

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
NORTHERN AREA –16-09-04

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
1	S / 2004 / 564 Mr J Hammond	RNS HOLDINGS LAND AT: BUTTERFIELD DOWN AMESBURY	A106	AMES	3-10	AMESBURY EAST Councillor Brown Councillor Noeken Councillor Peach	
2	S / 2004 / 565 Mr J Hammond	RNS HOLDINGS LAND AT: BUTTERFIELD DOWN PORTON ROAD AMESBURY	A106	AMES	11-18	AMESBURY EAST Councillor Brown Councillor Noeken Councillor Peach	
3 SV	S / 2004 / 1794 Miss L Flindell	CONSERVATION DEVELOPMENTS WILTON LTD YEW TREE COTTAGE (LAND ADJACENT TO) WYLYE ROAD HANGING LANGFORD	A106	STEE	19-28	TILL VALLEY & WYLYE Councillor Mills Councillor West	

END OF LIST

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

No Refusals

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

1	Case Officer Mr J Hammond	Contact No 01722 434380	1
----------	--	--	----------

S/2004/564	15/03/2004	10/05/2004 15:35:56	RNS HOLDINGS
AMES			HAWTHORNE KAMM PLANNING CONSULTANCY
Easting: 416789.286714315	Northings: 141308.924915552		

PROPOSAL:	FULL APPLICATION -CONSTRUCTION O APARTMENT BLOCK COMPRISING 6 no. ONE BED & 10no. TWO BED FLATS WITH ASSOCIATED ACCESS & PARKING. CONSTRUCTION & ALTERATION TO ACCESS.
LOCATION:	LAND AT: BUTTERFIELD DOWN PORTON ROAD AMESBURY SALISBURY SP4 7LL

REASON FOR REPORT TO MEMBERS

Although not contrary to ATC's recommendation (they raised observations rather than an objection,) the scheme before committee does raise issues of concern to the TC that have not been resolved to their satisfaction. Additionally, the development has raised significant local interest.

SITE AND ITS SURROUNDINGS

The application site comprises a vacant area of land adjoining the Baptist Church and former Showmans site within the Butterfield Down residential development and bounded to the north east by Porton Road. The site comprises the land originally allocated as a neighbourhood centre in the original outline proposal. This neighbourhood centre has been part developed with the Baptist Church forming Phase 1 and the application site comprising a part of the original Phase 2 element.

THE PROPOSAL

To construct a block of flats with a 3 storey central section and 2 storey wings providing 16 flats (10 x 2 bed and 6 x 1 bed). The scheme provides 20 parking spaces, covered cycle stores and a detached bin store as well as some 200 sq m amenity space between the building and estate road (varying between 5 – 8 metres in depth).

The building is constructed from a mix of brick and render elevations and is approximately 11 metres in height. The site is accessed from a shared entrance serving the retail / flat development and the Amesbury Baptist Church.

PLANNING HISTORY

S/88/2199 - Outline approval for residential development accompanied by S.106 Legal Agreement limiting development to 475 dwellings, provision of neighbourhood centre, timing for provision of neighbourhood centre, childrens play areas and affordable housing.
S/92/1299 - Application to vary time for submission of reserved matters applications to 10 year period, approved.
S/93/1402 - Application for 5 shops with 5 flats over, undetermined
S/95/272 - Application for church, community building and food store, refused
S/95/817 - Application for church, community building and 46 parking spaces, approved.
S/96/202 - O/L application for food store and petrol filling station, refused.
S/96/661 - O/L food store service yard and filling station, refused.
S/98/1355 - Retail store and filling station, refused.
S/99/245 - Variation of period of time for submission of reserved matters applications, appeal granted.
S/00/1570 - Erection of Lidl Retail Store and car parking, withdrawn.
S/01/1277 - Erection of Lidl supermarket, withdrawn.
S/04/565 - Erection of 3 shop units and 16 flats, undetermined.

CONSULTATIONS

WCC Highways - No objection subject to condition relating to the provision of a traffic calming feature.

WCC Library/ Museum - No objections

WCC Education - The primary catchment will be able to accommodate the pupils arising from this development, however at secondary level the Stonehenge School will be at full capacity in 2007 so will be unable to accommodate the additional children likely to arise from this development. The County Council would therefore request a developer contribution of £24,200 based upon a standard figure of £1,100 per dwelling.

Housing & Health Officer - No observations

Wessex Water Authority - No objections

Environment Agency - No objections

Design Forum - The Forum's view is that the site layout is unacceptable and needs a radical re-think. The re-submission should address adjoining buildings and the site context. The application should draw from CABE Guidance and the CABE checklist.

Amesbury Baptist Centre - The area was reserved as a community centre, the shops fulfil this role, the flats do not. Car parking provision is insufficient and is likely to overspill into the Church car park. The phase 2 development has access to 17 spaces within the Church site that are for joint use. There appears no provision for recreational or leisure land. The access from Porton road is unsafe. It is essential that the existing fence between the Church and new development is retained. This will offer some protection from wind carried litter and protect the long-established youth activities in the car park.

Defence Estates - No safeguarding objections.

HSE - No observations to make.

REPRESENTATIONS

Advertisement Yes – Expired 15/04/04

Site Notice displayed Yes – Expired 15/04/04

Departure No

Neighbour notification Yes – Expired 15/04/04

Third Party responses Yes – 17 letters of objection together with a submission submitted by the ABC Youth Club with 77 signatories raising the following issues:

Inadequate mix of housing types,

Additional traffic,

3 storey accommodation is too high & out of character,

Insufficient parking,

Flats outside the requirements of the outline consent,

Loss of privacy,
Development will provide a youth congregation point,
Development will adversely impact upon existing youth activities at ABC,
Access should only be from estate road,
Loss of green space,
Need for community facilities,
Need to review parking arrangements within the ABC site in terms of the shared spaces.

Parish Council response Yes –

Parish Council response Yes – The following observations are made. Welcome more affordable housing and shops, a review of the development is needed to look at:

- Density in respect of over development,
- Car parking,
- Lack of recreation provision for children
- Height of building
- Unauthorised use of Baptist Centre car park,

MAIN ISSUES

1. Policy
2. Impact upon residential setting
3. Parking
4. Review by Design Forum
5. Affordable Housing
6. Recreation provision
7. Education need

POLICY CONTEXT

Adopted SDLP

G1 (General principles for development.)
G2 (General criteria for development.)
D2 (Infill design)
H16 (Housing policy boundaries)
H25 (Affordable housing)
R2 (Recreational public open space provision)
R5 (Protection of existing outdoors recreational facilities)

PLANNING CONSIDERATIONS

1. Policy.

The original outline application proposed this site as a part of the neighbourhood centre.

