

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE
 FOLLOWING COMMITTEE
WESTERN AREA COMMITTEE 19th APRIL 2007

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

Item Page	Application No Officer Site Address Proposal	Parish/Ward Recommendation Ward Councillors
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1.	S/2007/0534 Mr O Marigold	DONHEAD ST MARY APPROVED WITH CONDITIONS
	SAMSTONE DONHEAD ST MARY SP7 9DQ DEMOLITION OF EXISTING DWELLING & OUTBUILDING. CONSTRUCTION OF A NEW 3 BEDROOM HOUSE	CLLR COLE-MORGAN
2.	S/2007/0535 Mr O Marigold	DONHEAD ST MARY APPROVED WITH CONDITIONS
	SAMSTONE DONHEAD ST MARY SP7 9DQ DEMOLITION OF EXISTING DWELLING & OUTBUILDING. CONSTRUCTION OF A NEW 3 BEDROOM HOUSE	CLLR COLE-MORGAN

- ENFORCEMENT AGENDA ITEM AT THE BARKERS, BARKERS HILL, SEMLEY

Part 1

Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2007/0534		
Applicant/ Agent:	MICHAEL LYONS ARCHITECTURE		
Location:	SAMSTONE DONHEAD ST. MARY SHAFTESBURY SP7 9DQ		
Proposal:	DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND CONSTRUCTION OF A NEW THREE BEDROOM HOUSE.		
Parish/ Ward	DONHEAD ST MARY		
Conservation Area:	DONHEAD ST	LB Grade:	MARY
Date Valid:	9 March 2007	Expiry Date	4 May 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Cole-Morgan asks that, if recommended for approval, that the application be heard at Western Area Committee on the grounds of local interest

SITE AND ITS SURROUNDINGS

The site consists of Samstones, a small single storey dwelling lying within the Donhead St Mary Conservation Area (CA), the Donhead St Mary Housing Restraint Area (HRA), the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and adjacent to Church Hill Farmhouse, a Grade II listed building and opposite the Grade I listed church.

THE PROPOSAL

The application proposes demolition of the existing dwelling and the erection of a two storey dwelling with a height of some 7.8m (although the dwelling would be set down some 0.6 of a metre below the floor level of the existing dwelling). Also proposed is the erection of a single storey garage.

PLANNING HISTORY

A Conservation Area Consent application is being considered concurrently to this application (reference S/2007/0535)

CONSULTATIONS

Conservation – no objections to the demolition of the existing bungalow which does nothing to enhance the appearance of the Conservation Area. No fundamental objection to the new proposals, subject to conditions requiring window and eaves

details, chimney details and materials. Conditions also recommended requiring handmade roof tiles and Green sand stone to match Hill Top Cottage.

Environment Agency – no objection subject to conditions

Wessex Water – Development is located within a foul sewer area but the proposal includes a new water treatment plant. Government advice is clear that connection to public foul sewers is preferable unless it can be shown that this is not feasible. Also comment that there may be a sewer crossing the site that could be deemed a public sewer. Public sewerage is covered by a statutory easement and no new building or similar works will normally be allowed within 3m of this apparatus.

Highway Authority – no objection

Environmental Health – no observations to make in relation to this application

REPRESENTATIONS

Advertisement	Yes – expires 12/04/07
Site Notice displayed	Yes – expires 12/04/07
Departure	No
Neighbour notification	Yes – expired 04/04/07
Third Party responses	Yes – 10 letters of objection relating to: <ul style="list-style-type: none">• Impact on character and appearance of Conservation Area/listed buildings/AONB• Loss of light to neighbouring properties• Loss of views from neighbouring properties• Large and dominating impact on Grade I listed church• Noise and disruption during building works• Over-development of the site• Site is outside of Housing Policy Boundary• Limited visibility for vehicles leaving the site• Inaccuracies with the plans submitted – existing dwelling is only 2 bed roomed and is constructed of local stone and tiles (not as stated by the applicant)• The history of the existing dwelling is that it was originally the dairy to the farm before it was converted. This history should influence and be reflected in the design• The applicant has no right to park in the courtyard, only a right of way
	2 letters supporting or raising no objection
Parish Council response	Yes – Donhead St Mary Parish Council object on the grounds of: <ul style="list-style-type: none">• Development is in a Conservation Area, AONB and HRA.• Will have an adverse impact on the character of the area• Overdevelopment of the site – the development is for a house considerably larger with a greater visual impact than the existing

- property and this does not ensure respect for the character of the area
- Site is outside of the Housing Policy Boundary

MAIN ISSUES

Impact on character and appearance of CA, HRA, AONB and adjacent listed buildings
Impact on the reasonable living conditions of neighbouring properties
Impact on highway safety
Other factors

POLICY CONTEXT

H19	Housing Restraint Area
C4, C5	Development in the AONB
CN3	Setting of listed buildings
CN8	Conservation Areas
G1, G2	General Development Criteria

PLANNING CONSIDERATIONS

Procedural Matters

The publicity expiry date has not expired at the time of writing the report, and any representations made before the committee itself will be considered, and members updated accordingly, at committee. Otherwise a decision could not be made until WAC in June (after the expiry date of the application) because of the local government elections in May.

