

Minutes

Meeting of : Planning and Regulatory Panel
Meeting held in : Alamein Suite, City Hall, Salisbury
Date : Tuesday 18 September 2007
Commencing at : 6:00 pm

Present:

Councillor I D McLennan (Chairman)

M G Fowler, L Randall, Mrs C A Spencer, J R G Spencer, J M Walsh, K C Wren and G Wright.

Councillors S J Howarth and I R Tomes (St Martin and Milford) were in attendance and spoke in their capacity as Ward Councillors in connection with the matter set out under Minute 22.

Apologies: there were none

17. Public Question/Statement Time:

There were none.

18. Councillor Question/Statement Time:

There were none.

19. Minutes:

Resolved: that the minutes of the last ordinary meeting held on 28 August 2007 (previously circulated) be approved as a correct record and signed by the Chairman.

20. Declarations of interest:

There were none.

21. Chairman's Announcements:

There were none.

22. Planning Application S/2006/0122 – Formation and laying out of car park to provide park & ride facility. Erection of ancillary buildings and structures. Formation of new access to A36 and associated engineering works. Closure of existing junction of A36 Petersfinger Road to motorised traffic and formation of new junction to Petersfinger Road with access road to Park & Ride site. Petersfinger Park & Ride Site, Southampton Road (A36), Petersfinger Road, Salisbury:

Mrs Kerley, Mrs Wardle, Mr Roger, and Mr Bullock (on behalf of Wiltshire County Council) spoke in support of the application. Mrs McLennan addressed the Panel on behalf of Laverstock and Ford Parish Council. Councillors Howarth and Tomes spoke in their capacity as Ward Councillors for St Martin and Milford. Following receipt of these statements, and further to a site visit held on 31 July 2007, the Panel considered

the report of the Head of Development Services (previously circulated) in conjunction with a schedule of late correspondence circulated at the meeting. Members expressed concerns about:

1. The operating hours to lighting:
 - a) along the access road between the A36 and Petersfinger Road.
 - b) within the site and in particular, the control building
2. Local Residents being able to use the Park and ride facility free of charge.
3. The provision of cycle routes other than those proposed.

The representative on behalf of Wiltshire County Council (Highways) and the Head of Forward Planning & Transportation advised that:

- a) the lighting to the access road could be extinguished after approved hours and that lights would be restricted to one at each end of the new access road.
- b) that within the site, sensors would be used to keep the control building lighting off and parking area lighting to absolute minimum, after approved hours.
- c) that holders of concessionary bus passes would be able to use the Park & Ride bus free of charge
- d) that the provision of cycle routes, other than those proposed, are part of the wider transportation strategy for Salisbury and therefore should be considered in this context. Members were advised that to request the provision of these additional routes as part of this proposal would be unreasonable.

Members requested that the applicant and Highway Authority note these as a future operator.

Resolved: that the application be approved.

Reasons for approval: The site is allocated for Park and Ride purposes in the Salisbury District Local Plan under Policy TR8(ii) that must be afforded significant weight and is in accordance with the Salisbury Transport Plan (2000) that sets out the transport strategy for the city and incorporates the implementation of Park and Ride as part of that strategy. The proposed development of a Park and Ride facility also accords with national, regional and local transport and land use policy through the promotion of sustainable travel and car trip reduction.

The environmental impact of the proposal has been examined through the submission of a detailed and robust Environmental Statement, which concludes that subject to the implementation of appropriate mitigation measures, the proposed development will not have significant effects on the environment, during both the construction and operational phases of the scheme, in respect of the landscape, nature conservation, archaeology, noise, air quality, water quality and drainage, contamination, land use and construction and waste management. The impact of the proposed scheme on neighbouring amenity has also been considered as part of the assessment of the environmental impacts considered in the Environmental Statement and addressed above and it is concluded that overall no material harm that would justify the refusal of this application arises as a result of the proposed development.