Following submission and subsequent refusal or withdrawal of a series of applications for supermarkets, generally based upon the detrimental impact upon the vitality and viability of the town centre and failure to adequately address sequential test issues, the Replacement Salisbury District Local Plan reduced the area within the plan allocation for the local centre. Whilst the reduction identified a strip of land along the sites northern boundary this is in effect a notional exercise to reduce the potential for further retail schemes of a scale that has hitherto proved to be unacceptable. As the overall site covered by applications S/2004/564 and 565 now contains land that is not allocated for the neighbourhood centre and falls within the housing policy boundary this development for residential purposes complies with the principles established by the adopted plan policy .

In extending the period available for submission of reserved matters applications (S/99/245) on appeal the Inspector noted the failure to bring forward the 2nd Phase of the neighbourhood centre and applied the following condition:

“Phase 2 of the neighbourhood centre shall be completed to the satisfaction in writing of the local planning authority prior to any other development being undertaken within the application site.”

If acceptable in other respects, a condition precluding this development from commencing until the authority is satisfied that the retail / flats development (S/04/565) has been completed will be necessary.

2. Impact upon residential setting.

The scheme is 11 metres in height. The building is located in excess of 20 metres from the nearest existing housing and therefore outside any distance that could justify objections based upon overlooking or overbearing development.

3. Car parking.

The application has removed 2 flats and increased parking provision. There is no highway objection to the level of parking provision. There is a need to introduce traffic calming to make 2 parking spaces capable of practical use.

4. Review by Design Forum

This application was considered by the Authorities Design Forum which considered the development of the 2 sites (Applications S/04/564 & 565) to require a re-design and new approach. In particular, the Forum objected to the lack of amenity space, the site domination by either buildings or parking, the lack of bin stores and cycle parking provision, the orientation of buildings failing to create a cohesive centre and the overly complicated designs to the residential flat block (S/04/564)

In response to these comments, the developer has revised the designs to the residential flat block, reducing the number of units and footprint, increasing parking provision, moving the building further away from the estate distributor, creating an enclosed recreational green space serving the flat block, simplifying the design of this block and amending / adding to the cycle parking and bin storage facility. The mixed retail and residential unit has received minor amendments to increase parking provision and provide secure cycle parking provision.

The proposals for the 2 buildings has not however undergone the radical re-think recommended by the Design Forum, nor has it revised the orientation and position of the buildings within the neighbourhood centre. The reasons why these 2 issues have not been addressed in a manner that satisfies the Forum's recommendations relate to:

- The desire to create a larger, more dominant focal point to the neighbourhood centre such that it will differentiate it from the domestic scale of the purely residential context.
- The efficient use of a central location promoting flats as a complement to the individual dwellings that comprise the wider estate.
- The desire to bring HGV service vehicles into the site from Porton Road to avoid the need for a large and potentially hazardous internal vehicle turning and reversing area, again wasting space capable of retail, residential or parking use within the site.
- The wider objective of providing a retail parade targeting the residential areas east and north east of Porton Road, something that would be less successful in design terms if the orientation of buildings within the Butterfield Down neighbourhood centre focussed wholly upon that estates catchment.

In summary, the scheme before committee does not meet the aspirations expressed by the Design Forum, however it offers reasons why those views have been adopted in part only.

- The scheme comprising the S/04/564 & 565 applications provided a contemporary design approach to the completion of the neighbourhood centre. This approach in

concept is no different to the previously submitted designs for various retail proposals in that they were function led rather than trying to match the suburban domestic scale and character of the estate hinterland.

- The proposals are in keeping with the scale of the Baptist Church rather than the Gleasons houses.
- The orientation of the development is informed by the desire to separate HGV and residential / customer traffic as well as the need to serve the housing east of Porton Road.
- The scheme provides for occupant choice between a flat block with private landscaped space or a flat / retail development with no landscaped amenity space. These 2 schemes can appeal to differing markets.

Whilst the schemes do not meet the Forums aspirations, the proposals have reduced unit numbers, improved parking provision, introduced private amenity space, recognised the need for privacy between the flats and distributor road and simplified designs. As such the designs are considered to be acceptable despite not representing the radical re-think originally proposed by the Forum.

5. Affordable Housing.

The applicant's supporting documents propose that 1 & 2 bed flats will of themselves comprise affordable housing. Certainly the introduction of 32 flats into an approximately 600 dwelling scheme which currently has a limited number of flats over garages will introduce a balance of overall housetypes, albeit focused in a single location. This approach does provide a source of market affordable accommodation, however it does not address the requirements of Policy H25 to secure affordable housing in a form secured over the medium and long term.

The applicant has accepted the need to secure affordable housing via a Registered Social Landlord and has entered into negotiations with an RSL on this basis. The applicant proposes that rather than split the affordable element between the 2 blocks, the affordable housing requirement should be delivered within one of the blocks. It is likely to result in a single floor of accommodation within one block being controlled by an RSL with the remainder of the flats being available for open market accommodation.

6. Recreational Provision.

The development provides no private amenity space for occupants. Given the nature of the scheme and need to provide rear service access together with frontal access to the shop units, designing in green space for occupants would challenge the operational layout of the site.

The development also impacts upon the parking requirements for the ABC and challenges the operation of youth skate park facilities. The development will be required to contribute towards public recreational provision within the town. It may be that rather than adopting the usual children/ adult split normally sought through R2 that the sums agreed for this scheme could address the youth need which the ABC site has provided for.

7. Education need.

WCC has bid for funds towards secondary education provision. This bid is tariff based and is subject to review given the development is only for flats and therefore unlikely to produce the same number of pupils as a dwelling based scheme of the same number of units.

CONCLUSION

Given the site's re-designation in the Adopted Salisbury District Local Plan the principle of housing development is accepted. The provision of flats addresses an area where the original Butterfield Down scheme under-provided. The scheme has been re-designed following

objections from the design forum to simplify elevations, reduce footprint and provide amenity space.

RECOMMENDATION: Subject to a Section 106 Agreement being entered into relating to:

- **Affordable housing;**
- **Public recreational provision (possibly focused upon youth facilities);**
- **A contribution towards bus shelters; and**
- **Education provision (scale to be agreed)**

then APPROVE: for the following reasons:

The proposed development accords with Local Plan policy, makes efficient use of the site and provides affordable market and social accommodation

And 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 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. (D04A)

Reason: To secure a harmonious form of development.

(3) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority. (G21A)

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

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

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

(5) Before development is commenced a scheme setting out the steps that will be undertaken to identify and mark out the 17 car parking spaces within the Amesbury Baptist Church site that are available for joint use, together with provision of any fencing, bollards or other barriers as may be required to manage the car parking use, to include timing for the agreement and subsequent works shall be submitted to, and approved in writing by the Local Planning Authority and the development shall subsequently accord with the approved scheme.

Reason: In the interests of the amenity of users of the Baptist Church and the approved development.

