

**NORTHERN AREA COMMITTEE - 07/09/2006
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

Planslist
Item No .

1. **S/2006/1417 - 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. AT OUR LADY OF HEAVEN CHURCH, PHILIP ROAD, DURRINGTON**

One letter of objection on the following grounds: village needs more community premises, parking a problem in Philip Road and Charles Road and development would add to the congestion. Church only used the premises on Sunday and had its own car park, where 2 new houses would be.

2. **S/2006/1201 - ERECTION OF A FISHING HUT (RETROSPECTIVE) AT GREAT DURNFORD MANOR, GREAT DURNFORD**

Additional report in respect of Planning application no S/06/1201

Officers have reviewed the submitted report and representations and feel it may be of assistance to clarify some of the major issues covered.

The access track

The access track which runs to the fishing hut is not to be considered by members as part of the development for the purposes of this application it does not lie within the red line of the application site and therefore it's appearance and development should not form part of the material considerations for this application. This supersedes the statements in the agenda report.

The point has been raised by an objector to the scheme that this should be considered as part of the application as the track has been improved and updated in order to serve the fishing hut. The applicants have chosen not to include the track as part of the application, as they are entitled to do. This therefore becomes a matter for investigation by this councils enforcement department as to whether planning permission is required as a result of any works undertaken to improve this track. The tracks appearance should not be considered as a material consideration as part of this application.

The fishing hut can be used independently of the track as it is only a short walk from the main house and parking area and can be used with or without the vehicular access track. The matter of the access track is therefore a separate issue not to be considered as part of this application.

The Plinth

The objector has made reference to the fact that there is a plinth situated at the development site upon which the fishing hut sits. This is located within the red line of the application site and as such forms part of the development.

The River Avon and the SAC

The River Avon has been designated as a special area of conservation (SAC) for the purposes of the Habitats Directive which protects sites of exceptional importance in respect of rare, endangered or

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vulnerable natural habitats & species within the European Community. The Conservation (Natural Habitats etc) Regulations 1994 require SDC, after consulting English Nature & having regard to their representations, to assess whether the development is likely to have significant effect on the SAC in view of the sites objectives. If there is a probability or risk that the development will have significant effect then SDC must carry out a formal appropriate assessment.

Since writing the report English Nature have been contacted to clarify their representation a copy of their latest response is provided separately.

In the light of English Nature's advice, the retrospective nature of the application, & the case officer's evaluation it is recommended to committee that it is not likely that the development will have significant effect on the SAC.

The principle of the development

In considering the principle of the use of this development consideration has to be given to both national guidance in the form of planning policy statements and planning policy guidance and also to local policy.

National policy

National policy is perhaps most relevantly considered for this type of use in Planning Policy Statement Seven which is sustainable development in rural areas.

PPS7's general approach to development is to guide development to those areas which are most sustainable whilst encouraging the careful use and preservation of natural resources. PPS7 is supportive of recreational activity in the open countryside

In particular PPS7 recognises that in areas statutorily designated for their landscape, nature conservation or historic qualities, "there will be scope for tourist and leisure related developments subject to appropriate control over their number form and location to ensure the particular qualities or features that justified the designation are conserved". P34 (ii) This is something that it is considered this development would do it is a small scale fishing activity which by its nature is a quiet pastime and the erection of a small hut partially hidden by trees deflects little from the otherwise tranquil nature of the site into which it is to be situated.

Local policy

Perhaps more importantly than national policy is that of local policy which has been tailored to take into account the local features of Salisbury district which make this area the attractive environment which it is. Local policies take into account other national policies contained within documents such as planning policy guidance note 17 which concerns sport and recreation. In considering the relevant local policies contained within the adopted local plan the forward planning department of this council made the following points.

Policy C6 (relevant within the SLA- special landscape area) requires high quality, sympathetic design, siting, and materials within the SLA. Whilst the structure is not outstanding architecturally, it is of wooden materials within a wooded setting, and is small in size, and unlikely to constitute an eyesore or detrimental visual intrusion. In summary, there would not appear to be a policy objection on the basis of landscape impact, subject to the case officer's agreement with these observations.

Policy C9 is a consideration insofar as it restricts the introduction of trees where this would be detrimental. However in the absence of any objection from the environmental consultees noted above, there is no policy objection on this point.

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Policy C2 also requires that development in the countryside should, in addition to having no detrimental impact, be beneficial to the local economy. 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. Relatively few details have been provided by the applicants on the nature of the business and the role of the lodge in contributing to it: the case officer should be satisfied that there will be a positive effect.

