



Northern Area Committee

Minutes

11th November 2004 4.30pm

The George Hotel

Amesbury

These minutes should be kept for use by District Councillors at the next Council meeting

Present:

Chairman: Councillor M A Hewitt

Vice Chairman: Councillor C Mills (In the Chair for minute 280)

Councillors: M Baker, J Brady, D W Brown, Mrs J Greville, J Noeken, A Peach, F Westmoreland, T Woodbridge and K Wren.

Parish and Other representatives:

Mr G Burt (Bulford), Mr D Edwards (Tenants' Panel), Mr Illsley (Tenants' Panel), Mrs J Swindlehurst (Amesbury), Mr S Stubbs (Newton Tony) and a representative from Allington.

Apologies:

Councillor J Spencer, Councillor I West and Mr Fisher (Idmiston)

MINUTES NOT REQUIRING COUNCIL APPROVAL

272 PUBLIC QUESTION TIME

None

273 COUNCILLOR STATEMENT/QUESTION TIME

Councillor Mrs Greville informed the Committee that on 12th September 2001 the Planning Committee had received a presentation from the Principal Planning Officer regarding policies to protect shops in rural areas. The Members requested that a policy be created because PS3 was felt to be confusing and did not always achieve the desired affect. However, there was no such policy adopted as part of the Local Plan. Councillor Mrs Greville was very disappointed that this resolution had not been followed through but welcomed the newly proposed policy which would form a part of the emerging Local Development Framework.

274 MINUTES OF THE LAST MEETING

RESOLVED - That the minutes of the meeting of the 14th October 2004 be **approved** as a correct record and signed by the Chairman.

275 DECLARATIONS OF INTEREST

Councillor Hewitt declared a personal and prejudicial interest in planning application S/2004/1853 as he lives in very close proximity to the application and withdrew during consideration thereof.

276 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the meeting that the agent for the CO-OP development at Redworth House had issued a statement informing members of the Northern Area Committee that: "The Co-Operative Group is committed to fulfilling its obligations under the terms of the contract between it and Salisbury District Council. To this end the society intends to enter into a building contract in the near future with a reputable building contractor for the purpose of constructing a supermarket on the Redworth House site in Amesbury.

Work is scheduled to commence on the site prior to Christmas 2004. At present, the building programme would allow the new store to open prior to Christmas 2005 but it should be noted that the Society will not have full vacant possession of the whole site until Logan stores vacates their part of the site. Any delay in obtaining vacant possession will have a knock-on effect on the development programme."

Members expressed their desire to see this development progressed as soon as possible and the suggestion was made that if by early 2005 there has been no tangible progress on the site, that the Council take necessary action, within the scope of the contract that has been signed, to ensure this development is completed on schedule.

Members requested that the main terms of the contract be brought to the next meeting to help inform Members' deliberations.

AGREED – that the main points and terms of the contract signed by the Council and CG Property be brought to the next meeting of the Northern Area Committee.

277 COMMUNITY PLANS

The Committee considered the previously circulated draft Northern Area Community Plan. The Partnership Manager had received some additional comments since the draft was distributed to Members and therefore she circulated an updated version at the meeting.

Additional comments were also tabled at the meeting and the Partnership Team Manager noted them for incorporation into the final adopted plan.

One Member commented that Amesbury needed another store in addition to the one that was currently being developed and felt that the Plan should acknowledge this.

A suggestion was also made that the Plan should include a statement encouraging Salisbury District Council to provide rate rebates to shops where they are the last shop remaining in a particular area.

A Member stated that the emphasis was very much on Parish Councils to locate rural exception sites once the need for housing had been proven by undertaking a survey.

RESOLVED -

- (1) That the Area Committee make final amendments to the Plan for Cabinet to consider on 15 December 2004;
- (2) That the Area Committee endorse the Northern Area Community Plan and take an active part in its delivery;

- (3) That Community Champions meet with the interested local people to develop initiatives in the area supported by their Community Planner.

278 UPDATE ON RECREATION ROAD

The Northern Area Committee received a verbal update from the Legal Services Manager. She informed those present that further to the resolution at the Northern Area Committee meeting of 1st April 2004, she had liaised with Councillor K Wren and they had written to Wiltshire County Council (WCC) stating that Salisbury District Council (SDC) would like to enter into negotiations on a 'without prejudice' basis to progress the repair of Recreation Road. WCC duly responded to this letter stating they were happy to begin negotiations. However, this issue became clouded by the negotiations over the leisure trust. As SDC has deferred the decision on the leisure trust for eighteen months the Legal Services Manager has set up a meeting with the relevant officers at SDC to reopen the discussions with WCC.

AGREED – that an update be brought to the Northern Area Committee when there is progress to report.

279 PROCEDURE WHEN APPLYING FOR A CHANGE OF USE

The Principal Planning Officer gave a verbal presentation to those present outlining the issues surrounding policy PS3. The officer also distributed some notes on his presentation to those present. The notes are attached to these minutes for reference.