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

(6) No development shall take place until details of the treatment of 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 the occupation of the building. (G20A)

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

(7) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. (G22A)

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

(8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (G23A)

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

(9) The building shall not be occupied until the area shown on the plan attached hereto has been drained and surfaced [or other steps as may be specified], [in accordance with details submitted to and approved by the Local Planning Authority], and that area shall not thereafter be used for any purpose other than the parking of vehicles. (J03A)

Reason: To ensure that the development hereby permitted is provided with adequate facilities for the parking turning/loading and unloading of vehicles.

(10) A traffic calming measure shall be introduced on the access road in the form of a raised pedestrian crossing point across the main access road where it meets the pedestrian route along the front of the retail units approved under S/2004/565 in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and the raised crossing point shall be installed prior to the first occupation of the development.

Reason: In the interest of highway safety.

(11) Before development is commenced a scheme setting out the steps that will be undertaken to identify and mark out the 17 car parking spaces within the Amesbury Baptist Church site that are available for joint use, together with provision of any fencing, bollards or other barriers as may be required to manage the car parking use, to include timing for the agreement and subsequent works shall be submitted to, and approved in writing by the Local Planning Authority and the development shall subsequently accord with the approved scheme.

Reason: In the interests of the amenity of users of the Baptist Church and the approved development.

(12) No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and 9.00 am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings. (M03A)

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings

(13) No part of the development hereby approved shall be commenced until the Phase 2 Neighbourhood Centre development that is the subject of Notice of Decision reference S/2004/565 (or any subsequent scheme that equally delivers a Phase 2 Neighbourhood Centre development) has been completed to the satisfaction in writing of the Local Planning Authority.

Reason: To ensure that the residential development is provided with a range of social infrastructure.

And in accordance with the following policies of the Adopted Salisbury District Local Plan.
G1 (General principles for development.)

- G2 (General criteria for development.)
- D2 (Infill design)
- H16 (Housing policy boundaries)
- H25 (Affordable housing)
- R2 (Recreational public open space provision)
- R5 (Protection of existing outdoors recreational facilities)

NOTES:

S/2004/565	15/03/2004	10/05/2004 15:52:59	RNS HOLDINGS
AMES			HAWTHORNE KAMM PLANNING CONSULTANCY
Easting: 416809.239779472	Northings: 141290.082584858		

PROPOSAL:	RESERVED MATTERS -3 RETAIL UNITS WITH 4 ONE BED AND 12 TWO BED FLATS ABOVE CONSTRUCTION AND ALTERATION TO ACCESS
LOCATION:	LAND AT: BUTTERFIELD DOWN PORTON ROAD AMESBURY SALISBURY SP4 7LL

REASON FOR REPORT TO MEMBERS

Although not contrary to ATC's recommendation (they raised observations rather than an objection,) the scheme before committee does raise issues of concern to the TC that have not been resolved to their satisfaction. Additionally, the development has raised significant local interest.

SITE AND ITS SURROUNDINGS

The application site comprises a vacant area of land adjoining the Baptist Church and former Showmans site within the Butterfield Down residential development and bounded to the north east by Porton Road. The site comprises the land originally allocated as a neighbourhood centre in the original outline proposal. This neighbourhood centre has been part developed with the Baptist Church forming Phase 1 and the application site comprising a part of the Phase 2 element.

THE PROPOSAL

This application comprises a reserved matters submission following on from the original outline approval S/88/2199, as amended by S/92/1299 and S/99/245. (The latter applications extending the period for the submission of reserved matters applications until 26th March 2004. The current application was submitted on 15th March 2004 and is therefore within the period of time within which reserved matters applications can be considered.)

This application proposes to construct a single, three storey building with a footprint of 34 x 15 metres and ridge height of 14 metres. The building comprises at ground floor 3 retail units cumulatively providing 465 sq metres A1 retail space with 16 flats over the first and second floors. (12 x 2 bed flats and 4 x 1 bed flats) The scheme provides 15 parking spaces allocated for the shop units with a further 18 parking spaces allocated for the flats above. The development includes walled open storage areas serving each of the 3 retail units together with a walled bin store for flat residents and 2 covered bike stores for residents. The materials comprise a brick ground floor incorporating the shopfronts and brick cladding to the projecting gable stairwells with the first and second floors being rendered under an artificial slate roof. The proposal incorporates no amenity land to directly serve the residents of the flats

PLANNING HISTORY

- S/88/2199 - Outline approval for residential development accompanied by S.106 Legal Agreement limiting development to 475 dwellings, provision of neighbourhood centre, timing for provision of neighbourhood centre, childrens play areas and affordable housing.
- S/92/1299 - Application to vary time for submission of reserved matters applications to 10 year period, approved.
- S/93/1402 - Application for 5 shops with 5 flats over, undetermined
- S/95/272 - Application for church, community building and food store, refused
- S/95/817 - Application for church, community building and 46 parking spaces, approved.
- S/96/202 - O/L application for food store and petrol filling station, refused.
- S/96/661 - O/L food store service yard and filling station, refused.

- S/98/1355 - Retail store and filling station, refused.
 S/99/245 - Variation of period of time for submission of reserved matters applications, appeal granted.
 S/00/1570 - Erection of Lidl Retail Store and car parking, withdrawn.
 S/01/1277 - Erection of Lidl supermarket, withdrawn.
 S/04/564 - Erection of 10 x 2 bed flats and 6 x 1 bed flats, undetermined.

CONSULTATIONS

WCC Highways - The plans confirm that 17 spaces are available within the Baptist Church car park, therefore sufficient space is allocated. The layout has been revised to address initial concerns raised by the Highways Authority over the original submission. No objections subject to conditions requiring "No entry except for HGV's" signs at the entrance from Porton Road, details to be approved by the LPA, the introduction of a traffic regulation order preventing right turns on Porton Road, access gate to Porton Road, closed when not in use and the provision of pedestrian barriers on Porton Road as well as a payment of £4,000 via a S.106 towards the installation of bus shelters serving dwellings on Butterfield Down.

WCC Library/ Museum - No observations as this is a reserved matters submission.

WCC Education - The primary catchment will be able to accommodate the pupils arising from this development, however at secondary level the Stonehenge School will be at full capacity in 2007 so will be unable to accommodate the additional children likely to arise from this development. The County Council would therefore request a developer contribution of £24,200 based upon a standard figure of £1,100 per dwelling.

Housing & Health Officer - There is a risk of noise nuisance from the mix of retail and residential use together with early / late deliveries and the impact of plant & machinery. Recommends hours of use restriction upon the shops, delivery restrictions, further details of plant and machinery. Given the residential setting restrictions upon hours of construction should be applied.

Wessex Water Authority - The application is for reserved matters only and no comment is submitted.

Design Forum - The Forum's view is that the site layout is unacceptable and needs a radical re-think. The re-submission should address adjoining buildings and the site context. The application should draw from CABE Guidance and the CABE checklist.