Moreover, it is considered that the proposed scheme has been carefully designed to retain existing important trees and landscape features (eg drainage ditch) as far as possible and to achieve a layout and hard and soft landscaping that follows the pattern of the landform and that with time will produce a development that will integrate comfortably within its setting. The proposal also provides an innovative and contemporary building that is of a high quality of design but which still respects the context of the site through its scale and materials.

The implications of the proposed scheme on the highway network surrounding the application site have also been scrutinised in the Transport Assessment submitted in support of the application. This concludes that the implementation of the proposed Park and Ride scheme will improve the overall traffic flows on the A36 and surrounding road network, as well as providing wider benefits through the reduction in traffic flows on the road network to the west of the site (Churchill Way and city centre network).

For all of the above reasons, it is considered that the proposed development is well conceived and sympathetically designed, and is in accordance with the relevant national, regional and local planning policy.

And subject to the following conditions:

1. The development hereby approved 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. No development shall take place until details and samples of all external facing and roofing materials to be used in the construction of the amenity building, hereby approved, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the building is satisfactory.

3. The development shall be carried out in strict accordance with the drawings hereby approved, or with such other details as may subsequently be submitted to, and approved in writing by, the Local Planning Authority.

Reason – For the avoidance of doubt

1. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to, and approved in writing by, the Local Planning Authority and these works shall thereafter be carried out in accordance with the approved details prior to the first commencement of the use hereby approved or in accordance with a timetable to be agreed in writing with the Local Planning Authority. These details shall include, as appropriate, indications of all existing trees, hedgerows and other site features and details of any to be retained together with measures for their protection in the course of development and proposed finished levels or contours. Details of soft landscaping works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes, numbers/densities and positions. The details for the hard landscaping of the site shall include full details of the surfacing materials and colours of all hard surfaces, and where so required by the Local Planning Authority samples of such materials and finishes. If within a period of 10 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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 – To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development and establishment of the approved landscape scheme, in the interests of visual amenity.

5. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules covering all elements of the implementation of the agreed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first commencement of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall thereafter be carried out in accordance with the approved details.

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

6. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason – To enable the Local Planning Authority to secure the satisfactory maintenance of landscape works for a sufficient period of time to enable planted material to become adequately established.

7. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes 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 - To ensure the retention and safeguarding of existing trees forming part of the approved landscaping scheme, whilst providing for the suitable replacement of any that are subsequently lost and to ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

8. The development, hereby approved, shall be carried out in full accordance with the recommended tree protection measures contained in the submitted Arboricultural Method Statement dated December 2005 prepared by Simon Jones Associates Ltd contained at Appendix 8.2 of the submitted Environmental Statement and the Vegetation Protection, Removal and Retention Plan (drawing no. 745116-3000-002 RevF), unless otherwise first agreed in writing by the Local Planning Authority. The tree protection measures must be in place in accordance with the recommended details prior to the commencement of development.

Reason – To ensure the retention and safeguarding of existing trees forming part of the approved landscaping scheme in the interest of the environment and amenity of the site.

9. No development shall take place until a scheme of all boundary treatments and internal retaining structures and vehicle barriers (walls, fencing and other means of enclosure), to include details/a plan indicating the positions, design, materials and type of boundary treatment/retaining structure and vehicle barrier to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first commencement of the use hereby approved, maintained for a period of five years and thereafter retained.

Reason - In the interests of visual amenity.

10. No development shall take place until a scheme for the external lighting of the site, to include details of the lighting columns and lanterns, positions, hours of lighting and levels of illuminance, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first commencement of the use hereby approved.

Reason – To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and/or the level of illumination in the interests of visual amenity and nature conservation.

11. No development shall take place until full details of the CCTV equipment to be installed on the site, to include details of the position of the cameras, the columns on which they are mounted (including height) and the finished colour of the equipment, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first commencement of the use hereby approved.

Reason – In the interests of the appearance of the development.

