



# City Area Committee

## Planning & Licensing

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# Minutes

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17 February 2005 6.00 pm  
The Alamein Suite, City Hall,  
Malthouse Lane,  
Salisbury.

**These minutes should be kept for use by District Councillors  
at the next Council meeting**

### **Present**

**Chairman:** Councillor Ms S C Mallory

**Vice Chairman:** Councillor Mrs P J Brown

**Councillors:** K A Cardy, J M Collier, D A Culver, B E Dalton, Mrs I M Evans, S R Fear, S J Howarth, D J McCarthy, J R L Nettle M J Osment, P V H Paisey, P W L Sample, I R Tomes, Miss M A Tomlinson, J M Walsh and Mrs S A Warrander.

**Apologies:** Councillors Mrs E A Chettleburgh

### **MINUTES NOT REQUIRING COUNCIL APPROVAL**

#### **238. CHAIRMAN'S ANNOUNCEMENTS:**

The Chairman informed members that Cllr Mrs Chettleburgh had requested that the Committee defer planning application S/2004/2667 under agenda item 8 as she was the ward member and wished to be present during consideration of the application. The Chairman informed the Committee that she had received advice from the Head of Democratic Services which indicated that this may set an unsustainable precedent and to his knowledge had never been done before.

The Chairman then informed the Committee that following this advice she intended to proceed with consideration of the item if the Committee had no objections. No member raised any objections.

#### **239. PUBLIC STATEMENT / QUESTION TIME:**

There were none.

#### **240. COUNCILLOR STATEMENT / QUESTION TIME:**

Councillor Howarth asked when the name of the Committee would be altered to the City Area Planning Committee rather than the City Area Planning and Licensing Committee.

The Chairman informed him that it would be investigated before the next meeting.

#### **241. DECLARATIONS OF INTEREST:**

- Councillor Howarth informed members that he had sought legal advice from the Deputy Monitoring Officer about whether or not to declare an interest in planning application S/2004/2412 and had been advised that he need not declare an interest. He requested that this be minuted.

#### **242. MINUTES OF PREVIOUS MEETING:**

**RESOLVED** – that the minutes of the meeting held on 20<sup>th</sup> January 2005 be approved as a correct record and signed by the Chairman.

**243. PLANNING ENFORCEMENT: COMPLIANCE WITH PLANNING CONDITIONS/SECTION 106 OBLIGATIONS: PROSECUTING BREACHES OF PLANNING CONTROL:**

The Committee considered the report of the Principal Planning Officer (Enforcement) previously circulated).

The Officer gave members a presentation on the salient points of the report. Following this presentation the members asked the following questions:

Q. Is the maximum fine still set at £1000 for a breach of conditions? This causes great concern to members as £1000 is not a deterrent to very large developers who would often find it more cost effective to pay the fine rather than remedy the breach of conditions.

The Officer informed members that this was indeed the maximum fine that could be imposed on a developer as set by the government. He also stated that officers shared exactly the same concerns as members that the fine is too low to be an effective deterrent for larger developers. The view was also expressed by a member that whilst the fines are indeed too low to be an effective deterrent, the negative image that companies generate by non-compliance with planning conditions was in itself a partial deterrent, although the member agreed the maximum fine should be much higher.

Q. Is it possible to quantify the impact that the new officer has had on detecting breaches of conditions?

The officer informed members that this was a difficult issue to quantify because the number of queries and reports from the public about breaches of conditions increased year on year. The officer has also undertaken many informal negotiations to rectify breaches which would not be detected in the statistics.

Q. What is the enforcement team doing to monitor non compliance with Green Travel Plans in schools? This is something which is of great concern to Environment and Transport Overview and Scrutiny Panel members. How many breaches of condition notices have been issued to schools?

The officer stated that he did not have the exact figures to hand but he was aware that this was of increasing concern and his team were looking at ways to negotiate with the schools to ensure compliance. It was agreed that the officer would send a written response to this question to the councillor following the meeting.

Members thanked the officer for his informative presentation and they were very pleased to see the proactive approach that the team is taking.

