

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE

NORTHERN AREA 6 NOVEMBER 2003

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN- CILLORS	NOTES
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Item	Application No. Office	Applicant's Name Location	Rec	Parish/Ward	Page Nos.	Ward Councillors
1	S / 2003 / 1705 Mr R Hayman	MR ABDUL MALIQUE TARAFDER 126 -128 BULFORD ROAD DURRINGTON	REF	DURR	2-4	DURRINGTON Cllr Baker Cllr Bojdys Cllr Mrs Greville
2	S / 2003 / 1744 Mr O Marigold	CLIFTON CATHOLIC DIOCESAN TRUSTEES REGISTERED OUR LADY QUEEN OF HEAVEN CHURCH CHARLES ROAD DURRINGTON	REF	DURR	5-7	DURRINGTON Cllr Baker Cllr Bojdys Cllr Mrs Greville
3	S / 2003 / 1674 Mr O Marigold	PAINS WESSEX LTD PAINS WESSEX	APPC	DURN	8-10	LOWER WYLYE & WOODFORD VALLEY Cllr Brady

HIGH POST

4 SV	S / 2003 / 1843 Miss L Flindell	MARITIME & PROVINCIAL LTD LAND ADJACENT TO: 53 CHURCH ROAD IDMISTON	A106	IDMI	11-15	UPPER BOURNE IDMISTON & WINTERBOURNE Cllr Hewitt Cllr Wren
5	S / 2003 / 1852 Miss L Flindell	MR E BYE 11 HORNE ROAD AMESBURY	APPC	BULF	16-18	BULFORD Cllr Spencer Cllr Woodford
6 SV	S / 2003 / 2078 Mr J Hammond	MR & MRS N DOVER LAND ADJACENT TO: THE RIVER HOUSE HACKTHORNE DURRINGTON	APPC	DURR	19-24	DURRINGTON Cllr Baker Cllr Bojdys Cllr Mrs Greville

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

Part 1

Applications recommended for Refusal

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal			
Location			

1	Case Officer Mr R Hayman	Contact No 01722 434364	1
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S/2003/1705	08/08/2003 12:16:31	03/10/2003 12:16:31	MR ABDUL MALIQUE TARAFDER
DURR			TREVOR L GILBERT
Easting: 416045.1	Northing: 144441.8		

PROPOSAL:	TO VARY CONDITION -TO MODIFY CONDITION 4 OF PLANNING APPROVAL S/2002/1729 TO READ AND ON SUNDAYS AND BANK HOLIDAYS BETWEEN THE HOURS OF 12 NOON AND 2PM AND 17:00 TO 22:30
LOCATION:	126 -128 BULFORD ROAD DURREINGTON SALISBURY SP4 8EX

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

The restaurant is located at the bottom end of Bulford Road, Durrington and it is sited within a mixed residential and shops and takeaways although the major land use is residential

THE PROPOSAL

To modify condition 4 of planning approval S/2002/1729 to read:
'and on Sundays & Bank Holidays between the hours of 12 noon and 2:00pm and 17:00 to 22:30'.

Condition 4 of S/2002/1729 states:

'The use hereby permitted shall not take place except between the hours of 11:45 – 14:00 hours and 17:00 – 23:00 hours on Mondays to Thursdays, 11:45 – 14:00 hours and 17:00 – 23:00 hours on Fridays and Saturdays and at no times on Sundays and Public Holidays.'

The reason given for the condition:

'In the interests of amenity for the occupants of the neighbouring / nearby dwellings.'

PLANNING HISTORY

02/1729	Change of use of part ground floor from A1 to A3 06.11.02	AC
03/1569	Two externally illuminated fascia signs at 126-128 16.09.03	AC

CONSULTATIONS

Environmental Health recommended refusal of the application on the grounds of its potential detrimental impact on the neighbouring residential properties particularly 122 Bulford Road.

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 11/09/03
Departure	No	
Neighbour notification	Yes	Expiry 01/09/03
Neighbour response	Yes	5 letters of objections received – One of the letters supports a petition with 51 signatures accredited to it.

All objectors to proposed relief of trading restrictions state that intensification of the use would seriously impact on their enjoyment of their property, stating that Sundays and Bank Holidays are the only times when they do not have to put up with cooking odours and the comings and goings of customers.

However, it must be noted that the applicant has supplied a over 160 signatures from customers who support the removal of trading restrictions, 12 of which are residents of Bulford Road. Number 130 Bulford Road has written in separately to support their application.

Parish Council response Yes Support subject to conditions (see below)
'although we have not heard of any objection from neighbours in Bulford Road, their objections/comments must be taken into consideration irrespective of the comments of the PC.'

MAIN ISSUES

Effect on residential amenity

POLICY CONTEXT

Adopted SDLP G2

PLANNING CONSIDERATIONS

Effect on residential amenity.

Application S/02/1729 granted permission for change of use from A1 to A3 subject to conditions.

The reason for the condition 4 was in the interests of amenity for the occupants of the neighbouring / nearby dwellings.

