

SOUTHERN AREA PLANNING

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 6TH AUGUST 2009 AT 6.00 PM AT, CITY HALL, SALISBURY

Present:

Mr B Dalton, Mr T Deane, Mr C Devine, Mrs J Green, Mr G Jeans, Mr I McLennan, Mr L Randall, Mr J Smale, Mr F Westmoreland (Chairman), Mr G Wright.

Apologies:

20. MINUTES

The minutes of the meeting held on 16 July 2009 were confirmed as a correct record and signed by the Chairman subject to the deletion of Mr Newbury's name from the list of those present.

21. CHAIRMANS ANNOUNCEMENTS

The chairman made no announcements.

22. DECLARATIONS OF INTEREST

Mr J Johnson (Divisional Councillor for Downton and Ebbles Valley) declared a prejudicial interest in application S/2009/0750 and spoke on the matter as a member of the public.

23. PLANNING APPEALS

The committee received details of the following appeals:-

Decision

S/2008/1477 – Meadow View, Winterslow – delegated decision – dismissed.

Pending

S/2009/0608 – Woodspring, Livery Road, Winterslow – delegated decision.

S/2009/0014 – Land at Long Cross, Zeals – Committee decision.

S/2009/0338 & S/2009/0339 – Chapel, Church Hill, Donhead St Mary – delegated decision.

24. S/2009/0892 – Tricky's Paddock, Brickworth Road, Whiteparish – Change of use of land for use as a Gypsy site for one small family to site one mobile home and provision of drive, parking and turning areas and landscaping.

Public Participation:

1. A further letter in support of the application from the applicant's agent was reported.
2. A further letter of objection was reported.
3. Comments from the Head of Development Services suggesting that if permission were granted a three year temporary condition would be appropriate.
4. Mrs Hilary Parsons spoke in objection to the application.
5. Mrs S Shered (South West Law) spoke in support of the application.
6. Mr S Bees (Wilts Racial Equality) spoke in support of the application.
7. Mr Sherrard spoke in support of the application.
8. Mr R Britton (Division Member) spoke against the application.

The Legal Officer advised the committee of the requirement to follow the advice in Circular 01/2006 when considering applications for gypsy and traveller sites.

Resolved:

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

This application seeks planning permission for the change of use of land and the siting of a mobile home for use by a single gypsy family. The site is located within the Special Landscape Area and open countryside as designated by the Adopted Replacement Salisbury District Local Plan (June 2003) and is unrelated to any established village/settlement boundary and is remote from public services and facilities.

It is considered, by reason of the open character of the site and surrounding land, that the proposed mobile home and associated structure/vehicles/paraphernalia would appear as unduly prominent and intrusive features in the landscape to the detriment of the character and

appearance of the countryside and high quality landscape of the Special Landscape Area, the scenic qualities of which it is intended shall be conserved by restricting development to that essential to the rural economy or desirable for the enjoyment of its amenities.

Also, the proposed development by reason of the intensification of use of the existing access onto the A27 and resulting conflict between pedestrian and vehicular movements, at a location where visibility is restricted, where no footways exist, where the road is unlit and subject to the national speed limit of 60mph and which is remote from public services and facilities, would be a source of danger and inconvenience to occupiers of the proposed development and to other road users to the detriment of highway safety. Furthermore, the proposed development is likely to encourage additional vehicle trips and create further dependence on the private car for travel to, and from the site, contrary to the principles of achieving a sustainable pattern of development.

The Local Planning Authority has considered the national guidance contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" and the need for pitches/sites for gypsies and travellers within the South Wiltshire Area of the County. However, for all of the above reasons, it is considered that the proposed development would be contrary to "saved" Policies G1, G2, H34, C2 and C6 and the Adopted Replacement Salisbury District Local Plan (June 2003), Policies DP1, DP15 and C9 of the Wiltshire and Swindon Structure Plan (April 2006) and the aims of PPG13 "Transport".

25. S/2009/0750 – Nunton Farm, Nunton Drove, Nunton – Construction of dirty water lagoon and associated works.

Public Participation:

1. A further letter from the applicant's agent regarding traffic levels was reported.
2. Mr R Martin spoke in objection to the application.
3. Mr C Blackaby spoke in objection to the application.
4. Mr C Burrows (Agent) spoke in support of the application.
5. Mr K Bradford spoke generally in favour of the application but suggested further conditions on vehicle routing.
6. Mr J Johnson (Division Member) spoke in objection to the proposal as a member of the public having declared a prejudicial interest in the application.

