

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

|              |   |   |
|--------------|---|---|
| <b>AHEV</b>  | - | <b>Area of High Ecological Value</b>      |
| <b>AONB</b>  | - | <b>Area of Outstanding Natural Beauty</b> |
| <b>CA</b>    | - | <b>Conservation Area</b>                  |
| <b>CLA</b>   | - | <b>County Land Agent</b>                  |
| <b>EHO</b>   | - | <b>Environmental Health Officer</b>       |
| <b>HDS</b>   | - | <b>Head of Development Services</b>       |
| <b>HPB</b>   | - | <b>Housing Policy Boundary</b>            |
| <b>HRA</b>   | - | <b>Housing Restraint Area</b>             |
| <b>LPA</b>   | - | <b>Local Planning Authority</b>           |
| <b>LB</b>    | - | <b>Listed Building</b>                    |
| <b>NFHA</b>  | - | <b>New Forest Heritage Area</b>           |
| <b>NPLP</b>  | - | <b>Northern Parishes Local Plan</b>       |
| <b>PC</b>    | - | <b>Parish Council</b>                     |
| <b>PPG</b>   | - | <b>Planning Policy Guidance</b>           |
| <b>SDLP</b>  | - | <b>Salisbury District Local Plan</b>      |
| <b>SEPLP</b> | - | <b>South Eastern Parishes Local Plan</b>  |
| <b>SLA</b>   | - | <b>Special Landscape Area</b>             |
| <b>SRA</b>   | - | <b>Special Restraint Area</b>             |
| <b>SWSP</b>  | - | <b>South Wiltshire Structure Plan</b>     |
| <b>TPO</b>   | - | <b>Tree Preservation Order</b>            |

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE  
NORTHERN AREA – 17/11/05

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

| Item       | Application No<br>Officer   | Parish/Ward<br>Page<br>Recommendation<br>Ward Councillors                        |
|------------|---|--|
| <b>(1)</b> | S/2005/1509   | WYLYE  |
|            | Mrs B Jones   | REFUSAL  |
|            | D BARCLAY<br>MANOR FARM<br>FISHERTON DE LA MERE<br>WARMINSTER                     | TILL VALLEY & WYLYE<br>Councillor Mills<br>Councillor West                       |
|            | S/2005/2087   | NEWTON TONY  |
| <b>(2)</b> | Mr A Madge  | REFUSAL  |
|            | MRS IVEY LIZ WITNEY<br>PADDOCK VIEW<br>17 BEECHFIELD<br>NEWTON TONEY<br>SALISBURY | UPPER BOURNE, IDMISTON &<br>WINTERBOURNE<br>Councillor Hewitt<br>Councillor Wren |
| <b>(3)</b> | S/2005/1934   | AMESBURY WEST  |
|            | Mr W Simmonds   | APPROVED   |
|            | VODAFONE<br>HIGHWAY VERGE<br>STONEHENGE ROAD<br>WEST AMESBURY                     | AMESBURY WEST<br>Councillor Westmoreland   |

**S/2005/1738 TREE IN CONNSERVATION AREA – WESTCOTT, 1 CHURCH STREET,  
WINTERBOURNE STOKE.**

# Part 1

## Applications recommended for Refusal

1

|                     |   |                 |                   |
|---------------------|---|-----------------|-------------------|
| Application Number: | S/2005/1509   |                 |                   |
| Applicant/ Agent:   | THE JONATHAN BARLOW PARTNERSHIP   |                 |                   |
| Location:           | MANOR FARM FISHERTON DE LA MERE WARMINSTER<br>BA120PY                     |                 |                   |
| Proposal:           | CONVERSION OF EXISTING REDUNDANT AGRICULTURAL<br>BUILDINGS TO RESIDENTIAL |                 |                   |
| Parish/ Ward        | WYLYE   |                 |                   |
| Conservation Area:  | LB Grade:   |                 |                   |
| Date Valid:         | 27 July 2005  | Expiry Date     | 21 September 2005 |
| Case Officer:       | Mrs B Jones   | Contact Number: | 01722 434388      |

