

Minutes

Meeting of: Western Area Committee

Meeting held in: Dinton Village Hall, Dinton, Salisbury.

Date: 18 August 2005

Commencing at: 4.30pm

Present:

District Councillors

Councillor Mrs C A Spencer – **Chairman**
Councillor Mrs J A Green – **Vice Chairman**

Councillors A J A Brown-Hovelt, T F Couper, E R Draper, P D Edge, J B Hooper, G E Jeans and Mrs S A Willan.

Apologies: Councillor J A Cole-Morgan.

County Councillors

County Councillor T Deane

Parish Councillors

Mr T Hitchins (Broadchalke).

Officers

J Crawford (Legal and Property Services), A Madge (Development Services), O Marigold (Development Services) and A Rose (Democratic Services).

466. Public Questions/Statement Time:

There were none.

467. Councillor Questions/Statement Time:

Councillor Hooper asked the following question in relation to planning application S/2004/2628 – Sawmills, Wardour, Tisbury – considered at the Western Area Committee on 31st March 2005 (minute 416 refers):

“In approving this application, how does the Head of Development Services justify the view given in the Planning Officers report to the Western Area Committee, that the demolition of the existing house is considered to have significant benefit to the Area of Outstanding Natural Beauty? How will the demolition contribute to the social and economic well-being of the area, as recommended in policy C5? In connection with the application for a DEFRA licence, why can he not be sure that this development constitutes a dwelling house?”



Awarded in:
Housing Services
Waste and Recycling Services



The following answer had been provided and a copy of it, along with the question, was circulated to members during the meeting:

“The application was considered against policy H30 of the Adopted Salisbury District Local Plan, as a replacement dwelling.

The existing house and outbuildings are visible across the valley when viewed from the north. It is considered that the revised siting of the replacement dwelling would benefit visual amenity occupying a lower, less prominent position, with a backdrop of mature trees. It is considered that the design, of the replacement dwelling, is more agricultural and less domestic appearance than the original dwelling and more appropriate to the high quality landscape of the Area of Outstanding Natural Beauty and overall character of the countryside.

The demolition of the existing dwelling was recommended, as the retention of two dwellings on the site would be contrary to policy, as the site is located within the open countryside which restricts further residential development unless as affordable housing, agricultural workers dwellings or replacement dwellings.

Policy C5 has 3 elements:

- The siting of any development is to be sympathetic to the landscape of the Area of Outstanding Natural Beauty and the particular locality*
- High standards of landscaping and use of appropriate materials*
- Regard to be had to social and economic well being of the area*

The effect of this proposal upon the first two criteria is positive – since an obtrusive building in the landscape is to be removed and replaced with one which is far more sympathetic and less prominently sited.

The effect on the social & economic well being of the area is neutral – since this a replacement dwelling.

Bats are protected under The Conservation (Natural Habitats) Regulations 1994 and the Wildlife and Countryside Act 1981. Planning authorities are required to take account of the presence of protected species, including bats, when considering applications for planning permission. Planning conditions may be used to ensure the conservation status of protected species is maintained. It is for the planning authority to monitor whether planning conditions are being properly discharged.

The protected species legislation applies independently of planning permission, so where planning permission is given, the wildlife legislation applies; bats and their places used for breeding or resting are still protected and the developer still has legal obligations towards any protected species that may be present. Developments which compromise the protection afforded to protected species may require a licence obtained from the Department of Environment, Farming and Rural Affairs (DEFRA) before work is carried out. It is for the developer to ensure compliance with the law during the actual implementation of the development, not the planning authority.

English Nature and DEFRA are frequently asked by consultants whether a DEFRA licence is required for a particular activity. Work involving domestic dwellings need not require a licence. Where works are to be undertaken within the dwellinghouse a person may wish to rely on one of the exceptions (defences) included in regulation 40 of the 1994 Regulations. However, if the proposal would affect structures other than a dwelling house, then a bat specialist must apply for a Habitats Regulations Licence to DEFRA.

The decision to apply for a licence is ultimately for the consultant ecologist to advise their client whether they need to apply. Licence applications and enquiries should be directed to DEFRA.

