

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 18 December 2014
Time: 6.00 pm

Please direct any enquiries on this Agenda to David Parkes, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718220 or email david.parkes@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Fred Westmoreland	Cllr Mike Hewitt
Cllr Christopher Devine	Cllr George Jeans
Cllr Richard Britton	Cllr Ian McLennan
Cllr Richard Clewer	Cllr Ian Tomes
Cllr Brian Dalton	Cllr Ian West
Cllr Jose Green	

Substitutes:

Cllr Trevor Carbin	Cllr Helena McKeown
Cllr Terry Chivers	Cllr Leo Randall
Cllr Ernie Clark	Cllr Ricky Rogers
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Magnus Macdonald	Cllr Graham Wright

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 1 - 10*)

To approve and sign as a correct record the minutes of the meeting held on 27 November 2014.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on **11 December 2014**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Hampton Drains Update** (*Pages 11 - 14*)

Land to the north of Tryhorn Drive/Neal Close, Hampton Park, Salisbury.

1. To update members on the resolution of issues on the above land, which have arisen from use of land to the north by the developers of Hampton Park 2, to haul construction spoil to a temporary location.
2. This report follows a request from Members at the meeting of the Southern Area Planning Committee on 27th November 2014.
3. The land concerned is a strip of Council –owned land running to the rear of the existing housing development, partly used as a pedestrian pathway.

7 **Planning Appeals** (*Pages 15 - 16*)

To receive details of completed and pending appeals.

8 **Planning Applications**

To consider and determine planning applications in the attached schedule.

8a **14/09204/FUL - 15-17 Middleton Road, Salisbury, Wiltshire, SP2 7AY**
(*Pages 17 - 36*)

9 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

SOUTHERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING
HELD ON 27 NOVEMBER 2014 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE
LANE, SALISBURY, SP2 7TU.**

Present:

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman),
Cllr Richard Britton, Cllr Richard Clewer, Cllr Mike Hewitt, Cllr George Jeans,
Cllr Ian McLennan, Cllr Ian Tomes and Cllr Leo Randall (Substitute)

Also Present:

Cllr Bill Moss

119 Apologies for Absence

Apologies were received from Cllr Jose Green who was substituted by Cllr Leo Randall.

Apologies were received also from Cllr Brian Dalton.

120 Minutes

The minutes of the meeting held on 6 November 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes.

121 Declarations of Interest

There were no declarations of interest.

122 Chairman's Announcements

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

123 Public Participation and Councillors' Questions

The committee noted the rules on public participation.

124 Planning Appeals

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

125 Planning Applications

126: 13/00636/FUL - Brook Cottages, Gasper, Stourton, Warminster, Wiltshire, BA12 6PY

Public Participation

There was no public participation.

Application 13/00636/FUL was considered by the Southern Area Planning Committee held on the 3rd of July 2014. At that Meeting members resolved to grant planning permission for the development subject to the imposition of planning conditions and the applicant entering into a legal agreement concerning the allocation of the housing and a financial contribution towards public open space. It was further agreed that a draft Section 106 agreement and a draft set of conditions should be considered by a future Planning Committee before the Local Planning Authority issued a decision.

Members of the Committee had the opportunity to ask technical questions of the officer. It was heard that the scheme displayed had no changes to the scheme that was previously brought to Committee. It was stated that these houses would not be let through 'Homes for Wiltshire'. Legal advice was sought as to the involvement of the Parish Council and their roll in allocations. Concern was raised that the Parish Council could be opened up to legal action. The applications compliance in regards to S.106 was discussed with legal. The lettings policy, which had been previously agreed, was raised by the Chairman and the involvement of the Parish Council was discussed.

Members debated the application in regards to the involvement of the Parish Council and the legality of the application with advice from the Legal Officer present. It was heard that the previous meeting of the Southern Area Planning had agreed to consultation only with the Parish Council. The statutory provisions within the Planning Officer's report was raised and discussed by Members.

The need for affordable housing was raised and the need for these houses to be for local people was stated. It was heard that the application was not S.106 compliant. Members raised the new allocations policy and clarified the involvement of the parishes in this policy.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr George Jeans, spoke in support to the application. Cllr Jeans stated that all parties were happy with the agreement prior to this meeting and he asked legal if workers got priority when letting one of the proposed private social housing properties. Cllr Jeans sought legal advice in regards to the procedures followed. It was heard that the Parish Council, the applicant and Wiltshire Council all supported the application.

Resolved:

To APPROVE the recommendation that following members resolution to grant planning permission at the committee of the 3rd July 2014 that members further approve the legal agreement at appendix B and the proposed conditions at appendix C.

126| 14/06858/FUL - Land to the north of Hampton Park Phase 2 Development, Sycamore Drive, Bishopdown, SP1 3GZ (Hampton Park II)

Public Participation

Thelma Claydon spoke in objection to the application.

Mr Green spoke in objection to the application.

Mr Amesbury spoke in support of the application.

The Planning Officer presented his report to the Committee which recommended that permission be **GRANTED** subject to conditions.

Members of the Committee then had the opportunity to ask technical questions of the officer. The location of Trihorn Drive was displayed by the presenting officer. The need for fencing near the footpath was raised. Members also asked questions in regards to traffic. The presenting officer discussed plans for the parent drop off locations. The location of a local multi-use car park was displayed that was next to a country park. Facilities would be in place to encourage the use of bicycles. A question was also asked regarding a sprinkler system in the school; the presenting officer stated that this was not a planning issue. It was heard that the school was designed to the standard of other Wiltshire schools and would be orientated to capture light.

Members debated the application in regards to the need for a school on this site. The need for the public paths to be interlinking was raised. Local issues

were addressed and it was heard that the Enforcement team had been on site. The removal and relocation of earth was discussed. The greater use of gates on Hampton Park were also stated; the need for adequate maintenance of these gates was raised. The location of growing beds within the school boundaries was discussed and it was heard that these were not allotments. The hours of operation were also stated as a cause for concern.

