

SOUTHERN AREA PLANNING

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON THURSDAY 25TH JUNE 2009 AT 6.00 PM AT, CITY HALL, SALISBURY

Present:

Mr B Dalton, Mr C Devine, Mrs M Douglas, Mrs J Green, Mr M Hewitt, Mr I McLennan, Mr C Newbury, Mr J Smale, Mr I West, Mr F Westmorland (Chairman), Mr G Wright.

Apologies:

There were none.

1.MINUTES

The minutes of the meeting held on 28 May 2009 were confirmed as a correct record and signed by the Chairman.

2.CHAIRMANS ANNOUNCEMENTS

The Chairman reminded members of the committee and public of the new rules on public speaking at planning committees.

3.DECLARATIONS OF INTEREST

Mr C Devine declared a prejudicial interest in application S/2009/0434 and left the room during the debate on this item and did not speak or vote on the application.

4. S/2009/0376 – 58 Barnard Street – full planning application for demolition of existing five storey hostel and replacement with four storey hostel

Public Participation:

1. The effect of Article 8 of the General Development Procedure Order 1995 was explained to the committee.
2. Mr D McLeod spoke in objection to the application.

3. Brig (Rtd) D Baines spoke in objection to the application
4. Mr A Lord (Agent) spoke in support of the application.
5. The Division member addressed the committee in support of the application.
6. Salisbury City Councillor spoke in objection to the application.

Resolved:

To **GRANT** full planning permission

Following completion of a unilateral undertaking, whereby a commuted sum is paid towards the provision of off-site open space in accordance with saved policy R2 of the Salisbury District Local Plan, within one month

For the following reasons:

The previous reasons for refusal relate to the

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) the poor quality design of the six 'move-on flats' on St Ann Street
- c), the adverse effect on the existing amenities enjoyed by residents of adjacent properties
- d) the lack of information to demonstrate that the proposed works would not harm a protected species,
- e) the lack of public open space contribution

This revised application has omitted the move-on flats in St Ann Street, and provided sufficient information regarding the protected species to overcome that aspect of the previous reasons for refusal. The applicants have also indicated their willingness to enter into a legal agreement regarding a public open space contribution if the application is determined favourably.

As regards the bulk and scale of the replaced Damascus House, it is considered that the reduction in the size and bulk of the rear projection together with the minor changes to the external appearance of the main replacement building are sufficient to overcome this aspect of the reason for refusal. These changes have also reduced the dominance of the building and so substantially reduced the impact on the amenities of the neighbours as to also overcome this aspect of the reason for refusal.

Therefore the proposed development is considered acceptable on its planning merits as it has overcome the previous reasons for refusal, would be less prominent than the existing building and the massing, scale and design of the replacement building is considered to be compatible with the aims and objectives of the Local Plan. Having regard to these considerations, the Local Planning Authority considers that on balance planning permission should be granted.

And subject to the following conditions:

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

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

2 :- No development shall commence on site until details and samples of the materials to be used for the external walls and roofs, have been submitted to, and, where so required by the Local Planning Authority, sample panels of the brick and stone work shall be constructed on the site; and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY-CN5 Listed Buildings CN8 Conservation Area

3 :- No development shall commence on site until details and samples of the external stonework, including type and colour of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

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

POLICY CN5 Listed Buildings

4 :- No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details) (to a scale of at least 1:5), doors (to at least a scale of 1:10), rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY CN3 Listed Buildings

5 :- No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be

maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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

6 :- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, (Tree Protection Plan TP/1024/0711/TCP and Tree Protection Plan TP/1024/0711/TPP in Design and Access Statement Rev B Appendices 4 and 26) without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until the scheme showing the exact position of protective fencing to enclose all retained trees (Tree Protection Plan TP/1024/0711/TCP) has been implemented in accordance with these plans and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

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

POLICY-CN8 Development in Conservation Area and CN17 Trees covered by a TPO

7 :- No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON to safeguard the site of archaeological interest
Policy CN23 Archaeology

8 :- No demolition or construction work shall take place before 08:00 on any day and work must finish by 18:00 Monday to Friday and 13:00 on a Saturday. This includes delivery of materials to the site. No work shall take place on a Sunday or Bank Public Holidays.

