

# TOWN AND COUNTRY PLANNING ACT 1990

Name and address of agent:

RUSSELL CORNEY  
HALCROW GROUP LTD  
ASH HOUSE  
FALCON ROAD  
SOWTON  
EXETER  
EX2 7LB

Name and address of applicant:

ENVIRONMENT AGENCY  
MANLEY HOUSE  
KETREL WAY  
EXETER

**In pursuance of its powers under the above act and in accordance with the terms of the application reference S/2006/1878 dated 13/09/06 and the plans and particulars submitted therewith.**

**SALISBURY DISTRICT COUNCIL HEREBY GRANT PERMISSION for the following development:**

REF: S/2006/1878  
PROPOSAL: FULL APPLICATION - FLOOD DEFENCE  
SCHEME COMPRISING INSTALLATION OF  
NEW SHEET PILES  
RAISING EXISTING FLOOD DEFENCE  
BANKS  
CONSTRUCTING NEW FLOOD WALLS AND  
BANKS INCLUDING TREE REMOVAL  
LOCATION: VARIOUS LOCATIONS ON BANK OF RIVER  
NADDER, HARNHAM (GRID REF  
SU1329)INCLUDING WALDRONS FARM,  
GYPSY LANE MIDDLE STREET MEADOW &  
RECREATION GROUND SALISBURY

## **(Subject to the following conditions overleaf / attached)**

Reference No: S/2006/1878

### REASONS FOR APPROVAL

It is clear that certainly in the short term, the construction works relating to this project may well have a significant visual impact on the character of the area, and will have an effect on the residential amenities currently enjoyed by existing residents and other users of the area. The highway system would be similarly affected, and there will be some impacts on the ecology of the area. However, some of these impacts can be ameliorated via suitable conditions, and as the construction works are by their very nature a temporary impact, it is considered that the short term impacts of much of the scheme in terms of construction can be mitigated to minimise impacts. In policy terms, the scheme seems contrary to open space policies and guidance.

The actual scheme itself would have a significant impact on the existing character of the Conservation Area and its associated listed buildings, and the character of the existing public open spaces, although in the longer term, the new flood banking and walling works would become accepted as part of the character of area, just as the 1990's works became part of the character of the area, and with regards the works around the Town Path, the works could actual enhance the area in a visual sense. Whilst this could be stated for any kind of development, the flood defence works are somewhat unique in that the various earthworks, whilst different and of a larger scale from those created in the 1990's, would still retain the open and green quality of the area once established. Therefore the general "green" character of the area will actually be retained. The scheme would also result in the creation of a small wetland area, thus in some improving the ecology of the area.

The main long term impact of the scheme is the likely impact on the general amenities of the area, both in terms of the amenities of residents of the area, and users of the public open spaces. Properties in adjacent to Harnham Recreational Ground will have their amenities reduced both through the additional overlooking created from users of the raised flood bank, and may also suffer some noise and disturbance due to the use of the banking by bikers. Residents of Constable Way may be similarly affected, although to a lesser extent. Furthermore, the amount of usable public open space would be reduced due to severance of Harnham Recreational Ground and the intended widening of the river at Middle Street Meadow.

It is considered that in terms of the impact on the nature and usability of the public open space, an objection to the flood defence scheme in that regard would be difficult to support, given the apparent support for the flood defence scheme from Sport England, and because any maintenance issues can be ameliorated, both by condition and separately, by the Council as landowner. Therefore, in reality, the main significant impact which could warrant a refusal of this scheme is the impact of the scheme on residential amenity.

However, the above significant impacts must be considered and weigh against the broader "public" purpose of creating a flood defence scheme for the area, which would significantly reduce the likelihood that several hundred houses to the south of the defence scheme will be subject of a flood event in future years.