Parking and the removal of trees were raised by Members and the need to encourage walking was stated. The proposed design of the school was also discussed. The presenting officer provided clarification in regards to the section 38 agreement; this related to paving.

Discussion continued in regards to informatives, car parking and a sprinkler system within the school. Water drainage and the risk of flooding were raised and reference was made to condition 6.

The Chairman clarified the need for officers to be satisfied with the landscaping and explained that there was a need for a report in regards to water drainage and flooding at the next meeting of the Committee. The Chairman continued by stating that the design was not attractive, however, that the school would be invisible from Old Sarum.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr Bill Moss , spoke in support to the application. Cllr Moss stated he was a governor of Green Trees School. Cllr Moss raised the South West core strategy and the need for a school on this site. It was heard that it was not unusual for schools to be located near housing developments.

Resolved:

To APPROVE planning permission, 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 The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule. (WM14)

Site Location Plan 130970P(0)100 A 28/3/14 received 31/7/14
Proposed Site Sections 130970P(0)109 B 2/5/14 received 4/8/14
Proposed Site Plan 130970P(0)101 B 25/3/14 received 31/7/14

Proposed Lower Ground Floor 130970P(0)102 A 22/4/14 received 31/7/14
Proposed Upper Ground Floor 130970P(0)103 A 22/4/14 received 31/7/14
Proposed Roof Plan (1) 130970P(0)104 A 5/6/14 received 31/7/14
Proposed Roof Plan (2) 130970P(0)105 A 5/6/14 received 31/7/14
Proposed Elevations 130970P(0)106 B 19/5/14 received 4/8/14
Proposed Elevations 130970P(0)106 B 19/5/14 received 4/8/14
Proposed Sections (1) 130970P(0)107 A 2/5/14 received 4/8/14
Proposed Sections (2) 130970P(0)108 B 2/5/14 received 4/8/14
Ecological Appraisal Revision 1 dated August 2014,
Design and Access Statement received 30/10/14
Flood Risk Assessment, WSP 30/7/14, received 31/7/14
Planting Schedule SLR 1 August 2014, received 4/8/14
Hard Landscaping Proposals Drawing 1 July 2014, received 4/8/14
Soft Landscaping Proposals Drawing 2 July 2014, received 4/8/14
Outline Drainage Strategy WSP-DDN-009, 11/7/13 received 15/7/14
Sustainable Design Statement Revision 1, Ridge July 2014,
received 15/7/14
Written Scheme of Investigation, Wessex Archaeology June 2014,
received 15/7/14

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

- 3 The development hereby approved shall not be brought into use until covered cycle parking for 56 cycles has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. This facility shall be provided in accordance with the approved details and made available for use prior to the first occupation and shall be retained for use at all times thereafter.

REASON: In pursuit of sustainable transport objectives.

- 4 No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 5 No development shall commence on site until a scheme for
 - a) a 1.5m wide footway across the site frontage

b) a scheme of landscaping and a means of enclosure across the remaining site frontage between the pavement and the car park

has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the footway, landscaping and enclosure/fence have been implemented in accordance with the approved details.

REASON: In the interest of highway safety

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details and an assessment of the hydrological and hydrogeological context of the development, in accordance with the Flood Risk Assessment (WSP dated 30/07/2014), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage

- 7 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.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved

details'

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 9 There shall be no occupation of the development until a scheme of works for the control and dispersal of atmospheric emissions and in particular odours (from the kitchen) and suitable noise insulation for any extraction equipment has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the school kitchen is first brought into use and shall be maintained in effective working condition at all times thereafter.'

Reason: In the interests of neighbouring amenities, to prevent disturbance from noise and odours.

- 1 No construction work shall take place on Sundays or Public Holidays
0 or outside the hours of 07.30 to 18.00 on weekdays and 08.00 to 13.00 on Saturdays.

Reason: In the interests of neighbouring amenities.

- 1 The school development hereby permitted shall not be occupied
1 until the approved sewage disposal drainage works proposed and connection to the mains sewer have been completed in accordance with the submitted and approved details.

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

- 1 The post excavation archaeological works (including off-site work
2 such as the analysis, publishing and archiving of results), shall be submitted to the local planning authority within 12 months of the first use of the development as set out in the approved written scheme of investigation. These works should be carried out to the standard set in the MAP2 project management systems, superseded as appropriate by MoRPHE.

REASON: To enable the recording of any matters of archaeological interest and to ensure that the results of that recording are made available.

- 1 The Multi Use Games Court and sports pitch (Plan ref
3 130970P90)101B) shall be for use by the Greentrees school for outdoor sports only.

REASON: To prevent undue disturbance to local residents.

1 All soft landscaping comprised in the approved details of
4 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 and the protection of existing important landscape
features.

1 Informatives:
5

1. The surface water drainage scheme for the proposed
development must meet the following criteria:

a. Any outflow from the site must be limited to the maximum
allowable rate, so there is no increase in the rate and/or volume of
run-off, and preferably it should be reduced.

b. The surface water drainage system must deal with the surface
water run-off from the site up to the critical 1% Annual Probability of
Flooding (or 1 in a 100-year flood) event, including an allowance for
climate change for the lifetime of the development. Drainage
calculations must be included to demonstrate this (e.g. Windes or
similar sewer modelling package calculations that include the
necessary attenuation volume).

c. If there is any surcharge and flooding from the system, overland
flood flow routes and "collection" areas on site (e.g. car parks,
landscaping) must be shown on a drawing. CIRIA good practice
guide for designing for exceedance in urban drainage (C635) should
be used.

d. The adoption and maintenance of the drainage system must be
addressed and clearly stated.

