

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 AUGUST 2010 AT ALAMEIN SUITE - CITY HALL, SALISBURY.

Present:

Cllr Richard Britton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

80. **Apologies for Absence**

Apologies were received from Councillors Brian Dalton and Graham Wright.

81. **Minutes**

The minutes of the meeting held on 5 August 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes.

82. **Declarations of Interest**

Councillor Ian McLennan declared a personal interest in S/2010/0809 - Milford House Nursing Home, for the reason that until 2008 his mother-in-law had been resident at the home for ten years.

83. **Chairman's Announcements**

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

84. **Public Participation**

The committee noted the rules on public participation.

85. **Request from officers to secure retail use restrictions and travel plan through planning conditions rather than a Section 106 Legal Agreement - Application S/2008/1389, Proposed Discount Foodstore, Unit 2 Bourne Retail Park**

The committee discussed request from officers to secure retail use restrictions and travel plan through planning conditions rather than a Section 106 Legal Agreement for application S/2008/1389, Proposed Discount Foodstore, Unit 2 Bourne Retail Park.

Resolved:

That the request of Officers to secure the retail use restrictions and travel plan through planning conditions rather than a S106 legal agreement is accepted, with the reasons for approval updated to replace references to PPS6 with PPS4, and that the application be approved subject to the following conditions (new conditions highlighted in bold):

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: In the interests of the character, appearance and amenities of the area.

Policy: G2

- 3) **Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), "Unit 2" (as shown edged red in the submitted plan ref: API/BRP/SLP-02) shall be used only for the following purposes:**

(a) a non-food retailer whereby the range and type of goods to be sold will be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores; or

(b) a food retailer with the following restrictions:

- i) Not to sell more than 1500 product lines from the unit at any one time [product lines are stated to be each stock keeping unit such that products or items of the same type e.g. baked beans, but of a different brand, weight, size, or shape shall be treated as separate items];**
- ii) Not to use more than 20% of the net sales floor space for the sale of non-food comparison goods as defined in Annex A of PPS4;**
- iii) Not to operate any of the following services: butchers counter; fresh fish counter; delicatessen/cheese counter; hot food, banking facilities; dispensing pharmacy; dry cleaning services including the collection of garments or articles for cleaning off-site; post office services; lottery or scratch card sales; photographic shop or booth; café/restaurant; sales of cigarettes and/or tobacco.**

The use of “Unit 1” (as shown within submitted plan ref: 08.33.04) shall remain in those non-food retail uses cited in (a) above, as originally stipulated within condition 3 to planning permission S/2008/0965.

**Reason: To safeguard the vitality and viability of the city centre.
Policy: G1, DP6, PPS4**

- 4) The owners / operators of Unit 2 shall maintain accurate and up to date records of the number and type of goods on sale at any one time and shall make this information available at all reasonable times to the Local Planning Authority.**

**Reason: In the interests of the enforceability of condition 3, to safeguard the vitality and viability of the city centre
Policy: G1, DP6 PPS4**

- 5) There shall be no further internal subdivision of the building for the purposes of creating units of less than 935 square metres internal floor space.**

**Reason: In the interests of ensuring that units are still suitable for bulky goods and do not harmfully compete with the town centre.
Policy: G1, DP6, PPS4**

- 6) No part of the development shall be occupied for a food retail use until a travel plan based on the Interim Travel Plan submitted with the application has been submitted to and approved in writing by the Local Planning Authority, and those parts identified within the approved travel plan as capable of being implemented prior to occupation have been duly implemented. Those parts of the approved travel plan that are identified as being capable of being implemented after occupation shall be implemented in accordance**

with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied for a food retail use. The records of the implementation shall be made available to the Local Planning Authority if requested.

Reason: In order to promote sustainable modes of travel to and from the site and to mitigate the impact of the development on the A36.

Policy: G1, G2

- 7) Before development commences to implement a food retail use details of the cycle storage and bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of amenities and sustainable travel.

Policy: G1, G2

- 8) Before development commences to implement a food retail use a scheme to restrict shopping trolleys leaving the curtilage of the site (edged blue on the submitted site plan) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building for food retail purposes and shall thereafter be retained in relation to that use hereby permitted.

Reason: In the interests of visual amenity.

Policy: G1, G2

86. **Planning Appeals**

The committee received details of the following appeal decisions:

S/2009/1893 61 The Borough, Downton – withdrawn – delegated

S/2009/1933 Land Adjacent Flamstone Street, Bishopstone – dismissed – delegated

And forthcoming appeals as follows:

S/2009/1903 The Corn Mill, Crouchston

S/2010/0279 Land Adjacent Manor Farm, 31 Church Road, Idmiston

S/2010/0282 Land Adjacent Manor Farm, 31 Church Road, Idmiston

Resolved:

That the report be noted

87. **Planning Applications**

87a S/2010/0869 - Site Adjacent to Rose & Crown 39 High Street Bulford

Public participation:

Mr Patrick Oetiker spoke in support of the application

The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

A debate ensued regarding the proposed design, amenity of the adjacent public house and potential overdevelopment of the site.

Resolved:

That the application be refused for the following reasons:

The proposed development by reason of its design, shape, and form would result in an incongruous and alien form of development at odds with the local vernacular such that it would fail to respect or enhance the character and appearance of the area, its architectural characteristics, the materials of adjoining buildings and would not promote or re-enforce local distinctiveness. As such the proposal would be contrary to saved policies D2 and G2 of the adopted Salisbury District Local Plan and advice in Planning Policy Statement 1: Delivering Sustainable Development.

