

## SOUTHERN AREA PLANNING

---

### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 16<sup>TH</sup> JULY 2009 AT 6.00 PM AT, CITY HALL, SALISBURY

#### **Present:**

Mr B Dalton, Mr T Deane, Mr C Devine, Mrs M Douglas, Mrs J Green, Mr M Hewitt, , Mr C Newbury, Mr I West, Mr F Westmorland (Chairman), Mr G Wright.

#### **Apologies:**

Mr I McLennan

---

### **12. MINUTES**

The minutes of the meeting held on 25 June 2009 were confirmed as a correct record and signed by the Chairman subject to Mr I West being removed from the list of attendees and placed in the list of apologies.

### **13. CHAIRMANS ANNOUNCEMENTS**

The chairman made no announcements.

### **14. DECLARATIONS OF INTEREST**

Mrs M Douglas declared a personal interest in application S/2009/0560 as an acquaintance of the applicant.

### **15. VARIATION OF SECTION 106 AGREEMENT RELATED TO PLANNING APPROVAL No. S/2007/1680 FOR: ERECTION OF 10 HOUSES, FORMATION OF ACCESS AND ASSOCIATED PARKING**

The committee considered the joint report of the Principal Planning Officer and the Principal Housing Development Officer concerning the Section 106 agreement entered into in respect of planning approval S/2007/1680 for land adjacent to Lady Down View, Tisbury.

The intention had been to amend the triggers so as to allow Plots 9 and 10 to be handed over to the Registered Social Landlord (RSL) and that Plot 8 would be handed over to an RSL once written agreement had been

reached with Wiltshire Council. Plots 9 and 10 were in the process of being transferred from the developer to Hastoe Housing Association but there had been no positive responses from any RSL with respect to Plot 8 due to a variety of factors. Further efforts to transfer the property to a variety of Registered Social Landlords had also failed and it was suggested that the council should instead accept a financial contribution to remedy the situation.

Members were concerned that the design of the building had contributed to the problem of finding an RSL as well as the fact of the property being a single dwelling on an estate remote from other similarly managed properties.

The possible uses of the contribution being offered were outlined to the committee.

**Resolved:**

**That**

1. The Committee approve the principle of a financial contribution from the developer
2. Officers be granted delegated power to decide how the contribution is spent
3. The Section 106 agreement be amended as necessary.

**16. S/2009/0736 – land at Wayside, Stowford Bottom, Stowford – demolition of garage to existing dwelling (Wayside) and erection of one chalet bungalow, new vehicular access to Stowford Bottom, closure of existing access, landscaping and hardstanding and new bin enclosure**

Public Participation:

1. Letters from the applicant's agent and highway consultant were reported to the committee.
2. Mr R Greenwood (Agent) spoke in support of the application.

**Resolved:**

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

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H16 and D2. It is considered that one residential dwelling could be accommodated on the site to be appropriate to the character of the area, and will not result in an adverse impact upon

the amenities and living environment enjoyed by residents and subject to conditions will not result in an adverse impact to highway safety.

**Subject to the following conditions:-**

1. Approval of the details of the design and external appearance of the building and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (A01A)

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. (A02A)

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (A03A)

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.

5. The finished floor level[s] of the proposed building[s] shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced. (C03A)

REASON: To ensure the exact finished floor level[s] of the buildings- Policy G2

6. No development shall take place until details of provision for recreational open space in accordance with policy R2 of the Salisbury District Local Plan have been submitted to and agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy R2 of the Salisbury District Local Plan.

7. No development hereby approved shall commence until 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- Policy H16, D2

8. 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 buildings. (G20A)

REASON: In the interests of the amenity and the environment of the development- Policy D2, H16

9. No buildings shall be constructed until the area between the edge of the carriageway and 5 metres back from the carriageway edge has been consolidated, drained and surfaced (not loose stone and gravel) 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, to prevent loose material discharging onto the highway- Policy G2

10. No development (other than the demolition of the garage at Wayside) shall commence until details of 2 parking spaces to serve Wayside have been submitted and approved in writing by the local planning authority and the spaces have been provided in accordance with the details submitted. No construction of the new dwelling shall take place until the vehicular access has been provided in accordance with condition 9 above. No occupation of the new dwelling shall take place until a minimum of 2 parking spaces has been provided for the benefit of that dwelling. The minimum of 4 parking spaces in total shall not be used other than for the parking of vehicles thereafter.

REASON: In the interests of highway safety and to ensure sufficient off street parking for each dwelling in accordance with saved policies G2 and TR11 of the adopted Salisbury District Local Plan.

11. No development hereby approved shall commence until visibility has been provided at the junction of the site access with Stoford Bottom (within the application site edged red), in accordance with the drawing LDS/9687/TP4/C. Development shall be carried out in accordance with the approved details, (with visibility splays maintained at a height of less than 1 metre above the adjacent road level), and maintained in this condition thereafter.

REASON: In the interests of highway safety- Policy G2

12. Any gates shall be set back 4.5 metres from the edge of the carriageway, and such gates to open inwards only and retained in this condition thereafter.

REASON: In the interests of highway safety- Policy G2

13. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/ driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought-into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To prevent the discharge of water onto the highway, in the interests of highway safety- Policy G2

14. The development, including site clearance, must not commence until a statement of all the relevant details of the protection of the maple tree to the north west of the site has been submitted to the Local Planning Authority and approved in writing.

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that the tree to be retained will not be harmed during the development, including by damage to their root system.

The tree must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development- Policy G2, D2, H16

15. The maple tree to the north west of the site shall be retained and shall not be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If the maple tree to the north west of the site is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree shall be planted at the same place, and that tree shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree 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: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

16. The height of the proposed new dwelling as measured from finished floor level shall not exceed 7.5metres.

REASON: To secure a harmonious form of development Policy G2, D2, H16

INFORMATIVE:

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

G2- General Criteria for Development

D2 - Design – Infill Development

H16 - Housing Policy Boundary

CN21.- Archaeology protection

R2 - Open Space Provision

INFORMATIVE: - R2

You are advised to contact the Local Planning Authority prior to any submission of details so that compliance with Policy R2 can be discussed.

INFORMATIVES:- WESSEX WATER

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

INFORMATIVE:

Notwithstanding the indicative elevations shown on the submitted plans detailing elevations and floorplans, the council will consider the appearance of the dwelling at the detailed application stage, and the approval of this application does not necessarily indicate the Council's opinion on the design of the dwelling, and is without prejudice to any formal decision taken in respect of development of the above site at the detailed application stage.

INFORMATIVE:

The applicant should be aware that the reserved matters application will be brought back to the Planning Committee for determination.

**17. S/2009/0736 – land adjacent Concord House, White Cross, Zeals – single storey three bedroom dwelling with detached garage.**

Public Participation:

1. A further letter of objection from agents acting on behalf of a neighbouring property was reported to the committee.
2. Mr J Francis-Jones spoke in objection to the application.
3. Mr A Hunter (Agent) spoke in support of the application.

**Resolved:**

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

The proposed dwelling would be acceptable in principal, including in relation to sustainability considerations. It would not harm the White Cross Housing Restraint Area or this part of the west Wiltshire Downs Area of Outstanding Natural Beauty. It would not harm highway safety, the living conditions of nearby properties or any other material planning consideration. It would therefore comply with saved policies G1, G2 (General Development Criteria), C4, C5 (Development within the AONB), H19 (Development within Housing Restraint Areas) and R2 (Public Recreational Open Space Facilities) of the Adopted Salisbury District Local Plan, and having regard to the advice in Planning Policy Statements 1, 3 and 7.

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: 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: In the interests of visual amenity and the character and appearance of the area.  
POLICY- G2, C5

(3) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of the natural beauty of this part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural beauty.  
POLICY: G2, C5

(4) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and



species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.  
POLICY: G2, C5

(5) The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.  
POLICY: G2

(6) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.  
POLICY: G2

(7) During the carrying out of the development approved, no delivery of plant, equipment or materials, or any demolition, construction work or other building activity shall take place on Sundays or public holidays, or outside the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays

REASON: In the interests of the amenities of nearby properties  
POLICY: G2

(8) During the demolition and construction of the development hereby approved, no bonfires or burning of surplus building materials or other waste shall take place on the site.

REASON: In the interests of the amenities of nearby properties  
POLICY: G2

(9) Prior to the first occupation of the dwelling hereby approved, the summerhouse serving Concord House, shown to be demolished on the

plans hereby approved, shall be so demolished and the materials removed from the site.

REASON: In the interests of the character and appearance of the area  
POLICY: H19, C5

(10) No development shall take place until full details of the proposed package treatment plant shall be submitted to and approved, in writing, by the Local Planning Authority. The treatment plant shall operated and maintained in accordance with the details thereby approved.

REASON: In the interests of the amenities of nearby properties and the character and appearance of the area.  
POLICY: G2, circular 03/99

(11) No development shall take place until a plan has been submitted to and approved, in writing, by the Local Planning Authority confirming the details and positioning of the existing access and of the proposed access. Development shall be undertaken in accordance with the approved plans.

REASON: In the interests of clarity and to establish the positioning of the landscaping.  
POLICY: G1, G2, C4, C5

(12) 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 hereby permitted or within its curtilage.

REASON: 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 – H19, C4, C5

#### INFORMATIVE

In relation to conditions 3 and 4, the applicant is advised that the existing hedgerow running along the southern eastern boundary (adjacent to Chapel Lane) should be retained in order to ensure that the development is satisfactorilly ameliorated.

In relation to condition 10, the applicant is advised that Consent to Discharge may be required from the Environment Agency. In order to

satisfy condition 10 the Local Planning Authority will need to be satisfied that the tests of circular 03/99 (Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development) have been met.

Note: Mr G Jeans requested that his abstention from voting be recorded.

**18. S/2009/0560 – 78 Lower road, Salisbury – side and rear extensions, amendments to access, boundary walls and parking arrangements to No's 78, 80 and 82**

Public Participation:

1. A letter from the applicant was reported to the committee.

**Resolved:**

that planning permission be **GRANTED** for the following reasons:

The proposal would integrate appropriately with the character and appearance of the existing dwelling and surrounding area and, compared to planning permissions still extant, would not significantly affect the residential amenities of neighbouring properties subject to a planning condition concerning the fitting of obscured glazing to a side window. Parking and access arrangements would be satisfactory in highways safety terms. The proposal would therefore accord with the aims and objectives of the development plan, having particular consideration to Local Plan policies G2 and D3, and there are no material considerations which would make the scheme unacceptable.

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: 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.
- 2) The materials to be used in the construction of the external surfaces of the extension and entrance walls hereby approved shall be in accordance with details provided in the submitted application documentation, received on 21/04/09, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity
- 3) The access shall remain un-gated.  
REASON: In the interests of highway safety.

- 4) Upon the completion of the re-positioned front boundary walls, the common turning area shall be provided and maintained for that purpose only.  
REASON: In the interests of highway safety.
- 5) The driveway shall be properly consolidated and surfaced (not loose stone or gravel).  
REASON: In the Interests of highway safety.
- 6) Before the development hereby permitted is first occupied the circular window in the eastern elevation shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glass and fixed shut (non-openable). The window shall be maintained in this condition permanently and shall not be enlarged and no further windows shall be inserted into the eastern elevation.  
REASON: To prevent the undue overlooking of the adjoining dwelling.
- 7) Prior to the first occupation of the extension hereby permitted, the cladding on the eastern side elevation shall be completed.  
REASON: In the interests of visual amenity.
- 8) The extension hereby permitted shall be used only for private and domestic purposes incidental to the enjoyment of the associated dwelling and not for any trade, business or industrial purposes whatsoever.  
REASON: In the interests of the amenities of neighbouring dwellings.

Informatives:

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....Drg.No. 01.... Date Received....16.04.09....  
 Plan Ref....Drg.No. 01A...Date Received....16.04.09....  
 Plan Ref....Drg.No. 02.... Date Received....16.04.09....  
 Plan Ref....Drg.No. 03.... Date Received....16.04.09....  
 Plan Ref....Drg.No. 04.... Date Received....16.04.09....  
 Plan Ref....Drg.No. 05.... Date Received....16.04.09....  
 Plan Ref....Drg.No. 06.... Date Received....21.04.09....

**19. LAND AT SHAFTESBURY ROAD, WILTON – RECENT APPEAL DECISIONS RELATED TO PLANNING APPLICATION REF NOS: S/2008/1841**

The committee received a report from the Principal Planning Officer informing members of a recent appeal decision following refusal of planning application S/2008/1841 in respect of land at Shaftesbury Road, Wilton. The report also informed members that in this case the inspector had awarded costs against the council.

The new regulations regarding the awarding of costs where the appeal was conducted by way of written representations was also reported.

Members discussed the general matters of appeal decisions, the conduct of appeals and the reporting of appeals to the committee.

**Resolved:**

**That**

1. The report be noted.
2. Where an appeal results from a decision against officer recommendation a committee member attend any hearing/inquiry to support the decision.
3. That in future appeal decisions be reported to committee.

**PART 2**

**Items considered whilst the public were not entitled to be present**

**None.**

Chairman  
6 August 2009

Produced by Phillip Hamilton, Democratic Services, Direct Line 01225 718377  
[phillip.hamilton@wiltshire.gov.uk](mailto:phillip.hamilton@wiltshire.gov.uk)  
Press enquiries to Communications, Direct Line 01225 713114/713115