

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 17 DECEMBER 2015 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman),
Cllr Richard Britton, Cllr Richard Clewer, Cllr Brian Dalton, Cllr Jose Green, Cllr Mike Hewitt,
Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes and Cllr Ian West

Also Present:

127 **Apologies for Absence**

There were no apologies for absence.

128 **Minutes**

The minutes of the meeting held on Thursday 26 November 2015 were presented.

Resolved:

To approve as a correct record and sign the minutes.

129 **Declarations of Interest**

The following declarations were received:

Item 7f - 5/09554/VAR - Five Rivers Leisure Centre

Cllr Devine declared that as he was the Chairman of Wiltshire and Swindon conjoined Fire Authority, as this was a Pecuniary Interest, he would not take part in the discussion or vote on this item and left the room.

Cllr Clewer noted that he was the Salisbury Area Board representative for the Five Rivers Campus, and had been a shadow COB member, however as this did not constitute an interest he took part in the discussion and vote.

130 **Chairman's Announcements**

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

The Chairman explained that he had accepted an item of urgent business as detailed at minute no 138. This would be taken under both Parts 1 and II of the meeting as part of the information included exempt information.

131 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

132 **Planning Appeals**

The committee received details of the appeal decisions as detailed in the agenda.

133 **Planning Applications**

133: 15/08673/FUL - The Coach House, 63 A Castle Road, Salisbury, Wiltshire, SP1 3RN

Public Participation

Paul Stephens (Architect) spoke in support of the application.

The Area Team Leader noted that a copy of an email detailing objections had been circulated as late correspondence. He introduced the application for an increase to the eaves/ridge height by approx 1.1m to facilitate additional head height at first floor level. To address the objections, the north facing roof had changed that day, with the removal of a roof light and the French doors had been changed to large windows. The application was recommended for Approval, subject to conditions.

Members of the Committee then had the opportunity to ask technical questions of Officers.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Committee discussed the application, noting that it was a modest proposal which with the amendments made that day would not impose on neighbouring amenity.

Resolved:

To hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below), subject to compliance with the condition(s) specified hereunder:-

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 660/02 Revision D dated 08/2015 as deposited with the local planning authority on 06.11.15, and
Drawing number 660/03 Revision A dated 04.11.15., as deposited with the local planning authority on 17.12.15.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking or re-enacting or amending that Order with or without modification), the internal garage space hereby permitted shall be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provisions in the interests of highway safety.

1331 15/09990/OUT - Rose Farm, Hurdcott Lane, Winterbourne Earls

Public Participation

Robyn Harper (Agent) spoke in support of the application.

Geoff Goddard (Applicants Son) spoke in support of the application.

Gaenor Nokes spoke in objection to the application.

David Baker (Winterbourne Parish Council) spoke in support of the application.

The Senior Planning Officer introduced the application for the erection of 2 x four bedroom detached houses with access taken from the A338 within the 30mph speed limit zone. A shared parking/turning space to be provided for 2 cars per property, with new garden areas sited to the rear and to the sides. The application was recommended for refusal. It was noted that the application site was outside of the established housing site of the village,

and that Highways had advised that the current plans were not suitable on grounds of visibility.

Members of the Committee then had the opportunity to ask technical questions of Officers. Details were sought on whether the village had produced a Neighbourhood Plan (NHP).

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Unitary Division Member, Councillor Hewitt, then spoke in support of the application, stating that the emerging NHP supported the villages request for new housing, and felt that it would be difficult to achieve the 34 new houses within the settlement boundary in the village over the next 10 years as indicated in the Core Strategy. The parish council was behind the application and the applicant was willing to put 106 funds and contribute towards footpath improvements, he felt it was an ideal position for 2 new houses.

The Committee discussed the application, noting that the NHP had not yet been consulted on or adopted. There were Highways concerns associated with the scheme, and the development did not offer any affordable housing.

