

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES**      **Report No. 9e**

<b>Date of Meeting</b>	12 <sup>th</sup> January 2017
<b>Application Number</b>	16/05643/FUL
<b>Site Address</b>	Land to the rear 22-30 High Street (The Old Garden Centre) and 98 Crane Street
<b>Proposal</b>	Change of use of existing retail unit/storage for restaurant use, extensions, landscaping and public access onto Avon riverside path and servicing access.
<b>Applicant</b>	Threadneedle Property Investments
<b>Town/Parish Council</b>	Salisbury City Council
<b>Electoral Division</b>	Salisbury St Edmund and Milford - Cllr. A. Hoque
<b>Grid Ref</b>	
<b>Type of application</b>	FULL
<b>Case Officer</b>	Mrs. Becky Jones

**Reason for the application being considered by Committee:**

Cllr. Hoque has called the application to committee to be determined on the following grounds:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- Car parking (use)

**1. Purpose of Report**

To consider the above application and the recommendation of the Area Development Manager that planning permission be **APPROVED**.

**2. Report Summary**

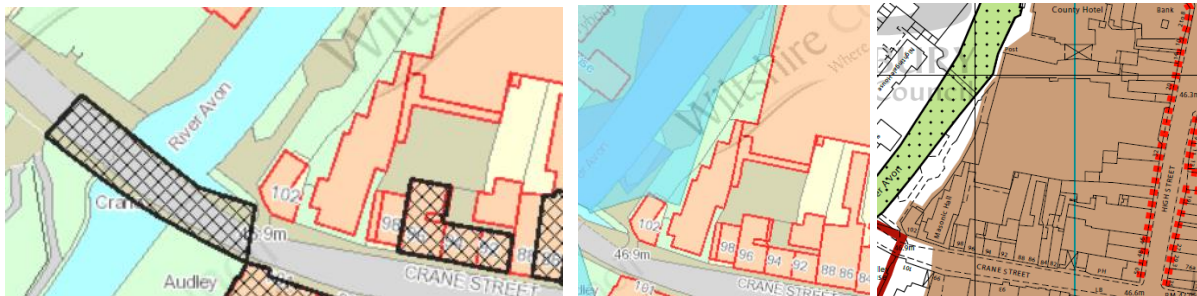
The main planning issues to consider are:

1. Principle of the development within the city centre
2. Impact on secondary shopping area and primary shopping frontage
3. Design and impact on the character of the Conservation Area, listed buildings and other heritage assets
4. Neighbouring amenities and public protection
5. Ecology and Archaeology
6. Drainage and Flood Risk
7. Highway safety and public rights of way
8. Trees
9. Community Infrastructure Levy
10. Waste, Recycling & Energy Efficiency

The application in its original form generated 1 letter of support from Salisbury City Council, 54 letters of objection and 3 letters of support. A further eleven letters of objection were received to the amended scheme. The City Council reiterated its support for the proposal.

**3. Site Description and Proposal**

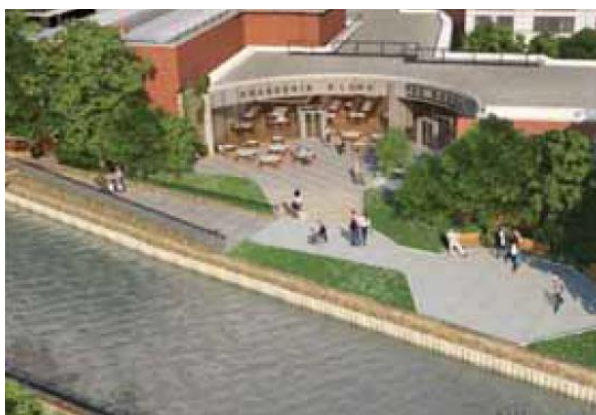
The application site was designated in the former Salisbury District Local Plan as part of the Salisbury Conservation Area and Secondary Shopping Area, in an Area of Special Archaeological Significance and the Salisbury Central Area. The site forms the now physically separated rear portions of a 1950s unit fronting High Street including New Look, which was formerly part of Woolworths and its allied garden centre. To the west is the River Avon Site of Special Scientific Interest and Special Area of Conservation (SSSI and SAC). Several listed buildings lie in close proximity to the site area including 96 Crane Street, Crane Bridge and Church House. Part of the application buildings (including the proposed seating area) are within flood Zones 2 & 3. 98 Crane Street is an unlisted building dating from late 19<sup>th</sup> century.



*Listed buildings, Flood Zones and Salisbury District Local Plan extract*

The applicant is proposing to:

- Change the use of the existing A1 retail unit (storage areas) to A3 use and provide two restaurant units (*approx.* 820 sqm).
- Demolition of western portion of the building and removal of the brick boundary wall
- Provide a single storey extension to the existing unit
- Tree works, tree removal (10 Category U trees), replacement trees and landscaping
- Public access onto the Avon riverside path.
- Outdoor seating area (piazza) with access from concave glazed frontage to restaurant to 16 tables and 64 chairs.
- Signage behind glazed frontage
- Servicing access through 98 Crane Street (including demolition and part reconstruction of No 98. Creation of delivery yard.



*Impression of riverside piazza and extension*

Suggested materials for the extension include red stock brick, aluminium and glass. For the 98 Crane Street unit, materials include matching roof tiles, painted timber sash windows,

reconstituted stone cills, hardwood doors (inward opening) and painted brick for the wall fronting Crane Street.

4. **Planning History:** None directly applicable to this proposal. Please refer to history in full.

## 5. Local Planning Policy

### National Planning Policy Framework (NPPF) Para 17, 23, 128, 135 and the NPPG

#### Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 20: Spatial Strategy for the Salisbury Community Area

Core Policy 50: Biodiversity and Geodiversity

Core policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and Development

Core Policy 67: Flood Risk

Core Policy 69: Protection of the River Avon SAC

Saved policy S2 Secondary Shopping Area

Saved policy S1 Primary Shopping Frontage

*These are saved policies of the adopted Wiltshire Core Strategy*

### The Community Infrastructure Levy Regulations 2010 (as amended)

**The Conservation of Habitats and Species Regulations 2010,  
EC Habitats Directive when as prescribed by Regulation 3(4) of the Conservation  
(Natural Habitats, &c.) Regulations 1994 (as amended).  
Circular 06/2005**

### Planning (Listed Building and Conservation Areas) Act 1990

Section 66: Special considerations affecting planning functions

Section 72: General duties of planning authorities

## 6. Summary of consultation responses

**Highways - no objection subject to conditions** relating to deliveries and cycle parking.

**Conservation - no objection**

**Historic England -** revised design is an improvement but issues raised have not been fully addressed by the proposal.

**Trees – No objection** - the revised documents are acceptable subject to a tree protection condition incorporating a pre commencement site visit with the tree officer.

