

## SOUTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JULY 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

#### **Present:**

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr George Jeans, Cllr Ian McLennan, Cllr John Noeken, Cllr Ian Tomes, Cllr Bridget Wayman (Substitute), Cllr Fred Westmoreland (Chairman) and Cllr Ian West

#### **Also Present:**

Cllr Mike Hewitt

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#### 59 **Apologies for Absence**

Apologies were received from Councillors Clewer and Green.

Councillor Wayman replaced Councillor Green for this meeting only.

#### 60 **Minutes**

The minutes of the meeting held on 4 July 2013 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 4 July 2013 as a correct record.**

#### 61 **Declarations of Interest**

The following declarations were made:

1. Councillor Devine declared that in relation to agenda item 7 – Land at The Grange, Gaters Lane, Winterbourne Dauntsey, he had been contacted by interested parties, he had not expressed an opinion on the report. Councillor Devine declared that he would consider the enforcement report on its merits and debate and vote with an open mind.

2. Councillor Westmoreland declared that in relation to agenda item 7 – Land at The Grange, Gaters Lane, Winterbourne Dauntsey, he had met the owners of The Grange during a site visit with a fellow Councillor and he was familiar with the background of the case but had not expressed an opinion on the report. Councillor Westmoreland declared that he would consider the enforcement report on its merits and debate and vote with an open mind.
3. Councillor Britton declared that in relation to agenda item 8 – Village Design Statement for Idmiston, Gomeldon and Porton that he was a resident of Porton and had made a contribution to the Village Design Statement. Councillor Britton declared that he would consider the report on its merits and debate and vote with an open mind.
4. Councillor Wayman declared that in relation to agenda item 9a and 9b – 1 Beckford Cottage, High Street, Hindon, Salisbury, she had discussed the application with the applicant. Councillor Wayman declared that she would consider the application on its merits and debate and vote with an open mind.

## **62 Chairman's Announcements**

1. The Chairman explained the meeting procedure to the members of the public.
2. The Chairman also explained that agenda item 9c – Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ had been withdrawn by the applicant prior to the meeting, and therefore would not be considered by the Committee at this meeting.
3. Site visits were requested should the following applications come to committee:
  - a. An application in Gasper
4. The Chairman thanked the Area Development Manager Southern, Andrew Guest, for the list of Planning Policies and Core Policies and asked for those Policies along with the list of standard conditions and material conditions to be circulated to all members of the Committee.

## **63 Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

## **64 Planning Appeals**

The committee received details of the following appeal decisions as detailed in the agenda.

**Resolved:**

That the appeal decisions be noted.

**65 Land at The Grange, Gaters Lane, Winterbourne Dauntsey**

Public Participation:

- Hannah Rebdi, owners daughter, spoke in support of her parents, Mr and Mrs Rebdi who were owners of The Grange
- Mr Rebdi, owner of The Grange, spoke in support of the events that took place on his property
- Roger Morgan, local resident, spoke on behalf of Dave Southwood in support of Mr and Mrs Rebdi
- Michael Tristram, local resident, spoke in objection to the events taking place at The Grange
- Graham Shepherd, local resident, spoke in objection to the events taking place at The Grange
- Maureen Atkinson, spoke on behalf of the Parish Council in support of Mr and Mrs Rebdi

The Committee received a report of the Team Leader (Enforcement) about the unauthorised use of a former barn and adjacent field for events including wedding ceremonies and receptions on land at the Grange, Gaters Lane, Winterbourne Dauntsey.

The Team Leader (Enforcement) explained that the report had been deferred at the last meeting of the Committee so that members had an opportunity to visit the site prior to this meeting. He reported that it was not the intention of the Council to restrict activities at the site which could be deemed incidental to the enjoyment of the dwelling as detailed in paragraph 18 of the report. This allowed for the occasional family or charity function at the site.

It was noted that planning permission was required for the owners to continue using the barn as a wedding venue constituted a material change of use of the barn. As the owners had not sought planning permission enforcement action was necessary in order for the commercial activities to cease.

The Committee was informed that the owners had indicated that their intention was to cease the use of the barn as a wedding venue after 7 September 2013 as that was the date of the last booking. Officers proposed that enforcement action should not commence until after this date and only if further wedding ceremonies and events took place at the site in future without the owners having obtained prior planning permission in breach of planning control.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. It was noted that the Committee had visited the site earlier on the day of the meeting.