Resolved:

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

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C2 (The Rural Environment), C5 (Landscape Conservation), C20 (Agriculture) & CN21 (Ancient Monuments and Archaeology) of the saved policies of the adopted Salisbury District Local Plan and the aims and objectives of the guidance set out within PPS7, insofar as the proposed development is considered beneficial to the local economy and would maintain or enhance the environment, and would not have an undue adverse affect the amenity of neighbours. The proposal would not adversely affect archaeological interests or the natural beauty of the surrounding AONB.

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. Before development is commenced, constructional details of the proposed lagoon, to include details of the proposed pumping and aeration methodology and equipment to be used, shall be submitted to the local planning authority and approved in writing. Development shall be in accordance with the details and methodology thereby approved.

REASON: To ensure the development incorporates appropriate equipment and methodologies to provide adequate and effective pumping and aeration of the lagoon, in the interests of the amenity of nearby residential occupiers.

Policy - G2 (General Criteria for Development)

3. Before development is commenced, details of how the excavated material resulting from the creation of the lagoon is to be disposed of shall be submitted to the local planning authority and approved in writing. Development shall be in accordance with the details thereby approved.

REASON: To ensure the debris resulting from the creation of the development is disposed of sensitively, in the interests of visual amenity within the surrounding AONB.

Policy - C5 (Landscape Conservation)

4. No development shall commence within the area of the application until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY - CN21 (Ancient Monuments and Archaeology)

5. All vehicles movements associated with the operation of the dirty water lagoon shall be carried out in accordance with the scheme submitted by the applicant as part of the application (as contained in Damen Associate's letter to Wiltshire Council dated 15th July 2009, para 3/4 , and as shown on traffic route plan (labelled Nunton Farms Partnership)) received on 22nd July 2009.

REASON: In the interest of highway safety and residential amenity.

POLICY – G2 (general amenities and highway impact)

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 02609/1. Date Received 27.05.09

Plan Ref 02609/2. Date Received 27.05.09

2. The Environment Agency advises that:

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over the 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.

Staff from the Environment Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

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

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

Public Participation:

1. The Head of Development Services reported:-
 - One of the photographs shown was supplied by Councillor Deane.
 - The reference to 60m squared in the last paragraph at the bottom of page 38 should refer to 60 square metres.
 - An additional informative was suggested concerning the limits of the development within the existing residential curtilage.
2. Mr M Lyons (Architect) spoke in support of the application.
3. Councillor P Pollard (Ansty Parish Council) spoke in objection to the proposal.

Resolved:

That consideration of this application be **DEFERRED** to the next meeting of the committee to enable members to carry out a site visit prior to the determination of the application and for further clarification in relation to the relative sizes of the existing and proposed dwellings.

27. S/2009/0834 – New Barn Farm, Ansty – retention of mobile home (unoccupied) throughout February each year when not seasonally occupied, (being permitted development)

Public Participation:-

1. The Head of Development Services reported that one of the photographs shown had been supplied by a councillor.
2. Further clarification for the reasons for refusal were reported to the committee.

Resolved:

That consideration of this application be **DEFERRED** to enable the Head of Development Services to undertake further negotiations with the applicant to ascertain the precise nature of the permission required and for further information from the applicant regarding the lack of any alternative accommodation.

28. S/2009/0695 – The Hedges East, Church Lane, Bulford – demolition of existing semi-detached property, The Hedges East, and erection of replacement detached 3 bedroom dwelling including alterations and extension to The Hedges West following demolition of The Hedges East.

Public Participation:

1. Wessex Water confirmed that there was no public sewer within 350 metres from the site.
2. A letter from the neighbour (Hedges West) in support of the application was reported.
3. Two further conditions were suggested by the Head of Development Services.
4. Mr C Vokins (Applicant) spoke in support of the application.
5. Councillor J B B Clee (Bulford Parish Council) spoke in opposition to the application.

Resolved

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

It is considered that the proposed replacement dwelling would comply with the relevant policies of the adopted Salisbury District Local Plan In particular it is considered appropriate in terms of size, scale, siting, design and highways and therefore accords to policy H30 and will subsequently will not have an adverse impact in the Special Landscape Area (policy C6). Furthermore it is considered that the new dwelling will not result in a significant adverse impact upon the amenities enjoyed by neighbouring residents and comply with policy G2. The development will not undermine the quality of the River Avon system SSSI and River Avon SAC due to the type of development proposed and distance from these designated areas. There are no identified protected species on the site of Hedges East and the additional Bat survey by a specialist has not identified the location of any roosts in the building, outbuildings or trees. It is therefore concluded that the proposed development will not result in an adverse impact upon nature conservation. The development therefore is in accordance with policies C12 and C17.

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, C6]

3. Notwithstanding the provisions of the Town and Country Planning (3) 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western elevations of the proposed eastern dwelling (Hedges East) including in the roofs of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY-[G2]

4. Before the development hereby permitted is first occupied the window(s) in the west elevation of Hedges East, which will light the staircase shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing and fixed shut at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY--[G2]

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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation(s) of the western dwelling (Hedges West) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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 new dwelling shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development including the proposed vehicle parking/turning areas and driveway can be adequately drained.

POLICY-[G2]

7. No development shall take place until full details of the proposed 'Bio Disc small sewerage treatment works' or a package treatment plan shall be submitted to and approved in writing by the Local Planning Authority. The treatment works shall operate and be maintained in accordance with details thereby approved.

REASON: In the interest of local amenity and to ensure that the development does not result in pollution of the land or watercourses.

POLICY-[G2, circular 03/99]

8. No development shall commence until a scheme has been submitted to and approved in writing with the Local Planning Authority, that ensures the provision of a 1m wide strip corridor from the edge of the riverbank, and alongside the whole length of riverbank which shall be managed (with minimum intervention) as natural riverbank habitat (ie as tall herbs and grasses and/or shrubs and trees). The approved scheme shall be first instigated prior to the first occupation of the dwelling hereby permitted and maintained in that condition thereafter.

REASON: This is to ensure no loss of SSSI/SAC riverine habitat within the site and provide a wildlife corridor.

POLICY- [C12, C17 & PPS9]

9. No delivery of plant, equipment, materials, demolition or construction work or other building activity, other than internal fitting out work, 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: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general.

POLICY - [G2]

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

REASON: To ensure the creation/retention of an environment free from smell and pollution in the interests of the amenity of the area.

POLICY - [G2]

11. (a) No retained tree (As shown on the plan called 'Trees' received on 19.03.2009) shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree 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.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches, or otherwise agreed in writing with the Local Planning Authority, in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-[G1, G2 & C8]

12. No development shall commence until a detailed scheme of the treatment of the boundaries to the site and, in particular a planting scheme for the eastern boundary of the site has been submitted to and approved in writing by the local planning authority. Such scheme shall show: any existing hedgerows on the land, details of any to be retained species, plant sizes and planting densities of the new trees/hedgerow plants, means of enclosure and the scheme thereby approved shall be carried out in the first planting season following occupation of the building or the completion of the development whichever is the sooner. All shrubs, hedge and tree planting shall be maintained free from weeds and shall be protected from damage from vermin or stock. Any trees or plants which, within 5 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.

REASON: To enable the local planning authority to control the visual impact and landscape setting of the development from public viewpoints in the interests of amenity.

POLICY- [C2 and C6]

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no fences, walls or other means of enclosure other than as approved under condition 12 above, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

POLICY- [C2 & C6]

Informatives:

(i) WILDLIFE AND COUNTRYSIDE ACT - The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

(ii) It is recommended that the building/site is re-surveyed for the presence of bats if there is a delay of commencement of development of at least 12 months, should the development be held up. If bats are found during development, that work should temporary cease and a licensed bat

ecologist should be consulted. As stated in informative above, the applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats.

(iii) Following the felling of the lime tree this should be propped up so as to keep it off the ground and left for 24 hours, in order to allow birds/wildlife to disperse before logging and removal.

(iv) The Wiltshire Fire & Rescue Service state that an installation of a domestic sprinkler system should be considered

Informative:

This decision relates to documents/plans submitted with the application listed below. No variation from the approved documents should be made without 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 unauthorized buildings or structures and may also lead to prosecution.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
27 August 2009

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