Environmental Health were consulted on the application and they have recommended refusal of the application on the grounds of its potential detrimental impact on the neighbouring residential properties particularly 122 Bulford Road.

The location of the restaurant, in a mixed residential and A1 / A3 setting, (although the major land use is residential) does give rise to concerns over the increased nuisance factor that the extended opening times would have on the local environment through increased noise and disturbance at times when a greater degree of peace and quiet could reasonably be expected by residential occupiers.

Furthermore, other businesses within the area are subject to the same trading restrictions as specified in condition 4 above, in relation to their times of operation. Although it must be noted

that there are also some unrestricted uses in the locality, mainly the Fish and Chip shop located in a small parade of shops on the junction of Bulford Road and Coronation Road.

CONCLUSION

It is therefore considered that this application should be refused on grounds of the increased detrimental impact on the neighbouring amenities that the extended trading times would have.

RECOMMENDATION: **REFUSE** for the following reasons:

The site lies in a predominantly residential area and the proposed modification of condition 4 to allow the use to operate on Sundays and Bank Holidays between the hours of 12 hours to 14:00 hours and 17:00 hours to 23:00 hours would be seriously detrimental to the amenities of nearby residential properties through noise and disturbance arising from the use and comings and goings during times when residents could reasonably expect to enjoy a degree of peace and quiet. The use would therefore be contrary to policy G2 (vi) of the adopted replacement SDLP.

NOTES:

S/2003/1744	18/08/2003 13:26:26	13/10/2003 13:26:26	CLIFTON CATHOLIC DIOCESAN TRUSTEES REGISTERED
DURR			LAURENCE J G PAYNE
Easting: 415837.851818353	Northings: 144115.324452043		

PROPOSAL:	O/L APPLICATION -O/L RESIDENTIAL DEVELOPMENT CHURCH AND LAND ADJACENT
LOCATION:	OUR LADY QUEEN OF HEAVEN CHURCH CHARLES ROAD DURRENTON SALISBURY SP4 8DU

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

The site consists primarily of a residential housing estate. The church is of a relatively modern appearance and has a prominent position in the street scene

THE PROPOSAL

The application, at outline stage with all matters reserved, proposes residential development to replace the existing church

PLANNING HISTORY

None

CONSULTATIONS

WCC Highways	- response awaited, but no objection anticipated
Wessex Water Authority	- located within foul sewered area. The Authority will need to be satisfied that there is adequate means to dispose of surface water drainage

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	expired 18/09/03
Departure	No	
Neighbour notification	Yes	expired 09/09/03
Neighbour response	Yes:	

A petition with 487 signatories has been submitted, objecting to the loss of the church. It can still provide a community facility that is central to the social life of the community. In addition, 10 letters of objection have been received objecting to the loss of the community facility (and non-compliance with policies) and the inadequacy of available car parking.

Parish Council response Yes:

Durrington Parish Council support the application subject to conditions. Although they are saddened by the proposed loss of a community facility we have no firm reason to object

MAIN ISSUES

The principle of the loss of this community facility is the main issue in this application. While issues of car parking have been raised, the number of dwellings proposed is not known and therefore the impact cannot be ascertained until the reserved matters stage. In addition, in the light of government guidance seeking only a maximum limit of the number of spaces, rather than a minimum requirement, it is unlikely that the impact of additional parked vehicles could form a reason for refusal.

POLICY CONTEXT

Policy G1 (i) requires that development is sustainable, reducing the need to travel

Policy G1 (ii) promotes the viability and vitality of local communities

Policy G1 (iii) requires that the cultural heritage of the district is maintained

Policy PS3 makes clear that the change of use of community facilities central to the social life of the settlement will only be permitted where the Authority is satisfied that the existing use would not longer be viable.

PLANNING CONSIDERATIONS

In order to demonstrate that the existing church use is not viable, the Authority needs to be satisfied on the balance of probabilities that the use of the building as a church is not now, or could not be viable. In addition, given the requirements of policy G1 (ii) and (iii), the Authority also needs to be satisfied that another community use, or even a mixture of community use and residential, would not be viable, before an application for a residential use is considered favourably. Community facilities such as this are important to the vitality and cultural heritage of the village.

Nearly 500 people have objected to the loss of the church. The loss of this facility has raised strong objection but, on the other hand, the applicants have argued that the congregation at Sunday Mass fell to between 21 and 30.

The applicants have also raised the proximity of other Catholic churches. Of the three nearest, two are Army churches (at Bulford and Larkhill) around 3 miles away. The nearest non-MOD Catholic church would be at Amesbury, some 2.5 miles away.

By allowing the closure of this church would therefore mean that Catholic residents of Durrington would be forced to travel further afield to attend mass. Given the hours of ceremonies, it is likely that such journeys would need to be made by private car. Even if the congregation remained at around 30, this would still be a number of additional journeys that would not take place if the church were still in use.