**Public Protection – no objection** subject to conditions (see below)

**Environment Agency - no objection** subject to conditions

**Drainage – Support** subject to conditions relating to foul and surface water drainage

**Ecology – No objection** subject to a construction method statement condition.

**Archaeology – no objection** subject to a condition requiring a written programme of archaeological investigation and implementation of archaeological works.

**Natural England – no objection.** The River Avon System SSSI does not represent a constraint in determining this application

**Representations on original scheme:**

**Salisbury City Council - SCC supports this application** but notes the additional comments from Highways and the Conservation Officer. Subject to conditions to keep clear of public space, delivery time restrictions, opening hours, no external music, litter and rubbish, no takeaways and control of external illumination.

**Salisbury Conservation Area Panel** - *The Panel was unable to reach a unanimous view as to the precise merits in the present building on the site, but agreed that the proposed replacement building was not of sufficient quality to justify the demolition of the existing one. It was agreed that the riverside route was a very important one, and that any proposal affecting it needed to be very carefully thought out.*

**Salisbury Civic Society - object** to the demolition of 98 Crane Street and the building proposed as its replacement. *We would suggest that the new design for 98 Crane Street fails to meet the sort of standard which might conceivably justify its insertion into the street scene. It appears to try to retain elements of the mass and scale of the existing building, while also trying to articulate itself as a gate house. Architecturally it is a disappointing confusion of styles which is unsuitable for this important city centre location. The Civic Society is quite clear that as currently proposed, the loss of No 98 and its replacement with the building shown in the drawings is something to which it has to object.*

**Salisbury Civic Society Landscape and Townscape** - . *Notwithstanding the challenges of achieving service access (including the emergency services) to this landlocked site, the Civic Society also has concerns about the potential landscape/townscape impact of the proposed pedestrian access on the character and setting of this important riverside location within the Salisbury Conservation Area.*

*Impact on the Conservation Area - The Civic Society has no objection in principle to extending commercial activity into the quieter part of the area and welcomes the opportunity to initiate some enhancement works, but there are concerns that the interface between the existing public and proposed private realm has not been fully resolved in design terms. This access will be the main public entrance for users of both restaurants during the day and in the evenings at all times of year. However, the proposed pathway across Salisbury City land seems inadequate for the likely level of use. Furthermore, the treatment of the areas on either side of the proposed access path particularly on the north side between the existing site boundary and the ramp appears unresolved. People could approach through this area where there are existing trees because there is a pinch point on the adjacent footpath where it narrows at the top of the ramp to meet the footbridge. There is no clarity as to what will form the boundary between the public and private realm. Will diners be allowed to spill out into this area? How will it be controlled and managed? Furthermore, it is unclear as to what the impact of any lighting will be. Clarity is also needed as to the proposed surface treatment in this area.*

*The loss of open space and existing trees within the site is regrettable but there may be opportunities for additional enhancement planting along the riverside walkway. Whilst the Civic Society supports the development proposal in principle every opportunity should be taken to ensure a high quality design solution in terms of layout and materials for paving,*

*boundary walls, furniture, lighting, signage and planting in order to achieve an enhancement of this attractive and tranquil part of the Conservation Area. The transition between the public and private realm along this important, well used riverside route needs to be properly resolved in order to overcome the potential issues identified above.*

### **Representations on revised scheme:**

**Salisbury Civic Society** - Would prefer to see existing building retained and another means of access found. However the revised design is significantly better than the first one, and the Civic Society will not oppose it (see details below).

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. The application was then amended and readvertised by these means. The application in its original form generated 54 letters of objection and 3 letters of support, on the following grounds:

### **Traffic and highway safety:**

- Traffic impact and congestion on Crane Street and Crane Bridge Road from more delivery vehicles. Dangerous. Needs a parking restriction in Crane Street. Danger to zebra crossing users. Any parking in Crane Street causes severe disruption and congestion. West approach is via blind bend over hump back bridge – poor visibility. Use of 98 Crane Street as an access will exacerbate problems. Too many access/egress pinch points. No safe parking area for taxis etc. Too many delivery vehicles already. More air pollution. Noise pollution and disturbance to residents in early hours. Can lorries turn in the site?
- Large vehicles over 7.5 tonnes waiting in the carriageway whilst loading / unloading will have a significant adverse effect on traffic entering and exiting Church House. It seems that the camber of the road is such that large vehicles can tilt too far towards the Church House building and damage the oriel window – frequency is likely to increase. Vehicles have to swing out across Crane Street. Accident waiting to happen. Narrow pavements and low wall over bridge. Danger and obstructions to pedestrians, wheelchair users, prams etc by vehicles and scaffolds etc. Can bridge take more traffic?
- Vacant areas should be accessed from High Street only.
- Local car parks often full – reduces accessibility to less mobile
- 98 Crane street was purchased some years ago by Woolworths with the intent of creating a delivery access from Crane Street. With repeated negative planning advice, a full application for this was never made.

### **Amenity:**

- Area is residential in character, not commercial.
- Noise from open air restaurants, noise from waste collection. Noise assessments required and noise impact from plant required. Already noise from pubs. Noise from patrons late at night. Curved bifold doors will amplify sound. Plant noise on roof becomes dominant sound at night. Noise reflected between buildings. Noise from tables and chairs being put away. Noise along river walk will increase.
- Light pollution
- Loss of visual amenity due to loss of tree cover and poor quality of flat roofs of existing buildings.
- Cooking smells from extractor fans- pollution

- Disturbance during construction to existing workplaces and vehicle pollution from new access.
- Difficult to enforce noise conditions at night
- Loss of privacy and disturbance to nearby residents
- Where is rubbish to be placed and collected from? Waste and rubbish will be unsightly and further encourage vermin and rats.

