

Southern Area Committee

Minutes

Tuesday 16 December 2003 at 4.30pm
City Hall, Malthouse Lane,
Salisbury.

**THESE MINUTES SHOULD BE KEPT FOR USE BY DISTRICT COUNCILLORS
AT THE NEXT COUNCIL MEETING**

P R E S E N T

District Councillors

Councillor B M Rycroft – Vice-Chairman in the Chair

Councillors, F D Bissington, , R Britton, C Devine,
P J Leo , I D McLennan, Mrs. M M A Peach and L Randall

Apologies: Councillors G A N Anderson, Mrs P J Bissington and W R Moss

Also in Attendance: Councillor J Collier (for agenda item 7)

County Councillors

Apologies: County Councillors J P Johnson and K C Wren

Parish Representatives

Mrs B Carter (Downton), K Gross (Laverstock and Ford), P James (Firsdawn) and J Bundy (Redlynch)

Officers Present

Richard Hayman (Development Services), Richard Hughes (Development Services),
Gianina Newell (Legal and Property Services), Andrew Rose (Democratic Services)
and Richard Sheard (Chief Executive).

MINUTES NOT REQUIRING COUNCIL APPROVAL

121. PUBLIC QUESTION/STATEMENT TIME:

There were none forthcoming.

122. COUNCILLOR QUESTION/STATEMENT TIME:

Mr. K. Gross, Parish Councillor representing Laverstock and Ford Parish Council, advised the Committee that the Classic Aroma Chinese Takeaway, for which the Southern Area Committee had refused permission to extend its opening hours, had won an appeal against this decision, and as such, the hours of opening have now been increased to 11pm Monday to Saturday and until 10pm on Sundays.

123. DECLARATIONS OF INTEREST:

Whilst there were no declarations of interest, Councillor Leo did state, during consideration of agenda item 8, that whilst he did declare an personal and prejudicial interest in the initial application which dealt with the whole Downton Flood Relief Scheme, he would not be declaring such an interest for this particular item as the specific site in question did not directly affect him.

124. MINUTES OF THE LAST MEETING:

RESOLVED – that the minutes of the previous meeting, held on 18 November 2003 (previously circulated), be approved as a correct record and signed by the acting-Chairman.

125. CHAIRMAN'S ANNOUNCEMENTS:

Councillor Rycroft, as Acting Chairman, requested that a Vice-Chairman be appointed for this meeting.

RESOLVED - that Councillor L Randall be appointed to the position of Vice Chairman for the duration of this meeting.

126. UPDATE ON COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA):

Members heard a verbal update from Councillor J Collier (Deputy Leader of the Council) and Richard Sheard (the Chief Executive of the Council).

The main points made during the presentation by Councillor Collier were as follows:

- The time is now approaching for our CPA inspection
- A CPA inspection could be likened to an OFSTED inspection for councils.
- Councillor Collier and Richard Sheard are trying to speak to every Councillor before the inspection commences, and are using the Area Committees for this purpose.
- The CPA awareness amongst the staff appears to be very high, however, it is up to Councillors to constantly challenge staff, to ensure that awareness and knowledge is maintained.
- The main dates that Members should already be aware of are:
 - 19/12/03 – rehearsal of CPA tour
 - 05/01/04 – final rehearsal at City Hall in front of Members of the presentation to be made to the CPA inspectors.
 - 08/01/04 – CPA inspection team will make a tour of the district
 - 19/01/04 – CPA team arrive to commence the week long inspection
- During the week of the inspection, the CPA inspectors will be sitting in on at least 2 formal council meetings, one of which will be the Cabinet (on 21st January) but the other will be the Southern Area Committee (on 22nd January).

The main points made during the presentation by Richard Sheard were as follows:

- It is fair to say that the inspection has already started. An inspector was present at the Full Council meeting held on 8th December and also at a meeting of a recent scrutiny panel.
- Salisbury District Council has already had an interim report on the results of an inspection of Revenues and Benefits.