The Local member, Councillor Mike Hewitt, then spoke to the report. In particular he raised issues relating to the letters of representation received from neighbours, confirmed that the car parking area was historically a hard standing area as it was a farm yard, permission had been given to fell trees as they were diseased, noise levels, the lane was not used to park cars in and cars could leave the property by the field.

The Committee then considered the report and raised the following issues:

- applicants needed to be informed that once a licence had been issued for wedding ceremonies they also needed to apply for planning permission. It was understood that action had now been taken by the Licensing Authority in relation to this requirement.
- Entry and exit onto the Portway would cause less problems to neighbours.
- Supported the officers views that enforcement action would be necessary if after the 7 September 2013 further wedding ceremonies and commercial events took place at the site. Members also indicated that they would welcome the submission of a planning application by the owners of The Grange to formalise any future events.

**Resolved:**

**That if after 7 September 2013 the site is used for wedding ceremonies or receptions or any other commercial activity, the Area Development Manager South is instructed to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate persons, in respect of the following:**

**Without planning permission, the material change of use of the Land from a residential dwellinghouse and uses incidental thereto, and agriculture; to a mixed use of residential dwellinghouse, agriculture and use for the holding of events including wedding ceremonies and receptions.**

**The Enforcement Notice to require the following step to be taken:**

**Cease the use of the Land for the holding of events including wedding ceremonies and receptions.**

**Time for compliance with the Enforcement Notice from the date the Notice takes effect:**

**One month.**

**Reason for serving the Enforcement Notice:**

1. **The use of the Land for the holding of events including wedding ceremonies and receptions has seriously detracted from the standard of residential amenity enjoyed by nearby dwellings by reason of the levels of undue noise and disturbance caused by the activity on the Land and the vehicular comings and goings to the Land, in particular during unsocial hours, all therefore being contrary to 'saved' policy G2 (vi) of the Salisbury District Local Plan.**
2. **Gaters Lane is narrow, unlit, with few passing places and lacking footways with a poor junction lacking adequate visibility onto the C56 Portway in particular, and; is unsuitable to accommodate the substantial additional traffic generated by the continued use of the Land for the holding of events including wedding ceremonies and receptions without causing serious harm to highway safety conditions, being contrary to 'saved' policy G2 (i) of the Salisbury District Local Plan.**

## 66 **Village Design Statement for Idmiston, Gomeldon and Porton**

The Committee considered the report of the Senior Spatial Planning Officer, Economy and regeneration about the approval as material planning consideration, the Village Design Statement – VDS - for Idmiston, Porton and Gomeldon.

The officer explained that the VDS provided a comprehensive description of the villages and its environments and identified its key characteristics. The VDS provided clear guidance to developers as to what should be respected and acknowledged by new buildings in order to help preserve the local scene. It was considered that the VDS was fit for purpose and the Committee was asked to approve its use as a material planning consideration for the purposes of development management.

The Committee were informed that the Amesbury Area Board at its meeting held on 30 May 2013 also considered the VDS and recommended that it be endorsed by this Committee.

The Chairman thanked the officer for her presentation and work undertaken on the VDS. He also congratulated the three villages and all those associated with the VDS for producing such a comprehensive document.

### **Resolved:**

That the Village Design Statement for Idmiston, Porton and Gomeldon be approved as a material planning consideration for the purposes of development management.

67 **Planning Applications**

68 **13/00208/FUL - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED**

Public Participation:

- Joanna Harrison, local resident, spoke in objection to the application
- Diccon Carpendale, planning agent, spoke in support of the application
- Caroline Leatham, applicant, spoke in support of the application
- Charles Bowen, Hindon Parish Council, spoke in support of the application

The Planning Officer introduced the report which recommended refusal with reasons. He explained that the planning application was to carry out alterations and the construction of a first floor rear extension.

Members of the Committee were informed that the proposed extension, by reason of its positioning, would lead to the loss of historic fabric and the sense of the scale of the building, and its size and design, would harm the character and setting of the listed building and, in turn, the character of Hindon Conservation Area.

Members then raised a number of technical issues in relation to previous application refused for the property and materials to be used in the construction of the flat roof.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local member, Councillor Bridget Wayman, then spoke in support of the application.