Recreation uses in the countryside

The supporting text at 7.9 under **policy C6** allows for development that is desirable for the enjoyment of the amenity of the SLA where it is environmentally acceptable. Such a proposal as this can be seen as facilitating such enjoyment.

Policy R1C is also of relevance and allows for the development of facilities for recreational use subject to various criteria. The key ones in this case are:

- no adverse impact on the area (i.e. landscape, nature conservation).
This has been dealt with above and does not appear to pose an obstacle.
- no adverse impact on the amenity of residents or other recreational users.
There is no policy objection here. 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: there is little visual impact nor pollution or noise, and the use relates, as previously, to angling.
- Satisfactory means of access and the existence of appropriate services
The nature of the track is an important consideration. Aerial photography from 2001 indicates that at that time informal grassed tracks existed in these locations. Whether or not the redeveloped tracks are visually acceptable, and provide adequate access to the lodge, is a judgement for the case officer.

Tourism policy **T2** also allows for the development or improvement of small-scale facilities within the countryside such as this, where there is no adverse impact upon the landscape or environment.

Other

Under **G1** there would not appear to be any overriding issue. Under criterion (i), although the site is in a relatively isolated rural position, this is inevitable in this type of countryside recreational development. In terms of tourism the location is good, 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. Under (ii), as noted above, the facility has the potential for being economically beneficial to the area. Under (iii), there is no overriding landscape or environmental issue.

Under **G2**, little information appears to have been provided on access to the site, and therefore a judgement is required, as noted above under **R1C**.

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, and therefore there is no conflict with **Policy H23** (which restricts against new dwellings in the countryside).

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In relation to the forward planning comments on access to the site these should be read in the context of the paragraph above concerning access which outlines why the access is not being considered as part of this application.

It is the view of the case officer that in the light of both national and local planning policy and taking into account the above that there are no significant policy objections to this application which would warrant refusal of planning permission.

Agent Letter – See attached appendix 1

3. S/2006/1465 - THREE NEW DWELLINGS AT 51 & 53 ANTROBUS ROAD

Wessex Water – The developer has not disclosed on how they propose to dispose of surface water flow. As there are no existing 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.

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

Wiltshire Highways – Would not wish to raise a highway objection to the proposed development subject to the following:-

The proposed new access shall be the sole means of vehicular to both the new and existing dwellings (No's 51&53).

The first 5.0 metres of the new access, measured from the back of the existing paved footway shall be properly consolidated and surfaced (not loose stone or gravel) for which detail shall have been submitted to and approved in writing by the Local Planning Authority.

Third Party -

My objections are that the site is unsuitable for 3 houses to the rear of 51 & 52 Antrobus Rd, due to being over crowded and an invasion of our privacy, as we live at no 49. The noise levels will be increased and a reduction of light to our dining room at the rear, will cause us to use more electric.

The water pressure in the street is low and will be put under more pressure with these properties. There is no logical connections to the already over worked sewer system and the road is a very busy one and cars parked around where the access will be, and being so close to a school this would not be a safe place. There has already been an accident outside no 55 recently where the police were called, to find a car had collided with a parked car, this demonstrates the dangers of increased activity in this area.

On the plans the new dwellings are proposing gravel driveways, this would be unacceptable as the noise levels would be unacceptable at any time of day or night. Already we had contractors entering our property without consent and causing damage, these were contractors working on the proposed site. they also used the road adjacent to our property to park there vans, unload machinery, damaging the rd surface, blocking access to my property and

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making a lot off mud and mess which we had to clean up, and this is an entrance rd to the Stonehenge school. I feel the construction of this site will increase that activity to unacceptable levels.

It is obvious that there is inadequate parking in the area, given the fact that the grass outside 47 is always full of parked cars as in the grass outside 55 and by the opposite flats. Even with the alleged parking proposals for the site, I know full well that will not be adequate.

There is no reason to enforce such a condensed development onto such small site with the erection of over 500 homes at Boscombe Down, and I cannot understand why the planning application for another similar build for one house in a garden not 500 yards from this was refused on the grounds of overcrowding?

It is my view that whilst everyone has a right to develop and improve their property, I do feel it should be in the interests of ALL interested parties and those affected by it. If it were an extension or one house ie granny flat, I would not object but three houses in a space only fit for a max of two

(at a struggle if adequate facilities were catered for) is unacceptable.

