

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 NOVEMBER 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Terry Chivers (Substitute), Cllr Richard Clewer, Cllr Brian Dalton, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Leo Randall (Substitute), Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Dr Helena McKeown and Cllr Bridget Wayman

116 Membership Changes

It was noted that following Council on 12 November 2013, Councillor John Noeken was removed as a member of the Committee, to be replaced by Councillor Mike Hewitt.

117 Apologies for Absence

Apologies were received from Councillor Richard Britton, who was substituted by Councillor Leo Randall and Councillor George Jeans who was substituted by Councillor Terry Chivers.

118 Minutes

The minutes of the meeting held on 17 October 2013 were presented for consideration. It was,

Resolved:

To approve as a correct record and sign the minutes.

119 Declarations of Interest

There were no declarations.

120 Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

121 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

122 Planning Appeals

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

Following discussion, it was determined that on behalf of the Committee, the Chairman would recommend to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste that the Council put forward the decision regarding application S/2012/0815 for Judicial Review.

123 Planning Applications

Attention was drawn to the late list of observations and representations, and which would be made available on the council's website with the agenda pack.

124 13/04590/FUL: The Old George Brewery, 3 Rolleston Street, Salisbury, Wiltshire

Public Participation

Mr Richard Harris spoke in objection to the application.

Mr Scot Masker (agent) spoke in support of the application.

It was agreed that the reports for applications 13/04590/FUL and 13/04597/LBC would be presented together as they concerned the same site and development.

The Planning Officer introduced a report which recommended that permission be granted. The officer stated that the application had been previously rejected due fear of odours from the extraction system. The new application included an upgraded extraction system and the relocation of the roof flue. The officer confirm that the application was applying for A3 permission only rather than A5; therefore would not include a takeaway service.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the relocation of the flue and clarification of the major differences between this application and the previous application.

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

The Local Member, Cllr Dr. Helena McKeown, then spoke in objection to the application. Cllr McKeown, as a local GP located in Rolleston Street, stated that this is a residential road and many of the residents are elderly and housebound. Cllr McKeown also highlighted the problem of congestion that the

road already faces, as well as concerns that the restaurant could result in excess noise and disturbances late at night.

A debate followed where the issues of congestion, improving the local economy and the positive or negative impacts to residents of Rolleston Road arising from a new restaurant opening on the site were discussed.

At the end of discussion, it was,

Resolved:

That Planning Permission be Approved subject to 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 The development hereby permitted shall be carried out in accordance with the following approved plans:**

1410/P07 Submitted on 26/09/13

1410/P08 Rev A Submitted on 26/09/13

1410/P09 Rev B Submitted on 26/09/13

1410/P10 Rev E Submitted on 26/09/13

Details of odour and noise control Submitted on 26/09/13

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

- 3 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 site shall be used solely for purposes within Class A3 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).**

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(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.

- 7 **REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rolleston Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

125 **13/04597/LBC: The Old George Brewery, 3 Rolleston Street, Salisbury, Wiltshire**

The Planning Officer recommended that the proposal be approved subject to conditions, as detailed under Minute 124.

Technical questions and representations from the public and local member were as detailed under Minute 124.

At the conclusion of debate, it was,

Resolved:

That Listed Building Consent be Approved subject to 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 The development hereby permitted shall be carried out in accordance with the following approved plans:**

1410/P07 Submitted on 26/09/13

1410/P08 Rev A Submitted on 26/09/13

1410/P09 Rev B Submitted on 26/09/13

1410/P10 Rev E Submitted on 26/09/13

Details of odour and noise control Submitted on 26/09/13

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

- 3 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 site shall be used solely for purposes within Class A3 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).**

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(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.**

- 7 REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.**

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rollestone Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

126 13/03367/FUL: 88 Ridge, Chilmark, Salisbury, Wiltshire, SP3 5BS

Public Participation

Mr Robert Molteno spoke in objection to the application.

Mr Tim Reeve, agent, spoke in support of the application.

Cllr Patrick Boyles, Chairman of Chilmark Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended permission be granted. Key issues for consideration included the area's designation as an Area of Outstanding Natural Beauty (AONB) and impact on neighbour amenity.

