

APPENDIX 4 – Hindon Lane, Tisbury

SOUTHERN AREA PLANNING

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 27TH AUGUST 2009 AT 6.00 PM AT, CITY HALL, SALISBURY

Present:

Mr T Deane, Mr C Devine, Mrs M Douglas, Mrs J Green, Mr M Hewitt, Mr G Jeans, Mr I McLennan, Mr P Sample, Mr F Westmoreland (Chairman), Mr G Wright.

Apologies:

29. MINUTES

The minutes of the meeting held on 6 August 2009 were confirmed as a correct record and signed by the Chairman.

30. CHAIRMANS ANNOUNCEMENTS

The chairman made no announcements.

31. DECLARATIONS OF INTEREST

Mr T Deane and Mrs J Green both declared a prejudicial interest in application S/2008/2089, The Sports Ground, Wilton Road, Salisbury and left the meeting during the debate and did not vote on the application.

32. PLANNING APPEALS

The committee received details of the following appeals:-

Decision

S/2008/1345 – 1 The Arcade, Amesbury – delegated decision – dismissed
S/2009/0608 – Woodspring, Livery Road, Winterslow – delegated decision
– allowed
S/2008/1155 – 34 Green Lane, Ford – delegated decision – allowed
S/2008/1698/ - Rock Cottage, Chilmark – committee decision - allowed

Pending

S/2009/0684 – 136 Station House, London Road, Amesbury – delegated decision

33. S/2009/0577 – West View, High Street, Ansty – Replacement two storey dwelling house with detached three bay garage building

Public Participation:

1. Two further letters from the agent were reported.
2. Mr J Oldfield, Chairman of Ansty Parish Council, spoke in objection to the application.

Resolved:

That planning permission be **GRANTED** for the following reasons;

Whilst the replacement dwelling is larger than the existing bungalow, the proposal is considered acceptable, as it would be more in keeping with character of the area and even though it is to be more visible, the visual impact of the dwelling would not be significant and as such is in accordance with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D2 (Design), C5 (Landscape Conservation), and H30 (Replacement dwelling in the countryside) of the adopted Salisbury District Local Plan.

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.

REASON (1): 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 No delivery of plant, equipment, materials, demolition or construction work or other building activity shall take place on Sundays or public holidays or outside the hours of 08:00 & 18:00 weekdays and 08:00 & 13:00 Saturdays

REASON (2): In the interests of neighbouring amenity

3. During demolition and construction of the buildings, no bonfires or burning of surplus materials or other waste shall take place on site.

REASON (3): In the interest of neighbouring amenity

4. Prior to the commencement of development a method statement specifying how the demolition and site clearance will be undertaken shall be submitted to and approved in writing by the Local Planning Authority. Such a method statement shall include how the highway network will be protected in terms of wheel/vehicle washing strategy and road cleaning strategy.

REASON (4): in the interest of neighbouring amenity

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6. No development shall commence on site until a sample panel of natural stonework has been erected on site, and has been agreed in writing by the Local Planning Authority. The panel erected shall also demonstrate the proposed coursing of the stonework, and the intended mortar colour. Development shall be carried out in accordance with the approved sample.

REASON (6): In the interests of visual amenity and the character and appearance of the area.

POLICY-D2, CN8, C5

7. Prior to any demolition works or construction works commencing, the existing trees to be retained on site, including the copper beech hedging, shall be protected in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed protection scheme.

REASON (7): In order to retain existing landscape features on the site in the interests of general visual amenities.

POLICY: G2, C5, H30 retention of existing landscape features

INFORMATIVE:

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

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any unchartered sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense, or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

It is recommended that the developer should agree with Wessex.

2. The applicant/developer should note that this application does not permit development or any change of use within the non residential land, indicated as blue land by the submitted plans.

