

Minutes

Meeting of: City Area Planning Committee

Meeting held in: City Hall, Salisbury.

Date: 4 August 2005

Commencing at: 6.00pm

Present:

District Councillors:

Councillor J R L Nettle – Chairman for the meeting
Councillor Mrs P J Brown – Vice-Chairman for the meeting

Councillors J M Collier, B E Dalton, S R Fear, S J Howarth, M J Osment, I R Tomes, Miss M A Tomlinson, C Vincent and Mrs S A Warrander.

Apologies: K A Cardy, P M Clegg, Mrs E A Chettleburgh, D A Culver, Ms S C Mallory, P V H Paisey, P W L Sample and J M Walsh

Officers

J Howles (Development Control), S Hawkins (Development Control), R Hughes (Development Control), Mrs G Newell (Legal & Property) and S Draper (Democratic Services).

284. Election of Vice-Chairman

Resolved - That Councillor Mrs P J Brown be elected Vice-Chairman for the duration of the meeting.

285. Public Questions/Statement Time:

There were none.

286. Councillor Questions/Statement Time:

There were none.

287. Minutes:

Resolved – that the minutes of the last ordinary meeting held on 7th July 2005 (previously circulated) be approved as a correct record and signed by the Chairman.



Awarded in:
Housing Services
Waste and Recycling Services



288. Declarations of Interest:

There were none.

289. Chairman's Announcements:

There were none.

290. S/2005/1044 – Reserved Matters Application (Landscaping) In Relation To Outline Planning Permission Ref S/2001/0621 And Subsequent Appeal Ref; APP/T3915/A/03/1124674, Pursuant to Condition 1 and 9 and Condition 7 In Part, In Relation to Open Culvert at Land at Eastern Sidings Fisherton Street Salisbury, SP2 7BF For Taylor Woodrow Development Limited.

Mr D Boxall, a local resident, spoke in objection to the above application.

Further to the receipt of this statement and further to the site visit held earlier that day, 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 –

1. That the above application be **refused**, for the following reasons:

(1) The proposed treatment for the stretch of the culvert to be opened, with the use of terraced gabion baskets for a hard landscaped effect, would be visually unsympathetic to the site and surroundings, would fail to meet the environmental objectives of the design brief for the site, and would fail to take on opportunities for environmental enhancement available. As such the proposals would be contrary to Policies C13, C17 and C18 of the Adopted Salisbury District Local Plan.

2. That the applicant be informed that Land Drainage Consent from the Environment Agency would be required for the opening and works in the vicinity of the culvert.

291. S/2005/1160 – Full Application – New Disability Discrimination Act Legislation Access Ramp to Property at ST Thomas' House, ST Thomas' Square, Salisbury SP1 1BA, for Vicar and Church Wardens of St Thomas'

Mr M Winterman spoke in support of the above application.

Following receipt of this statement and further to the site visit held earlier that day, 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

1. That the above application be refused for the following reason:

(1) The proposed installation of the ramp access (with planting trough and close boarded fence) would affect an existing yew hedge, which forms an enclosure on the west side of St Thomas's Square within the Salisbury Conservation Area. The combination of the removal of a significant portion of the hedge and the erection of a visually prominent access ramp and associated enclosure as proposed, is considered to be visually detrimental to the existing character of the Conservation Area, and would neither preserve nor enhance this character, contrary to Policy CN8 and CN11 of the adopted Salisbury District Local Plan.

2. The applicant be informed that the Committee recognised the need for an access ramp but the Committee felt that it would be possible to find a solution which did not involve the removal of the hedge within the conservation area.

292. S/2005/0961 – Full Application – Section 73 Application to Vary Conditions 20 and 1 of the Outline Planning Permission Ref: S/2001/0621 and Subsequent Appeal Ref APP/T3915/A/03/1124674, To Retain Closed Culvert with Appropriate Hard and Soft Landscaping Treatment, For Use as a Local Area of Play at Eastern Sidings, Fisherton Street, Salisbury SP2 7BF for Taylor Woodrow Developments Limited

Mr D Boxall, a local resident, spoke in support of the above application.

Mrs E Connelly, the agent for the applicant, spoke in support of the above application.

Following receipt of these statements and further to the site visit held earlier that day, 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 –

1. That subject to:

- a) No representations being received that raise any new issues prior to 12th August 2005 and;
- b) All interested parties entering into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), linking this permission to the provisions contained in the existing Section 106 Agreement dated 11th February 2003 related to the development of this site and the implementation of the development under the terms of this permission; and
- c) Receipt of appropriate amended and additional landscape details (including boundary treatment, any required engineering structures, soil stability and soft planting scheme) in respect of the landscape buffer strip along the northwest boundary of the site and the bank adjacent the existing open part of the culvert, to the satisfaction of the HDS.
- d) As English Nature have concerns about the proposed species in a small planting area to the east of the culvert that the decision be delegated to the HDS following receipt of amended plans which remove the ornamental species proposed for this area (with augmentation of non ornamental species).
- e) That the details of the scheme for landscaping be delegated to officers to approve subject to satisfactory consultation with the ward members. Should there be no agreement between officers and the ward members then the details be referred to committee for a decision.
- f) That it be delegated to officers to negotiate signs for no skateboarding and prohibition of other sports if appropriate and to negotiate improvements to the access if possible.

