

<p style="text-align: center;">NORTHERN AREA COMMITTEE 25 August 2005 SCHEDULE OF ADDITIONAL CORRESPONDENCE</p>

Agenda Item

10 Tree Preservation Order 346

Letter from tree owner at appendix 1

11 S/2001/2177 – Co-Op Redworth House Site, Amesbury

Wiltshire County Council - letter to applicant suggesting a meeting to take forward highway issues.

Plans list

Item No.1

S/2005/1181 – LAND ADJACENT TO FAIRHAVEN, NETTON.

Neighbour letter

New dwelling and access would be a case of serious over development in a place like Netton. I am dismayed that anyone should think it acceptable to squeeze such a bulky house onto such a restricted site, so very close to both side boundaries. This would be in effect a four-bedroom house with double garage. Netton is a scattered hamlet. There is no speed limit and the proposed new entry would be just where the road is narrowest and curves sharply.

Item 4. S/2005/909 – ZONE B, SOLSTICE PARK, AMESBURY

HDS note:

Additional amended plans have been received this morning. These cut back the overhang of the drive thru to accommodate higher planting and relocate the cycle rack to nearer the entrance again.

The revised landscaping plan is not satisfactory but has been superseded in effect by the additional revised plans.

The applicants are unhappy with proposed condition 16 (see below) in that by screening the delivery bay, the building would itself be obscured.

The applicants agents are unhappy with condition 12 in that it relates to land currently in the ownership of the Highways Agency although the HA are negotiating to sell it . Advice from the council's solicitor is that it is reasonable to impose a Grampian condition even in respect of land not within the applicants ownership provided that there are prospects of the action in question being performed within the time limit imposed by the permission. Merritt v S/State Environment in 2000. It is clear from Martyn Smith's letter - "terms have been agreed" that there are such prospects and accordingly condition 12 is justified in principle.

It is apparent that the applicants may not be able to carry out the planting in HA land before occupation of the building. However the revised plans have moved the building yet further south and therefore this matter has become less pressing but still desirable in the interests of visual amenity. The condition is now proposed to be worded in such a way as to enable it to be planted rather than just grassed once acquired by APC.

It is therefore suggested that in view of the issues above that the recommendation be amended to read:

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RECOMMENDATION:

That :

(a) Following 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) EA and EN raise 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 subject to the conditions stated with the following amendments :**

Amend condition 12 to read:

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

delete condition 16 as written but replace it by a new condition 16 ;

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.

Erratum

The following condition needs to be amended as follows:

11. Insert 'not' after 'shall'

Applicant (operator)

Object to condition 16 on the grounds that the lorry will only occasionally be stationed in the delivery bay and any screening will mask the building.

Applicant's agent

Letter advising the following:-

Condition 12

APC have agreed terms with the HA for this land to be transferred to APC which will in turn transfer it to the KFC operators. APC's commitment to acquiring the land remains undiminished. However,

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it is not in APC's control and there is no reasonable certainty that it will, be despite all the positive intentions by my client.

The commercial deal which APC has with KFC is based on an implementable planning consent but as matters stand the planning condition cannot be complied with by either APC, or KFC

the existing obligation with the HA under the junction contract is that the land will be top soiled and seeded and therefore will not remain in the current state, but this cannot be undertaken until after the BE1 and BW4 works have been completed. A condition to confirm that APC will top soil and seed the land between the application site and the bridleway would be acceptable.

Cycle parking bay

We agree that land by the northern parking row can accommodate cycle parking The proposed cycle parking bay will be about 9 -10 metres from the main entrance (see revised plan)

Lorry delivery bay

It has been possible to relocate the bay as you suggest closer to the building in association with a reorientation of the drive thru lane further south and this is shown on the plan referred to below.

Revised layout plan

Relocate the proposed cycle parking bay closer to the main entrance.

A new pedestrian crossing by the relocated cycle parking bay

Relocated lorry delivery bay close to (but avoiding potential lorry damage to the roof canopy via bollards) close to the proposed service bay and closer to the flank wall of the building.

Repositioned drive thru lane to accommodate the relocated lorry delivery bay.

Relocated building and drive thru to the south by approx 2 metres which helps to further increase the landscape planting in the area to the north of the application site.

We believe that the proposed further changes have addressed the points you raise and, in combination with the comments above regarding the inability of my clients to guarantee the deliverability of the HA land at this time, despite its best endeavors, we believe that planning conditions 12 and 16 will not be necessary to control the development

Arboricultural Officer- Comments on original submission:-

I would still have to recommend this application for refusal in its current form, due to the fact that the landscaping and the space available for the landscaping is still insufficient. I expect the drive through area to be lit and I am concerned that if we can only get a small buffer of planting this will be readily visible from the A303. The applicants have stated that they intend to landscape an area of land outside their ownership, but we cannot guarantee this will happen as it is not in their ownership. I am concerned because in order for the landscaping to have an immediate effect we would wish for standard sized trees to be planted, however having spoken to Mr J McBurney the applicants would only wish to put in smaller whips. Little space has been provided for adequate landscaping on the Southern boundary of the site which will leave the restaurant very visible, especially the delivery point and the front of the restaurant. This has obviously been done to open up views of the restaurant frontage, but it is at odds with landscaping agreed elsewhere within the site.