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The creation of new dwellings in this location outside of the defined settlement boundaries, without a proven agricultural or affordable housing need, would be contrary to the key sustainability aims of Local and National Planning Policy. The development would therefore be contrary to Wiltshire Core Strategy Core Policy 2, and the advice and guidance in regard to sustainable development contained within the NPPF.**
- 2. Insufficient evidence has been submitted to demonstrate that there will be sufficient visibility for cars leaving the site to ensure that highway safety will not be adversely affected by the new development. The scheme is therefore considered to have an adverse impact on highway safety, contrary to Core Policy 57 (ix) of the Wiltshire Core Strategy.**

134 **15/06068/FUL - 23, Milford Street, Salisbury**

Public Participation

Stuart Garnett (Agent) spoke in support of the application.

Mark Timbrell (Salisbury City Council) spoke in objection to the application.

The Senior Planning Officer made a joint presentation for this item and the associated next item, for an application for Change of use of site from public house and adult entertainment venue to form two commercial units and 10 apartments including conversion, demolition and erection of buildings. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of Officers. It was noted that the access path, which would be closed off in the evening, was pedestrian only and that waste would be stored within the site and brought out on collection day. An affordable housing contribution was not required due to the type of scheme. The site was within the localised flooding maps for the area.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Committee discussed the application, noting that introducing residential development on this site could impact on license holders around the site, in terms of noise complaints. Flooding on this site was an issue and would need to be addressed. The Committee supported development of the currently neglected site, however it was felt that a commercial or retail development would be more suited.

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The proposed design, by reason of its cramped and congested layout in relation to the residential elements, will result in 10 flats being accessed by a restricted courtyard area, which would have no private amenity space. Due to a combination of the close proximity of the flats to each other, the orientation of the new windows, and the scale of the new three-storey elements of the development within this narrow site, the proposal would be likely to result in a significantly reduced level of amenity for future occupiers in terms of privacy, and would represent an overdevelopment of the site. The scheme as currently designed would therefore be contrary to the design criteria of Core Policy 57 and Core Policy 58 of the Wiltshire Core Strategy, and design guidance in the NPPF.**
- 2. The site is located in a locally designated ground-water flood risk zone, and the immediate area has been prone to ground-water flooding in recent years. Insufficient information has been provided to demonstrate that surface/waste water from the site can be adequately removed from the site to avoid flood risk to the new development and nearby properties. The scheme is therefore considered to be contrary to Core Policy 3, Core Policy 57, Core Policy 67 and Strategic objective 6 of the Wiltshire Core Strategy.**

3. **Insufficient information has been provided to demonstrate that waste storage/ collection from the rear of the site will be achievable, as no collection point or placement/removal times have been submitted. Without providing this information prior to determination, it remains unclear to the Council whether a workable waste management plan can be achieved that would satisfy the Council's collection requirements and preserve residential amenity. Therefore the proposal would be contrary to Core Policy 3, Core Policy 57 and Strategic objective 6 of the Wiltshire Core Strategy.**
4. **The site is located within a commercial area of the city which makes a significant contribution to the night time economy, and where premises operate until the early hours of the morning. Notwithstanding the submission of amended plans and details, the Council remains to be convinced that sufficient information has been provided to demonstrate that the adjacent night time uses would not have an adverse impact on future occupants of the proposed flats, particularly flat 6 and flat 10. It is therefore considered that based on existing details, the creation of residential flats as proposed would have the potential to expose future occupiers of the site to unacceptable levels of noise and disturbance at unsocial hours, which would be seriously detrimental to residential amenity, and prejudice the operation of adjacent commercial uses. The scheme is therefore considered to be contrary to Core Policy 57 of the Wiltshire Core Strategy.**

135 **15/06160/LBC - 23 Milford Street, Salisbury**

The presentation of this item was covered as part of the previous associated application by the Senior Planning Officer.

