings
Highways issues

POLICY CONTEXT

Adopted SDLP G1, H16 and R2

PLANNING CONSIDERATIONS

The differences between this and the previously granted outline planning permission

The only real differences between this and the previously granted outline planning application are that the applicant has now provided elevations of the proposed new dwellings. The position of the dwellings is identical to that previously approved and the applicant has now shown three identical two storey houses each comprising three bedrooms and a bathroom on the first floor with a Living room kitchen and dining room on the ground floor.

Design and appearance of the new dwellings

The external appearance of the properties is bland and devoid of character or forethought in design terms. The only relief is a small porch which if constructed as shown on the plans has some identifiable character which would make these buildings more interesting. The applicant has not provided any form of a design statement and it is therefore unclear why this particular design approach has been taken.

Notwithstanding this the three houses are to be situated in an area to the rear of existing postwar housing whose design is in itself simple and unpretentious. Other than a direct view down the proposed new vehicular access it is unlikely that much will be seen of these houses and the uninspired nature of the outside of the dwellings is unlikely to have a significant effect on the area as a result. It is not considered therefore that the design is so poor as to warrant refusal of the application.

The dwellings have been designed such that there is only one first floor side window which serves a hallway and as this occurs on one side of the dwelling only there is unlikely to be any overlooking of the properties from each other.

The distances between these properties and the rear of those in Antrobus road is significant and the same as those that were approved in the previous outline application. As a result it is not considered that there will be any significant overlooking of existing properties caused by this application.

Highways issues

At the time of writing Wiltshire County Councils highways response had not been received but it is anticipated that they're response will be received prior to the committee. Therefore this committee report has been written on the assumption that the highways officer will have no objection to the application. If this subsequently turns out not to be the case an amended report will be brought to committee accordingly.

The application shows two parking spaces to be provided for each property. These comply with the local plan policy which allows a maximum of two parking spaces per dwelling.

No bicycle parking spaces are shown on the plan and as local plan policy requires bicycle parking spaces to be provided for each property this needs to be conditioned.

CONCLUSION

This proposal provides three new dwelling houses in a sustainable location reasonably close to Amesbury town centre. Their size of three bedrooms makes them suitable for family accommodation. Given that the local authority has already granted an outline planning application which in principle allows three new dwellings on this site it is considered that these three new dwellings would make a useful addition to Amesbury's existing housing stock.

RECOMMENDATION: subject to the applicant paying a recreation contribution in line with policy R2 of the adopted local plan

APPROVE: for the following reasons,

The proposal by reason of its design size and appearance is considered to be an acceptable development making good use of a large Brownfield site within Amesbury town as such the proposal complies with policies G2 and D2 of the adopted local plan.

And subject to the following conditions

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07A)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended (0004)

02 Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)

REASON: To secure a harmonious form of development.

04 Prior to any development commencing, a scheme for the management of the construction of the proposal, including times of operations, and details of how adjacent amenities and the adjacent highway are to be protected, shall be submitted to and agreed in writing by the Local Planning Authority, and the scheme shall be developed as agreed.

REASON: In the interest of amenity

05 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON:0052 In the interests of highway safety.

06 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

07 Before development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: In order to achieve the sustainable use of water resources

09 Prior to the commencement of development on site details of covered cycle parking provision shall be submitted to and agreed in writing by the local planning authority. Such cycle parking as agreed shall be constructed and installed prior to the occupation of any of the residential units.

REASON: In order that sufficient cycle parking provision is made on site.

10 Prior to the commencement of works at the site details of any proposed boundary treatments shall be submitted to and approved in writing by the local planning authority.

REASON In the interests of amenity of neighbouring occupiers.

(11) Notwithstanding the provisions of Classes A-E inclusive of Schedule 2 (Part 1) to 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 alterations nor extensions to the dwellings nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

Reason: 0107 To enable the Local Planning Authority to retain control over the development in the interests of amenity.

(12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed. (V20A)

Reason: 0112 To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties.

INFORMATIVE

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

G1 – General policies,

H16 – Housing policy Boundaries.

R2- Recreational Open Space.