CASE OFFICER'S REPORT

Application Reference:	PL/2023/10144
Site:	The Black Horse, Great Durnford, SP4 6AY
Date site notice posted:	13.12.2023
Publicity Expired:	14.02.2024
Extended Target Date:	19.04.2024

SITE DESCRIPTION:
The 0.36 hectare site is situated in the countryside in the centre of Great Durnford, which is defined as a Small Village by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area). To the east and south the site adjoins residential properties and their associated amenity/parking provision. The eastern properties are separated from the site by the main road through the village. The dwelling to the immediate south (Swayne's Mead) is a Grade II listed building. The whole site is also situated within the Great Durnford Conservation Area. To the north, the site abuts grassy paddocks which have a number of mature trees positioned along and overhanging the site's shared boundary. These trees are protected by virtue of their location in the conservation area. The western boundary of the wider site adjoins a tributary of the nearby River Avon. The associated flood zones of this river (Flood Zones 2 and 3) extend into the wider site but as the application site is the parcel closest to the road boundary, these flood zone designations do not extend into the site. The site is also in an area that is at low risk of Ground Water flooding.

The main river is also designated as a Site of Special Scientific Interest (SSSI) and the site is situated within the catchment of the River Avon Special Area for Conservation (SAC) and nearby to the Avon Valley Special Protection Area (SPA) and RAMSAR sites. The whole of the site is situated in a special landscape area, as is defined by Saved Salisbury District Local Plan (SDLP) policy C6. A few doors away, a public bridleway (DURN5) extends parallel to the southern boundary and wraps around the western boundary of the wider site but on the other side of the main river. The site is also to the south west of Ogbury Camp which is a Scheduled Ancient Monument (SAM). On the opposite side of the river to the west, the Stone Henge & Avebury World Heritage Site designation exists.

The wider site currently consists of a public house and associated parking and pub garden. Planning permission was granted for the whole site in 2021 (under refs: 21/01914/FUL and PL/2021/11673 and revised under: PL/2023/04367) for the renovation and extension of the existing public house building consisting of the demolition of a number of existing single storey extensions; and the addition of single and 2 storey additions as well as a new basement and the creation of 3 letting rooms at first floor. The approved scheme also allowed the erection of 3 new buildings in the existing car park in order to provide a further 7 letting rooms (10 in total) and stores/bin storage. A total of 48 car parking spaces were also secured. Work has commenced to implement these permissions on site. This site currently consists of a corner of the approved car parking area (in the north eastern corner of the site, adjacent to the road).

PROPOSAL:
This is a full application proposing the installation of 2 below ground LPG tanks in this corner of the site. Each tank is to be cylindrical and is to measure 1.2 x 4.5 metres in size by 2.15 metres in height. They are each to store 4000 litres of liquid petroleum gas and are to be positioned on a concrete pad of 4 x 4.5 metres in footprint. The tanks are however to be placed below ground level. A hole will be dub and backfilled once installed only a surface cover will therefore be visible above ground level. This corner of the car park has been left as grass on the approved plans to date and it has already been agreed that it will be fenced off from the parking areas with estate railings with a pair of gates providing access from the car park.

This proposal did originally form part of the previous variation application considered in 2023 (under ref: PL/2023/04367). However as the works were considered to require planning permission in their own right; and went beyond the approved works that were previously considered by the original permission, they were considered to be material changes that could not be dealt with under a Section 73 application and instead a separate application for planning permission was required. This element was therefore withdrawn from the previous scheme and this application has been submitted accordingly.

During the course of the application, an Aboricultural Report has been submitted as the tanks are to be positioned in close proximity to the offsite protected trees that exists along the northern boundary of the site. This has identified the intended method and any tree protection measures required in order to create the hole in which the tanks are to be stored. Further tree information has also been submitted to confirm whether the roots of the adjacent trees extend into the site.