REASON To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area
POLICY G2 General criteria for development

9:- No demolition or construction shall take place until a scheme for the control of dust from the site has been submitted to and approved by the Local Planning Authority.

REASON In the interests of the amenity of the area
POLICY G2 General criteria for development

10 :- No development (including demolition) shall commence on site until the Bat Mitigation strategy (Ecosulis 5 Feb 09) has been implemented and the surveys identified as being required to be completed between May and September prior to development commencing, have been undertaken and the report of the results received and agreed in writing by the Local Planning Authority.

REASON In the interests of a protected species
POLICY C12 Protected species

11 :- Any vegetation clearance of the site, must be undertaken outside the bird breeding season (1st March to 31st August) unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of nature conservation
POLICY C13 Nature conservation

12 :- Prior to commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1.A desk study identifying:

- all previous uses
- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON The site lies within a groundwater vulnerability zone (not a Source Protection Zone) which means that groundwater resource is inherently at risk from pollution due to the nature of the soil, unsaturated zone or inherent characteristics of the aquifer. Although generic remedial options are available to deal with the risks to controlled waters posed by potential contamination at this site, further details will be required to ensure that risks are appropriately addressed.

Policy G2 General criteria for development

13 :- No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

REASON In the interests of sustainable development and prudent use of natural resources.

Policy G3, Protection of water supplies

14 :- The works hereby granted consent shall be carried out in such a manner as to ensure that Emmaus House is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

POLICY-CN3 Listed Buildings and PPG 15 'Planning and the Historic Environment'.

15 :- No works for the demolition of the building(s) or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission/listed building consent has

been granted under application reference S/2009/0376 and S/2009/0377 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.

POLICY:CN3 and CN5 Listed Buildings

16 :- No development shall commence until a scheme for the demolition of Damascus House has been submitted and approved in writing by the Local Planning Authority.

REASON In the interests of the character and appearance of the Listed Building and its setting and the protection of surrounding amenities.

POLICY CN3 and CN5 Listed Buildings

INFORMATIVE 1 Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

We recommend referring to our Pollution Prevention Guidelines, found at www.environment-agency.gov.uk/business/444251/444731/ppg/

INFORMATIVE 2 Site Waste Management

It is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

INFORMATIVE 3 REFERENCE TO LETTER ATTACHED TO DECISION

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency dated 30 March 2009.

INFORMATIVE 4 REQUIREMENT TO NOTIFY ROYAL COMMISSION RE: DEMOLITION OF LISTED BUILDING

Your attention is drawn to the requirement to notify English Heritage's National Monuments Records Centre (NMRC) with at least one month's notice of your intention to execute the works and that you should allow reasonable access to the building for members or officers of the NMRC, for the purpose of recording it. The NMRC's standard notification form is attached for your use.

INFORMATIVE 5 COST OF BUILDING RECORDING/ARCHAEOLOGICAL WORK

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

INFORMATIVE 6 WILDLIFE AND COUNTRYSIDE ACT

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

INFORMATIVE 8 CONTAMINATED LAND

The developer is advised to discuss the contaminated land issues relevant to the site and what works, if any, are required in order to comply with the relevant conditions attached to this approval.

INFORMATIVE 9 ALTERATIONS TO APPROVED PLANS

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE 10 REFERENCE TO SECTION 106 AGREEMENTS

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990

INFORMATIVE 11: PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

INFORMATIVE 12 TREES IN CONSERVATION AREAS

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st August but it may occur outside this period. If there is a likelihood breeding birds are

present, you must delay tree works until young birds have left the nest or the nest has been abandoned.

INFORMATIVE 13

The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

Only clean, uncontaminated surface water should be discharged to soakaway.

B) If the applicant does not comply with A) above the application is delegated to the Director of Development Services to refuse the proposal on the grounds of non compliance with saved policy R2.

- 5. S/2009/0377 – 58 Barnard Street, Salisbury – Full planning application for demolition of existing five storey hostel and replacement with new four storey hostel. Refurbishment of interior of Grade II listed building to change use from residential care home to 8 No 1 bed and 2 bed flats for move on accommodation. Retained use to the ground floor meeting & admin room within Emmaus House, proposed changes to layout of existing toilets & kitchenette.**

Public Participation:

There were no public speakers.