### **Commercial Viability and Need for Restaurants:**

- Too many restaurants in Salisbury. More restaurants are not needed and are unviable, unsustainable. Could be a boarded up eyesore in future. Will not enhance Salisbury in any way. Units too large for independent traders.
- Object to local beauty studio business (independent trader at No 98) and loss of employment.
- Commercial abuse of area with no local benefits. Should develop for a surgery or housing to benefit residents

### **Impact on Conservation Area, Riverside walkway and SSSI and loss of trees:**

- Object to loss of 98 Crane Street, replacement looks cheap, characterless gateway and would not enhance street.
- Would create a hideously cluttered impression of the Salisbury street scene.
- Harm to character of riverside walkway, seating areas and peaceful oasis of tranquillity. Loss of riverside wildlife and habitat, including trees. Conflict with The Living River and Save Our Salisbury Trees schemes. Loss of shade. Area already encroached upon by Wetherspoons. Would encourage crowds to peaceful place. Tourists desire open spaces too.
- Development would not enhance or preserve the Conservation Area
- Damage to oriel window on the front of Church House Grade I listed building.
- Object to loss of any trees. Trees on the north side screen the New Look building. Should put Protection Orders on the trees. New mature trees should be planted in their place.
- More clutter from adverts and A boards

### **Conditions suggested by objectors:**

- Switch off extractors 11pm to 8am
- Cease trade and pack away tables and chairs by 11pm (and no extensions)
- No live or amplified music
- No takeaways of food or alcohol from premises to be permitted
- Needs to be appropriately screened with acoustic fence (4m)
- Deliveries between 7am and 7pm only. No deliveries along riverside path.
- No food or alcohol served before 11am
- Remove Council benches to prevent loitering

**3 letters in support:** *An excellent plan to regenerate old spaces and lend to the vibrancy of Salisbury's spaces. Full support! I think this is a great idea. Salisbury lacks quality eating places, and once devoted this could be a real asset to Salisbury. The city needs to move forward. It's not a museum. The area at present is not particularly attractive and the trees make it quite dark and uninviting place to sit and ponder. Obviously it is nice to sit by the river but no problem with there being a restaurant together with landscaping behind a seating area. Salisbury needs to move forward to enhance areas to make it attractive and welcoming to citizens and tourists alike.*

**The revised scheme and amended plans generated eleven further letters of objection on similar grounds to the above.**

## **8. Planning Considerations**

Planning permission is required for the development. The applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. (Paragraph 215 at Annex 1).

### **8.1 Principle of development**

Para 23 of the NPPF states that LPAs *should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should also promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.* The proposed A3 use (restaurants and cafes) is a main town centre use and the NPPF goes on to say that LPAs should require applications for main town centre uses to be located in town centres. One of the NPPF's stated core principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Therefore, the principle of the change of use from A1 to A3 and associated development within the settlement boundary of Salisbury is considered to be entirely in accordance with the sustainability objectives set out in the NPPF.

Core Policy 1 outlines the settlement strategy for Wiltshire and identifies the settlements where sustainable development will take place. Salisbury is listed as a Principle Settlement within the Salisbury Community Area. Core Policy 1 states:

*Wiltshire's Principal Settlements are strategically important centres and the primary focus for development. This will safeguard and enhance their strategic roles as employment and service centres. They will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self containment.*

Core Policy 2 addresses the issue of development within settlement boundaries:

*Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.*

The development is therefore acceptable in principle.

### **8.2 Impact on secondary shopping area and primary shopping frontage**

As discussed above, the NPPF supports the principle of main town centre uses being located within town centres, and also the re-use of previously developed (brownfield) land. The WCS provides more detailed policies when considering the secondary shopping area.

The site does not affect existing High Street units with frontages designated as Primary Shopping Frontage (Policy S1), such as New Look or TSB. Policy S1 would be satisfied in

this case, as the proposed use would not undermine or affect the existing retail function in the High Street. The floorspace within the application site is physically separated and set back from the primary frontage and is part of the Secondary Shopping Area (Policy S2).



The proposal seeks to change the use of vacant, unused areas surplus to the requirements of the existing stores fronting High Street. It is understood from the case officer's site visit that these vast, empty areas formed the rear parts of the Woolworths store and have been vacant and surplus to requirement since New Look took occupancy. These expanses of space are unused, unlit and have some gated access onto the riverside walk behind the walls of the site. They do not currently have any public access to them and do not have any accessible shopping frontage from the east or west side. The existing brick wall frontages are relatively bland and uninteresting, screened by the trees.

Policy S2 permits the change of use of ground floor premises to non shopping uses including A2 and A3 subject to four criteria and these would form the main retail tests for this application:

*(i) the retail function of the area is not undermined;*

The proposal could be considered as an opportunity to bring vacant floorspace back into use and create a restaurant frontage along the riverside, to the rear of units fronting the High Street, in the secondary shopping area. The Spatial Planning team and Major Projects officer have previously indicated their support for the development. The issue of financial viability and competition between any existing and new restaurants and A3 uses in the city centre is unfortunately not a planning issue for consideration, despite this being raised by objectors.

The existing Beauty Salon at No 98 Crane Street is a sui generis use and therefore, Policy S2 would not apply and no objection is raised to its loss in terms of retail impact.

*(ii) there is no adverse impact on the amenities of the occupiers of nearby residences;*

*(iii) no traffic hazard through increased on-street parking will result; and*

Significant local objections have been raised on these grounds and these points are discussed below under highway safety and amenity.

*(iv) there is no loss of a residential unit.* This is not applicable in this case.

### **8.3 Design and impact on the character of the Conservation Area, listed buildings and other heritage assets**



Core Policy 57 of the WCS sets out the policy considerations for the development in terms of design principles. The site lies within a Conservation Area and several buildings in the vicinity, including Crane Bridge, 96 Crane Street and Church House are listed. 98 Crane Street is an unlisted building and an undesignated heritage asset.

There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building and its setting. Section 72 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraph 132 of the NPPF states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*”.