The applicants have submitted only very limited information showing the levels of attendance together with some financial information showing that the costs of maintenance would be around 80,000 to 100,000 pounds. What is not known, however, is the 'profitability' of the church and what attempts have been made, if any, to increase the attendance of the church, particularly given the level of objection to the application.

Even if it could be demonstrated that the church building at present was not viable, the applicant would need to show that an alternative viable community use could not be found for the site. Such evidence would normally consist of evidence that the property has been marketed for a reasonable amount of time for an appropriate use. Alternatively, the replacement of the existing church with a smaller church/chapel and residential development should also be considered. Although the applicants have expressed some preference for an alternative community use, not attempt to find alternatives has been shown.

CONCLUSION

On the information submitted to date, the applicants have not satisfied that Authority that the church or alternative use could not be retained on the site. Without this, there is no justification to accept the loss of the present community facility, which is important to the sense of community and culture of Durrington.

RECOMMENDATION: **REFUSE** for the following reasons:

1.The proposed development would result in the loss of a community facility without sufficient demonstration that the existing or an alternative community use would not, or could not, be viable. The loss of a community facility would harm the vitality and cultural heritage of the community, contrary to policy G1 parts (ii), (iii) and policy PS3 of the adopted Salisbury Local Plan. It would also be likely to result in additional unsustainable journeys by car, contrary to policy G1 (i) of the adopted Salisbury District local Plan.

INFORMATIVE: - POLICY

This decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan:G1 and PS3.

NOTES:

Part 2

Applications recommended for Approval

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal			
Location			

3	Case Officer Mr O Marigold	Contact No 01722 434293	3
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S/2003/1674	06/08/2003	01/10/2003	PAINS WESSEX LTD
DURN			JACK WARD
Easting: 413938.093248367	Northing: 137377.907335281		

PROPOSAL:	FULL APPLICATION -BARN FOR WINDSTREAM FACILITY
LOCATION:	PAINS WESSEX HIGH POST SALISBURY SP4 6AS

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

The site lies within the open countryside and consists of a factory for the manufacture pyrotechnics

THE PROPOSAL

The application proposes the erection of building to contain a windstream facility, which is required to investigate the performance of pyrotechnics, by simulating the launch of a pellet from fast moving aircraft.

PLANNING HISTORY

None relevant

CONSULTATIONS

WCC Planning	-	no objection
Environmental Health provisions	-	noise levels would be acceptable provided the
		set out by the applicant are applied
HSE/explosives Inspectorate	-	no comments

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	expires 04/09/03
Departure	No	
Neighbour notification	No	
Neighbour response	No	
Parish Council response	Yes	object on basis of noise and location of the facility and would require confirmation that the facility would not run at night

MAIN ISSUES

1. Impact on character of the area
2. Impact on neighbouring properties from noise and disturbance

POLICY CONTEXT

G2, E17

PLANNING CONSIDERATIONS

Impact on character of the area

Although in the open countryside, the site currently consists of a large group of buildings of an industrial nature. Of necessity, the windstream building would be located away from existing buildings but within the curtilage of the site. The proposed building is not excessive in size and would not appear out of place given the existing buildings.

Impact on neighbouring properties from noise and disturbance

The nearest residential property would be some considerable distance away. The Council's Environmental Health department have raised no objection based on the applicant's information on noise levels. Environmental Health legislation can control unacceptable levels of noise, while the Explosives Act 1875 provides further control.

CONCLUSION

The proposed building would harm neither the character or the area nor the living conditions of nearby properties

RECOMMENDATION: **APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. Prior to the commencement of development, the details, levels and siting of the acoustic bund shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: in order to maintain the living conditions of local residential properties and to ensure the character and the area is maintained

3. Prior to the commencement of development, details of the type of generator to be used, and of the position of any vents and flues shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: in order to maintain the living conditions of local residential properties

4. Prior to the commencement of development, details of the proposed hours of operation shall be submitted to and approved, in writing, by the Local Planning Authority. The wind stream facility shall only be used during the hours thereby approved.

Reason: in order to maintain the living conditions of local residential properties

INFORMATIVE: - POLICY

This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2, E17

NOTES:

S/2003/1843	27/08/2003	22/10/2003	MARITIME & PROVINCIAL LTD
IDMI			ROBERT GRAY DESIGN
Easting: 419678.221640527	Northings: 137560.530569732		

PROPOSAL:	FULL APPLICATION -ERECTION OF A DETACHED DWELLING AND ALTERATION OF EXSTING ACCESS
LOCATION:	LAND ADJACENT TO: 53 CHURCH ROAD IDMISTON SALISBURY SP4 0AT

REASON FOR REPORT TO MEMBERS

Contrary to statutory consultees (highways) recommendation

SITE AND ITS SURROUNDINGS

This site forms part of the curtilage of 53 Church Road Idmiston, with road frontage and in an elevated position to Church Road. The neighbouring residential dwellings are of varying building styles and designs.

THE PROPOSAL

This is a full planning application for the erection of a four bedroom detached dwelling and alteration to the existing access within the curtilage of 53 Church Road, Idmiston.