The Committee then considered the application and debated a number of issues. It was felt that the listing, although it encompassed the whole building, mainly focused on the facade of the building rather than the rear of the property, where the proposed extension would be built. A number of members were aware that the applicants personal circumstances should not be a factor in determining the application even though they were sympathetic to the reasons for the application.

**Resolved:**

**That Planning Permission be GRANTED with officers delegated to agree the conditions in consultation with the Chairman, Vice-Chairman and local member. The agreed conditions are as detailed below:**

1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 visual amenity and the character and appearance of the area.

POLICIES: Saved policies H16, G2, D3, C5, CN8, CN11 and CN3 of the Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

3.The first floor window in the south western (rear) elevation serving the bathroom shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY: Saved policy G2 (General Criteria for Development) of The Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

4. The development hereby permitted shall be carried out in accordance with the following approved plan:

Proposed rear elevation, proposed cross section, proposed first floor plan, proposed roof plan, proposed ground floor plan, site location plan, existing rear elevation, existing cross section, existing first floor plan, existing second floor plan, existing ground floor plan, elevation of bathroom window, typical section of proposed new sash window jamb and typical section through proposed new sash window: Drawing reference: 2002 / 11 D Date drawn: December 2013 Date received by Wiltshire Council: 17/04/2013

REASON: For the avoidance of doubt and in the interests of proper planning.

69 **13/00210/LBC - 1 Beckford Cottage, High Street, Hindon, Salisbury, SP3 6ED**

Public Participation:

- Joanna Harrison, local resident, spoke in objection to the application
- Diccon Carpendale, planning agent, spoke in support of the application
- Caroline Leatham, applicant, spoke in support of the application

- Charles Bowen, Hindon Parish Council, spoke in support of the application

The Planning Officer introduced the report which recommended refusal with reasons. He explained that the listed building planning application was to carry out alterations and the construction of a first floor rear extension.

**Resolved:**

**That Planning Permission be GRANTED with officers delegated to agree the conditions in consultation with the Chairman, Vice-Chairman and local member. The agreed conditions are as detailed below:**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Full details and samples of external materials
- (ii) Internal door details
- (iii) Roof junction details
- (iv) Obscure glazing details

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

POLICY: Saved policy CN3 of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy).

3. The development hereby permitted shall be carried out in accordance with the following approved plan:

Proposed rear elevation, proposed cross section, proposed first floor plan, proposed roof plan, proposed ground floor plan, site location plan, existing rear elevation, existing cross section, existing first floor plan, existing second floor plan, existing ground floor plan, elevation of bathroom window, typical section of proposed new sash window jamb and typical section through proposed new sash window: Drawing reference: 2002 / 11 D Date drawn: December 2013 Date received by Wiltshire Council: 17/04/2013

REASON: For the avoidance of doubt and in the interests of proper planning.

70 **S/2012/1603 - Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ**

The Chairman explained that the applicant had withdrawn this application to enable amendments to the application prior to a re-submission.

71 **S/2013/0422 - Former National Cooperative Store, 23-29 Salisbury Street, Amesbury, Salisbury, SP4 7AW**

Public Participation:

- Matthew Shellum, planning agent, spoke in support of the application
- Andrew Williams, Stonehenge Chamber of Trade, spoke in support of the application
- Ian Mitchell, Mayor of Amesbury and on behalf of the Parish Council, spoke in support of the application

The Area Team Leader introduced the report which recommended for approval subject to a legal agreement and conditions. She explained that the planning application was for the redevelopment of the site to form a mixed use development of circa 5,000 sq ft A1 retail floorspace, and 33 later living apartments for older persons including associated landscaping, car parking and access.

Members of the Committee were informed that the proposed scheme increased the length of retail frontage to Salisbury Street fully in accordance with policy S1 and the site was also in the Housing Policy Boundary so housing was also acceptable in principle. The core planning principles of the National Planning Policy Framework include that planning should also promote mixed use development in sustainable locations.

Whilst there was an overall reduction in retail floorspace with the loss of the existing supermarket building, the retail floorspace being created was more flexible and more useable to the retail market and was considered to improve the retail function of Amesbury.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council had worked proactively to secure the development to improve the social, economic and environmental conditions of the area.