On balance, and taking into consideration the fact that the planning system exists to serve the broader public good, it is considered that the impact and significant harm caused to the existing residential amenities enjoyed by a modest (in comparison) number of properties adjacent to the flood banks would be outweighed by the greater public good resulting from the flood defence scheme, for which there appears to be an increasing need, and which will improve the general amenities and wellbeing of a significant amount of properties (several hundred) and residents (several thousand). Hence, whilst acknowledging that the scheme as proposed would indeed have significant impacts for a number of residents, it is considered that when all the issues are considered and balanced, the flood defence scheme would be acceptable in planning terms, subject to various conditions which will help ameliorate some of the impacts of the scheme.

And subject to the following conditions:-

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

REASON:To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004.

02 Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the proposed flood walling, the new hardsurfacing/paving, the buildings associated with the pumping station, and the railings shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:0014 To secure a harmonious form of development

03 Before development commences, full details of the tree protection measures, and full details of new planting shall be submitted to and approved in writing by the Local Planning Authority. Details of new planting (including seeding or turfing) shall include species, location, planting timetable, and future maintenance information, and development shall be in carried out in accordance with the agreed details.

REASON: In order to secure the retention of the trees adjacent to the works

04 Before development commences with regards the proposed wetland area, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which indicates how the wetland area is to be maintained and kept clean and free of litter. The wetland area shall be maintained thereafter in accordance with the agreed scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON:In order to secure the long term retention of suitable a wildlife habitat

05 Construction works shall be carried out in accordance with the recommendations of the Water Voles protected species report submitted as part of the application.

REASON: In order to mitigate the impact of the scheme on a protected species

06 Before construction works commence, a Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include a scheme for wheel and vehicle washing, times for moving of heavy loads, and a scheme to restrict parking of construction vehicles on the public highway surrounding the development sites, so as to limit the impact of development works on the public highway shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to mitigate the impacts of construction works on the highway system and surrounding amenities

07 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. (X03A)

REASON: In order to mitigate the impacts of the development on existing and potential archaeological remains

08 Before construction works commence, details of any temporary construction lighting shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to mitigate the impacts of lighting on residential amenities and the wider amenities and wildlife interests within the Conservation Area/SSSI/SAC

09.Before development commences on this part of the scheme, full engineering details of the works to Town Path, including materials for hard surfacing and walling, structural design and calculations of retaining walls, shall be submitted for the written approval of the Local Planning Authority. Development shall be carried out as agreed.

REASON:In order to mitigate the impact of works on the public highway

10.Details of a barrier system using appropriate bollards to discourage cycling along Town Path shall be submitted for the written approval of the LPA and the barriers installed before the works to Town Path are brought into use.

REASON: In order to improve pedestrian safety along Town Path

11. Before development commences, a Construction Environmental Action Plan shall be submitted to and agreed in writing by the Local Planning Authority which outlines in detail the mitigation measures to be undertaken to limit any significant impacts on the qualifying features of the Special Area of Conservation, the SSSI and other affected ecology, and to mitigate the impacts on residential amenities and the highway system of the construction works. The Plan shall also demonstrate that no silt laden run off or pollutants as a direct result of the construction will be able to enter the water course and where site vehicles will be washed off. The scheme should also indicate what arrangements have been agreed for the future maintenance of the flood works, and how safe public access to the existing public open spaces, private dwellings, and businesses is to be facilitated during the construction period. The construction works shall be carried out in accordance with the agreed details.

REASON: In order to limit and mitigate any impacts on the qualifying interests of the SAC and amenities of the area.

12 Piling will only take place between May and June.

REASON: In order to prevent disturbance to the Special Area of Conservation and SSSI fish species.

13 Prior to any works commencing relating to flood banks or other structure adjacent the river, a scheme for the protection of the water course from pollution during construction shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

REASON: To prevent the pollution of the water courses/SAC/SSSI during development from material from the works, including spillage of topsoil and earth, as this could increase silt levels within the river and the disturbance of established riverside habitat.