RELEVANT PLANNING HISTORY:

S/1991/0057	Demolition of existing outbuilding, construction of new dwelling with detached garage and construction of new garage to the Black Horse and the formation of joint access. Refused – 13.03.1991. Appeal Dismissed – 13.12.1991
S/1991/0343	Change of use from Public House to dwelling. Permission 24.04.1991
S/1991/1037	Conservation Area Consent – Demolition of existing outbuilding and inclusion into car park. Refused – 11.09.1991
S/2000/0008	Demolition of redundant detached outbuilding (Retrospective). Permission – 03.03.2000
S/2000/1368	Demolition and rebuilding of cellar and toilet areas. Withdrawn
21/01914/FUL	Demolition of existing single storey side and rear extensions to public house and erection of new single storey side extension and part single storey and part two storey extensions to rear to create enhanced public bar and new dining, kitchen, staff and customer toilet facilities in a new basement level and extended ground floor level, together with the provision of three en-suite letting rooms at first floor level. Proposed erection of three new buildings within curtilage of property to provide an additional seven en-suite letting rooms and a store. Proposed relocation and enlargement of existing on-site car parking provision and improvements to existing pub garden. Permission – 13.08.2021
PL/2021/11673	Proposed erection of a detached building comprising of 6 x en-suite letting rooms and plant room (amendment to building approved as part of 21/01914/FUL). Permission – 10.02.022
PL/2023/04367	Variation of Condition 2 (Plans) of 21/01914/FUL. Permission – 13.10.2023

POLICIES:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (January 2021) (NDG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy) (SDLP):
C6 – Special Landscape Area
E19 – Existing Employment Sites in Countryside

Wiltshire Core Strategy (January 2015) (WCS):
CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP3 (Infrastructure Requirements)

CP4 (Amesbury Community Area)
CP35 (Existing Employment Sites)
CP39 (Tourist Development)
CP40 (Hotels, Bed & Breakfasts, Guest Houses & Conference Facilities)
CP49 (Protection of Rural Services & Community Facilities)
CP50 (Biodiversity and Geodiversity)
CP51 (Landscape)
CP57 (Ensuring High Quality Design & Space Shaping)
CP58 (Ensuring the Conservation of the Historic Environment)
CP59 (The Stonehenge, Avebury and Associated Sites World Heritage Site)
CP60 (Sustainable Transport)
CP61 (Transport & Development)
CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)
CP67 (Flood Risk)
CP68 (Water Resources)
CP69 (Protection of the River Avon SAC)
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:
Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Wiltshire Local Transport Plan – Car Parking Strategy
Stonehenge and Avebury World Heritage Site Management Plan (2015)

REPRESENTATIONS:
Conservation – No Objection

- The proposed installation of LPG tanks below ground raises no concerns with regard to the character of the CA
- the use of estate fencing is welcomed.

Public Protection – No Objection

- We would have no comment to make
- I have passed the reference to my colleague Steven Hunt in the Health & Safety side of Environmental Health as I am not sure if they would be interested.
- He commented that Building Control cover the safety issues associated with underground LPG and distances etc.

Trees – No Objection subject to Conditions

- T1 (Horse Chestnut) is probably the most significant tree potentially impacted by the proposals on this site.
- The updated Arb Report, provided by SJ Stephens, suggests the excavation required for the proposed gas tanks are unlikely to harm the tree because its roots are unlikely to spread beneath the adjacent wall.
- In order to protect the tree, and mitigate any impact, the report proposes to hand dig a trench on the opposite side of the wall to cleanly severe any roots that may be present (even though it is unlikely, in their opinion, that any will be found).
- If the wall was rebuilt (circa 2000) in accordance with diagrams illustrated in the report, I'm inclined to agree that it is unlikely that roots will be present in the area proposed for excavation.
- However, I am concerned that if consent is granted and large, structural roots are found during the hand digging process, it will be too late for the tree.

- At that point the development will have consent and significant root damage will have been authorised by way of that consent, to permit the gas tanks to be installed regardless of the impact on the tree.
- Logically, I would propose a better option would be to instruct an exploratory dig, in the location proposed, under Arb supervision prior to consent being granted, to ascertain the extent of any root spread in the location of the proposed gas tanks. That will allow an informed decision to be made based on facts.

UPDATE:

- I am satisfied with the approach suggested by SJ Stephens and recorded in the site visit notes dated 15th March 2024.
- However, I would like to specify that the excavations, the installation of the root barrier and the repositioning of the exposed roots (and subsequent back-filling) should also be supervised by the Arb Consultant.

Great Durnford Parish Council – Objection

- Durnford Parish Council, at their meeting in December, fully supported the expressed views of the neighbours as to the siting of 2 x 4000 litre LPG tanks at the Black Horse Pub.
- The proposed site is dangerously near to residential buildings.

Letters – 3 letters of objection received. The following comments have been made.