Core Policy 58 aims to ensure that Wiltshire’s important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire’s environment and quality of life. Heritage assets include listed buildings and conservation areas. Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Historic England offered the following advice to the original scheme:

*The principle of redeveloping this largely back land plots with a river frontage for retail and restaurant use is generally considered acceptable in principle. We agree that it will have neutral impact on the rear elevations of the High Street and Crane Street but that it has the potential to enhance the river frontage. We have concerns, however, regarding the proposed demolition of No. 98 Crane Street in order to provide access to the site.*

*It is acknowledged that access to the site is an issue at present due to the separation of this plot from that now used by New Look. These access problems have resulted in a scheme that proposes the demolition of 98 Crane Street in order to allow access. While the need for access is recognised, it is important that the potential harm caused by the demolition of 98 Crane Street, as a potential non-designated heritage asset and a building contributing to the Salisbury Conservation Area, are fully considered and justified.*

*No. 98 Crane Street is an unlisted building within the Salisbury Conservation Area. The building’s exterior represents a late 19<sup>th</sup> century building and makes a minor positive contribution to the streetscape and the setting of the nearby listed buildings and the Conservation Area. The Heritage Assessment provides a brief overview of the buildings form, stating that the building has been reduced in size. It does not however provide any detail as to the buildings surviving plan form or any features of interest. The Design and Access Statement provided with the application refers to 98 Crane Street as not being of ‘any merit in itself nor contributing to the character of the town’. The assessment to qualify this statement is however wanting and we would expect appropriately detailed street views to understand the way the existing and the proposed will impact on this wider setting.*

*Reference is made to the need for any replacement to be 'carefully considered' however in our view the design and functional requirements of the proposed replacement building mean that it will not provide the same quality of aesthetic value as that to be demolished. The change from active street frontage to 'gatehouse' is a considerable one and the resulting change of character needs to be considered and in our view would be a detrimental change.*

*Upon further assessment Wiltshire Council may consider No.98 Crane Street to be a non-designated heritage asset. If so, appropriate weight and consideration should be given to its demolition (Para. 135 of the National Planning Policy Framework (NPPF)). At present the information provided to support the application does not make sufficient attempts to assess the contribution that this building makes to the wider conservation area or to assess the fabric and architectural form of the building itself in order to understand what is being lost (Para. 128, NPPF). It's demolition should therefore be resisted until further assessment is taken and a full understanding of the full impact of the changes are known as well as a better assessment of the change the use and replacement building will have on the wider conservation area.*

The Conservation officer initially commented:

*The proposed works along the riverside path would appear to be likely to enliven this area of the city and potentially enhance the conservation area. The works to the existing buildings formerly occupied by Woolworths to the rear of the High St would have no impact on historic fabric, whereas the proposed southern extension toward the rear of the listed buildings on Crane St (92-96) would have an additional impact on their setting, although this should fall within the 'less than substantial' bracket (NPPF 134). Clear details of the west and south elevations should be provided to enable a fuller appreciation of the intended appearance.*

*I am concerned at the proposed demolition of 98 Crane St and the design of its replacement. The heritage statement tells us little about the building and its uses, and offers little assessment of the impact of demolition or the design of the replacement, as that apparently hadn't been determined as the proposal at the time of writing (para 1.3.2). The existing 98 Crane St building dates from c1890 and is an attractive element of the streetscene, incorporating an unusual central dormer above a completely symmetrical elevation. This is believed to predate the Masonic Hall rather than be inspired by it, and the heritage statement refers to these buildings with the former artists' supplies shop as a 'modern group', which stretches things somewhat. The replacement design is closely related in outline but has no fenestration, making for a rather uncharacteristic element in the streetscene, and the use of red brick makes it appear to be a plain mimic of the adjacent hall. Again, I would suggest that larger scale annotated drawings may assist in our appreciation of the intended appearance.*

*Signage is mentioned in the highways dept response and we need to know what's intended, both on the buildings and the access routes.*

After consideration of the objections received to this scheme, the proposals for the replacement building for 98 Crane Street were re-considered and amended by the architects:

*"This new design is based on a more 'domestic' aesthetic and relates more the adjacent terrace in its visual approach. The first floor level must be raised to accommodate suitable clear height for delivery vehicles below. We have created a gable feature that allows us to*

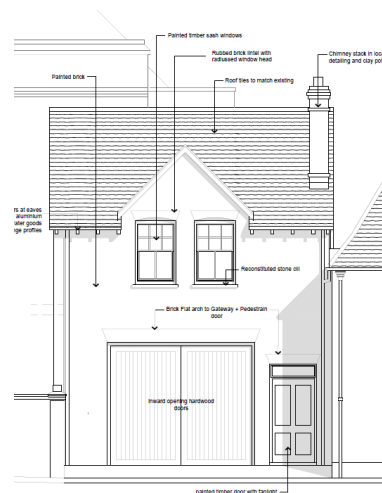
provide suitable window head and cill heights while keeping the eaves at a lower level that is more compatible with its neighbour. We are not particularly comfortable with providing windows where there is no functional need, but this arrangement creates the possibility for usable space at first floor. The gable adds interest and is a familiar form in the town centre. The façade finish will be painted brickwork and the windows will have painted timber frames.



To maintain the domestic 'feel' we have introduced a pedestrian door that will allow access without using the large vehicle gates. The gates themselves completely fill the opening, which is more typical of other similar gates in the area. In line with local detailing fascias are minimal and we would suggest exposing the rafter ends to add detail. To allow the first floor to be used we have introduced a stair accessed from the rear and rising sufficiently to allow the refuse space to be used below."