Resolved:

That the Government Office of the South West be informed that the Local Planning Authority is minded to **GRANT** Listed Building Consent for the following reasons:

The previous reasons for refusal relate to the:-

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) development unsympathetic to the character of the listed building
- c) failure to preserve or enhance Conservation Area

This revised application has omitted the move-on flats in St Ann Street and the consequent need to remove the boundary wall. Together with the reduction in the size and bulk of the rear projection and the minor changes to the external appearance of the replacement building, it is considered that the reasons for refusal have been overcome.

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 consent.

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

2 :- No development shall commence on site until details and samples of the materials to be used for the external walls and roofs, have been submitted to, and, where so required by the Local Planning Authority, sample panels of the brick and stone work shall be constructed on the site; and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY CN5 listed Buildings and CN8 Conservation Area

3 :- No development shall commence on site until details and samples of the external stonework, including type and colour of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

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

POLICY CN3 Listed Buildings

4 :- No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details) (to a scale of at least 1:5), doors (to at least a scale of 1:10), rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY CN3 Listed Buildings

5 :- The works hereby granted consent shall be carried out in such a manner as to ensure that Emmaus House is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

POLICY-CN3 Listed Buildings and PPG 15 'Planning and the Historic Environment'.

6 :- No works for the demolition of the building(s) or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission/listed building consent has been granted under application reference S/2009/0376 and S/2009/0377 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.

POLICY-CN8 Conservation Areas

7 :- No development shall commence until a scheme for the demolition of Damascus House has been submitted and approved in writing by the Local Planning Authority.

REASON In the interests of the character and appearance of the Listed Building and its setting

POLICY CN3 and CN5 Listed Buildings

INFORMATIVE 1: REQUIREMENT TO NOTIFY ROYAL COMMISSION RE: DEMOLITION OF LISTED BUILDING

Your attention is drawn to the requirement to notify English Heritage's National Monuments Records Centre (NMRC) with at least one month's notice of your intention to execute the works and that you should allow reasonable access to the building for members or officers of the NMRC, for the purpose of recording it. The NMRC's standard notification form is attached for your use.

INFORMATIVE 3 : ALTERATIONS TO APPROVED PLANS

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6. S/2009/0469 – 63 Bouverie Avenue, Salisbury – construction of 1 new dwelling with access

Public Participation:

1. Mr C Wood spoke in objection to the application.
2. Mr J Coleman (Applicant) spoke in support of the application.

Resolved:

Following completion of a unilateral undertaking in respect of saved policy R2 of the adopted local plan.

That permission be **GRANTED** for the following reason :

Several significant alterations have been made to the previously dismissed appeal application for a single dwelling on the site, directly addressing specific points made by the Planning Inspectorate. As such it is considered that the proposed dwelling would be in keeping with neighbouring properties, providing a detached dwelling set within a generous sized plot, that would substantially retain the existing beech hedge and an impression of open space, and would therefore preserve the character of the Housing Restraint Area. Due to the appropriate design and siting of the dwelling, and the nature of the built up area, a reasonable level of amenity for neighbours would be preserved.

Subject to conditions, the proposed new access and parking/turning area would be acceptable in highway safety terms. The development would therefore address previous concerns of the Planning Inspectorate and would accord with the provisions of the development plan and Government guidance.

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. Before the dwelling hereby approved is first occupied, the proposed parking/turning area shall be surfaced in a properly consolidated material (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highways safety.

3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highways safety.

4. Any gates to close the access shall be hung to open away from the highway only.

Reason: In the interests of highways safety.

5. The garage shown on the approved drawings shall not be converted into a habitable room.

Reason: To ensure the retention of adequate off-street parking facilities.

6. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

7. Notwithstanding the provisions of Class[es] A, B and C of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of existing trees and/or hedgerows on the boundaries of the site, and details of any to be retained, together with measures for their protection in the course of development. Such details shall show the retention of the boundary hedge to Bouverie Avenue South (except in the case of new/altered access).

Development shall be carried out in accordance with the approved details.

9. Any part of the boundary hedgerow that dies, becomes diseased or fails to thrive within a period of 5 years from the occupation of the dwellings, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

Reason: In the interests of visual amenity.