Resolved:

That Listed Building Consent be APPROVED for the following reasons:

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

Reason (1) To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004. .0006 AMENDED

2. **No development shall commence on site until finer details, and where so appropriate materials, of all external 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: The application contained insufficient information to enable the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in

an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

3. No development shall commence on site until details of all eaves, verges, windows and doors (including head, sill and window reveal details), rainwater goods, rooflights 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. This development shall be in accordance with the submitted drawings:

- Site Plan P14-001-02-02-001

Proposed Ground Floor P14-001-02-03-001C Received 27th November

Proposed First Floor P14-001-02-03-002A rec. 7th October

Proposed Second Floor P14-001-02-03-003A

Proposed Roof Plan P14-001-02-03-004A

Demolition on Ground Floor P14-001-02-03-011A

Demolition First Floor P14-001-02-03-012A

Demolition Second Floor P14-001-02-03-013A

Proposed Section 03 P14-001-02-04-001A

Proposed Section 04 P14-001-02-04-002A

Wall Detail Key P14-001-02-04-005A

Wall Types 1 & 2 P14-001-02-04-006

Wall Types 3 & 4 P14-001-02-04-007

Wall Types 5 & 6 P14-001-02-04-008

Wall Build Up P14-001-02-04-010

Elevation 01 P14-001-02-05-001B rec. 27th November 2015

Elevation 02 P14-001-02-05-002A rec. 7th October

Elevation 03 & 04 P14-001-02-05-003A

Elevation 05 P14-001-02-05-004B rec. 7th October

Elevation 06, 07 & 08 P14-001-02-05-005A

Elevation 09 P14-001-02-05-006B rec. 7th October

Elevation 10 P14-001-02-05-007A

Demolition Elevation on 01 P14-001-02-05-011A

Demolition Elevation 02 P14-001-02-05-012B rec. 7th October

Demolition Elevation 03 & 04 P14-001-02-05-013A

Demolition Elevation 05 P14-001-02-05-014A

Demolition Elevation 06,07 & 08 P14-001-02-05-015A

REASON: For the avoidance of doubt.

INFORMATIVE:

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.

136 **15/10185/FUL - The Field House, Barbers Lane, Swallowcliffe, SP3 5PQ**

Public Participation

David John Bright (Applicant) spoke in support of the application.

Nigel Lilley (Agent) spoke in support of the application.

Stephen Bands (Swallowcliffe Parish Council) spoke in support of the application.

The Area Team Leader introduced the application for Change of Use of existing agricultural merchants barn and land to mixed residential and business use and conversion of part of barn to new dwelling. The application was recommended for refusal.

Members of the Committee then had the opportunity to ask technical questions of Officers.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Unitary Division Member, Councillor Green, then spoke in support of the application, stating that it complied with CP48 and CP51 and was not visible from the surrounding area.

The Committee discussed the application, noting that the site was within the AONB which had strict criteria for development. The application was for a barn to be turned into a dwelling which went against planning policy.

Resolved:

The application be REFUSED for the following reasons:

- 1. Core Policy 1 of the Wiltshire Core Strategy set out the ‘Settlement Strategy’ for the County, and identifies four tiers of settlement – Principle Settlements, Market Towns, Local Service Centres and Large and Small Villages. The application site is located outside of any settlement boundary and is identified as countryside. This application proposes to create a dwelling house within an agricultural barn which is associated with a rural business known as Bright Seeds. This application has not demonstrated any functional or financial evidence to convince Officers that the**

proposed creation of a residential unit is expressly needed to support the function or viability of the rural enterprise. This application has also failed to undertake any critical assessment over the reuse of the building for any other uses other than that of the existing agricultural use. The proposal is contrary to the Wiltshire Core Strategy, Core Strategy 48 and saved policy H28 as contained in Appendix D of the Wiltshire Core Strategy (Jan 2015).

2. The proposal, located remote from a range of services is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. The proposal is contrary to the Wiltshire Core Strategy, Core Policy 60 and Core Policy 61.

137 **15/09554/VAR - Five Rivers Leisure Centre, Hulse Road, Salisbury, SP1 3NR**

Councillor Devine did not take part in the discussion or vote on this item and left the room, as he had declared an interest.

Public Participation

There were no speakers.

The Senior Planning Officer introduced the application for Variation of condition 8 to application 13/02254/FUL to allow 28 additional car parking spaces as required by the Fire Service. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of Officers. It was noted that some trees would be removed to make way for the additional car parking spaces, but that replacement trees would be planted on other areas of the site. The Fire Service did not have a travel plan.

