

AGENDA

Meeting: Southern Area Planning Committee

Place: The Guildhall, Market Place, Salisbury, Wiltshire, SP1 1JH

Date: Thursday 14 October 2021

Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton (Chairman)
Cllr Sven Hocking (Vice-Chairman)
Cllr Brian Dalton
Cllr Nick Errington
Cllr George Jeans
Cllr Bob Jones MBE

Cllr Charles McGrath
Cllr Ian McLennan
Cllr Nabil Najjar
Cllr Andrew Oliver
Cllr Rich Rogers

Substitutes:

Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Kevin Daley
Cllr Ricky Rogers

Cllr Bridget Wayman
Cllr Graham Wright
Cllr Robert Yuill

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place.

Please contact the officer named on this agenda no later than 5pm on Wednesday 13 October 2021 if you wish to attend this meeting.

To ensure safety, all present at the meeting are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow anyone-way systems, signage and instruction in place at the venue

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 19 August 2021.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council may need to operate revised procedures and timescales.

Statements

Members of the public who wish to make a statement in relation to an item on this agenda should contact the officer named on this agenda no later than 5pm on 13 October 2021 to register.

Statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those making statements would be expected to attend to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 8 October 2021 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 11 October 2021.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 17 - 18*)

To receive details of completed and pending appeals and other updates as appropriate for the period of 06/08/2021 to 01/10/2021.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **PL.2021.06492 - Land Adjacent to The Bowman Centre, Shears Drive, Amesbury, Wiltshire, SP4 7XT** (*Pages 19 - 46*)

To erect a new church with day nursery.

7b **PL.2021.04201 - Land Previously Occupied by Alderbury Football Club** (*Pages 47 - 66*)

All outstanding Reserved Matters (appearance, landscaping, layout and scale) for the erection of 50 residential units, pumping station and replacement guide hut with associated infrastructure, parking, landscaping, open space and works, all pursuant to permission 17/04001/OUT.

7c **PL.2021.03958 - 29 and 29A Brown Street, Salisbury, SP1 2AS** (*Pages 67 - 92*)

Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area (Description revised following changes to the proposed frontage – previously “Demolition of existing building, erection of gates and railings as modification to front facade to facilitate use of land as a hospitality”).

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Southern Area Planning Committee

14th October 2021

7a) PL/2021/06492 - Land adjacent The Bowman Centre, Shears Drive, Amesbury SP4 7XT

Erect new church with day nursery

Recommendation: APPROVE subject to a Deed of Variation & Conditions and
Informatives