10. No construction or demolition work shall take place on Sundays or bank holidays or outside the hours of 8.00am and 6.00pm weekdays or 8.00am to 1.00pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of neighbouring amenity.

And having regard to the following saved policies of the adopted Salisbury District Local Plan:

Policy G1 Sustainable development criteria

Policy G2 General development criteria

Policy G5 Water services

Policy D2 Design of infill development

Policy H19 Housing Restraint Areas

Policy C12 Protected species

Policy C13 Wildlife habitats

Policy TR11 Parking provision

Policy TR14 Cycle provision

Policy R2 Recreational Open Space

INFORMATIVES

Breeding birds

All British birds, their nests and eggs are protected in law. It is an offence to take, kill or injure any wild bird or to take, damage or destroy any nest (while in use or being built) or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981 (as amended). To reduce the likelihood of harm to breeding birds, clearance of trees and areas of scrub should be avoided during the bird breeding season (March to August inclusive).

Bats

All bats are protected under the Wildlife and Countryside Act 1981 (as amended), and under the Conservation (Natural habitats & c.) Regulations 1994. Any trees to be felled should be assessed for their bat potential by a suitably qualified person. If any are identified, further guidance should be sought from the relevant District Ecologist.

Please note that if any evidence of bats is found during the development, all works must stop immediately and the relevant District Ecologist contacted for further advice.

Note: Mr B Dalton requested his vote against this decision be recorded.

7. S/2009/0014 – LAND AT LONGCROSS, ZEALS – change of use of land from agricultural to HGV trailer storage and new vehicular access and relocation of layby.

Public Participation:

1. An email from Cornerways Cottage, Zeals, together with photographs, was circulated to members.
2. A letter of support for the application from South Somerset District Council was reported.
3. Mrs I Snook spoke in objection to the application.
4. Mr T Brimble (Agent) spoke in support of the application.
5. Mr C Spencer (Zeals Parish Council) spoke in objection to the application.

Resolved:

That the application be **REFUSED against officer recommendation**

For the following reason:

The site is located in the open countryside outside the housing policy boundary of Zeals and as such is in open countryside from a policy point of view. In such locations both local and national planning policy and guidance has the presumption against development for which there is no demonstrable agricultural need or for which no local economic benefit can be identified and the proposal is

therefore contrary to saved policies E19 and E21 of the adopted Salisbury District Local Plan.

8. S/2009/0434 – Spire Car sales, London Road, Winterslow – change of use from retail, repair and valeting of cars to car valeting only.

Public participation:

1. A further comment from the Environment Agency requesting deletion of condition No. 3 if permission were to be granted was reported as they were now satisfied with this aspect of the application.
2. Mr T Wells (Applicant) spoke in support of the application.
3. Mr P James (Parish Council) spoke in objection to the application.

Resolved:

Permission be **GRANTED** for the following reasons

The proposed change of use is considered to be acceptable in principle while not prejudicing residential amenity of nearby dwellings, highway safety or having detriment to the environment. As such it is considered to conform with saved policy G1, G2, G8, C2, C6 & E19 of the Adopted Salisbury District Local Plan. And subject to the following conditions

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

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

2 :- No development shall commence on site until a scheme for the discharge of surface water and foul water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No wash down water shall be discharged to ground, only clean surface and roof water will be discharged to soakaway. The development shall not be first brought into use until surface and foul water drainage has been constructed in accordance with the approved scheme.

REASON

To prevent pollution of the water environment as the site lies within a Source Protection Zone 2 of a public water supply borehole as defined by the Environment Agency.

POLICY - G1 (General Development Guidance), G2 (General Development Guidance), G8

(Development within a Groundwater Source Protection Area)

3 :- The area to the south of Hilltop Restaurant shall be used only of customer and trade vehicle parking as indicated on drawing number 5599/1/2 and not for valeting.

REASON - In the interests of amenity

POLICY - G2 (General Development Guidance)

4 :- No development shall commence until details of all boundary treatment, including a screen fence on part of the southern boundary of the site, 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: In order to protect the living conditions of nearby residents and/or the rural character of the area.

POLICY- G2 [General Development Guidance]

5 :- The use hereby permitted shall only take place between the hours of 08:00 - 19:00 from Mondays to Saturdays and between 08:00 and 17.00 on Bank or Public Holidays and between 10.00 and 16.00 on Sundays.