Chalkhill Environmental Consultants who carried out the bat survey at the development site recommended to their clients that the work involved domestic dwellings and it should not be necessary for the householder to apply for a DEFRA licence in order to carry out the proposed works.

English Nature were consulted on the bat survey and advised that a DEFRA licence is applied for. However, they state that it is ultimately up to the developers whether they want to rely on the dwelling house defence (regulation 40 of the 1994 regulations) and only a court can decide what a dwelling house is and English Nature have stated that they cannot be sure that this development constitutes a dwelling house.

Only the courts can definitively interpret the legislation or decide whether the conditions of a defence are met in any particular case.”

468. Minutes:

Resolved – that the minutes of the meeting held on 21st July 2005 (previously circulated) be approved as a correct record and signed by the Chairman.

Councillor Mrs Willan advised the committee, that because she had not been at the meeting on 21st July she had not been able to make a footnote to the minutes of the meeting dated 23rd June 2005.

In minute 442, a public question was asked regarding parking at Salisbury District Hospital. Following the meeting a “post-meeting note” was added to the minutes advising that a meeting would be taking place on 17th August between the hospital and the Council. The date of this meeting has now been changed and will take place on 16th September 2005.

469. Declarations of Interest:

There were none

470. Chairman’s Announcements:

The Chairman, on behalf of the Western Area Committee, offered congratulations to Andrew Rose, acting Western Area Co-ordinator, on his forthcoming wedding in September.

471. S/2005/1208 – Full application – Proposed realigning of boundary wall to form parking area at Chilmark Church of England First School, The Street, Chilmark, Salisbury SP3 5AR for The School Governors of the School.

Mrs Sally Butcher, a school governor, spoke in support of the above application.
County Councillor Deane spoke in support of the above application.

Following receipt of these statements and further to a site visit held earlier in the day the committee considered the report of the Head of Development Services (previously circulated):

Resolved –

1. That the above application be approved for the following reasons:

(1) It is considered that the proposal will improve highway safety.

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 Section 91 of the Town and Country Planning Act 1990.

2) Following the completion of the development hereby permitted, the parking area shall be marked out for use only by the headteacher or deputy headteacher, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and shall be maintained in that state in perpetuity.

Reason: In the interests of highway safety

2. That the applicant be informed that this decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

G2 (General), CN8 (Development in conservation area), C4 & C5 (AONB), PS5 (education)

472. S/2005/1192 – Full Application – Construction of a new Broadchalke Primary School at land adjacent to New town Road and Knighton Road, Broadchalke, Salisbury SP5 5HX for The Governors in association with Salisbury Diocesan Board

Claire Herbert, resident of Broadchalke, spoke in objection to the above application.

Peter Hornsby, a school governor, spoke in support of the above application.

Tom Hitchens, of Broadchalke Parish Council, advised the committee that the parish Council supported the above application.

County Councillor T Deane spoke in support of the above application.

Following receipt of these statements the committee considered the report of the head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting:

Resolved – that

(1). For the following reasons:

The proposed development of this school and nursery would lie adjacent to the existing settlement. The impact on the countryside and AONB would be sufficiently ameliorated by the landscaping proposals, and the design of the buildings is considered to be acceptable. The proposed development would not harm protected and important trees, the living conditions of nearby properties, protected species, archaeological interests, floodrisk or drainage interests and would not result in the harmful loss of agricultural land. The development would therefore be acceptable within the terms of Replacement Salisbury District Local Plan policies G1, G2, G4, C1, C2, C4, C5, C12, C19, TR12, PS5 and PS6

Then the above application be **approved** 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 Section 91 of the Town and Country Planning Act 1990.

2. This development shall be in accordance with the amended drawings ref: 227/P.03 deposited with the Local Planning Authority on 1st August 2005, unless otherwise agreed in writing by the Local Planning Authority. The permission does NOT approve the plan shown as Appendix III of the 'business plan for school re-build'.

Reason: For the avoidance of doubt, and to ensure the exact position of the car parking and landscaping within the site.

3. 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 walls and roofs 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: In the interests of the character and appearance of the countryside and AONB

4. The finished floor levels of the proposed buildings and development 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 the exact finished floor levels of the development.

5. Approval of the details of the landscaping scheme including site clearance and a statement of the methods of its implementation shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and including a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agreed to a variation beforehand in writing. The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason: To comply with the duties indicated in s197 of the Town and Country Planning Act, to ensure a satisfactory appearance to the development

6. No tree, shrub or hedge which is shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with British Standard recommendations for Tree Work (BS3998:1989). If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 10 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree shrub or hedge shall be of such a size, specification and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. If within a period of 10 years from the date of planting, any replacement tree is removed uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree of the species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in s197 of the Town and Country Planning Act, to ensure a satisfactory appearance to the development.

7. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees (hereafter called the Arboricultural Method Statement), have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be undertaken only in accordance with the approved details unless the Local Planning Authority has given its prior written consent to any variation. The Arboricultural Method Statement shall show areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Tree Protection Zones. Unless otherwise agreed the Tree Protection Zones shall be fenced in accordance with the British Standard Guide for Trees in Relation to Construction (BS5837:1990) and no access will be permitted to the Tree

Protection Zone for any development operation. Tree Protection Zones shall be provided for all trees to be retained on the site, and shall also take account of the root spread into the site of trees of adjoining sites. The Arboricultural Method Statement shall also include all other relevant details, such as changes in levels, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas, foundations, walls and fences, service runs (ie for telephone, water, gas sewerage, electricity etc). It shall also include the control of potentially harmful operations, such as burning, the storage, handling and movement of materials, the movement of people and machinery across the site, where they are within 10 metres of any designated Tree Protection Zone. The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS3998, 1989). The Arboricultural Method Statement shall include provision for the supervision and inspection of tree protection measures on a regular basis throughout the different phases of construction. Reports produced as a result of these inspections shall be forwarded to the Local Planning Authority. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and soft landscaping have been completed, and all equipment, machinery and surplus materials removed from the site, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To comply with the duties indicated in s197 of the Town and Country Planning Act, to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of site clearance and construction

8. No development shall take place (including site clearance or other preparatory work) until all details relevant to the implementation of hard and soft landscape works and tree planting (hereafter called the Landscape Method Statement) have been submitted to and approved, in writing, by the Local Planning Authority. Development shall not commence until the Landscape Method Statement has been approved in writing by the Local Planning Authority. All landscape works shall be undertaken in accordance with the approved Landscape Method Statement unless otherwise agreed, in writing, by the Local Planning Authority. The Landscape Method Statement shall include as appropriate protection of planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment (particularly to provide adequate drainage and provision for the control of weeds), plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also include provision for maintenance for the establishment period, including watering, weeding and formative pruning, and the removal of stakes and ties. Provision shall be made for the replacement of any plant, including replacements that are removed, uprooted or die, or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless otherwise agreed in writing by the Local Planning Authority. All hard and soft landscaping works shall be commenced prior to the occupation or use of any part of the development, unless the Local Planning Authority has given its prior written consent to a programme of implementation. The hard and soft landscaping works, including tree planting, shall be carried out strictly in accordance with any approved timetable. The Landscape Method Statement shall state the provision which is to be made for the supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

Reason: To ensure the satisfactory appearance of the development.

9. No development shall take place until a School Travel Plan has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be undertaken full in accordance with the approved School Travel Plan.

Reason: In the interests of the safety and sustainability of the children, reducing congestion and encouraging alternative access other than by the private car.

10. The access shall be constructed in accordance with the approved plan, reference 227/P.03, prior to the first use of the development.

Reason: In the interests of highway safety

11. The access carriageway, including kerbs, shall be constructed to base course level for a distance of at least 15 metres from the edge of the carriageway, and shall include visibility

splays of 2.4m x 90m in both directions, laid out in accordance with the approved plan, reference 227/P.03, before the start of construction work on the development.

Reason: In the interests of highway safety

12. Prior to the commencement of development, full details of the improvement works to Knighton Road shall be submitted to and approved, in writing, by the Local Planning Authority. The improvement works shall be completed in accordance with the approved details before the first use of the development.

Reason: In the interests of highway safety

13. No development shall take place until the existing 30mph limit Traffic Regulation Order has been modified to coincide with the extent of the 90 metre visibility splay to the north east of the main access point.

Reason: In the interests of highway safety

14. Prior to the commencement of development, further details of the proposed footpath leading from Howgare/New Town Road, passing the sports field car park and tennis court, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: To encourage parents and children to access the school by walking, and to further encourage a reduction in traffic levels near the main access of the school, in the interests of highway safety.

15. Other than those spaces hereby approved, no additional car parking spaces shall be provided on the site without the prior written consent of the local Planning Authority.

Reason: In the interests of sustainable development.

16. 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 alterations to the external appearance of the school (including extensions or new outbuildings)

Reason: To ensure that the acceptable appearance of the site is maintained

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification) the buildings hereby approved shall be used only as a school or as a nursery respectively, or for associated ancillary uses, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Permission has only been granted on the basis of the need for the development as a school.

18. In order to prevent the increased risk of flooding, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. Should ground conditions or other restrictions mean soakaways are not practical, then a Flood Risk Assessment (FRA) must be submitted to the local Planning Authority and to be acceptable, the applicant must confirm as a minimum:

- (a) that the system will balance surface water run off to the Greenfield run-off rate for all events up to the 1 in 100 year storm (including climate change) and set out how this will be achieved.
- (b) how sustainable drainage techniques (SUDs) will be used, with any obstacles to their use clearly justified.

Reason: In the interests of limiting flood risk

19. No development shall take place until a scheme for the disposal of foul water has been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: In the interests of providing suitable drainage.

20. No development shall take place until details of water efficiency measures (for example rain water recycling) have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: In the interests of sustainable drainage.

21. No development shall take place until details of measures to prevent a detrimental impact on the water interests of the site, and to prevent pollution of the site during the construction phase, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved.

Reason: In the interests of preventing pollution

22. No development shall take place until details of the means of cycle storage within the site have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details approved.

Reason: In the interests of encouraging sustainable transport

23. Prior to the commencement of development, details of the means of the external lighting of the site shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved. No further external lighting, other than that approved in accordance with this scheme, shall be provided unless prior approval has obtained from the Local Planning Authority.

Reason: In the interests of the character and appearance of the countryside and AONB

(2). The applicant be informed that this decision has been taken in accordance with the following policies of the Salisbury District Local Plan:

G1 – general development criteria
G2 – general development criteria
G4 – flood risk
D1 – design
C1 – development in the open countryside
C2 – development in the open countryside
C4 – development in the AONB
C5 – development in the AONB
C12 – protected species
C19 – loss of best and most versatile agricultural land
TR12 – Sustainable transportation
PS1 – new community facilities
PS5 – new education facilities
PS6 – day nurseries

(3). The applicant be informed that the 30mph speed limit must be modified by the Highway Authority at the expense of the developer, including the administrative costs of the Authority, advertising costs, and the costs of placing the new signs and removing the old signs. In order to complete the Order and works in accordance with any programme for the school, the Highway Authority should be contacted as soon as possible following the grant of consent.

(4). The applicant be informed that it is an offence, under the Wildlife and Countryside Act 1981, as amended, to intentionally kill, injure or take any wild bird, to damage or destroy the nest of any wild bird while in use or being built, or to take or destroy the egg of any wild bird. Therefore, any work impacting on the hedgerow on the site should be timed to avoid the nesting season (March to August inclusive).

473. Matters, if any, which by reason of special circumstances the Chairman decides should be considered as a matter of urgency.

The Chairman allowed the following item as a matter of urgency:

Councillor Hooper raised concern to the committee regarding development taking place on the site of the old Nadder School, Tisbury where the developer does not currently have planning permission.

The planning officer present updated members on the situation and the history of this matter.

Resolved – that

- (1). The Head of Development Services considers the concerns raised by members;
- (2). A report is brought to the next meeting of the Western Area Committee for consideration regarding this matter.

The meeting closed at 5.50 pm

Members of the public: approximately 60 - 70