

Minutes

Thursday, 2nd December 2004
at Wilton Middle School
Commencing at 4.30pm

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 Mrs C A Spencer – Chairman
Councillor Mrs J A Green – Vice Chairman

Councillors A J A Brown-Hovelt, J A Cole-Morgan, T F Couper,
E R Draper, P D Edge and J B Hooper, G E Jeans and Mrs S A Willan

Councillor C G Mills was also in attendance for the matter detailed under Minute 355

Parish Representatives

Mrs J Barnes (Donhead St Mary), R Coward (Mere), Mrs G Henderson (Tisbury),
G Medley (Tisbury) and J Pendrill (Donhead St Mary),

MINUTES NOT REQUIRING COUNCIL APPROVAL

350. PUBLIC QUESTION/STATEMENT TIME

There were none.

351. COUNCILLOR QUESTION/STATEMENT TIME

Councillor Draper thanked the members of the Committee for all their kind thoughts and wishes during his recent illness.

352. MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the previous meeting, held on 4th November 2004 (previously circulated), be approved as a correct record and signed by the Chairman.

353. DECLARATIONS OF INTEREST

Councillor Mrs Willan declared a personal and prejudicial interest in planning application S/2004/2427 as she was the applicant and withdrew during consideration thereof.
Councillor Mrs Spencer declared a personal interest in planning applications S/2004/2029 and S/2004/2030 as her mother lived in close proximity to the development but was not directly affected by it.

354. CHAIRMAN'S ANNOUNCEMENTS

Proposed revised train service to Tisbury

The Chairman informed Members that regarding train services to Tisbury, the Western Area Committee members had lobbied well and as a result train services to Tisbury were to be reinstated. There would only be 10 minutes difference in timing.

Councillor Hooper commented that he was very pleased with the efforts of the Committee

and of the local MP. He also expressed his hope that the Tisbury Rail Users Group could be resurrected and the work it did could be brought to the attention of parish councils. This would be an informal ad hoc committee to remind rail authorities of the need for a decent rail service. He informed the Committee that he would send a letter out after Christmas.

Area of Natural Beauty Update

The Chairman asked Members of the Committee to alert Parish Councils to the existence of the £5000 project budget to fund a small number of projects up to £1000 in Areas of Outstanding Natural Beauty, for example biodiversity projects, improvements to community facilities, local trails or walking books.

355. VILLAGE HALL GRANTS SCHEME APPLICATIONS 2005/2006

Councillor Colin Mills, Chairman of the Village Halls Committee, introduced this item to the Committee.

Following this introduction, the Committee considered the previously circulated report of the Environment Community Development Officer.

RESOLVED –

- (1) That the applications from Maiden Bradley and Hindon Village Halls be approved in principle.
- (2) That a sum of £6,562, to be allocated from the remaining SWAG and discretionary budgets for 2004/05, be approved to ensure that the projects can be put forward to the Village Halls Grants Panel for potential approval at the Panel's meeting in March 2005.

356. PLANNING ENFORCEMENT: COMPLIANCE WITH PLANNING CONDITIONS /SECTION 106 OBLIGATIONS; PROSECUTING BREACHES OF PLANNING CONTROL

The Committee considered the previously circulated report of the Principal Planning Officer (Enforcement). During a discussion the following points were made:

- The more conditions that are placed on an application the greater the chance the developer will not comply with them all and the more work is involved in enforcing them.

The Principal Planning Officer (Enforcement Officer) replied that there should be less reliance on conditions and more details should be provided in advance by the developer/applicant. This is particularly important since the Planning Inspectorate is taking longer to decide appeals thereby giving the developer a longer period in which they did not have to comply with conditions.

- Members felt that the fines levied for breaches of planning conditions should be more substantial. It was noted that representations had already been made to the Government in an attempt to make the fines more commensurate with the offence and a review was currently being considered.
- Members felt that more information should be supplied to parish councils.

RESOLVED –

- (1) That the report be noted.

- (2) That letters be sent to Andrew Murrison MP and Robert Key MP on behalf of the Western Area Committee stating that fines should be set at higher levels, commensurate with breaches to planning conditions.

357. LAND AT NUNSWELL HOUSE, HIGHER COOMBE, DONHEAD ST MARY

Mrs Barnes, on behalf of Donhead St Mary Parish Council, informed the Committee that the Parish Council fully endorsed the actions proposed in the report.