- The inspectors will focus on 10 key areas, but are particularly interested in our performance and outcomes (not just internal processes), benefits provided by the council, and what investment is made by the council in terms of time and resources.
- The inspectors will also be looking at both Members and officers to see how each learns from experiences and also how each finds out how to do things better.
- They will also look at the council's future plans and how it wants to move forward.

Richard Sheard went on to explain how the inspection will effect Members:

- There will be inspectors attending Cabinet, Southern Area Committee and also a Community and Housing Overview and Scrutiny Panel meeting, all of which take place during the week of the inspection.
- There will be a session held on one of the days of the inspection where it has been requested that there be attendance by each Group Leader and 9 other Members.
- The inspectors will be interviewing the Leader, Deputy leader and all Portfolio Holders.
- The inspectors may take the opportunity to speak to Parish Councillors at the training meeting (for planning matters) to be held on 20th January in City Hall.

127. ERECTION OF UNAUTHORISED BUILDING ON LAND BETWEEN THE RIVER AVON AND 2-4 GREEN LANE DOWNTON:

Mr D Colgrove, resident of 3 Green Lane, spoke to support the officers recommendation. Mrs B Carter, of Downton Parish Council, advised the Committee that the Parish Council supported the recommendations of the officer.

Following these statements the Committee considered the previously circulated report of the Principal Planning Officer (Enforcement) together with a schedule of late correspondence circulated at the meeting.

RESOLVED –

- (1) that a planning application be invited to retain the building, as modified to reduce its height and incorporate a flat roof treatment as set out under option 3 in the officers report;
- (2) If a planning application is not received within fourteen days following the date of the meeting that a further report be brought to Committee concerning the expediency of enforcement proceedings.

128. S/2003/1965 – O/L APPLICATION – PERMANENT DWELLING TO REPLACE EXISTING MOBILE HOME AT NEW FARM PITTON SALISBURY FOR L STANLEY

Mrs L Stanley, the applicant, spoke in support of the above application.

Following this statements the Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED – that the above application be refused for the following reason:-

The proposed development represents a new dwelling in the countryside, which is not justified in connection with a proven need, for the purposes of agriculture. The applicant's current circumstances and the type of enterprise contemplated in future

have been taken into account but are not considered to justify an exception in this case, which would lead to works of a permanent nature not required by the scale of farming operations taking place. The proposal is therefore contrary to policies H27, H22, C2 and C6 of the adopted Replacement Salisbury District Local Plan and policy DP15 of the Wiltshire Structure Plan.

129. S/2003/2175 - FULL APPLICATION – EXTENSION AND EXCAVATION TO REDUCE LEVELS AT BRAMBLE COTTAGE WEST WINTERSLOW SALISBURY FOR MR BAILEY

Mrs T Bailey, the applicant, spoke in support of the above application.

Following this statement and further to a site visit earlier that afternoon the Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED – that the above application be approved, for the following reasons:

1. the finished building will not be detrimental to the surrounding area.
2. the extension will improve the character of the existing bungalow.
3. The extension will not be an intrusion onto the street scene.

The approval will be 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 require 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). No work shall start on site until full details of the retaining walls, including elevations and sections, have been 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 safety and visual amenity.

130. S/2003/1692 – TO VARY CONDITION – REMOVAL OF CONDITION 5 (OCCUPANCY RESTRICTION) FROM PLANNING PERMISSION S/2001/363 AT THE SHOP PARTRIDGE WAY OLD SARUM, SALISBURY FOR CITYBRISK DEVELOPMENTS LIMITED:

K Gross, of Laverstock and Ford Parish Council, advised the Committee that the Parish Council originally objected to the above application. However, following consultation with local residents the Parish Council had been minded to change its recommendation and to support the above application. However, due to some more recent objections being voiced locally, the Parish Council now request that consideration of this application be deferred for 1 month to allow further consultation to take place.

Following this statement the Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED – Provided that Head of Development Services is content that a separate access to the flat will remain 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 following drawing[s] 01/01/201 deposited with the Local Planning Authority on 26.02.01, as amended by the drawing[s] 01/01/200B, 01/01/202A received on 11.05.01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- (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 proposed bathroom window in the north-west elevation shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall be maintained in this condition thereafter.