Although Cllr Douglas was the local Unitary Member, Councillor Clewer spoke in support of the application as the access roads for the site were all in his division. He supported the additional spaces, but asked that all of the 8 trees to be removed were then replaced elsewhere.

The Committee discussed the application, noting that the Fire Brigade had not submitted a travel plan, providing evidence that the spaces were needed. However the site had always been restricted and it was felt that additional spaces would help to alleviate this issue for other users at the site.

Resolved:

The application be APPROVED with the following conditions:

- 1** In complete accordance with the submitted details, use of the all weather pitch, including operation of the associated floodlighting, shall cease at 22:00hrs each day and shall not resume use and operation until the following day at 08:30hrs, unless otherwise agreed with the Local Planning Authority in the form of a new and separate planning permission in that regard.

Reason: So as to avoid unnecessary and unacceptable noise and disturbance from the use and operation of the all-weather pitch.

- 2** The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS), and shall be supervised by an arboricultural consultant.

Reason: To prevent trees on site from being damaged during construction works.

- 3** 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, 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).

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.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, 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.

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**
- Location Plan no 2904(L) 001**
 - Existing Site photographs no 2904(L)005**
 - Existing site plan no 2904(L)010**
 - Proposed site plan no 2904(L)011 rev K**
 - External Works plan no 2904(L)012 rev D**
 - Proposed All Weather pitch plan 2904(L)020 rev B**
 - Existing Basement floor plan 2904(L)040**
 - Existing Ground Floor Plan 2904(L)041**
 - Existing first floor plan 2904(L)042**
 - Existing Roof Plan 2904(L)043**
 - Proposed ground floor plan 2904(L)050**
 - Proposed first floor plan 2904(L)051**
 - Proposed Roof plan 2904(L)052**
 - Existing South Elevation 1 plan 2904(L)101**
 - Existing South Elevation 2 plan 2904(L)102**
 - Existing North Elevation 1 plan 2904(L)103**
 - Existing North Elevation 2 plan 2904(L)104**
 - Existing West and East elevations plan no 2904(L)105**
 - Existing Minor elevations 2904(L)106**
 - Proposed 3D views plan no 2904(L)110**
 - Proposed elevations plan no 2904(L)111**
 - Proposed elevation 1 plan no 2904(L)112**
 - Proposed elevation 2 plan no 2904(L)113**
 - Proposed elevation 3 Plan no 2904(L)114**
 - Proposed elevations 4,5 and 6 plan no 2904(L)115**
 - Police compound fencing detail plan no 2904(L)116**
 - Bin Store detail plan no 2904(L)117**
 - Screen entrance wall plan no 2904(L)118**
 - Cycle shelter details plan no 2904(L)119**
 - Existing site sections plan no 2904(A)170**
 - Proposed site sections plan no 2904(A)171**
- 473477/P003 - Revision P2 : External Lux Levels for Planning - Football Pitch**
- 2904_L_017 Parking Extension Plan**
- All plans are revision A unless stated.**

Additional documents

- Flood risk assessment by Hydrock dated May 2013**
- Noise and Acoustic report reference 5520/DO/pw dated July 2013 by Acoustic consultants Ltd**
- Transport assessment by Key transport consultants Ltd dated July 2013 including appendices**
- Design and Access statement by the Bush Consultancy dated 23rd July**

2013

External Lighting statement by Halcrow dated 22nd July 2013

Preliminary ecological appraisal by Alec French architects dated September 2012

Biodiversity Enhancement Strategy dated October 2013 by the landmark practice

Construction Working Method statement dated October 2013 by the landmark practice

REASON: For the avoidance of doubt and in the interests of proper planning

- 5 The development hereby approved shall be carried out in accordance with the details and recommendations of the biodiversity Enhancement Strategy and Construction Method statement dated October 2013 and produced by the landmark practice.**

Reason: In order to protect wildlife within the vicinity of the site

- 6 Prior to the occupation of any of the new buildings, the subject of this application, a car parking management plan shall be submitted to and approved by the local planning authority. The plan shall set out measures for ensuring that long stay parking on the site does not arise, as well as measures for dealing with offenders. The car parking shall at all times be managed in accordance with the approved plan.**

REASON: To ensure that adequate parking provision exists on the site to accommodate forecast demand.