### REASON FOR REPORT TO MEMBERS

Councillor Mills has requested that this item be determined by Committee due to:

- the significant interest shown in the application
- the controversial nature of the application

The application is also contrary to two statutory consultees recommendations, namely the Highways Agency and Highways Authority) recommendation

The application was also deferred at the meeting on 22/9/05 to enable supply of the following information:

1. Details on the vacancies of similar commercial properties in the locality to enable members to establish whether there is a demand for commercial property in the locality
2. Revised plans showing a change in internal access so all 3 units are accessed from the northern access and the access parallel to the A36 is deleted. If this cannot be achieved then full details of the method of surfacing of the parallel surface road be submitted to demonstrate no adverse impact on the trees.
3. Clarification of the sightlines following the applicant's meeting with the Highway Authority
4. The correct blue lines on the application plan to show clearly what land is in the applicant's control.

**The previous committee report is attached as Appendix 1.**

### CONSULTATIONS

WCC Highways - Objection, as previous  
 Highways Agency - Objection, as previous  
 Tree Officer - Objection. Deletion of access road overcomes the second reason for refusal relating to damage to beech trees between the proposed access road and A36.  
 Otherwise, comments as previous (see below).  
 Economic Development - Objection on grounds of loss of potential rural workspace and insufficient evidence of lack of demand in the area.  
 Conservation Officer - In considering the revised site plan 18B and siting of the internal access road, Members' attention is drawn to the previous comments of the CO, regarding the desirability to retain the existing open character of the former farm yard.

### PLANNING CONSIDERATIONS

The applicant has submitted the following information, as requested by committee:

- A site plan clearly outlining red and blue land.
- A statement regarding the sightlines (**Appendix 2**).
- Revised site plan (18B), deleting the internal access road parallel to the A36 and relocating it to the north of the walled courtyard.
- Details of a report and subsequent letter regarding availability of commercial premises (**Please see Appendix 3 and 4**).

### **Economic Development**

Following receipt of the additional information from the applicant regarding the availability of commercial premises, a further letter was sent on 20<sup>th</sup> October, requesting clarification on the following:

Details of the vacant premises at Deptford Farm, Wylve  
Details of the vacant premises at Ballington, Steeple Langford  
Details of how long the above units have been vacant for?  
Clarification of location of units on Fonthill Estates (eg a plan)  
Clarification of location of units in Durrington (eg a plan)

This information has been forthcoming, in a letter dated 31/10/05 and **attached as Appendix 4**.

Economic Development are still concerned about the loss of potential rural workspace. The market demand is difficult to quantify and whilst details of a number of available comparable units have been given, it has not yet been proven to officers' satisfaction that there is lack of demand in the area or that the only viable use of the building would be redevelopment for residential use. The Economic Development Officer would prefer to see the buildings converted to rural workspace and believe the buildings may be eligible for the Rural Renaissance grant which offers 25% towards the total investment of the conversion. (**Please see Appendix 5**)

### **Trees**

Members will recall late correspondence regarding the potential impact of the development on existing trees at the entrance to the site. These trees are the subject of a TPO. The revised internal access proposals have removed concerns regarding damage to roots caused by the construction of the access road. However, the tree officer still considers that having viewed the highway comments, in order to implement the scheme there would need to be significant changes in banks of earth at the front of the site to get visibility splays and this would result in significant root damage to existing trees, which would be detrimental to their health.

### **Highways**

The applicant has circulated a letter to members (dated 18/10/05 and **attached as Appendix 2**) which states that the Highways Agency did not consider that this section of the A36 had a high accident record, but that they did not see how the applicant could cut and maintain the bank to keep the visibility splays clear of obstruction. Concerns regarding the internal access road have been removed by its deletion from the scheme.

The Highways Agency have responded to the revised scheme, and consider that development of the site for commercial purposes *could* be less desirable than its development for residential purposes, because of the additional traffic flows generated (**see Appendix 6**). However, there are still concerns that the required visibility splays of 215 metres can not be achieved without removal of a substantial number of trees and lowering the verge, and that the existing achievable visibility is substandard in both directions without these works. The Agency is therefore unable to change its previously stated position that unless the existing visibility is further improved to the full Highways Agency standards, this application should still be refused on the grounds of highway safety.