The Committee then had the opportunity to ask technical questions of the officer. In response to queries, it was confirmed that the proposed development would only be available for personal use and would not be used for commercial purposes. Details were also sought about the permitted development rights on the site.

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

The Local Member, Cllr Bridget Wayman, then spoke in objection to the application, highlighting the presence of the AONB and intrusion into the countryside.

A debate followed, where concerns were raised over the scale of the development, along with its impact on neighbouring properties and issues of appropriate screening. It was also considered whether the development was larger than required in need to serve the intended purpose, and the possibility of future conversion into a dwelling

At the end of the discussion, it was,

Resolved:

To REFUSE the application for the following reasons:

The proposed development was too large and would be an intrusion in the open countryside. The application failed to adhere to regulations C5(i), D3(i), C4 and H31(iii).

127 **13/03819/FUL: Amesbury Bus Station, Salisbury Street, Amesbury, Salisbury, Wiltshire, SP4 7HD**

Public Participation

Ms Kim Blunt (agent) spoke in support of the application.

The planning officer introduced the report which recommended permission be granted. It was stated that the application was for a change of use from a bus station to a commercial car park.

Members of the Committee then had the opportunity to ask technical questions of the officer. Concerns with highway safety, relating to the entrance and exit plans on the Salisbury Road, were raised. In response to queries it was also stated that decisions on pricing in the car park would be the responsibility of the applicant.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Member, Cllr Fred Westmoreland, then spoke in support of the application subject to appropriate conditions.

During debate, it was noted that Amesbury had recently had a reduction in the number of parking spaces available and replacements were required, although some members felt that the site had potential for more productive long term use

than as a car park, and the possibility of restricting the time of use as a car park was discussed.

The restriction of access on the Salisbury Road was also raised.

At the end of discussion, it was,

Resolved:

That Planning Permission be GRANTED 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 the following details have been submitted to and agreed in writing by the Local Planning Authority:**

- Details of the parking layout;**
- Details of the location, scale and appearance of the pay station and any associated signage;**
- Details of the making good to exposed surfaces where features have been removed (i.e. the lean-to building, railings, footways);**

Development shall be carried out in accordance with the agreed details prior to the first use of the car park.

Reason: In the interests of highways safety and the character and appearance of the area.

- 3) Prior to the first use of the development, a revised car parking management plan reflecting the requirement of Policy PS5 of the adopted Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy, as submitted but to include a regular visit by an attendant, shall have been submitted to and approved in writing by the local planning authority. The parking management plan shall be implemented in full accordance with the approved plan at all times following the opening of the car park unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of highway safety and to ensure the adequate provision and control of the car parking.

- 4) Prior to the commencement of work, a signage scheme to include directional road signs, entry / exit signs and internal signs/ directional arrows shall have been submitted to and approved in writing by the local planning authority. This shall include the prohibition of vehicles entering the car park via the Salisbury Road (A345) access. The signs shall be erected in accordance with the approved plan prior to first use of the development, and shall be maintained as such for the duration of the permitted use.

Reason: In the interests of highway safety and to prevent confusion for all users of the car park.

INFORMATIVE - Condition 3 (parking layout)

With reference to the internal arrangement, parking space no.28 seems to obstruct the adjacent disabled space and should be removed. Furthermore, the motorcycle parking may be better placed between spaces 18 & 19 if spaces 7-18 were moved along slightly to open the gap.

128 **13/04550/FUL: Land at Livery Road, West Winterslow, Salisbury, SP5 1RF**

Public Participation

Mr Gary Maloney spoke against the application.

Mr Roman Lukaszewski spoke against the application.

Mr Rob Hewlett (applicant) spoke in support of the application.

Mr Steve Allen spoke in support of the application.

Cllr Simon Port, Winterslow Parish Council, spoke in support of the application.

The planning officer presented the report which recommended refusal as the development was outside the current housing policy boundaries. Key issues were stated to include the principle of the application, and impact on the character of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought over past use of the site as private amenity space and access. Clarification was also sought regarding the village design statement (VDS) and the level of support for the site to be developed within the VDS.

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

The Local Member, Cllr Chris Devine, then spoke in support of the application, highlighting the support of the parish council to sustainable development on the site.

A debate followed, where the amount of consideration to be given to the Village Design Statement versus local Planning policies was raised, in addition to

assessing the impact on the character of the area from the proposed development.