Page 8



Site Location Plan

Aerial Photography



The Site / Bowman Centre / Local Centre





Page 10



Archers Way / Shears Drive Direction



Across Site to Wind in the Willows Nursery





Across Site to Co-op / Local Centre





Page 13

Archers Way / Shears Drive to Local Centre





From Site to Wind in the Willows Nursery



From Site to Archers Way / Shears Drive



From Site to Public House

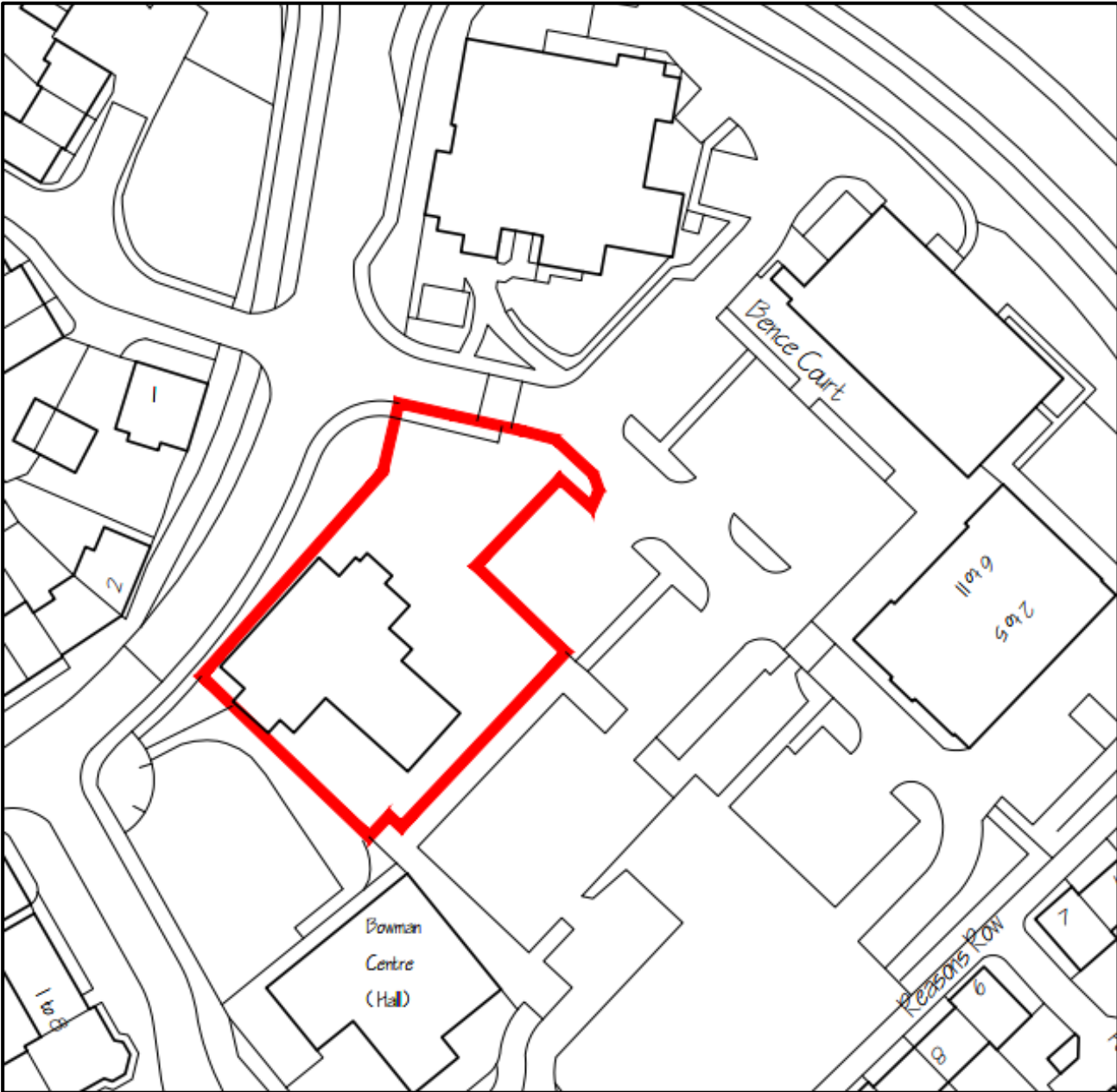


From Local Centre to Site & Bowman Centre

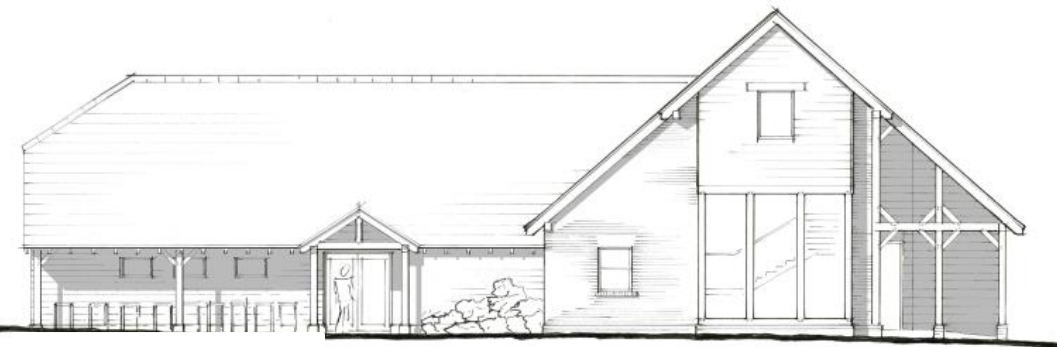


Proposed Site Plan

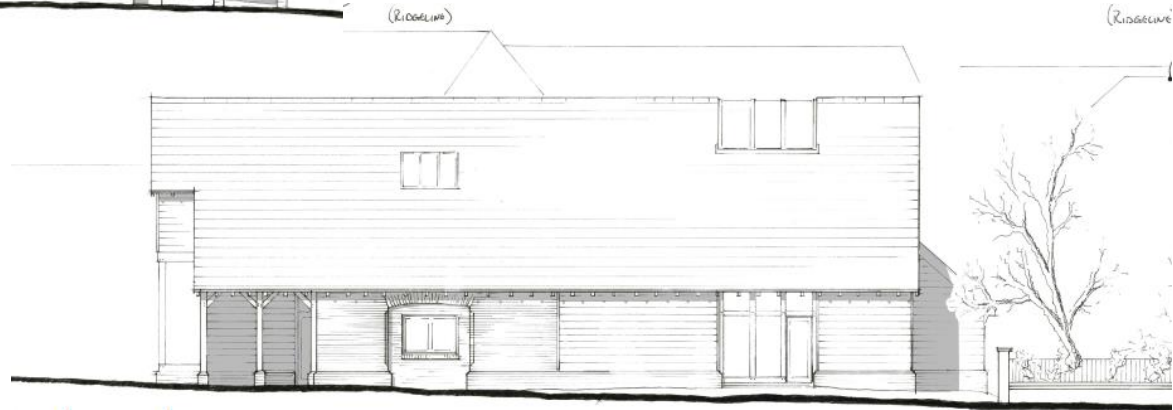




Proposed Block Plan



Front Elevation - NE



Side Elevation - NW



Rear Elevation - SW



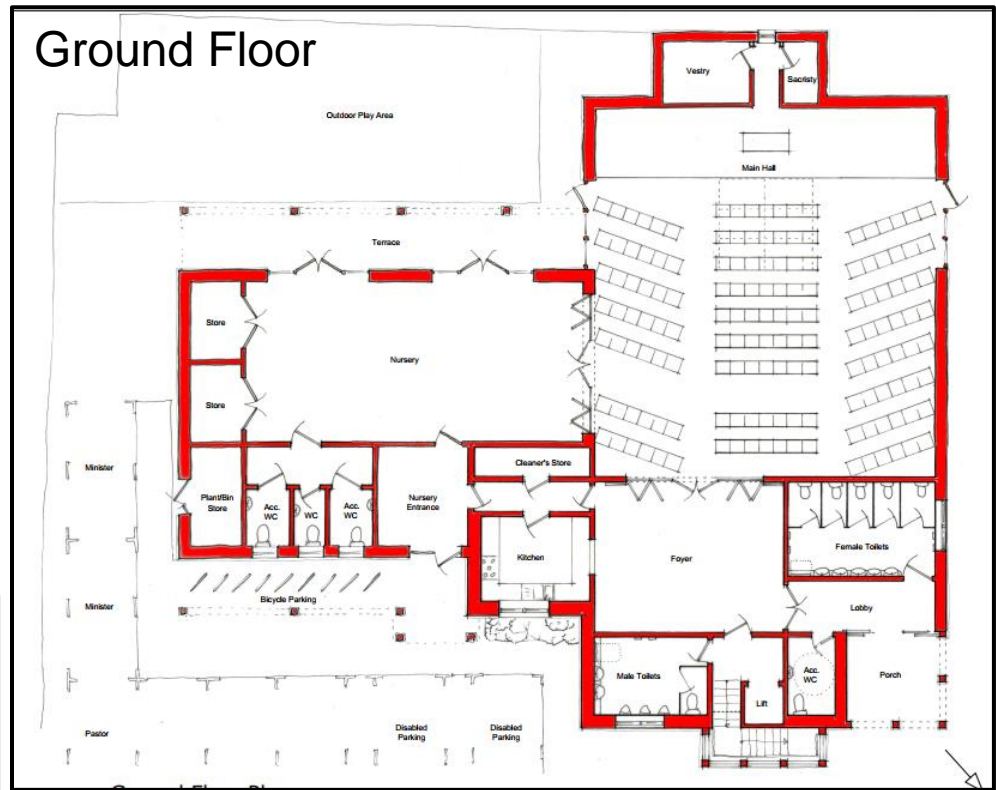
Side Elevation - SE

Page 20

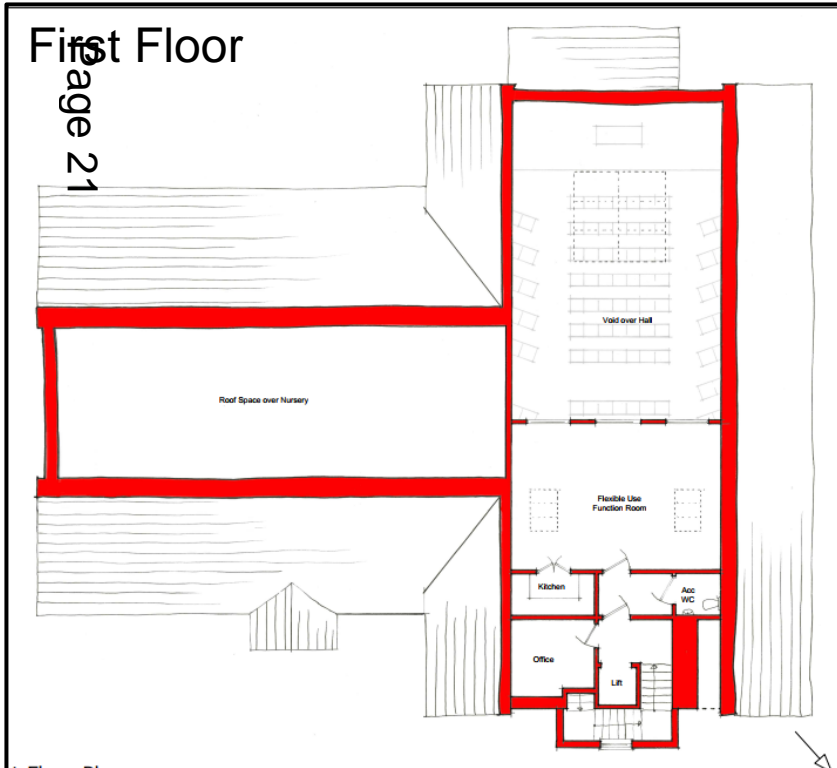
Proposed Elevations

Proposed Floor Plans

Ground Floor

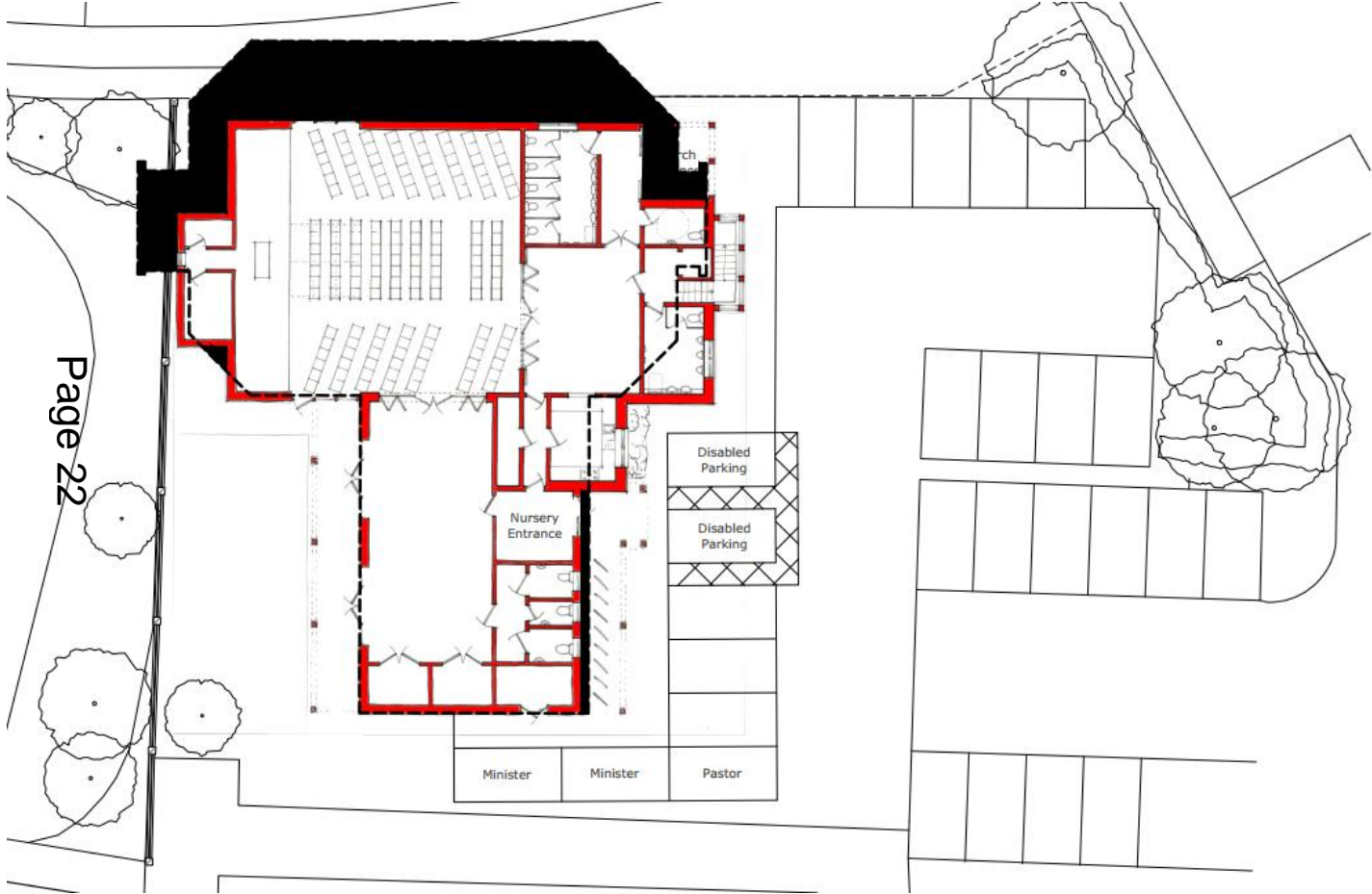


First Floor



Page 21

Comparison Proposed Footprint With 19/06605/FUL Scheme



Page 22

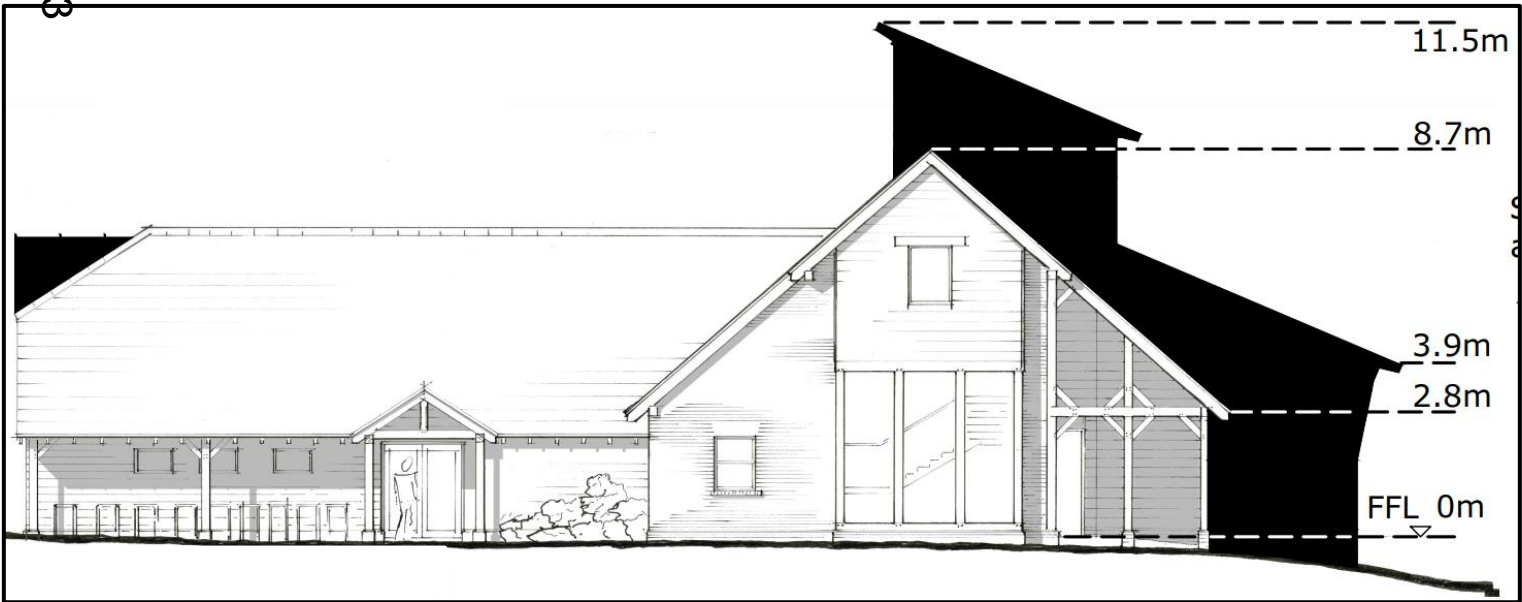


Footprint of 2019 application, moved to compare area with present scheme

Comparison Proposed Elevations With 19/06605/FUL Scheme



Page 23

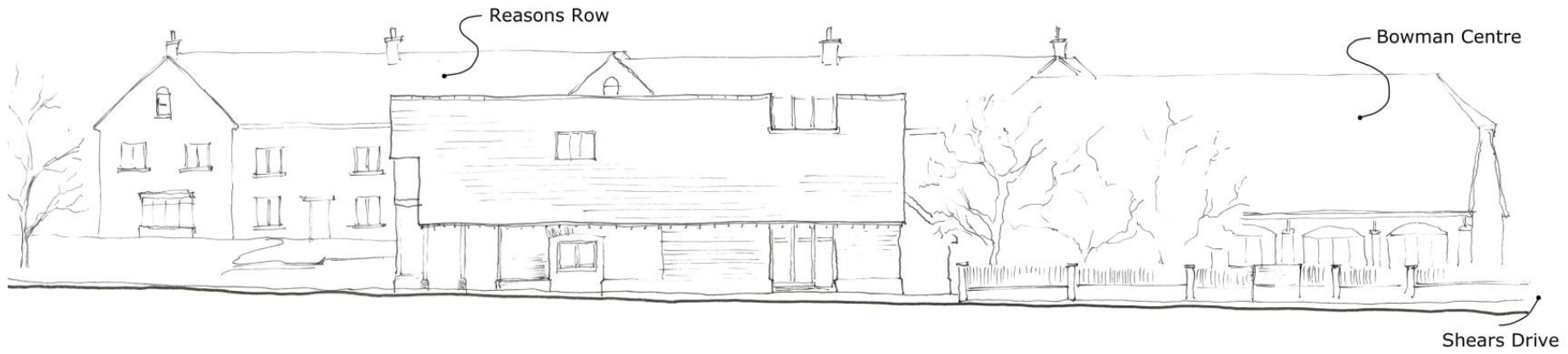


The 16/02899/FUL Approved Scheme





Proposed Site Section

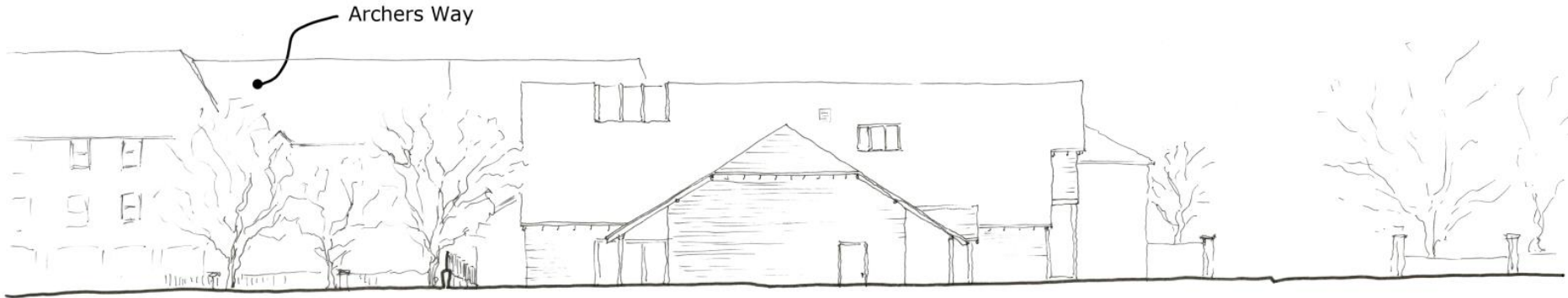


Proposed Site Section



Page 27

Proposed Site Section



Proposed Site Section

7b) PL/2021/04201 - Land previously occupied by Alderbury Football Club , Alderbury

All outstanding Reserved Matters (appearance, landscaping, layout and scale) for the erection of 50 residential dwellings, pumping station and replacement guide hut with associated infrastructure, parking, landscaping, open space and works, all pursuant to permission 17/04001/OUT.

Recommendation: Approve subject to conditions



Site Location Plan



Aerial Photography

Site viewed from existing Junction Road entrance with Guide Hut on the right



Access point off Firs Road

Page 31



Firs Road with existing access to the School to the right

Page 32



Site Layout for current application



Indicative masterplan which was submitted with Outline application
17/04001/OUT allowed on appeal



Indicative streetscenes

Page 35



Indicative streetscenes A-A and B-B from key map

Page 36



STREETSCENE A - A



STREETSCENE B - B

Indicative streetscenes C-C and D-D from key map

Page 37



STREETSCENE C - C



STREETSCENE D - D

House types. Everleigh to the left and right to demonstrate design changes made to reflect concerns of Parish Council