**RESOLVED** - that the report be noted

**244. S/2004/1239 - FULL APPLICATION - EXTENSIONS AND ALTERATIONS TO FOOD STORE, COMPRISING 2002M2 GROSS FLOOR AREA (1465M2 NET SALES FLOOR AREA) INCLUDING INTERNET SHOPPING FACILITY, BULK STORAGE, MEZZANINE FLOOR CAFÉ, EXTENSION OF EASTERN SITE BOUNDARY, ALTERATIONS TO CAR PARK LAYOUT, LANDSCAPING AND ASSOCIATED HIGHWAY WORKS AT TESCO STORES LTD SOUTHAMPTON ROAD SALISBURY FOR TESCO STORES LTD:**

Mr Dodds, agent for the applicant, spoke in support of the above application.

Further to the receipt of this statement, the Committee considered the report of the Head of Development Services (previously circulated) together with the schedule of late correspondence circulated at the meeting:

**RECOMMENDED** (to Planning and Regulatory Panel) that subject to:

1. Withdrawal of the Article 14 Direction (TR110) from the Highways Agency.
2. A developer agreement to facilitate the adjacent Park and Ride site.
3. All persons concerned entering into a legal agreement under Section 106 of the Town and Country Planning Act in respect of:
  - (a) A developer financial contribution by the applicant towards the improvement of highway conditions and future works on the A36 Southampton Road to the benefit of pedestrians, cyclists, public transport and motorists, including implementation of the adjacent Park and Ride site, and in accordance with the principles of the Salisbury Transport Strategy,
  - (b) Developer contribution to enhance existing bus facilities on Southampton Road, including shelters provision incorporating RTPI functionality, and the provision of pedestrian/cycle facilities, as indicated on Drawing No. F/EXT/834/SK13 A, between the west side of the A36/Bourne Way Junction and proposed P&R access.
  - (c) Undertaking to develop a Tesco car park management framework to address potential conflicts and management problems resulting from the future juxtaposition of the P&R car park, together with criteria defining how, when and in what circumstances such a management arrangement will be implemented and funded.
  - (d) The reservation of a potential bus link between the development site and the proposed P&R site to facilitate future provision of public transport closer to the foodstore, and linked trips with the P&R site.
  - (e) The development and introduction of a travel plan to cover the site, including the provision of a store-managed bus specifically operated with the objective of achieving modal transfer away from the private car, and to reach peripheral communities where accessibility to food stores is not already well provided for by public transport.
  - (f) The funding and implementation of a Traffic Regulation Order (subject to process) to restrict parking on Bourne Way.

Note: The above financial contributions are to include a sum of £15,000 towards traffic calming and traffic management measures in Petersfinger Road/Milford Mill Road, Milford Manor Road and Wain-a-long Road.

4. The carrying out of an archaeological evaluation in accordance with PPG16 and Policy CN21 of the Adopted Replacement Salisbury District Local Plan, following which the HDS is satisfied that planning permission can be granted, with or without further appropriate archaeological conditions at the discretion of the HDS.
5. Amended plans to the external appearance of the extension on the west side of the store to the satisfaction of the HDS.

**RESOLVED** – that the application be approved for the following reason:-

In balancing the issues, it is considered that the granting of planning permission would enable the Local Planning Authority to secure planning control over the future of the store to protect the vitality and viability of the city centre within the Local Plan period and beyond, and additional benefits to mitigate the impact on the traffic conditions on the A36 Southampton Road. The impact of the proposal would be acceptable in design terms, impact on the landscape, local residential amenity, drainage and nature conservation, in accordance with relevant policies of the Development Plan.

And Subject to the following conditions:

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

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

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

**Reason:** 0013 To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

- (3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

**Reason:** 0032 To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

- (4) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** 0040 To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

- (5) Before any development is commenced on the site, including site works of any description, all the existing trees to be retained shall be protected by a fence, of a type and in a position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 2 inches (50mm) or more shall be left unsevered (See British Standard BS 5837:1991, entitled 'Trees in relation to Construction'. In addition the trees adjacent the eastern boundary of the site shall be protected in accordance with the proposals set out in the report entitled "Arboricultural Report" by Epcad dated May 2004 including the "Arboricultural Method Statement" (Appendix I) by Simon R.M.Jones, Dip Arb. (RFS), F.Arbor. Details of the proposed retaining walls /structures in this area shall be submitted to and agreed in writing with the Local Planning Authority as part of the tree protection works, carried out in accordance with the approved details, and maintained thereafter.