At the conclusion of debate, it was,

Resolved:

That planning permission be Refused for the following reasons:

- 1) The site comprises undeveloped land outside of a Housing Policy Boundary and is in a location that is not identified for housing growth within the development plan. There is a lack of facilities in the vicinity of the site to meet the needs of future residents and consequently few options to travel by means other than the private car, particularly since a lack of footways means that walking would not be a desirable option. The proposal would therefore be contrary to the aims and objectives of the adopted South Wiltshire Core Strategy, having particular regard to Core Policy 1 and saved Salisbury District Local Plan policies H23 and G1(i), and the NPPF.**
- 2) The proposed dwelling would as a result of its isolated location within the open countryside introduce an incongruous feature at odds with the character of the open countryside and would fail to protect or enhance the area contrary to the aims and objectives of saved Salisbury District Local Plan policies C2, C6, G1(iii) and G2(iv&v).**
- 3) The development has not made adequate provision towards affordable housing or public open space, and would therefore be contrary to Core Policy 3 of the adopted South Wiltshire Core Strategy and Saved Salisbury District Local Plan policy R2 (as saved within the adopted South Wiltshire Core Strategy).**

INFORMATIVE:

It should be noted that the reason given above relating to policy R2 and Core Policy 3 could be overcome if all the relevant parties complete a Section 106 legal agreement.

129 13/03515/VAR: Milford House Nursing Home, Salisbury, SP1 1NJ

The Planning Officer presented a single presentation for items 8f and 8g. The application was an extension to the previous application's three year permission and contained no changes. Changes to planning policy since the initial permission were detailed.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were raised if the Highways Agency had any objections to this proposal. and it was stated that their recommendation and lack of objection had not changed.

The Local Member, Cllr Ian McLennan, then spoke in objection to the application, stating that the situation had changed from when permission had been granted, and there were concerns about people walking to work, as the area had become increasingly dangerous and extending permission would increase traffic further.

A debate followed, where the level of traffic on the roads in the area and whether it had changed significantly since permission had initially been granted was discussed, along with whether the increased provision of dementia services in the region made the proposed extensions necessary.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.**

REASON. To ensure that the external appearance of the building is satisfactory.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010

REASON: For the avoidance of doubt.

- 4 Construction work shall not begin until a scheme for protecting the development against noise from road and rail traffic has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before the development is occupied.**

REASON: In the interest of amenity for the future occupants of the development.

- 5 The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing.**

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

- 6 The lighting scheme submitted with the application hereby approved shall be installed and operated in accordance with these approved details.**

REASON To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in order to conserve the high quality landscape and character of the Special Landscape Area and in the interests of residential amenity.

- 7 Notwithstanding the submitted plans, prior to the commencement of development, details of a secure and covered cycle parking facility shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be constructed in accordance with the agreed details and made available for use prior to the first occupation of the building hereby approved and shall thereafter be retained.**

REASON In order to secure the provisions of appropriate facilities for cyclists and to promote other modes of transport other than the car in the interests of sustainable development.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a dementia care facility in association with the adjacent Milford House Nursing Home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.**

REASON To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of sustainable development.

Informative

Notwithstanding the approval of this application the applicant is asked to consider the provision of a footpath for the use of staff employed at the nursing home to prevent them using the busy main road that the council considers represents a danger to staff and other pedestrians.

130 **13/03516/LBC Milford House Nursing Home, Salisbury, SP1 1NJ**

The Planning Officer presented their report in connection to item 8f, recommending planning permission be approved with conditions.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with conditions:

- 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 permission.**

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 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.**

REASON: To ensure that the external appearance of the building is satisfactory.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

**Archaeological evaluation ref CA Report 10017 dated February 2010
Design and Access statement received on 26 May 2010**

**Environmental Noise Survey Report 16446/PPG24_Rev A dated 24
May 2010**

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010 Documents /plans

REASON: For the avoidance of doubt.

131 Urgent Items

It was agreed that a site visit should be arranged if application 13/03521/FUL - 90 Blind Lane, Ansty, Salisbury, Wiltshire, SP3 5QE, was scheduled to come before the Committee.

(Duration of meeting: 6.00 - 9.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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