In relation to the serving of notice the application was originally submitted with Certificate A and the 'red line' excluding the access from the road (believed to be in the ownership of Church Hill Farm). However this was not validated until amended forms and plans, including the access, were included within the application.

Unfortunately the amended form (with Certificate B signed) for the planning application has been mislaid although a further copy has been sought from the agent. Nevertheless it is clear that the applicant did state that the appropriate notice was served on the owner of Church Hill Farm.

Impact on character and appearance of CA, HRA, AONB and adjacent listed buildings

The existing dwelling is not characteristic of this part of Donhead St Mary. It is single storey and, apparently of poor quality, showing signs of structural movement. The Conservation Officer has commented that the bungalow does nothing to enhance the appearance of the CA. Similarly the current outbuilding has little architectural merit.

The proposed replacement dwelling would clearly be significantly larger than the existing building, being almost 8 metres in height. It would also be sited further to the south west. The proposed dwelling would be visible from the road to the north east of the site, and from the wider surrounding landscape to the rear, including footpaths running to the south and west of the site.

However, the fact that the dwelling would be larger is not, in itself, a reason to refuse permission. The site lies in an area that is already built-up to some extent, with two storey dwellings on either side and when viewed in the wider landscape it would not

appear out of place. It lies in an area designated as a Housing Restraint Area – ie an area that is sensitive but one that can accommodate additional development.

Furthermore, the design of the dwelling would be more reflective of the area in its use of materials (green sandstone and clay tiles) and its form than the existing building. It would be set slightly further away from Church Hill Farm and would re-enforce the 'forecourt' or courtyard upon which both this property and Church Hill Farm face. The points raised by local people about this history of the site and the origins of the existing building are a relevant factor, but it not considered that this is a sufficiently strong reason to require any replacement dwelling to be small in size or 'dairy-like', particularly as the existing dwelling has an essentially domestic appearance now anyway.

The proposal would have a neutral effect on the setting of the church and would not appear out of place in the street scene. The Council's Conservation officer has not objected to the proposal, subject to conditions.

It is considered that the proposed dwelling would at least preserve the character and appearance of the Conservation Area, would not harm the setting of the adjacent listed buildings and would maintain the natural beauty of the AONB.

Impact on the reasonable living conditions of neighbouring properties

Concerns have been expressed regarding the impact on neighbouring properties, particularly Church Hill Farm. The concerns relate principally to loss of light, loss of view, and noise and disturbance during construction works. Planning permission can only be refused, and defended successfully at appeal, if it can be shown that an occupier's reasonable living conditions would be harmfully affected by a development proposal.

Looking first at Church Hill Farm, in relation to loss of light, the proposal would result in a higher building (ie the west elevation) being visible on the adjoining boundary, although in terms of length the amount of development in close proximity to the boundary would be less (because the part of the proposed dwelling running at right angles to the road would be further away than the existing dwelling).

Given the orientation of the dwellings, it is considered that while there might be a degree of lost sunlight during the late morning (as a result of the increase in height), this would only be for a short period and would not be sufficiently harmful to warrant refusal. The dwelling at Church Hill Farm would be some 6m away from the proposed dwelling at the closest point, and given this distance it is not considered that the proposed dwelling would have an unduly overbearing impact on Church Hill Farm, to an extent that would warrant refusal.

In terms of noise and disturbance, and unacceptable noise etc during construction works is controllable under environmental health legislation – a condition can be imposed limiting the hours of construction work in any case. While a larger dwelling might result in more movements across the front of Church Hill Farm and its forecourt, the proposal is for a 3 bedroom dwelling compared to a 2 bedroom dwelling at present; this increase would not be sufficient to be sufficiently harmful to warrant refusal.

Concerns have been expressed regarding loss of views (for example of the surrounding landscape) but this is not a reason for which permission can be refused – the planning system seeks to control development in the public interest, and private views (and any financial loss resulting from any loss of views) is not a planning matter.

Consideration has also been given to the impact on other surrounding properties. In particular the proposal would result in windows on the south elevation facing Church Hill House to the south. However suitable boundary treatments could screen ground floor windows while the two bedrooms served at first floor have other windows providing light and ventilation. These windows could be obscure glazed and suitably fixed to avoid any undue overlooking. Other properties are too far away from their living conditions to be sufficiently harmfully affected to warrant refusal.