Page 38



FRONT ELEVATION



FRONT ELEVATION

Two variations of the Becket house type

Page 39



Mylne housetypes, either semi-detached or detached



Two variations of the Knightley House type

Page 41



FRONT ELEVATION



FRONT ELEVATION

Affordable housing units

Page 42



Illustrative streetscenes from Outline design and access statement

Page 43



ILLUSTRATIVE STREET ELEVATION



ILLUSTRATIVE STREET ELEVATION

Ecological Enhancement Plan

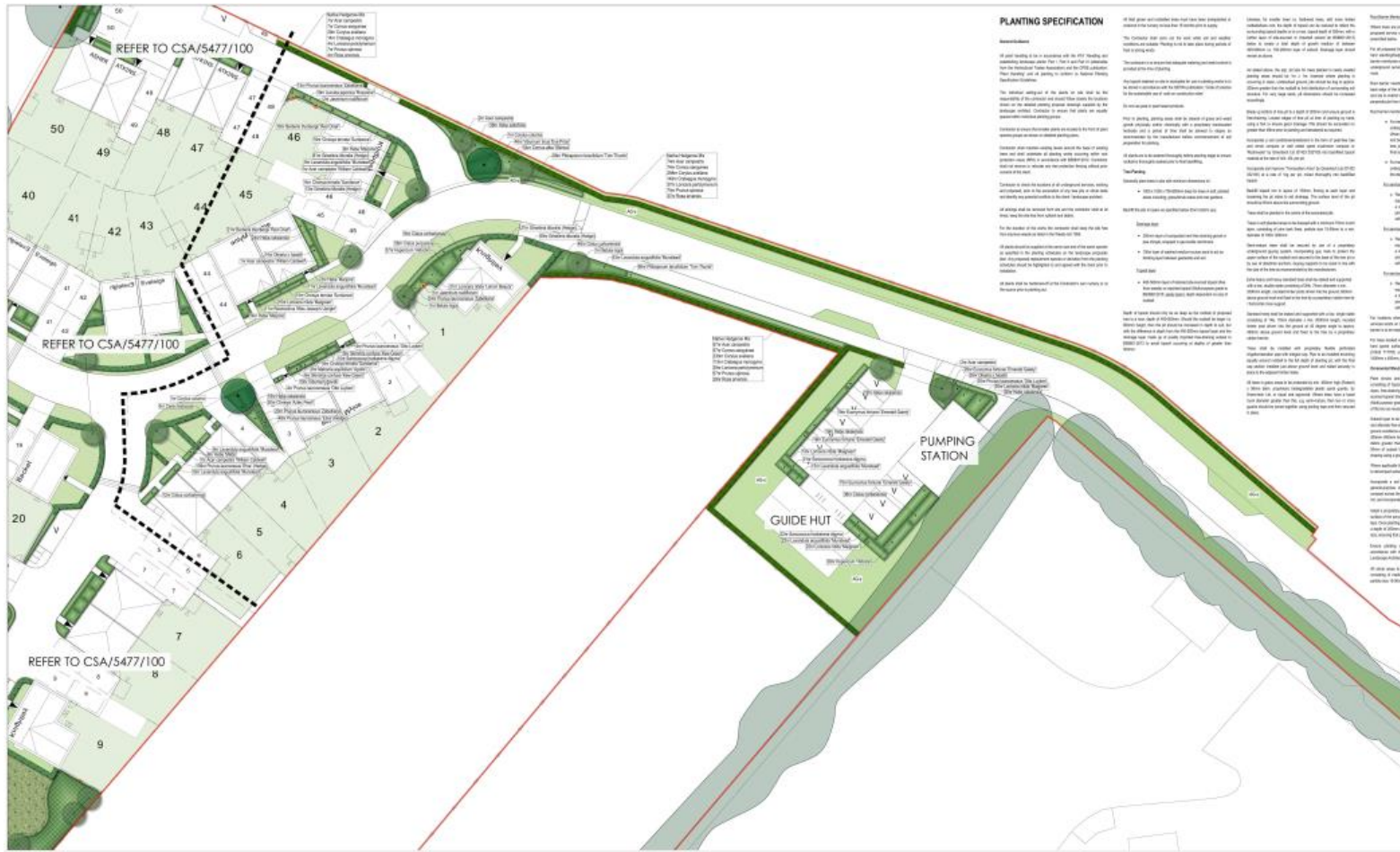


Tenure Plan



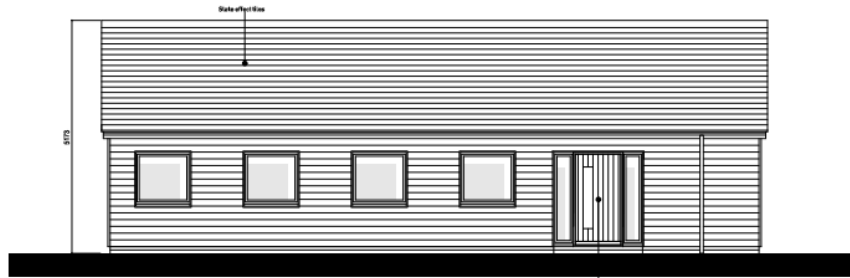
Soft landscaping plan 2

Page 47

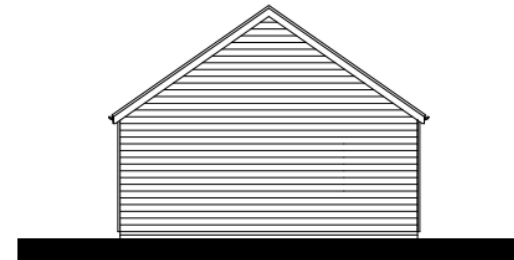


Guide Hut elevations

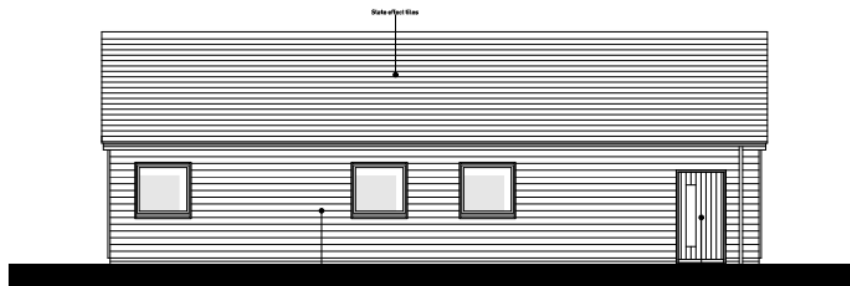
Page 48



Front Elevation 1:100



Side Elevations 1:100



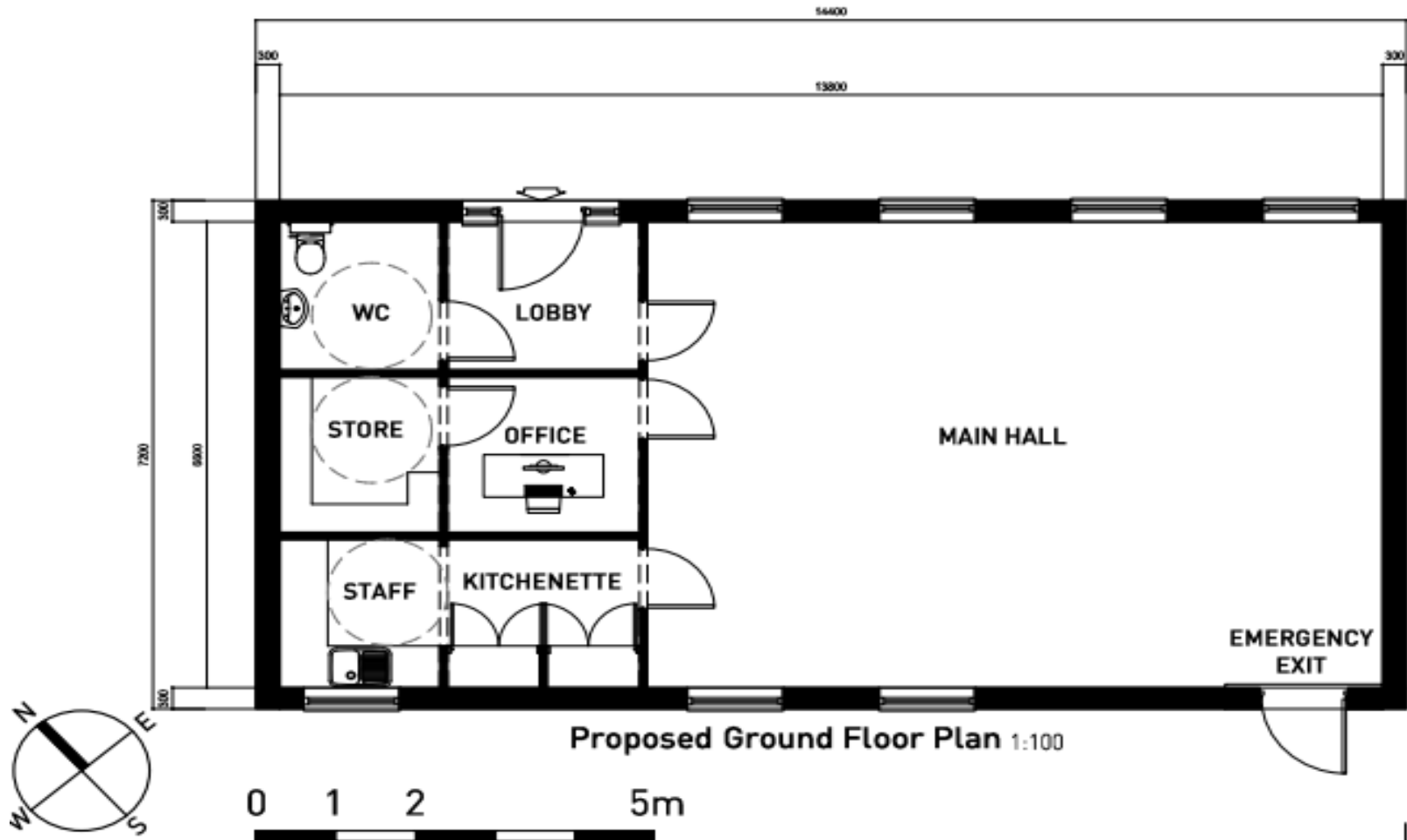
Rear Elevation 1:100

© 2010 The Crown Copyright. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior written permission of the Crown Copyright Office. This document is the property of the Crown Copyright Office and is loaned to you. It and its contents are not to be distributed outside your organization.

Guide Hut floor plan

Rear Elevation 1:100

Page 49



7c) PL/2021/03958 - 29 & 29A Brown Street, Salisbury, SP1 2AS

Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area

Recommendation: Approve subject to conditions



Page 50



Site Location Plan

Aerial Photography

Location Plan with other land in same ownership edged in blue

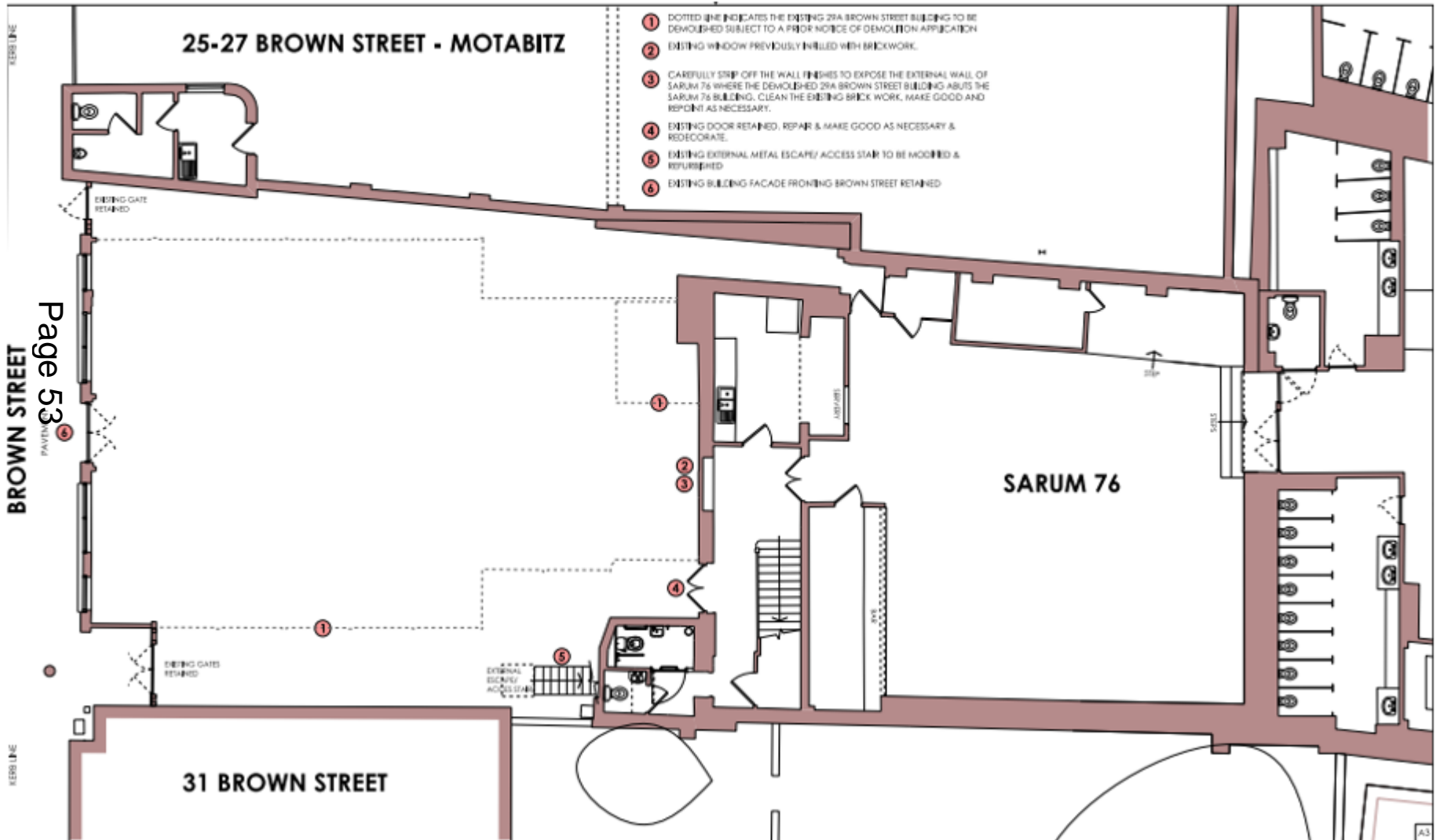


Proposed street elevation (front wall retained)

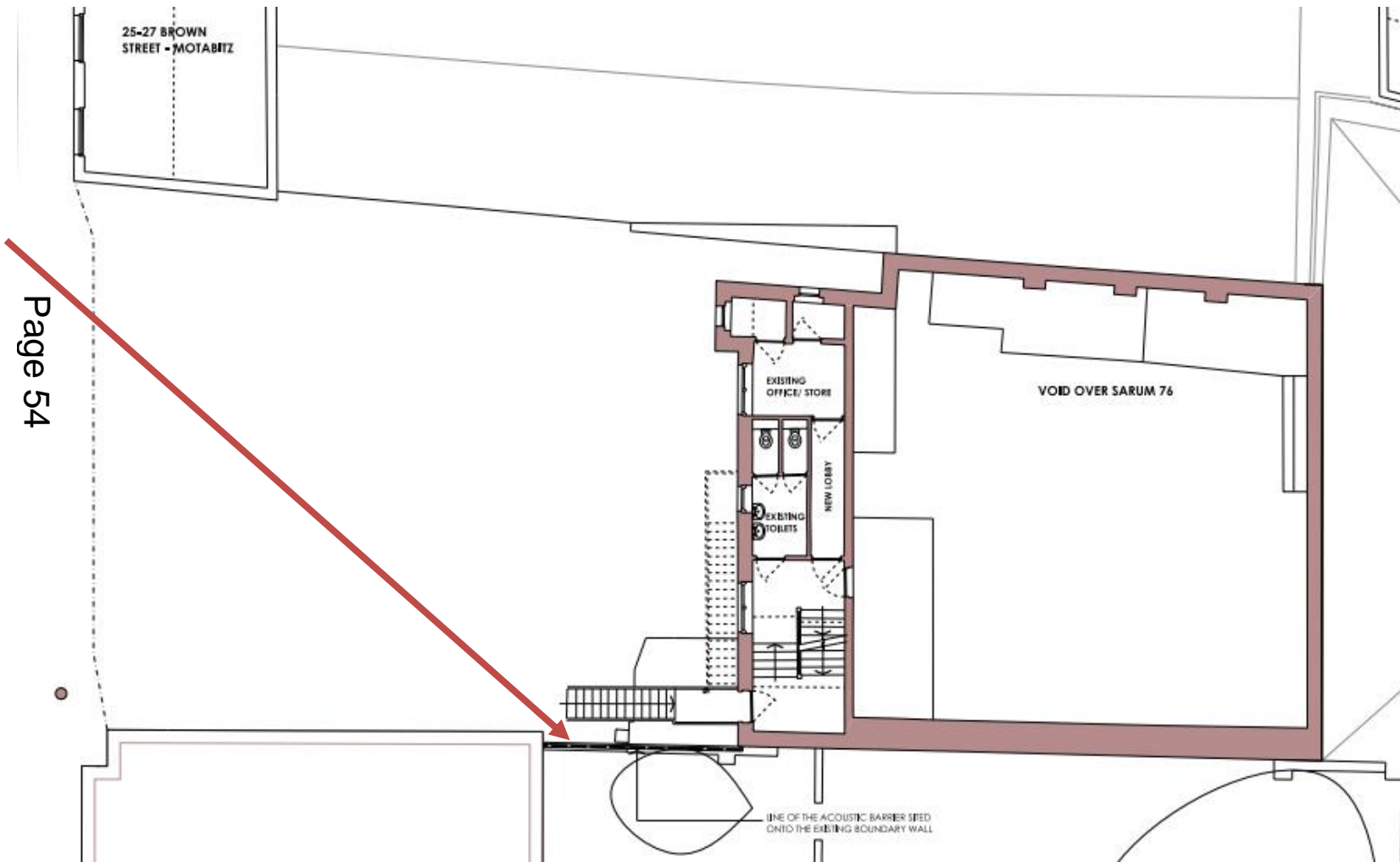
Page 52



Site Plan



First floor plan (showing noise barrier)



Images of building prior to demolition works being undertaken (Google)



Existing building frontage



Retained frontage wall in Brown Street streetscene

Page 57



Retained frontage wall in Brown Street streetscene

Page 58



Frontage wall with 29 Brown Street beyond

Page 59



Part side wall of adjoining building (31 Brown Street)

Page 60



Outside area with canopy/front wall of Sarum 76/side wall of Motabitz

Page 61



Gap between Sarum 76 frontage and offices at No. 31 Brown Street

Page 62



Gap between Sarum 76 and offices at 31 Brown Street from office car park

Page 63



Gap between Sarum 76 and offices at 31 Brown Street from office car park

Page 64



Housing at Charter Court to south-east of the site



Southern Area Planning Committee

14th October 2021

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 AUGUST 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Present:

Cllr Richard Britton (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar and Cllr Andrew Oliver

Also Present:

11 **Apologies**

Apologies were received from:

Cllr Rich Rogers

12 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 June 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

13 **Declarations of Interest**

There were none.

14 **Chairman's Announcements**

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

15 **Public Participation**

The committee noted the rules on public participation.

16 **Planning Appeals and Updates**

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

Resolved:

That the Appeals Report be noted.

17 **Planning Applications**

18 **PL.2021.05288 - 2 Dykes Cottages, Winterbourne Dauntsey, SP4 6ER**

Public Participation

Peter Head spoke in objection to the application

David Jones spoke in objection to the application

Dorothy Morgan spoke in objection to the application

James Jordan spoke in support of the application

Haydn Bennett (Agent) spoke in support of the application

Hayden Bennett read the applicants statement of their behalf

Charles Penn (Chairman), spoke on behalf of Winterbourne PC

Attention was drawn to additional information which had been published in Supplement 2 to the agenda, which detailed additional comments. A Members site visit had also taken place earlier that day.

The Planning Team Leader, Adam Madge, presented the application for a new single storey house and garage in part of the existing garden.

The main issues which had been considered to be material in the determination of this application were listed as Principle of development, Character of area including heritage assets and tree protection, Residential amenity, Highway issues, and Ecology.

The local area, access and the location of several listed buildings around the site were indicated on the presentation slides.

Proposed alterations to an existing access track and the position of a heat source pump, the vehicular turning point and roof mounted solar panels were highlighted.

Slide 9 showed the height of the new property in relation to the existing property; the Wilderness.

The application was recommended for approval with conditions as set out in the report.

Members of the Committee had no technical questions for the Officer.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the main points raised in objection were, that the location was not suitable for the proposed development, due to the location being in a historically sensitive conservation area.

That the development was back-land development and equated to overdevelopment which would cause harm to the local area and that there was mass opposition on a local level with over 70 objections being raised.

That the proposed air source heat pump would be noisy in light of the close proximity to the neighbouring property and that a noise survey had not yet been undertaken.

The Winterbourne Neighbourhood Plan 2019 – 26 had not identified the proposed site for one suitable for development.

Some of the main points raised in support included that the proposals met the criteria for a passive house in the local area which met the needs of local people in an environmentally friendly way.

The Applicants had lived in the village for 32 years and were looking to downsize into a low impact single storey house, constructed from traditional materials.

Neighbours would be safeguarded by the inclusion of a condition relating to the heat pump.

Reference to CP46 was made in relation to meeting needs of Wiltshire's vulnerable and older people.

Homes for dev should be well insulated and take heat from the sun – the proposals do all of this. Design meets classic passive

The Winterbourne PC representative spoke in objection to the application, noting that although some aspects of concern had been amended on the plans, some still remained. There were concerns around the impact upon neighbouring properties the height and proximity to the north boundary and overshadowing.

The proposal was not felt to be sympathetic to its neighbourhood which was a settlement with listed properties dating back as far as 14C.

Local Member Cllr Andrew Oliver spoke to the application, noting that he had called the application in due to its scale, visual impact on the surrounding area, which was also a conservation area and its impact on the surrounding historic buildings.

He noted the importance of all parties being able to have their say and noted that he could see the matter from both sides.

The Applicant was a longstanding resident of the parish wishing to downsize within the parish. The main objector was also a longstanding resident who has already downsized within the parish.

The parish council had carried out a significant amount of work in creating a Neighbourhood Plan which had been adopted in the 2021 elections in May.

Cllr Oliver then moved the motion of Refusal against Officer recommendation, on the grounds of protecting the historic surroundings, and that other sites had been identified as more suitable for development by the Neighbourhood Plan.

This was seconded by Cllr McGrath

The Committee was invited to discuss the application, the main points included the environmental benefits of such a dwelling against the negative impacts on the location due to it being a conservation area.

It was noted that the site had not been identified for development in the Winterbourne Neighbourhood Plan. The development was also thought to be backland development. The Officer clarified what was meant by backland and in-fill development.

Concerns relating to the heat pump and associate noise were raised along with the style of the metal garage in a conservation area. The Officer clarified that if approved the noise of the heat pump could be conditioned to not rise above a set decibel level.

The comments of the Consultees, in particular, the Conservation Officer relating to there being no impact to the listed buildings nearby and no objection from Highways were also raised.

The need for small dwellings was noted, along with the proposals for a passive house which was considered desirable.

The Committee then voted on the motion of refusal against Officer recommendation for the reasons stated above.