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.

POLICY- G2 (General Development Guidance)

6 :- No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

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.

POLICY-G2 (General Development Guidance]

7 :- No external lighting shall be installed on site unless otherwise agreed by the Local Planning Authority and until plans showing the type of light appliance, the height and position of fitting,

illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

POLICY- G2 [General Development Guidance]

8 :- The existing boundary hedges on the south and eastern boundary shall be retained and maintained thereafter at a minimum height of 2 metres above road carriageway level and a minimum height of 3 metres above ground level on the eastern boundary.

REASON: In the interests of privacy and amenity of neighbouring properties and the environment.

INFORMATIVE/ ADVICE TO APPLICANT - ENVIRONMENT AGENCY

The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information.

4) Dirty water or run-off from vehicle washing and cleaning carried out as a business or industrial activity is called trade effluent and must be disposed of accordingly. The applicant should refer to the Environment Agency Pollution Prevention Guideline 13: Vehicle washing and cleaning, which can be found at: http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-epdf?lang=_e. If the applicant installs a trade effluent treatment system prior to Discharge Consent will be required from the Environment Agency. Further details can be obtained from the Environment Agency by phoning 08708506506 or alternatively at <http://www.environmentagency.gov.uk/business/regulation/32038.aspx>.

9. S/2008/0550J C Dean (Haulage) Ltd, Hatches Lane, Salisbury – division of existing site to provide a 1640M2 (Gross) Deep Discount Lidl Foodstore and creation of replacement workshop and offices.

Public Participation:

1. Further letters of support were reported to the committee.
2. Ms R A Morin spoke generally in favour of the application.
3. Mr J Gratton, Mr C Ambler (Representing LIDL UK GMBH) spoke in support of the application.
4. Mr J C Dean spoke in support of the application.
5. The Division Member addressed the committee.

Resolved:

(A) That subject to all parties entering into a Section 106 Agreement to:

- a) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises, and a restriction on the creation of any additional floor area within the building including mezzanine floors in the interests of maintaining the vitality and viability of the town centre); and
- b) A Travel Plan and Traffic Management Strategy is entered into which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36 Road;
- c) Regular monitoring reports of the Traffic Management Strategy are provided to the local planning authority; and
- d) A financial contribution is paid towards the monitoring and evaluation of air quality within the area around the site

Within 3 months of the date of the committee meeting
That permission be **GRANTED** , for the following reason:

The proposal would retain the existing employment use on the site, as well as creating additional jobs as part of the retail foodstore. It is therefore considered that the proposal would comply with the aims of policy E16 of the Local Plan. This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore in part of the existing Staples store.

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan and traffic management scheme. The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

and subject to the following conditions:

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

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

2 :- No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

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

POLICY-[G2 & D1 visual appearance]

3 :- No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use].
REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY-G2 - (visual appearance]

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

REASON: In the interests of highway safety.

POLICY- G2 (highway safety]

4 :- Before development commences, details of the cycle storage and bin stores shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: In the interest of amenities and sustainable travel

POLICY G1 & G2 sustainability and amenities

5 :- Prior to commencement of development approved by this planning permission a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority.

1. A desk study identifying:

-all previous uses

-potential contaminants associated with those uses

-a conceptual model of the site indicating sources, pathways and receptors

-potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme based on 1 above to provide information for an assessment of the risk to all receptors that may be affected including those off site

3. The results of the site investigation and risk assessment and method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works as set out in 3 above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

5. A verification report on completion of the works as set out in 3 above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON: In the interests of public health and safety.

POLICY- G2

6 :- No development shall commence on site until a scheme of works for noise attenuation from the replacement haulage building has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first brought

into use/first occupied and shall be maintained in accordance with the approved details 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.

POLICY- G2

7 :- No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

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

POLICY-- G2

8 :- No development shall commence on site until a scheme of water and energy efficiency measures to reduce the water and energy consumption of the development hereby approved has been submitted to and approved by the Local Planning Authority. Before any of the dwellings are occupied, the approved measures shall be implemented and brought into operation in accordance with the approved scheme and thereafter retained.

REASON: In the interests of the conservation of water and energy resources. .