I would ask that careful consideration be given to this proposal and the influence it may have on future applications. Before long every one will want a house in the garden - where will it stop.

Appendices (1)

TL ASSOCIATES

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20 July 2008

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Salisbury District Planning Department	
Rec.	24 JUL 2006
Acknowledged	S. BONTON
Copy to	
Action	TJA

For the attention of Mr T Wippell

Dear Sir

**Re Retrospective application for the erection of a fishing hut at The Great Durnford Estate, Great Durnford, Salisbury
Ref S/2006/1201**

I refer to the above application and specifically a recent letter of objection submitted by Mr N Hayward of RPS Planning on behalf of Mr and Mrs GM Sumner, Lake House.

In view of the fact that the letter contains a number of inaccuracies and incorrect assumptions which renders much of it irrelevant to the application, we feel it necessary to comment by way of correction and for your assistance.

Background and context

Although the application seeks planning consent for works already undertaken, the context is in our view quite uncontroversial given the scale, design, colour, extensive screening and proposed function of the building. My clients have sought a dialogue with the objectors to provide background and response to their concerns but the objectors have chosen not to engage in this process which the planning system encourages. Had they done so most, if not all, of the matters raised in the objection letter would have been explained and the objection avoided.

It is thus disappointing that, despite my clients having the courtesy to send a copy of the planning application to the objector, they chose not to reciprocate with their objection letter.

We note that there are no other public or other objections to the application proposal, the Parish Council support the scheme, and there have been no objections from the Environment Agency and English Nature, and thus the objection is entirely generated from private neighbouring views from one property with little evidence to substantiate the objection (see below).

The River Avon in the locality of the application site is regularly fished. Inalienable fishing rights exist along the west bank of the river on land owned by the objector; this fishing is fished intensively by members of the Piscatorial Society, who have fished that bank for many years. On my client's east bank of the river, previously (until the end of last year) also fished by the Piscatorial Society, the fishing is now only by my client, his family and friends

and clients of Roxtons (a leading international shooting and fishing agency) on only two or three days a week during the fishing season. At present the west bank of the river is fished more intensively than the east bank.

The application proposals simply seek to meet the needs of fishermen on the east bank of the river, in my client's control. There seems to be no recognition of the level of leisure fishing activity already established in the area, the length of time over which that activity has already been regularly pursued and how it impacts on the river valley.

Furthermore, the suggestion that the application proposal represents an urban intrusion in the river valley (which we reject) can be sharply contrasted with a nearby boathouse on the river edge in the ownership of the objector which, together with its recent extensions, is visually conspicuous, of little vernacular design and pays no regard to its surroundings in terms of materials, setting or screening.

It is pertinent to note that our, and our client's view that the fishing hut has no urban or other material impact is shared by English Nature and the Environment Agency.

Alleged septic tank

There is no septic tank or other form of drainage on the application site. Indeed, there is no water supply to the fishing hut, the water pipe referred to in the objector's letter being a water supply to one of the water meadows immediately upstream from the fishing hut for the sole purpose of supplying water to livestock. My clients would welcome a further inspection by the relevant Council Officers to confirm these two points.

A significant part of the objection letter is thus irrelevant.

Alleged proposed track

My clients refute any claim that a track has been created to serve the proposed fishing hut. Repair works to tracks are a constant part of the management of any estate and in most cases the works, though informal, are required to enable agricultural and sporting (principally shoot - related) machinery and vehicles to gain access to different areas, as in this case, and the use of rolled rubble for ground consolidation is not uncommon. My client has planted over two thousand trees along or close to the river and in the water meadows in this part of the estate in the last seven or eight years, as part of an ongoing estate enhancement scheme. Machinery is needed to gain access to these areas and requires a degree of ground consolidation, particularly so close to the river, when planting occurs which, of course, is in the winter. The track in question has also been used by at least two generations of the previous owning family in conjunction with the shoot at Great Durnford and is still used by the current owner for that purpose. This is also an autumn and winter activity. A major part of the track has been used for many years for the maintenance of the sewage treatment plant between the main house and the fishing hut.

Track repairs can often look worse before they are allowed to green up by the passage of time, which is why the objector has made incorrect assumptions. The suggestion that the failure of the Ordnance Survey map to identify an informal track represents evidence that it must be new is totally rejected, as indeed is the suggestion that the repair comprises an "engineering operation". No engineers were present, no drawings exist and only refurbishment and repair works were undertaken. Indeed the works do not even comprise "development" allowable under the agricultural Permitted Development Rights regime.