PLANNING HISTORY

1974/878 Erection of garage at Vailly (53 Church Road) a 23.10.74

CONSULTATIONS

WCC Highways - Object

Whilst I have no highway objection in principle to this proposal, I recommended refusal as submitted for the following reasons:-

The proposed splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated within the proposed development.

The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which is essential to highway safety.

Should your authority be minded to grant planning permission for the proposals however, it is recommended that the following condition be attached to any such permission:

Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1.0m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of Highway Safety.

Housing & Health Officer	- No observations
Wessex Water Authority	- No objections (recommendations as conditions/informative)
Environment Agency	- No objections (comments included as informative)

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expiry date 2.10.03
Departure	No
Neighbour notification	Yes, expiry date 22.09.03
Neighbour response	Yes, one letter of objection. Summarised as follows;
<ul style="list-style-type: none"> • Highway safety - The village does not have the necessary infrastructure to support more housing. The house would mean more people and more vehicles leading to problems of parking private and business vehicles. The road is narrow with no pavement with considerable two way traffic and the proposal would lead to hazard for vehicles and pedestrians. A service area/lay-by used by Wessex Water and fire service could become blocked. • Bats – bats use many of the buildings in Church Road for roosting. An ecological survey may be required of the garage (proposed to be demolished). • Loss of privacy and light to neighbouring dwelling (55 Church Road) • Nuisance from building works and possible flooding or dampness to No 55 through disturbance to ground • Impact on character of village – constant infilling are gradually changing the attractive and appealing character of the village. • On going boundary/hedge dispute between No 55 and No53 Church Road. 	
Parish Council response	No objections subject to conditions
<ul style="list-style-type: none"> a) that the application be subject to R2 contributions b) there being no other off-road parking available on the site, that the new drive necessary for No 53 (the existing property to replace the existing garage) be sufficient to accommodate at least 2 vehicles, that it shall not be blocked in any way and be used at all times for the parking of the occupiers' vehicles. 	

MAIN ISSUES

Principle of development
Scale, design, impact upon street scene and residential amenity
Highway Safety
Flooding
Protected Species

POLICY CONTEXT

Adopted SDLP policies G2, H16, C6, D2

PLANNING CONSIDERATIONS

Principle

The application site comprises part of the curtilage of 53 Church Road, a two storey semi-detached dwelling located within the Housing Policy Boundary for Idmiston. As such the principle of new residential development is acceptable, subject to the dwelling being appropriate in terms of design, scale and materials and it will not have any other adverse impact.

The site also lies within a Special Landscape Area.

Scale, design, impact upon street scene and residential amenity

The proposed dwelling will be two storey, sited 8.4m back from the roadside and 1.3m from the north boundary with No55 Church Road and 2.4m from the boundary with No53 Church Road. The dwelling will occupy a staggered position within the street scene, stepped back by 2.4m from No 53 and 6.4m in front of No 55. Floor levels for the proposed dwelling have been included with the application and a street elevation showing the dwelling in context with the neighbouring dwellings has also been submitted. This shows that the ridge of the proposed dwelling will be 0.2m lower than No 53 and 0.3m lower than No 55 (as scaled from the submitted drawings)

It is proposed to build the dwelling with red facing bricks and knapped flint infill panels under a concrete tiled roof and white UPVC fascias and decorative bargeboards.

The dwellings in the vicinity of the development site are of varying ages, sizes and building styles. Brick and flint walls and dormer windows are used in some of the more traditional dwellings in the village including Grade II Corner Cottage opposite All Saints Church to the south of the development site.

The proposed dwelling is considered appropriate in scale and design to the overall appearance of the area and street scene.

The neighbour has objected on the grounds that the proposed dwelling will cause loss of privacy and light to the south elevation of No 55. The proposed dwelling will be sited 6.4m to the west of No 55, however, this is not considered to significantly affect light to No 55 to warrant refusal of the application. The accommodation will provide a hall, cloakroom, study, kitchen/utility room and living/dining room at ground floor and four bedrooms and shower room and bathroom at first floor. No windows/ openings are proposed to either side (north or south) elevations of the property. It is considered that neighbour amenity in terms of overlooking will not be adversely affected. It is however, necessary to condition that windows are restricted to the north and south elevations to preserve residential amenity.

It is proposed to erect a new 1.8m high close boarded boundary fence along the southern boundary of the site with No 53. There is an existing hedge on the north boundary of the site with No 55. It is proposed to retain the hedge and any boundary disputes are not material planning considerations as is nuisance from building works, which is covered under different legislation.

Highway Safety

WCC Highways Department have no objection in principle to the proposal, but have objected to the scheme as submitted on the grounds of inadequate turning space and visibility splays. The neighbouring resident has also objected on highway grounds and the PC have conditionally supported the application on the proviso that the parking spaces provided shall be used solely for parking and that there shall be no obstruction to the highway. Highway obstruction is dealt with under separate legislation, however, it is important that a proposal does not contribute to congestion.