It was:

Resolved

That application PL.2021.05288 be Refused for the reasons below:

The proposed development, by reason of the site location and design, would constitute backland development which would not represent sympathetic infill development and would not be in keeping with the setting of historic and listed buildings in the Winterbournes Conservation Area. As a result, the proposal would have a detrimental impact on the character of the area and is therefore considered to be contrary to the housing objectives of The Winterbournes Neighbourhood Plan 2019-2026 (Made May 2021) and the provisions of the Wiltshire Core Strategy (2015) policies CP57 (Ensuring High Quality Design and Place Shaping) and CP58 (Ensuring the Conservation of the Historic Environment); the

National Planning Policy Framework (July 2021); and the National Design Guide 2021.”

19 **PL.2021.03114 - Barn on land adjacent to Greenfields, Kilmington, BA12 6RB**

Public Participation

Matt Williams (Agent) spoke in support of the application

Quentin Day (Applicant) spoke in support of the application

Mrs Hames (Vice Chairman), spoke on behalf of Kilmington PC

The Planning Team Leader, Adam Madge, presented the application for the conversion of part of a redundant barn to form a 1-bedroom dwelling, with access off Butts Lane, which was single tracked and not well trafficked.

The main issues which had been considered to be material in the determination of this application were listed as principle of development, policy and planning history; design, scale and impact to the amenity of the area including the AONB; Parking/Highways, impact; ecological impact/river Avon Catchment Area.

Proposed elevations and floor plans were explained with additional photos depicting the current barn on the site, which had been there for many years.

The applicant worked on the site and lived in a Sheppard's hut currently on the site. If the application was approved, the applicant would move in to the one bed property.

The site was in the AONB, the Officer noted concerns around allowing a dwelling in the area, and the associated phosphate issue, and absence of a bat survey.

The application was recommended for refusal.

Members of the Committee had the opportunity to ask technical questions of the Officer, where it was clarified that if approved the applicant had stated they would remove the shepherd hut, and that the committee could request enforcement of removal of the hut.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the points raised included that a bat survey had been provided as part of a previous application and that there had been no reference to the survey on the refusal previously.

The development would lead to an enhancement on the setting CP48 compliance and national policy. If the applicants were able to live on site this would enable them to create a sustainable enterprise.

Kilmington Parish Council supported the application.

The agricultural business would serve the local community as the applicant's customers were all within a 5-mile radius to the site.

There were no objections from Highways to the access proposals.

Two other similar developments in the same road had been approved recently with no mention of phosphate issues or detrimental effect to the AONB.

The applicant had grown up in the village and had local support.

Local Member Cllr George Jeans spoke in support of the application, noting recent case law relating to another case where a court had quashed a council decision to refuse an application due to the development being in the AONB, adding that a planning committee could overturn an officer recommendation with good reason.

The Officer noted that Members were free to make a decision against Officer recommendation, providing they had taken into account council policies on the AONB and could make a qualified decision. As to why it was acceptable to approve a development in the AONB.

Cllr Jeans did not believe Planning Permission was required for re-use, including a change of use, noting that page 47 states the site was an existing barn.

The Agent noted that the conversion was a windfall site.

The Officer clarified that there were concerns on the impact of phosphates into river Avon catchment area, for a development site that did not meet planning policy.

With regards to the bat survey, the previously provided survey had been acceptable. If approved a new bat survey could be conditioned.

The previous application on the site was refused for two reasons. The proposals were now for a one bed dwelling instead of two.

It was difficult to keep youth in an area that was expensive. The application would give the building a planning purpose. There was a clear aim to retain and protect a rural building in the countryside. This would positively contribute to the landscape compared with what was there now.

Councillor Jeans moved the motion of approval with conditions. Against Officer recommendation. This was seconded by Councillor Hocking.

The Committee was invited to discuss the application, the main points included the size of the dwelling, and the effect it would have on the surroundings in comparison with what was currently in place on the site.

The link to the river Avon was suggested as tenuous, as it was noted that there would be little impact.

Support for the development in terms of the opportunity it would create for a young person to remain and grow a business in the village was noted.

An amendment to the motion, to include the removal of the current hut if approved, was moved and agreed by Cllr Jeans and Cllr Hocking.

The negative impact on the AONB from a new dwelling in an unsustainable location was noted along with a suggestion that the development may create light pollution.

The Committee then voted on the motion of Approval, against Officer recommendation for the reasons stated above, with conditions for the removal of the Sheppard's hut and lighting that met the Dark Skies criteria.

It was:

Resolved

That application PL.2021.03114 be Approved, against Officer recommendation, subject to 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:

Existing plans Dated March 2021 drawing no 2056/01 and received on the 22nd March 2021

Proposed Plans Dated March 2021 drawing no 2056/02 and received on the 22nd March 2021

Existing site layout Dated March 2021 drawing no 2056/03 and received on the 22nd March 2021

Proposed site layout dated March 2021 drawing no 2056/04 and received on the 22nd March 2021.

Existing site survey showing visibility splays drawing no 20192-1 Rev A

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

3. Within 3 months of first occupation of the dwelling hereby permitted the shepherd's hut shall be removed from the site.

REASON: In order to preserve, maintain and enhance the special appearance and character of the AONB.

4. Prior to first use of the building hereby granted permission a plan shall be submitted to and approved in writing by the local planning authority showing any areas outside the red line of the application site denoted by the blue line as shown on approved drawing:

Existing Site Layout Plan that will be used for storage in connection with the applicant's business. No storage in connection with the applicant's business shall occur outside of the areas indicated on the plan approved.

REASON: In order to prevent erosion of the special qualities of the AONB.

5. Prior to commencement of the development hereby approved a bat survey and report shall be undertaken by a suitably qualified ecologist and submitted to and approved in writing by the local planning authority. Any recommendations and mitigation measures as are contained in that survey and report shall be undertaken prior to the commencement of development.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and the AONB and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

7. The visibility splays shown on plan 20192-1 rev A shall be retained in perpetuity on both its sides of the access. The splays shall be kept free of obstruction above a height of 1.5 Metres at all times.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

10. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, the wider AONB and to minimise unnecessary light spillage above and outside the development site.

20 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.00 pm)

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

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

Wiltshire Council
Southern Area Planning Committee
14th October 2021

Planning Appeals Received between 06/08/2021 and 01/10/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/04714/FUL	Sunrise, Hindon Road Teffont, Salisbury SP3 5QU	Teffont	Access improvements to form vehicle access	DEL	Householder Appeal	Refuse	21/09/2021	No
20/06783/FUL	Trickys Paddock Brickworth Road Whiteparish, SP5 2QG	Whiteparish	Change of use of land to use as a residential gypsy and traveller site for two pitches, each pitch accommodating two caravans, including no more than one static caravan/mobile home, and a dayroom, together with the laying of hardstanding and installation of a package sewage treatment plant.	DEL	Hearing	Refuse	29/09/2021	No

Planning Appeals Decided between 06/08/2021 and 01/10/2021

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/11523/FUL	Cranbourne Farm Barn Old Blandford Road Coombe Bissett, SP5 4LF	Coombe Bissett	Conversion of two existing agricultural barns to form a single storey residential dwelling (Use Class C3) and carport, associated landscaping and access.	DEL	Written Reps	Refuse	Dismissed	17/08/2021	None
20/06265/FUL	Netton Barn, Netton Salisbury	Durnford	Change of use of existing redundant barn and land to create one dwelling, parking and residential curtilage.	DEL	Written Reps	Refuse	Dismissed	16/09/2021	None
20/06673/CLP	Cranbourne Farm Barn Old Blandford Road Coombe Bissett, SP5 4LF	Coombe Bissett	Certificate of lawfulness for works to main barn and agricultural building including new metal sheet roofing, new concrete floors and blockwork walls reclad in existing metal sheet cladding	DEL	Written Reps	Refuse	Allowed	17/08/2021	None
20/08928/FUL	Barn to the south of Stock Lane Landford Wood Farm Landford Wood SP5 2ER	Landford	Demolition of the existing agricultural barn and the erection of a detached replacement dwelling, hard and soft landscaping and associated works (resubmission of 20/04749/FUL)	DEL	Written Reps	Refuse	Dismissed	15/09/2021	None
20/10339/FUL	The Royal Oak Amesbury Road Shrewton, SP3 4HD	Shrewton	Proposed Demolition & Conversion of Existing Buildings into New Dwelling & Erection of 5 New Dwellings with Associated Landscaping	SAPC	Written Reps	Approved with Conditions	Allowed with Conditions	08/09/2021	Appellant applied for Costs - REFUSED

21/00288/FUL	Glebe Cottage Rectory Road Sutton Mandeville SP3 5NA	Sutton Mandeville	Proposed two storey annexe	DEL	Householder Appeal	Refuse	Allowed with Conditions	23/08/2021	None
21/01575/ PNCOU	Knightwood Farm Lucewood Lane Farley, Salisbury Wiltshire, SP5 1AX	Pitton & Farley	Notification for Prior Approval under Class Q for One Agricultural Building to be Converted into a Residential Dwelling (Use Class C3)	DEL	Written Reps	Refuse	Dismissed	01/09/2021	None

REPORT OUTLINE FOR AREA PLANNING COMMITTEES		Report No.
Date of Meeting	14 th October 2021	
Application Number	PL/2021/06492	
Site Address	Land adjacent The Bowman Centre, Shears Drive, Amesbury, Wiltshire, SP4 7XT	
Proposal	Erect new church with day nursery	
Applicant	Ms Nataliee Stoner	
Town/Parish Council	AMESBURY	
Electoral Division	Amesbury East - Cllr Yuill	
Grid Ref	416556 140496	
Type of application	Full Planning	
Case Officer	Georgina Wright	

Reason for the application being considered by Committee

This application is brought to committee at the request of Councillor Yuill, for the following reasons:

- Visual impact on surrounding area;
- Design – bulk, height, general appearance;
- Environmental or highway impact;
- Car Parking;
- Noise impact on surrounding properties; and
- The application uses outdated information that could give a false impression of the area

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be APPROVED.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Character & Design
- Neighbouring Amenities
- Highway Safety
- Waste Management
- Archaeology

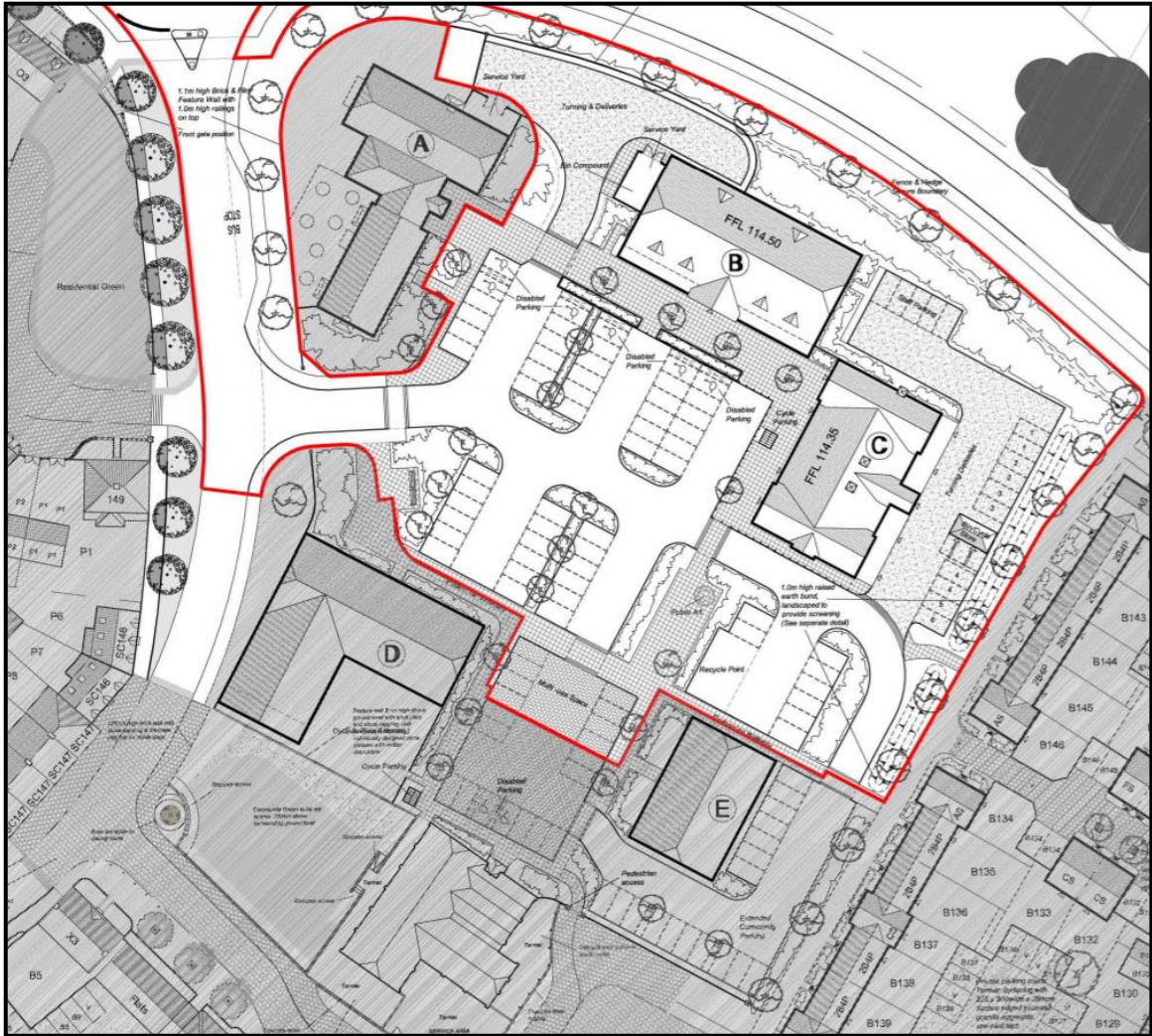
The application has generated no comments from Amesbury Town Council; 110 letters of objection; 9 letters of support from third parties; and comments from The Local Centre Management Company.

3. Site Description

The site consists of one parcel within the local centre at the Kings Gate residential development, which was secured in line with the strategic allocation of the wider site as an urban extension to the Market Town of Amesbury; and defined by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area) and Appendix A – Development Templates for Strategic Allocations. The final phases of the housing development are currently being built out under various outline and reserved matter permissions. The local centre was however granted outline permission as part of one of the earlier phases of the wider housing estate (under ref: S/2002/1075). This in detail secured 550 residential dwellings and its associated parking/affordable housing/landscaping/junctions and roads; a local centre comprising retail facilities, local services and community buildings; a primary school; a cemetery; playing fields; tennis courts; and a sports pavilion across the whole site. A Section 106 Legal Agreement was also secured as part of this permission which secured various community infrastructure improvements as well as detailing the requirements and services that the local centre was to provide.

The local centre was subsequently subdivided into a number of parcels and applications have been approved and, in most cases built out, for various uses on these parcels. This application involves the last remaining parcel (parcel D). The uses/development of the local centre parcels are outlined below and shown on PLAN A:

- A: A parcel adjacent to one of the main roundabouts off the Stockport Road link road into the wider housing estate. It is also adjacent to the main entrance into the local centre off Archer's Way. It gained permission in 2011 (under ref: S/2010/1821) for its redevelopment as a public house/restaurant (use class: A3 – now sui generis) and has since been built out. It is currently in use as a public house and pizza restaurant.
- B: A large plot immediately adjacent to parcel A. It gained planning permission in 2010 (under ref: S/2010/1043) to be redeveloped for a large retail convenience store (use class: A1 – now E) and is currently in use as The Co-operative store.
- C: A smaller plot that was granted permission in 2010 (also under ref: S/2010/1043) for its redevelopment with 4 smaller retail units and residential flats above. This has subsequently been built and currently provides a charity shop (use class: A1 – now E); 2 take away uses (use class: A5 – now sui generis); and a beauty salon (use class: sui generis)
- D: This parcel (the site) consists of 0.14 hectares and recently received planning permission for its redevelopment with a church with a congregation of 60-80 worshippers, a community hall and 25 space children's nursery (use class: D1 – now F1 and E respectively) (under ref: 16/02899/FUL), all within a building of 209 square metres in size. This permission has not been implemented and this parcel therefore currently remains vacant providing an area of grassland at the main entrance to the local centre from Archer's Way and is adjacent to the local community centre (The Bowman Centre) and its community garden.
- E: This parcel is situated in the south eastern corner of the local centre and was originally used as overspill car parking for The Bowman Centre. Planning permission was granted in 2016 (under ref: 16/04684/FUL) for this parcel's redevelopment with a new building to be used as a children's nursery (use class: D1 – now E). This has since been built out and provides 326 square metres of ground floor space for this purpose.



PLAN A: A plan submitted for application S/2010/1043 showing the different parcels within the Local Centre as outlined above, including The Bowman Centre site, and this application site (Parcel D), both shaded in grey

Between parcels D and E, the reserved matter details for the Bowman Centre were agreed (under refs: S/2006/1690 & S/2007/0823). This gave permission for a community building and community green to its immediate west. This has since been built out and is used by the Town Council as their office/base. It is accessed through the local centre to the north as well as sharing a boundary with Shears Drive to the south. It has a small, dedicated parking area to its north.

4. Planning History

S/2002/1075	O/L: Up to 550 residential dwellings inc affordable housing, the southern section of the Amesbury Link Road and 4 associated junctions between underwood drive and Stock Bottom. A local centre comprising retail facilities, local services, a community building and associated car parking facilities, a primary school, a cemetery, 2 infiltration basins and ancillary surface water drainage facilities. Formal open space comprising playing fields, tennis courts and ancillary pavilion, informal open space, associated landscape planting (ES submitted). (Archers Gate, Phase 2)	Permission – 01.03.2005
-------------	--	-------------------------

S/2006/1690	Construction of community building and community green (Reserved Matters approval sought for siting, design, external appearance and means of access)	Permission – 04.10.2006
S/2007/0823	Reserved Matters application for hard and soft landscaping for community building and green (pursuant to outline S/2002/1075)	Permission – 14.06.2007
S/2009/0789	Development of part of the local centre to include the provision of a convenience store, 4 no retail units with 6 no residential units above and associated service yards, parking, landscaping and refuse/recycling provision	Permission – 22.10.2009
S/2009/1577	O/L: Construction of 170 residential dwellings, informal open space, parking provision, equipped play area, ancillary road infrastructure, landscape planting and temporary infiltration basin and temporary foul pump station (All matters reserved). (Archers Gate, Phase 2)	Permission – 10.12.2010
S/2010/1043	Development of part of proposed local centre to include the provision of a convenience store (Use Class A1), 4 no retail units with 6 no residential units above and associated service yards, parking provision, landscaping and refuse/recycling provision (revised scheme to planning permission S/2009/0789)	Permission – 15.10.2010
S/2010/1821	Proposed public house/restaurant and associated works.	Permission – 03.03.2011
S/2012/0497	O/L: Demolition of former agricultural barns and removal of up to 26 protected trees and construction of 460 dwellings (including a 60 bed extra care facility) and associated community infrastructure including the first phase of a country park, children's play areas, landscape planting, an infiltration basin and three temporary water pumping stations (amended description). (Kings Gate Phase 1, Phase 3)	Permission – 20.05.2013
13/06181/OUT	O/L: Removal of the existing temporary infiltration basin and construction of 143 dwellings with associated infrastructure including landscape planting, an electricity substation, a temporary sewage pumping station and a new temporary infiltration basin. (Kings Gate Phase 2, Phase 4)	Permission – 26.10.2015
15/02530/OUT	O/L: Removal of up to 26 protected trees and construction of 515 dwellings and associated community infrastructure, including access roads, the second phase of a country park, a primary school with playing fields, children's play area, natural play areas, landscape planting and an infiltration basin. (Kings Gate Phase 3, Phase 5).	Permission – 14.02.2017
16/02899/FUL	Erection of community hall to be used for a day nursery and church meeting place	Permission – 09.08.2016
16/04684/FUL	Proposed construction of children's nursery, with associated works.	Permission – 13.07.2016
19/00416/FUL	Erect new church with day nursery.	Withdrawn

19/04220/VAR	Variation of condition 4 of 15/02530/OUT to allow revision to the overall market housing mix.	Permission – 04.10.2019
19/06605/FUL	Erect new church with day nursery	Refused – 29.06.2020

This latter application, also involving the redevelopment of Parcel D with a new church and day nursery, was refused last year for the following reasons:

1. *The proposed Church and nursery by reason of its size, design and appearance is considered to be both out of character with other more traditionally styled buildings within the local centre and to be of an excessive, size, scale and footprint for the plot on which it is situated. As such the building would dominate the area to the detriment of both local residents and others using the local centre and leaving insufficient area for parking within the curtilage of the plot. The proposal is therefore considered contrary to both chapter 12 of the NPPF which requires the creation of high quality buildings and Core policy 57 (iii and vi and xiv) of the Wiltshire core strategy which requires a high standard of design*
2. *The proposed development, in that it exceeds the threshold for non A1 retail uses within the local centre at Archers Gate would conflict with the signed legal agreement for the development and core Policy 4 of the Wiltshire Core strategy, the appendix to the Core strategy relating to Kings Gate and the Adopted development brief for land South of Boscombe road dated 2001*

INFORMATIVE: - It should be noted that the reason given above relating to an excess of non A1 retail uses and Policy 4 of the Wiltshire Core strategy could be overcome if all the relevant parties can agree a variation to the existing Section 106 Agreement

Of relevance to note from the above summary of the site history is that the development of the local centre, including parcel D, with new A, B1 or D uses (now E and F1 uses), was granted in outline as part of the 2002 permission (Ref: S/2002/1075). This outline permission remains a valid consideration for this application. The principle of the subdivision of the local centre into parcels was also established by the first few developments in the local centre in 2009 and 2010 (under refs: S/2009/0789 and S/2010/1043), which as per the plan provided in PLAN A above, identified parcel D with an indicative L shaped building on it, although that permission did not give any permissions for the actual development of parcel D. It is therefore clear from the site history that this parcel of land (parcel D) was always intended for development and whilst it has now been vacant for some time it's use as part of the local centre was always understood and catered for in the subsequent redevelopment of the rest of the local centre. However the last scheme involving a new church on this plot was considered to be of a design and size that was not appropriate for this local centre site and therefore something closer to the approved 2016 scheme needs to be considered going forward.

This current application is therefore another revised scheme to the 2016 permission (ref: 16/02899/FUL). That permission has now expired and was not implemented but remains a material consideration for this application especially as the policy context governing the local centre site has not changed significantly since 2016. That application also involved the development of parcel D with a new church, community hall and day nursery. The approved plans for the 2016 scheme are provided below in PLAN B.



PLAN B: Approved Plans for 16/02899/FUL on Parcel D

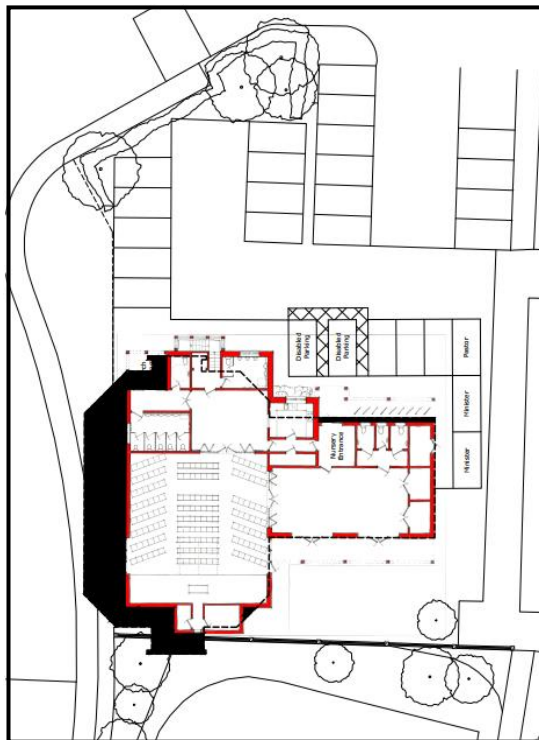
Whilst this permission has since expired it does establish the principle of the site's redevelopment with a new church and nursery facility.

5. The Proposal

This is a full application proposing the redevelopment of the last vacant parcel in the local centre, parcel D, with a new church and further day nursery (use classes: F1 and E respectively). This is effectively a revised scheme to one which was allowed in 2016 (under ref: 16/02899/FUL and as shown in PLAN B above) but also follows and tries to overcome the reasons for refusal of the scheme that was considered last year (under ref: 19/06605/FUL). The church congregation are to relocate from Bulford, where it currently operates out of a rented building that can only cater for 60 worshippers. The 2016 scheme provided a like for like replacement for the rented church hall in Bulford but did not allow or cater for the increased expansion/demand for the church or its future plans. The supporting documentation for this current application confirms that the church, like the 2019 application, is still to cater for a congregation of around 150 people. The children's nursery is also (like both the 2016 and 2019 schemes) still to provide 25 nursery spaces and is to complement the existing nursery in this local centre to meet a growing local demand for such facilities.

As is seen in PLANS C & D below, the design and size of the building now proposed on this site has been reconsidered following the refusal of the previous quite contemporary scheme last year. The maximum ridge height of the proposed building remains the same as the 2019 scheme (at 8.7 metres), but the footprint of the proposed building has been reduced; the eaves height is reduced to 2.8 metres (from 3.9 metres); and the design has changed to better reflect the more barn style

vernacular of the existing community buildings in this local centre. The scheme now involves a less bulky building providing 435 square metres over 2 floors (instead of the 538 square metres previously proposed). At ground floor, this will consist of the main entrance; the main church hall; and kitchen and toilet facilities within the principal rectangular part of the building (275 square metres in total). A smaller, single storey wing is then to extend from the south eastern elevation of this principal part of the building and will provide the proposed children's nursery facilities (100 square metres in total). This element is to have a separate entrance to the church but will share the kitchen facilities and can be opened up to the main church hall to create a more flexible meeting space.



PLAN C: Comparative Site Layout (The Black outline is the 19/06605/FUL scheme moved on the site for comparison purposes)

Only the principal church part of the overall building is to benefit from first floor accommodation. The majority of this first floor will be created as a double height void above the main church hall at ground floor. A further meeting/function room and the church office/staff facilities will also be provided at this level (providing 60 square metres of additional floor space).

Access to the site is to be gained through the adjacent local centre from Archers Way to the north west of the site. As a result of the reduced footprint, additional onsite parking is to be provided as part of this scheme comparative to the 2019 scheme. The current application identifies a total of 17 onsite parking spaces (compared with 13 that were previously proposed). These are to be provided to the front of the building (adjacent its northern elevation). It is however envisaged that the visitors to the site will also make use of the existing public car park that currently serves the local centre; and the existing church is also looking into acquiring mini buses and producing a travel plan. Cycle parking for 18 cycles is also identified.

The previously refused scheme involved a modern interpretation of ecclesiastical design with focal tower features at either end of the building and disjointed ridge lines aimed at drawing attention to the building on this prominent site. The current proposals however involve a far more toned down design. The building is to be a mix

of brick and timber cladding under a low slung, sweeping, slate roof and will have an agrarian character more in keeping with the adjacent Bowman Centre. The church element will essentially be a linear building with a gable roof design and an over ridge glazing feature at one end and a glazed bay window on the north eastern elevation.

The nursery element is to extend out from the principle church building at a right angle and will be of single storey form. It is to have a cropped hip gable roof form with significant eave overhang on its front and rear elevations. The supporting documentation confirms that since the previous scheme was refused, the design has evolved and *'this proposal seeks to tone down the focal point element and appear more as a community building and follow a more vernacular route of the surrounding community buildings'* and *'The overall mass...and bulk of the building has been reduced, with the eaves line down to ground floor level resembling the similarly 'low slung' public buildings within the vicinity'*. The detail of the more barn like design and a comparison with the previously refused scheme is provided in PLAN D below.



PLAN D: Comparative Elevations - Current Scheme vs 19/06605/FUL (Not To Scale)

The application is accompanied by a Planning Statement; a Church Mission Statement; a Noise Assessment; and a Transport Assessment. During the course of the application, a Parking Technical Note and updated Noise Assessment have been submitted, along with comparison plans detailing the changes proposed since the previous refusal. Much local representation including the Councillor call-in has suggested that some of these documents are out of date and show old photographs which mislead the Council with regard the existing site context. However whilst some of the photographs are out of date, the content of the supporting documents has been updated to reflect the current scheme as proposed. Officers have also undertaken a

site visit; and up to date photographs will be provided for the committee to confirm the existing site context. It is not therefore considered that the supporting documents have misled or prejudiced any of the decision making process.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (January 2021) (NDG)

Salisbury District Local Plan policies (Saved by Wiltshire Core Strategy):
PS6 – Playgroups/Nurseries

Wiltshire Core Strategy:

CP1 (Settlement Strategy)
CP2 (Delivery Strategy)
CP3 (Infrastructure Requirements)
CP4 (Amesbury Community Area)
CP43 (Providing Affordable Housing)
CP49 (Protection of Rural Services & Community Facilities)
CP50 (Biodiversity and Geodiversity)
CP57 (Ensuring High Quality Design & Space Shaping)
CP60 (Sustainable Transport)
CP61 (Transport & Development)
CP62 (Development Impacts on the Transport Network)
CP64 (Demand Management)
CP69 (Protection of the River Avon SAC)
Appendix A – Development Templates for Strategic Allocations
Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Supplementary Planning Documents:

Creating Places Design Guide SPG (April 2006)
Achieving Sustainable Development SPG (April 2005)
Wiltshire Local Transport Plan – Car Parking Strategy
Wiltshire Planning Obligations Supplementary Planning Document (SPD)
Approved Development Brief, Land South of Boscombe Road (February 2001)
Approved Design Code – Urban Design Strategy

7. Summary of consultation responses

Amesbury Town Council – No comments received

Highways – No Objection subject to conditions

- I note the proposal seeks to construct a new church capable of accommodating up to 150 worshippers at one time.
- The proposals also include the provision of a day nurse for up to 25 children.
- The site is adjacent to the existing Archers Gate Local Centre and would be served by the same means of access.
- I am also aware of the planning history of this site, with an extant planning permission for a smaller church on this site and a similar sized church proposed under reference 16/02899/FUL.
- An application was subsequently refused planning consent by the Southern Area Planning Committee, for reasons related to the scale, design and character of the proposals and the exceedance of non-A1 retail uses within the local centre area.

- The Local Highway Authority, following numerous submissions of additional/amended data/information, did not object to the last application. These latest proposals are similar to that considered under application 19/06605/FUL, albeit, a slightly reduced church footprint and the addition of 4 car parking spaces within the site (17 total).
- I note that the overall capacity for worshipers remains at up to 150 persons.
- As such, the potential issues of such a development in highway terms primarily remains that of car parking.
- Whilst three of the additional car parking spaces are in tandem, these are also shown to be allocated to ministers of the church and I am content that these spaces would be able to be managed appropriately by these users.
- It is widely acknowledged that any overspill parking created by the church will be reliant upon the existing car parking areas within the local centre.
- In principle, this is accepted by this Local Highway Authority, as I understand that the local centre was designed with the future development of this plot in mind, however, no specific use class was determined for this plot that I am aware of and as such, every proposal must therefore be assessed on its own merits and must demonstrate that adequate car parking will exist to accommodate any proposed use.
- Due to the similarities in this and the previous proposal, the submitted 'Highways Technical Note' is similar in form and draws similar conclusions.
- However, what is considered odd, is the omission of the car parking capacity survey undertaken for the previous submission.
- This data is wholly relevant to this application also and the conclusions drawn by the technical note are at least in part guided by this data.
- Whilst previous concerns have been raised about aspects of the assessment of the raw data, the methodology for the data collection was considered robust.
- The concerns over the assessment of the raw data were subsequently overcome by subsequent submissions and complementary data, which in combination, provided a more robust projection of the potential impact of the development in respect to car parking and traffic generation and in particular, whether the existing local centre car park would be able to accommodate any overspill parking related to the church at times of peak church usage.
- I am aware of the large number of local representations received on this application, many of which are objecting to these proposals for a variety of reasons, including that of car parking concerns.
- I also note that the manager of the Local Centre has objected to these proposals and has provided data for the various existing uses on this site and the required car parking provision for these uses, concluding that there would be an under provision of parking following the church development.
- Whilst this data is considered helpful to summarise the exact floor areas of the uses currently within the local centre, there are a couple of errors within the data and this does not take in to consideration that Wiltshire's Non-Residential Car Parking Standards are in fact 'Maximum' parking standards. Wiltshire Council's Core Strategy states at Core Policy 64 (b); "The provision of parking associated with new private non-residential development will be limited to maximum parking standards (except for disabled parking spaces). These maximum standards will be reduced to reflect local circumstances and the relative accessibility by sustainable transport modes in accordance with an accessibility framework" (Wiltshire Core Strategy p302).
- Whilst Policy PS4 of Wiltshire's Local Transport Plan 3 (LTP3) expands on this by stating that; "[...] The actual parking provision for developments will be negotiated between the council and developers taking account of a range of issues including the accessibility of the development, mix of land uses, ancillary

uses, scale of development, approach to design, availability of and opportunities for public transport use, local car ownership levels and opportunities for sharing parking” (LTP3 p25).

- These policy statements are considered particularly relevant in this case, where the development site is within an existing local centre where there are a mix of land uses and parking is essentially shared.
- The provision of a large amount of car parking adjacent to the site must thus be considered in relation to these proposals.
- The applicant has undertaken a car parking capacity study, which whilst not submitted within this application curiously, suggests that at times of peak church use, there is likely to be a sufficient level of car parking available in the vicinity most of the time.
- The submitted assessment and data is based upon the church being at full capacity, with 150 worshipers in attendance and therefore presents the worst case scenario.
- Whilst natural variation and busy church periods such as at Christmas and Easter, will cause discrepancies and at these busy periods this may result in demand exceeding provision, these occasions are likely to be few and small in number.
- The result of this could lead to a small number of vehicles parking on the public highway, most likely on Archers Way.
- Bearing this in mind, the National Planning Policy Framework 2019 (NPPF) states at para 109 that; “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” (NPPF).
- There is no evidence to suggest there would be a severe highway capacity issue at nearby junctions caused by the proposals, so the judgement of this Highway Authority is based upon whether a small amount of occasional on street car parking would result in an unacceptable highway safety issue.
- The Sunday service period is the most critical period and there may, on busy church occasions as detailed above, be an overspill of a small amount of car parking on to the adjacent highway.
- This however is also possible with the extant permission at busy times and there is a finite amount of on-street provision.
- The applicant has also committed to developing a travel plan to encourage sustainable travel by worshipers, whilst also offering a minibus service.
- This, in combination with the 18 cycle parking spaces provided, will be likely to help reduce car parking demand for the church.
- There has been no additional information or data provided within this submission to demonstrate that the conclusions drawn by this Highway Authority on application 19/06605/FUL were flawed for a development that, in Highway terms, is very similar.
- Having again assessed all the data, considered the extant consent, previous planning submissions, local representations and the potential implications in detail, I remain content that these proposals will not represent an unacceptable impact on highway safety in this vicinity.
- As such, I adhere to my previous recommendation that no Highway objection is raised, subject to conditions being attached to any permission granted

UPDATE:

- Thanks for the attached car parking survey,
- It is odd that this was not originally submitted in this latest application, as the conclusions drawn in terms of parking are at least partly based upon this data/assessment.

- I therefore think it is in the Applicant's interest to include this in the latest submission, which they have now done.
- Having been fully aware of this data on the previous submission, I was happy that the proposals were acceptable in highway terms and I thus stand by my recommendation dated 3rd September 2021.
- I hope that response, including the references to the various policies, is sufficient for the Committee to understand the reasoning behind this recommendation.

Public Protection – Holding Objection

- There is no acoustic report provided with this application although there is one provided with former application 19/06605/FUL.
- The planning statement suggests that although plans for the building have been altered the acoustic report is still valid.
- The acoustic report would have taken into consideration the noise reduction properties provided by the construction features of the wall and roof.
- It is now proposed that the roof of the church will have an eaves line at ground level.
- With the reduction in wall and addition of roof, the acoustic report should be revisited to ensure there is no loss of amenity through church or childcare activities.
- Ventilation plant is now proposed that will be housed internally with vents to the outside. I cannot see the location of the plant room on the plans or any details of the plant to be used.
- Please see the noise condition further on in the document, that is suggested for air handling plant.
- Please could the applicant submit an updated acoustic report or letter from the acoustic consultant regarding the amendments to the design structure to examine the noise impact at the nearest receptor from the alteration to the roof/wall ratio.

Archaeology – No Objection

- There are no archaeological issues that I would wish to raise in this instance.

MOD DIO Safeguarding – No comment received

8. Publicity

This application was advertised through the use of site notices; and letters of consultation.

Letters – 110 letters of objection received. The following comments made:

- This has already been refused once and should be again
- The plans/photos submitted are out of date as they do not show the existing Wind in the Willows nursery that now sits directly opposite the site
- The submitted photos give a distorted view making the site look bigger than it is
- Those in support don't even live in Amesbury and won't be affected by the development. If you don't pay council tax on the estate you shouldn't be allowed to comment on the application
- The council need to prevent the land being sold off to another developer who could then attempt a "change of use" application
- There is already a nursery in this local centre. We don't need another
- Little Druids Nursery, Smiley Faces and Little Flyers also already exist in Amesbury and all have capacity. There is no need for more nursery spaces
- Since Covid and the new normal of working from home/hybrid office working, demand for childcare has decreased not increased

- The land is scheduled for use for 'Local' community uses. The Living Grace Church serves a much wider regional community. This will not serve the 'Archers' estate community
- Existing churches are under-used or falling into disuse in the County
- Since covid many worshippers watch services on line
- This is a minority use building but will affect the whole community
- There are already many churches serving many denominations in Amesbury
- They should hire the Bowman Centre for church and nursery groups
- We need a doctors surgery/pharmacy/dentist/refuge for homeless veterans. Not another church
- The church is to serve a congregation currently from Tidworth/Bulford not Amesbury residents
- This should be put at Solstice Park
- Religion is fake and we don't need such buildings
- This area would serve the local community better kept as a green open space
- Stop building on all of the green open spaces
- This area is already built up enough esp. after the new nursery
- Children play on this green
- This building will close up the site and reduce the green open character
- This parcel gives Archers Gate a 'Sense of Place' and has a positive impact on the Wellbeing of the local residents.
- Find an undeveloped part of the estate where they can accommodate the size/parking required
- This will create an eyesore at the entrance to the local centre
- The overall impression is of an overlarge building for the site being 'shoehorned' into too small a site.
- The resultant 'form and massing' of the proposal will be out of kilter with the surroundings and dwarf the scale of the surrounding buildings.
- The proposed church is ugly and is out of keeping
- The overcrowded nature of this development will increase anti-social behaviour
- While the design is much improved on the previous, we do not need another 'focal point' for the community
- The level of parking identified is wholly insufficient and less than the Council's parking standards
- This will cause parking Issues for surrounding streets
- This will bring additional traffic to an already congested area.
- This will create accidents in the future.
- The existing parking area is not sufficient for the current uses which include the Bowman Centre, Nursery and CoOp.
- The car park is full when an event happens at the Bowman Centre
- The information provided in support of the development particularly about vehicle numbers and noise levels are contradictory and biased
- Of the 17 parking spaces proposed, 9 are for staff leaving just 8 for a 150 strong congregation
- The Transport Technical Note concludes that "The development, in a worst-case scenario, would generate 13 vehicular trips from 13 families." But the applicant suggests 36 spaces are needed; and also states that the head count at a recent church service had 88 attendees in 23 vehicles.
- The examples provided suggest a need for 76 (not 36) parking spaces for 150 attendees, resulting in a possible overspill of 59 vehicles into the commercial centre's 73 parking spaces
- The proposed modal split of 25% for car journeys is significantly lower than average car use

- The report claims the entire population of Amesbury is within 25 minutes' walk to the site and yet also states that the car is the preferred mode of transport for journeys longer than 20 minutes thus undermining the report's modelling
- The analysis concludes that 53 people or 35% of attendees would walk to the centre.
- The comparisons used to CofE churches is unrealistic. This development serves a regional audience not a local community
- Parking is already scarce during school run times
- Sunday is a very busy time for the public house with Sunday lunches etc
- It is a very busy access point to the estate already
- They have no right to use the neighbouring parking (including the Bowman Centre), which is all owned by either the Town Council or a private management company
- There is no safe turning or parking area for the proposed mini bus/es
- Archers/Kings Gate has narrow roads that are already rife with parking problems
- Overspill parking on street will block emergency; wheelchair; and bus access
- The applications provision of just 9 bicycle parking spaces against their own assertion of 27 cyclist using the facility, will force people to drive
- The 3 extra parking spaces provided now are all reserved for minister use and have poor accessibility
- The assessment fails to take into account the extensive additional housing development occurring on the housing estate, which will substantially increase the use of the Community Hub and its car parking spaces over future years
- Unless fencing is erected the congregation will pile out onto a busy junction
- It's not just services. Weddings, funerals and baptisms will all contribute to parking problems
- This is the only feeder road serving a local centre, 2 schools and a care home
- The site lines for vehicles is poor and will endanger pedestrians
- The construction will cause a big nuisance in terms of traffic and noise to surrounding home life. The constant building on this estate is suffocating
- This will create noise & disturbance for neighbours
- Noise from the Bowman Centre is already too much, esp. during Summer Months when windows are open
- The noise report does not detail the size of the choir and crucially, does not state if a capacity 150 worshippers are included in the noise estimates as it only mentions choir and PA as the source data.
- The report also assumes that all fire doors and windows will be shut. This won't happen in summer
- The noise report states that air conditioning may be required but none is included nor a firm commitment to fit appropriate seals to reduce noise transmission
- The noise report accepts 'the possibility for excessive and unreasonable noise levels...' from the nursery and that 'the dominant noise source is likely to be children screaming'.
- It dismisses the impact by simply concluding that levels shouldn't be allowed to get too high as this would 'be in breach of the noise at work action levels'!
- the existing nursery ruined the outlook from adjacent houses and affected their value/saleability
- Will cause loss of light and overshadow for neighbouring properties

Letters – 9 letters of support received. The following comments made:

- The church will help & support the community greatly
- The estate is still expanding and so more nursery spaces are going to be needed
- Lots of people currently have to travel miles to get their children a nursery place

- This church has been in existence for over 10 years and have done greater things for families in the community
- Not only do we need physical and psychological support but we also need spiritual support.
- The community can only benefit from the addition of a new church and nursery
- Archers Gate deserves a church
- It is not a safe green space for children to play on – especially if the comments regarding the level of traffic at the junction is correct
- I have never, in 10 years, been unable to park at the local centre
- The busy times of the church are unlikely to clash with the busy times of the local centre/school run
- Yes it will be busier and yes a bit of grass will be gone, but it will bring more to the estate and to Amesbury than what it takes away
- This will provide employment for people locally

Letter – From The Management Company for the Local Centre. The following comments made:

- We manage the Public House, Co Op Convenience Store, the four small shops, the six flats above, the Nursery School and the site of the proposed Church together with the associated parking and landscaping areas.
- We have no objection in principle to the proposals,
- We have serious concerns relating to the proposed parking provisions and parking strategy and their effect on the overall parking provision in the Centre.
- We note that the Church intend to use the communal parking areas within the Local Centre which they have rights to do although they don't own them.
- The 'red line' application doesn't include the communal parking area.
- The 2011 census referred to is 10 years out of date – the current population will be more than double the number quoted.
- The AWP analysis studiously avoids giving a precise anticipated number of car spaces required for the proposed development which is surprising.
- Suggesting that 25% - 38 persons of the congregation will use cars to attend the Church is a completely unworkable assessment.
- Using their figure of 4 persons per car gives a total need of 10 cars which is clearly totally unrealistic.
- The Wiltshire parking standards refer to a requirement for 1 car space per 5m² of worship area and thus requires 29 parking spaces.
- The analysis is confused. It states that the new Church will attract 36 vehicles of all types with 4.2(!) occupants. Whilst also saying 38 persons using 9 cars with 2 9-seater minibuses totalling 11 vehicles.
- Post Covid people are highly resistant to using shared/public transport and therefore it is logical to assume that most of the congregation will use private cars to get to the
- We think it requires an absolute minimum of 36 car spaces of which 17 (2 of which are DAP & 3 for staff) have been provided on site leaving 24 spaces requiring accommodation within the existing communal parking area.
- After deducting staff and residential parking there are currently 69 spaces plus 8 DAP spaces available in local centre.
- This number includes the spaces adjacent to Bowman Centre.
- Wiltshire parking standards dictate that 92 spaces alone are required to accommodate the Public House & Retail not allowing for any requirement of the Bowman Centre.
- There is already an under provision of at least 15 spaces before the requirements of the Bowman Centre/new church are considered.

- The natural point of maximum conflict will come on a Sunday when the pub is at its busiest throughout the day.
- The convenience Store is also very busy at weekends.
- We believe that this shortfall will result in conflict with the existing users.
- We have had to double yellow line roads within the development to prevent persistent 'fly parking'.
- We feel such 'illegal' parking is bound to proliferate if the Church development is allowed to go ahead.
- To date we have not found it necessary to implement a parking control regime and we really don't want to do that, but we will if the development proceeds and parking becomes an issue.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

As is identified above, the site is situated within an existing housing estate that has been developed as an urban extension to Amesbury in accordance with WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP4 (Amesbury Community Area) and Appendix A – Development Templates for Strategic Allocations. The local centre was granted outline permission in 2002 (under ref: S/2002/1075) as part of a wider application dealing with one of the first housing phases at the estate. It envisaged approximately 2,100 square metres of floor space in this centre and identified the whole site for local centre purposes and none of the land contained within it was earmarked for public open space provision. The fact that the existing parcel is therefore vacant, grassed and is used by surrounding residents for informal recreation, is not secured in planning terms.

In addition, in 2010 planning permission was granted for the development of parcels B and C with a mixed retail and residential development (under ref: S/2010/1043). As per PLAN A, this particular application site was illustrated as part of that application as parcel D and was indicatively drawn with a large L shaped building on it. That approved scheme also secured parking for the whole local centre, both for the development on parcels B and C but also for the future developments on parcels A, D and E.

Subsequent to this and more recently, planning permission was granted for a new community hall and children's nursery on this site (under ref: 16/02899/FUL). Whilst this permission has now expired and the scheme has not been implemented, there are no material changes in the policy context for this site and thus this also remains a material consideration for the current proposals.

In addition to this material planning history, Amesbury is designated as a Market Town and has a defined settlement boundary within which WCS policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area) support sustainable new development. The site is situated within this boundary.

Furthermore, saved SDLP policy PS6 allows for the provision of new childcare facilities provided that

- (i) *access and services are satisfactory;*
- (ii) *the proposal will not create a highway danger to other road users;*

- (iii) *where the use of all or part of a residential dwelling is proposed, the house must be of a sufficient size for the proposal not to cause disturbance to neighbours;*
and
(iv) *there is adequate space available for outdoor play.*

Legal Agreement:

In addition to the above planning history and policy context; the original outline permission (ref: S/2002/1075) for this local centre was subject to a S106 agreement, part VI of which set out the constraints for the local centre. This firstly set a trigger and ensured that at least part of the centre would be developed before that particular phase of housing was completed. It also restricted the uses and secured certain infrastructure at the local centre as summarised below:

1. Not less than 300 square meters had to be built for A1 Retail purposes;
2. A total of 2,100 square metres of floor space could be built in the local centre;
3. The uses within the local centre were restricted to A, B1 and D uses only;
4. No more than 33% of the ground floor floorspace could be used for non A1 retail uses;
5. No ground floor floorspace could be used for C residential uses;
6. No one retail unit could exceed 700 square metres in footprint;
7. no more than one retail unit could be used for A3: Public House/Restaurant purposes;
8. The A3 uses at the site would not contribute or be included in the calculations set out in caveats 1, 2, 3 or 6 above;
9. CCTV at the local centre was secured;
10. Marketing instructions for the site were set out;
11. It ensured that the parking at the local centre would be available for public use in perpetuity without partitioning/fencing; and
12. It secured its long term maintenance and management of the local centre.

Caveats 1, 7, 8, 9, 10 and 12 have been satisfied by other permissions and development at this centre as set out in the planning history section above. The Bowman Centre was not included in this centre and was permitted separately under a different part of the permission and S106 agreement. The most pertinent caveats that are relevant for the development of this site (parcel D) are caveats 2, 3, 4 and 11 which are therefore assessed below.

To date the following units/developments/uses have been built at the local centre:

- A public house (use class: A3 – now sui generis) on parcel A
- Unit 1 which is currently used as the Cooperative store (use class: A1 – now E) measuring 342.13 square metres in size and positioned on parcel B
- Unit 2 which is currently used as a beauty salon (use class: sui generis) measuring 105.33 square metres in size and positioned on parcel C
- Unit 3 which is currently used as a fish and chip shop (use class: A5 – now sui generis) measuring 91.20 square metres in size and positioned on parcel C
- Unit 4 which is currently used as a Chinese takeaway (use class: A5 – now sui generis) measuring 90.40 square metres in size and positioned on parcel C
- Unit 5 which is currently used as a charity shop (use class: A1 – now E) measuring 107.22 square metres in size and positioned on parcel C
- A nursery has been built on Parcel E (use class: D1 – now E) measuring 326 square metres in size.