Amesbury Baptist Centre - The area was reserved as a community centre, the shops fulfil this role, the flats do not. Car parking provision is insufficient and is likely to overspill into the Church car park. The phase 2 development has access to 17 spaces within the Church site that are for joint use. There appears no provision for recreational or leisure land. The access from Porton road is unsafe. It is essential that the existing fence between the Church and new development is retained. This will offer some protection from wind carried litter and protect the long-established youth activities in the car park.

Defence Estates - No safeguarding objections.

HSE - No observations to make.

REPRESENTATIONS

Advertisement Yes – Expired 15th April 2004

Site Notice displayed Yes – Expired 15th April 2004

Departure No

Neighbour notification Yes – Expired 7th April 2004

Third Party responses Yes - 13 letters of objection together with a submission submitted by the ABC Youth Club with 77 signatories raising the following issues:

Inadequate mix of housing types,

Additional traffic,

Solstice Park provides accessible retail facilities,

3 storey accommodation is too high & out of character,

Insufficient parking,

Flats outside the requirements of the outline consent,

Loss of privacy,

Development will provide a youth congregation point,

Development will adversely impact upon existing youth activities at ABC,

No need for additional Spar & operator monopoly,

Access should only be from estate road,
Loss of green space,
Need for community facilities,
Need to review parking arrangements within the ABC site in terms of the shared spaces.

1 letter of support relating to the need for additional retail facilities within easy reach of East Amesbury.

Parish Council response Yes – The following observations are made. Welcome more affordable housing and shops, a review of the development is needed to look at:

- Density in respect of over development,
- Car parking,
- Lack of recreation provision for children
- Height of building
- Unauthorised use of Baptist Centre car park,
- HGV access from Porton Road.

MAIN ISSUES

1. Principle & Replacement Salisbury District Local Plan.
2. Mix of uses.
3. Height.
4. Traffic & parking
5. Scale & need
6. Response to Design Forum
7. Affordable Housing.
8. Recreational provision.
9. Education provision.

POLICY CONTEXT

Adopted SDLP

- G1 (General principles for development.)
- G2 (General criteria for development.)
- D2 (Infill design)
- H16 (Housing policy boundaries)
- H25 (Affordable housing)
- R2 (Recreational public open space provision)
- R5 (Protection of existing outdoors recreational facilities)

PLANNING CONSIDERATIONS

1. Principle and Replacement Salisbury District Local Plan.

This application has been submitted as a reserved matters application, therefore the principle of retail facilities is accepted as falling within the terms of the original outline permission and Section 52 Agreement, as amended by the subsequent applications and appeal decision (S/99/245) relating to the time available to submit reserved matters applications. A previous scheme to develop 5 retail units with 5 flats over was considered by the planning authority although no decision was issued and the proposal was superseded by S/95/817 which approved the Baptist Church.

2. Mix of Uses.

The proposal to utilise space over the ground floor retail units to provide 1 and 2 bed flats would generally be considered as making efficient use of the land as well as providing a mix of accommodation to complement the predominant dwelling houses in detached, semi-detached and terraced form. Subject to conditions relating to deliveries and hours of use the two uses can operate successfully together. The recommendation from the Environmental Health Officer proposes hours of use conditions for the shops is restrictive (8am – 8pm) and does not

adequately serve a neighbourhood store requirements and local top up shopping to serve the surrounding development.

3. Height.

The 3 storey block is some 14 m in height. This compares to the similarly scaled Baptist Church and exceeds the surrounding housing by some 3-6 metres. The building is however designed to act as a focal point within the development emphasising the role of the local centre and differing from the surrounding housing scale. The building itself is separated out from the surrounding housing by virtue of its position and relationship to the "Showmans" site. As such, whilst larger than the housing estate scale, the building does not overwhelm existing dwellings or result in material loss of amenity.

4. Traffic and parking.

Following design revisions the original objections from WCC Highways have been resolved. The development has access to 17 spaces within the Baptist Church site. This issue has caused considerable local concern. Officers have met both the developer and representatives from ABC to discuss rearranging the parking allocations to simplify parking control and propose a condition to address this issue. It should however be noted that the actual allocation of spaces and their location is more a matter of on site management and good practice between the two parties.

A contribution towards the provision of enhanced bus shelters to reflect the residential useage has been agreed.

5. Scale and need.

The original masterplan for Butterfield Down identified a site for a neighbourhood centre that could accommodate a series of retail and other social uses. Since the original approval a series of retail proposals have been submitted frequently relating to supermarket scale development. These fell foul of sequential test requirements.

The current proposal is for a 465 sq m retail building capable of being divided into 3 units. As such the development is under ½ the size of the existing Co-op and approximately 30% of the Redworth House scheme. The development will not therefore be of a scale to challenge the vitality and viability of the town centre and will represent an appropriate local centre scale of development.

Turning to the 16 flats above, this scheme adopts approach to the recently approved Pitts Garage development in making efficient use of the available land and targeting a market for smaller units not previously undertaken within the Butterfield Down scheme. The type of development will target both market and social affordable residential accommodation provision.

6. Review by Design Forum

This application was considered by the Authorities Design Forum which considered the development of the 2 sites (Applications S/04/564 & 565) to require a re-design and new approach. In particular, the Forum objected to the lack of amenity space, the site domination by either buildings or parking, the lack of bin stores and cycle parking provision, the orientation of buildings failing to create a cohesive centre and the overly complicated designs to the residential flat block (S/04/564)

In response to these comments, the developer has revised the designs to the residential flat block, reducing the number of units and footprint, increasing parking provision, moving the building further away from the estate distributor, creating an enclosed recreational green space serving the flat block, simplifying the design of this block and amending / adding to the cycle parking and bin storage facility. The mixed retail and residential unit has received minor amendments to increase parking provision and provide secure cycle parking provision.

The proposals for the 2 buildings has not however undergone the radical re-think recommended by the Design Forum, nor has it revised the orientation and position of the buildings within the

neighbourhood centre. The reasons why these 2 issues have not been addressed in a manner that satisfies the Forum's recommendations relate to:

- The desire to create a larger, more dominant focal point to the neighbourhood centre such that it will differentiate it from the domestic scale of the purely residential context.
- The efficient use of a central location promoting flats as a complement to the individual dwellings that comprise the wider estate.
- The desire to bring HGV service vehicles into the site from Porton Road to avoid the need for a large and potentially hazardous internal vehicle turning and reversing area, again wasting space capable of retail, residential or parking use within the site.
- The wider objective of providing a retail parade targeting the residential areas east and north east of Porton Road, something that would be less successful in design terms if the orientation of buildings within the Butterfield Down neighbourhood centre focussed wholly upon that estates catchment.

In summary, the scheme before committee does not meet the aspirations expressed by the Design Forum, however it offers reasons why those views have been adopted in part only.