2. Pollution Prevention During Construction: Safeguards should be
implemented during the construction phase to minimise the risks of

pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. The protected species groups most likely to occur at this application site are reptiles, badgers and breeding birds. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

4. The developer's attention is drawn to the document Special Requirements for Safe Working and any covenants contained in the Deed of Grant, regarding the Esso pipeline.

5. With reference to Condition 8, the applicant will need to demonstrate that the lighting scheme will satisfactorily control light pollution and glare. We recommend they do this by submitting information which demonstrates scheme will comply with the recommendations of the Institute of Lighting Engineers "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" for Zone E3.

6. There is a School Travel Plan in place for the Greentrees School which requires updating to reflect the proposed extension to the school. 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. Please contact Ruth Durrant School Travel Plan Adviser on 01225 713483 for further advice on this matter.

7. In respect of archaeology and Condition 12, work should be conducted by a professionally recognised archaeological contractor in accordance with the written scheme of investigation agreed by

this office and there will be a financial implication for the applicant.

8. In discharging condition 9, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We would recommend the applicant consults the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005)

9. The developer's attention is drawn to the guidelines and standards set out in the letter from Sport England dated 28/8/14

10. The school layout links to a number of pathways on adjacent land outside the application site. It may be that once the school use commences, pupils may utilise these adjacent routes to access the school, including existing access points serving adjacent cul de sacs, such as Tryhorn Drive, and Neals Close. The developer/operator of the school is advised to assess the suitability, safety and operation of the access points and associated pedestrian gates which connect footpaths adjacent to the school site with the existing housing estate development to the south.

11. The developer/future operators of the school are advised that the parking area outside the red line of the application site which is intended to have a dual use for the country park and the school should be provided and made available before the school comes into use.

127 **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is David Parkes, of Democratic Services, direct line (01225) 718220, e-mail david.parkes@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

Date: 18th December 2014

Subject: Land to the north of Tryhorn Drive/Neal Close, Hampton Park, Salisbury.

Purpose of Report

1. To update members on the resolution of issues on the above land, which have arisen from use of land to the north by the developers of Hampton Park 2, to haul construction spoil to a temporary location.
2. This report follows a request from Members at the meeting of the Southern Area Planning Committee on 27th November 2014.
3. The land concerned is a strip of Council –owned land running to the rear of the existing housing development, partly used as a pedestrian pathway.

Chalk slurry run -off

4. The enforcement team was contacted in mid –November, regarding chalk slurry washing into the gardens of properties in Neal Close/Tryhorn Drive. This appeared to have arisen from vehicles using land to the north of the Council's land to reach the developer's construction spoil stockpile. The stockpile is located on land which will eventually become part of the country park.
5. There appeared to be little protection measures in place in respect of run-off down the hill over Council -owned land and into the rear gardens of residential property. The result was that chalk slurry was finding its' way along a convenient route, into gardens. Officers were advised that a similar incident had occurred previously in September 2014 and had been cleaned up by the developer, however preventative measures had not been undertaken and the problem had reoccurred. An existing bund on the developer's land, which could have limited the run -off into adjoining gardens, had partly been removed at some stage in the past and was considered to have contributed to the run-off problem.

6. Although not a planning enforcement matter as such, following discussions undertaken by the enforcement officer with the developer, the existing bund has now been reinforced at points where chalk slurry had passed into residential gardens. It is anticipated that this will reduce the impact of future reoccurrences of this issue whilst enabling the farmer to access the nearby barn; however this will also be dependent on weather conditions during the winter.
7. Officers have also discussed implementation of a further measure on the Council owned strip of land, to alleviate potential future problems. This consists of digging a one metre trench diagonally across the back fence of residential properties. A quotation for this work has now been sought, following which it will be carried out by the Council's contractor, with the cost to be reclaimed from the developer (unless the developer agrees to carry out the work at their own expense).

Fence/ gate

8. Officers are in the process of arranging for the existing pedestrian gateway in Tryhorn Drive to be closed and a new fence erected. The gateway in Neal Close has been inspected and is considered to be safe and solid and in a good state of repair. This will become the entry and exit from the path for local residents.
9. It is hoped that officers will be in a position to update Members on the likely timescales for carrying out the above works prior to the meeting.

Recommendation

That Members note the report.

Report Authors: Stephen Hawkins, Enforcement Team Leader; Mark Murnane, Facilities Delivery Manager South.

Date of report: 4th December

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None.

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APPEALS Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
13/04330/ADV	Partridge Hill, Giles Lane, Landford	WR	DEL	Allowed		

Outstanding Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
13/02724/FUL	Woodford, Middle Woodford, Salisbury	WR	COMMITTEE	O/T
14/03436/ADV	Richmond Farm, Brickworth Road, Whiteparish	WR	DEL	
14/02018/FUL	81 Downton Road, Salisbury	WR	DEL	
14/07763/FUL	Land adj to Orchard Cottage, Stapleford	WR	DEL	
S/2013/0255	Park Cottage, Milton, East Knoyle	H (RE-DETERMINATION)	DEL	

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Overturn
14/07557/FUL	10 Ventry Close, Salisbury	WR	COMMITTEE	O/T

WR Written Representations
HH Fastrack Householder Appeal
H Hearing
LI Local Inquiry
ENF Enforcement Appeal

8TH December 2014

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Report to the Area Planning Committee

Report No. 1

Date of Meeting	18 th December 2014
Application Number	14/09204/FUL
Site Address	15-17 Middleton Road, Salisbury, Wiltshire, SP2 7AY
Proposal	Erection of 12 x 1 bedroom apartments including 12 car parking spaces, servicing and landscaping
Applicant	Mr M Quigley
Town/Parish Council	Salisbury City Council
Division	St Pauls
Grid Ref	413978 130543
Type of application	Full Planning
Case Officer	Lucy Minting

Reason for the application being considered by Committee

Councillor Clewer has called in the application for the following reasons:

- The scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Relationship to adjoining properties
- Car parking

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager (South) that planning permission should be APPROVED subject to conditions.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development;
- Flooding -
 - 1) Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF; and
 - 2) Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure;
- Proximity to gas holder;
- Scale, design, impact to character and appearance of the area.
- Residential amenity/living conditions;
- Highway safety/parking;
- Impact to SSSI/SAC;
- S106 Contributions.