**Reason:** 0042 In the interests of the amenity and the environment of the development.

- (6) No development shall take place until details of the treatment of the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. Any tree screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the building[s].

**Reason:** 0042 In the interests of the amenity and the environment of the development.

- (7) The net retail floor space shall be restricted to that shown in the approved plans and no additional retail floorspace shall be created whatsoever, whether by insertion of a mezzanine or otherwise, without written permission of the Local planning Authority on submission of a planning application on that behalf.

**Reason:** To enable the Local Planning Authority to exercise adequate control over the creation of additional retail floorspace, in the interests of maintaining the vitality and viability of the city centre and to restrict the adverse implications of store generated traffic on the A36 Southampton Road.

- (8) No more than 20% of the total retail sales area of the whole store, including the retail sales area of the extension hereby permitted, shall be used for the sale of toys, clothing, sports goods, kitchenware, books, CDs, videos, DVDs, electrical goods, furniture and other household goods.

**Reason:** 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 city centre.

- (9) No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority, to restrict shopping trolleys leaving the site. The scheme shall be agreed and carried out in accordance with the approved details.

Note: The Committee expressed a preference for a lock-out scheme.

**Reason:** In the interests of amenity

- (10) Prior to the beneficial use of the extensions, or any part of them, hereby permitted, the developer shall complete that part of the footpath and cycleway works required to provide a link between the site and Petersfinger Road, as outlined on Drawing No. F/EXT/834/SK13D, in accordance with a detailed design which shall have been submitted to and approved by the local planning authority, which may or may not make provision for temporary works consistent with the future provision of the Park and Ride site.

**Reason:** To ensure that sustainable means of access to the site are secured for customers when the new sales area is available for use.

- (11) Prior to the commencement of the store extension works hereby permitted the site access from Bourne Way shall be modified in accordance with plans to be submitted and approved by the local planning authority, providing priority for inbound store traffic over Bourne Way southbound traffic.

**Reason:** To reduce the potential for southbound traffic queues on Bourne Way to block the site access junction and result in tail-back onto the A36 roundabout junction.

- (12) Four additional cycle stands shall be provided as indicated on the approved drawings prior to the beneficial use of any parts of the extensions hereby permitted.

**Reason:** To encourage store trips by non-car mode.

- (13) Development hereby permitted shall not commence until a Traffic Regulation Order, having the purpose of restricting parking on Bourne Way, has been advertised in accordance with normal procedures.

**Reason:** To avoid obstruction to goods and service traffic gaining access to the site.

- (14) Car parking provision at a rate of 1 space per 14m<sup>2</sup> of gross floor area (for the existing and proposed building) shall be made available at all times, and used for no other purpose. The parking spaces shall be laid out in accordance with the approved drawings.

Note: That this be no less than 77 spaces as resolved by the Committee.

**Reason:** To ensure adequate off-road parking is available for customers and staff.

- (15) Prior to commencement of development a full working Method Statement shall be submitted to and approved in writing by the Local Planning Authority to ensure that the features of interest of the River Avon System SSSI/cSAC are not adversely affected during and after construction of the development hereby permitted.

**Reason:** In the interests of nature conservation.

- (16) No development approved by this permission shall be commenced until a scheme for the provision of surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and agreed timetable.

Reason: To prevent pollution of the water environment.

- (17) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** 0042 In the interests of the amenity and the environment of the development.

The applicant be informed that the Adopted Replacement Salisbury District Local Plan: S4, S5, S6, S7, TR1, TR2, TR8, TR11, TR12, TR13, TR14, TR15, G1, G2, G5, D1, D7-D15, C11, C12, C18. Approved Wiltshire Structure Plan: DPI, DP2, DP5, DP6, T4, T5, T6, T7, T8

In respect of the disposal of surface and foul waters and pollution matters, the applicant's attention is drawn to the comments of the Environment Agency in their letter of 9<sup>th</sup> August 2004 in response to this application and in meeting the requirement of condition 17 above.

The applicant's attention is drawn to the comments and requirements of Network Rail in their letter dated 15<sup>th</sup> November 2004 in respect of any works adjacent the railway and the safeguarding of Network Rail's infrastructure.

**245. S/2004/2412 - O/L APPLICATION - FOR RESIDENTIAL DEVELOPMENT CONSTRUCTION OF NEW ACCESS. DEMOLITION OF EXISTING PUBLIC HOUSE AT THE CONQUERED MOON PUBLIC HOUSE WOODSIDE ROAD SALISBURY FOR COLLINGWOOD INVESTMENTS LTD**

A local publican, brought some issues concerning the marketing of the site to the attention of the Committee for the sake of clarity.

Mr J Adair, the agent for the applicant, spoke in support of the above application.

Further to the receipt of these statements, the Committee considered the report of the Head of Development Services (previously circulated).

**RESOLVED** – that the above application be deferred to enable the HDS to instruct a consultant to undertake an independent viability assessment of the public house, including the marketing exercise undertaken by the applicant. .

**246. S/2004/2667 - FULL APPLICATION - CONVERSION OF EXISTING HOUSE TO THREE FLATS CONSTRUCTION OF TWO FLATS AND NINE HOUSES FORMATION OF NEW VEHICULAR ACCESS ONTO FAIRVIEW ROAD NEW PEDESTRIAN ACCESS ONTO WAIN-A-LONG ROAD AND DEMOLITION OF OUTBUILDINGS AND PART OF EXISTING HOUSE AT 44 MANOR ROAD SALISBURY FOR MANOR ROAD DEVELOPMENTS PARTNERSHIP:**

Mr P Jacobs and Mrs Probert Jones both local residents in the proximity, spoke to object to the above application and divided the speaking time.

The architect for the applicant, spoke in support of the above application.

Further to the receipt of the above statements, the Committee considered the report of the Head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting:

**RESOLVED** – that the application be refused for the following reasons:

- (1) The area surrounding the site consists of a mixture of large detached Victorian villas, semi-detached houses, three storey Victorian terraces and smaller two storey Victorian terraces. There are trees throughout the area and the grander houses are set in generous grounds. The site contains a significant Victorian house, set in enclosed grounds surrounded on all sides by trees of many varieties. The position of this house on the brow of the hill and on a main access road from the roundabout, and at a junction of two roads, means that this site is seen from a number of angles. This site is therefore a critical site within this part of the Conservation Area which is characterised by high-status Victorian houses set in spacious grounds.

Due to the juxtaposition between the elongated three storey terrace, the existing dwelling on the site, and the more domestic scale of the existing terrace in Fairview Road, and in combination with the prominence of the terrace from the adjacent street scenes of Fairview Road and Wain-a-long Road, it is considered that the three storey terrace would detract from; and thereby have an adverse impact on, the setting of the main house and the character and appearance of surrounding Conservation Area by virtue of the overall height and massing of the proposed terrace. The proposal would therefore be contrary to policy D1, D2, CN8, and CN11 of the Salisbury District Local Plan.

- (2) The proposal would be contrary to policy R2 of the adopted Salisbury District Local Plan in that it makes no provision for public open space.
- (3) That the applicant be informed that with regards to reason for refusal no.2, whilst the applicant has submitted a unilateral S106 Agreement, a commuted sum has not yet been received. Therefore, this reason could be overcome with the submission of the relevant monies. However, this should be submitted prior to the determination of any appeal against this refusal. This matter should be discussed with the Local Planning Authority.

**247. EXTENSION OF MEETING**

In compliance with Council policy, as the Committee could not conclude its business within 3 hours, it resolved to extend the meeting (during which time the matters recorded under minutes 246 were considered).

Meeting closed at 9.35 pm

Members of the public present 12