Existing



Proposed

The Civic Society made the following response to the **amended** scheme:

The Civic Society has considered the revised design submitted for the replacement building at 98 Crane Street. Its position is that it has no enthusiasm for this design, and would rather see the present building left in place and some other means found to access the site. If however that is not possible, and if as seems to be the case the council is minded to approve the overall scheme, then the revised design is significantly better than the first one, and the Civic Society will not oppose it. This is based on the Society's overall position, which is that it is broadly happy with the idea of the riverside restaurants, subject to the significant caveats expressed in its letter dated August 8<sup>th</sup>. However the revised design will need to be carried out with commitment, and in particular the 1st floor windows will need to look like

*proper windows, associated with some real function behind, rather than coming across as shallow gestures which don't actually do anything.*

Historic England has responded to the amended proposals in a similar vein:

*I have looked over the amendments and superseded plans. Although the design appears to be somewhat of an improvement, I don't feel the issues raised in our previous response have been addressed, and therefore still stand.*

Having considered these responses, the conservation officer has concluded:

*The design for the building proposed to replace 98 Crane St has been revised following earlier comments and discussion. The issues of the visual and physical relationship with adjoining buildings and street presence have largely been addressed, however one cannot help but feel that the proposal lacks the imagination and architectural confidence that might be hoped for in this sensitive location. The impact on the CA and setting of adjacent LBs could be neutral, depending on the quality of materials and workmanship of the replacement building.*

*In terms of the demolition itself, this will need to be carefully controlled to ensure that the listed building to the east (to which 98 is attached), and the Masonic Hall (and especially its front courtyard and boundary wall) are adequately protected.*

*With regard to concerns raised by respondents on the physical threat to surrounding buildings by delivery vehicles, the degree of risk appears to be directly related to the length of such vehicles. Certainly it would be impossible for an articulated lorry to access the delivery yard, and if the length were to be restricted to something like a LWB Transit then the risks could be limited to the corners of the western boundary wall and 96 Crane St; these should be further reduced by the installation of sturdy bollards, details of which will need to be provided in advance of any consent being granted. I see no reason to have concern about damage to buildings on the south side of the street.*

Para 134 of the NPPF requires the LPA to identify whether there would be any harm to the significance of any designated heritage asset. If so, that harm must be weighed against the public benefits of the proposal. No objection is raised to the riverside proposals and frontage, within the Conservation Area. However, whilst officers feel that the design for 98 Crane Street could perhaps have shown *more imagination and architectural confidence for this sensitive location* officers do not perceive that the development will cause harm to the significance of the Conservation Area or the setting of listed buildings, provided the demolition is adequately controlled by condition to safeguard adjacent listed buildings and structures and provided the quality of materials and workmanship of the replacement building is high. In conclusion, it is not perceived that the development would cause harm to the significance of the character and setting of the designated heritage assets (the Conservation Area and listed buildings) or undesignated heritage assets (98 Crane Street) and subject to the conditions set out above, the proposal would comply with Policy CP58 and the NPPF. The design of the proposed extension and glazed frontage to the piazza is considered to be acceptable in principle and likely to enhance the appearance of the area, subject to a condition requiring further details, in accordance with CP57.

#### **8.4 Neighbouring amenity, noise and public protection**

Core Policy 57 sets out the general principles for the design of development, including impacts on neighbours. It states:

*A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:*

*vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter).*

The proposal has generated a significant number of strong objections on amenity grounds. Many objectors are local residents who are extremely concerned about potential disturbance from noise from customers and restaurant users, particularly late at night as people leave and loiter, noise from the outdoor seating area, including the tables and chairs being put away, disturbance from music, noise from extraction and refrigeration equipment on the buildings, noise from deliveries and smells from cooking fumes. They are also concerned about a potential loss of privacy arising from the development, given its proximity to their homes. The comments are summarised earlier in this report. It is noted that no objection has been raised to the proposed single storey extension to the rear of Crane Street businesses and properties, and this is considered to be acceptable under Policy CP57 in this city centre location. The public protection officer initially raised a number of queries for the applicant to respond to, relating to noise from the courtyard area facing the river and noise breakout from the restaurant itself, the submitted noise assessment, odour and kitchen extraction systems and lighting.

Conditions relating to the following matters were initially recommended:

- a scheme of acoustic insulation and noise control is recommended, including the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from externally mounted plant.
- all external windows and doors to be kept closed when the use is taking place (except when being used for access and egress)
- a scheme of works for the control and dispersal of atmospheric emissions, and in particular odour
- a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass should be imposed.
- a construction management plan, including details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development.
- control hours of construction and demolition

The applicant considered the questions raised and responded:

*It should be borne in mind that this is a town centre location and there are examples of outdoor seating in the immediate area, e.g. The Kings Head Inn which also has an outdoor*

seating area along Avon Row. Furthermore, the restaurant seating will be used by dining customers only and the noise generated from this use is expected to be lower than the neighbouring beer garden.

- *The proposed operating hours for the restaurant are 09.00 – 12.00 midnight, 7 days per week including bank holidays.*
- *16 tables and 64 chairs are proposed to be placed outside as per Drawing No. 230-PL-120.P3.*
- *The proposed hours for the use of outside tables and chairs are the same as the opening hours*
- *Proposed hours of deliveries and waste collections. Ideally, all of our servicing requirements will be met through the use of smaller delivery vehicles and we would accept a condition proposed by highways to restrict deliveries from larger vehicles to between the hours of 10.00 – 15.30. With regard to waste collection, as the operators for the units are unconfirmed the volume and frequency of waste collections are still uncertain. As such, we would accept a pre-occupation condition requesting a delivery and servicing management strategy to be approved by the Council.*
- *Level of sound insulation, how many covers are proposed, and will live or recorded music be played? The fixed double-glazed typically have a db reduction of 30. We are not anticipating live music but low-key recorded music inside the restaurants is likely.*

The public protection officer then concluded with the following recommendations:

#### **Noise from outside seating area**

We have significant concerns about the proposal for 16 tables, 64 outside seats to be used 09:00 – 12:00 midnight. The Kings Head does have outside seating but there are no residential properties directly opposite, overlooking the area and it is close to other noise sources such as traffic on Fisherton Street and electricity substation. The position of the proposed outside seating area will have much lower background noise levels so noise from customers will be more noticeable and there are residential balconies and windows approximately 35m away overlooking the area. This proposal is to introduce a difficult to manage noise source to a reasonably quiet area where there are residential properties. It is reasonably foreseeable that noise from customers the outside seating in the evening will at times have a significant adverse impact at the residential properties. This is likely to mostly be a problem in the summer months when the outside seating area is in greater use and the residents want to have their windows and balcony doors open.

Conditions to the following effect should be attached to any planning permission granted.

**Without restrictions of this nature we would have to recommend this application is refused.**

a) No music to be played outside.

b) Outside seating area shall only be used between the hours of 09:00 – 18:00 Monday to Saturday and 10:00 – 17:00 Sundays and Bank Holidays. Outside of those hours the use shall cease with all furniture being removed from the external seating area.