Then the above application be **approved** for the following reason:

(1) The proposal to retain the culvert closed as a variation to the original outline planning permission ref S/2001/0621, together with appropriate hard landscaping and soft landscape planting for the site, is considered acceptable in terms of the environment of the site and surroundings, and would not adversely affect the nature conservation interests of the SSSI and cSAC water environment or surrounding amenities, subject to appropriate conditions, in accordance with adopted policies of the adopted SDLP.

And subject to the following conditions:

(1) The Approval of the details of the siting, design and external appearance of the building[s], the means of access thereto (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from 18/02/2003.

(4) The development hereby permitted shall be begun either before the expiration of five years from 01/02/2003, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

(5) This outline permission only authorises the principle that residential development is acceptable, subject to the reserved matters, other conditions and legal agreements. It does not authorise the number of dwellings on the site.

- (6) No development pursuant to this permission to construct any part of any residential unit shall take place until the roundabout and access indicated on the drawing 13149/01C dated 06/12/00, contained within the TPK consulting Eastern Sidings, Salisbury Highway and Traffic Statement received 28.03.01, has been constructed to base course. Thereafter, the existing access to Fisherton Street shall be modified to be ingress only, in accordance with a scheme to be submitted prior to the commencement of any development to the roundabout and approved in writing by the LPA. Such a scheme shall include the routing of construction vehicles and the operational work to the access modification shall be finished in its entirety unless otherwise agreed in writing by the Local Planning Authority.
- (7) No development pursuant to this permission shall take place before approval of the details of any operational or engineering works to include means of enclosure, access (vehicular and pedestrian), roadworks, buildings, or other structures connected with the use of this land shall be submitted in writing to the Local Planning Authority and carried out as approved unless otherwise agreed in writing
- (8) The finished floor levels of any proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before any use commences. These details shall comply with the requirement that the ridge line of the proposed development shall not be any higher than 10.5 metres from the ground level adjacent to the Western Corner of Dunns House (48.00m on the Topographical Survey undertaken by The Severn Partnership, Drawing No GD00443 001A dated 6.11.00)(C03A)
- (9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority within 3 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- (10) All hard and soft landscape works shall be carried out in accordance with the details hereby permitted. 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.
- (11) If within a period of five 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.
- (12) Details of any street lighting shall be submitted to and approved in writing by the Local Planning Authority before any use hereby permitted commences. Development shall be carried out in accordance with the approved details.
- (13) No development pursuant to this permission shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment and other means of enclosure, (to include sound attenuation earthworks and measures and there retention). The boundary treatment shall be completed before any use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.
- (14) No dwelling shall be occupied until details of all vehicle parking and turning space within the site, have been submitted to and approved in writing by the Local Planning Authority; and constructed in accordance with those approved details.
- (15) No development pursuant to this permission shall take place 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 the approved programme and details.
- (16) Before the development pursuant to this permission commences on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied

(17) Before development pursuant to this permission takes place, the applicant shall commission the services of a competent consultant to carry out a survey in order to determine whether the site is affected by emissions of landfill gas and/or leachate from the adjoining waste disposal site. Any emissions of that nature shall be dealt with by a scheme of remedial treatment to be implemented before the commencement of development in accordance with details to be submitted to and approved by the Local Planning Authority.

(18) No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and Saturdays. This condition shall not apply to the internal fitting out of the buildings.

(19) Before development pursuant to this permission takes place, there shall be submitted to and approved by the Local planning Authority a scheme for the insulation against noise emissions from the adjacent railway. Such a scheme as is approved shall be implemented to the satisfaction of the local planning Authority before any part of the development is occupied.

(20) Any subsequent details pursuant to this Outline Permission shall substantially comply with the principles outlined in the Design Brief for the Eastern Goods Yard dated 7th February 2002, as modified to allow the retention to the water culvert hereby permitted under the terms of this permission.

(21) Before development pursuant to this permission takes place, a scheme shall be submitted to and approved in writing by the Local Planning Authority that, demonstrates that appropriate measures will be taken to safeguard the river and to prevent groundwater contamination system from any pollution or other disturbance from any engineering or operational works within. Such a scheme shall be implemented before and during construction works and in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.

(22) There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within:

- i) 8 metres of the top of any bank of watercourses, and/or
- ii) 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

The reasons for the above conditions are listed below:-

(1) This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(2) This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(3) This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(4) This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995.(0001)

(5) For the avoidance of doubt.

(6) In the interests of Highway Safety

(7) The Local Planning Authority wishes to give further consideration to the details of any further operational works in the context of fully detailed plans.