12. No development shall take place until a full and detailed Construction Environmental Management Plan (CEMP) that outlines the mitigation measures that are to be implemented with regards to the

construction works and the impacts in relation to noise; air quality; hydrology, water quality and drainage; nature conservation; landscape character and visual impact; archaeology; traffic and any other impacts that are identified during the course of the construction works, has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall at least outline all measures to be implemented to mitigate the impacts of the construction works as outlined in the submitted Environmental Statement and in particular those set out in section 14.0 'Construction and Waste Management'. The CEMP shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason – In order to secure the implementation of specified mitigation measures during and after construction on the site, in the interest of amenity, nature conservation interests, the protection of trees, landscaping and the protection and enhancement of the historic environment.

13. No development shall take place within the application site area until the applicant, or their successors in tile, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.

Reason – To ensure that the archaeology of the site is adequately recorded.

14. No development shall take place until a scheme for the provision of foul drainage works to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall subsequently be carried out in its entirety prior to the first commencement of the use hereby approved and thereafter retained, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason - To ensure that the development is provided with a satisfactory means of foul drainage and in order to prevent pollution of any surface water and groundwater resource.

15. The development, hereby approved, shall be carried out in accordance with the surface water drainage scheme indicated on the Proposed Drainage Layout plan (drawing no.745116-500-001 RevC) and as detailed in the submitted Environmental Statement, unless otherwise first agreed in writing by the Local Planning Authority to any variation. The surface water drainage scheme shall be fully implemented prior to the commencement of the use hereby approved and thereafter retained.

Reason – To ensure that the development is provided with a satisfactory means of surface water disposal and in order to prevent pollution of any surface water and groundwater resource.

16. The development, hereby approved, shall be carried out in accordance with the maintenance schedule outlined in the Drainage System Maintenance Statement contained at Appendix 2.5 of the submitted Environmental Statement in perpetuity, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason - To ensure that the development is provided with a satisfactory means of surface water disposal and in order to prevent pollution of any surface water and groundwater resource.

17. No development shall take place until a scheme of water efficiency measures to reduce the water consumption of the amenity building, hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and made available for use prior to the first commencement of use of the amenity building and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of the conservation of water resources and sustainable development.

18. No development shall take place, until further investigation for the presence of landfill gases has been undertaken in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include a site investigation report documenting the ground conditions of the site, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors, and in particular relating to groundwater and surface waters associated on and off the site that may be affected.

If the risk assessment identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed, using the information obtained from the site investigation, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site. The remediation scheme as may be agreed by the Local Planning Authority shall be fully implemented in accordance with the approved details prior to the first commencement of the use hereby approved, unless the Local Planning Authority gives prior written consent to any variation.

If during development, contamination not previously identified, is found to be present at the site no further development shall be carried out until a revised remediation programme detailing the nature and extent of the unforeseen contamination and any remedial works to be undertaken to deal with the unsuspected contamination has been submitted to, and approved in writing by, the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority. The remediation works shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on site. The remediation works to deal with the unforeseen contamination shall thereafter be implemented in accordance with the approved details prior to the first commencement of the use hereby approved.

On completion of the works, a validation report detailing the implementation of the agreed remedial works and measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first commencement of the use hereby approved.

Reason - To identify unacceptable risks to human health and other sensitive receptors, to prevent pollution of the land and controlled waters and to ensure that the development is carried out safely in the public interest and in accordance with best practice in PPG23.

19. No development shall take place, until a Waste Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall include appropriate targets and objectives for the minimisation and recycling of any waste/materials generated during the construction phase. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the development includes sustainable waste recycling features.