3. Members of the Southern Area Committee raised concerns regards the substandard nature of the existing access arrangements, and requested that this matter be brought to the attention of the applicant. Whilst most changes to improve the access will require a further planning permission, it may be that visibility can be improved by the trimming of existing hedging.

34. S/2009/0834 – New Barn Farm, Ansty – Retention of mobile home to provide residential accommodation in association with the farm shop/enterprise

Public Participation:

1. A further letter, an email and photos from the agent were reported.
2. Officers reported that information concerning locally available rented accommodation had been received.
3. The response from the Highway Authority was reported.
4. Mr S Chambers (Agent) spoke in support of the application.
5. Mrs K Price (Occupier) spoke in support of the application.
6. Mr J Oldfield, Chairman of Ansty Parish Council, spoke in support of the application.

Resolved:

That planning permission be **GRANTED** against officer recommendation for the following reasons:

Paragraph 13 of the previous inspector's decision clearly indicated that there might well be a financial need for the accommodation, and the proposal is considered to be in accordance with the aims and objectives of PPS7, and policy E19. Also, in accordance with the aims of PPG13 regards sustainability, and the aims of the countryside policies including C2, C3, C4 and C5. The proposal is considered to have no impact on the surrounding countryside or highway safety.

Subject to the following conditions:

- 1) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 27.08.2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON (1): In the interests of amenity, in order to secure the restoration of the land upon removal of a building/use for which permission can be justified only on the basis of a special temporary need.

POLICIES H28 (Housing for Rural Workers) & C5 (Landscape Conservation)

- 2) The occupation of the mobile home hereby permitted shall only be for purposes ancillary to the operation and function of the associated rural enterprise (known as Ansty PYO and Farm Shop, Barnfield Farm, Ansty).

REASON: (2) : Permission would not normally be granted for this development, but regard has been paid to the particular circumstances of the rural enterprise which are considered, exceptionally in this case, to be sufficient to outweigh the normal planning policy considerations which would normally lead to a refusal of planning permission.

POLICY H28 (Housing for Rural Workers)

INFORMATIVE

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action

which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref "site location plan". Date received 22.05.09

35. S/2009/0282 – 23-29 Salisbury Street, Amesbury – Demolition and re-development of existing vacant Class A1 foodstore, car park, toilet block and removal of trees. Erection of new A1 foodstore with surface level and single storey deck car park, landscaping, servicing and associated development including relocation of existing monument

Public Participation:

1. Revised comments from English Heritage were reported.
2. Further comments from the Environmental Health Officer were reported.
3. Three further letters of support were reported.
4. Three further letters of objection were reported.
5. Comments from the officers were reported with respect to comments made on the committee report by the planning agents for the applicants.
6. Mrs O Holmes spoke in objection to the application.
7. Mr B Moore (Sainsburys) spoke in support of the application.
8. Mrs H White (Chairman of Stonehenge Chamber of Trade) spoke in support of the application.
9. Mr R Fisher (Mayor of Amesbury) spoke in objection to the application.

Resolved:

That planning permission be **REFUSED** for the following reasons:

1. The proposed development by reason of the height, mass (the physical volume), bulk (magnitude in three dimensions) and the location of the proposed decked car park and ramp in relation to neighbouring properties, gardens and window positions will severely impact on the amenity of the residential properties adjacent to the site, through a loss of outlook, privacy and the car park and ramp having an overbearing impact, contrary to saved policies G1, G2, D1, S1 and S3 of the adopted Salisbury District Local Plan.
2. The new decked car park, involves the removal of many of the existing site trees and grassed areas which contribute to the parkland character and appearance of this part of the conservation area, it is considered that some of the trees shown as existing on the plans will be difficult to retain in their current position and form and the proposal will therefore have a

detrimental impact upon the character and appearance of the conservation area contrary to saved policies G1, G2, D1, CN8, CN9, CN11, CN17, S1 and S3 of the Salisbury District Local Plan.