#### **Noise breakout from restaurants**

I am not aware of a way that an enforceable condition can be written that restricts the playing of music to only background music. If recorded music is not restricted there is the potential that the restaurant operators may choose to play music at a higher volume resulting

in unacceptable noise levels outside that may impact on residents. The playing of recorded music in these restaurants cannot be controlled through the licensing regime before 23:00. Conditions c and d are therefore recommended. The requirement in condition d) is designed to ensure that there would be no increase in the ambient noise level:

c) No live music to be played.

d) No recorded music to be played until suitable scheme of acoustic insulation and noise control has been approved. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from inside of the restaurant including noise from music and customers.

#### **Noise from kitchen extraction and ventilation**

e) A condition requiring a scheme of acoustic insulation and noise control to be submitted before the use commences, is required. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from externally mounted plant.

#### **Noise from deliveries and waste collections**

There are residential properties on Crane Street that have windows to habitable rooms facing the delivery area. As well as the restriction for deliveries from large vehicles we have to recommend a time restriction for deliveries from vehicles under 7.5T. The noise and disturbance from lights, engines, cages, pallets being moved and people can be significant at night and in the early hours of the morning. Waste collections can cause similar disturbance. We have considerable experience investigating complaints of this nature in mixed use areas. Conditions to the following effect are therefore recommended:

f) No deliveries from vehicles over 7.5Tonnes outside of the hours of 10:00 and 15:00.

g) No deliveries or waste collections outside of the hours of 07:00 and 20:00 Monday to Saturday, 09:00 and 18:00 Sundays and Bank Holidays.

#### **Odour**

h) A condition requiring a scheme to control the dispersal of atmospheric emissions and in particular odour is required.

In conclusion, significant concerns have been raised by local residents to the use on amenity grounds. However, it is acknowledged that this is a city centre location and the proposed development is acceptable in policy terms. Therefore, the applicant has considered the comments from the public protection officer and has agreed to accept the recommended conditions. End users have not yet been identified for the development and so future occupiers of the development would need to comply with any conditions imposed to control the amenity impacts arising from the restaurant use. Officers do not feel that there are sufficient reasons to refuse this application on amenity grounds, because the potential impacts can be mitigated by the recommended conditions. On balance of all the issues raised and the recommendations made by the public protection officer, it is concluded that by imposing appropriate conditions can appropriate levels of amenity be achievable within the development itself, in compliance with CP57.

## **8.5 Ecology and Archaeology**

### **Ecology**

An ecological report has been submitted. Core Policy 50 seeks to ensure that all development proposals incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. The NPPF para 118 states:

*118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged*

The NPPG also sets out guidance. Natural England has assessed the application using the Impact Risk Zones data (IRZs). They advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which River Avon Special Area of Conservation (SAC) has been classified. The LPA is **not** required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the River Avon System SSSI has been notified. Therefore, the Site of Special Scientific Interest does not represent a constraint in determining this application.

The ecologist has also recommended a condition for a construction method statement to ensure that contractors take precautions not to cause pollution of the River Avon SAC. In conclusion, no objection is raised to the proposed ecological mitigation, in accordance with Core Policies 48 and 50, the guidance in the NPPG and the ODPM circular 06/2005.

### **Archaeology**

Core Policy 58 aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Heritage assets include Listed Buildings and Conservation Areas.

The Archaeologist has considered para 128 of the NPPF and stated:

*This site is of archaeological interest. The heritage assessment which accompanies the application confirms this, particularly in relation to the medieval and post-medieval periods. It also recognises that buried archaeological remains are likely to have been impacted by later development, but that the extent and severity of this is currently unknown.*

*In this case, I consider that the archaeological assessment meets the requirement of para 128. Field evaluation is clearly very difficult, given the existing buildings on the site.*



*The NPPF also says: 141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*

It is therefore recommended that a programme of archaeological works is carried out as part of any development. It is likely that this will involve elements of watching brief and possibly archaeological excavation, but the exact nature of the works and when they can be undertaken will form part of a written scheme of investigation agreed with this office. The applicant should be aware that, if archaeological remains are encountered, this may have an effect on their programme of works. If human remains are encountered during the works, they cannot be removed without the appropriate permissions.

In conclusion, no objection is raised under CP58 and the NPPF provisions, subject to a condition requiring a written programme of archaeological investigation.

## **8.6 Drainage and Flood Risk**

The site lies partly within Flood Zones 2 and 3. The Flood Risk Assessment (FRA) recommends that finished floor levels be set 600mm above the River Avon 1% annual probability plus climate change flood level (the design flood level). This equates to 46.90 metres AOD, as noted in the FRA. Existing floor levels are set at 46.89 metres AOD, hence only 1cm below that recommended in the FRA. The EA has no objection to a slightly smaller freeboard allowance but recommends a condition to ensure the finished floor level of the existing building and proposed extension is set no lower than existing. A condition to deal with any contamination found during development is also recommended to protect controlled waters from pollution.

The drainage team have raised no objection subject to conditions relating to schemes for the discharge of surface and foul water from the site. The ecologist has also requested a construction method statement condition to prevent pollution during construction.

## **8.7 Impact on highway safety and public rights of way**

The site is considered to be in the city centre and in a highly sustainable location, close to public transport and city centre car parks. The highways officer has raised no objections to the proposal or the proposed servicing arrangements. An informative, advising the applicant that a licence will be required from the local highway authority before any works are carried out the highway, is recommended.

The transportation team has noted that the Transport Assessment shows that vehicles up to 7.5t in size should be able to access/egress the proposed service yard. Vehicles larger than this would not be able to use the service yard. This causes a potential problem in that vehicles such as beer drays delivering draught beer/lager wouldn't be able to access the proposed service yard. The only option for such vehicles to load/unload would be to do so from the highway. Crane Street forms part of the route to Churchfields Industrial Estate for over height vehicles (vehicles that cannot fit under the Fisherton Street Railway Bridge) and is subject to use by traffic seeking to avoid the city centre 'one way' system and the A36 Churchill Way, particularly, during the morning and afternoon peak travel periods. Therefore, highways advise that a condition is imposed to ensure that any deliveries to restaurant

premises involving vehicles that can't access the proposed service yard can only take place between 10.00am and 3.00pm.