Church Road is narrow and has no footways and is of an intrinsically rural character. A judgement has to be made whether the traffic from an additional dwelling is significant, bearing in mind that the road serves many other dwellings and is a through road.

There is an existing layby and garage attached to 53 Church Road. It is proposed to demolish the garage and extend the layby to provide access to No 53 with driveway along the north side of the No 53 and south side of the proposed dwelling, providing space for two cars for each dwelling.

It is considered that the proposal will not significantly add to traffic along this stretch of road to add to congestion to warrant refusal. It is also considered acceptable subject to a visibility condition as suggested by WCC Highways in the event of an approval of the application and to restrict the parking areas solely for that purpose.

Flooding

The site lies close to the 1 in 100 year indicative flood plain of the river Bourne. However, the site is elevated and the proposed floor levels are acceptable to the Environment Agency who raises no objections to the proposal.

It is considered reasonable to condition that surface water details be approved.

Protected species

A neighbour has raised concern that the garage to be demolished may provide a roost for bats.

A weekly list of planning applications is sent to Wiltshire and Swindon Biological Records Centre, which is part of Wiltshire Wildlife Trust. No response was received from the Centre and it is not considered necessary to require a bat survey or consult English Nature on the application.

Furthermore, protected species are covered by the Wildlife and Countryside Act, 1981 (as amended) and have European protection under schedule 2 of the Conservation Regulations, 1994 which implemented the Habitats Directive 1992 in Great Britain.

CONCLUSION

This application has been considered against the relevant planning policies of the Adopted SDLP.

The proposed dwelling is considered comparable in size to the immediate neighbouring dwellings and appropriate to the overall appearance of the street scene with no significant impacts upon residential amenity.

The proposal is considered acceptable in terms of highway safety subject to the conditions set out below.

Approval is recommended.

RECOMMENDATION:

a) Subject to the applicant and any other parties entering into a Section 106 agreement to pay a commuted sum under policy R2 of the Salisbury District Local Plan within one month from the date of this decision, then this authority is minded to grant planning permission to the above application subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of five 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. (0004)

2) Before the access hereby permitted is first brought into use the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1.0m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of Highway Safety.

3) Before development is commenced, a schedule of materials 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] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: 0014 To secure a harmonious form of development.

4) No development shall take place until 1:10 scale drawings of the decorative detail for the bargeboards of the dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason: 0014 To secure a harmonious form of development.

5) Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A)

Reason: 0064 To ensure that the development is provided with a satisfactory means of surface water disposal.

6) The dwelling shall not be occupied until the layby extension and driveways to No 53 Church Road and the proposed dwelling shown on drawing No 2060/P/1 received by the Local Planning

Authority on the 27th August 2003 have been provided. These areas shall at all times thereafter be kept available for the parking of vehicles.

Reason: To ensure that the development hereby permitted is provided with adequate facilities for the parking of vehicles.

7) There shall be no windows on the north and south elevations of the building hereby permitted.

Reason: 0018 To ensure adequate privacy for the occupants of neighbouring premises.

INFORMATIVE: - POLICY

This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2, H16, C6, D2

INFORMATIVE:- Wessex Water

The development is located within a foul sewered area. It will be necessary, if required for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water Infrastructure.

INFORMATIVE:- Environment Agency

The site lies close to the 1 in 100 year indicative flood plain of the river Bourne, a main river under our control.

The Environment Agency considers that the proposed floor levels shown on drawing number 2060/P/1 should provide adequate protection against flooding, however, should other restraints dictate that these levels should be reduced, then we would wish to be reconsulted and the applicant should submit a Flood Risk Assessment to demonstrate that the development has not been compromised.

The surface water soakaways may require the approval of the Local Authority's Building Control department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

INFORMATIVE:- R2

You are informed that if the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2.

NOTES:

S/2003/1852	28/08/2003	23/10/2003	MR E BYE
BULF			MYDDELTON & MAJOR
Easting: 418588.8	Northing: 143905.2		

PROPOSAL:	CHANGE OF USE -CHANGE OF USE FROM A1 RETAIL TO A3 FOOD & DRINK OF GROUND FLOOR SHOP
LOCATION:	11 HORNE ROAD BULFORD CAMP AMESBURY SALISBURY SP4 9AE

REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

SITE AND ITS SURROUNDINGS

11 Horne Road is a mid terraced two storey premises on the north west side of Horne Road shopping centre in Bulford.

The centre has a mixture of uses with two blocks of shops either side of a central pedestrian precinct with a Spar Shop to the north east and parking to the south west in front of the precinct accessed from Horne Road. The block to the north west of the precinct is two storey with residential flats above retail units including a hardware store, surplus store, Post Office, and two vacant ground floor shops including No11 Horne Road. The block to the south east of the precinct is single storey comprising takeaway, hairdressers, tailors, café, video shop and Butchers.