3. The Amesbury Conservation Area Appraisal and Management Plan Adopted on the 1st October 2008 identifies that the urban historic core of the town centre is defined by buildings of modest scale which provide an overall consistency within the character area and the sense of being within a traditional small historic market town. The Appraisal concludes that the quality of future development on key sites within the historic core will have a fundamental effect on the special character of the conservation area. The existing Co-op building is not considered to contribute to the character and appearance of the conservation area and two elements of the building are identified in the Amesbury Conservation Area Appraisal and Management Plan as 'Intrusive elements or frontages'. However, the proposed scheme by reason of the lack of detailing, the overall mass (the physical volume) and bulk (magnitude in three dimensions) of the Salisbury Street frontage will result in a large building which is not in keeping with the modest scale, character and appearance of buildings in the conservation area. Overall the proposed Salisbury Street frontage building will neither preserve nor enhance the character and appearance of the conservation area, contrary to saved policies G1, G2, D1, CN8, CN11, S1, and S3 of the Salisbury District Local Plan.
4. The proposed means of vehicular access by way of a mini-roundabout rather than a signalised junction, would introduce an uncontrolled junction onto the Principal Road A345 thereby leading to queuing and conditions which would be prejudicial to the safety and convenience of road users and contrary to policy G2 (i,ii) of the saved policies of the adopted local plan.

36. S/2009/0843 – land to rear of 6-12 Ringwood Avenue, Boscombe Down, Amesbury – Residential development comprising 20 two and three bed detached, semi-detached and terrace dwellings with associated access, garaging and landscaping

Public Participation:

1. A further officer recommendation concerning the section 106 agreement was reported.
2. Six further letters of objection were reported.
3. Officer comments on the relevance of ownership of land were reported.
4. Mr E Surgey spoke in objection to the application.
5. Mr J Akerman spoke in objection to the application.
6. Mr F Best spoke in objection to the application.

7. Mr S Packer (Agent) spoke in support of the application.
8. Mr J Noeken (Divisional Member) spoke against the application.

Resolved:

That planning permission be **REFUSED** against officer recommendation for the following reasons:

- 1) The development by reason of its design, appearance and density is considered to be a cramped form of development out of keeping in its architectural style and layout from surrounding properties and as such will detract from the visual amenities of properties in Lyndhurst Road contrary to policy D1(i), (iii) and (iv) of the saved policies of the adopted local plan.

37. S/2008/2089 – The Sports Ground, Wilton Road, Salisbury – Demolition of existing club house and construction of 5 dwellings with new access driveway and parking. Construction of replacement clubhouse adjacent to all weather pitch, new scoreboard, protective fencing and parking

Public Participation:

1. Four further third party letters were reported.
2. Mr P Curtis spoke in support of the application.
3. Mr J Walsh spoke in support of the application.
4. Mr C Cochrane (Divisional Member) raised matters regarding the foot path proposed.

Resolved:

That following completion of a legal agreement to secure the following:

- (i) A commuted sum towards the provision of public open space in accordance with policy R2 of the Local Plan
- (ii) The production of a travel plan which would encourage the use of sustainable modes of transport in association with the sports pavilion use;
- (iii) That the existing sports pavilion use is not removed until a suitable replacement facility is constructed and made available for use.

Planning permission be **GRANTED** for the following reasons:

The existing sports clubhouse building is of a generally poor standard, and the replacement of the facilities with new improved facilities is in accordance with the aims of the recreational policies of the Local Plan, in particular policies R1A and R5. Furthermore, the proposed sports pavilion

is considered to be of an attractive design which would generally enhance the appearance of the area, and cause no detriment to the wider landscape, in accordance with the aims of policy C7 of the SDLP. Given the relocation of the sports building away from adjacent properties, it is considered that the proposal would also result in a general improvement to the amenities of adjacent properties. The removal and replacement of the sports clubhouse facilities will however need to be controlled, to ensure that the facilities are provided.