20. No development shall take place until a scheme for the provision of a safe means of access to the site for construction traffic has been submitted to, and approved in writing by, the Local Planning Authority. The access for construction traffic shall thereafter be constructed in accordance with the approved details as the first operation of the construction phase and prior to the commencement of any other construction works and shall be retained throughout the course of development or in accordance with a timetable to be agreed in writing with the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

21. Prior to the commencement of construction of the new access road to the site from the A36 (including that section linking the A36 to Petersfinger Road), full details of the road layout and construction, that shall include longitudinal sections, typical cross, road drainage street lighting and signage, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason - In the interests of highway safety.

22. Before the first commencement of the use hereby approved, the new signal controlled junction and the new access road to the site from the A36 (including that section linking the A36 to Petersfinger Road) including the associated pedestrian facilities, drainage, street lighting and signage and all other highway works or improvements specified on the approved plans, shall have been completed in accordance with the approved details and to the satisfaction of the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

23. Prior to the commencement of any works associated with the closure of the existing A36/Petersfinger Road junction, full details of the means of closure of the existing junction shall be submitted to, and

approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details in their entirety prior to the first commencement of the use hereby approved and thereafter shall be retained.

Reason - In the interests of highway safety and residential amenity.

24. Prior to the closure of the existing A36/Petersfinger Road junction, the new access road between the A36 and Petersfinger Road, hereby approved, shall be properly constructed and made available for public use, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

25. No development shall take place until a detailed scheme for the provision of secure and covered cycle parking facilities has been submitted to, and approved in writing by, the Local Planning Authority. The operation of the development, hereby permitted, shall not be commenced until the cycle parking facilities have been provided in accordance with the approved details and they shall thereafter be retained.

Reason - In order to secure adequate provision is made for the safe storage of bicycles in the interests of sustainable development.

26. No development shall commence and no vegetation works, including all tree, scrub and hedgerow works/clearance, shall take place between the months of March to August inclusive, unless otherwise first agreed in writing by the Local Planning Authority.

Reason – In order to avoid the bird breeding/nesting season and thereby mitigate the impacts on protected species.

27. The development, hereby approved, shall be carried out in accordance with the mitigation measures detailed in Section 9.5 of the submitted Environmental Statement, unless otherwise first agreed in writing by the Local Planning Authority to any variation. The mitigation measures shall be fully implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority and thereafter retained.

Reason - To ensure the adequate protection of protected species in the interests of nature conservation.

28. No development shall take place, including the clearance/felling of trees, hedgerow and scrub, until details and design of the bird nest boxes and bat boxes, including a timetable for their implementation/provision, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason - In order to ensure that the designs of the bird and bat boxes are appropriate and provide a suitable alternative habitat, in the interests of nature conservation.

29. The development, hereby approved, shall be carried out in accordance with the recommendations and mitigation measures detailed in section 5 of the submitted 'Additional Reptile Surveys' prepared by Nicholas Pearson Associates and dated July 2006, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason – To ensure the adequate protection of protected species in the interests of nature conservation.

30. Prior to any tree works or tree felling taking place, a bat survey of all trees that are to be removed shall be carried out and a report of these findings shall be submitted to, and approved in writing by, the Local Planning Authority.

If the survey identifies the presence of bats within any of the trees to be felled, a method statement detailing the mitigation measures that are to be implemented/ taken to ensure the protection of the protected species and its habitat shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed mitigation measures shall thereafter be fully implemented in accordance with a

timetable to be agreed in writing with the Local Planning Authority and, where appropriate, thereafter retained, unless otherwise first agreed in writing by the Local Planning Authority to any variation.

Reason - To ensure the protection of protected species and their habitat in the interests of nature conservation.

31. The use hereby permitted for the Park and Ride site shall not take place except between the hours of 0645-2200 on Mondays-Saturdays, unless otherwise first agreed in writing with the Local Planning Authority to any variation.

Reason – To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

32. No construction works shall take place outside of the hours of 7:00am and 7:00pm on Monday to Friday, outside the hours of 8:00am and 1:00pm on Saturdays and at no time on Sundays or public holidays, unless otherwise first agreed in writing with the Local Planning Authority to any variation. This condition shall not apply to the works associated with the construction of the new signal controlled junction to the A36, the new access road between the A36 and Petersfinger Road and the closure of the existing A36/Petersfinger Road junction.