Overall, it is considered that the impact on the living conditions of neighbouring properties would not justify the refusal of planning permission.

Impact on highway safety

Although concerns have been expressed that there is limited visibility at the entrance, this already provides access to two dwellings. The Highway Authority has not objected and therefore highway safety could not form a reason for refusal.

Representations on behalf of Church Hill Farm (the owners of the access courtyard) say that there is only a right of way over the courtyard, no right to park. This is a civil matter and one that could be the subject of negotiation between the parties. In any case the problem of parking would apply equally to the existing dwelling as the proposed dwelling. It would not form a reason sufficient to refuse planning permission.

Other factors

Wessex Water have expressed concern at the use of a private foul sewage system, and the applicants have now confirmed that they would connect to the public system. This can be secured by condition.

CONCLUSION

Subject to no new material planning considerations being raised before determination of the application at Committee on 19th April it is considered that the refusal of planning permission could not be sustained at appeal, and that permission should therefore be granted, for the following reason:

The proposed replacement dwelling would not harm the character and appearance of the Conservation Area, Housing Restraint Area or the AONB, or the setting of nearby listed buildings. It would not harm highway safety or the living conditions of nearby properties. It would therefore comply with the relevant policies in the Adopted Salisbury District Local plan.

RECOMMENDATION : APPROVE

Subject to no new material planning considerations being raised before determination of the application at Committee on 19th April

REASON FOR APPROVAL:

The proposed replacement dwelling would not harm the character and appearance of the Conservation Area, Housing Restraint Area or the AONB, or the setting of nearby listed buildings. It would not harm highway safety or the living conditions of nearby properties. It would therefore comply with the relevant policies in the Adopted Salisbury District Local plan.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

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

(2) Prior to the commencement of development, the following details shall be submitted to and approved, in writing, prior to the commencement of development:

(a) Horizontal and Vertical sections at 1:5 scale of the proposed windows (the windows shall be painted softwood)

(b) Eaves details at 1:5 scale

(c) Details of the proposed chimney and porch

(d) A Sample of the roof materials (which shall be handmade tiles) to be used in the construction of the roof

(e) A Sample panel of the natural greensand stone to be used in the construction of external elevations

(f) A sample of the material to be used for the quoins to be used in the construction of external elevations

(g) Details of the hard surface treatment

(h) North, east and west elevations of the proposed outbuilding

(i) Details of any necessary retaining walls

Development shall be undertaken in accordance with the details thereby approved.

Reason (2): in the interests of the character and appearance of the Conservation Area

(3) Notwithstanding the provisions of Classes A to 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(s) 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 (3): in the interests of the character and appearance of the Conservation Area

(4) No windows shall be inserted into the north western elevations of the dwelling hereby approved.

Reason (4): in the interests of the amenities of the adjoining property

(5) Prior to the commencement of development, details of the means of securing that the first floor windows on the south east elevation do not result in unacceptable overlooking of the adjoining property (ie through the use of obscure glazing and fixing shut of the windows) shall be submitted to and approved, in writing, by the Local Planning Authority. The windows shall remain in the approved state unless otherwise agreed in writing by the Local Planning Authority.

Reason (5): in the interests of the amenities of the adjoining property

(6) Notwithstanding the details shown on the application form, disposal of foul sewage shall be by means of the public sewage system.

Reason (6): in the interests of providing suitable foul sewage disposal

(7) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason (7): In the interest of maintaining the amenity value of the area.

(8) Construction works (including demolition of the existing dwelling) shall not take place outside of the following hours: Mondays to Saturdays 8am to 6pm (and not at all on Sundays).

Reason (8): in the interests of the amenities of neighbouring properties

(9) No development shall take place until a scheme for energy and water efficiency has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

Reason (9): in the interests of sustainable development and prudent use of natural resources

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

H19	Housing Restraint Area
C4, C5	Development in the AONB
CN3	Setting of listed buildings
CN8	Conservation Areas
G1, G2	General Development Criteria

2.

Application Number:	S/2007/0535		
Applicant/ Agent:	MICHAEL LYONS ARCHITECTURE		
Location:	SAMSTONE DONHEAD ST. MARY SHAFTESBURY SP7 9DQ		
Proposal:	DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND CONSTRUCTION OF NEW 3 BEDROOM HOUSE		
Parish/ Ward	DONHEAD ST MARY		
Conservation Area:	DONHEAD ST	LB Grade:	
	MARY		
Date Valid:	9 March 2007	Expiry Date	4 May 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Cole-Morgan asks that, if recommended for approval, that the application be heard at Western Area Committee on the grounds of local interest

SITE AND ITS SURROUNDINGS

The site consists of Samstones, a small single storey dwelling lying within the Donhead St Mary Conservation Area (CA), the Donhead St Mary Housing Restraint Area (HRA), the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and adjacent to Church Hill Farmhouse, a Grade II listed building and opposite the Grade I listed church.