The application has generated support from Salisbury City Council and 3 letters of representation.

3. Site Description

The site backs onto Summerlock Stream with Waitrose Petrol Filling Station beyond, with a block of 4 flats to the north (no. 19 Middleton Road) and a factory premises to the south (no. 13 Middleton Road).

The site was originally occupied by two semi-detached dwellings. These have been demolished following the grant of planning permission on the site for redevelopment and the site is currently vacant.

Middleton Road is of a mixed architectural character with individual commercial premises, and residential dwellings with a variety of forms and styles from modest Victorian and Edwardian terraces, to the bulky commercial buildings and two and three storey residential flat developments.

4. Planning History

Application ref	Proposal	Decision
14/00664/FUL	Erection of 12 x 2 bed and 2 x 1 bedroom apartments including 16 car parking, servicing and landscaping	Refused 28/05/2014
S/2007/1671	Demolish 2 existing houses & reform as 12 new 1 bedroom flats with parking & associated works	Approved with conditions
S/2006/2553	Demolish 2 existing houses and construction of 10 new 2 bedroom flats with parking and associated works	Withdrawn 02/04/2007

5. The Proposal

The proposal is for the erection of 12 x 1 bedroom apartments including 12 car parking spaces, servicing and landscaping.

6. Planning Policy

South Wiltshire Core Strategy:

Core Policy 1 – The Settlement Strategy and distribution of growth in south Wiltshire

Core Policy 2 – Strategic Allocations

Core Policy 3 – Meeting Local Needs for Affordable Housing

Core Policy 5 – Employment Land

Core Policy 19 -Water efficiency and River Avon SAC

Core Policy 22 - Green infrastructure and Habitat networks

Salisbury District Local Plan 'saved' policies:

G1 – Sustainable development
G2 – General Criteria for development
G9 - Planning Obligations
D2 – Infill development
H8 - Housing Policy Boundary
R2 – Open space provision
C18 – Development sites bounded by watercourses
C12 – Protected species
C11 – Nature Conservation

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

Waste Core Strategy 2009:

Policy WSC6 – Waste Reduction & Auditing

Emerging Wiltshire Core Strategy:

Core Policy 2 – Delivery Strategy
Core Policy 50 – Biodiversity & Geodiversity
Core Policy 57 - Ensuring high quality design and place shaping

The Inspector's report for the emerging Wiltshire Core Strategy has now been published and it concludes that the Strategy is 'sound'. It follows that the Strategy must now be given very significant weight in the decision making process prior to its final consideration and assumed adoption by Wiltshire Council in the new year.

Following its adoption some of the existing development plan policies referred to above will be replaced by the WCS policies whereas others will be 'saved'. In the meantime all of the existing policies remain in force and so continue to be the starting point for the consideration of the application.

Government Guidance:

National Planning Policy Framework (NPPF) March 2012
NPPG

Planning guidance:

Salisbury District Council Design Guide - Creating Places Design Guide

7. Consultations

Salisbury City Council

Support the application but requests that no parking permits are issued for this address.

WC Highways

The previous application (14/00664/FUL) attracted an adverse highway recommendation as the site was not able to accommodate the necessary number of parking spaces for the size of dwellings proposed.

Noted that a provision of 12 parking spaces is proposed to serve the 12 x 1 bed apartments and this is acceptable in line with our current parking standards. Parking Services have been requested that parking permits should not be issued for residents of this development.

No highway objection subject to conditions (access to be consolidated and surfaced, turning area and parking spaces to be completed, scheme for discharge of surface water to be agreed, traffic regulation order to be amended to omit site frontage from residents parking scheme) and informative (traffic regulation order procedure, application for parking permits unlikely to be acceptable).

WC Open Space

Planning permission was granted under application S/2007/1671 for the demolition of the two dwellings and erection of a two and a half storey development of 12 x1 bedroom flats, with 10 car parking spaces. Works on the said development were commenced by the demolition of the existing dwellings in October 2012, and as such this consent remains extant and could be implemented in full. For the said scheme an R2 contribution of £9,741.63 was received on 15/11/2010. As this is also for 12 x 1 bedroom flats no further R2 contribution would be required to be sought.

WC Technical Services Drainage Engineer

Support subject to conditions (scheme for surface water discharge, floor levels to be agreed, and scheme for discharge of foul water)

WC Public Protection Services

No objections, recommend condition restricting hours of construction work. No concerns relating to contaminated land at this site. Reference to no burning of waste should take place on site (which can be added as an informative to any consent).

WC Urban Design

No objections. Facing materials and finishes should be conditioned to ensure the development is integrated and complement the 19th century dwellings that characterise the street scene.

Wessex Water

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

There should be no issues with capacity there is a 225 diameter sewer in Middleton Road but we will not allow the surface water to be connected to the foul sewer.