THE PROPOSAL

It is proposed to change the use of the ground floor of No11 Horne Road from A1 retail to A3 (food and drink)

PLANNING HISTORY

There has been a number of planning applications within the centre. Of relevance to this application are the following;

1973/0177 Extension to retail shop and store at No 11 A 23.07.73

2000/1527 Change of use from retail to A3 takeaway (ground floor only 13 Horne Road) AC 03.10.00

1998/1115 Variation of condition (02) of planning permission S/95/1535/TP to permit Friday evening openings only from 12.00pm to 01.30am (No 8 Horne Road) AC 12.08.98

1994/1535 Change of use to Fish and Chip shop (No 8 Horne Road) AC 06.12.94

1990/0040 Change of use from Class 1 to Class III (food/drink) and associated alterations (Unit 10 Bulford Shopping Centre) AC 21.02.90

1985/0744 Change of use from laundry to Chinese takeaway food (Wessex Wash Laundry – No 2 Horne Road) AC 10.07.85

CONSULTATIONS

WCC Highways	- No objections
Housing & Health Officer	- recommends conditions if minded to approve application (see below)

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes, expiry date 02.10.03
Departure	No
Neighbour notification	Yes, expiry date 22.09.03
Neighbour response	Yes, two letters of objection/concern to the application, summarised as follows;

Planning permission was given for a change of use to A3 for 13 Horne Road, however the MOD as landlord of the premises did not permit the change of use.

43 Wessex Brigade, the Landlord do not object with the proviso that the premises are used for restaurant purposes only.

Loss of retail unit, where other retail facilities are of poor quality.

The proposed use is in the middle of the residential part of the area

There are sufficient eating outlets in the area already

The proposed use will make it difficult to sell surrounding premises/flats

Parish Council response Object

Please note that Bulford PC object to the change of use from A1 – A3 on the basis of this being a food outlet below residential accommodation

MAIN ISSUES

Impact upon residential amenity

Loss of retail facility

POLICY CONTEXT

Adopted SDLP G2 (vi) and (viii), and PS3

PLANNING CONSIDERATIONS

Impact upon residential amenity

There are residential units above the ground floor retail premises on the north west side of the pedestrian precinct and the Parish Council and neighbouring residents have objected to the proposal on the grounds of adverse impact upon residential amenity. Salisbury District Council's Environmental Health Department were consulted and no objections received subject to conditions. It is considered that an A3 use within this block will not be significantly harmful to the amenity of the residential units provided that adequate environmental health conditions are applied in relation to noise/fumes and hours of opening.

It should also be noted that planning permission has previously been granted for change of use from retail to A3 use at No13 Horne Road (within the same block as No 11).

Loss of retail facility

The proposal will result in the loss of a retail facility within the precinct. It has been marketed for A1 use since July without success. However, in light of the remaining retail units including the Post Office at No 12 Horne Road, which is considered to provide an important community facility, it is considered that policy PS3 of the Adopted SDLP will not apply.

CONCLUSION

This application has been considered against the relevant policies of the Adopted Local Plan. It is considered that subject to conditions, the proposal will not represent an unacceptable impact upon residential amenity.

RECOMMENDATION: **APPROVE** subject to the following conditions:

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

Reason: R0004 To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2) Before commencement of the development hereby permitted there shall be submitted to and approved by the LPA a scheme to mitigate noise emissions from the extractor fans, compressors and all other similar equipment. Such a scheme as it approved shall be implemented to the satisfaction of the LPA before any part of the development is brought into use.

Reason: To minimise the disturbance which noise from the proposed development could otherwise have upon the amenities of adjoining residential flats.

3) No development shall take place until a scheme for the control of odour fumes from the extractor fans and other similar equipment have been submitted to and approved by the LPA; and the development shall not be brought into use until that scheme has been implemented to the satisfaction of the LPA before any part of the development is brought into use.

Reason: 0078 To minimise the effect which the emission of fumes from the proposed development/use could have upon neighbouring premises.

4) The use hereby permitted shall not take place except between the hours of 8am to 11pm Mondays to Saturdays and noon to 10:30pm on Sundays.

Reason: In the interests of amenity for the occupants of the neighbouring/ nearby residential flats.

5) The retail unit shall not be occupied separately from the ground floor retail unit.

Reason: In the interests of residential amenity.

INFORMATIVE: - POLICY

This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2, PS3

NOTES:

S/2003/2078	02/10/2003 12:13:29	27/11/2003 12:13:29	MR & MRS N DOVER
DURR	DUR		DIGBY ROWSELL ASSOCIATES
Easting: 415443.446382046	Northing: 145024.4724015		

PROPOSAL:	FULL APPLICATION -PROPOSED DWELLING (CHANGE OF DESIGN FOR HOUSE COMMENCED UNDER S/85/317)
LOCATION:	LAND ADJACENT TO: THE RIVER HOUSE HACKTHORNE DURREINGTON SALISBURY SP4 8AS

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers given that the previous application for a dwelling on this site was requested for a site visit by the NAC

SITE AND ITS SURROUNDINGS

The site comprises an open area of garden space adjoining the River Avon. It lies to the front of the River House. The site lies within the Conservation Area for Durrington accessed from the B 3085. The site lies within the HRA for Durrington.