Reason: To prevent the undue overlooking of adjoining dwellings.

- (5) The ground floor retail shop shall not be operated except between the hours of 7am to 6pm on Mondays to Sundays and Public Holidays

Reason: In the interests of amenity

- (6) There shall be no deliveries to the retail shop between the hours of 2000hrs and 0630hrs

Reason: In the interests of amenity

131. S/2003/1694 - FULL APPLICATION - REPLACEMENT OF EXISTING DWELLING WITH NEW DWELLING AND ONE NEW DWELLING IN THE GARDEN AND CONSTRUCTION OF NEW AND ALTERATION TO EXISTING ACCESS AT FIELDFARE QUAVEY ROAD REDLYNCH, SALISBURY FOR MR & MRS P CROUCH:

Mr. Copp, a neighbour, spoke in objection to the above application.

J Bundy, of Redlynch Parish Council, advised the committee that the Parish Council supported the above application.

Following 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 –

- (1) Provided that the applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum under policy R2 of the Salisbury District Local Plan within one month, 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed extension will relate appropriately to that of the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the definition of development in the Town and Country Planning Act 1990, no windows shall be inserted into the side elevations of the houses hereby approved, other than with the express written approval of the Local Planning Authority.

Reason: To ensure the reasonable privacy of adjoining properties

4. 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 visual amenity

5. The finished floor levels of the proposed buildings 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 buildings

6. The precise positioning of the proposed buildings shall be pegged out on site and agreed in writing by the Local Planning Authority before development is commenced, and the buildings shall be positioned as so agreed

Reason: To ensure the exact position of the buildings within the site

7. Prior to the first occupations of the dwellings hereby approved, the driveway shall be surfaced in tarmac or similar material (not loose gravel) and shall remain in this state in perpetuity.

Reason: To ensure a suitable means of access to the site in the interests of amenity

8. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from the carriageway edge

Reason: In the interests of highway safety

9. Before the dwellings hereby permitted are first brought into use, the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety

- (2) If the applicant does not comply with (1) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2.
- (3). 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: G1, G2, D1, D2, H23, HA1, HA2, HA4

132. S/2003/2003 - FULL APPLICATION – ERECTION OF A GENERAL PURPOSE AGRICULTURAL BUILDING AT FARM HILL BLACK LANE HAMPTWORTH SALISBURY FOR ND KE GA ANDERSON:

Mr N Anderson, the applicant, spoke in support of the above application.

J Bundy, of Redlynch Parish Council, advised the committee that the Parish Council supported the above application.

Following these statements and further to a site visit earlier that afternoon the Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED –

(1). That 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. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise adequate control over any development that would affect the area of archaeological interest.

3. No development shall start on the site until details of the drainage of surface and foul water from the building are submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the water environment

4. 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.

5. No work shall start on site until details of the new lighting have been 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 amenity

- (2). The applicant be informed that this permission has been taken in accordance with the following policy/policies of the Adopted Replacement Salisbury District Local Plan: C20 and HA6
- (3). The applicant be also informed that the Southern Area Committee would prefer the building to be clad in a green colour.
- (4). The applicant be informed of the recommendations of the Environment Agency:

The disposal of collected wastes should be undertaken in accordance with the Ministry of Agriculture Food and Fisheries Code of Good Agricultural Practice for the Protection of Water. The facility should also be designed and operated to comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.

Also the applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area that is served by a public sewer, according to Circular 3/99, connection should be made to the public sewer in preference to private drainage options, unless the applicant can provide good reason why such a connection is not feasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is any increase in effluent volume into an existing system, a Discharge Consent will be required. This should be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences.

133. S/2003/2026 - FULL APPLICATION -CHANGE OF USE OF LAND AND CONVERSION OF EXISTING BARN FOR EQUESTRIAN/STUD USE AT WINDRUSH FARM DEAN ROAD WEST DEAN SALISBURY SP5 1HR FOR MRS A CHANT

The Committee considered the report of the Head of Development Services (previously circulated):

RESOLVED - that the above application be deferred to seek clarification from a consultant as to whether the stud use would require a new dwelling on the site.