- The scheme comprising the S/04/564 & 565 applications provided a contemporary design approach to the completion of the neighbourhood centre. This approach in concept is no different to the previously submitted designs for various retail proposals in that they were function led rather than trying to match the suburban domestic scale and character of the estate hinterland.
- The proposals are in keeping with the scale of the Baptist Church rather than the Gleasons houses.
- The orientation of the development is informed by the desire to separate HGV and residential / customer traffic as well as the need to serve the housing east of Porton Road.
- The scheme provides for occupant choice between a flat block with private landscaped space or a flat / retail development with no landscaped amenity space. These 2 schemes can appeal to differing markets.

Whilst the schemes do not meet the Forums aspirations, the proposals have reduced unit numbers, improved parking provision, introduced private amenity space, recognised the need for privacy between the flats and distributor road and simplified designs. As such the designs are considered to be acceptable despite not representing the radical re-think originally proposed by the Forum.

7. Affordable Housing.

The applicant's supporting documents propose that 1 & 2 bed flats will of themselves comprise affordable housing. Certainly the introduction of 32 flats into an approximately 600 dwelling scheme which currently has a limited number of flats over garages will introduce a balance of overall housetypes, albeit focused in a single location. This approach does provide a source of market affordable accommodation, however it does not address the requirements of Policy H25 to secure affordable housing in a form secured over the medium and long term.

The applicant has accepted the need to secure affordable housing via a Registered Social Landlord and has entered into negotiations with an RSL on this basis. The applicant proposes that rather than split the affordable element between the 2 blocks, the affordable housing requirement should be delivered within one of the blocks. It is likely to result in a single floor of accommodation within one block being controlled by an RSL with the remainder of the flats being available for open market accommodation.

8. Recreational Provision.

The development provides no private amenity space for occupants. Given the nature of the scheme and need to provide rear service access together with frontal access to the shop units, designing in green space for occupants would challenge the operational layout of the site.

The development also impacts upon the parking requirements for the ABC and challenges the operation of youth skate park facilities. The development will be required to contribute towards public recreational provision within the town. It may be that rather than adopting the usual children/ adult split normally sought through R2 that the sums agreed for this scheme could address the youth need which the ABC site has provided for.

9. Education need.

WCC has bid for funds towards secondary education provision. This bid is tariff based and is subject to review given the development is only for flats and therefore unlikely to produce the same number of pupils as a dwelling based scheme of the same number of units.

CONCLUSION

This development makes efficient use of the available site. It has resolved the highways objection. The location of the building separated away from existing residential units precludes overlooking or overbearing impact. The design is modern and reflects the sites neighbourhood centre role rather than domestic scale of the hinterland.

As the original outline approval was restricted to 475 dwellings by the original legal agreement a further agreement is required.

RECOMMENDATION: Subject to a Section 106 Agreement being entered into relating to:

- **Affordable housing;**
- **Public recreational provision (possibly focused upon youth facilities);**
- **A contribution towards bus shelters; and**
- **Education provision (scale to be agreed)**

then APPROVE: for the following reasons:

The proposed development accords with Local Plan policy, makes efficient use of the site, provides affordable market and social accommodation and does not challenge the vitality and viability of the town centre.

And subject to the following conditions

(1) This approval of matters reserved discharges conditions (INSERT) of outline planning permission S/88/2199 dated INSERT but does not by itself constitute a planning permission. (A08A)

Reason: For the avoidance of doubt and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

(2) The further approval of the Local Planning Authority in respect of those matters reserved by conditions INSERT of outline permission S/88/2199 is required prior to the commencement of development. (A09A)

Reason: For the avoidance of doubt and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

(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. (D04A)

Reason: To secure a harmonious form of development.

(4) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority. (G21A)

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

(5) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. (G22A)

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

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (G23A)

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

(7) The building shall not be occupied until the area shown on the plan attached hereto has been drained and surfaced [or other steps as may be specified], [in accordance with details submitted to and approved by the Local Planning Authority], and that area shall not thereafter be used for any purpose other than the parking of vehicles. (J03A)

Reason: To ensure that the development hereby permitted is provided with adequate facilities for the parking turning/loading and unloading of vehicles.

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

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

(9) Before development is commenced a scheme setting out the steps that will be undertaken to identify and mark out the 17 car parking spaces within the Amesbury Baptist Church site that are available for joint use, together with provision of any fencing, bollards or other barriers as may be required to manage the car parking use, to include timing for the agreement and subsequent works shall be submitted to, and approved in writing by the Local Planning Authority and the development shall subsequently accord with the approved scheme.

Reason: In the interests of the amenity of users of the Baptist Church and the approved development.

(10) "No entry except for HGV" signs shall be placed at the rear of the footway fronting Porton Road at the service access to the retail units, as shown on details to be submitted to and approved in writing by the Local Planning Authority for further approval, and the signs shall be installed in accordance with the approved details prior to the first use of the development.

Reason: In the interests of pedestrian and highway safety.

(11) A traffic regulation order preventing right turns onto Porton Road and including appropriate signs shall be introduced at the service access to the retail units prior to the first use of the retail units.

Reason: In the interests of pedestrian and highway safety.

(12) Prior to the first use of the retail units, staggered pedestrian barriers shall be installed at the rear of the existing footway on Porton Road in accordance with further details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety.

(13) The access gate for the service access to the retail units shall be maintained in a closed position when the service access is not in use.

Reason: In the interests of pedestrian and highway safety.

(14) No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and 9.00 am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings. (M03A)

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings

(15) The use hereby permitted shall not take place except between the hours of 7.00 am to 10.00 pm

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

(16) No deliveries shall be taken at or despatched from the site outside the hours of 8.00 am to 8.00 pm Monday to Friday, 9.00 am to 8.00 pm on Saturday nor at any times on Sundays, Bank or Public Holidays. (M29A)

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

(17) Before commencement of development there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the insulation against noise emissions from extractor fans, compressor motors and all similar equipment. Such a scheme as is approved shall be implemented to the satisfaction in writing of the Local Planning Authority before any part of the development opens for trading

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

(18) The ground floor retail units shall be used for purposes within class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any other statutory instrument revoking and re-enacting that Order

Reason: To enable the Local Planning Authority to exercise control over the use of the premises in the interests of regulating alternative kinds of activities/operations which could give rise to increased levels of odour or noise generation.