In commenting on the briefing note, a Member highlighted that applicants would also have to consider the competition of similar businesses in the area when they were assessing the viability of their own business. The Officer stated that the notes he had distributed were a brief synopsis of the policy and that there were many factors that officers took into consideration when assessing an application for a change of use and that competition was an important one of these factors.

Members felt that this new guidance was vital in ensuring consistency and left no room for doubt with applicants as to the criteria for a change of use. It was further commented that applicants should be shown the criteria as soon as they seek advice on the procedure and requirements for applying for a change of use.

In considering the briefing note's comments about the review of policy PS3, Members did express caution that this policy would need to be worded carefully, with a degree of flexibility, to ensure that Members had sufficient ability to allow change of use in exceptional cases so that applicants were not treated unfairly. A number of Members acknowledged the briefing note's comments that the review of policy PS3 should be accompanied by positive community action to identify ways in which local communities could secure the long term future of their local services rather than reacting to individual losses of premises.

RESOLVED – that the officer's report be noted.

280 S/2004/1853 - FULL APPLICATION - AMENDMENT TO APPLICATION S/02/0003 TO INCLUDE ADDITIONAL BEDROOM, ENLARGED KITCHEN AND UTILITY ROOM: HILL VIEW, BOURNE VIEW, ALLINGTON, SALISBURY SP4 0AA – FOR MR ANDREW RHIND-TUTT

Mr Brown, on behalf of the applicant, spoke in support of the above application. A spokesperson for Allington Parish Council informed the Committee that the Parish Council objected to the above application.

Following the receipt of these statements and further to the site visit held earlier that day, the Committee considered the previously circulated report of the Head of Development Services together with the schedule of late correspondence circulated at the meeting.

RESOLVED:

- (1) That subject to all parties concerned entering into a Section 106 Agreement under the provisions of the Town and Country Planning Act 1990 (amended) relating to the provision of public open space as set out in policy R2, then the above proposal be **APPROVED** for the following reasons:

- I. The proposal is considered to be an acceptable form of development that does not adversely impact upon the amenities of neighbouring properties and accords with policy G2, D2 and H22 of the adopted 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 Section 91 of the Town and Country Planning Act 1990.

- (2) 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 wall[s] and roof[s] 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: To secure a harmonious form of development.

- (3) The garage shown on the approved drawing number KD06C shall not be converted into a habitable room without the permission in writing of the Local Planning Authority.

Reason: To secure the retention of adequate off-street car parking provision

- (4) Prior to the dwelling hereby approved being first occupied, the applicant or his successor in title shall peg out, and have agreed in writing by the Local Planning Authority, the boundaries to the domestic curtilage.

Reason: In the interests of visual amenity

- (5) Prior to the dwelling hereby approved being first occupied, the applicant, or his successor in title shall submit to and have approved in writing by the Local Planning Authority a landscape management

plan for that land which falls within the red line but outside the domestic curtilage approved by condition 3 above and the agreed management plan shall be implemented thereafter unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity.

(6) No works or development shall take place until full details of all proposed tree and hedge planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: In the interests of visual amenity.

(7) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same 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 ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

(8) Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered (See British Standard BS 5837:1991, entitled "Trees in relation to Construction).

Reason: In the interests of the amenity and the environment of the development.

(9) The building shall not be occupied until the proposed means of vehicular access from the edge of the public highway to the front of the proposed new property has been constructed, surfaced and drained with a tarmac finish in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

(10) Prior to first occupation of the dwelling hereby approved a fence shall be erected along the boundary of the site and access

thereto with no's 11 – 14 Bourne View in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties

(11) Any gate[s] provided to close the proposed access shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure that a satisfactory form of access is provided in the interests of highway safety.

(12) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage.

(13) A scheme for the disposal of surface water so as to prevent its discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the dwelling hereby approved being first occupied.

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

(14) 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. 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

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

(15) Notwithstanding the provisions of Class[es] A-H of Schedule 2 (Part 1) to 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 dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

(16) There shall be no access to the field to the north and west of the site other than via the gate to the south west of the proposed chalet bungalow, as shown on the submitted plan KD 15. Access to the field via the gate to the north of the bungalow unit shall be permanently blocked up and the gate removed and shall remain so in perpetuity. Details of the nature and form of the blocking up shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. The works shall be carried out within three months of the date of their approval.

Reason: In the interests of residential amenity

(17) Within one month of the date of this decision the means of access to the site from the edge of the public highway to the front of the proposed new property shall be constructed and drained to base coat standard to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.

(2) That the applicant be informed of the following:

1. That this permission is granted in accordance with the following policies of the adopted Salisbury District Local Plan:
G2 (General Criteria for Development), D2 (Infill Development), H22 (Application of Housing Policy Boundaries), H23 (Undeveloped land outside HPB) and R2 (Recreational Open space provision)
2. The Council asks that the applicant and/or his successor in title enter into negotiations with the neighbouring property at Green Gables with regards to the access to this site and the future upkeep of the shared driveway.

281. S/2004/2202 – FULL APPLICATION -SINGLE STOREY FRONT EXTENSION: CLEEVE COTTAGE THE HOLLOWS SHREWTON SALISBURY SP3 4JY- FOR MR COTTON

Mr Cotton, the applicant, spoke in support of the above application.

Following the receipt of this statement, the Committee considered the previously circulated report of the Head of Development Services.

RESOLVED -

(1) That the above application be **APPROVED** for the following reason:

1. The scale, design, siting and materials proposed are appropriate to the general development criteria, in accordance with the adopted Salisbury District Local Plan policies. The proposed extension is therefore considered appropriate to the overall appearance of the dwelling and street scene with no significant adverse impacts to residential amenity.

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) The materials to be used in the construction of the external surfaces of the extension(s) hereby permitted shall match those used in the existing building.

Reason: To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

(3) There shall be no windows on the eastern side in the ground floor elevation of the extension hereby permitted (unless otherwise agreed in writing by the Local Planning Authority)

Reason: To minimise the visual intrusion of the building.

- (2) That the applicant be informed that this permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2 - General, D3 - Design, H16 – Housing Policy Boundary and C6 - Landscape Conservation

Meeting closed at 1750

Members of the public present 3

Policy PS3 Issues

In light of complicated issues raised by a number of recent applications the Chairman of NAC raised has a number of issues for the Forward Planning service to address.

How long do sites need to be advertised for before they can apply for a change of use, what type of advertising is needed.

The advice consistently given by Forward Planning is that a premises should be marketed for a period of 6 to 9 months as a minimum. This is consistent with the advice given in respect of Agricultural Occupancy conditions and any other similar cases.

Advertising would normally consist of

- Marketing via a local estate agent, or in specialist cases, particular trade journals (e.g. there is a sales journal for Publicans). It would be an expectation that adverts would be included within property pages for at least 2 weeks (although preferably once a month for 6 months)
- The offer of sale of the property (i.e. details advertised via an estate agent) would need to be fair of potential buyers (i.e freehold purchase without restrictive clauses, etc)
- In cases where marketing has been undertaken thoroughly details of individuals showing interests have been submitted by applicants as a means for officers to follow up reasons.

All of this advertising would be in addition to

- The need to provide financial information relating to declining trading conditions or patronage.
- An assessment of how the business had been run. For example, if a pub started serving food and holding events would the business viability be restored. This aspect is particularly important where there is a suspicion that a service is being deliberately run down.

It should be noted that the requirements for a pub or shop would vary from those for other types of services and facilities which may be proposed for change of use. For example, redundant churches or meeting halls would be expected to be advertised to local public organisations or voluntary groups to ensure that opportunities are not lost

What the future policy will be - on the understanding that a new policy will be included in the LDF. What will it say, what will the criteria be for advertising etc.

As stated above, there have been a number of cases where PS3 has been poorly applied through a mixture of inconsistent advice or a lack of consultation. However, there is no doubt that PS3 is in need of revision to enable it to be more reflective of changing conditions and pressures. It has already been highlighted by members as an area for early review in the new Local Development Framework (LDF) process

In terms of what a revised PS3 might say, it remains that the revision of policy in the LDF is still emerging and the approaches used elsewhere will be more thoroughly examined as a basis to

formulate a revised policy. National and regional policy will also need to be looked at, but clearly there will be an opportunity for members to make sure that policy responds to what is trying to be achieved.

In terms of broad concepts,

- it is already apparent that PS3 needs to include a wider scope of settlements - namely small villages, local centres (e.g. Wilton, Durrington) and suburban communities (e.g. Bemerton Heath, St Pauls Dene, Butterfield Down).
- there is no doubt (in light of recent cases) that a clear schedule of requirements should be set out for applicants to refer to, although officers and members will need to ensure that flexibility exists to consider all types of proposals. It may be the case that a brief Supplementary Planning Document will accompany the revised policy to address this and other matters of detail.
- In terms of extending the burden on applicants to prove their case, there may be other aspects which can be added in (drawn from suggestions and best practice from elsewhere) however, members must recognise that there will be occasions where, however unsupported, certain premises do become unviable. A policy which is over restrictive will only create vacant boarded up eyesores, rather than allowing the creation of a new house or workshop.
- The current policy only requires that alternative similar uses are looked at rather than any alternative community service use. For example, the recent case of a former bank premises in Durrington restricted the alternative uses to financial services, rather than looking into opportunities for shops or other non-residential uses. The intention is to alter the emphasis to seek any community/service use under the broader banner of creating and maintaining "Sustainable Communities" as advocated by the Office of the Deputy Prime Minister (ODPM).

A final point to note is that a revised PS3 is only part of the solution. PS3 is a negative policy in that it is trying to curtail a form of development when, instead, local communities, should be encouraged to bring forward positive proposals to improve the vitality and viability of settlements. For example, in larger settlements such as Wilton, Amesbury and Durrington, Market and Coastal Town and Parish Plan exercises are being undertaken to chart a way forward - in effect tackling the problem rather than letting it develop. The LDF, through local Action Area Plans, can then take community proposals forward to give them weight in the determination of planning applications, but also enable investment to be attracted from public or private sources.