The erection of new dwellings on the site of the sports clubhouse building is considered acceptable in principle, as most of the land on which the dwellings would be sited are not covered by restrictions of policy R5 of the SDLP. Whilst a small percentage of the other land forming part of the housing site is covered by policy R5, the land in question is not used as formal playing pitches but instead makes up the ancillary grassed areas around the existing cricket pitch. Sport England support the proposals, and as a result, the proposals are considered to be in accordance with PPG17 and the similar aims expressed by the recreational policies of the Local Plan including R1A, and R5. Whilst the erection of the dwellings in the chosen location will have some effect on the amenities of the adjacent dwellings and its garden area, taking into account the relocation of the clubhouse use away from this boundary, the increased distance between the new dwellings and the boundary, and the reduction in fenestration and overlooking, it is considered that the dwellings would not have such a significant impact on residential amenities as to warrant refusal.

Both the Highways Agency and the Council's Highway Authority have stated that subject to a Travel Plan to encourage future accessing of the site by sustainable modes of transport, and the maintenance of suitable visibility from the vehicular access onto the A36, it is considered that any likely increase in use of the existing site and facilities, and proposed new sports pavilion, would be unlikely to have a significant impact on the adjacent highway system or highway safety.

The proposed scoreboard and netting is considered to have a minimal visual impact on the wider landscape, as the existing site already has a strong recreational character and contains various sports related structures. Neighbouring amenity would not be so significantly affected by the proposals as to warrant refusal.

The proposed footpath through the site to the adjacent school appears to be part of discussions between the applicant, landowner and local population, and is not being requested as a formal right of way by the LPA or highway authority as part of this planning application scheme. Details of this path can however be secured via condition, to ensure that it would be of simple construction and have no adverse impact on the landscape.

Therefore, subject to several restrictive conditions, including a Travel Plan to encourage sustainable transport, and a scheme related to ensuring the continuation and replacement of the recreational pavilion use, it is considered that the proposal would be acceptable.

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.

REASON (1): 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) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON (2): In the interests of visual amenity and the character and appearance of the area.

Policy - D1 visual appearance and impact

3) With regards to the replacement sports building, no external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON (3): In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Policy- G2 & C7 protection of amenities and countryside

4) With regards to the proposed dwellings, no development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON (4): To limit overlooking & loss of privacy to neighbouring property.

Policy - G2 impact on neighbour amenity

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON (5): In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Policy - G2 & D2 general amenities and appearance of the area

6) With regards to the proposed dwellings, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the walls and roofslope(s) of the development hereby permitted.

REASON (6): In the interests of residential amenity and privacy.

Policy - G2 general amenities

7) With regards to the sports pavillion building, no development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON (7): To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

Policy - G1 sustainable transport

8) No demolition of the existing sports clubhouse building shall take place until the new sports pavillion building hereby permitted has been erected and made available for use.

REASON (8): To ensure that the existing sports clubhouse facilities are maintained and replaced within a suitable time frame.

Policy R1A & R5 - Enhancement of recreational facilities

9) No development shall commence until a scheme for the operation of the netting adjacent the cricket pitch shall be submitted to and approved in writing by the Local Planning Authority. The netting shall be operated in accordance with the agreed scheme.

REASON (9): In order to limit the impact of the netting on the visual character of the area and the amenities of adjacent residents.

Policy - C7 and D1 protection of visual amenities

10) No development shall commence until the existing access hardstanding area is improved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and visibility from the vehicular access onto the A36 has been improved, with no obstruction to visibility at and forward of a point measured from 2.4m back into the centre of the access to 160m to the west. The visibility splay so created shall be maintained in that condition thereafter.

REASON (10): In the interest of highway safety

Policy - G2 highway safety

11) Development shall be carried out in accordance with the recommendations made in the submitted ecology report from Clarke Webb Ecology Ltd dated 17th November 2008, unless otherwise agreed in writing by the Local Planning Authority.