(8) In order to comply with policy CN1 of the Salisbury District Local Plan.

(9) To enable the Local Planning Authority to secure the satisfactory evolution, management and maintenance of landscape works, in the interests of visual amenity.

(10) To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

- (11) To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.
- (12) To enable the Local Planning Authority to exercise control over the appearance of the lighting installation, and the level of illumination, in the interests of visual amenity and railway safety.
- (13) To enable the Local Planning Authority to secure the satisfactory treatment of the boundaries and other means of enclosure, in the interests of visual amenity.
- (14) To ensure that the use hereby permitted is provided with adequate facilities and for the parking, turning/loading and unloading of vehicles.
- (15) To prevent the increased risk of flooding.
- (16) In the interests of health and safety for occupants of, or visitors to, the proposed development.
- (17) In the interests of health and safety for occupants of, or visitors to, the proposed development.
- (18) To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings in St Paul's Road.
- (19) To minimise the disturbance that noise from the existing railway line could have upon the amenities of the occupiers to the proposed dwellings.
- (20) In the interests of visual amenity, the setting of the cathedral and good design.
- (21) To safeguard the river system and to prevent groundwater contamination.
- (22) To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

2. That the applicant be informed of the following:

- (1) That this decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan:
 - Policy G2 General Development Control Criteria
 - Policy D1(vi) Extensive Development design criteria (landscaping)
 - Policy D8 Encouragement of public art
 - Policy C10 Development affecting SSSI /cSAC
 - Policy C12 Development affecting protected species
 - Policy C13 Retention and enhancement
 - Policy C17 Conservation and enhancement of watercourses
 - Policy C18 Development affecting water quality, amenity, visual quality or public enjoyment of a river, floodplain or its value as a wildlife habitat
- (2) The applicant is advised that the necessary Land Drainage Consent from the Environment Agency must be obtained before carrying out any development in the vicinity of the culvert, which requires such consent.
- (3) The applicant's attention is drawn to the need to comply with the requirements of the Section 106 Agreement dated (date of S106 agreement).
- (4) *The applicant's attention is drawn to comments of English Nature in their letter of 9th June 2005 in respect of the presences of Japanese Knotweed, which states "...It has been brought to my attention that Japanese Knotweed is present on the site in the vicinity of the proposed LEAP area to the north east of the site and to the north of Block F. This species is listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Under this Act it is an offence to plant, or cause to grow in the wild, any plants listed on Schedule 9. In addition the developer should be informed that there are implications in selling properties "in good faith" if they are aware of the presence of this species on site as well as possible loss of property value caused through the growth of this plant... In view of this, it is strongly recommended that a survey of the site for the presence of this species is undertaken and a strategy devised for eradication, suitable disposal and prevention of any possible spread.."*
- (5) The applicant will be aware that a full working method statement has been requested under the terms of Condition 21. The applicant is advised to contact English Nature for further advice (Julie Swain Tel 01380).
- (6) The applicant is advised that Land Drainage Consent from the Environment Agency is required for works in the vicinity of the culvert.

293. S/2005/0980 – Outline Application – For up to 130 Dwelling Units, a Shop and Vehicular Access Off Rowbarrow Together with Associated Ground and Other Works at Land at Downton Road/Rowbarrow, Salisbury, SP2 8AS for Westbury Homes (Holdings) Limited

Mr M Mullin, on behalf of the Rowbarrow Residents' Association, spoke in objection to the above application. Mrs M Rogers, a local resident, spoke in objection to the above application. The speaking time was divided between these two speakers.

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

Mr D Steadman, on behalf of the Plymouth Brethern, spoke in support of the above application.

Following receipt of these 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 –

1. That the above application be deferred until the next meeting to allow further negotiations with Wiltshire County Council Highways Department in respect of:

- 1) The provision of an access to the site from Downton Road
- 2) Traffic management measures on Rowbarrow Road
- 3) The proposed accesses onto the site.

Councillor Collier, the local ward member for the above application, informed the Committee that he would be unable to attend the next meeting as he had an overseas trip already arranged.

294. S/2005/1322 – Change of Use of Premises to Combine Mixed Use A3 & Sui Generis - Nightclub Usage at 23 Milford Street, Salisbury SP1 2AP for Angelo's Restaurant Limited

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

Following receipt of this statement, 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 –

1. That the above application be **approved** for the following reason:

(1) The proposal is unlikely to have a significantly detrimental affect upon neighbouring properties and will be in compliance with policy S2 of the adopted Salisbury District Local Plan.

And subject to the following conditions –

(1) The use hereby permitted shall not be open to customers outside the following times

08:00 am – 03.00am Mondays to Saturdays

09:00am - 22.30pm Sundays and public holidays

Reason: To avoid the risk of disturbance to the amenities of the locality during unsocial hours.

The meeting closed at 9.10pm

Members of the public: 32