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

Policy

- G1 (General principles for development.)
- G2 (General criteria for development.)
- D2 (Infill design)
- H16 (Housing policy boundaries)
- H25 (Affordable housing)
- R2 (Recreational public open space provision)
- R5 (Protection of existing outdoors recreational facilities)

NOTES:

S/2004/1794	16/08/2004	11/10/2004	CONSERVATION DEVELOPMENTS WILTON LTD
STEE	HLA		THE CLASSIC ARCHITECTURE COMPANY
Easting: 402992	Northings: 137072.4		

PROPOSAL:	FULL APPLICATION -FOUR NEW DWELLINGS AND CONVERSION OF CHAPEL TO TWO BEDROOM DWELLING
LOCATION:	YEW TREE COTTAGE (LAND ADJACENT TO) WYLYE ROAD HANGING LANGFORD SALISBURY SP3 4NN

REASON FOR REPORT TO MEMBERS

The application is a revision of an application recently withdrawn on the same site, which was due to be considered at the Northern Area Committee in July 2004

SITE AND ITS SURROUNDINGS

The site forms part of the residential curtilage of Yew Tree Cottage a Grade II Listed building. The Housing Policy Boundary bisects the site, with the southern part outside of the Housing Policy Boundary.

Yew Tree Cottage is located within the north east corner of the site fronting immediately onto the road. The curtilage extends to the west, with close boarded fencing to the roadside boundary and with railway embankment to the rear of the site.

There is a double garage and disused chapel on the site, accessed from Chapel Lane, which also provides access to Chapel Cottage, Durgan Cottage and allotments/fields.

The application site is also contained within the Conservation Area, which is characterised by an irregular street scene with a juxtaposition of dwellings fronting immediately onto the road and those that are positioned further back, set at varying distances from the road frontage.

Chapel Cottage is a two storey dwelling to the west of the Chapel; Durgan Cottage is a recently constructed dwelling within the curtilage of Well Cottage, occupying a corner plot between Wylye Road and Chapel Lane. Endecote, a single storey bungalow, borders the eastern boundary of the site, being situated behind Yew Tree Cottage. Hopper Cottage opposite and facing the development site is built abutting the road, where the road narrows at this point.

THE PROPOSAL

The application is a resubmission of a S/04/923 for the erection of four new dwellings within the site and the conversion and extension of the chapel into a single dwelling.

The access has been altered from the previous application to address WCC Highway's Department objections. The access road is moved to the east, the existing pinch-point on Wylye road outside Hopper Cottage widened from 3.9m to 4.1m and a 1.2m wide footpath provided across the site frontage. Pedestrian access from the C10 to the proposed dwellings is removed.

The application proposes a mix of natural rubble stone, flint, brick and rendered dwellings. Roofing materials include slate, tile, thatch and lead. The dwellings are all 2 storey although one and ½ storey dwellings are proposed to the rear of the site.

PLANNING HISTORY

2002/842	Listed Bldg Wks – change of location of current road access involving a 11m x 8m pull in from the road covered with scalplings then stone and fenced in similar fashion as previously	Refused 24.07.02
2004/923	Full application – four new dwellings and conversion of chapel to two bedroom dwelling Withdrawn 20.07.04	
2004/1225	Listed Bldg Wks – two storey rear extension	Refused 20.07.04
2004/1234	Full application – two storey rear extension	Refused 20.07.04

CONSULTATIONS

Network Rail - Network rail has no interest in the site

WCC Highways - Following the withdrawal of application S/04/923 which was recommended for refusal on highway grounds, extensive negotiations have taken place with Applicant's representatives resulting in the submission of the current proposal.

It is now my view that on the basis of the layout now proposed which includes acceptable visibility splays at the site access, the provision of a paved footway across the site frontage, minimal carriageway widening at Hopper Cottage and no direct pedestrian access from the new development to Wylle Road, this is now acceptable in highway terms.

I therefore recommend that no highway objection be raised subject to conditions.

At the time of writing, the consultation expiry date had not elapsed, however, the following responses were received to S/04/923

WCC Library/ Museum - Do not consider that the application is likely to have an impact on any archaeological features and no further comments to make.

Wessex Water Authority- No objections, recommend that the developer should agree with Wessex Water prior to the commencement of works on site, a connection onto Wessex Water infrastructure.

Environment Agency - No comments

Environmental Health - No observations to make in connection with this application

English Nature - Recommend method statement detailing potential risks and how these will be addressed (to protect river system), and the chapel conversion may affect species protected under the Wildlife and Countryside Act 1981 (amended by the Countryside and Rights of Way Act 2000).

CPRE - Support the application. Summarised;
A development of relatively high density housing within the Hanging Langford village envelope preventing housing sprawl in the countryside (gardens extend beyond the HPB but there is a natural boundary in the form of the railway and embankment).
Bringing back the chapel into habitable use whilst retaining main architectural features.
The houses are of varied designs whilst all using local features and materials.

REPRESENTATIONS

Advertisement	Yes, expiry date 30.09.04
Site Notice displayed	Yes, expiry date 23.09.04
Departure	No
Neighbour notification	Yes, expiry date 17.09.04
Third Party Representations	Yes,

Whilst the consultation period has not expired, at the time of drafting the report, the following issues were raised in relation to the previous application;

1 letter of support, summarised as follows;

New development necessary to attract new families to village
Effort to reflect the traditional architectural aspects found within the village (design, layout, materials)

62 letters of objection summarised as follows;

Principle

The village needs smaller more affordable homes, not 4/5 bedroom houses
Overdevelopment - density too great, inappropriate backland development
Not a brownfield site, only been used as private orchard, grazing land
Destroy rural setting of listed Yew Tree Cottage. Garden should remain in current form, fencing replaced, not new railings
Any dwellings should face into centre
Occupiers car dependent (limited public transport, no services and no employment opportunities in village), unsustainable
Plans do not show proposed extension to Yew Tree Cottage (underestimation on impact to village)
Noise nuisance from development/occupiers

Design

Dwellings lack creativity in design and are incompatible with the scale and character of the village. Too high, shading light and overpowering area (area of garden will be required to be removed to bring houses to street level)
Hanging Langford is primarily a single street hamlet, with houses backing onto open fields, gaps and open spaces are important characteristic of village
Will destroy street scene and importance of Listed Building and rural appearance
Proposed house on corner overpowering
Concerns over quality of materials/aftercare of development/infrastructure
Lack of amenity space for the dwellings

Conservation

Undermines quality and character of conservation area
Loss of important open area. Open breaks and spaces are important characteristic of village
Adverse impact to environment, wildlife and River Avon Systems SSSI and cSAC
Loss of trees
Refuse/overhead supply cables associated with new dwellings unsightly

Drainage/surface water

System already overloaded.
Development and surface and widening of Chapel Lane will impact on surface water and flooding.
Hopper Cottage will be in danger of flooding

Access/Highway safety

Occupiers/delivery vehicles will park outside homes on C10 causing highway hazard (not using rear parking proposed).
Narrowest point of the road in the village (no pavement of verge) conflict with traffic, Wiltshire cycle way and pedestrians.
Access point onto C10 inadequate visibility, opposite shared access, sun sets and rises along stretch of road, and tree within front garden of Durgan Cottage
Wall around curtilage of house 1 is unsuitable for visibility and safety reasons. Pavement/iron railings proposed out of character with locality.
Chapel lane utilised as access to allotments, and large farm vehicles for livestock and arable enterprises, conflict with other users of lane and occupiers of dwellings parking on lane (developer proposes to surface and widen it with impact on surface water and flooding and also includes the lane in the site boundary without consultation to existing users who have statutory right of access).
Cars parked on Chapel Lane will force large farm vehicles to back onto C10.
Previous application for parking outside Yew Tree Cottage refused.
Impact to surrounding properties (turning/reversing in driveways)

