

SOUTHERN AREA PLANNING

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 29TH OCTOBER 2009 AT 6.00 PM, AT CITY HALL, SALISBURY

Present:

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

Apologies:

Councillor M Hewitt

59. MINUTES

The minutes of the meeting held on 8th October 2009 were confirmed as a correct record and signed by the Chairman.

60. CHAIRMANS ANNOUNCEMENTS

The Chairman reminded councillors of the forthcoming seminar on planning enforcement.

The Chairman asked that the report requested in respect of The Old Coach House should now be brought before the committee at the earliest opportunity.

Councillors were of the opinion that a site visit would be beneficial in respect of 63 Castle Road, Salisbury when the matter was due to come before the committee.

Resolved:

That a site visit be arranged at the appropriate time.

61. DECLARATIONS OF INTEREST

Councillor G Jeans declared a prejudicial interest in application S/2009/1225. He indicated that under the provisions of the National Code of Conduct he would exercise the right to address the meeting as a member of the public and then withdraw from the meeting for the debate and vote.

62. NEWTON TONEY; PROPOSED ADDITION OF FOOTPATH NEWTON TONEY 13 TO DEFINITIVE MAP AND STATEMENT

The committee considered a report from the Corporate Director, Transport, Environment and Leisure setting out an objection to a proposal to add a new footpath to the Definitive Map, Newton Toney 13.

A member of the public had requested the inclusion of the path in the Definitive Map and the report set out in detail the requirements and the evidence for its' inclusion.

Resolved:

That the Wiltshire Council Sheet SU 24 SW)(Newton Toney 13) Rights of Way Modification Order No. 5 2009 to add a new footpath, No 13 at Newton Toney, to the Definitive Map and Statement for the Amesbury Rural District Council Area 1952 be submitted to the Secretary of State for Environment, Food and Rural Affairs, together with the objection letters and representations with the recommendation that the Order be confirmed with the modification of the removal of the 3 metre gate at OS Grid Reference SU20915 39756 from the map and statement.

63. PLANNING APPEALS

The committee received details of the following appeals:-

Decision

S/2009/0199 – New Bower, Dinton – Dismissed – Delegated decision.
S/2009/0162 – Spring Cottage, Livery Road, West Winterslow – Dismissed – Delegated decision.
S/2009/0112 – 1A Gas Lane, Salisbury – Allowed – Committee decision.
S/2009/0475 – 207 East Gomeldon Road, Gomeldon – Dismissed – Delegated decision.
S/2009/0014 – Land at Long Cross, Zeals – Dismissed – Committee decision.

Pending

S/2009/0943 – Hillstreet Cottage, Hindon Lane, Tisbury – Delegated decision.

S/2009/0985 – 123 Queen Alexander Road –
S/2009/1515 – Land at Little Ridge, Southampton Road, Alderbury –
Enforcement appeal.
S/2009/0601 – Bark Barn Cottage, 12 West Dean – Delegated decision.

64. S/2009/1173 – 91 Castle Road, Salisbury – Erection of a Chalet Bungalow and off street parking

Public Participation:

1. Six further letters of objection were reported.
2. Mr S McPherson spoke in objection to the application.
3. Mr M Riley spoke in objection to the application.
4. Mrs T Riley spoke in objection to the application.
5. Mr G Robins 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, H8 and D2. The principle of allowing a dwelling on this site is acceptable, and the dwelling has been set down into the ground to limit the overall ridge height when viewed from the streetscene/ neighbouring properties. When compared to the previously approved scheme (S/2007/2361), it is considered that the scale, design, siting and height of the proposed dwelling is acceptable, particularly in regard to the impact on neighbour amenity and preserving the character of Queensbury Road. Overall, it is considered that a new dwelling as proposed could be accommodated on this site without having an adverse impact upon the amenities and living environment enjoyed by residents, or detracting from the character of the area.

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: To comply with the provisions of Section 91 of the Town and County Planning Act 1990. As amended by section 5(1) of the Planning and Compulsory Purchase Act 2004

- (2) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development- Policy D2

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows at first floor on the south sloping roofslope or the gable ends of the dwelling.

Reason: To secure adequate standards of privacy for the occupants of neighbouring premises- Policy G2

(4) Notwithstanding the provisions of Class[es] A-E 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.

Reason: To ensure that the Local Planning Authority retains control over any future extensions in the interests of residential amenity, the conservation area and setting of the adjacent listed building- Policy D2

(5) Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced parking space and vehicular access shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority prior to development commencing on the site.

Reason: In the interests of highway safety- Policy G2

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

Reason: In the interests of Highways Safety- Policy G2

(7) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of sustainable development. Supplementary Planning Guidance on “Achieving Sustainable Development” promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies- Policy G2

(8) The hedging on the southern boundary shall be protected during the course of the development in accordance with details to be submitted to and agreed by the Local Planning Authority before development commences. If any hedging is removed, uprooted or dies during construction, another hedge shall be planted at the same place and that hedging shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure the retention and safeguarding of existing landscaping, in the interests of residential amenity- Policy D2

(9) The finished floor level of the proposed building 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 D2

INFORMATIVES:-

Wessex Water Authority

The development is located within a sewered area, with foul and surface water sewers.

It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets.

Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed as a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as ‘public’ in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

The developer has not indicated how he proposes to dispose of surface water.

Please note the proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines.

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. This can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site a connection onto Wessex Water infrastructure.

INFORMATIVES: WATER EFFICIENCY

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

65. S/2009/1098 – Land adjacent Rookwood Cottage, Tollard Royal, Salisbury – Erection of 1 x 4 bed dwelling.

Public Participation:

1. Mr A McIndoe spoke in objection to the application.
2. Mrs K Kebby spoke in objection to the application.
3. Mr M Etchingham (Agent) spoke in support of the application.
4. Mr C Lane spoke in support of the application.
5. Mr A Peel (Tollard Royal Parish Council) spoke in objection to the application.
6. The full comments of the parish council were circulated at the meeting.
7. A revised response from the Highway Authority was reported.

Resolved

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

1. The proposed site is located in a backland but elevated location adjacent to a number of other residential dwellings and an existing communal parking area, and is situated in a Housing Restraint Area and Conservation Area within the wider landscape of the Area of Outstanding

Beauty. Part of the application site would be formed on land which is also subject of an extant 2007 planning application, relating to a new dwelling and garage building which would be sited adjacent to Gordon Cottage.

The development as proposed, due to its orientation and general design, would result in undue overlooking of neighbouring properties (Hope Cottage and Gordon Cottage), and due to its visual prominence, would fail to preserve or enhance the character and appearance of the surrounding Area of Outstanding Natural Beauty, Conservation Area, and adversely affect the character of the Housing Restraint Area.

Furthermore, the proposal would involve the use of a parking space which was also subject of the extant (but unbuilt) 2007 planning consent. On the basis of the information submitted, the Local Planning Authority cannot be satisfied that the parking arrangements would not conflict with those of existing or future occupiers, thereby exacerbating existing congestion issues within the existing communal parking area.

Consequently, it is contrary to the saved policies CN11, TR11, G2, D2, H19 and CN8 of the adopted Salisbury District Local Plan.

2. The proposal fails to accord with policy R2 of the Salisbury District Local Plan, in that no provision has been made towards the provision of off site open space.

66. S/2009/0307– Cross Keys, Fovant – Single Storey rear extension and internal alterations and change of use from dwelling to public house and dwelling

Resolved

That the application be **DEFERRED** to allow a site visit to be conducted prior to the next meeting of the committee as it is considered essential for the councillors to view the site prior to making a decision.

67. S/2009/1196 – 8 James Street/36 Sidney Street, Salisbury – New 1 bed dwelling

Public Participation:

1. Mr J Smith spoke in objection to the application.
2. Mr T James spoke in objection to the application.

Resolved

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

1) The proposed new dwelling, by reason of the cramped nature of living accommodation, would fail to provide a sufficient quality of living accommodation, to the detriment of its future occupiers. The development would therefore be contrary to saved policy G2 of the adopted Salisbury District Local Plan and the aims and objectives of PPS1 and PPS3.

2) The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational space has not been made.

INFORMATIVE

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

68. S/2009/1225 – Street Farm, The Street, Kilminster, Warminster – Slurry Lagoon (revised position) and soil disposal area and associated works

Public Participation:

1. Mr T Walker-Jones spoke in objection to the application.
2. Mr C Reed spoke in objection to the application.
3. Mr J Hames (Applicant) spoke in support of the application.
4. The response of Kilminster Parish Council in support of the application was reported.

Resolved

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

The proposed development would not harm the character or appearance of the landscape or the natural beauty of the AONB. The amenities of nearby properties would not be harmed, nor would groundwater resources, the interests of protected species, highway safety or any other material consideration. The proposal would therefore comply with saved policies C2 (Development in the Countryside), C4, C5 (Development in the AONB), C20 (Agricultural Development), G1, G2 (General Development Criteria) and G8

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: 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 approved shall be undertaken and subsequently used in full accordance with the details as submitted with the application, including the installation, use and maintenance in perpetuity of a sealed floating cover over the lagoon, as set out in the applicant's agent's letter dated 18th September 2009.

REASON: In the interests of the amenities of nearby properties

POLICY: G2

(3) The development hereby approved shall be undertaken in accordance with the Construction Method Statement submitted with the application, unless otherwise approved.

REASON: in the interests of the protection of groundwater resources

POLICY: G8

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:

Layout plan and sections H1209/1 Rev A, received 11th August 2009

Sections drawing H1209/2, received 26th June 2009

Location plan H1209/3 Rev A, received 26th June 2009

Soil disposal site sections, received 11th August 2009

(2) Advice from the Environment Agency –

The proposed slurry lagoon will call for the construction of raised retaining embankments. Although the size of the lagoon is small, and the retaining embankments relatively low, we recommend the construction works are supervised by a competent Civil Engineer in order to ensure that any slurry/water retained above natural ground level does not constitute a flood

risk to others. It should be noted that if the structure were to fail the owner might be liable under common law for any resultant loss to others.