REASON (11): In order to protect flora and fauna, in accordance with the aims of PPS9 and the habitats

12) No development shall commence until a scheme of water efficiency has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON (12): In the interest of water conservation.

Policy G2 G3 sustainable water conservation measures

13) No development shall commence until details of the exact route, construction, and surfacing details, of the proposed pathway have been submitted to and agreed in writing by the Local Planning Authority. The pathway so agreed shall be provided on site and made available for use prior to the first occupation of any of the 5 dwellings hereby approved.

REASON (13): To improve access to the proposed development in the interests of sustainability and amenity.

POLICY: G1 & G2 amenities and sustainability

INFORMATIVE

Regards water efficiency measures and pollution prevention measures, details can be found on the environment agency website . Regards pollution prevention during construction, safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

38. S/2009/0844 – 3 Parkland Way, Porton, Salisbury – retrospective application for erection of decking and fencing

Public Participation:

1. Two further letters of objection were reported.
2. Mr M Wilson (Applicant) spoke in support of the application.

Resolved:

That retrospective planning permission be **GRANTED** for the following reasons:

The decking as built does not harm ecology or wildlife interests, including in relation to the River Avon SAC / SSSI, the Porton Meadows SSSI or the Porton East County Wildlife Site. It does not harm the living conditions of nearby properties, flooding interests, the character or appearance of the area, or any other material planning consideration. It therefore complies with saved policies G1, G2 (General Development Criteria), D3 (Extensions to dwellings), C10 (Development affecting Sites of Special Scientific Interest), C11 (Development that could affect Areas of High Ecological Value), C12 (Development affecting protected species) of the Adopted Salisbury District Local Plan.

And subject to the following conditions:

(1) Within one month of the date of this decision, a programme for ensuring that: (a) the boundary fencing that overhangs the watercourse be retreated behind the top of the bank; and (b) the steps as currently constructed are hinged parallel to the bank, or are removable and installed when access is required shall be submitted to and approved, in writing, by the Local Planning Authority. The approved programme of works shall be undertaken within three months of the date of this decision and the decking shall be maintained in that state in perpetuity.

REASON (1): in the interests of the river environment

Policy: Planning Policy Statement 25

(2) Within one month of the date of this decision, a scheme for the cleaning and maintaining of the decking shall be submitted to and approved, in writing, by the Local Planning Authority, and shall be implemented once approved by the Local Planning Authority. Cleaning and maintaining of the decking shall not thereafter take place other than in accordance with the approved scheme unless otherwise agreed, in writing, by the Local Planning Authority.

REASON (2): in the interest of the river and its species and their habitats.

Policy: C10, C11, C12 and Planning Policy Statement 9

INFORMATIVE:

The applicant is advised that any works in, under, over or within 8 metres / floodplain of the Main River will require prior Flood Defence Consent (FDC) from the Environment Agency under the Water Resources Act 1991 and Byelaws legislation.

It is understood that the summer house structure shown on the plans originally provided is within 8 metres of the Main River and has not yet been constructed. Therefore, an application for FDC should be made in this respect. Please note that unlike planning permission, FDC can not be issued retrospectively. Further guidance in respect of FDC can be obtained from the Environment Agency's Development & Flood Risk Officer - Daniel Griffin on (01258) 483351.

39. Land at Hindon Lane, Tisbury – S/2008/0779

The committee considered the report of the Senior Planning Officer with regard to a proposal to vary the grant of planning permission made in

respect of application S/2008/0779 to allow a further period of time to complete the legal agreement beyond the previously agreed time period.

Resolved:

That the resolution approved on 19th March 2008 in respect of application S/2008/0779 be varied so that the section 106 agreement has to be completed before 16th January 2010, but that if no agreement is secured by this time, that delegated authority be given to the Area Development Manager to refuse for the reasons stated in the original resolution.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
17 September 2009

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