14 Before the removal/stripping out of the vegetation along the river banks, a scheme shall be submitted to and agreed in writing by the Local Planning Authority and Natural England outlining the extent of the works, and the vegetation affected by the works. Works shall be carried out in strict accordance with the agreed scheme.

REASON: In order to prevent the removal of vegetation along the riverbank which may affect the available habitat for wildlife.

#### INFORMATIVES:-

1. All parties should note that the requested Construction Environmental Action Plan (CEAP) when submitted will need to be agreed by the relevant Committee of Salisbury District Council prior to the document and its contents being formally agreed in writing. The CEAP will need to cover the details alluded to in the relevant condition above, including information relating to the following matters:

- a) Future maintenance arrangements for the proposed earthworks and other similar works
- b) A clear indication of the proposed hours of construction works. Please note that Committee Members expressed concern regarding intrusive works being carried out on Saturday afternoon, Sundays and Public Holidays due to the likely impact on amenities. The CEAP should therefore indicate which type of works are intended to be carried out at what times, having regard to the concerns of local residents and Members.
- c) Indicate clearly what scheme is intended for the protection of the ground within the area of the construction works. At the time of writing, the applicant's proposals to temporarily remove top soil and create temporary hard surfaces within areas of work does not meet with the approval of the Council's Parks Manager, who believes that more appropriate less invasive methods are available. The CEAP needs to indicate a scheme which ideally has the support of the Parks Manager, and give clear reasons for any deviation from any agreement reached.
- d) Confirm in detail how access to dwellings and business will be affected, and confirm measures to alleviate problems of access during construction works.
- e) The CEAP also needs to indicate and outline any other matters where there is disagreement with third parties/landowners and justify why any of these matters cannot be agreed.

2. Members also raised issues relating to pollution entering the proposed wetland area via the diverted Churchfields Industrial Estate drain. Whilst it was acknowledged that the majority of the drain system is outside the red line of the application site, the cleanliness of the wetland area is a planning issue. Consequently, Members requested that the applicant/developer investigate how existing pollution from the Industrial estate drain can be reduced. Evidence of such investigation should be submitted with the information requested as part of the above conditions.

3. Please note that Wiltshire County Council wish to seek clarification from Halcrow on behalf of the Environment Agency with regard to the structures which the EA will wish the Highway Authority to adopt. It would be helpful if they could produce a schedule referenced to the scheme drawings. Clearly, whether the walls are adopted or not, any that support the highway will need to be designed to appropriate codes and standards, taking due regard to any additional loading required for EA vehicles.

The works where they affect Town Path must be subject to an Agreement between the applicant and the Highway Authority. This may be in the form of an exchange of letters where all costs involved in the Highway Authority checking and supervising the works will be recovered from the applicant. Commuted sums may also be obtained for future maintenance of the works.

The works where they affect Town Path will involve temporary closure of Town Path and the possible use of temporary means to ensure foot and cycle access along Town Path are safely maintained at all times. The temporary closure of Town Path and agreement on alternative safe route(s) shall be obtained by contacting the Area Office of Wiltshire County Council, telephone 01722 744440, initial contact, Tony Higgins, Streetworks Co-ordinator.

4. And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

- |                             |   |
|-----------------------------|---|
| Policies G1                 | Purpose - Sustainable development           |
| Policies G2                 | Purpose - General principles and impacts    |
| Policies G3-G6              | Purpose - Impact on Water interests         |
| Policies CN8 CN1, CN11      | Purpose - Impact on Conservation area       |
| Policies CN20-22            | Purpose - Impact on Archaeology remains     |
| Policies C1-C3, C6, C10-C18 | Purpose - Impact on countryside and ecology |
| Policies R5,R6              | Purpose - Impact on Recreational open space |

IMPORTANT NOTE : Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

Signed : ( Authorised Officer)

Date: 28 DEC 2006

Please refer to the notes attached to this decision

End of Decision.

Support	Officer