- This application is very similar to the previous one and still doesn't provide sufficient information to enable a considered decision to be made.
- The revised plans have done little to clarify the size and exact location of the proposal.
- More detailed drawings should be submitted showing the dimensions of the proposed excavations and distances from the boundary wall, road and car parking.
- We echo the Tree Officers comments on the root damage to the Horse Chestnut Tree (T1).
- National planning policy sets out to protect veteran and aged trees from damage.
- The fact that other buildings on the site have foundations dug into the root protection areas of the two neighbouring trees should not set a precedent for this one to be damaged.
- This is not a shallow trench for a ground beam but a 2.15m deep hole.
- No further information has been submitted justifying either the size or location of the proposed tanks. Other locations on the site further away from the trees, boundary wall, neighbouring properties and the road, should be considered and arguments put forward to explain why this site is the most suitable should be made public.
- The two large underground gas tanks should not be sited immediately next to the main village road and in close proximity to houses on the opposite side of the road, including ours.
- The pub site is large with car parking behind the pub buildings and the gas tanks should be sited in the car park area away from houses, the village road and people.
- Comments by the architect about a flood plain in the car park making it impossible to sink gas tanks there are contradicted by the fact that they recently sank a very large septic tank in the middle of this area!
- Other than providing technical details about how to bury the LPG tanks, I am mystified that nothing else appears to have changed with this current Application 10144.
- The Local Planning Authority should ensure that the scheme satisfies all those of us who are resident within 50 m of the Pub and that safety concerns are being met in full.

ISSUES:

The main considerations which are material to the determination of this application are listed below:

- Principle
- Heritage, Character & Design
- Neighbouring Amenities
- Trees

PLANNING ASSESSMENT:

Principle:

As has been identified above, the site is situated in the countryside within the small village of Great Durnford and is already in lawful use as a public house (use class: sui generis), albeit that the business ceased operating in October 2019. The new owner has permission to expand and diversify the public house enterprise by increasing the amount of dining covers that can be accommodated in the public house; and offering a bed and breakfast facility with the provision of new letting rooms across the site. This was granted permission in 2021 and revised in 2023 and work has commenced on site.

This proposal now seeks to install some LPG gas tanks to service the site. The tanks are to be positioned below ground within the established car park serving the public house. The installation of associated development to service the established use is acceptable in principle, even in a countryside location.

The principle acceptability is however subject to the detail in terms of implications for the character of the area/conservation area/surrounding heritage assets; highway safety; neighbouring amenities; and trees. These matters will therefore be assessed in more detail below.

Heritage, Character & Design:

The site is situated within a conservation area and is adjacent to a listed building. It is also situated within the setting of the Stonehenge World Heritage Site; and in the vicinity of a SAM. The site is therefore considered to be within a sensitive heritage setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting, whilst Section 72 of the Act states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In having 'special regard' and/or in paying 'special attention' the NPPF requires an assessment to be undertaken as to whether the proposal causes 'substantial harm', 'less than substantial harm' or no harm to the asset.

WCS policy CP58 (Ensuring the Conservation of the Historic Environment) also confirms that the '*Designation of a conservation area, listed building, or scheduled ancient monument does not preclude the possibility of new development*' but that '*Such alterations will only be acceptable where they are consistent with the conservation of a heritage asset's significance*'. Consequently, it is expected that development will be '*…of the highest standard in order to maintain and enhance the quality of the area or building, and be sensitive to its character and appearance*' and will ensure that the *'…form, scale, design and materials of new buildings are complementary to the historic context*'.

As has been identified above, the site has been subject to many additions and alterations in recent times in order to bring the pub back into a viable use and work is well under way to implement these previous permissions and consents. This application involves the installation of LPG storage tanks in order to service the public house when it reopens. The proposed tanks are to be dug into the site and so will be completely hidden from view as the holes will be backfilled and levellled out to match the existing ground level and only 2 surface covers will be visible above ground.

The tanks are to be positioned in the front corner of the site adjacent to the main road through the village. Lots of local concern has been raised about whether this is the most suitable position for the tanks given its proximity to the road and neighbouring properties. It is suggested that the wider site is very long and the car parking area extends to the rear of the site away from these residential properties which would therefore be a more appropriate siting for the proposed storage tanks. However it is not for the Local Planning Authority to consider if alterative arrangements would be better but merely to assess the application as submitted to assess if this is acceptable or not. In addition, the rear of the wider site is situated in Flood Zones 2 and 3 which would not be a suitable location for such below ground works

and the safe storage of a hazardous substance. It is also likely that a road side position is required for such a facility in order to enable refilling and maintenance. Ultimately however, the technical specifications and health and safety regulations associated with such development is a building regulation matter and not a material consideration of the planning application.