Members then raised a number of technical issues in relation to car parking for staff and customers, space for refuse collection vehicles and the affordable housing contribution.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Fred Westmoreland, then spoke to the application. In particular he explained his concerns about the retail space being too small and the design of the overall development would not alleviate antisocial behaviour in the town centre.

The Committee then considered the application and debated a number of issues. Members highlighted the overwhelming support for the application received from the Chamber of Trade who represented over 120 local businesses and the need for smaller stores in the town. There was a concern that if this application was refused the site would not be developed for many years and that this would be detrimental to the social, economic and environmental conditions of the area.

The Committee asked for an officer to attend the next meeting to speak about housing contributions.

**Resolved:**

That subject to the applicant entering into a S106 agreement to secure contributions towards affordable housing, waste and recycling facilities and the Wessex Stone Curlew Project, Planning Permission be GRANTED.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(3) No walls of the development hereby permitted shall be constructed until a sample panel of the brickwork and flintwork not less than 1 metre square, demonstrating the face bond of the brickwork, the type of flint, style of flintwork and the mortar mix and finish and pointing style have been constructed on the site and approved in writing by the Local Planning Authority. The panel shall

then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason: To ensure that the development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(4) No walls of the development hereby permitted shall be constructed until a sample panel of the render to be used on the external walls not less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample (WB12).

Reason: In the interests of visual amenity and the character and appearance of the area.

(5) No development shall commence on site until large scale details of all eaves, verges, windows, (including elevations and sections of the windows, head, sill and window reveal details), doors and rainwater goods 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 development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(6) No development shall commence on site until large scale horizontal and vertical section plans (1:10 scale) of the shopfront to demonstrate the projection of the fascia, pilaster and stallriser 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 development is appropriately detailed due to its proximity to listed buildings and location within the conservation area.

(7) No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing including a timetable for implementation by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the agreed timetable for implementation (WB17).

Reason: In the interests of visual amenity and the character and appearance of the area.

(8) No development shall commence on site until a noise pollution attenuation scheme for the flats on the Salisbury Street frontage (labelled 10, 11, 12, 14 & 27 on drawing no A01-1883-04 Rev B) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the glazing

specification to the flats, full details of the acoustic insulation and air ventilation systems. The flats shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: In the interests of residential amenity.

(9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard surfacing materials

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.

(11) No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the retained trees shown on plan number 7999/01 shall be submitted to and approved in writing by the local planning authority. All works shall subsequently be carried out in accordance with the approved details. In particular, the method statement must include:-

A specification for protective fencing to trees to be retained as shown on plan number 7999/01 during both demolition and construction phases which complies with British Standard 5837:2005 and a plan indicating the alignment of the protective fencing.

A Specification for scaffolding and ground protection within tree protection zones in accordance with BS 5837:2005.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

(12) No development shall commence on site until details of the number, design and locations of measures which will be incorporated into the development to provide nesting opportunities for birds and roosting opportunities for bats, including a timetable for implementation has been submitted to and approved in writing by the local planning authority. The development will be completed in accordance with the approved details and implementation and retained for annual use by bats and breeding birds.

Reason: To safeguard protected species and mitigate against the loss of existing biodiversity and nature habitats

(13) No development shall commence on site until details have been submitted to and approved in writing by the local planning authority of cycle parking spaces for the retail development and the spaces shall be implemented in accordance with the approved details prior to the retail development first being brought into use.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable development.

(14) No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of road safety and reducing vehicular traffic to the development.

(15) The car parking spaces and access roads thereto shown on the approved drawings shall be completed prior to the occupation of the development land uses for which they are intended.

Reason: In the interests of highway safety and the amenity of future occupants/users of the development.

(16) The residential development hereby permitted shall not be first occupied, until the cycle parking facilities for the residential development shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in the interests of sustainable transport.

(17) Prior to the occupation of the any residential dwelling a car parking allocation and management plan shall be submitted to and approved in writing by the local planning authority. The sixteen car parking spaces provided for the residential development shall thereafter be allocated and managed strictly in accordance with the approved plan.

Reason: In the interests of highway safety and to help ensure that demand for spaces is restricted to match the provision.