Health & Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency

No objection subject to conditions (finished floor levels to be agreed, surface water management scheme, condition to ensure access to main river for inspection and maintenance, working method statement for any works within 8m of the river, construction environmental management plan) and informative (need for Flood Defence Consent from the Environment Agency for any works within 8m of the river)

Highways Agency

No objections. The proposals will not have any detrimental effect on the Strategic Road Network.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

3 letters of representation summarised as follows:

- Lack of parking – Middleton Road is already overcrowded and more dwellings would put added strain on the area as a whole
- Will residents of proposed properties be able to purchase resident's parking permits for extra cars
- Site is at junction of Middleton Road and York Road with congestion from cars, visitor cars, refuse lorries, turning lorries
- Increased traffic on and off busy roundabout
- Congestion, fumes and noise of this development will overburden the area
- Loss of privacy and enjoyment in those living nearby

- Too many apartments proposed – numbers should be reduced to lessen the impact
- Sewers old and insufficient size for additional properties

9. Planning Considerations

9.1 Principle of development

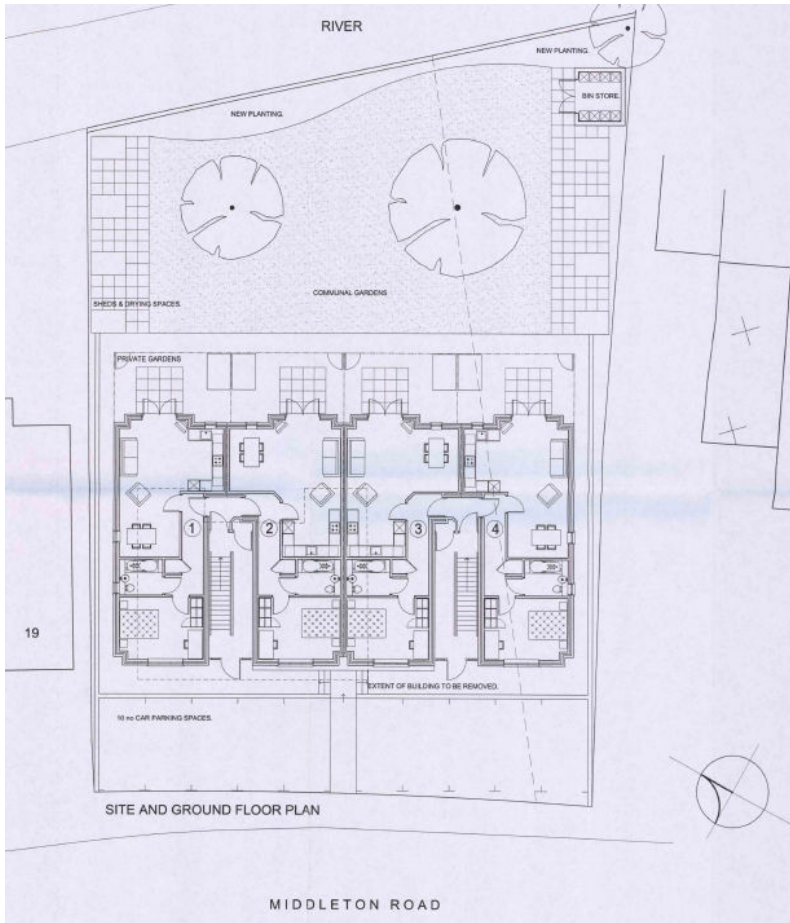
The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and makes it clear that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the '*NPPF does not change the statutory status of the development plan as the starting point for decision making*' and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The site lies within the Housing Policy Boundary of Salisbury, and therefore the principle of residential development is acceptable under saved Policy H8, subject to compliance with other relevant planning policies.

Previous consent

Planning permission has also been granted to demolish the pair of semi-detached dwellings which were on the site and for redevelopment with 12 x 1 bedroom flats under planning application S/2007/1671.

The approved scheme was for a three storey development with each floor having four 1 bedroom flats. 10 car parking spaces were approved across the site frontage. Extracts from the approved plans are set out below:



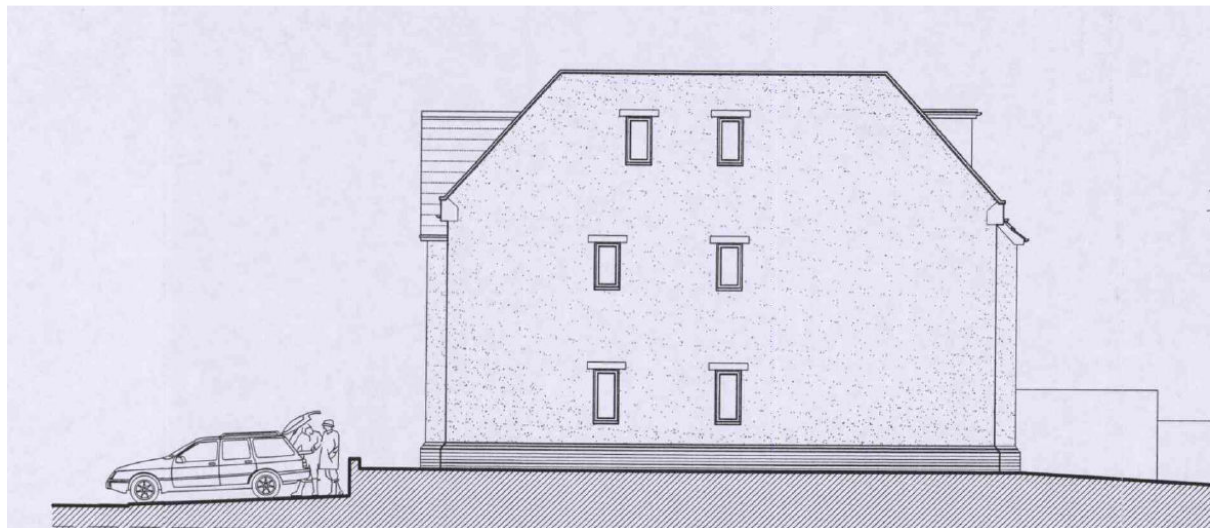
S/2007/1671 Approved scheme site plan



Rear elevation of approved scheme



Front elevation of approved scheme



Side elevation of approved scheme

Whilst there has been no formal certificate of lawful development issued, the conditions attached to the S/2007/1671 consent were discharged and the existing dwellings were demolished. This on face value indicates a valid start to the planning permission under Section 56(2) of the Town and Country Planning Act. This approved scheme could therefore be built in accordance with the approved plans without the need for any further planning consent. This is a material consideration against which new development proposals should be considered.