Reason - To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

33. The site shall be used as a Park and Ride facility in accordance with the approved alternative transportation strategy of Salisbury District Council and for no other purpose, including any purpose in any class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory document revoking or re-enacting that Order with or without modification.

Reason – To allow the Local Planning Authority to exercise control over the future use of the site.

34. Notwithstanding the provisions of Class B, Part 4 of Schedule 2 of 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 temporary uses of the site of any kind for any period, unless it is first agreed in writing with the Local Planning Authority.

Reason – To ensure that the parking areas are at all times available for parking and servicing, in the interests of highway safety.

And in accordance with the following policies of the Adopted Salisbury District Local Plan:

Policy	Purpose
G1	(Sustainable Development)
G2	(General Development Control Criteria)
G4	(Water - Flood Risk)
G5	(Water - Infrastructure)
G6	(Water – Sustainable Drainage)
G8	(Water – Development Restraint Areas)
D1	(Design – Extensive Development)
CN17	(Trees – Replanting)
CN21	(Areas of Special Archaeological Significance)
CN22	(Archaeology – Preservation and Recording)
CN23	(Archaeology – Implications and Investigation)
C1	(Protection of Countryside)
C2	(Countryside – Restriction of Development)
C8	(Landscape – Loss of Trees, Hedges and Replacement Planting)
C10	(Nature Conservation – Protected Sites)
C11	(Nature Conservation – Non-Statutory Sites)
C12	(Nature Conservation – Protected Species)
C13	(Nature Conservation – Protection of Wildlife Habitats)
C17	(Conservation of Rivers, Watercourses and Associated Wetlands)
C18	(Protection of Rivers and Floodplain)
C19	(Protection of Best and Most Versatile Agricultural Land)
TR1	(Transport – Sustainable Land Use Strategy)

Informative Notes:

1. In conjunction with Condition No13 above, the applicant is advised that the further archaeological investigation that is required by this condition should take place in accordance with the mitigation measures set out in section 11.5 of the submitted Environmental Statement.
2. In conjunction with Condition No14 above, the applicant is advised that in accordance with Circular 03/99 the first presumption must always be to provide a system of foul drainage discharging into a public sewer. If an alternative scheme of foul drainage, other than connection to the mains sewer, is proposed, then the applicant is advised that in conjunction with the details of the proposed scheme a full and detailed justification explaining the reasons why connection to the mains sewer is not feasible must be provided for the approval of the Local Planning Authority.
3. In accordance with the comments of the Environment Agency, the applicant is advised that if any dewatering is to occur at the site then the Regulatory Water Quality team at the Environment Agency should be contacted to discuss whether a Consent to Discharge/ Prohibition notice will be required. The Environment Agency can be contacted at Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset DT11 8ST Tel: 01258 483370.
4. The applicant is advised that separate consent will be required from the Council for any tree works to those trees that are the subject of a Tree Preservation Order and that are to be retained.
5. The applicant's attention is drawn to the comments of the Highways Agency that advise that "in order for the works to be implemented the Developer will be required to enter into an Agreement under Section 278 of the Highways Act 1980 with the Secretary of State for Transport stating, inter alia, that the developer will pay for all the necessary highway works". It is also advised that all works affecting the trunk road must be carried out by, or on behalf of, the secretary of State's trunk road agent for the area. Therefore before carrying out the works, the applicant must first contact the agent at the following address:
Mr David Hogan, InterRoute, 910 Hempton Court, Aztec West, Almondsbury, Bristol, BS32 4SR (Tel: 01454 452249).
6. The applicant is advised that if any sign of protected species are found during the construction works, hereby approved, work should stop immediately and Natural England be contacted immediately for further advice.

*The meeting concluded at 7.30 pm
Members of the public present: 24*