The Highway Authority has not removed its previous objection to the proposals.

## CONCLUSION

The applicant has supplied the information previously requested by Members. Further consultations have taken place with the tree officer, Highways Agency, Highway Authority and Economic Development, and objections remain from these consultees for the reasons given in this report.

**RECOMMENDATION: REFUSE** for the following reasons:

(1) The proposals seeks to renovate and restore redundant farm buildings in the countryside of the AONB. The buildings are considered desirable to retain, and provision for alternative uses is made under Policy C22 of the Salisbury District Local Plan. However, the applicant has not demonstrated that every reasonable attempt has been made to secure an alternative (agricultural, economic, tourism or community) use for the buildings, in preference to complete residential conversion. The proposal would therefore be contrary to Policy G1, C22 and H22 of the Salisbury District Local Plan, and the objectives of PPS7.

(2) Without further improvements to access and visibility, it is considered that the proposal would generate turning movements on a fast, straight section of derestricted trunk road, to the detriment of road safety on the A36. The required improvements to provide visibility to Highways Agency standards would require the removal of several mature beech trees and the lowering of the verge, which is likely to damage existing root systems to the detriment of tree health. The proposal would therefore be contrary to Policy G1 and G2 of the Salisbury District Local Plan.

(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Salisbury District Local Plan because appropriate provision towards public open space has not been made.

And contrary to the following policy/policies of the adopted Salisbury District Local Plan:

|                  |   |
|------------------|---|
| Policy G1 and G2 | General Principles for Development            |
| Policy C22       | Change of Use of Buildings in the Countryside |
| Policy R2        | Public Open Space                             |
| Policy H22       | Application of Housing Policy Boundaries      |
| PPS7             | Sustainable development in rural areas        |
| PPG3             | Housing                                       |

## INFORMATIVE: - R2 FOR REFUSAL

**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.**

|                     |  |                 |                  |
|---------------------|--|-----------------|------------------|
| Application Number: | S/2005/2087  |                 |                  |
| Applicant/ Agent:   | MR A STOCKEN ARB   |                 |                  |
| Location:           | PADDOCK VIEW 17 BEECHFIELD NEWTON TONEY SALISBURY SP4 0HQ            |                 |                  |
| Proposal:           | RETROSPECTIVE APPLICATION FOR THE RETENTION OF EXISTING DANCE STUDIO |                 |                  |
| Parish/ Ward        | NEWTON TONY  |                 |                  |
| Conservation Area:  | NEWTON TONY  | LB Grade:       |                  |
| Date Valid:         | 18 October 2005  | Expiry Date     | 13 December 2005 |
| Case Officer:       | Mr A Madge   | Contact Number: |                  |

### REASON FOR REPORT TO MEMBERS

Contrary to PC's recommendation

Councillor Hewitt has requested that this item be determined by Committee due to the interest shown in the application

### SITE AND ITS SURROUNDINGS

The site is next to a new dwelling that has recently been completed and occupied and that is now known as Paddock View. It is situated directly behind a grade 2 listed building known as Little Old Thatch. Both dwellings are situated on one of the main roads running through the village of Newton Tony known as Beechfield. The area is residential in its nature with dwellings running along Beechfield in a linear fashion. To the rear of the site beyond existing gardens there are open fields. The area is within the conservation area of Newton Toney.

### THE PROPOSAL

The proposal is for the retention of an existing "Dance Studio" to the rear of Little Old Thatch and one side of Paddock View. The Dance studio takes the form of a shed type structure constructed predominantly from wood with a steel sheet roof. The studio has a mono pitch roof which slopes from front to back. The Studio is almost complete with the exception of a different entrance door to be placed on it and the fitting out of the interior. It is officers understanding from verbal conversations with the applicant that the land on which the Dance studio stands is to be leased to the applicant who will live in Paddock View although the land will remain in the ownership of Little Old Thatch.

### PLANNING HISTORY

Significant planning history – most recently

03/0087 Erection of new dwelling and demolition of existing outbuildings Refused 6/03/03  
 03/0088 Demolition of existing outbuildings Approved with Conditions 5/03/03  
 03/2301 Erection of a new dwelling and demolition of existing out buildings Approved 27/2/04

### CONSULTATIONS

WCC Highways - Before giving my formal highway views on this proposal I shall be glad to know how the dance studio operates, e.g. hours of operation, numbers of users, traffic generation, parking etc. (Applicant has been written to on 31<sup>st</sup> October and response was awaited at the time report was written.) Any further response will be presented at committee.

### REPRESENTATIONS

Advertisement Yes Expires 17/11/05

Site Notice displayed Yes Expires 17/11/05  
Departure No  
Neighbour notification Yes Expires 8/11/05  
Third Party responses Yes  
1 letter of objection received, summarised as follows –

Concern that the excavation that has taken place has undermined the neighbouring garage and stable.

Building is situated so close to rear of garage that it will not be possible to repair the rear wall or roof of garage of neighbouring property.

Planning permission is required for buildings exceeding 10 cubic metres and this building exceeds that limit.

Work has continued on the building despite the council's enforcement section requiring it to cease.

Builder is ignoring rules the same as with the recent conservatory if this is permitted how many more breaches of condition will be permitted?

Parish Council response None At the time of writing the parish council had not had the opportunity to meet to discuss the application and therefore their views will be brought before committee through late correspondence and if those views alter officer's recommendation an amended report will be brought before committee accordingly.

## **MAIN ISSUES**

1. Design and appearance of Dance Studio
2. Potential intensity of use of Dance Studio
3. Neighbours Concerns
4. Any Other issues

## **POLICY CONTEXT**

G2 (vi), CN3,CN5,CN8

## **PLANNING CONSIDERATIONS**

### Design and appearance of Dance Studio

The design and appearance of the Dance Studio is not considered to be in keeping with either the neighbouring grade 2 thatched listed building which is early 18<sup>th</sup> century in its origins, or with the conservation area as a whole. The conservation officer has stated that he considers the building to be singularly unattractive and this is also the view of the case officer. Whilst it could be stated that the building is simple in it's design being essentially a square box with a simple monopitch roof. Little thought appears to have been put into how it relates with the neighbouring listed building.

The use of corrugated metal sheeting is not a material found commonly within the conservation area and the use of such a modern material is at odds with other roofing found locally in the immediate area. Similarly the use of metal crittal framed windows in the front elevation is not something that is considered suitable for the buildings position adjacent Little Old Thatch. As such it is considered the development would be contrary to policy CN5 of the adopted local plan, as the building by reason of its appearance will harm the character and setting of the Listed building.

The applicant has stated that there was previously a "dance studio" situated at the site at right angles to the newly erected studio and there are a number of other outbuildings still situated at the site. These outbuildings are also of poor design and the combination of a number of such outbuildings all positioned in close proximity to the listed thatched cottage is unacceptable and

leads to an unrelated jumble of such buildings, which detract from the area as a whole contrary to policy CN8 of the adopted local plan.

#### Potential intensity of use of Dance Studio

The applicant has stated that the studio is to be principally used for her own exercise and recreation but that she also teaches three children from the school who have disabilities and that a charge of £1 per lesson is made. From this it would appear that the use of such a building is unlikely to be substantial and therefore noise and disturbance from the building should be minimal. If there was excessive noise perhaps in terms of loud music this is something that could be dealt with under the appropriate environmental Health laws.

If members were minded to grant permission for this development then the intensity of the use could be controlled by conditions restricting the number of people using the Dance Studio and the hours of use. The size of the building does in any case dictate its limited use. It is not considered that the intensity of use is likely to be a significant issue.

#### Neighbours Concerns

Concerns about undermining foundations of neighbouring properties whilst understood, are not material planning considerations and therefore cannot be considered by the local authority as part of this application.

Planning permission is required for this building whether it is in the grounds of Paddock View, in which case the building requires permission because conditions imposed on that building took away the rights to build further such buildings without first obtaining planning permission. Or if in the grounds of Little Old Thatch the building would require planning permission by reason of its position within a conservation area where any outbuilding over 10 cubic metres requires planning permission (the building is approximately 39 cubic metres).

The fact that the applicant may have ignored the advice of the enforcement officer in continuing to build the structure when a request had been made not to, is not a material planning consideration to be taken into account when determining the application.

#### Other issues

The applicant has verbally stated that she has been advised by her Doctor to continue with her dancing and teaching for her health and that this is the reason that she needs to retain the Dance studio. Whilst this may be the case it is not officers opinion that this outweighs the harm that would be done to the setting of the listed building by leaving the structure in place.

For members information a site notice was put up at site on Tuesday 1<sup>st</sup> October in the morning. This was apparently removed by someone the same day. The next day a further site notice was put up and some spare site notices sent to the neighbouring property that were asked if the site notice went missing again if they could possibly replace it.

#### **CONCLUSION**

This is a poorly conceived building which takes little account of its situation within the conservation area and next to the listed building as such its retention would clearly be contrary to several local plan policies. It is therefore recommended that members refuse this application.

**RECOMMENDATION: REFUSE** for the following reasons:

1) The Dance studio by reason of its design materials and appearance is considered an intrusive structure out of keeping with both the conservation area and neighbouring grade 2 listed building and as such the proposal is contrary to policies CN3, CN5 and CN8 of the adopted local plan.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2(vi) General Policies CN3 Development effecting the character of a listed building, CN5 Development within or outside of the curtilage of a listed building, CN8 Development in a conservation area.



## Part 2

### Applications recommended for Approval

3

|                     |  |                 |                  |
|---------------------|--|-----------------|------------------|
| Application Number: | S/2005/1934  |                 |                  |
| Applicant/ Agent:   | SAVILLS  |                 |                  |
| Location:           | HIGHWAY VERGE STONEHENGE ROAD WEST AMESBURY<br>SALISBURY SP4 7DD   |                 |                  |
| Proposal:           | TELECOMMUNICATIONS - ERECTION OF 12METRE TELEGRAPH<br>POLE WITH 3 ANTENNA AND ANCILLARY EQUIPMENT HOUSING<br>AMESBURY WEST |                 |                  |
| Parish/ Ward        |  |                 |                  |
| Conservation Area:  | LB Grade:  |                 |                  |
| Date Valid:         | 26 September 2005  | Expiry Date:    | 21 November 2005 |
| Case Officer:       | Mr W Simmonds  | Contact Number: | 01722 434541     |

#### REASON FOR REPORT TO MEMBERS

Contrary to statutory consultee's (English Heritage) recommendation

#### SITE AND ITS SURROUNDINGS

The application site is an area of Highway verge (with adjacent layby/hardstanding and grit store) off Stonehenge Road, close to the junction with the A303 Trunk road, to the west of central Amesbury, and within the Stonehenge World Heritage Site.

The site is approximately 1,400 metres to the east of Stonehenge. There are numerous other Scheduled Ancient Monuments in the vicinity of the application site.

The site is foliated by small scrubby trees and scrubs and approximately 5 metres to the east of the site is a relatively dense wooded area of highway verge consisting of mixed deciduous and coniferous trees, approximately 12 - 15 metres in height.

#### THE PROPOSAL

The application seeks the Prior Approval of the Local Planning Authority for the erection of a telecommunications mast consisting of a 12 metre timber pole with shrouded antennas on top (total height approximately 14 metres) and associated cabinet apparatus by the telecommunications code operator Vodafone, for the purpose of the operator's telecommunication system under Part 24 (Class A(a)) of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.

#### PLANNING HISTORY

No relevant planning history for this site.

#### CONSULTATIONS

WCC Highways - No Highway objection  
 Conservation Officer - No objection  
 WCC Library/ Museum - Recommend that English Heritage's advice is followed in this matter  
 English Heritage - Objection due to adverse visual impact on parts of the WHS and some scheduled monuments, also stated they had not seen evidence of consideration of alternative sites

Highways Agency - No objections  
Environmental Health - No objections provided the development complies with the Council's precautionary policy in respect of telecommunications  
MOD (Defence Estates) - No safeguarding objections

#### **REPRESENTATIONS**

|                         |  |
|-------------------------|--|
| Advertisement           | No   |
| Site Notice displayed   | Yes  |
| Departure               | No   |
| Neighbour notification  | Yes  |
| Third Party responses   | Yes – Email from The National Trust objecting pending consideration of alternative sites to satisfy network requirements in the area |
| Parish Council response | Yes – No objection   |

#### **MAIN ISSUES**

The siting and appearance of the proposed development

#### **POLICY CONTEXT**

The proposed development is permitted development by virtue of Class A(a) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.

#### **PLANNING CONSIDERATIONS**

The proposed development is permitted development by virtue of Class A(a) of Part 24 to Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, and the Local Planning Authority can only consider issues of the siting and appearance of the proposed development.

In respect of the appearance of the proposed development, the simple/minimal appearance of the proposed timber pole mast, being uncluttered by side-mounted protruding antennae, and the low impact of the two associated cabinets on the ground are considered acceptable.

In respect of the siting of the proposed development, the applicant has provided both a technical justification (item 5) and details of seven alternative sites (item 6) that were considered for the development, and reasons for the discounting of these alternative sites within the supporting documentation.

The proposed site is screened from the east by a wooded area consisting of trees of approximately 15 metres in height, this would result in the proposed mast having a very low visual impact from the west when viewed against the backdrop of the existing trees. Whilst the presence of numerous scheduled monuments in the vicinity of the site is recognised, it is considered on balance that, taking into account the minimal appearance of the mast, the presence of existing trees and pylons in the surrounding area, the siting of the proposed development would not cause harm to visual amenity within the World Heritage Site in general or of the particular locality.

#### **CONCLUSION**

The proposed development is considered acceptable in respect of siting and appearance and it is recommended that Prior Approval is granted.

#### **RECOMMENDATION: APPROVED**

#### **REASON FOR APPROVAL**

The siting and appearance of the proposed development would not be detrimental to nearby Scheduled Ancient Monuments or visual amenity within the surrounding World Heritage Site, in general and of the particular locality.

#### **INFORMATIVE**

The development is permitted development by virtue of Class A(a) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 and the development is restricted by the Conditions thereby imposed.

# Report

**Report subject:** Application S/2005/1738

**Report to:** Northern Area Committee

**Date:** 17 November 2005

**Author:** Russell Horsey

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## **Purpose of Report:**

Councillor Application which results in the need for the application to be heard by committee in accordance with the constitution.

## **Background:**

There is a semi-mature copper beech tree situated in the garden Westcott, 1 Church Street, Winterbourne Stoke. The tree is approximately 10 metres in height and part of the tree overhanging into the garden of 3 Church Street, Winterbourne Stoke.

An application has been received to remove two lateral branches growing over No 3 Church Street (at 2 and 3 metres in height), to provide more light into the garden and under the tree. The works proposed are minor in nature and will not affect the health and amenity of the tree which is growing within the conservation area. As such the Councils Arboricultural Officer raises no objection to this application.

## **Conclusion:**

**That the Council raises no objection to this application.**

## **Options for consideration:**

Members therefore have the following options:

- a) **Raise no objection to the application.**
- b) **Place a preservation order on the tree and refuse the application.**

**Costs** None

## **Recommendations:**

That the Council raises no objection to the application.

**Background Papers:**

None

**Other Representations:-**

None

**Implications:**

- **Financial:** None
- **Legal:** In Report
- **Human Rights - Article 1 – Protocol – Protection of property –** There is a minor interference but this is justified and proportionate in view of the public amenity value of the tree.
- **Personnel:** None.
- **Community Safety:** None
- **Environmental implications:** To seek to preserve and enhance the environment.
- **Council's Core Values:** Protecting the environment
- **Wards Affected:** Till Valley and Wylve