Following the receipt of this statement, the Committee considered the previously circulated report of the Principal Planning Officer (Enforcement) together with the schedule of late correspondence circulated at the meeting.

RESOLVED – That the Head of Legal & Property Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate person(s).

Alleging the following breach of planning control: -

1. The material change of use of land and buildings from use for the keeping of horses to domestic use ancillary to a nearby dwelling.
2. Operational development comprising material alterations to the external appearance of the building, in conjunction with the use alleged at 1 above.

Requiring the following steps to be taken: -

1. Cease the use of the building for domestic purposes.
2. Remove the kitchen/ sink/ breakfast bar, timber flooring, carpets, domestic furniture, mattresses, electric lighting and light fittings, appliances and all other domestic paraphernalia from the land.
3. Remove all the windows and window frames shown in blue on plan A attached to this Notice and replace them with solid timber stable doors to match the adjoining timber in terms of colour.
4. Remove the window and window frame shown in green on plan A attached to the Notice and infill the opening with horizontal boarded solid timber to match that of the adjoining timber wall in terms of colour.
5. Permanently remove all resulting materials arising from steps 2, 3 and 4 above from the site.

Reasons for serving the Notice: -

1. It appears to the Council that the development has occurred within the last ten years; and
2. The alterations to windows and doors, undertaken to convert this stable building to domestic use have resulted in a domestic appearance that is detrimental to the visual amenities and character of the open countryside which is designated as part of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The continued use of the building as living accommodation and the alterations to the appearance of the building are therefore contrary to policies C1, C2, C4, C5 and C22 of the Replacement Salisbury District Local Plan.

Time For Compliance: -

1. Three months.

2. Four months.
3. Four months.
4. Four months.
5. Four months.

358. S/2004/2013 – FULL APPLICATION - SHOP REFURBISHMENT AND CONVERSION OF EXISTING BUILDING TO FORM SEVEN DWELLINGS: THE WALTON BUILDING & THE LEAPING FROG THE SQUARE MERE WARMINSTER – FOR CORNHILL ESTATES LTD & NEARBY STORES LTD

This application was not considered by the Committee as it had previously been withdrawn by the applicant.

359. S/2004/2014 - LISTED BLDG (WKS) -SHOP REFURBISHMENT AND CONVERSION OF EXISTING BUILDING TO FORM SEVEN DWELLINGS: THE WALTON BUILDING & THE LEAPING FROG THE SQUARE MERE WARMINSTER – FOR CORNHILL ESTATES LTD & NEARBY STORES LTD

This application was not considered by the Committee as it had previously been withdrawn by the applicant.

360. S/2004/1901 – FULL APPLICATION – ERECTION OF THREE TWO BEDROOM DWELLINGS AND CREATION OF FOUR ONE BED FLATS AND ASSOCIATED PARKING: OLD SHIP HOTEL CASTLE STREET MERE WARMINSTER - FOR HAVENBRAE LTD

Mr Harding, agent for the applicant, spoke in support of the above proposal.

Mr Coward on behalf of Mere Parish Council, informed the Committee that the Parish Council objected to the above application for the reasons as outlined in the previously circulated report.

Following receipt of these statements 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 provided all persons concerned enter into a section 106 agreement under the provisions of the Town and Country Planning Act 1990 (as amended) for the payment of a commuted sum under the requirements of policy R2

Then the above application be approved for the following reasons:-

The proposal is considered appropriate to the setting of the listed building and the adjacent conservation area and subject to conditions will have an acceptable impact upon residential amenity and the highway network.

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 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.

3. Before development is commenced, a schedule of external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site 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. Before development is commenced, large scale details (not less than 1:10 scale) of the Chimney stacks, (to confirm height, corbel detailing and materials), eaves, gables and window sections to the front elevations of the dwellings hereby approved, shall be submitted to, and approved in writing by the Local Planning authority, and the development shall thereafter accord with the approved scheme.

Reason: To secure a harmonious form of development.

5. No development shall take place until details of the treatment of all the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the buildings.

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

6. No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

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

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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: In the interests of the amenity and the environment of the development.

9. No construction work shall take place on Sundays or public holidays or outside the hours of 7.30am to 8.00pm, weekdays and 8.00am to 1.00 pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

10. Notwithstanding the provisions of Classes A-E inclusive 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 alterations nor extensions to the dwellings 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.

11. 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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: In order that visibility across the site may be protected in the interests of highway safety.

12. 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 [other than those expressly authorised by this permission] shall be constructed.

Reason: To enable the Local Planning Authority to retain control over the appearance of the dwellings in the interests of visual amenity and the amenity of adjoining properties.

13. No development shall take place within the area of the application 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 which would affect the area of archaeological interest.

14. Prior to the commencement of development at the site details of measures to protect dwellings from noise from the hotel & car park shall be submitted and approved in writing by the local authority.

Reason: In the interests of the amenity of future occupiers of the properties

15. The Car ports hereby approved and the new parking layout to the existing hotel building shall both be completed and marked out to the satisfaction of the local planning authority prior to first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.

16. The vehicle turning areas and pedestrian access ways as shown on drawing no 7901-1 revision b shall remain unobstructed at all times.

Reason: In the interests of pedestrian and highway safety.

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

G1 & G2, General Policies
D1, Extensive development
D2, Infill development
E16, General employment
CN3, CN4 & CN5 Listed buildings,
CN8, CN9, Conservation areas
TR11, Off street Parking
TR13, Footpaths
TR14, Bicycle Parking
R2, Recreational payment.

361. S/2004/1902 – LISTED BLDG (WKS) - ERECTION OF THREE TWO BEDROOM DWELLINGS WITHIN THE CURTILAGE AND CREATION OF FOUR ONE BED FLATS WITHIN EXISTING ANNEXE INCLUDING DEMOLITION OF EXTENSIONS THERETO AND ASSOCIATED PARKING: OLD SHIP HOTEL CASTLE STREET MERE WARMINSTER – FOR HAVENBRAE LIMITED

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 the Government Office for the South West be informed that Salisbury District Council is minded to approve the above application for the following reason:-

The proposal is considered appropriate to the setting of the listed building and the adjacent conservation area and subject to conditions will have an acceptable impact upon residential amenity and the highway network.

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. Any new or disturbed external surfaces shall be finished to match those of the existing building

Reason: To maintain the present character of the building.

- (2) That the GOSW be informed that the above recommendation for approval has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

G1 & G2, General Policies
D1, Extensive development
D2, Infill development
E16, General employment
CN3, CN4 & CN5 Listed buildings
CN8, CN9, Conservation areas
TR11, Off street Parking
TR13, Footpaths
TR14, Bicycle Parking,
R2, Recreational payment.

362. S/2004/2029 – FULL APPLICATION -ERECTION OF 11 DWELLINGS, CONVERSION OF EXISTING STORES TO DWELLING: CASTLE HILL GARAGE, CASTLE STREET, MERE WARMINSTER – FOR MR D GRAYSON

Mr Walker, a nearby resident, spoke in objection to the above application, on behalf of himself and another nearby resident.

Mr Coward, on behalf of Mere Parish Council, informed the Committee that the Parish Council objected to the above application since it represented an overdevelopment of the site.

Following receipt of these statements 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 it being confirmed that this is a valid application, the above application be delegated to the Head of Development Services to refuse for the following reason:-

1. The southern building by reason of its height is detrimental to neighbouring properties by means of overdominance and overlooking.

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

GI & G2, General Policies
D1, Extensive development
D2, Infill development
E16, General employment
CN3, CN4 & CN5 Listed buildings
CN8, CN9, Conservation areas
TR11, Off street Parking
TR13, Footpaths
TR14, Bicycle Parking
R2, Recreational payment

363. S/2004/2030 – LISTED BLDG (WKS) - CONVERSION OF OFFICE AND STORE ROOMS TO A SINGLE DWELLING HOUSE AFTER DEMOLITION OF RECENT (c1970) GARAGE ADDITION : CASTLE HILL GARAGE CASTLE STREET MERE WARMINSTER – FOR MR D GRAYSON

Further to the site visit held that day, the Committee considered the report of the Head of Development Services (previously circulated).

RESOLVED -

- (1) That subject to it being confirmed that this is a valid application, the above application be delegated to the Head of Development Services to approve for the following reason:-

The proposed conversion of this building to residential use will not have an adverse effect on the residential amenity of neighbouring occupiers and will facilitate the preservation of this listed building in compliance with policies CN3 and CN4 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 external facing materials shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site 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. Notwithstanding the details shown on the plans hereby approved, the existing windows shall be retained and not replaced without the further written consent of the local planning authority.

