

## SOUTHERN AREA PLANNING

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 17<sup>TH</sup> SEPTEMBER 2009 AT 6.00 PM, AT CITY HALL, SALISBURY

#### Present:

Councillor B Dalton, Councillor T Deane, Councillor C Devine, Councillor M Douglas, Councillor J Green, Councillor M Hewitt, Councillor G Jeans, Councillor I McLennan, Councillor F Westmoreland (Chairman).

#### Apologies:

Councillor I West, Councillor G Wright.

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#### 40. MINUTES

Councillor Douglas sought clarification regarding the following paragraph, page 55:

*1. The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 27.08.2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.*

Officers confirmed that this is a standard condition and the applicant must apply for continued use before expiry of the permission.

The minutes of the meeting held on 27 August 2009 were confirmed as a correct record and signed by the Chairman.

#### 41. CHAIRMANS ANNOUNCEMENTS

The Chairman requested that all Councillors remain after the close of the meeting to discuss the following:

- i) the layout of the room for future meetings;
- ii) the calling in of applications.

Parish Councils were invited to attend a meeting on the planning application process, to be held at 9:30am on Friday 18<sup>th</sup> September at the Alamein Suite, City Hall, Salisbury.

The Chairman agreed to take agenda items 8 and 9 first.

#### **42. DECLARATIONS OF INTEREST**

Councillor Dalton declared a personal interest in item no.8 as he voted against this application at the City Area Planning Committee meeting on 1<sup>st</sup> September 2005. The Chairman confirmed that this did not affect his ability to participate in the debate and to vote.

#### **43. Proposed request for alterations to Section 106 legal agreement related to planning permission S/05/0980 at land off Downton Road, Harnham, Salisbury.**

Public Participation:

- a) The submission of a letter to Chief Planning Officers, as referred to in the agents supporting letter, was reported as a late item.
- b) Mr Staniland, (Persimmon Homes), spoke in support of the application.

#### **Resolved:**

That the request of the applicant to amend the various triggers and to incorporate two additional clauses related to additional provision of code level 3 homes and restriction of ransom strips is accepted, and the matter delegated to officers to complete a revised S106 Agreement.

The effect of this option would be that the triggers of the S106 would be revised and payments received as described in the applicants letter dated 27<sup>th</sup> August and the S106 altered to include additional clauses.

#### **44. Proposed request for variation to provision of Section 106 legal agreement to planning permission S/2002/1075 at Archers Gate, Amesbury.**

Public Participation:

- a) Councillor J Noeken spoke on behalf of Amesbury Town Council, in support of the application.

#### **Resolved**

To vary Part VI Clause 1 to read

*Not to permit occupation of any residential units on the final parcel of land before retail units of not less than 375 sq metres gross have been built at ground floor level on the Local Centre Land such retail units to:*

*1.1 include not less than 300 sq metres to be used for class A1 of the Use Classes Order purposes only*

## **45. PLANNING APPEALS**

Late Items:

- a) The following appeal decision was reported as a late item:  
S/08/0708 – Site at Tricky’s Paddock, Brickworth Road, Whiteparish – appeal upheld and planning permission granted – Member overturn, no award of costs.

The committee received details of the following appeals:-

### Decision

S/2008/1917 – Ashfield, Tisbury Road, Fovant – Dismissed – Delegated decision.

S/2008/1976 – Nettwood Farm, Nett Road, Shrewton – Dismissed – Delegated decision.

S/2008/1604 – Land off Old Blandford Road, Harnham – Dismissed – Delegated decision.

S/2009/0628 – West of Mesh House, Mesh Pond, Downton – Withdrawn – Enforcement.

S/2008/1981 & S/2008/2121 – 1a Winchester Street, Salisbury – Dismissed – Delegated decision.

### Pending

S/2009/0768 & S/2009/0797 – 61 The Borough, Downton – Delegated decision.

## **46. S/2009/1068 – 4 Heath Road, Salisbury – Erect detached outbuilding to provide garage, utility room, shower room and a bedroom in the loft.**

Public Participation:

- a) Amendment to report:  
The Committee report states that the garage approved in 2007 at number 14 (S/2007/1084) is identical to the proposal in scale and design. Although the previous application (S/2009/349) was identical, the current proposal is not – the ridgeline is 45 cm lower and the depth has been increased by 1 metre which in turn increases the footprint.
- b) Mr Gary Griffiths, (Architect), spoke in support of the application.

## **Resolved**

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

The proposal is appropriate to the surrounding area, will avoid unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings or uses to the detriment of existing occupiers and will not be detrimental to the Ground Water Source Protection Area. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G2, G8 & D3.

Subject to the following Conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing dwelling.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- D3 (General Development Guidance)

(3) The accommodation within the development hereby approved shall remain as ancillary accommodation to the principal dwelling (known as 4 Heath Road) and shall not be sold or let separately. There shall be no subdivision of the planning unit.

REASON: In order to protect the amenities of adjacent properties and in the interests of highway safety

POLICY- G2 (General Development Guidance)

(4) No construction or demolition work including the removal of the asbestos roof shall take place on Sundays or public holidays or outside the hours of 0900 and 1700 weekdays or 0800 and 1200 noon on Saturdays. This condition shall not apply to the internal fitting out of the building.

REASON: To protect the nearby residencies from any construction and/or demolition work that happens on site.

POLICY: G2 (General Development Guidance)

(5) No waste generated during demolition or construction shall be burned on site. This includes any foliage cleared from the site during initial ground works and preparation of the site.

REASON: To protect the nearby residencies from smoke nuisance.

POLICY: G2 (General Development Guidance)

(6) 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 development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(7) Before the development hereby permitted is first occupied the windows in the east elevation and the rooflights in the south elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(8) Development shall be carried out in accordance with the Construction Method Statement submitted on 22/07/09.

REASON: To protect the Ground Water Source Protection Area

POLICY: G8 (Development within a Water Source Protection Area)

(9) 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), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities of the area and in the interest of

highway safety.

POLICY: G2 (General Development Guidance)

INFORMATIVE - ENVIRONMENTAL HEALTH

The proposed removal of the asbestos roof must be carried out by a Health and Safety Executive licensed contractor. The asbestos containing material must then be taken to a licensed land fill site licensed to take this type of hazardous waste.

PLANS SUBMITTED WITH THE APPLICATION

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.

Block Plan submitted on 22/07/09

Elevation and Floor Plans submitted on 22/07/09

**47. S/2009/1040 – 331 Devizes Road, Salisbury – Alterations and change of use from Class B1 (Business) to Class A1 (G).**

**Resolved**

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

The modest scale of the proposal would be unlikely to cause any harm to the vitality and viability of the city centre, and it is considered that the proposal will have no adverse impact on residential amenity, will result in no harm to the physical or visual character of area or Ground Water Source Protection Area and the access, services and local highway network is satisfactory. Therefore it is considered to conform with Adopted Salisbury District Local Plan saved policies G1, G2, G8 & S9, and the aims of PPS1, PPS6, and PPS13

Subject to the following Conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The delivery and despatch of goods to and from the site shall be limited to the hours of 0800 and 1800 on Mondays to Fridays, 0900 and 1200 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 (General Development Guidance)

(3) There shall be no customers/members of the public on the site outside the hours of 0900 and 1700 from Mondays to Fridays, 0900 and 1300 on Saturdays, nor at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY: G2 (General Development Guidance)

(4) No construction, deliveries of materials, or demolition work, including the removal of the asbestos roof, shall take place on Sundays or public holidays or outside the hours of 0900 and 1730 weekdays or 0800 and 1200 noon on Saturdays. This condition shall not apply to the internal fitting out of the building.

REASON: To protect the nearby residencies from any construction and/or demolition work that happens on site.

POLICY: G2 (General Development Guidance)

(5) Before the development hereby permitted is first occupied (before the retail use commences) the rooflights in the west elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 (General Development Guidance)

(6) Development shall be carried out in accordance with the Construction Method Statement submitted on 20/07/09.

REASON: To protect the Ground Water Source Protection Area

POLICY: G8 (Development within a Water Source Protection Area)

(7) There shall be no outside storage of retail goods.

REASON: In order to protect the general amenities of the area and the on site parking area.

POLICY: G2 (General amenities of area and parking issues)

#### INFORMATIVE

1. The proposed removal of the asbestos roof must be carried out by a Health and Safety Executive licensed contractor. The asbestos containing material must then be taken to a licensed land fill site licensed to take this type of hazardous waste.

2. Please note that the addition of flues/vents/extraction units or similar apparatus is likely to require further planning permission. Any such applications will be critically examined for the impact on adjacent residential amenities.

3. Please note that the domestic style design of the building seems to limit opportunities for the placing of advertisements at the proposed retail unit site. Any future advertisement applications will therefore be critically examined in relation to the impacts on the visual amenity of the area, and in terms of public safety issues.

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.

Please note that members of the Southern Area Planning Committee expressed concern that the proposal is not DDA compliant. While this is not a material planning consideration any required amendments to the development may require submission of a new planning application.

Plan 04909/1 Submitted on 20/07/09.

#### **PART 2**

**Items considered whilst the public were not entitled to be present**

**None.**



Chairman  
8 October 2009

Produced by Janice Green, Democratic Services, Direct Line 01225 718380  
[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)  
Press enquiries to Communications, Direct Line 01225 713114/713115