Therefore a total of 1062.28 square metres of floor space has been built at the local centre. However, only 449.35 square metres of this floor space has been provided as A1 uses, meaning that 57.7% of the ground floor floorspace at the centre is currently in

non A1 use. Therefore, whilst the overall floorspace that has been built to date is well within the amount of floor space allowed by caveat 2, the percentage of non A1 uses already, currently exceeds the 33% allowance set out in caveat 4.

The approved 2016 scheme on this parcel would have further exacerbated this situation. It allowed a further 209 square metres of floor space at the centre (150.7 of which was at ground floor), which was to be used as a community hall/church and children's nursery (use class: D1). Whilst this permission again did not exceed the 2,100 square metre allowance for overall development at the local centre, it would therefore have taken the percentage of non A1 uses up to 63%.

The current scheme proposes a larger church/nursery on parcel D than the 2016 permission. Overall it proposed 435 square metres of additional floorspace on this parcel, which will take the overall floor space provision at the local centre to 1497.28 square metres (well within the S106 allowance). However, a total of 375 square metres of this is to be provided at ground floor for D1 (now E & F1) purposes. If allowed this permission would therefore take the non A1 uses at ground floor up to 68.74%.

It is clear that the S106 caveat summarised in point 4 above has never been satisfied as even without the development of parcel E with a children's nursery, the percentage of non A1 uses at the centre was already at 39%. It is also clear that the previous permission on parcel D along with the development of parcel E would have taken the percentage of non A1 uses well above the 33% threshold to a total of 63%. The current scheme will however also serve to exacerbate this issue and is technically therefore in contravention of the associated S106 for the site.

In response to this the applicants previously submitted marketing evidence for this parcel as part of the consideration of the 2019 application. This confirmed that parcel D was first advertised by Woolley Wallis Agents in 2012. It was actively and robustly marketed at a reasonable price for 12 months. The only offer that was received in that time was from Wind in the Willows Nursery which has since moved into the new nursery building on parcel E. Due to lack of market interest, active marketing of the parcel ceased but it was still on the market and available for purchase until the applicant purchased the site for Living Grace Church in 2015. This evidence demonstrates that there is limited demand for A1 retail uses at this site/local centre.

In addition, the retail market has changed considerably since the agreement was completed in 2002, and with the impact of covid; and the rise in internet shopping, traditional, high street, retail uses are struggling. National policy is also far more permissive of changes of use in commercial areas as the recently revised Use Class Order 2020 demonstrates, which effectively groups the different land uses into far fewer categories and permits far more changes without planning permission. Therefore, given this and the fact that the non A1 caveat has never been complied with in this local centre, it is considered that the continued trend towards non A1 uses in this local centre should be allowed. This recommendation is therefore made on the basis of a deed of variation being completed to update Part VI of the original S106 accordingly.

On this matter, much local concern has also been made about whether there is a need for additional churches, community halls and children's nurseries on this site, or in Amesbury at all, especially given that parcel D is adjacent to the Bowman Centre and parcel E has recently been developed and opened as a children's nursery. However, whilst restrictions can be imposed on uses within a local centre, as per the S106 in this case, it is not for the planning system to control the market. Market forces will decide

whether the proposed use will be a viable proposition. In this instance, the application includes a defined end user that has purchased the site making a significant financial investment into the site in that regard. This is not therefore a speculative application. The existing churchgoers currently congregate in a church in Bulford but their existing site does not have the capacity to meet the growing demand hence the alleged need to relocate to a bigger site within their catchment. There is nothing to suggest that the proposals will not be for this purpose and/or that it will not therefore be a successful enterprise. The assessment of this planning application therefore needs to focus on the merits of the scheme before us, rather than whether alternative uses would be more successful on this site.

Local representation has suggested that a doctor's surgery would be better received and a better use of this last parcel. On this point, it should be noted that if this scheme were to receive permission, the permission would be for an E and/or F1 use only, not a church/nursery *per sé*. Therefore planning permission would not be required to change the use of the building (or part of the building) at a later date to an alternative E or F1 use, which would include a doctors' surgery or health centre if market forces deemed it suitable.

Overall it is considered that the planning history and marketing evidence summarised above establishes the principle acceptability for the proposals. This principle acceptability is however subject to the detail in terms of how the current proposals address the previous reason for refusal and its implications for the character of the area; highway safety; and neighbouring amenities. These matters will therefore be addressed in more detail below.

9.2 Character of the Area & Design:

The NPPF sets out Central Government's planning policies. It states the purpose of the planning system is to contribute to the achievement of sustainable development. It defines core planning principles which include that planning should be genuinely planned, and should always seek to secure high quality design. The new National Design Guidance also puts more emphasis on design and the creation of 'beautiful and safe places'.

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) further requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness, retaining and enhancing existing important features, being sympathetic to and conserving historic buildings and landscapes, making efficient use of land, and ensuring compatibility of uses. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire. Development is expected to meet a number of related place shaping and design criteria in the policy and new development should enhance/bring a sense of character to the area as a whole.

Following the approval of the outline planning permission in 2002, a detailed design code and master plan was adopted that established an overall design concept and set a clear framework and benchmark of quality for subsequent applications within this phase of King's Gate to be appraised against. This document is intended to provide a guide to the development with regards to the scale and form of design, the creation of particular character areas and key buildings/groupings, the use of detailed building components that reflect the local context, and the design approach to hard and soft landscaping and the design of the public realm to deliver a scheme of high quality and one that is locally relevant to the context of Amesbury. The approved design code

subdivides the overall development area into three distinct neighbourhood character areas including a high density urban core centred around the local centre.

In relation to the design of the local centre, the approved design code sets out general design criteria concerning the form of development and architectural detail. The design code stipulates that as a central community space the local centre should reflect a 'civic scale' to set it apart from the surrounding development which can be achieved through the use of 2½ and 3 storey built form; and with regard to architectural detail, the code acknowledged that the local centre is a location within the overall development where the design approach can be a modern interpretation of the local vernacular.

The existing community building (The Bowman Centre) is a dominant feature building and was designed with influence of a tithe barn built mainly of brick under a dominant slate roof (which is considered to be the main feature of the building with its long overhanging eaves). The single storey convenience retail unit in the local centre is also considered to be reflective of this general former farm building character of buildings within the local centre and being designed with a raised eaves height, the visual scale and massing of the building is increased.

The previous reasons for refusal of the 2019 scheme essentially concerned the design, bulk and appearance of the building as it was considered to be out of keeping with the traditionally styled buildings on other parcels in this centre. The current scheme has therefore tried to revert back to the more agrarian style and form of architecture found elsewhere in the local centre and which was supported on this parcel in 2016.

As can be seen in PLAN D above and PLAN E below, the low slung eaves; the use of brick and timber boarding as well as slate and plain tiles; and the more simplistic roof forms and removal of the tower features all mean that the building will be less confrontational in the street scene and far more in keeping with the design and scale of existing, civic, vernacular of surrounding buildings. As a result of the lower eaves and smaller footprint, the overall bulk has also been reduced. It is also considered that the proposed design scheme is a vast improvement to the scheme approved in 2016 in terms of bulky forms and design detailing.



PLAN E: Context Street Scenes

The overall footprint of the proposed building has also reduced by over 100 square metres (a 65 square metre reduction at ground floor alone); and more space has been afforded on the plot for additional onsite parking (the scheme now proposes 17 spaces, compared with the 13 proposed in 2019). Overall therefore it is considered that the proposals have adequately addressed the first previous reason for refusal and will now involve an attractively designed building that will complement the other uses and vernacular already in existence in the remainder of the local centre. The scheme also continues to accord with the design ideology for this local centre that was set out in the agreed design code (summarised above).

9.4 Neighbouring Amenities:

WCS policy CP57 (Ensuring High Quality Design & Place Shaping) also requires new development to have *'regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution'*. The NPPF also confirms that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Much local concern has also been raised about the potential noise; shadow; and dominance that the proposals will cause for neighbouring amenities. However, the building has been designed with the main entrances on the northern and north eastern elevations of the building, fronting onto the local centre/car park and on the opposite side of Archer's Way to the residential dwellings to the west. Openings have also been kept to a minimum to the south.

In addition, the application has been accompanied by a noise assessment which has been updated during the course of the application. Whilst the Public Protection Team have not commented on the revised Noise Survey yet, this has set out design measures such as glazing and carpets that can be internally fitted to reduce reverberation and noise spill. In addition, it should be noted that the site is situated within a busy local centre on a busy junction/main road into the residential estate and is already in the vicinity of an existing children's nursery and primary school. It is not considered that any noise potential is going to be significantly greater or different to the existing ambient noise of this centre. Hours of operation for the uses can also be conditioned to limit its impact for neighbouring amenities during unsociable hours; and generally, it is considered that the potential for harm, in terms of noise or disturbance, will be little different to that which was accepted in 2016 as part of that previous permission. This recommendation is therefore provided on the basis that the Public Protection Team raise no objection to the proposals. An update will be provided at committee accordingly.

9.5 Highway Safety:

Parcel D is accessed through the local centre off Archer's Way. The scheme also identifies 17 on site car parking spaces on this parcel with the congregation also having access to the existing parking provision within the local centre, as was envisaged both by the S106 for the outline permission for the local centre in 2002; but also by the application proposing the development of the first parcels and the car parking areas in this centre in 2010. It should also be noted that the original outline permission that secured the local centre and its communal parking area, envisaged a total of 2,100 square metres of mixed A, B, C and D uses within the whole centre and accepted that 79 parking spaces would be sufficient to serve this level of land use. As is identified above whilst the proportion of non A1 uses is greater than originally envisaged in 2002; if the church/nursery is allowed to be developed on parcel D, the total level of floor area that will be built at the local centre is 1,497.28 square metres,

which is well below this original allowance. The application is also accompanied by a Transport Statement and TRICS data which establishes the existing needs and travel patterns of the congregation.

As is summarised above in the consultation section, the Highway Authority has weighed up the evidence; third party comments; site history and existing uses; and the proposals now before us, and has on balance raised no objection. It has confirmed that the means of access to the site is established and is acceptable. It is also content that the traffic generated by the proposed development is unlikely to create any severe capacity issues at nearby junctions within the surrounding highway network.

The primary highway consideration with regards to the acceptability of this proposed development is in respect of the available car parking to serve the development. The Highway Authority acknowledges that the latest proposals do represent a significant increase in the intensification of the site and it is noted that only 17 on site spaces are identified to provide for a church with potentially a 150 strong congregation as well as a 25 space children's nursery and associated staff.

It is also noted that the management company for the local centre, whilst acknowledging that parcel D will have access to the communal local centre parking provision, has raised doubt about the capacity of the existing parking area to accommodate parking by church or nursery users especially on Sundays. However as is identified above, the original planning permissions for the local centre always envisaged the development of this last parcel as part of the local centre. The amount of parking secured in the existing car park took on board and catered for the ultimate development of this last parcel with an A, B or D use and an overall development of the local centre with 2,100 square metres of commercial floor space. It should also be noted that the Council's adopted parking standards are maximum standards, not minimum standards and the Highway Authority has considered the application on that basis.

Considering all of the evidence submitted, the Highway Authority has confirmed that on occasions the use of the proposed building will result in overspill parking on the adjacent highway (Archer's Way etc). However, it is considered that with the trip evidence; existing characteristics and travel patterns of the existing congregation; the timings of all uses proposed; likely popularity of each service; and the location of the proposed church in a far more sustainable and accessible location than the existing church, the occurrences and thus impact resulting from this overspill parking will be infrequent. Bearing this in mind, the NPPF states that "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". The Highway Authority is satisfied that there would not be a severe capacity issue caused by the proposals, so their judgement is based upon whether a small amount of occasional overspill on street car parking would result in an unacceptable highway safety issue.

On balance, the Highway Authority has confirmed that the Sunday service period is the most critical period and there may, on busy church occasions such as Christmas and Easter, be an overspill of a small amount of car parking on to the adjacent highway. This however would have also been possible with the 2016 permission at busy times and there is a finite amount of on-street provision. Overall it is not therefore considered that the proposals would represent a significant or thus unacceptable impact for highway safety in this local vicinity. The local concerns on this matter cannot therefore be sustained or warrant a reason for refusal in this instance.

9.6 Archaeology:

The Council's Archaeologist has advised that the site has been the subject of archaeological mitigation in the earlier stages of development and considers that the site has been fully mitigated with regard to archaeological remains. No further archaeological works are therefore unnecessary and no objection has been raised in this regard.

10. Conclusion

It is considered that comparative to the previously refused scheme on this site, the proposals represent an improved and reduced, less bulky design which will create an attractive focal landmark in this prominent local centre setting. The development will be far more in keeping with the existing vernacular in this local centre and more akin to the scheme that was allowed on this parcel in 2016. It is not considered that the proposals will result in any significant implications for neighbouring amenities; archaeology; or waste management. It is also considered that on balance, the implications for highway safety would not be significant or so severe as to warrant a defensible reason for refusal of the scheme. Subject to no objection being received from Public Protection; and a variation to the S106 being secured to update the situation in the local centre, the proposals are recommended for permission accordingly.

RECOMMENDATION

APPROVE subject to no objection being received from Public Protection; a Deed of Variation to Part IV of the existing S106 Legal Agreement governing this local centre; and then subject to the following conditions and notes

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:

Application Forms & Certificate

Ref: D300 – Location Plan. Received – 25.06.2021

Ref: D302 – Ground Floor Plan. Received – 25.06.2021

Ref: D303 – First Floor Plan. Received – 25.06.2021

Ref: D304 – Roof Plan. Received – 25.06.2021

Ref: D305 Rev A – Elevations. Received – 25.06.2021

Ref: D306 – Elevations. Received – 25.06.2021

Ref: D307 – Site Sections A-A and B-B. Received – 25.06.2021

Ref: D308 – Site Sections C-C and D-D. Received – 25.06.2021

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

3. No development shall commence above slab level until the exact details and samples of the materials to be used for the external walls and roofs 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 this matter to be considered prior to granting planning permission and 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. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities
 - finished levels and contours;
 - means of enclosure & boundary treatments;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

7. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. The movement of construction vehicles;
 - ii. The cutting or other processing of building materials on site;

- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

9. The development hereby permitted shall not be first brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

10. No development shall commence on site until a Green 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 road safety and reducing vehicular traffic to the development.

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

REASON: In the interests of neighbouring amenities

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

REASON: In the interests of neighbouring amenities

13. The use of the Church/Worship part of the building hereby permitted shall only take place between the hours of 08:00 and 21:30 Monday to Friday and between the hours of 10:30 and 14:00 on Saturdays and Sundays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

14. The use of the children's nursery part of the building hereby permitted shall only take place between the hours of 08:00 and 18:00 Mondays to Friday and not at all on Saturday and Sundays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

15. Except for access and egress doors and windows to the room labelled 'Main Hall' on the approved plans shall remain closed when live or recorded music is taking place.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

16. No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 the amenity of the area.

INFORMATIVES

- 1) The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 2) This permission shall be read in conjunction with The Deed of Variation Legal Agreement dated ***.