Several third parties have asked whether vehicles can turn in the delivery yard. Highway responded: *Based solely on the swept path analysis in the applicants Transport Statement then yes they would be able to turn around in the services – albeit that it is incredibly tight for a 7.5t vehicle. The ability for any vehicle to turn in the service yard though is reliant on the yard being laid out exactly as shown in the Transport Statement and it being kept clear. It should be made clear to the developer that parking must not be allowed to take place in the service yard at any point.*



7.5T Panel Van Swept Path Analysis showing turning manoeuvre

Drawing 230-PL-120.P3 shows a widened the pathway between the existing walkway and the proposed outdoor seating area in line with design comments and includes four visitor cycle parking spaces. This is based on the peak trip numbers of around 60 per hour. The applicant has stated they will provide 6 spaces for employees which is also acceptable.

The impact on Church House has also been considered by highways. The ability for vehicles to load and unload to the proposed new restaurants from Crane Street is unlikely to unduly impact on the ability to access Church House. All vehicles that can physically fit into the restaurants service yard would be required to use this area to load and unload, and in practical terms only a small number of vehicles should need to load and unload from Crane Street. It is considered unlikely that the ability for vehicles to service the proposed new restaurant from Crane Street would increase the likelihood of the oriel window being struck. Vehicles servicing the restaurants would be located on the opposite side of the road to the window and in consideration of the entrance to the service yard, vehicles would likely park closer to the traffic signals at the junction of High Street / Crane Street / New Street to minimise the distance that goods would have to be moved when being load and unloaded.

If significant problems with accessing Church House arise as a result of vehicles servicing the proposed new restaurants then the introduction of further loading restrictions to control where loading and unloading can take place within Crane Street could be considered by Wiltshire Council.

In conclusion, the proposed layout is considered to be acceptable. Subject to the above conditions and informatives, the proposed development has the highway team's support.

## **8.8 Trees**

The site lies within the Conservation Area and trees are a material consideration for this application. A total of 25 trees have been identified within or adjacent to the site in the Arboricultural survey. This includes two groups of trees and two felled trees. The survey recorded two category B trees (T10 Indian bean tree and T11 Japanese cherry) at the front of the site, 13 category C trees (including silver maples T1 and T2 by the riverside entrance to the site) and 12 category U trees, including the two felled trees. Category B and C trees represent a material consideration for development and effort should be made to retain any category B trees. Whilst category C trees should be retained where possible, they should not be retained where they would present a serious constraint to development.

The retained trees would be protected through the erection of tree protection fences in order to create an exclusion zone and the use of root protection areas for any retained trees. An arboricultural method statement has been submitted to explain how the retained trees would be protected during development. 10 Category U trees are proposed for removal. The category B trees (T10 and T11) and the two category C silver maples at the front of the site (T1 and T2) would be retained and protected.

The tree officer has considered the application and the submitted documentation. He has recommended that the revised report is acceptable and a tree protection condition should be imposed on any permission, requiring a pre commencement site visit. A landscape plan (including any replacement trees) should also be required by condition. The proposal would therefore comply with CP57 and it is perceived that there would be no harm to the character of the Conservation Area arising from the development.

## **8.9 Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development. All development containing at least 100 square metres of new build is chargeable. An informative would be placed on any permission to advise the developer regarding CIL.

## **8.10 Waste and Recycling and Energy Efficiency**

As the scheme is not classified as a major development, the applicant is not *required* to submit a waste audit or management strategy under the Waste Core Strategy Policy WCS6. This issue has also been considered under the amenity section of this report and appropriate conditions would be imposed requiring a delivery and servicing management strategy, as suggested by the applicant.

This development affects approximately 820sqm of existing retail floorspace. For new build development exceeding 1,000sqm gross, a condition would normally be applied under Core Policy 41 requiring evidence that the "very good" BREEAM standard (or any such equivalent

national measure of sustainable building which replaces that scheme) has been achieved for the development. However, as the proposal is for less than 1,000 sqm, the condition will not be applied for viability reasons.

## **Conclusion**

The proposal seeks to convert existing vacant and previously developed land in the city centre for an A3 (main town centre) use. The NPPF considers this to be a sustainable form of development in principle. The development would provide an enhancement to the river frontage, it is likely to improve the vitality of the city centre and provide additional employment.

Officers have raised no objections to the proposals, subject to conditions that would secure appropriate levels of amenity within the development and ensure that neighbouring amenities are not unduly affected by the increased activity. Highways have also recommended conditions to manage deliveries.

The replacement of 98 Crane Street, which is an unlisted heritage asset, is considered unlikely to cause harm to the character of the Conservation Area and the tree officer has raised no objection to the proposed removal of a number of trees, whilst important specimens on the river front would be protected during construction.

## **RECOMMENDATION: APPROVE 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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)(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, having regard to the circumstances of the case.

3. There shall be no demolition of 98 Crane Street until details of:
  - i) all eaves, verges, windows (including scaled drawings of head, sill and window reveal details), doors, rainwater goods and chimneys
  - ii) proposed materials
  - iii) a scheme (of bollards or similar means) to protect 96 Crane Street and the boundary wall and pier of the Masonic Hall from delivery vehicles during and after construction

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained in perpetuity.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before demolition takes place in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area and to protect heritage assets from damage by vehicles at the access point.

4. There shall be no demolition of 98 Crane Street until a demolition protection plan to demonstrate how
  - i) 96 Crane Street and
  - ii) The Masonic Hall and its boundary wall and pier

shall be protected during the demolition works has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before demolition takes place in order that the development is undertaken in an acceptable manner, to protect the adjacent listed building and heritage assets/features within the Conservation Area.

5. Any gates onto Crane Street shall open inwards only, in perpetuity.

Reason: In the interests of highway safety.

6. The development shall be carried out in accordance with the Arboricultural Survey and Impact Assessment ref LIPL103/003/001/001 and Arboricultural Method Statement ref LIPL103/004 both dated November 2016 by Thomson Ecology. The trees shall be protected in accordance with the approved reports and statements throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation. A pre-commencement site visit (to include the owner, the site foreman and the Arboricultural Officer) shall be take place before any development activities commence on site.

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 important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction. The pre-commence site visit is to ensure that the protective fencing is in place and all aspects of tree protection are understood by all parties.