Environmental Health

No major observations to make there are no nearby residential properties, you may wish to consider applying a condition requiring scheme for odour and noise control from equipment and from extract systems.

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Highways Agency

No further comments to add, we note that the plan refers to a separate application for signage and I would like to reiterate the Agency's concerns regarding any signs that would be visible from the trunk road.

Applicant's Landscape Consultants

1. Tree size. The Zone B East landscaping has been proposed based on my long experience of planting woodland and takes into account the quality of the soil and the superior long-term survival rate of whips in relation to standards. While whips may take longer to form a screen, they are far more likely to survive than larger stock. I would not recommend standards or semi-standards due to high failure rates. This has been evidenced and experienced on site, where over 50% of the planted beech standards have failed within their first season.
2. The layout we cannot change; however the canopy has been re-designed to reduce its overhang beyond the northern kerb line. In addition, the planting treatment has been altered to ensure that there is no soft landscaping directly beneath the canopy
3. Density of planting. Stock size and the density (planted at 1.5 m centre) are correct for this site and the long-term aspirations for this wooded boundary. It should be noted that the area between the application site and the bridleway is landscaping and is currently in the ownership of the Highways Authority. It is surplus to their requirements for adoption and the legal process is underway to return this land to the application, The Amesbury Property Company but, this cannot be guaranteed within any particular timescale. It is hoped in time to further plant up this area. While this cannot be confirmed in time for this planning application, the applicant hopes to be able to offer this as further buffering to the site in time.

Furthermore, my client has also indicated that if the consent and programme allows, my client will endeavour to complete the landscaping during this current planting season and therefore at the same time as the adjacent Pizza Hut in order to achieve the maximum benefit for consistency of design and growth.

Applicants Architects

Revised Drawings

English Nature

Letter from English Nature at Appendix 2

6. S/2005/1291- 140 LONDON ROAD, AMESBURY

RECOMMENDATION – That the application be delegated to the Head of Development Services to approve subject to the receipt of satisfactory amended plans showing an equipped childrens play space to be located within the centre of the site away from the site boundaries.

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HDS Note

Additional condition

18) Before the dwellings hereby permitted are occupied the pedestrian access from London Road shall be improved by widening the existing footway to 2m from the Access Road / London Road junction and this shall run across the full frontage of the proposed site.

Reason – In the interests of Highway Safety

FOCUS DIY STORE, LONDON ROAD, AMESBURY -UPDATE FROM PRINCIPAL PLANNING OFFICER (ENFORCEMENT)

Members will recall that, at the meeting on 28th July, the Committee resolved that if, after 28 days following the date of the meeting, conditions 12 (external lighting) & 21 (noise attenuation-rear service yard) attached to planning permission S/03/2489 for the above development had still not been discharged, the Head of Development Services would then be authorised to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 (as amended), to enforce compliance with the said conditions.

Members also requested that an update on progress be brought before this meeting.

Since the last meeting, negotiations have continued between Council Officers and the developers regarding the conditions in question.

In response, the developers have repositioned the lighting columns and adjusted lighting levels along the site frontage to accord with the recommendations of Ringway Parkman's Lighting Engineer (who is advising the Council on the acceptability of the lighting scheme). However, elsewhere within the site, it appears that the Lighting Engineer's concerns regarding lighting levels have not been addressed to date. The developer's agent has been unable to clarify a timetable for the resolution of the Lighting Engineer's outstanding concerns.

The position at the moment therefore is that the development still remains in breach of condition 12.

In response to negotiations the developers have also signalled their willingness to erect an acoustic fence along the southern boundary, which subject to details of the type, height and length of fence and together with other measures to provide noise attenuation, would then be acceptable in terms of condition 21. It had been anticipated that these details would have been available prior to the meeting. Unfortunately however, to date, the details of the fence and a timetable for its erection have not been received. The development therefore also still remains in breach of condition 21.

Immediately after the expiry of the 28 -day period following the previous meeting (i.e. on 26th August), it is therefore proposed that a Breach of Condition Notice be issued under delegated powers to require the following within 28 days after the issue of the Notice (subject to the detailed wording of the proposed steps being agreed by the Head of Legal and Property Services and if necessary, any amendments being made):

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.

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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.

The implications of this course of action remain as set out in the report presented to the previous meeting.

RECOMMENDATION: That Members note the contents of the report

Appendices (2)