THE PROPOSAL

The construction of a new dwelling as an alternative design to that approved under S/1985/317, to include a new access and separate garden space

PLANNING HISTORY

S/85/317, - detailed approval for new dwelling
S/03/706, - proposed dwelling as revised design to 1985 approval, withdrawn

CONSULTATIONS

WCC Highways - Request for additional period of time to comment. Comments awaited upon the implications of the revised scheme
Housing & Health Officer - No comments upon the proposed design, however the proposed dwelling is proposed to be constructed within the indicative 1:100 year flood plain for the river Avon. As such, the floor slab and access should be raised above the 600mm level above the flood level and compensatory flood storage and conveyance measures should be addressed. There are potential problems with sewage disposal and floodwater infiltration which need to be addressed. These issue will require conditional control.
Wessex Water Authority - No objections
Environment Agency - No objections although the 1:100 floodplain lies at 76.46m AOD, although this requires confirmation by the applicant. Finished ground floor levels should be set at 77.06m AOD with 76.46 as an acceptable level for the garage. No structures should be erected within the floodplain below 76.46m AOD. No land other than that within the dwelling footprint should be raised above the existing grade. There should be no storage of materials within the area liable to flood. Details for surface water run off limitation should be approved by the LPA, to include soakaways

REPRESENTATIONS

Advertisement	Yes	- Expires 06/11/03
Site Notice displayed	Yes	- Expires 06/11/03
Departure	No	
Neighbour notification	Yes	- Expired 28/10/03
Neighbour response	No	- Whilst no neighbour objections have been raised to the current scheme to date, the previous withdrawn scheme resulted in 8 letters of objection / comment raising the following issues:

- This is an innovative and exciting design
- The development would spoil the view of the river and meadow
- Development within the floodplain should not be allowed
- The access is from a busy road and represent a hazard
- A glass dominated building would not respect the appearance of the Conservation Area and would be out of keeping with the village
- Development should be pushed away from the road
- Impact upon the habitat of the riverside
- This proposal builds upon the detrimental impact of the approved boundary fence

Parish Council response No comments received at the NAC deadline, however the earlier (withdrawn) proposal resulted in the submission of comments relating to the impact upon the willow tree, concern about materials choice, the future impact of a modern design, impact upon future views of the river, the detail of design and design form within the Conservation Area.

MAIN ISSUES

The status of the 1985 approval
 Design approach
 Floodplain impact
 R2

POLICY CONTEXT

Adopted SDLP G1, G2, D2, H16, CN8, CN10, CN11, R2

PLANNING CONSIDERATIONS

The status of the 1985 approval.

SDC approved a chalet dwelling to be constructed within the grounds of River House in 1985. The applicant discharged all conditions and sought SDC confirmation that implementation had occurred upon the 1985 scheme, confirmed by SDC letter dated 21st January 1990.

Given this situation, the applicant can continue to implement the 1985 approval without further involvement from the planning system.

In considering the current scheme therefore the authority must consider whether the current proposal represents an improvement upon the extant consent and whether issues such as the floodplain require additional consideration and the imposition of further reasonable controls over and above the controls imposed upon the 1985 scheme.

Design approach.

The 1985 approval related to a chalet bungalow located to the frontage of the River Cottage grounds. The approved design represented a fairly standard approach to chalet dwelling design and lacked any reference to the riverside position. The design could equally have been applied to any semi rural development within the district.

The current design approach is an individual one in that the design focuses the dwelling's attention upon the river frontage. The use of materials represents a contemporary approach wherein the mix of render, timber cladding and prominent glazed elements draw upon design approaches relevant to the modern design. The overall treatment is individual and therefore has merit in being site specific in its approach.

The materials do reflect a waterside location in the use of timber and glazing. The use of a light render is appropriate to the South Wiltshire setting. The use of a shingle roof is not locally relevant but is a soft treatment to roof covering.

Overall, the design approach represents a locally relevant solution that mixes local material with contemporary design. The solution is not a bold contemporary treatment but does represent a modern approach to the creation of an individual dwelling in a riverside position and as such is an improvement upon the amorphous chalet design previously approved.

Floodplain impact.

The application site lies within the 1:100 year floodplain. Against current development patterns therefore there are grounds for refusal.

Against this point however, we need to consider the impact and relevance of the 1985 approval.

The historic approval could still be implemented with no control over floor level, flood storage and mitigation or construction methodology.

The current scheme uses broadly the same footprint and offers an opportunity to add conditions relating to flood storage, construction and drainage.

The overall impact of the revised scheme is therefore similar in terms of footprint and water demand but could introduce enhanced water management controls.

R2.

The extant consent allows for a new dwelling to be constructed without reference to policy R2. The impact of this scheme therefore is not to alter the requirement for recreational social infrastructure over the position that could be delivered under the extant consent. To this end, therefore there is no requirement for an R2 payment to be made.