9.2 Flooding: Flood risk and whether the proposal would represent an acceptable form of development with particular regard to its flood zone location and the provisions of the NPPF

The entire site is located within flood zone 2 and the National Planning Policy Framework and the adopted South Wiltshire Core Strategy (SWCS) are clear that sites within flood zones 2 (and 3) should not be developed with residential schemes ahead of all other sites in flood zone 1 (which has to be demonstrated through a 'sequential test'). The site is within a Housing Policy Boundary but it has not been

sequentially tested, and as the local planning authority has identified a readily available and deliverable 5 year supply of housing land in flood zone 1 there is, at least on face value, no need to consider sites outside of flood zone 1.

Planning permission has recently been refused for 12 x 2 bedroom and 2 x 1 bedroom flats on the site, including on the grounds that residential development should not be permitted as a matter of principle.

Decisions relating to the sequential test are made by the local planning authority, but in this case the previous consent for 12 x 1 bedroom flats is considered to be a valid 'fall back', and as the quanta of development remains the same in this revised scheme (also for 12 x 1 bedroom flats) it is considered that this, as a material consideration, overrides the test.

9.3 Whether the development will exacerbate flood risk or result in a worsening of flood depths or flooding to property or infrastructure

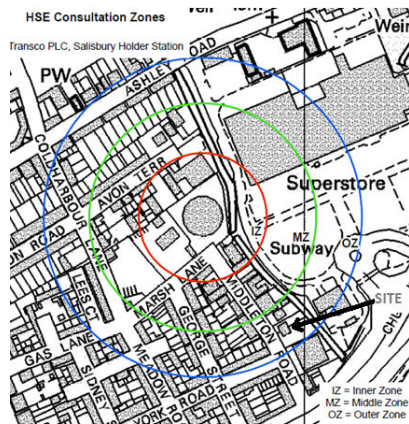
The NPPF (paragraph 102) also requires a site specific flood risk assessment to demonstrate that the development would be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall.

A flood risk assessment has been submitted with the application, to which the Environment Agency and the Council's drainage engineer have raised no objections subject to conditions.

Concerns have been raised about the capacity of the existing sewer system in the area. The flood risk assessment includes correspondence from Wessex Water confirming that on the 30th January 2014, they had no recorded incidents of sewer flooding relating to hydraulic capacity at this location or in the vicinity of the site. Wessex Water has also confirmed on the 2nd December 2014, that there should be no issues with capacity as there is a 225 diameter sewer in Middleton Road. This confirmation negates the need for the foul water drainage condition suggested by the Council's drainage engineer.

9.4 Proximity to gas holder

The site is within the Health and Safety Executive's consultation distance for Major Hazard Sites / pipelines from the gas holder to the north west of the development site. The safety zones are to prevent inappropriate intensification of uses where there is a potential safety risk. The safety zones were extended (they date from Feb 2009) after the decision was made on S/2007/1671 to prevent inappropriate intensification of uses where there is a potential safety risk.



Because the site is within the outer zone, the Health and Safety Executive have raised no objections to the proposal on safety grounds.

9.5 Scale, design, impact to character and appearance of the area

The National Planning Policy Framework sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely plan-led and should always seek to secure high quality design.

The South Wiltshire Core Strategy which retains saved policies of the Salisbury District Local Plan (which were deemed to be up to date and relevant) was adopted in February 2012 and is now the statutory development plan.

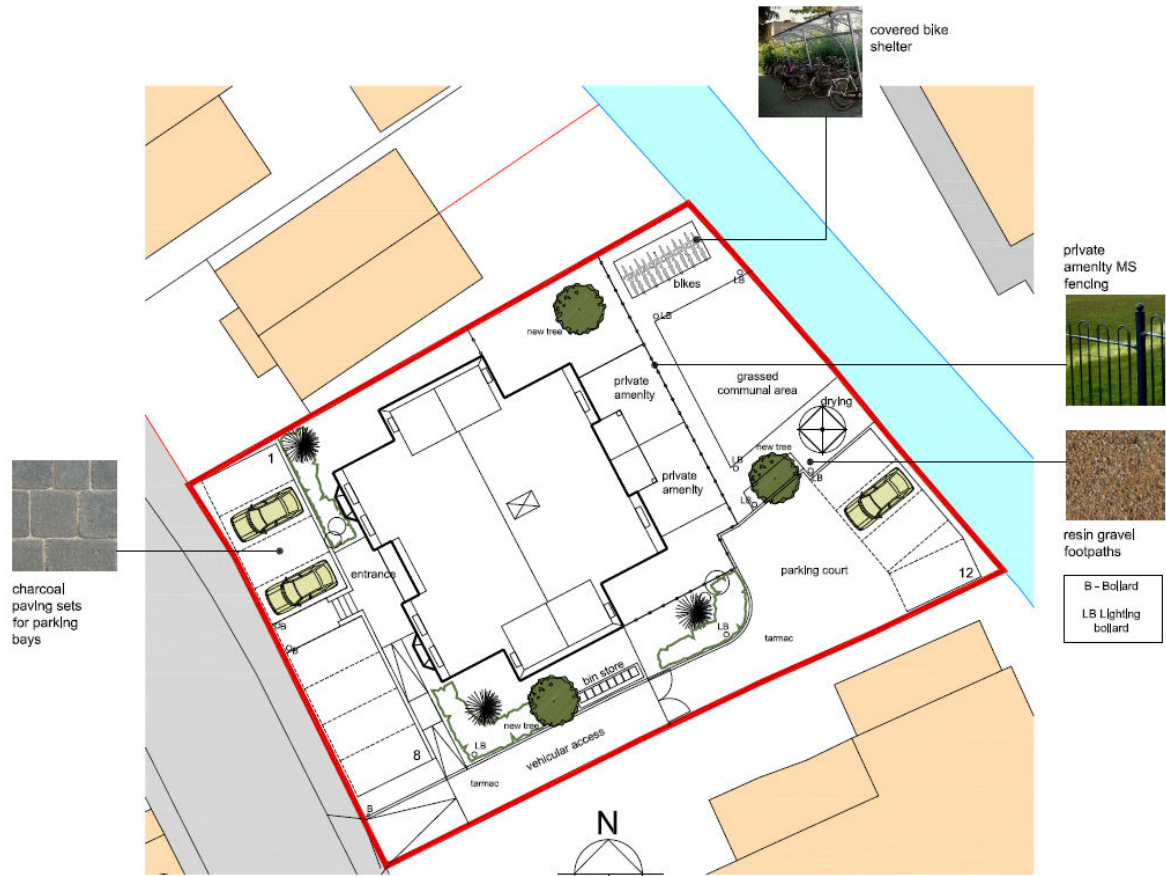
Saved Policy G1 of the Adopted Local Plan in particular promotes the efficient use of land but this must be balanced against the need to protect and improve the established character and local distinctiveness of existing residential areas and development should not be allowed if it would be out of character or harmful to its locality.