- 7 All 373 parking bays on the site, as indicated on the approved drawings, with the exception of the 50 space overspill parking area on the proposed reinforced grass area, shall be clearly permanently marked for each parking bay, before the beneficial use of any of the additional uses proposed on the site. All car parking spaces shall be provided before the beneficial use of any of the additional uses proposed on the site.**

REASON: To ensure that individual parking bays can be readily identified, and in the interest of efficient use of sufficient parking provision.

- 8 56 cycle parking spaces shall be provided in accordance with the approved drawings before the beneficial use of any of the additional uses proposed on the site.**

REASON: In the interests of encouraging sustainable transport to the site

- 9** Prior to the occupation of any of the new buildings, the subject of this application, details of the provision of the proposed community bus, its funding arrangements and its proposed route and timetabling shall be submitted to and approved in writing by the local planning authority. The Community bus shall be operated in accordance with the agreed routeing and timetabling, unless alternative arrangements are agreed by the local planning authority.

REASON; In the interests of encouraging use of sustainable transport modes to access the site.

- 10** No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON

Due to past site uses as a landfill site; construction could mobilise contaminants with the potential to pollute controlled waters.

- 11** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON

Due to past site uses as a landfill site; construction could mobilise contaminants with the potential to pollute controlled waters.

Notwithstanding the details shown on drawing no's 2904_L-011 and 2904_L_017. Prior to first use of the car park extension shown on those plans a further landscaping scheme shall be submitted to and approved in writing by the local authority. Such a landscaping scheme shall show the replacement of the existing trees in the car park extension area with at least an equivalent number of trees and these trees shall be placed to

the immediate north of the car park area and not interspersed around the car parking spaces. Any such landscaping scheme as is approved shall be carried out within 12 months of the date of first use of the car park extension.

REASON: In order to ensure adequate landscaping exists in the interests of amenity.

137: 15/06846/DP3 - Bulford Kiwi School, Hubert Hamilton Road, Bulford Camp, Wiltshire, SP4 9JY

Public Participation

There were no speakers for this application.

The Army Basing Planning Officer introduced the application for Extension of existing Kiwi Primary School (new block) with associated works including new access. The application was recommended for Approval with conditions, including prohibition on phase 2 until further car parking spaces were found.

Members of the Committee then had the opportunity to ask technical questions of Officers. It was noted that concerns detailed in the objection around Hartington Drive, were relating to parents using the road at drop off and collections times. There was right of access for the school to make use of the road, but not to park there. Although the school had an existing travel plan, a new plan should be produced which took in to account the new pupils.

The Committee discussed the application, noting that an alternative site should be found for the Children's Centre prior to it being removed.

Resolved:

The application be APPROVED with 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

**Site Location Plan SK19-C (received 23/10/15)
Site Plan SK-20 rev.C (received 23/10/15)
Site Plan Phase 2 SK03 rev.E (received 23/10/15)
Ground Floor Plan – Phase 2 SK-04 Rev.H
First Floor Plan – Phase 2 SK05 rev.I
North and South Elevations SK09 rev.D**

**East and West Elevations SK10 rev.D
Ground Floor Plan Phase 3 SK11 rev.F
First Floor Plan Phase 3 SK12 rev.F
Sprinkler Tank and Refuse Store SK13 rev.D (received 23/10/15)
Site Plan Phase 3 SK14 rev.E (received 23/10/15)
Pedestrian gate Modifications SK-16 rev.C
Foul and Surface Water Drainage Layout KW-D-001 rev.P1**

**Landscape Plan Phase 2 SK21 rev.A (received 23/10/15)
Landscape Plan Overall Strategy SK22 rev.B (received 23/10/15)
Hubert Hamilton Road Junction SK29 rev.A (received 23/10/15)
Kiwi Pedestrian Desire Lines (received 23/10/15)
Design and Access Statement
Arboricultural Impact Assessment
Flood Risk Statement
Archaeological Desk Based Assessment
Interpretive Report on Site Investigation
Noise Assessment
Transport Statement
All date stamped 24th July 2015, unless otherwise stated.**

REASON: For the avoidance of doubt and in the interests of proper planning.