CONCLUSION

This application requires the planning authority to consider whether the current application offers design and flood plain related improvements over the possible implementation of the extant, 1985 consent. As such, the principle of whether a dwelling in this location would preserve the appearance of the Conservation Area is not in itself a planning issue.

The proposed design represents an individual and well conceived approach to waterside design. It is an enhancement over the earlier, non-site specific chalet design and will add to the overall character and appearance of the Conservation Area when considered against the extant consent.

The opportunity to address flood mitigation and compensatory measures will improve the overall impact of residential development against that which could otherwise be undertaken,

RECOMMENDATION: Subject to receipt of amended plans revising the design particularly in relation to the glazed two storey gable extension, then **APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five 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. (0004)

2. This development shall be in accordance with the amended drawings ref: (awaited) deposited with the Local Planning Authority on INSERT, unless otherwise agreed in writing by the Local Planning Authority. (B01A)

Reason: R0007 For the avoidance of doubt.

3. 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: 0014 To secure a harmonious form of development.

4. Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered (See British Standard BS 5837:1991, entitled 'Trees in relation to Construction'. (G15A)

Reason: 0042 In the interests of the amenity and the environment of the development.

5. Notwithstanding the indicative boundary detail submitted on the site layout drawing and illustrative boundary wall detail, no development shall take place until further details of the treatment of the southern boundary of the site including position and design of any piers 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 the occupation of the building.

Reason: 0042 In the interests of the amenity and the environment of the development.

6. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans. (I02A)

Reason: 0052 In the interests of highway safety.

7. Any gates provided to close the proposed access shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only. (I09A)

Reason: 0054 To ensure that a satisfactory form of access is provided in the interests of highway safety.

8. The building shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority. (L04A)

Reason: 0062 To ensure that the development is provided with a satisfactory means of drainage.

9. No part of the development shall begin until a flood alleviation to include a compensatory flood storage scheme and conveyance measures has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (L08A amended)

Reason: 0065 To safeguard the locality against the risk of flooding.

10. Before development commences, a scheme for the discharge of surface water from the building and any hard surfaced areas hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. (L07A amended)

Reason: 0064 To ensure that the development is provided with a satisfactory means of surface water disposal.

11. The level of the ground floor of the dwelling hereby approved shall be set at 77.06 AOD.

Reason: To ensure that the dwelling is constructed at least 600mm above the 1:100 year floodplain.

12. Within that part of the site liable to flood lying below a level of 76.4mAOD no land other than the footprint of the dwelling house and garage unit hereby approved shall be raised above the existing grade.

Reason: 0065 To safeguard the locality against the risk of flooding.

13. Notwithstanding the provisions of Classes A-H 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 extensions to the dwelling 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: To ensure that the planning authority retains control over the appearance of the dwelling in the interests of visual amenity within the Conservation Area and to protect the integrity of the adjoining River Avon and its floodplain.

14. 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 fences, gates or walls shall be erected within the curtilage of the dwelling house unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To ensure that the planning authority retains control over the appearance of the dwelling's curtilage in the interests of visual amenity within the Conservation Area and to protect the floodplain and flood conveyance capacity of the adjoining River Avon and its floodplain.

15. No development shall commence until details of the location of any construction materials storage together with measures to protect the River Avon and its 1:100 year floodplain from pollution arising from the construction process shall be submitted to, and approved in writing by the Local Planning Authority, and the construction of the dwelling shall thereafter accord with the approved scheme.

Reason: To protect the integrity of the adjoining River Avon and its floodplain.

16. No development shall commence until details of the construction method for the proposed bridge, together with the location of any foundations has been submitted to, and approved in writing by the Local Planning Authority, and the construction of the bridge shall subsequently accord with the approved scheme.

Reason: To protect the integrity of the adjoining River Avon and its floodplain.

17. 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 structure shall be erected or ground raising within the floodplain as delineated as on land below 76.46mAOD.

Reason: To maintain the flow and storage capacity of Avon; to prevent obstruction of access; to maintain the integrity of the flood defences.

18. There shall be no storage of any materials including soil within that part of the site liable to flood as shown as lying below a level of 76.47mAOD on the 49.8 on the survey drawing.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.

19. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

INFORMATIVE POLICY

This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan G1, G2, D2, H16, CN8, CN10, CN11, R2.

INFORMATIVE ENVIRONMENT AGENCY

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the 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 as a 'main river'.

Given the flood risk associated with this site it is also recommended that the guidance contained within, "Preparing for Floods –Interim guidance for improving the flood resistance of domestic and small business properties" is followed. This guidance was published February 2002 and is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel 0870 1226 237 or E-mail odpm@twoten.press.net.

Notes:

Part 3

Applications recommended for the Observations of the Area Committee

Item No.	Case Officer	Contact No.	
App.Number Ward/Parish	Date Received Cons.Area	Expiry Date Listed	Applicant's Name Agents Name
Proposal Location			

No Observations