The facilities must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991. Under the terms of these regulations the person who proposes to have control over any relevant storage installation is required to serve notice on the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The subsequent disposal of collected wastes must be in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

Discharge of silty or discoloured water from excavations during construction should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. You will need to inform the Environment Agency if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

The Environment Agency must be notified immediately of any incident likely to cause pollution on 0800 807060.

69. S/2009/1234 – Brooklands, Policemans Corner, Winterbourne Gunner – Create new dwelling, garage and access

Public Participation:

1. Mr R Greenwood (Agent) spoke in support of the application.
2. Mr A Atkinson (Winterbourne Parish Council) spoke in objection to the application.

Resolved

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

The proposed development has been considered against the requirements of Local Plan policies G1, G2, D2, H19, CN5, CN8, CN11. It is considered that the proposed development respects the character and appearance of the adjacent conservation area, setting of the adjacent listed building, housing restraint area and special landscape area and will not result in an adverse impact upon the amenities and living environment enjoyed by existing and proposed residents, or highway safety.

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: 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) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the dwellings are appropriately detailed due to the site being adjacent to the Conservation Area- Policy CN8, CN11

(3) Before the development begins, a detailed scheme for the construction of a 1.5m wide paved footway extending from the new site access to link with the existing paved footway shall be submitted to and approved in writing by the Local Planning Authority. The paved footway shall be constructed in accordance with the approved details prior to the dwelling hereby approved being first occupied.

Reason: In the interests of highway safety- Policy G2

(4) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be completed in accordance with the agreed details before the first occupation of the new dwelling hereby approved.

Reason: In the interests of highway safety- Policy G2

(5) A recessed entrance having a minimum width of 4.0m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority. The recessed entrance and agreed surfacing shall be completed in accordance with the agreed details prior to the first occupation of the new dwelling hereby approved.

Reason: In the interests of highway safety- Policy G2

(6) Notwithstanding the provisions of Class[es] A to E of Schedule 2 (Part 1) and Class A of Schedule 2 (Part 2) 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 nor the erection of any structures, fences, walls or other means of enclosure within the curtilage unless hereby approved or otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity- Policy G2, D2

(7) Before the access hereby approved is first brought into use the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

Reason - In the interests of highway safety- Policy G2

(8) The gradient of the access shall not exceed 1 in 15 for a distance of 4.5m back from the carriageway edge.

Reason - In the interests of highway safety- Policy G2

(9) The development hereby approved shall be completed in accordance with the River Pollution Method Statement detailing measures to limit the risks of pollution during construction works to the river system received by this office on the 5th September 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent habitat loss, pollution and damage to the River Avon System Site of Special Scientific Interest and Special Area of Conservation during construction works, to ensure that the nature conservation interests of the SSSI/SAC are safeguarded- Policy G2, C11, C12

(10) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development (including details of protective fencing in accordance with BS 5837:2005 and other means needed to ensure that the trees to be retained will not be harmed during the development) and shall also include indications of all proposed trees/plants including species, numbers

and heights. The scheme shall be completed in accordance with the agreed details unless the Local Planning Authority has given its prior written consent to any variation. The landscaping works and planting shall be carried out in accordance with a timetable of implementation to be agreed in writing with the Local Planning Authority.

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 it 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 ensure a satisfactory appearance to the development and ensure that the amenity value of the most important trees and hedgerows growing within the site are adequately protected during the period of site clearance and construction- Policy CN8, CN11

(11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no first floor windows added to the side (north west) elevation of the dwelling.

Reason: To ensure that the Local Planning Authority retains control over any additional windows in the interests of residential amenity (to ensure adequate privacy for the occupants of neighbouring premises)- Policy G2

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE: Wiltshire County Council Highways

The applicant is advised that in order to comply with the above condition, it will be necessary for a Section 278 Agreement to be entered into with Wiltshire County Council as Highway Authority, and the work to construct the

paved footway must be carried out to the full requirements of the County Council, in accordance with fully detailed drawings.

INFORMATIVE: Wessex Water

The development is located within a foul sewer 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. This can be agreed at the detailed design stage.

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

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted 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.

INFORMATIVE:- Protected Species

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present.

All species of bats and their roosts are legally protected. Bats may use trees with suitable holes, crevices or cavities for roosting at anytime of year but they are usually difficult to detect. If you think tree works may affect a bat roost, you should seek advice from a bat expert who will be able to advise on how to avoid harming bats. If bats are discovered during tree works, you should stop work immediately and consult Natural England at their Devizes office 01380 725 344.

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st

August but it may occur outside this period. If there is a likelihood breeding birds are present, you must delay tree works until young birds have left the nest or the nest has been abandoned.

70. PROGRESS REPORT ON CURRENT SECTION 106 AGREEMENTS

The committee received and noted a report on progress being made with regard to various section 106 agreements.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
29 October 2009

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