7. Any replacement trees and landscaping comprised in the approved arboricultural reports and site plans shall be carried out in the first planting and seeding season following the first occupation of the building 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 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.

8. a. No music shall be played outside the buildings shown on the approved plans.
- b. No live music shall be played within the red line of the application.
- c. No recorded music to be played within the buildings until a suitable scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from inside of the restaurant including noise from music and customers. The approved scheme shall be implemented in full before the music is played in the restaurants and maintained at all times thereafter.

Reason: In the interests of neighbouring amenities.

Informative: In discharging this condition the applicant should engage an Acoustic Consultant. The scheme should demonstrate entertainment noise levels from inside the restaurant will not exceed 10dB below the existing  $L_{Aeq, 5minutes}$  without the entertainment noise when measured at the boundary of any residential property.

9. The outside seating area (or piazza) hereby approved shall only be used between the hours of 09:00 – 18:00 Monday to Saturday and 10:00 – 17:00 Sundays and Bank Holidays. Outside of those hours the use shall cease and all furniture shall have been removed from the external seating area before 20:00 hours.

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.

10. Before the A3 use hereby approved commences a scheme of acoustic insulation and noise control shall be submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from externally mounted plant. The approved scheme shall be implemented in full before the use commences and maintained at all times thereafter.

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.

Informative: In discharging this condition the applicant should engage an Acoustic Consultant. The externally mounted plant and any associated enclosures shall be selected, designed and positioned so that the sound levels in section 4 on page 3 of the submitted Acoustic and Engineering Consultants Ltd Plant Noise Assessment Reference P3274/L01a/DB dated 22<sup>nd</sup> April 2016 are met.

11. No deliveries or waste collections shall take place outside of the hours of 07:00 and 20:00 Monday to Saturday, 09:00 and 18:00 Sundays and Bank 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.

12. No deliveries from vehicles over 7.5Tonnes (and any other vehicles that cannot physically enter the delivery yard) shall take place outside of the hours of 10:00 and 15:00 on any day of the week. There shall be no obstruction of the delivery and service yard by parked cars at any time.

Reason: In the interests of highway safety and to ensure that delivery vehicles can access, turn within and egress the yard in a forward gear.

13. Before the A3 use hereby approved commences a scheme of works for the control and dispersal of atmospheric emissions, and in particular odour has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

Reason: In the interests of neighbouring amenities.

Informative: In discharging this condition the applicant must consult the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005.)

14. All external windows and doors shall be kept closed when the approved A3 use is taking place except only when the doors are being used for access and egress.

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.

15. No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

Reason: To minimise the impact of lighting and in the interests of neighbouring amenities.

16. No construction or demolition 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 ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

17. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

Reason: In the interests of neighbouring amenities.

18. 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 water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

19. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. 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

20. The finished floor levels of the development shall be set no lower than the existing levels at 46.89 metres AOD.

Reason: To reduce the risk of flooding to the proposed development.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution.

22. No development shall commence on site until a construction management plan to protect the River Avon SAC during construction has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the details to be approved.

REASON: To protect controlled waters from pollution.

23. The development shall be implemented in accordance with the Recommendations in Chapter 8 of the Ecology Survey by Thomson Ecology, ref ATNP101/001/001/001 dated Nov 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the interest features for which the River Avon System SSSI has been notified.

24. No development shall commence within the area indicated (proposed development site) until:

- i) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and



- ii) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

25. No part of the development shall be brought into use until the cycle parking facilities 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.

26. The development hereby permitted shall not be brought into use until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

27. No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs of the restaurant building 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area.

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

Location and Existing Site Plan 230-PL-100.P4 dated August 2014  
Design and Access Statement by Denning Male Polisano Issue P2 14 November 2016  
Planning Statement by Indigo Planning Ltd dated May 2016  
Heritage Assessment by Wessex Archaeology ref 112080.01 dated Jan 2016  
Transport Assessment by Caneparo Associates Ltd dated March 2016  
Letter let.015.EG.SD.00030274 dated 13/10/16 from Indigo Planning Ltd  
Flood Risk Assessment dated May 2016 by GVA Bilfinger ref 01B604958  
Arboricultural Survey and Impact Assessment ref LIPL103/003/001/001 and Arboricultural Method Statement ref LIPL103/004 both dated November 2016 by Thomson Ecology.  
Ecology Survey by Thomson Ecology, ref ATNP101/001/001/001 dated Nov 2014  
Further Bat Surveys by Thomson Ecology, ref ATNP101/002/001/001 dated Oct 2015 and May 2016  
Proposed Elevations East and South ref 230-PL-123.P4 dated August 2014  
Proposed Elevations West and South (part) ref 230-PL-122.P3 dated August 2014  
Proposed Sections AA and BB ref 230-PL-124.P2 dated August 2014  
Proposed Roof Plan ref 230-PL-121.P3 dated August 2014  
Proposed Floor and Site Plans 230-PL-120.P4 dated August 2014  
Plans, Elevations and Sections 98 Crane Street Existing and Proposed 230-PL-125.P3 dated August 2014  
Façade Detail, 98 Crane Street Proposed 230-PL-126.P2 dated August 2016

Plant Noise Assessment by Acoustic & Engineering Consultants Limited dated 22/4/16  
Sustainability Statement by Denning Male Polisano Issue P3 11 May 2016  
Drainage Statement by Campbell Reith ref 12333 dated 20/5/16

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

29. The extension and curved glazed frontage to the restaurants hereby approved shall not be commenced until details at a suitable scale of:
- i) all eaves, verges, windows and doors
  - ii) all proposed materials for the extension and piazza surfaces including any means of enclosure

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained in perpetuity.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before demolition takes place in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area.

#### **INFORMATIVES:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

The archaeological work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from the local highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

In view of the potential flood risks in this locality, the Environment Agency advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design

modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:-

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

In addition to any other permission(s) that may have already been obtained, e.g. planning permission, an environmental permit may be needed for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) for carrying out work:

- in, under, over or near a main river (including where the river is in a culvert)
- on or near a flood defence on a main river
- in the flood plain of a main river
- on or near a sea defence

Any works within 8m of culverted water course (the 300mm pipe) will need LDC application and approval

For further information and to check whether a permit is required please visit:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

There may be ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. The Drainage Team can be contacted to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

With reference to Condition 22, Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.