Reason: In the interests of visual amenity

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

Policy E16, Employment uses
CN3, CN4 Listed buildings

- (3) That the applicant be informed of the following:-

INFORMATIVE: - PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

- (4) That the applicant be informed that the permission hereby granted does not give consent for the change of use of this listed building only for the works specified on the approved plans. In order to obtain change of use for this building a planning application will need to be submitted which encompasses the whole site.

364. S/2004/2143 – FULL APPLICATION: ERECTION OF 12 DWELLING HOUSES AND FORMATION OF ASSOCIATED ACCESS ROAD AND PARKING BAYS : ALLOTMENT GARDENS CHURCH STREET, TISBURY SALISBURY – FOR ABS DEVELOPMENTS

Mr Eacott, a resident of Church Street, spoke on behalf of himself and a number of other residents, in objection to the above proposal.

Mr Davison, the architect for the applicant, spoke in support of the above proposal.

Mrs Henderson, on behalf of Tisbury Parish Council, informed the Committee that the Parish Council did not support 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 the above application be deferred for a site visit.
- (2) That a special Western Area Committee meeting be held on Tuesday 4th January 2005 to determine the above application (Meeting to be held in Committee Room 1, the Council House, Bourne Hill, commencing at 4.30pm).

365. S/2004/2163 – FULL APPLICATION : ERECTION OF 2, TWO STOREY DWELLINGS : LONG CLOSE HIGH LANE BROAD CHALKE SALISBURY – FOR L DIMMER ESQ

Mr Fry, the agent for the applicant spoke in support of the above proposal.

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).

RESOLVED -

- (1) That the above application be approved for the following reason:-

The proposed dwellings would not harm the character and appearance of the area, nor the living conditions of adjoining properties. They would not result in additional floodrisk and would utilise an acceptable means of foul drainage. The proposals would not harm protected species and would make an adequate contribution to recreational open space. They would therefore comply with replacement Salisbury District Local Plan policies HI6, D2, C4, R2, C12, G2 and G4.

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 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.
3. No development shall take place until plans, to scale, of the eastern elevation of the westernmost dwelling, and the western elevation of the easternmost dwelling, have been submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the plans thereby approved.

Reason: To ensure the adequate appearance of the dwellings.
4. Upon the first occupation of one of the dwellings hereby approved, the first floor window serving bathroom 1 of the westernmost dwelling, and the first floor window serving the en-suite bathroom of the easternmost dwelling, shall be fixed shut and glazed with obscure glass, and shall remain in that state in perpetuity. No other windows shall be inserted into the side elevations of either dwelling.

Reason: In the interests of the reasonable living conditions of adjoining properties.
5. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, 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.
6. Notwithstanding the provisions of Classes A to 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 or alterations to the dwellings 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: In the interests of neighbouring properties' amenities.
7. Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed for a distance of 5 metres from the nearside edge of the carriageway, details of which shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

H16 Housing Policy Boundary
D2 Infill development
C4 Development in Areas of Outstanding Natural Beauty
R2 Recreational open space
C12 Protected species
G4 Development and flooding
G2 General Development criteria

- (3) That the applicant be advised that the foul drainage scheme to be submitted under condition 5 shall be a treatment plant.

366. S/2004/2427 – TREES IN CONSERVATION AREA: CROWN REDUCE 1 BEECH TREE BY APPROX 20%, CROWN LIFT YEW TREES ALONG WESTERN BOUNDARY: BRIDGES, TEFFONT EVIAS SALISBURY – FOR SARA WILLAN

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

RESOLVED - That no objections be raised to the proposed works.

367. PROPOSAL FOR RAISING THE DELEGATED SPENDING LIMIT FOR SECTION 106 CONTRIBUTION AIDED PROJECTS

The Committee considered the previously circulated report of the Development Contributions Officer.

RESOLVED – That the report be noted.

RECOMMENDED TO CABINET –

- (1) The local member/s will be consulted where a project costs between £10,000 & £30,000. If an objection is raised, the project will be referred to the Area Committee for determination.
- (2) That the delegated spending limit for the release of S106 contributions be increased to £30,000.

The meeting concluded at 8.40pm

Members of the Public: 22