Conversely, this identified site was agreed to be part of the landscaped area around the previously approved car parking facilities. It has already been agreed that it will be fenced off with estate railings with an access gate in its south western corner providing an access from the car park. Their below gournd position and position behind a road side hedged boundary mean that the tanks will not really be noticeable in the street scene despite being at the front of the site. This part of the site will also look little different to what has already been agreed for this corner of the car park. The Council's Conservation Officer has confirmed that the siting and design of the proposed tanks are acceptable and are unlikely to result in any implications for the surrounding heritage assets including the character and setting of the conservation area. The proposals and their siting are therefore considered to be acceptable in this regard.

Neighbouring Amenities:
WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that new development should be designed to ensure that the impact on the amenities of existing occupants/neighbours is acceptable and that appropriate levels of amenity are achievable within the development itself. The NPPF further confirms that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this therefore needs to be carefully considered accordingly.

In this instance, the proposals are to be dug into the ground and will not therefore be visible from the public domain. They are also to be positioned in a car parking area, separated from any residential property by a paddock (to the north); the public house (to the south); or the main road/roadside boundary and hedge (to the east). It is not therefore considered that the proposals will result in any particular implications for neighbouring amenities in terms of loss of light or noise/disturbance. The proposals are therefore also considered to be acceptable in this regard.

Highway Safety:
The Highway Authority has not commented on this particular application for the LPG tanks, but they were previously consulted on the previous Section 73 application which sought to vary the previously agreed scheme under ref: PL/2023/04367 and originally also included the siting of these LPG tanks before this element was withdrawn and applied for separately. The Highway Authority previously raised no objection to the proposals and confirmed that the LPG tanks would not result in any changes to the level or layout of the agreed parking provision to serve the public house. No objection was therefore previously raised regarding the proposed tanks in terms of highway safety. The scheme has not significantly changed since the Highway Authority last assessed this element and it is not therefore considered that any new highway safety issues have arisen as part of this application.

Trees:
As is identified above, the northern boundary of the site is overhung by mature off site trees that are considered to make a positive contribution to the character of the area and are protected by virtue of their location in a Conservation Area. Previously the Council's Tree Officer confirmed that the development of this site, and in particular the development of Buildings 1-3 along the northern boundary, was acceptable subject to the recommendations in the submitted Aboricultural report being conditioned and followed. The previous report identified this road frontage corner of the site as a 'no dig' area in order to protect the offsite Horse Chestnut tree. As a result of this potential conflict with trees, a new Aboricultural report has been submitted during the course of this application which specifically assesses the proposed works now proposed in this corner of the site, in relation to the offsite protected trees.

Following further investigation work, the Council's Tree Officer is now satisfied that the works can be implemented without harm to the off site trees or their root system. Subject to conditions ensuring that the development is carried out under the supervision of the applicant's Tree Specialist, no objection has been raised to the proposals in this regard accordingly.

CONCLUSION:
Whilst the installation of LPG tanks is quite an industrialised and functional development, the proposed sunken, below ground position of the tanks; and limited above ground treatment, is not considered to result in any significantly different implications for the character of the area or surrounding heritage assets than the previously approved parking area/arrangement. It is also considered unlikely that the proposals will result in any detrimental implications for neighbouring amenities; highway safety; or off site trees. The proposals are recommended for permission accordingly.

RECOMMENDATION:
Permission subject to conditions and notes

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

   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Application Form & Certificate
   Ref: Location Plan. Received – 22.11.2024
   Ref: PL.104 – Proposed Site Plan LPG Application. Received – 22.11.2024
   Ref: 19262 – Installation of 2x4000 Ltd Underground Vessels. Received – 06.12.2023

   REASON: For the avoidance of doubt and in the interests of proper planning.

3. The works hereby approved shall be carried out in strict accordance with the method statement and recommendations detailed in the submitted Aboricultural Impact Assessment (SJ Stephens Associates LTD), received 31st January 2024; and the Aboricultural Consultant Site Visit Note (SJ Stephens Associates Ltd), received 26th March 2024. In addition, the agreed excavations; the installation of the root barrier; and the repositioning of the exposed roots (and subsequent backfilling) works shall be undertaken under the supervision of an Aboricultural Specialist at all times.

   REASON: To ensure that the offsite important trees will be protected and not damaged during the construction works

INFORMATIVES
1) The siting, construction and future maintenance of the LPG Tanks hereby approved shall be undertaken in accordance with Building Regulations and Health & Safety Executive Regulations. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.