Insufficient parking/turning space on site
Garage to house 1 opens onto Chapel Lane.
Cars parked outside site, skewed speed readings.
Widening of road outside Hopper Cottage will increase speed of traffic

Residential amenity
Loss of amenity (overlooking/overpowering) to Chapel Cottage, Endecote, Durgan Cottage, Springfield, and Hopper Cottage, loss of privacy and light (and value) with Hopper Cottage below the level of the road.
Gardens too small

Ownership of land/Chapel Lane

Beneficiary of will of William Thring contests ownership of the land. Zodiac Farms claims ownership of track.

Parish Council response

Whilst at the time of writing, the Parish Council's response had not been received, the Parish Council previously objected to the application for the following reasons;

Sewage and Water

Householders in the village have sewage flooding in their houses as the system is unable to cope. This problem would be exacerbated with 21 extra toilets etc coming onto the system. Please will you inform us what advice Wessex Water give on this matter.

Traffic and Parking Access

We understand that the Developer has placed Golden River Speed Wires to assess the traffic and speed but this would not be an accurate picture due to cars causing obstruction and slowing down the traffic. An application for parking spaces next to Yew Tree Cottage was turned down previously as it was considered a dangerous proposition on such a narrow part of the road. Now parking on the road is going to be encouraged as there is pedestrian access to house no 2 on to the C10. You will have received photographs taken by a parishioner of the congestion caused recently by parked cars at this point on the C10.

The houses on the north of the site have moved southwards, restricting the parking and turning area between the north and south section of the development. This will encourage the parking on the C10. Although the road width has increased by 1m, a small parked vehicle will take 2m, making the situation worse than that proposed in previous plans.

As previously stated in our objection there should be no pedestrian access onto the C10.

House No 1 increasing in size, with the inclusion of the garage opening directly onto Chapel Lane, will encourage parking on the track causing further obstruction to farm vehicles and nearby residents.

Density of Housing

Applications have previously been turned down in the village on the grounds of 'backbuilding'. We feel that this proposal still can be classed as over development of the site and that it increases the housing density to an unacceptable level in this part of the village. No 1 has increased by approx 25% and has access for garage and front door onto Chapel Lane.

Height of dwellings

If this should go ahead the plans indicate that the houses on the north side of the site will be at road level. We wish to be enforced, especially as Yew Tree Cottage is such a low building. We wish to keep to the existing building line with the new houses at an identical low level.

Unadopted road

It would seem that the developer intends to place an impermeable surface (tarmac) on top of this, but surely he is not entitled to do so? Please can you confirm who owns this stretch?

Flooding

With the increased number of properties on the land and the tarmac on the Chapel Lane, it will severely increase the risk of flooding to the properties opposite the site and lane, when there is heavy rainfall coming off the hills.

Area of development

Has the area of land to be built on been properly assessed now that an extension has been applied for? Is this not over development? Presumably this is inside the building line and is not using agricultural land. Please confirm this.

MAIN ISSUES

1. Principle
2. Impact on the conservation area, listed building, AONB and neighbouring amenities
3. Density
4. Drainage/flooding/nature conservation
5. Archaeology
6. Highway safety

POLICY CONTEXT

Adopted SDLP policies G2 (General), G4 (Flooding), G5 (Drainage), D2 (Infill development), H16 (HPB), C4 & C5 (AONB), CN3 & CN5 (Listed buildings), CN8 & CN10 (Conservation areas), C10 (nature conservation), R2 (open space provision)

PLANNING CONSIDERATIONS

1. Principle

The site is bisected by the identified Housing Policy Boundary for Hanging Langford and is within the curtilage of an existing building. The proposed dwellings will be located within the Housing Policy Boundary, but residential curtilages of the two rear dwellings and chapel conversion extending outside.

Within the Housing Policy Boundary there is a presumption in favour of residential development. PPG 3 advises that the curtilage of existing buildings is considered to be “previously developed” land wherein development proposals should be targeted in the first instance before considering greenfield sites.

Within the AONB, development proposals should respect the need for high standards of design and materials and are sympathetic to the landscape.

The proposal seeks development to the rear of the site and criterion (i) of Policy H16 specifically states that proposed development should not constitute inappropriate backland development. However, the application of this policy depends on the individual circumstances of the site and is not in itself a prohibition upon new development.

A proposal for development within the curtilage of Yew Tree Cottage, is therefore acceptable in principle, provided that it can demonstrate appropriate scale, design and impact upon the listed building, conservation area and residential amenity.

2. Impact on the conservation area, listed building, AONB and neighbouring amenities

The site forms part of the curtilage of a Grade II listed building, predominantly laid to lawn, with small trees/shrubs on the site and views across the site to the vacant chapel.

The Parish Council and local residents objected to the previous application on the grounds of overdevelopment of the site.

Four new dwellings are proposed on the site. House 2 is set back within the site, and views of the chapel (to be converted and extended) are retained through the site. An irregular spacing and gaps between the dwellings is achieved, typical of the area and an informal approach to the building materials is proposed.

With regards to impact to residential amenity, the two dwellings previously proposed in S/04/923 located close to the roadside boundary and opposite Hopper Cottage, have been replaced by a single dwelling set back within the site. House 1 proposed on the corner between Chapel Lane and Wylve Road is set with gable facing Wylve Road and principal elevations to the side, whilst Durgan Cottage opposite has principal elevations facing the road. It is proposed to block or obscure the existing windows to the west elevation of the chapel closest to Chapel Cottage and only a landing window set 1.8m above first floor level proposed to House 4 closest to Endecote. The distance between house 2 and the two new dwellings to the rear of the site is approximately 30m.

The juxtaposition of dwellings fronting immediately onto the road with those that are positioned further back with irregular spacing between is considered to be the defining character of the conservation area. It is considered that the development would respect the character of the conservation area and concerns/objections with respect to building heights, materials, windows/overlooking could be overcome via strict conditions.

Additionally, the impact of the development upon the listed Yew Tree Cottage has been considered and is felt not to detract from that building.

3. Density

The proposed development of the site would represent a density of 14 dwellings per hectare (including the chapel), and whilst this is substantially below the range of 30-50 dwellings per hectare advocated by the Government in PPG3, it is considered that this is acceptable given that the site lies within the Conservation Area and that this level of density would more closely respect that of the surrounding development than those densities advocated in PPG3. This low figure also reflects the fact that the rear part of the site lies outside the HPB and is not therefore capable of being developed.