87b S/2010/1015 - Bowles Barn and Yard, The Portway, Winterbourne

Public participation:

Mr Richard Bruce-White spoke in support of the application

Mrs Melanie Thomas spoke on behalf of the Winterbourne Parish Council in support of the application.

The Planning Officer presented the report which recommended refusal and drew attention to the late list of additional information.

A debate ensued regarding the access arrangements for the site, future use of the building, design and scale, impact on surrounding countryside and the principle of 'conversion'.

Resolved:

That the application be refused for the following reasons:

1 The site lies outside the housing policy boundary, and is not considered to be previously developed land, due to its agricultural use. The guidance in PPS7 (para 10) requires special justification for planning permission to be granted for isolated new houses in the countryside. Whilst the building is identified as being of some historical interest, substantial reconstruction of the existing building is required together with a large single storey extension and an intrusive access across adjacent agricultural land to enable the conversion to residential use. The building is not considered to be sufficiently important to provide the special justification required by PPS7 to support

conversion to full residential use. Furthermore, no commercial marketing evidence has been submitted to demonstrate that the building could not be used for an alternative agricultural, tourism, commercial or community use. The development would therefore be contrary to the guidance in PPS3, PPS4, PPS5, PPS7, and the adopted policies C22, H23, H26 and H27.

2. Obtainable visibility from the proposed new access position is considered to be inadequate for the volume and speed of traffic using the "C" class main road, presenting a serious road safety hazard for vehicles exiting the new access and for traffic movement along this important "C" class route, contrary to Policy G2 of the adopted Salisbury District Local Plan.

3. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys and Policy G1 of the adopted Salisbury District Local Plan.

Appendices: None

Background Documents Used in the Preparation of this Report:

Paul Tanner Associates Inspection of Structural Fabric, ref 1822b dated 18/11/08

Letter from Paul Tanner Associates dated 3 October 2009

Letter from The Lime Centre dated 31/03/09

Ecological Assessment, received on 6/07/2010

Construction and Demolition Method Statement received on 6/07/2010

Design and access statement received on 6/07/2010

Sustainability statement received on 6/07/2010

Letter from Geoff Crawford of Witcher Crawford setting out sequencing of work dated 15 June 2010, received on 6/07/2010

Site location plan received on 6/07/10

Figured dimensions of site, and proposed buildings received on 6/07/2010

Typical cross-section of access track received on 6/07/2010

Drawing ref.no. W1198 P01 received on 6/07/2010

Drawing ref.no. W1198 P02 received on 6/07/2010

Drawing ref.no. W1198 P03 received on 6/07/2010

Drawing ref.no. W1198 P04 Rev B received on 6/07/2010

Drawing ref.no. W1198 P05 Rev B received on 6/07/2010

Drawing ref.no. W1198 P06 Rev B received on 6/07/2010

87c S/2010/0809 - Milford House Nursing Home

With the Chairman's agreement, this application was considered together with the associated application for listed building consent referred to at minute number 87d below.

Public participation:

Mrs Virginia McLennan spoke on behalf of the Laverstock and Ford Parish Council in opposition to the application

The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

A debate ensued regarding the necessity of the extension, transport and access to the site, overcrowding of the site and impact on amenity of the original building.

Resolved:

That the application be approved for the following reasons:

There is a need for dementia care and this proposal would link such a facility with the existing Nursing Home. The site is in a sustainable location within the established boundary of the existing Nursing Home and therefore the proposal is considered to be in accordance with the spirit of Local Plan policies C7, C23 and C24. As it is considered that the extension by virtue of its overall scale and massing would not be a visual intrusion into the open countryside, the proposal would have no impact upon the character and setting of the Listed Building and there would be no impact on a highway safety, the proposal is considered to be in accordance with Local Plan policies G2, C2, CN3, CN5 and D3. As such, it is considered that suitably conditioned to protect the trees and prevent the pollution of the ground water source protection area, the proposal complies with the prevailing policies of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS1 and PPS5

And subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

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

POLICY. CN3, CN5, Listed buildings, D3 Design criteria, G2 General criteria for development

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

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

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

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

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

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

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

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

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010 Documents /plans

REASON: For the avoidance of doubt

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

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

POLICY G2 General criteria for development

5. The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing. The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the

statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.

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

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

POLICY G2, General criteria for development

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

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

POLICY C2 and C7, development in the countryside, G2 General criteria for development

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

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

POLICY G1 Aims of development TR14 Cycle parking

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

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

development.

POLICY G1 and G2 General criteria for development.

87d S/2010/0810- Milford House Nursing Home

The Planning Officer presented the report which recommended approval and drew attention to the late list of additional information.

Resolved:

That the application be approved for the following reasons:

The proposed extension to provide dementia care would link with the existing Nursing Home and as the Conservation Officer considers that the proposal would have no impact upon the character and setting of the Listed Building, the proposal is considered to be in accordance with the saved policies CN3 and CN5 of the Adopted Salisbury District Local Plan (June 2003) and national guidance as expressed in PPS5

And subject to the following conditions:

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

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

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

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

POLICY CN3, CN5 listed Buildings D3 Design criteria

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

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

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

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Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

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Sustainability statement received on 3 June 2010Documents /plans

REASON: For the avoidance of doubt

88. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.45 pm)

The Officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, of Democratic Services, direct line (01225) 718371, e-mail pam.denton@wiltshire.gov.uk

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