The requirements of Policy G2 include that all development must conform to the general criteria of Policy G2 and other Local Plan policies, in particular those relating to design.

Saved Policy D2 of the SDLP, relating to infill development, requires new development to respect or enhance the character or appearance of the area where it is to be located having regard to building lines, the scale of the area, heights and massing of adjoining buildings and characteristic plot widths, in particular.

This proposal was subject to a pre-application which has resulted in amendments to the scheme recommended by the Council's urban designer including all elevations in corresponding brick; removal of stone coping to the mansard roofs, relocation of the refuse store to the side and slate tiling to all roof slopes.

Policy CP57 of the eWCS sets out similar criteria.



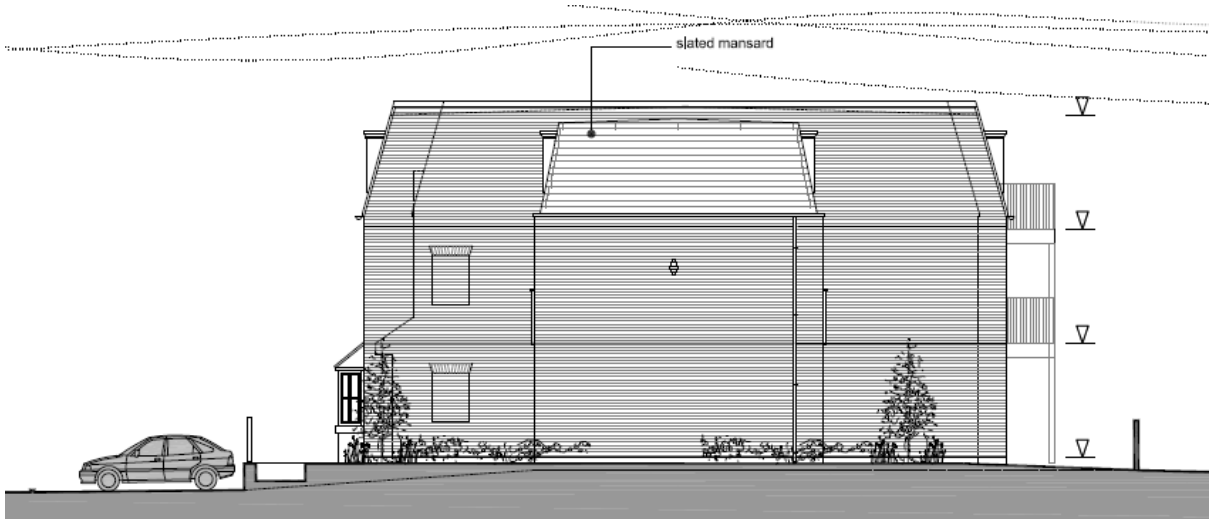
Proposed site plan



Middleton Road elevation



Rear elevation of proposed development



Side elevation of proposed development

It is considered that the layout and design is acceptable having regard to the mixed architectural character of Middleton Road. Comparing the proposed scheme to the previously approved scheme, the revised layout includes landscaping to the site frontage which is considered to result in an improvement to the appearance of the street scene compared to the previous consent.

The WC urban designer has recommended that facing materials and finishes should be subject to a planning condition to ensure that these complement the 19th century dwellings that characterise the street scene as this will be important for the integration of the development.

9.6 Residential amenity/living conditions

With regards to residential amenity, paragraph 17 of the NPPF states that one of the overarching planning principles that underpin the planning system is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

In line with this objective, ‘saved’ Policy G2 seeks to ensure that development proposals avoid undue disturbance, interference, conflict with or overlooking of adjoining dwellings or uses that would be detrimental to existing occupiers.

Residential amenity refers to the quality of residential areas and the value to local residents and is affected by significant changes to the environment including privacy, outlook, day-lighting and sunlight inside the house, living areas and within private garden spaces, which should be regarded as extensions to the living space of a house.

The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass (the physical volume), bulk (magnitude in three dimensions) and location of development in relation to neighbouring properties, gardens and window positions.

Objective 16 of the Councils Design Guide states (page 67) also refers to the need for new development proposals to exhibit ‘How the new dwelling(s) will relate to the context and to each other to create a particular place’.

No 13 Middleton Road to the south of the site has permission for use for light industrial purposes. The site also backs onto the rear of the petrol filling station on the other side of the river, although there is substantial boundary screening here.

The scheme provides communal amenity space for the occupiers of the flats, some private garden spaces and balconies to the rear elevation.

Nos. 1-4 Middleton Road to the north of the site is a storey block of flats. There are windows to the side elevation facing the development site, serving a bathroom and kitchen on each floor. As these are non-habitable rooms, and no windows are proposed on the side elevations of the proposed development; it is not considered that there will be an unacceptable impact to residential amenity upon either existing occupiers or the occupiers of the flats themselves.

9.7 Highway safety/parking

The current minimum parking standards are set out in the ‘Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy’ which requires 1 space for 1 bedroom units.

The scheme includes 12 off-street parking spaces in accordance with the parking standards. This will provide an additional 2 off-street parking spaces over the approved consent. The proposal also includes 12 covered cycle spaces.

The Highways Agency has raised no objections to the scheme and the WC highways officer has raised no objections to the proposed scheme subject to conditions. They have also contacted Parking Services and requested that parking permits should not be issued for residents of this development.

9.8 Impact to SSSI/SAC

The site backs onto a tributary of the River Avon and component of the River Avon System Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site has potential under national and international legislation and the Conservation (Natural Habitats & c) Regulations 1994. There is a potential for the development to have an effect on the River Avon System SSSI and SAC, during the construction phase but this could be overcome through the imposition of a condition requiring a detailed construction method statement to be submitted to and approved by the local planning authority.

9.9 S106 Contributions

The Land Adoptions Team have advised that Policy R2 (open space) contributions were paid on the previous scheme and as the revised scheme is also for 12 x 1 bedroom flats, no further R2 contributions will be required.

Education contributions do not apply to 1 bedroom units.

Waste contributions (required under policy WCS6 of the Waste Core Strategy adopted July 2009 and taken from 2012 Waste Collection Guidance for new Developments) amount to £1126 for schemes of 11-14 flats.

The site is also within 4-15km of the Salisbury Plain Special Protection Area (SPA). This European site is protected for its population of breeding stone curlew. Additional housing within the visitor catchment of Salisbury Plain is likely to increase the recreational pressure on the plain and new residential developments within 4km - 15km of the SPA are required to pay a one-off contribution towards the Wessex Stone Curlew Project of £13.87 per dwelling unit in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA. Natural England has confirmed that if such mitigation is not secured, applications for housing in this area would not pass a Habitats Regulations Assessment and could not legally be permitted. The stone curlew contributions (which are necessary to make the scheme habitat regulation compliant) amount to a total of £194.18).

However, the previous 'fall-back' consent did not provide waste or stone curlew contributions and as the revised scheme is for the same quantity of development, it is not considered reasonable to require these waste or stone curlew contributions for this revised scheme.

10. Conclusion

Planning permission has been granted and implemented for a three storey development of 12 x 1 bedroom flats and 10 off street parking spaces on the site under S/2007/1671.

This proposal is for the same quanta of development plus an additional 2 parking spaces (providing a total of 12 off street parking spaces) to which the highways authority has advised is in accordance with the council's parking standards.

Flooding and river protection issues can be resolved via conditions as recommended by the Environment Agency and the Council's drainage engineer.

The design and scale is considered to be acceptable given the varied design and scale of the surrounding built form and recent developments and it is considered that the development would not have an unacceptable impact upon the residential amenities of any nearby properties.

RECOMMENDATION

That planning permission be APPROVED 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. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces and covered cycle parking have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

4. No development shall commence on site until a surface water management scheme for the site (including surface water from the access/driveway), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained, to prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

5. The proposed new access and frontage parking are directly affected by a residents parking scheme in Middleton Road (Zone D). The construction of the new access and frontage parking shall not take place until the relevant traffic regulation order has been amended to omit the site frontage.

Reason: In order to provide a safe access to the development.

6. 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.

7. No development shall commence on site until details of the proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding.

8. No development shall commence on site until a scheme to ensure minimum 3m wide unobstructed access to and alongside the Main River to allow for inspection and maintenance has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure access to the Main River for inspection and maintenance.

9. No development shall commence on site until a working method statement to cover all permanent and temporary works within 8m of the Main River shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: To minimise the risk of damage to the main river banks and ensure no materials or plant are stored close to the watercourse or could enter the watercourse.

10. No development shall commence on site until a Construction Environmental Management Plan, has been submitted and approved by the Local Planning Authority. This should cover the following:

- site layouts during construction
- bunded areas
- pollution prevention plans
- management responsibilities and maintenance schedules
- timing of works

- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- protection of areas of ecological sensitivity and importance
- site supervision

Reason: The protection of controlled waters.

11. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

12. No development shall commence on site until a scheme of 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 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.

Reason: To ensure a satisfactory landscaped setting for the development.

13. No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

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

Drawing No jw625-201 Rev E Proposed Elevations, dated 22/09/2014, received by this office 29/09/2014

Drawing No jw625-200 Rev M Proposed site and floor plans, dated 22/09/2014, received by this office 29/09/2014

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

INFORMATIVE: Environment Agency

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Summerlock Stream designated a 'main river'. The need for Flood Defence Consent is over and

above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483 341.

INFORMATIVE: Highways

In order to comply with condition 5, it will be necessary for the applicant to request that the necessary changes to the existing traffic regulation order are undertaken by Wiltshire Council, including the necessary changes to road markings. The total cost of the order and works will be in the order of £2,000 and the applicant shall deposit the sum with the Council at the appropriate time in order to ensure the order and works are implemented to meet the programme of works. It will not be permitted that the new access is constructed until the order is made and the full cost of the order and works have been paid in advance.

It is likely that any application for a residents parking permit by future occupants of the proposed flats will not be successful.

INFORMATIVE: Wessex Water

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

www.wessexwater.co.uk

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526 222 for Water Supply and 01225 526 333 for Waste Water.

Separate Sewers Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

INFORMATIVE: Material samples

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: Burning of Waste

The council's public protection team have advised that no burning of waste should take place during the construction phase of the development hereby permitted, due to Environmental Protection Legislation.

14/09204/FUL – 15-17 Middleton Road, Salisbury. SP2 7AY



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