

Town & Country Planning Act 1990

**Notification of Full Planning**

Application Reference Number: 18/03096/FUL

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| <b>Agent</b><br>Myddelton & Major<br>49 High Street<br>Salisbury<br>SP1 2PD<br>United Kingdom                            | <b>Applicant</b><br>Salisbury BID<br>22-26 Milford Street<br>Salisbury<br>SP12AP |
| <b>Particulars of Development: Temporary change of use to hold a Christmas Market over specified dates in 2018 only.</b> |  |
| <b>At: Cathedral Grounds, North Walk, The Close, Salisbury, SP1 2EJ</b>  |  |

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

**Subject to the following conditions:**

- 1 This temporary change of use (the development) shall take place in 2018 only. The market opening times hereby permitted shall only take place between Thursday 22nd November 2018 and Saturday 22nd December 2018 between the hours of:
  - 1000hrs - 1830hrs from Monday to Wednesday
  - 1000hrs - 2030hrs Thursday (late night shopping)
  - 1000hrs - 1900hrs Friday and Saturday
  - 1000hrs - 1600hrs Sunday

Reason: In order for the Local Planning Authority to assess the impact of the proposal over a temporary period in 2018.

- 2 There shall be no playing of live or recorded amplified music

Reason: In the interests of neighbouring amenities

- 3 Generators will not be operated outside of the approved opening hours for the Christmas Market. In the event that generators are to be used on site, they shall be sited at the furthest point away from the nearest residential properties to avoid loss of

amenity to those residents.

Reason: In the interests of neighbouring amenities

- 4 The development shall be implemented in accordance with the Flood Risk Assessment and flood resilience measures contained in the email from Mr. D. Speer received 11/6/18

Reason: In the interests of flood prevention

- 5 No installation of the temporary Christmas market stalls or any associated infrastructure shall commence on site until a Construction, Operational and Dismantling Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction, operational and dismantling stages of the entire Christmas market. The installation of the Christmas market shall not be carried out otherwise than in accordance with the approved Construction, Operational and Dismantling Method Statement, without the prior written permission of the Local Planning Authority. The Construction, Operational and Dismantling Method Statement shall include the following:-

- a) Routing details for all vehicles associated with the construction and dismantling of the market stalls.
- b) Hours of construction and dismantling and the duration of this process. This duration shall exclude Christmas Day and Boxing Day 2018.
- c) Details of stall replenishing, deliveries and other service vehicles associated with the operation of the market, including routing, frequency and times of deliveries.
- d) Parking details for all construction vehicles, deliveries and any other vehicles associated with the market.
- e) Details of the loading and unloading of materials, and storage of materials.
- f) Consideration of pedestrians in the vicinity of the market site during construction and dismantling.
- g) Written acknowledgement of the need for warning signs, licences and road closures etc as necessary (- please also contact streetworks on [streetworks@wiltshire.gov.uk](mailto:streetworks@wiltshire.gov.uk)).

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment and dangers to highway safety, during the construction, operational and dismantling phases.

- 6 The following activities shall not be permitted to take place:

- Traffic movements (with the exception of vehicles using the hard surfaced paths)
- Vehicle parking
- Siting of generators
- Fuel storage

at any time within:

- a. 1 metre of the canopy spread of any trees within the application area (as shown on the site plan at 1:1250 received 11/4/18) and
- b. the vicinity of the bell tower remains (as shown within the triangular section marked (B) to the south of the Belfry Tea Room on the plan attached to this decision – see Informative below).

Reason: To safeguard trees and their root protection areas, within the Conservation Area and to secure the preservation of archaeological remains just below the surface.

- 7 Within one month of the dismantling of the Market and site clearance, a photographic survey shall be submitted in a report to the Local Planning Authority to provide an assessment of the site and the ground surfaces before, during and after the Market within the red line of the application (as shown on the site plan at 1:1250 received 11/4/18). The photographic survey shall include:

- Photos of all the grass and ground surfaces (within the red line area) before any installation of the market takes place.
- Photos of the chalets in situ and during operation in daytime and in the evening, with visual reference to the Cathedral and its setting.
- Photos of all the grass and ground surfaces (within the red line area) after dismantling has taken place and the site has been cleared.

Reason: Permission is granted on a temporary trial basis, to enable assessment of the impact of the market, its stalls, pedestrian and vehicle movements on the ground, the grass surfaces and the visual impact on the setting of the Cathedral and archaeological remains.

- 8 There shall be no excavation, digging or other disturbance to the existing ground (hard or soft) surfaces within the application area.

Reason: For the avoidance of doubt and to preserve existing archaeological interests and remains.

- 9 The temporary wooden chalets and any associated infrastructure associated with the temporary market shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition as the Cathedral lawn on or before 29/12/18.

REASON: To ensure removal/extinguishment of the market use for which permission can be justified only on the basis of a special temporary need.

- 10 Any re-seeding or re-turfing require to restore the land to its former condition as a grass lawn shall be carried out in the first planting and seeding season following the cessation of the market use. Any reseeded areas shall be maintained free from weeds and shall be protected from damage by vehicles and pedestrians. Any grassed areas which, within a period of 6 months die or become seriously damaged or diseased shall be re-seeded or re-turfed in the next planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure satisfactory re-instatement and restoration of any damaged grass areas within the site area of the market upon removal/extinguishment of the use.

- 11 The market use hereby limited shall be limited to 50 stalls within the red line area of the application (as shown on the site plan at 1:1250 received 11/4/18).

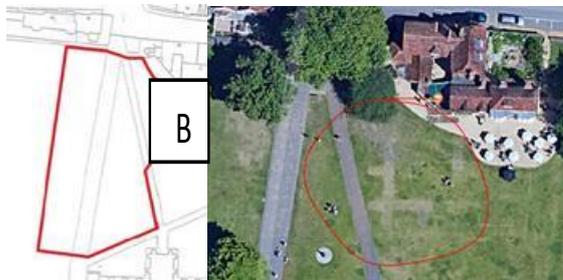
Reason: For the avoidance of doubt. The Market is approved on a temporary, trial basis within the red line area.

- 12 There shall be no stalls within the application site providing the sale of take away food or drink for the purposes of immediate consumption within the Cathedral Close.

Reason: In the interests of neighbouring amenity

**Informatives:**

With regards to condition 06, the plan below shows the approximate location of the Bell Tower.



The applicants are advised that this temporary consent should not be considered a precedent for future years, but is an opportunity to better understand the potential impacts and inform forthcoming assessments for any future markets within The Close. Please refer to the Historic England advice for this application. The organisers' attention is drawn to the recommendations in Chapter 9 of the Historic England Guidance for drawing up their site and event management plans. <https://www.historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events/>

**Signed**

A handwritten signature in black ink, appearing to read 'T. Martienssen'.

**Tim Martienssen**  
**Director**  
**Economic Development and Planning**

**Dated: 4<sup>th</sup> July 2018**

Town and Country Planning Act 1990  
**PERMISSION FOR DEVELOPMENT**  
**NOTES**

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
- 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
- 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
- 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals> ). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

**Appeals where an enforcement notice has been issued.** Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or  
expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which

are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.  
  
You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work
6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at [streetnaming@wiltshire.gov.uk](mailto:streetnaming@wiltshire.gov.uk)
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.