Ecological Survey Report, prepared by RSK Environment (dated May 2015).

3. No part of the development hereby permitted shall be occupied until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and in the interests of sustainable transport to and from the development.

4. Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and agreed by the Local Planning Authority. The Plan shall include, inter alia, details of how and when modular units will be delivered to the site, proposals to protect existing highway from damage, a timescale for repairing damage caused to the highway, and arrangements for construction personnel vehicle parking. I shall also include the following:

- i. Loading and unloading of equipment and materials**
- ii. Storage of plant and materials used in constructing the development**
- iii. Wheel washing and vehicle wash down facilities**
- iv. Measures to control the emission of dust and dirt during demolition and construction**
- v. A scheme for recycling/disposing of waste resulting from demolition and construction works**
- vi. The movement of construction vehicles**
- vii. The cutting or other processing of building materials on site**
- viii. The location and use of generators and temporary site accommodation**
- ix. Pile driving (if it is to be within 200m of residential properties)**

5. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: So as to ensure the amenity of local residents are protected during construction and operational phase of development.

6. The development shall be carried out in complete accordance with the recommendations and conclusions contained within the Ecological Survey Report, prepared by RSK Environment (dated May 2015).

REASON: So as to ensure that the construction and operational phase does not adversely impact upon the ecological value of the locality.

7. No development shall commence on site until a scheme for protecting the nearby residential properties against noise from ventilation and extraction equipment has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use commences and maintained at all

times thereafter.

In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at least 5dB below the background noise level.

REASON: To ensure the development does not result in an unacceptable impact upon the living conditions of nearby residents.

8. No development shall commence on site until a scheme for the discharge of foul water from the site, including confirmation of connection levels to confirm that a gravity system is appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

9. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

10. Prior to its construction, details of the proposed sprinkler and bin store shall have been submitted to and agreed in writing by the Local Planning Authority. The store building shall be constructed in complete accordance with those approved details.

REASON: So as to secure a suitably designed store building that does detrimentally impact upon parking provision across the site.

11. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the

Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

12. Prior to the commencement of development, details of the proposed external materials to be used in the construction of the development shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with those details so agreed.

REASON: To ensure a form of development that respects the character and appearance of its locality.

13. Prior to the commencement of the development a scheme for the improvement of pedestrian facilities at the junction of Marlborough Road/Hubert Hamilton Road and Horne Road shall be submitted to and approved by the Local Planning Authority . The scheme shall ensure that dropped kerb crossings are provided at all crossing desire lines to facilitate movement by pedestrians. The scheme shall be fully implemented prior to the first occupation of the development hereby permitted.

REASON: In the interests of highway safety and to help facilitate sustainable transport to and from the site mvmt1173.doc

14. Prior to the commencement of the development a scheme for the collection of waste from the site (which do not require bins to be temporarily stored on the footway), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development hereby permitted.

REASON: In the interests of users of the footway on Hubert Hamilton Road

15. No part of the development hereby permitted shall be first brought into use until the access, turning area and all necessary parking spaces have been completed in accordance with the details to be submitted to and approved by the Local Planning Authority. Those details shall include the commitment to provision of 53 car parking spaces (as demonstrated on plan SK03 rev.E). The accesses to the site shall include the vehicular access and two pedestrian accesses from Hubert Hamilton Road, and the pedestrian accesses from Marlborough Road and Harrington Drive. No part of the development hereby permitted shall be occupied until the accesses and car parking areas shown on submitted drawing SK-021 have been completed. In accordance with the details agreed, the parking areas shall be maintained for those purposes only at all times thereafter.

REASON: It is expected that the details submitted will ensure the provision of all necessary parking spaces shown on the submitted plans prior to the first use of the new buildings, in the interests of highway safety, to meet the policy requirements in relation to school car parking requirements and to ensure that car parking places are not unduly obstructed by users.

16. No part of the development hereby permitted shall be commenced until an On-site Car Parking Management Plan shall have been submitted to and approved in writing by the local planning authority. The car parking at the site shall be managed in complete accordance with the approved Plan thereafter.