134. S/2003/2045 - CHANGE OF USE -APPLICATION FOR CHANGE OF USE OF LAND FOR MAINTENANCE AND REPAIR OF AGRICULTURAL EQUIPMENT – RETROSPECTIVE AT ST. ANDREWS TYTHERLEY ROAD WINTERSLOW SALISBURY SP5 1PZ FOR MR & MRS P COLE

Jenny Sanders and Frank Barr, neighbours, spoke in objection to the above application. William Handel, agent for the applicant, spoke in support of the above application.

RESOLVED - that the above application be deferred to clarify the history of the site and whether the site has use rights for a commercial use.

135. S/2003/2060 - FULL APPLICATION -14 DWELLINGS COMPRISING TWO 2 BED HOUSES SEVEN 3 BED HOUSES FIVE 4 BED HOUSES AT LAND OFF WOODLEA GRANGE ALDERBURY SALISBURY SP5 3PA FOR WILSON CONNOLLY SOUTHERN

Graham Beck, agent for the applicant, spoke in support of the above application.

RESOLVED -

- (1). that the above application be refused for the following reasons:
 1. The proposal would be an over-development of the site that would be out of keeping with the general scale, density, character and design of existing properties in the locality. It would result in a development of comparatively cramped appearance and would detract from the visual amenity of the area. Furthermore, the proposal by reason of the layout and siting of the units would result in an un-neighbourly form of development that would adversely affect adjacent properties. As such, the proposal would be contrary to policies H16, D1 and G2 of the Replacement Salisbury District Local Plan.
 2. The proposed development does not meet the requirements of policy R2 of the Adopted Salisbury District Local Plan or policy R2 of the Replacement Salisbury District Local Plan in respect of the provision of public recreational open space.
- (2). The applicant be informed that in relation to refusal reason 2. above, the submission of a satisfactory scheme for the provision of recreational open space in accordance with policy R2 of the Replacement Salisbury District Local Plan could overcome this reason for refusal.

136. S/2003/2159 - FULL APPLICATION -PROPOSED DWELLING AT 38 MAESMOR (REAR OF) FIRS ROAD FIRSDOWN SALISBURY SP5 1SJ FOR MR B DOCKING

Barry Richards, resident of 42 Firs Road, spoke in objection to the above application.

Graham Savage, a consulting architect representing the applicant, spoke in support of the application.

P James, of Firsdown Parish Council, advised the committee that the Parish Council objected to the above application.

Following 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 –

- (1). Provided that the applicant and any other relevant parties undertake, under Section 106 of the principal act to pay a commuted sum under policy R2 of the Salisbury District Local Plan within one month, 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 drawing[s] ref: 02/077/1B deposited with the Local Planning Authority on 27 November 2003, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to the commencement of development the garage adjacent to no38. Maesmor shall be demolished and the vehicular access to the site from Firs Road has been constructed in accordance with the details shown on the applicant's drawing number 02/0777/1B, received on 27 November 2003, or with such other details as may be approved by the Local Planning Authority.

Reason: In the interests of highway safety.

4. The dwelling shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied (in accordance with a timetable agreed in writing with the Local Planning Authority). Development shall be carried out in accordance with the approved details.

Reason: To provide screening for the development and protect the privacy of the neighbouring dwellings.

6. 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.

7. 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: To secure a harmonious form of development.

8. 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), no windows/dormer windows/rooflights [other than those expressly authorised by this permission] shall be constructed.

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

9. 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 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.

- (2). If the applicant does not comply with (1) above the application is delegated to the Head of Development Services to refuse the proposal on non-compliance with Policy R2.
- (3). 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, D3, H16, R2

137. EXTENSION OF MEETING

In compliance with Council Policy, as the Committee could not conclude its business within 3 hours of the commencement of the meeting, it resolved to extend the meeting until business was completed.

Meeting closed at 8.05 pm