POLICY- G1 sustainable development

9 :- No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY--[G2 protection of amenities]

10 :- Before development commences a scheme for sustainable urban drainage and the discharge of surface water from the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out as approved. Any scheme shall ensure that the infiltration of surface water drainage into the ground is limited and there is no resultant unacceptable risk to controlled waters.

REASON: To ensure the development is provided with satisfactory means of surface water disposal.

Policy G5 (drainage)

13 :- No development approved by this permission shall commence until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with approved programme and details.

REASONS: To prevent increased risk of flooding associated with surface water drainage.

POLICY G5

14 :- INFORMATIVE

1. The surface water drainage scheme must be designed in accordance with PPG25
2. Information regards water efficiency measures is available on the environment agency website
3. The site overlies a major aquifer and is close to the river Bourne. Safeguards should be implemented during construction phase to minimise the risks of pollution and detrimental effects to water interests in and around the site. Information regards this matter is available of the environment agency website.
4. Wiltshire Fire and Rescue Service has advised that sprinklers be installed, and that adequate consultation is undertaken by the applicant to ensure that the site has adequate water supplies for fire fighting, and adequate access for fire appliances, as outlined in Building Regulations Approved Documents.
(B) Should the legal agreement at (A) above not be completed within the timescale given, the Director of Development Services be authorized to refuse the application for reasons of retail and highway impact

10. S/2008/1389 – unit 2 Bourne Retail Park, Bourne Way, Hatches Lane, Salisbury – variation of condition 3 to planning consent S/2008/0965 to permit a food retail use of unit 2

Public Participation:

1. Mr T Adey (Agent) spoke in support of the application.

Resolved:

That subject to all parties entering into a Section 106 Agreement to:

- a) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre); and
- b) A Travel Plan is entered into which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36 Road;

Within 3 months of the date of the committee then the permission be **GRANTED** for the following reason:

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore (Lidl).

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has

demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicant's submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, given that the existing retail store already generates traffic, and following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

and subject to the following conditions:

1:- FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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:- RETAIL- CONTROL OF SHOPPING TROLLEYS

No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

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

POLICY--[G2 visual amenities and highway safety]

3:- 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 visual amenity

POLICY G2 (general amenities)

4:- There shall be no further internal subdivision of the building/units, including the insertion of mezzanine flooring, in order to restrict the creation of 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.

5:- The range and type of goods to be sold from the separate retail unit created in the other half of the existing unit currently operated by Staples (as permitted by permission S/2008/0965) shall remain as stipulated by condition 03 of that permission, namely the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment 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. The retail use of "unit 2" as defined by the red line of this application is covered by the S106 Agreement associated with this permission.

REASON: For the avoidance of doubt, and to ensure that the use of the remaining retail unit previously permitted is restricted, in order to limit the impact of the proposal on the vitality and viability of the city centre, in accordance with the aims of PPS6.

6:- Before development commences, 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

(B) Should the S106 not be completed within the timescale specified in (A) above, the Director of Development Services be authorized to refuse the application for reasons of retail and highway impact.

Resolved that officers be given delegated powers to withdraw from the outstanding appeal related to the duplicate application, as reported, if they were so minded.

11. S/2009/0482 – Half Acre, Frog Lane, Chilmark – raise roof over existing bungalow to provide additional accommodation at first floor level. Insertion of three dormer windows to south west elevation

Public Participation:

1. Should the application be granted a proposed further condition was proposed by officers.
2. A further letter of objection from occupants of a neighbouring property was reported.
3. Mr M Allen (Applicant) spoke in support of the application.

Resolved:

That permission be **GRANTED** for the following reason

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), CN11 (Conservation Areas) & C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan insofar as the proposed development is considered

compatible in terms of the scale, design, materials and character of the existing dwelling, and would not adversely affect the amenity of neighbours. The proposed development would not adversely affect views into or out of the adjoining conservation area and would not be detrimental to the natural beauty of the surrounding AONB

And subject to the following conditions

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

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

2 :- Before the development hereby permitted is first occupied/brought into use, all window(s) in the westernmost dormer window shall be glazed with obscure glass only with the casement hinges on the western side and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY G2 (General Criteria for Development)

3 :- No development shall be commenced on site until samples of proposed roof tiles have been submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details.

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

POLICY – D3 (Design of extensions)

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
16 July2009

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