REASON: To ensure that the double banked parking spaces of the proposed parking area are managed in an appropriate manner, which does not unnecessarily impede use by defined users.

17. No part of the Phase 3 development (as defined within the submitted plans and documents) shall take place until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of

additional on and off-site parking spaces to be provided, and the legal arrangements in place to assure their availability at school start and finish times. Thereafter the car parking arrangements shall be operated in complete accordance with the approved Plan.

REASON: To ensure that an additional supply of parking is provided (over and above that to be constructed as part of the first phase of development) in accordance with the requirements of the adopted Wiltshire LTP3 Car Parking Strategy. To also ensure that any off-site provision is suitably located and so as to ensure the development does not cause unacceptable congestion and parking problems in the future.

18. Prior to the first occupation of the development hereby permitted at least 15 covered cycle parking spaces shall be provided in accordance with a plan, the details of which shall first have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of sustainable transport to and from the site. mvmt1173.doc

19. Prior to the demolition of the Bulford Children's Centre buildings, a scheme for the re-provision of nursery places, at least equal to that number to be lost at the Bulford Children's Centre, shall have been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the timing of such re-provision and shall be implemented in accordance with the details so agreed.

REASON: So as to secure adequate and accessible local nursery provision.

138 **Urgent Items - Commons Act 2006 - Section 15(1) And (3) Application To Register Land As A Town Or Village Green - The Common / Browns Copse Field / Bluebell Wood Field / Village Hall Field / The Field, Winterslow**

In accordance with Section 100 B 4 (b) of the Local Government Act 1972, the Chairman approved consideration of the above item as urgent business as a decision was required before 24 December 2015 which was prior to the next scheduled meeting.

Public Participation

Mr Michael Morgan-Jones attended the meeting for this item and explained his attendance was to hear first hand the Committee's views. The Chairman gave

him an opportunity to express any views and explained that the substance of the debate would be held under Part II of the meeting.

Ian Gibbons, Associate Director for Legal and Governance and Solicitor to the Council presented a report which explained that further to the Committee's decision on 24 September 2015 to refuse to register land known as 'Brown's Copse' in Winterslow as a village green, a pre-action protocol letter dated 23 November 2015 had now been received from the applicant Winterslow Opposed to Over-development ('WOOD').

The letter challenged the lawfulness of the Committee's decision and notified the Council of the applicant's intention to issue proceedings for judicial review in the High Court to set aside the decision.

By way of background information, the report and associated appendices previously considered by the Committee at its meetings on 24 September and 30 April 2015 were presented together with the corresponding minutes.

The report also referred to the non-statutory public inquiry held into the matter and the Inspector's recommendations.

If legal proceedings were to be issued the Solicitor to the Council was authorised under the Constitution to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary either to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

Noting that further information would be considered in Part II as detailed in minute no. 140 below, the Committee;

Resolved:

- (a) to note that the applicant is now expected to issue judicial review proceedings before 24 December 2015 in order to challenge the Council's decision to refuse to register Brown's Copse as a village green.**
- (b) To consider the Council's response to the proposed proceedings under a separate Part 2 report.**

139 Exclusion of the Press and Public

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 140 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Paragraph 5 referred to above, relates to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

140 Commons Act 2006 - Section 15(1) And (3) Application To Register Land As A Town Or Village Green - The Common / Browns Copse Field / Bluebell Wood Field / Village Hall Field / The Field, Winterslow

Following on from the above item at minute no. 138, Ian Gibbons, Associate Director for Legal and Governance and Solicitor to the Council drew the Committee's attention to the Pre-action Letter and legal advice from Counsel in response to it as presented.

The Committee was asked to note the action which the Associate Director proposed to take in his capacity as Solicitor to the Council in the light of the legal advice received.

Resolved:

That the Committee notes the proposed legal challenge which the applicant intends to make in respect of the Committee's decision of 24 September 2015 and the action to be taken by the Solicitor to the Council as set out at paragraph 9 of the report presented.

(Duration of meeting: 6.00pm – 9.34pm)

The Officer who has produced these minutes is Lisa Moore, of Democratic Services, direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

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