THE PROPOSAL

The application proposes demolition of the existing dwelling and an existing outbuilding. The Conservation Area Consent application is concerned solely with the demolition of the existing buildings.

PLANNING HISTORY

A planning application is being considered concurrently to this application (reference S/2007/0534)

CONSULTATIONS

Conservation – no objections to the demolition of the existing bungalow which does nothing to enhance the appearance of the Conservation Area. No fundamental objection to the new proposals, subject to conditions requiring window and eaves details, chimney details and materials. Conditions also recommended requiring handmade roof tiles and Green sand stone to match Hill Top Cottage.

REPRESENTATIONS

Advertisement	Yes – expires 12/04/07
Site Notice displayed	Yes – expires 12/04/07
Departure	No
Neighbour notification	Yes – expired 04/04/07
Third Party responses	Yes – 10 letters of objection relating to:

- Impact on character and appearance of Conservation Area/listed buildings/AONB
- Loss of light to neighbouring properties

- Loss of views from neighbouring properties
- Large and dominating impact on Grade I listed church
- Noise and disruption during building works
- Over-development of the site
- Site is outside of Housing Policy Boundary
- Limited visibility for vehicles
- Inaccuracies with the plans submitted – existing dwelling is only 2 bedroomed and is constructed of local stone and tiles (not as stated by the applicant)
- The history of the existing dwelling is that it was originally the dairy to the farm before it was converted. This history should influence and be reflected in the design
- The applicant has no right to park in the courtyard, only a right of way

2 letters supporting or raising no objection

Parish Council response
the grounds of:

Yes – Donhead St Mary Parish Council object on

- Development is in a Conservation Area, AONB and HRA.
- Will have an adverse impact on the character of the area
- Overdevelopment of the site – the development is for a house considerably larger with a greater visual impact than the existing property and this does not ensure respect for the character of the area
- Site is outside of the Housing Policy Boundary

MAIN ISSUES

Impact on character and appearance of CA

POLICY CONTEXT

CN9 Demolition of buildings etc in Conservation Areas

PLANNING CONSIDERATIONS

Procedural Matters

The publicity expiry date has not expired at the time of writing the report, and any representations made before the committee itself will be considered, and members updated accordingly, at committee. Otherwise a decision could not be made until WAC in June (after the expiry date of the application) because of the local government elections in May.

Impact on character and appearance of CA

The existing dwelling is not characteristic of this part of Donhead St Mary. It is single storey and, apparently of poor quality, showing signs of structural movement. The Conservation Officer has commented that the bungalow does nothing to enhance the appearance of the CA. Similarly the current outbuilding has little architectural merit.

Therefore it is considered that the loss of the existing buildings would not justify refusing Conservation Area Consent.

Consideration has to be given to the circumstance where, if Conservation Area Consent is granted but a subsequent replacement proposal is not undertaken, whether the resultant gap in the Conservation Area would be harmful.

On one hand complete removal of the building would open up further views across the landscape, but on the other hand this would begin to 'break up' the cohesiveness of this part of Donhead St Mary. On balance it is considered that a condition should be imposed preventing demolition of the existing dwelling prior to a contract being entered into to secure the development being considered under application S/2007/0534 (assuming that this is approved at committee).

CONCLUSION

Subject to no new material planning considerations being raised before determination of the application at Committee on 19th April it is considered that the refusal of planning permission could not be sustained at appeal, and that permission should therefore be granted, for the following reason:

The existing bungalow and buildings have no architectural merit and their loss, provided they are replaced by suitable buildings, would not harm the character and appearance of the Conservation Area. This would therefore comply with policy CN9 of the Adopted Salisbury District Local Plan.

RECOMMENDATION : APPROVE

Subject to no new material planning considerations being raised before determination of the application at Committee on 19th April it is considered that the refusal of Conservation Area Consent could not be sustained at appeal, and that permission should therefore be granted, for the following reason:

REASON FOR APPROVAL:

The existing bungalow and buildings have no architectural merit and their loss, provided they are replaced by suitable buildings, would not harm the character and appearance of the Conservation Area. This would therefore comply with policy CN9 of the Adopted Salisbury District Local Plan.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason (1): To comply with the provisions of Section 18 of the Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The buildings shall not be demolished before a contract for the carrying out of works for the redevelopment of the site has been made, with the relevant particulars notified in writing to the Local Planning Authority, and planning permission has been granted for the redevelopment for which the contract provides.

Reason (2): in the interests of the character and appearance of the Conservation Area

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

CN9 Demolition of buildings etc in Conservation Areas

Part 3
**Applications recommended for the Observations of the
Area Committee**

No Observations