Whilst increased density could be achieved by subdividing the existing plots and still retain the degree of openness and gaps between dwellings characteristic of the conservation area, the increased number of dwellings on the site would exacerbate parking and traffic issues.

Members will recall similar applications within the Wylve Valley where the thorny issue of overdevelopment has subsequently had limited success at appeal. It is considered that the density of housing reflects the nature and pattern of development in the locality.

4. Drainage/flooding/nature conservation

The application proposes mains drainage and disposal of surface water to soakaways. Local objections have been received in relation to potential flooding and inadequacy of the existing mains drainage system. However, Wessex Water had not identified capacity problems recommending no objections, and the Environment Agency and Environmental Health Department had no comments to the previous application. The river Wylve a SSSI and tributary of the River Avon is a candidate Special Area for Conservation (cSAC) and flows to the north of the site. English Nature commented in the previous application that the development need not cause significant damage to the nature conservation interests of the SSSI/cSAC, provided that the applicant can demonstrate that the river system is protected from any pollution or other disturbance, and recommend a method statement detailing the potential risks and how these will be addressed. It is considered appropriate to add this as a condition on any approval, and that if protected species are found during the conversion of the chapel that works stop and English Nature contacted.

Conditions are required to address the issue of surface water drainage given the proposed increase in hard surface. Attenuation within the site should be required by condition.

5. Archaeology

An archaeological evaluation has been undertaken for the previous application, to which the County Archaeologist is satisfied that the application is unlikely to have an impact on any archaeological features.

6. Highway Safety

Guidance contained within Design Bulletin (DB) 32 advises that visibility of 60m should be provided at new residential accesses onto roads with a 30mph speed limit. This distance is necessary to enable drivers on the major road to stop safely in the event of a vehicle encroaching from the side road, as well as to enable traffic from the side road to enter the major road safely.

The previous application was recommended for refusal on the grounds that the site had insufficient frontage to the west of the access to secure and maintain the visibility necessary for safety and convenience of the traffic associated with the proposed development.

This application proposes to revise the access road alignment, moving the access road to the east and widening the existing pinch-point on Wylle road outside Hopper Cottage from 3.9m to 4.1m immediately to the east of Chapel Lane. This will improve the carriageway width outside Hopper Cottage and provide sufficient frontage to the west to secure and maintain visibility of 61m, using land either within the highway boundary or within the control of the applicant. The proposal also involves the provision of a pedestrian footway to the site frontage. Pedestrian access from Wylle Road to the dwellings is removed.

The revised access arrangements have overcome WCC Highways objections to the previous application, subject to conditions.

CONCLUSION

It is considered that the proposal is a well designed scheme that respects the character of the conservation area, setting of the listed building, residential amenity and is of a density appropriate to the area. The highway objections to the scheme have been resolved and a satisfactory access to the development site can be achieved.

RECOMMENDATION:

Subject to considering no additional representations regarding the proposal raising new and material considerations within the consultation period (30th September 2004) and;

Subject to the applicant entering into a Section 106 legal agreement relating to (i) the payment of a commuted sum relating to the provision of recreational public open space, within one month

APPROVE: for the following reasons

The proposed development has been considered against the requirements of Local Plan policies. It is considered that the proposal respects the character of the conservation area, setting of the listed building, residential amenity and is of a density appropriate to the area. The highway objections to the scheme have been resolved and a satisfactory access to the development site can be achieved.

And 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) The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced. Such details shall include that the proposed houses on the site frontage shall be at the same level as Yew Tree Cottage.

Reason: To ensure the exact finished floor levels of the buildings

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) The garages shown on the approved drawings shall not be converted into a habitable room without the permission in writing of the Local Planning Authority. (E06A)

Reason: 0028 To secure the retention of adequate off-street car parking provision.

5) 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 the occupation of the buildings. (G20A amended)

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

6) Before the chapel conversion hereby approved first comes into use, the sitting room window in the west elevation shall be glazed with obscure glass, and shall be fixed shut, details of which shall be submitted to and approved in writing by the Local Planning Authority. The glazing so agreed shall be maintained in this condition thereafter.

Reason: To prevent the undue overlooking of adjoining dwellings.

7) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. (G22A)

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

8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (G23A)

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

9) No development shall commence until a method statement detailing the potential risks from pollution during and after construction to the river system has been submitted to and agreed in writing by the Local Planning Authority. Development shall be in accordance with the agreed details.

Reason: To prevent damage to the river ecosystem through habitat loss and pollution both during and after construction.

10) If any sign of bats, or bats themselves are found during the conversion and extension of the chapel hereby permitted, work should stop immediately and English Nature be contacted immediately for further advice.

Reason: To safeguard protected species.

11) The development shall not commence until detailed drawings showing the elevation of the doors (at a scale of 1:10); the elevations, horizontal and vertical sections of the windows (at a scale of 1:5) and sections through the eaves of the dwellings hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a harmonious form of development.

12) The thatched roof of house 2 of the development hereby permitted shall be of combed wheat reed with a traditional flush wrap-over ridge detail.

Reason: To secure a harmonious form of development

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

Reason: In the interests of highway safety.

14) No development shall commence until details of the surface of the access road to the proposed development and pedestrian footpath to the site frontage (not loose stone or gravel) have been submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details. The new access shall be constructed before the development hereby approved is commenced, and footway completed prior to the dwellings being first occupied. That part of the existing access, which will be superseded, by the new access shall be reinstated as grass verge when the new access is first brought into use.

Reason: In the interests of highway safety

15) The garages shown on the approved drawings shall not be converted into a habitable room within the permission in writing of the Local Planning Authority.

Reason: To secure the retention of adequate off-street car parking provision.

16) 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 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.

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 fences, gates or walls (other than those authorised by this permission) shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road. (V19A)

Reason: In order that visibility across the site may be protected in the interests of highway safety.

18) 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.

19) There shall be no pedestrian or vehicular access from the curtilage of Houses 1 and 2 onto Wylie Road or its intervening footway.

Reason: In the interests of highway safety.

20) Prior to the dwellings hereby approved being first occupied, an area shall be provided and maintained within the private road for casual visitor's parking, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

21) Prior to the dwellings hereby approved being first occupied, a bin collection point shall be provided on the site, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity of the development

22) Before development commences, a scheme for the discharge of surface water from the buildings and all hard surfaces hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out as approved. The approved scheme shall include measures to limit surface water run-off.

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

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan: Adopted SDLP policies G2 (General), G4 (Flooding), G5 (Drainage), D2 (Infill development), H16 (HPB), C4 & C5 (AONB), CN3 & CN5 (Listed buildings), CN8 & CN10 (Conservation areas), C10 (nature conservation), R2 (open space provision)

INFORMATIVE:- WESSEX WATER

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.

NOTES: