

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
WESTERN AREA 04-01-05

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUN-CILLORS	NOTES
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1	S / 2004 / 2143 Mrs J Howles	ABS DEVELOPMENTS ALLOTMENT GARDENS CHURCH STREET TISBURY	A106	TISB	1-11	TISBURY & FOVANT Councillors Hooper & Mrs Green	
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END OF LIST

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

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

Part 1

Applications recommended for Refusal

Item No.	Case Officer	Contact No.	
App.Number Ward/Parish	Date Received Cons.Area	Expiry Date Listed	Applicant's Name Agents Name
Proposal Location			

No Refusals

Part 2

Applications recommended for Approval

Item No.	Case Officer	Contact No.	
App.Number Ward/Parish	Date Received Cons.Area	Expiry Date Listed	Applicant's Name Agents Name
Proposal Location			

1	Case Officer Mrs J Howles	Contact No 01722 434379	1
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S/2004/2143	07/10/2004	02/12/2004	ABS DEVELOPMENTS
TISB			DAVISON ASSOCIATES
Easting: 394342.696867228	Northing: 129206.210058212		

PROPOSAL:	FULL APPLICATION -ERECTION OF 12 DWELLING HOUSES AND FORMATION OF ASSOCIATED ACCESS ROAD AND PARKING BAYS
LOCATION:	ALLOTMENT GARDENS CHURCH STREET TISBURY SALISBURY SP3 6NH

REASON FOR REPORT TO MEMBERS

This application was considered at the meeting of the Western Area committee 2/12/04 at which it was deferred for a site visit.

Members also requested that a drawing to show proposed levels of the new dwellings in relation to the existing dwellings on church Street be provided.

The applicants have been advised of this request and have also been requested to provide a street scene drawing as suggested by the design forum.

The previous report to committee with amendments (in bold) to incorporate late correspondence is repeated below.

REASON FOR REPORT TO MEMBERS

Councillor Hooper has requested that this item be determined by Committee due to:
the interest shown in the application
the controversial nature of the application

SITE AND ITS SURROUNDINGS

A sloping site of uneven and overgrown land situated adjacent to the conservation area of Tisbury.

The western boundary with the public footpath is formed by disintegrating metal 'park rail ' fencing. The northern boundary by a panel fence in poor condition , the southern boundary with the rear of the dwellings in Church St by a traditional stone wall and the remaining boundaries by a mixture of block walling, trees and hedges.

Access to the site is proposed from Church Street adjacent to the newly constructed Parsonage Mead and involves a retaining wall above the Parsonage Mead garages. Visibility at its junction with Church Street is good to the west and capable of improvement to the east. There is residential development to all sides except the north. There is also a pub car park and function room adjoining the site at the southwest corner. The site is visible from the conservation area.

THE PROPOSAL

To construct 12 dwellings with parking and access. These are mainly arranged in semidetached pairs and are a mixture of 2 and three bedroomed dwellings. Parking (at two spaces per dwelling) is provided as far as possible within curtilage. None exceeds two storeys.

The layout has been orientated to provide future access possibilities to the site to the north and the houses aligned so as not to overlook their neighbours and to run with the grain of the landscape, and affording views in and out of the conservation area.

The applicants have submitted amended plans to show revised levels and the extension of the road up to the northern boundary.

Additional plans to show levels in relation to the dwellings in Church St are awaited.

PLANNING HISTORY

S/03/2133 9 dwellings and access refused under delegated powers 9/12/03 and dismissed on appeal 14/05/04.

A copy of the appeal decision is attached as an appendix 1

CONSULTATIONS

WCC Highways - Acceptable in principle but requires further details as follows:

Further detail of access to show ramped access point

Details of the retaining wall on western side of the access

Access should be shared surface

Visibility splay needs to be introduced within development if access road is to serve further development

Gradient of turning head not to exceed 1 in 20 and any changes to accommodate further development must be at an acceptable gradient

There are no highway objections subject to the following:

- 1. Further details of the access point to Church Street shall be submitted for further approval to provide a ramped access point. Reason: to improve pedestrian safety at the junction.**
- 2. Additional street lighting shall be provided on the adjacent footpath in accordance with details which shall be submitted for further approval. Reason: in the interests of pedestrian safety and improved links to the town centre.**
- 3. The internal road layout is shown satisfactorily but additional traffic calming may be required to ensure speeds are reduced to 10mph. A splay is now shown at the turning head which will ensure that further development will not be prejudiced.**

Please add a note to developer or, preferably, a condition, concerning my 2nd point of my previous letter dated 18th November 2004, regarding the need for evidence that the adjacent retaining wall is satisfactorily constructed.

I further confirm that the conditions contained in your report to Western Area Committee satisfactorily cover the above recommendations.

WCC Library/ Museum - Require watching brief condition

Housing & Health Officer - Adjoining site is old coal yard. If this were reused for that purpose could cause nuisance from dust & vehicle movements

Public House & car park has potential to cause disturbance, Site is poorly drained with clay subsoil. More detail must be supplied in respect of surface water drainage. Discharge to brook must be attenuated or deep soakaways provided.

EA should be consulted.

Wessex Water Authority- Water mains and main sewer available

Environment Agency - No objection but requires surface water run off limitation scheme condition . Need informative to cover connection to adjoining site which may be contaminated.

Design Forum - Following a dismissed Appeal, a revised scheme has been prepared incorporating car parking within dwelling curtilages, and avoiding overlooking of adjoining properties

The Forum expressed concern that although the revised layout had achieved many identified objectives, it has resulted in a rather suburban character of development.

The Forum felt strongly that it is necessary to include the adjoining site in any layout plans for the development of the area, as it will help to achieve a better layout and a more efficient use of the land

The design of the dwellings is poor. Windows appear to be squeezed into small elevations.

Plans should be provided showing how the house types group together to form street elevations.

REPRESENTATIONS

Advertisement Yes Expiry date 18/11/04

Site Notice displayed Yes Expiry date 18/11/04

Departure No

Neighbour notification Yes Expiry date 18/11/04

Third Party responses Yes - 13 letters of objection on grounds of:

- Increase in density of houses will give rise to additional traffic congestion
- Not all Inspector's concerns have been met
- Should be combined plan for this and coal yard site
- Although no longer any 3-storey houses and the dwellings have been realigned to avoid overlooking still feel bungalows would be better.
- Increased traffic in Church Street, which is narrow and hazardous.
- Concern about damage to foundations from construction traffic
- Loss of privacy & noise & disturbance from access road and damage to property by construction vehicles using access
- Access road inadequate
- Out of character with locality
- **Damage to dwellings (with photographs thereof) by amount of heavy construction traffic on that particular part of the road and development company's behaviour on Church St site. Many mishaps have occurred, belief that people are entitled to live in peace, with respect and not put up with "abuse because they are builders"**
- **Highway safety - In Church St , it is only a matter of time before a serious incident occurs. From the proposed access is a blind corner to the left, with little or no pavement. To the right although a little clearer, already has an entrance/exit a few metres away, from the applicants previous development, and should the street be parked upon heavily traffic chaos ensues road is used by elderly and children to access High Street. . The new development will add another 24 cars at least better and safer access could be achieved from Church Street Close.**
- **Where is the affordable housing". If smaller one or two bedroom flats/houses were put up access could be pedestrianised, more could be built with one or two parking bays for delivery or removal vans.**
- **Existing cottages have no off road parking.**
- **Ability of infrastructure such as sewerage to cope with additional strains imposed.**

- **Objections listed by the Planning Inspector when she rejected the Appeal still appear to be valid, paragraphs 7,9,10,11 and 12.**
- **Suburban development totally unsympathetic to the conservation area.**
- **The proposed access road with Church Street is within 50 metres of the following potential hazards: _**
A blind corner at the Crown Public House
Access to 2 private house drives
Access to the Crown Public House Car Park
Access to the road leading to Hinton Hall Car Park (used by large groups of people including young children attending social and religious events and visiting the Playground at the end of the lane.
 - **The edge of the road will run along the fight hand wall of the house at I Parsonage Mead and will be constructed 2 metres above the ground floor of the house and within 2 metres of the house wall.**

Parish Council response yes – object on grounds that it does not meet any of the requirements imposed by the appeal inspector.

MAIN ISSUES

Have the issues raised by the planning inspector been addressed?

Height of dwellings

Excessive parking

Permeability – walking links to adjacent development

Piecemeal development – the need to not constrain development on the adjoining site

Design and layout

Effect on dwellings in Church Street to south

Highway safety

Archaeology

POLICY CONTEXT

H16, G1, G2, D2 H25, CN8,CN11,CN22 TR12, TR15 R2 R20 Adopted SDLP

PLANNING CONSIDERATIONS

Principle

The site lies within the HPB. The allotments are not registered allotments and are derelict. The use of this site for housing is therefore acceptable in principle subject to design; layout access etc; being satisfactory

Height

The previous proposal included three-storey development, which would have been prominent. None of the dwellings on this development exceeds 2 storeys

Excessive Parking

Parking is provided at 2 spaces per dwelling. This is provided as far as possible within each curtilage so the effect of a large car parking area on the previous scheme has been avoided.

Permeability & Relationship with adjacent land.

A coherent link to the adjacent footpath has now been provided and the access road aligned towards the adjoining site although amended plans are expected to address the issue of levels &. gradients. Although ideally the two sites could be developed as one that is not what has been proposed and the scheme must be considered on its merits. As long as it does not specifically restrict or preclude the development of the adjacent (brownfield) site it cannot be required to include it.

Design & layout & relationship with the Conservation Area

The scheme has been redesigned with a mix of 2 & 3 bedroomed dwellings, mainly in semi-detached form. These dwellings have been aligned so as to avoid direct overlooking with the adjacent properties in Church Street and Church St Close. None exceed two storeys. It is

considered therefore that the Inspectors concerns in this regard have been met, though the result is a rather suburban layout, more akin to Church Street Close to the east. The individual dwellings are designed to reflect the local vernacular with some coped verges and a mix of materials. The alignment of the dwellings has been designed to afford views in, out and through the site and conservation area. There are gaps between the buildings rather than the more solid massing of the scheme dismissed on appeal. It is therefore considered that the proposal will not detrimentally affect the character of the CA.

Relationship with the locality

The site adjoins a footpath, which gives safe access to the school. Although the layout could give access to the old coal yard site to the north, the roadway does not go up to the boundary but WCC highways would require to adopt to the boundary and consider the access as currently proposed is adequate to accommodate this.

There is a public house to the south and EHO has expressed concern that this has potential to cause noise and disturbance. The dwellings type A are close to the function room but this has no windows in the facing elevation.

The EHO is also concerned that if the coal yard were brought back into its original use that there would be potential for nuisance. There is also likelihood that adjoining site could be contaminated. It would seem prudent therefore to require this site to be investigated too to see the contamination had affected it also.

Revised floor levels have been requested to reduce the impact on the neighbouring dwellings to the south.

Affordable Housing

Although taken by itself, this site does not meet the threshold, its location adjacent to a disused Brownfield site within the HPB means that ideally the two sites should be considered together to stop the policy from being circumvented. The Inspector did not, however, subscribe to that view.

R2

A unilateral undertaking is awaited.

Drainage

There is need to address surface water drainage on this sloping site. No details have been provided although the applicants have indicated they have a surface water scheme to which the EA have no objection in principle. This is a matter than can be addressed by conditions.

Archaeology

An evaluation has taken place. This has revealed evidence from the late Bronze Age. Further investigation is therefore likely to be required as part of any development. This is a matter that can be addressed by condition.

Highway Safety

WCC have no objection in principle to the development subject to the submission of additional details. The objectors are concerned with the adequacy of the access and the effect of extra traffic on Church Street, however, with no objection from the Highway Authority in this respect refusal on such grounds could not be substantiated. The access is tortuous which should affect speeds.

Enhanced lighting to the footpath is required to assist pedestrian safety.

R20

The allotments were not registered allotments – they are not used and so it is considered that policy R20 is not applicable in this instance.

Conclusion

Whilst housing is acceptable on this site in principle, this scheme needs further revision in respect of floor levels, access gradients to make it acceptable. The applicants have been advised of this and amended plans are anticipated.

Whilst this site would be more effectively developed in conjunction with the adjacent land to the north, and such a scheme would deliver affordable housing and a more efficient use of land, that is not currently on offer and this proposal does not preclude the development of such land in future.

Therefore, on balance, providing amended plans are received to address the issues of levels, gradient and access and the Unilateral Undertaking is received by the date of the meeting, approval is recommended.

RECOMMENDATION: SUBJECT TO

(A) The applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum under policy R2 of the Salisbury District Local Plan **by 5/01/05** ,

(B) receipt of satisfactory amended plans to address levels **in relation to the properties on Church st.**

APPROVE: for the following reasons

Although this represents a missed opportunity to achieve the best use of land together with the adjoining site to the north, that is not considered to be a valid reason for refusing the application. The site lies within the housing policy boundary of Tisbury and the Inspectors concerns have been addressed. This is therefore considered to be an acceptable form of development which will not have such detrimental effects upon the locality within which it is located to warrant refusal. It is in accordance with the policies of the adopted Salisbury District Local Plan

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of S.91 of the Town and Country Planning Act 1990.

(2) Notwithstanding the provisions of 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 dwellings nor the erection of any structures within the cartilage unless otherwise agreed in writing by the Local Planning Authority upon submission and determination of a planning application in that regard.

Reason: To enable the Local planning Authority to exercise control over the use of the premises in the interests of regulating operations which could have adverse effects upon the amenities of nearby dwellings.

(3) The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: To ensure exact finished floor levels of the buildings.

(4) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D05A)

Reason: To ensure a harmonious form of development.

(5) The access road and parking shall be laid out as detailed in the amended plans (awaited) before the development is occupied.

Reason: To ensure a reasonable standard of development in respect of highway and pedestrian safety.

(6) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

Further detail of access to Church Street to show a ramped access point

Details of the retaining wall on western side of the access

Details of the surfacing of the access road, which should be a shared surface

The provision of visibility from 2.4 back from the carriageway edge on the northwestern side of the hammerhead.

Reason: In the interests of highway safety.

(7) The Gradient of the turning head shall not exceed 1 in 20 and shall be designed to accommodate linking to the land to the north at no steeper a gradient.

Reason: In the interests of highway safety.

(8) No dwelling shall be occupied until the street lighting on the adjacent footpath to the east has been improved.

Reason: In the interests of highway safety.

(9) 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 in the course of development.

Reason: In the interests of amenity and the environment.

(10) No development shall take place until there has been submitted to and approved by the Local Planning Authority details of the treatment of all hard surfaces.

Reason: In the interests of amenity and the environment.

(11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and the environment.

(12) Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out as approved prior to the occupation of any dwelling.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

(13) No development shall be commenced until a scheme for the provision and implementation of surface water run off limitation has been submitted to and approved by the Local Planning authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To ensure that the development is provided with a satisfactory means of surface water disposal.

(14) No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

Reason: To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.

(15) Ungated pedestrian access shall be provided to the footpath to the west before the development is occupied.

Reason: To ensure a reasonable standard of development and to comply with the sustainability policies of the Local Plan.

(16) Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. Should contamination be found, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied (T04A)

Reason: In the interests of health and safety for occupants of, or visitors to, the proposed development.

(17) Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent public house has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before [any of] the dwellings are occupied.

Reason: In the interests of the amenities of the occupiers of the dwellings.

18. Construction work, including works to form the access shall take place only between the following hours: -8.00am to 6.30 pm on Mondays to Fridays; 8.00am to 1.00pm on Saturday; and not at all on Sundays and Public Holidays.

Reason; in the interests of the amenities of neighboring dwellings

19. No development (including demolition) shall take place until the siting of the site office & compound has been submitted to and agreed in writing by the LPA. The site compound shall then be sited as agreed and hours of working shall be restricted to -8.00am to 6.30 pm on Mondays to Fridays; 8.00am to 1.00pm on Saturday; and not at all on Sundays and Public Holidays.

Reason; in the interests of the amenities of neighboring dwellings

20. No development shall take place until details of the treatment of 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 building[s].)

Reason; in the interests of the amenities of neighboring dwellings

21. Measures shall be submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by Vehicles leaving the site and must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway.

In the interests of highway safety and the amenities of the locality.

It is also suggested that condition 2 be amended to include ‘no alterations nor ‘ before ‘extensions’.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

G1	Sustainable development
G2	General DC criteria
D1	Design
D2	Design

H16	Housing Policy Boundary
CN11	Development in Conservation Areas
CN21	Development in areas of archaeological interest
CN22	Development in areas of archaeological interest
TR12	Linkages to footpaths
TR15	Pedestrian safety
R2	Recreational open space

INFORMATIVE: - Your attention is drawn to the comments of the Environment Agency (attached as appendix 2) The improvements to street lighting required under condition 07 shall be at the applicant's expense.

If the applicant does not comply with (a) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2.

NOTES: