

Minutes

Meeting of: Northern Area Committee

Meeting held in: Antrobus House, Amesbury

Date: Thursday 25 August 2005

Commencing at: 4.30 pm

Present:

Councillor M A Hewitt – Chairman
Councillor C G Mills – Vice-Chairman

Councillors J A Brady, Mrs J M Greville, J C Noeken, A G Peach, J Rodell, I C West, F Westmoreland and T Woodbridge

Apologies: Councillors M Baker, D W Brown and K C Wren

Parish Councillors: Mr Burt (Bulford), Mr Stubbs (Newton Tony), Mrs Swindlehurst (Amesbury Town Council)

Officers

Mrs J Howles (Development Services), Mr J Crawford (Legal & Property Services), Mr R Horsey (Development Services) and S Draper (Democratic Services).

405. Public Questions/Statement Time:

Mr Stubbs asked the following question: I would like to raise two issues.

Firstly I am aware of the inability of enforcement department officers to stop the development of a build that was in breach of planning conditions not because of any fault of theirs but simply because they have no powers to enforce the conditions that are put in place. Not only is this frustrating for those people who respect and abide by the law but also for the enforcement officers who must question their title enforcement officers. What can be done about this?

Secondly I would like to ask the question are young planning case officers trained or indeed instructed to look for any past history relating to a planning application? Do they thoroughly check records for items such as imposed building conditions or whether enforcement officers have been involved, only without this knowledge all sorts of legal problems can occur? Surely it is only armed with all the relevant information you can form a proper judgement.

I have very good reasons for asking these questions as the professionalism in handling a particular case I think fell well below the standard that should be expected. Maybe it would be prudent for someone more senior to handle highly sensitive cases.

The Principal Planning Officer gave the following response: It is not correct to say that enforcement officers have no powers to enforce conditions that are put in place on planning applications. There would be little point in any planning authority wherever it was in the country putting conditions on a planning application if those conditions could not be enforced. *They can be enforced, either by issuing a Breach of Condition Notice (BCN) or by issuing an Enforcement Notice.*

However, it is not an offence to carry out works in breach of condition, such works are undertaken at the developer's own risk. In enforcing such conditions, any local authority must have regard to the expediency of taking any legal action against those who have not complied with the conditions. Where applicable, and there is the likelihood of planning permission being granted for the development, the applicant should be given the opportunity to apply to retain the development that the condition controlled. If after the planning merits of the case have been considered the development is considered acceptable it will remain. However, if it is not considered acceptable, steps will be taken to have the development removed. Inevitably this process as with any legal issue can still take some time and can be frustrating to members of the public who see this as flouting the law however wherever there is a perceived breach of a planning condition this will be investigated and the appropriate course of action to resolve the problem taken.

In most cases a BCN is used to enforce conditions as it can require compliance relatively quickly (a minimum of 28 days must be given, however) and there is no right of appeal. Failure to comply with the Notice is an offence, which can be prosecuted through the Magistrates Court and can result in a fine of up to £1,000 on first conviction. Continued non-compliance can result in additional fines of up to £1,000 being given on each subsequent conviction.

All planning officers are trained to look at previous planning histories to a site when dealing with a planning application. All planning applications whether dealt with under delegated powers, or by committee, are also checked by a senior planning officer. They also are aware when dealing with an application whether enforcement officers have previously been involved with a case. It is only when all the relevant information is known that a proper judgement can be formed.

406. Councillor Questions/Statement Time:

There were none.

407. Minutes:

Resolved – that the minutes of the special meeting held on 19th July and the last ordinary meeting held on 28th July 2005 be approved as a correct record and signed by the Chairman.

408. Declarations of Interest:

There were none.

409. Chairman's Announcements:

The Chairman informed members that, following the item on the Urgent Works Notice to the Barn at Winterbourne Gunner which members had considered at the last meeting, he had contacted DEFRA to investigate what funding options were available to the applicant in the form of grants. He had ascertained that funding was available for up to 80% of the cost of the works. However, this would require the owner to sign over control land under the Environmental Stewardship Scheme. He informed members that this was an option that many people did pursue but that the restrictions placed on owners as a consequence of accepting a grant were very stringent. He noted that members were to receive an update report on this barn at the next meeting.

410. Update on the Co-Location of a Public Office on the Library Health Centre Site

The Head of Legal and Property Services informed members that the heads of terms for the co-location had been received from Wiltshire County Council. He explained that the Property Manager from Salisbury District Council was scheduled to meet the responsible officer from Wiltshire County Council to agree a date for the co-location. He stated that a realistic date for the completion of all the works was likely to be early in November.

Resolved – that a further update be brought to the next meeting.

411. Update on the Expansion of Porton Down

Resolved – that this item be deferred until the next meeting.

412. Update Report on Focus Do-It-All – London Road, Amesbury

The Committee considered the report of the Enforcement Officer circulated as late correspondence. The Principal Planning Officer informed members that since the report was written the applicants had submitted details of the fencing to be provided and therefore details in relation to condition 21 had been provided. However, it was noted that the applicants were still in breach of the conditions but were likely to be able to comply with points 2 & 3 of the notice.

Members also asked that the bank bordering the development be tidied up. The Principal Planning Officer stated that these comments would be passed to the Enforcement Officer.

Resolved –

1. Immediately following the expiry of the 28 day period following the previous meeting (i.e. 26th August 2005), a Breach of Condition Notice be issued under delegated powers to require the following within 28 days of the issue of the Notice:
 - (1) To remove all of the external lighting (including columns and fittings) unless the light fittings and lighting levels have been altered to accord in full with the recommendations in the Ringway Parkman letter and proposals dated 27th June 2005.
 - (2) To cease use of the rear service yard, unless: (a) a further, more detailed scheme for the control of noise emanating from the site (with particular reference to the rear service yard) which includes amongst other things details of acoustic fencing to the service yard, has been submitted to the Local Planning Authority; (b) If the above scheme submitted pursuant to step (a) is not approved by the Local Planning Authority, to submit a further scheme, which fully addresses the Local Planning Authority's objections to the earlier scheme.
 - (3) Not to recommence the use of the rear service yard until there has been implemented in full the scheme for the control of noise emanating from the site approved by the Local Planning Authority under step 2 above.
2. That an update be brought to the next meeting.

413. Tree Preservation Order 346

The Committee considered the previously circulated report of the Head of Development Services, together with the schedule of late correspondence circulated at the meeting.

Mr D Prince, spoke on behalf of the owner of the tree, in objection to the imposition of the Tree Preservation Order.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council supported the Tree Preservation Order.

Resolved – that Tree Preservation Order 346 be confirmed without modification.

414. S/2001/2177 – CO-OP Redworth House Site, Amesbury

The Committee considered the report of the Head of Development Services (previously circulated), together with the schedule of late correspondence circulated at the meeting.

The Principal Planning Officer informed members that a meeting was taking place on 9th September between the CO-OP and Wiltshire County Council to agree the off site highway works.

Mr Tustin, a neighbour, spoke in support of retaining the trees in the car park.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that although the Town Council did not want to see the loss of any car parking spaces they would rather lose car parking than lose trees.

Resolved –

1. That the requirement to retain the trees under condition 10 be adhered to and it is accepted that car parking spaces will be lost by this.
2. That the recycling facility is relocated within the site – further from residential properties and it is accepted that further parking spaces will be lost as a result

3. That the Head of Development Services be delegated to approve an amended car park layout which addresses a reduction in the number of spaces, the relocation of the recycling bins, and shows those areas which are to be hand dug and surfaced with permeable material.

415. S/2005/1181 – Full Application – New Dwelling and New Access at Land Adjacent to Fair Haven, Netton, Salisbury, SP4 6AW For Mrs C E Bridger

Mr N Wood, on behalf of himself and other neighbours, spoke in objection to the above application.

Following receipt of this statement and further to the site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated) 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 relating to the provision of public recreation open space, that the above application be **approved** for the following reason:

(1) This application has been considered against the relevant SDLP policies. The proposed development is considered to be appropriate to the locality and will not result in an over-development of the site or have an over-dominant or overbearing impact on the neighbouring dwellings.

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. (0004)

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: 0014 To secure a harmonious form of development.

3) No development shall commence until a method statement detailing the potential risks and measures to limit these risks of pollution during and after construction works to the river system has been submitted to and agreed in writing by the Local Planning Authority. Development shall be in accordance with the agreed details.

Reason: The site is very near to part of the River Avon a part of the River Avon System Site of Special Scientific Interest and candidate Special Area of Conservation. A method statement is required to prevent damage to the river ecosystem through habitat loss and pollution during construction.

4) Any entrance gates shall be set back 4.5m from the carriageway edge.

Reason: In the interests of highway safety.

5) The new access shall be formed prior to construction of the new dwelling in a suitable consolidated material for a distance of at least 5m from the edge of the carriageway in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction vehicles can be parked on site and a satisfactory access is formed in the interests of highway safety

6) The hours of working on the development hereby permitted and delivery of materials shall take place only between the following hours:- 8am to 6pm Mondays to Fridays; 8am to 1pm on Saturdays; and not on Sundays and Public Holidays.

Reason: 0061 To avoid the risk of disturbance to neighbouring dwellings/ the amenities of the locality during unsocial hours.

7) No development shall commence until the details for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until works for the disposal of sewage have been provided on site to serve the development, in accordance with the approved details.

Reason: 0062 To ensure that the development is provided with a satisfactory means of drainage.

8) Before the dwelling hereby approved is first occupied, the proposed first floor bathroom window in the south east elevation and first floor en-suite bathroom window in the north west elevation shall be glazed with obscure glass and shall be fixed apart from a top opening vent, details of which shall be submitted to and approved in writing by the Local Planning Authority. The glazing so agreed shall be maintained in this condition thereafter.

Reason: 0018 To ensure adequate privacy for the occupants of neighbouring premises.

2. That the applicant be informed of the following:

(1) That this decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

G2 (General), H16 (Housing Policy Boundary), D2 (Design), C6 (Special Landscape Area), C10 (development affecting SSSI/cSAC), R2 (public open space)

(2) Wessex Water - There is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

416. S/2005/1362 – Full Application – Development of 2 x 3 Bed Semi-Detached Houses with New Access to Highway Associated Landscaping and 2 Single Garages at Corner of Salisbury Road and Old Granary Lane, Amesbury, Salisbury, SP4 7RY For Palmerston Homes Limited

Mr Skinner, representing the neighbours, spoke in objection to the application.

Mr Woodhall, a director of Palmerston Homes Limited, spoke in support of the above application.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council objected to the above application.

Following receipt of these statements, the Committee considered the report of the Head of Development Services (previously circulated).

Resolved –

1. That the application be refused for the following reasons:

(1) The proposal because of its size and positioning would restrict views of the grade 2 listed Old Vineys Farmhouse to the rear of the application site and as such the proposal is considered detrimental to the setting of the listed building and would also be contrary to policy CN3 of the adopted local plan.

2) The proposed development is considered by the CPA to be contrary to policy R2 of the adopted Salisbury District Local Plan in that appropriate provision for public recreational open space has not been made.

3) The site was designated as landscaped open space to provide amenity for the occupiers of Old Granary Lane under permission S/1988/1421. The development proposed would result in the loss of that open space to the detriment of the amenities of the occupiers of Old Granary Lane, the visual amenities of the locality and the character of the street scene contrary to policy H18 and G2 of the adopted Salisbury local plan.

2. That the applicant be informed that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

417. S/2005/1378 – Full Application –Construct First Floor Extension at 97 Countess Road, Amesbury, Salisbury, SP4 7AT for Mr and Mrs Rahjeh

Mr M Quinn, a next door neighbour, spoke in objection to the above application.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council had no objection to the above application.

Following receipt of these statements and further to a site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated).

Resolved –

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

1) The proposed extension will have a detrimental affect to the adjoining neighbour amenities, due to its close proximity to the boundary and the possible overshadowing it may cause plus, it being an overbearing feature for the neighbours. It is therefore contrary to policies G2 and D3 of the adopted Salisbury District Local Plan.

418. S/2005/909 – Full Application – Proposed Restaurant A3 (And Ancillary A5) Use to Serve Roadside Service Area at Zone B Solstice Park, Amesbury, Salisbury, SP4 7LJ for The Amesbury Property Company

Mr M Smith, the agent for the applicant, spoke in support of the above application.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council supported the above application.

Following receipt of these statements, the Committee considered the report of the Head of Development Services (previously circulated) together with the schedule of late correspondence circulated at the meeting:

Resolved –

1. That subject to the:

(a) Completion of a deed of variation to tie this application to the existing section S106 agreements dated 26/01/2000 & deed of variation dated 18/07/02 & 7/11/03

(b) Environment Agency and English Nature raising no material concerns to the Appropriate Assessment.

(c) The receipt of satisfactory amended plans in respect of the delivery bay and the landscaping thereof

the decision be delegated to the HDS to approve this application for the following reason:

The development as proposed accords with the masterplan and design code for the site and will not affect the vitality and viability of Amesbury Town Centre and is therefore in accordance with policies E8a, S3 and S4 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 Section 91 of the Town and Country Planning Act 1990. (0004)

2. The layout of the development shall be in accordance with the amended drawings: AWAITED and no building shall be occupied until the car parking, covered cycle parking, drive thru road and pedestrian access have been constructed, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

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 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.

4. The material to be used for the roofing of the buildings shall be pre patinated.

Reason: In the interests of visual amenity.

5. No development shall take place until a scheme for the treatment and disposal of foul and surface water have been submitted to and approved by the Local Planning Authority. , The implementation of the system shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority. The surface water drainage scheme shall be designed to accommodate surface water from a 1 in 100 year event.

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

6. No development approved by this permission shall commence until the Local Planning Authority has received confirmation that adequate sewerage infrastructure will be in place to receive foul effluent discharges from this site. No buildings or uses hereby permitted shall be occupied or brought into use until such infrastructure is in place.

Reason: To prevent pollution of the water environment

7. No development shall take place until pollution prevention measures (a construction method statement to include dust suppression) have been approved by the Local Planning Authority. The pollution prevention measures should be implemented prior to commencement of construction.

Reason: To prevent pollution of the air and water environment

8. Before the construction of the building hereby permitted is commenced, details of water efficiency measures to reduce the water consumption of the premises shall be submitted to and approved in writing by the Local Planning Authority. Such measures as are approved shall be brought into operation before the premises are occupied and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the conservation of water resources and the conservation of the habitat of the River Avon system (designated cSAC)

9. Before development is commenced a landscape and surface water drainage management plan shall be submitted to and agreed in writing by the Local Planning Authority. Such plan shall show timescales for planting and maintenance and shall be implemented in accordance with the agreed terms.

Reason: To ensure adequate provision and maintenance of the landscaping and sustainable drainage systems.

10. 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: To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

11. The building shall not be occupied until all planting, seeding or turfing comprised in the approved details of landscaping has been carried out .Any trees or plants which within a period of 10 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: To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

12. No building shall be occupied until a scheme for the planting of the land shown hatched green on drawing no 0514/PD/01 rev L with trees and shrubs has been submitted to and agreed in writing by the Local Planning Authority, the scheme to include provision for implementation and future maintenance (Implementation to be within the planting season following acquisition of the land by APC)

Reason: In the interests of visual amenity

13. No development shall take place until details of the external lighting of the drive thru, pedestrian /cycle routes and parking areas within and to the site has been submitted to and approved in writing by the Local Planning Authority. Such lighting thus approved shall be brought into use upon first occupation of any building hereby permitted.

Reason: In the interests of visual amenity

14. Notwithstanding the provisions of the Town & Country Planning Control of Advertisement Regulations 1992, (or any regulations revoking or re enacting such regulations), there shall be no signs erected on the buildings or on the forecourts thereof without the prior express consent of the Local Planning Authority.

Reason: In the interests of visual amenity

15. The uses on this site shall not commence until standard highway 'services' signage has been provided from the A303.

Reason: In order that the facility fulfils a role as a service to the trunk road rather than an attraction in its own right which could divert trade from Amesbury Town Centre in order to protect the vitality and viability of Amesbury Town Centre

16. The building hereby permitted shall not be brought into use until covered cycle parking has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason. To comply with Appendix VI to the adopted Salisbury District Local Plan.

2. That the applicant be informed of the following;

1. That this permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G1, D1, E8A, S4, TR11, TR12, TR13, TR14
2. That the applicant's attention be drawn to the requirements of the Environment Agency (attached to the decision notice)
3. All public rights in respect of Bridleway 29 shall be safeguarded

419. S/2005/1290 – Outline Application – For Demolition of Existing Building and Redevelopment of Part of Site for Light Industrial (B1) Use at 140 London Road, Amesbury, Salisbury, SP4 7EQ for Gregory Distribution Limited

Mr A Lord, the agent for the applicant, spoke in support of the above application.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council had no objection to the above application.

Following receipt of these statements and further to a site visit held earlier that day, the Committee considered the report of the Head of Development Services (previously circulated).

Resolved –

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

- 1) It is considered that the proposal is contrary to policy E16 and G1 of the adopted local plan in that it constitutes piecemeal development which would not bring benefits that would outweigh the loss of local jobs and a potential commercial development site.

420. Extension of the meeting

In compliance with Council Policy, as the Committee could not conclude its business within 3 hours, it resolved to extend the meeting (during which time the matters recorded under minutes 421 and 422 were considered).

421. S/2005/1291 – Outline Application – For Demolition of Existing Building and Redevelopment of Part of Site for Residential Use (20 Dwellings) and Associated Works at 140 London Road, Amesbury, Salisbury, SP4 7EQ for Gregory Distribution Limited

Mr A Lord, the agent for the applicant, spoke in support of the above application.

A neighbour spoke in objection to the above application.

Mrs Swindlehurst, on behalf of Amesbury Town Council, informed the Committee that the Town Council had no objection to the above application.

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

Resolved –

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

- (1) The proposal is considered to be contrary to policies E16 & G1 in that the proposal constitutes piecemeal development which would not bring benefits that would outweigh the loss of local jobs and a potential commercial development site.
- (2) An objective of the Salisbury District Local Plan (as stated in par 1.12) is to promote Amesbury for major housing, employment and retail development. This site is one of the few large commercial sites available in the town that could fulfil a range of these commercial aspirations of the plan thereby contributing to the aim of developing sustainable communities. The proposal is therefore contrary to policy G1 of the adopted Salisbury District Local Plan.

422. S/2005/1399 – Full Application – New Vehicular Access at 55 Larkhill Road, Durrington, SP4 8JB for Salisbury District Council

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) The proposed dropped kerb would not be detrimental to highway safety, in accordance with the adopted policy context of the 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.

Reasons: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (004)

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

Policy G2 General Principles for Development.

*The meeting concluded at 1940
Members of the public present: 22*