(18) No development shall commence on site until details showing ventilation and extraction equipment within the site for the retail element of the scheme hereby approved (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the retail development hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details. (WF14)

Reason: In the interests of amenities of the area

(19) No development shall take place until a legal agreement with the highways authority in relation to the proposed changes to the layby on Salisbury Street has been entered into to secure:

1. Alteration and amendments to the dimensions of layby on Salisbury Street fronting the site.
2. Traffic regulation order required to be modified or introduced to regulate use of the layby site traffic and other potential defined users.
3. The submission of a service delivery management plan to be effected by the retail development.
4. Details for the protection/alteration of existing public path at the east side of the site.

Reason: In the interest of highway safety

(20) The second floor flat roof area of the development hereby permitted above the residents lounge (shown on drawing number A01-1883094 Rev B) shall not be used as a balcony, roof garden or similar amenity area (WE14).

Reason: In the interests of residential amenity and privacy.

(21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the ground floor retail element of the scheme (outlined on plan number A01-1883-03 Rev C) site shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any

provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). (WFA)

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

(22) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number A01-1883-20 Rev A, South West Elevation North West Elevation, dated May 2013, received by this office 26/06/2013

Plan number A01-1883-03 Rev C Ground Floor Plan, dated Feb 2013, received by this office 26/06/2013

Plan number A01-1883-05 Rev A Proposed Elevations, dated Feb 2013, received by this office 27/06/2013

Plan number A01-1883-02 Rev A Proposed Site Layout, dated Feb 2013, received by this office 21/06/2013

Plan number A01-1883-01 Rev A Site Location Plan, dated Feb 2013, received by this office 20/06/2013

Plan number A01-1883-04 Rev B Upper Floor Plans, dated Oct 2012, received by this office 29/05/2013

Plan number LP233/01A Landscape Strategy Plan, dated Feb 2013, received by this office 15/04/2013

Plan number A01-1883-12 Section Elevations A to J, dated April 2013, received by this office 15/04/2013

Plan number 7999/01 Tree Constraints Plan, dated Sept 2012, received by this office 26/03/2013

Plan number A01-1883-06 North East Elevation and Section AA, dated March 2013, received by this office 07/03/2013

Reason: For the avoidance of doubt and in the interests of proper planning.

### **Informatives**

#### **Permission not authorising work on land outside the applicant's control & party wall act**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996 (WP18).

### **Materials**

Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.

### **Section 106 Agreement**

This permission shall be read in conjunction with the Section 106 Agreement dated (To be completed) 2013, which is applicable to this application, in terms of its restrictions, regulations or provisions.

### **Highways**

The consent hereby granted shall not be construed as authority to carry out works on the highway.

A Section 278 Agreement allows developers to enter into a legal agreement with the Highways Authority to make alterations to the public highway to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

Proposals relating to the alterations of the layby fronting the site will be considered by the highway authority on the basis of all potential users. There can be no guarantee that space will be available at a particular time for the private use of the retail development.

### **Advertisement consent required**

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

### **Wessex Water**

The existing foul sewerage network has adequate spare capacity to serve the current proposals for foul drainage.

The current plans indicate that on site drainage will not be offered for adoption to Wessex Water. Appropriate measures should be made for the maintenance and repairs of these sewers. Please refer to Wessex Water's Advice Note 16 for further guidance on the National Building standard (NBS).

When the NBS is implemented it will be mandatory for new shared drainage to be adopted by the sewerage undertaker.

If the development site is constructed prior to the implementation of the NBS and the site is not a single managed site, some of the drainage will be subject to

secondary sewer transfer to Wessex Water 6 months after the NBS is introduced.

Surface Water – Proposals indicate drainage to highway drain; the applicant should consider soakaway arrangements. If the surface water system is to be served by soakaways the surface water sewers do not, in effect, drain to a public system and will not be subject to mandatory transfer.

Water Supply – Adequate capacity exists; building above 2 storeys may require on site boosted storage.

## 72 **S/2012/1834 - Area 10, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application
- Glen Godwin, on behalf of the applicant, spoke in support of the application
- Ron Champion, Chairman of Laverstock and Ford Parish Council, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection of 69 dwellings and associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would have voted.

The Committee were informed that the area of land in question was identified in the Design Code document 2007 as land which may be suitable for development after 2011. It was also located within an emerging settlement, and hence, its development for housing would accord generally with national and local planning policies. In the absence of a signed S106 Agreement, the proposal would fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Officers also explained that the proposal was considered to be contrary to Core Policy CP3 in that without a suitable S106 Agreement, it made no provision for 40 percent affordable housing within the application scheme, and sought to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aimed to provide high quality affordable housing, and mixed healthy communities. The Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant

adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal.

Members then raised a number of technical issues in relation to existing permission for area 10 and the relocation of affordable housing from area 12 to area 10.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLennan, then spoke to the application. In particular he spoke about his concerns in relation to the application and in particular the density of the site and the proximity to the football club.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. However, the proposal suggests that no affordable housing will be provided on another separate parcel of land (Area 12), subject to a current separate planning application (S/2012/1836), and that all the affordable housing provision for that Area would be included on Area 10 subject of this application.

However, the current proposal would create an uneven balance of affordable housing provision across the wider site and in the absence of a suitable legal agreement which agrees to 40 percent affordable housing provision, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities

- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities
- Vehicular/pedestrian link with adjacent land including removal of ransom strip

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8 & R2 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

### **73 S/2012/1835 - Area 11, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application
- Glen Godwin, on behalf of the applicant, spoke in support of the application
- Ron Champion, Chairman of Laverstock and Ford Parish Council, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection

of 35 dwellings with associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would vote.

Members of the Committee were informed that the proposal would result in the development of a large area of intended public open space which is ecologically sensitive. It was noted that the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. The loss of the proposed open area and its development for housing would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

Officers explained that in the absence of a signed S106 Agreement, the proposal would fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities. Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal, if the highways officer maintains a valid planning objection. Members delegated this matter to Officers to impose a reason for refusal where considered appropriate.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLellan, then spoke to the application. In particular he was concerned at the loss of the proposed open space area and felt this would have a detrimental impact on those living in the development.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. The proposal would result in the development of a large area of intended public open space which is considered to be of local ecological value. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. Further, in the absence of a detailed ecological assessment regards the impact of the

development, it is considered that the proposal would be likely to cause significant harm to the local ecology and biodiversity of the site and area.

It is therefore considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, and potentially cause significant harm to the local ecology and biodiversity of the site and area. The proposal is therefore considered to be contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22, policy CP50 of the draft Wiltshire Core Strategy and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces and paragraphs 109 to 119 related to biodiversity and ecology matters.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable Housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local

Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

**74 S/2012/1836 - Area 12, Old Sarum, Salisbury, SP4 6BY**

Public Participation:

- John Bryant, spoke in objection to the application
- John Wilkinson, Chair of Old Sarum Residents Association, spoke in objection to the application
- David Parker, local resident, spoke in objection of the application

The Senior Planning Officer introduced the report which recommended refusal with reasons. She explained that the planning application was for the erection of 22 dwellings and associated car parking, landscaping and infrastructure. Members noted that because the application had been appealed, they were unable to determine the application but were able to indicate how they would vote.

Members of the Committee were informed that the proposal would result in the development of a large area of intended public open space. The proposed open space area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It was considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Members noted that the proposal was considered to be contrary to Core Policy CP3 in that it made no provision for affordable housing within the application scheme, and sought to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aimed to provide high quality affordable housing, and mixed healthy communities. Also, the Local Planning Authority considered that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation. It was noted that there was an outstanding highways objection, which would have to be imposed as a highways reason for refusal.

Members then raised a number of technical issues in relation to the materials used for the roof and the walls of the extension.

Members of the public then had the opportunity to address the Committee with their views, as detailed above. The Committee attended a site visit of the application site prior to the meeting.

The local member, Councillor Ian McLennan, then spoke to the application. In particular he was concerned at the loss of the proposed open space area and felt this would have a detrimental impact on those living in the development.

**Resolved:**

**That the Committee indicated that they would have been minded to REFUSE planning permission, for the following reasons:**

1. The proposal would result in the development of a large area of intended public open space. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22 and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces.

2. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. The proposal suggests that the 40% affordable housing (9 units) will be provided on another separate parcel of land (Area 10), which is subject to a current separate planning application (S/2012/1834). The proposal when considered in isolation would not therefore provide any affordable housing provision.

However, the proposal would create an uneven balance of affordable housing provision across the site, and furthermore, in the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

3. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regards planning obligations.

4. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123.

(Duration of meeting: 6.00 - 10.30 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,  
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