Page 105

© Crown Copyright and Database Rights 2017 Ordnance Survey
100049050

1:1,250



416556E 140541N m

This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	14 th October 2021
Application Number	2021/ 04201
Site Address	Land previously occupied by Alderbury Football Club Junction Road Alderbury
Proposal	All outstanding Reserved Matters (appearance, landscaping, layout and scale) for the erection of 50 residential units, pumping station and replacement guide hut with associated infrastructure, parking, landscaping, open space and works, all pursuant to permission 17/04001/OUT
Applicant	Vistry Homes Limited and Trustees of the Earl of Radnor 1989 Settlement/ Longford Estates
Town/Parish Council	Alderbury Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Reserved Matters
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee by the Local Member for the following reasons:- Design – bulk, height and general appearance, environmental or highway impact, car parking and drainage. Uncharacteristic urban design. Highway safety issues around school use. Parking at Football Club pavilion (if available) exacerbates the safety problem.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

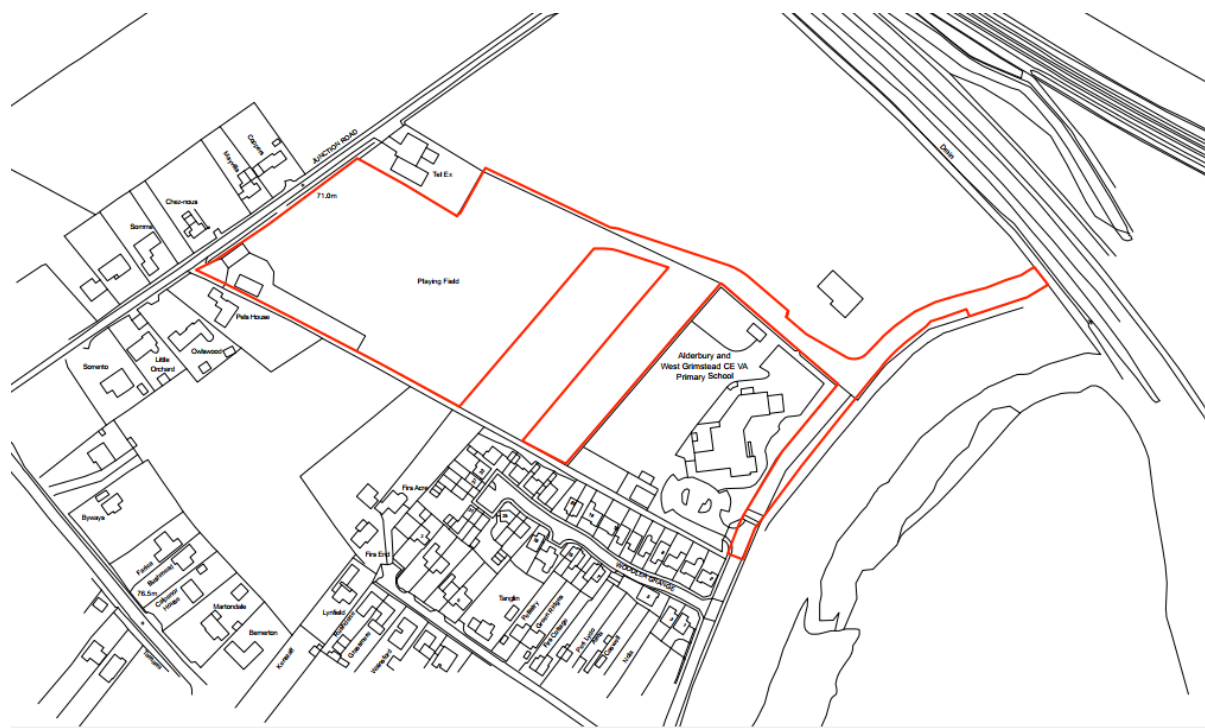
- Principle
- Highway Safety
- Drainage
- Layout and house design

The application has generated an Objection from Alderbury Parish Council and 3 letters of objection from third parties.

3. Site Description

The site is a generally level area of open land to the west of Alderbury and West Grimstead Primary School and is bordered by Junction Road along its western boundary and a footpath leading from Junction Road and Firs Road along its southern boundary. The land is currently used by Alderbury Football Club, along with the new facilities for the club on land immediately to the north of the site granted under ref no. S/2011/0029. The site also houses the existing Guide Hut. It is about 2.7ha in extent.

The northern boundary with the extension to the football club is open, and the boundaries to Junction Road to the west and the properties to the south are bounded by mature trees and hedges. None of this vegetation is impacted by the proposed development.



Location plan

4. Relevant Planning History

17/04001/OUT – Outline application for residential development of up to 50 dwellings, associated parking and access (off of Firs Road), open space and infrastructure: relocated guide hut, new pre-school building and land to extend existing primary school playing fields – Refused 15/12/2017 – Appeal Allowed 7/12/2018.

PL/2021/04200 – All outstanding Reserved Matters (appearance, landscaping, layout and scale) for the erection of a pre-school building with associated landscaping, informal open space and works, all pursuant to permission 17/04001/OUT – to be determined

under Delegated Powers.

5. The Proposal

This application, which is a Reserved Matters application, proposes the construction of 50 dwellings, pumping station and replacement guide hut with associated infrastructure: parking, landscaping open space and works such as surface water drainage (SuDS) in accordance with the 2018 appeal decision in respect of the outline application 17/04001/OUT. It also includes the playing field extension to the adjoining primary school. This application only related to part of the consent granted under the above outline application, with the works to provide an additional pre-school building being considered under application PL/2021/ 04200.

Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (MHCLG September 2019)

Building for a Healthy Life (Homes England 202)

Building for Life 12 (Third edition)

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP43 – Affordable Housing

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

6. Summary of consultation responses

Alderbury Parish Council – (to originally submitted plans)

Alderbury Parish Council urges Wiltshire Council to refuse the application for the following reasons:

(1) The design and materials of the proposed dwellings would have a detrimental impact on the rural character of the village by virtue of its uniformly urban and bland brick-finished elevations. The original designs submitted with the outline application were more in keeping with the village setting and included more sympathetic architectural treatments with a more diverse palette of materials comprising brick, knapped flint, timber cladding and render elevations with mixed tile and slate roofing materials. The plans now presented depart significantly from those considered and approved by the inspector at appeal. Consequently, Alderbury Parish Council considers the application fails to meet the requirements of Policy 57 of the Wiltshire Core Strategy 2015 in that:

(a) It fails to enhance local distinctiveness and does not respond to the value of the natural and historic environment and consequently it does not relate positively to its landscape setting and the existing pattern of development in this part of the village.

(b) Fails to reflect the local context of its village setting by virtue of its urban layout, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines;

(c) Fails to meet the standard of 'high standards of building materials;'

(2) The access to the proposed development creates a very significant highway safety danger for pedestrians and children approaching Alderbury School via Firs Road. The application offers no form of mitigation and therefore is contrary to policy 62 of the Wiltshire Core Strategy because it does not provide appropriate mitigating measures to offset the adverse impacts on the transport network – and particularly vehicle movements at the School entrance in Firs Road. The Council noted that the original outline scheme proposed additional off-road parking and turning space within the Alderbury Football Club grounds. This, coupled with improvements along Firs Road (restrictions and yellow lines) may have helped allay the Council's concerns.

(3) The Council feels that the drainage scheme proposed fails to take account fully of drainage impact of the removal of woodland to the east of the site. This has increased the risk of flooding on the development site – particularly on the eastern boundary adjoining the football field. In order to avoid the increased risk of flooding across the site, onto the adjoining residential areas and the new football pitches downstream of the site, a more comprehensive drainage scheme and long-term mitigation measures is required. Consequently, the Council considers the proposal to be contrary to Policy 67 of the Wiltshire Core Strategy in that it does not include comprehensive measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil.

(4) The Development fails to capitalise on opportunities to enhance biodiversity. The representations made by the Salisbury Swift Group demonstrate how the development has the potential to deliver significant biodiversity gains through the provision of swift, bird and bat boxes. Consequently, the application is contrary to Policy 50 of the Wiltshire Core Strategy in that it fails to include adequate measures to deliver biodiversity gains associated with the to creation of valuable habitats, ecological networks and ecosystem services.

Comments on amended plans:-

Alderbury Parish Council objects to this application for the following reasons:

(1) Despite some positive changes, the urban design of the properties is incongruous and out of keeping with the rural character of this area of the village. In this respect, the Council

strongly agrees with the comments submitted by Wiltshire Council's Senior Urban Design Officer and considers the application to be contrary to Core Strategy Policy 57 i, ii and vi. The current plans represent a very significant departure from the indicative plans submitted with the outline planning application – which incorporated sympathetic layouts, materials and designs.

(2) The Council reiterates drainage concerns previously submitted in response to the original planning application and supports the comments of Wiltshire Council's Drainage Engineer (Comment No: WC-21-08-206079) and in particular concerns raised about:

- a) Discharge rates
- b) Sustainable drainage features
- c) Point of discharge

Further, the Council is concerned that the current plans do not adequately demonstrate that there will not be additional water discharge (and consequent flooding risk) to neighbouring properties and particular the new football pitches adjoining the site;

(3) The Council strongly supports the comments submitted by Wiltshire Council's Highways Development Control team, and without the incorporation (in their entirety) of the measures detailed, this Council considers that the application will have a detrimental impact on highway safety, particularly for pedestrians accessing the primary school. Consequently, the application as it stands, is contrary to the Wiltshire Core Strategy;

(4) The Council supports the comments submitted by the Wiltshire's Principal Development Officer, Housing Enabling Team and considers that, as now submitted, the plans do not adequately address local affordable and social housing needs;

(5) The Council welcomes positive changes aimed at improving biodiversity on the site but feels this should go further and address the issues raised by the Salisbury Swift Group – comments submitted 3rd May, 2021. The Council welcomes the Arboricultural appraisal undertaken by the developers and considers this must be included as a condition of any subsequent permission, only if and when the other matters raised here are resolved in; and

(6) The developer has failed to address concerns about the provision of additional parent parking at the beginning and end of the school day. A satisfactory solution was included in the outline plans but this has not been included in the latest proposal. The Parish Council believes this must be resolved before any development can be contemplated on the site and may be best achieved by an agreement (s106) between the developers and the football club for the extension, surfacing, maintenance and use of the football club car park plus the provision of fencing and a safe footpath link into the school site.

WC Housing Enabling Team – revised plans now meet the requirements of the S106 agreement in relation to application 17/04001/OUT, which requires the provision of 22% of the units as Affordable Housing. The proposal to provide 11 Affordable Housing units within a scheme of 50 dwellings meets this requirement. The proposal now achieves the correct Tenure Mix, Unit Size Mix, and distribution of AF units across the site. Final clarification that the units meet the minimum space standards for affordable housing is sought.

WC Spatial Planning – No comments

WC Conservation Officer – The site is outside the Alderbury Conservation Area and not within the setting of any listed buildings so we are not required to be consulted.

WC Urban Design – Object. The proposed development would be a marked departure from the 17/04001/OUT 'Design Principles', 'Evolution', 'design Proposals' and 'Architectural Character Design Code' (of the application considered at appeal)

No comments received in respect of the amended plans.

WC Highways – (comments on submitted scheme).

- The Outline application included a significant amount of car parking on the extension to Firs Road adjacent to the sports pitches which could also be used as parking for the school. This parking does not feature in the reserved matters application and should be added to help alleviate current parking issues at peak school times.
- There appears to be a discrepancy between the size of the proposed dwellings in terms of bedroom numbers and the associated parking allocation. The floorplan for the Mylne house type shows 4x bedrooms but they have all been allocated 2 parking spaces rather than the required 3. There is a parking shortfall for this specific house type, and for the Spiers house type (plot 50) which is also a 4x bed with 2 parking spaces.
- The visitor parking spaces are not distributed around the site and are mostly located to the far NW.
- A scheme of traffic calming is required to reduce and maintain vehicle speeds on the access road where it passes around the school entrance and school grounds and the Guide hut, as well as within the residential development where traffic calming is required in line with the visibility splays of 2.4m by 22m shown on the accesses (i.e. speeds kept at around 20mph).
- A scheme of safety enhancements for the school entrance should be included such as keep-clear zig-zag markings. Also a small section of footway construction should be added to the northern bellmouth radius of the school entrance to connect the entrance with the new footway which will continue on this side to the residential development. Dropped kerbs should be added to this bellmouth footway and opposite where the footway tapers and ends.
- Ensure dropped kerbs are placed throughout the site at pedestrian crossing places. The footway should continue for a short distance beyond the access to plots 46-50 in an easterly direction, a dropped kerb should then be added where the grass verge begins and a dropped kerb added opposite.
- The Guide hut can be accessed by a simple dropped kerb / lowered footway arrangement. Visibility at this junction should be provided and maintained at 2.4m by 43m (possibly less with traffic calming) at a height of 600mm – I note a hedge will be planted on this frontage.
- I note that the footpaths will be within the public open space and I assume will become POS paths rather than highway.
- Comments have not yet been received from the PROW team; however, there is a footpath (ALDE20) running along the southern boundary of the site which the proposed footpath links within the site will connect to, this path should be upgraded to a surface suitable for all users.
- Minimum 0.5m buffer strip should be provided around the turning head by plot 33.
- Comments from the drainage team must be sought, in particular for the means of outfall.
- A Residential Travel Plan is required in accordance with Wiltshire Council's SPD 'Development Related Travel Plans', as the development exceeds 40 dwelling units we require a Residential Travel Plan to be submitted which should outline the facilities and incentives that will be provided to encourage sustainable travel amongst the new residents. This should provide details on targets, monitoring, the marketing plan and management arrangements. The Travel Plan should make reference to the Connecting Wiltshire website and the provision of Connecting Wiltshire materials.
- Covered cycle parking should be provided for the Guide hut.

- The developer should be prepared to fund a TRO for parking restrictions on the new roads and / or Firs Road if considered necessary.

No comments received in respect of amended plans (which were negotiated by the Highways Officer).

WC Archaeology – requirement to comply with Condition 13 of the Outline consent.

WC Public Protection – no objection subject to condition

WC Waste and Recycling – no objection subject to condition and contribution to be collected via S106.

WC Drainage – objection to the water quality element of the SuDS surface water drainage system proposed. .

Objection removed on receipt of amended plans which specified a more detailed SuDS surface water drainage system.

7. Publicity

This application was advertised through a site notice. Letters of objection were received from 3 individuals raising the following issues:

- Design and layout of the proposal is too urban and not inspired by the local area
- Concerns about drainage – will the new buildings push run off water towards the new football pitches?
- Concerns about the amount of parking that currently exists along Firs Road, which will be exacerbated by this development, especially at school times and for football matches
- Additional traffic will cause noise disturbance and pollution to nearby residents
- Additional traffic will make it even more unsafe at school drop off and pick up times
- The plans do not accurately show the relationship between existing and proposed properties in the vicinity.
- The house designs do not reflect those for which outline planning permission was granted, they are unappealing, featureless and lacking in character.
- The play area is poorly located in an area with no overview and should be re-located to where it can be overlooked and not near a road.
- Additional soft landscaping is required to help screen existing properties and to mitigate noise disturbance to those properties.

Salisbury and Wilton Swifts - require the installation of swift bricks and bat roosting features as part of the development.

8. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

a. Principle of development

Planning permission was granted at appeal for the residential development of up to 50 dwellings, associated parking and access (off Firs Road), open space and infrastructure, relocated guide hut, new pre-school building and land to extend existing primary school playing fields (17/04001/OUT) on the current application site in 2018. Part of the original application site is also the subject of another application (PI/2021/04200) to be determined under delegated powers as it is compliant with the Outline consent.

In the Inspector's Decision letter, he made it clear that '*Other than the means of access, all other matters of detail have been reserved for subsequent consideration. I have treated the masterplan and the proposed land use plan as illustrative only.*' (Para 2)

He went on to state that he considered the main issue of the appeal was (Para 8) that: *The main issue is whether the LPA is able to demonstrate a five year supply of housing land and if not, whether any adverse impacts of granting planning permission, having particular regard to any conflict with the spatial strategy of the development plan and any harmful impact upon local services and facilities, would significantly and demonstrably outweigh the benefits of the proposal. (a copy of the Inspector's Decision Letter is attached as Appendix 1 to this Report for information)*

The Inspector considered that:- *This site, which is located towards the centre of the village and where there is no cogent evidence of any harmful impact, is suitable for the proposed development. (Para 47)* and went on to conclude (in paras 65 and 66 of his Decision letter) that:

Even if CS policy 2 was not out-of-date, there is nothing of substance to demonstrate that the proposal would amount to unsustainable development. There is no evidence of any harm to important planning interests, including the role and function of Alderbury within the settlement hierarchy and nothing to indicate there would be any imbalance of homes, jobs, services or facilities. The CS is intended to provide a flexible and realistic framework with minimum housing requirements as well as some development on greenfield sites.

Given all of the above and having regard to local circumstances, including the character and needs of the area, I arrive very firmly at the position that the proposals comprise sustainable development. The appeal scheme accords with the overall aims of the development plan and the objectives of the Framework. I therefore conclude that the appeal should succeed.

Therefore the Inspector accepted that the site could be developed in a satisfactory manner and that there were no issues regarding access to the site, the impact of additional traffic on Firs Road and the matters associated with school traffic, or the drainage of the site. He considered that the provision of affordable housing and an increase in the size of the school playing field, coupled with the lack of a 5 Year Housing Land Supply outweighed any other objections to the scheme.

The principle of development on this site has therefore been accepted, with no details other than the location of the access to the site off Firs Road agreed. The illustrative layout plans and illustrative house types submitted with the Outline application did not inform any part of the Inspector's decision and it would appear that he gave them little consideration as part of his decision-making process. Therefore these plans do not form part of the approved scheme for the site and the applicants are able to submit a different form of layout and house design as part of the Reserved Matters application.

(b) Highway safety.

The Council's Highways Officers had concerns about the layout of the scheme as submitted, with respect to:-

- Additional car parking adjacent to the relocated sports pitches that could be used to alleviate the parking issues associated with the school off Firs Road,
- Provision of sufficient car parking spaces to serve the dwellings, and in the correct location
- Need for a traffic calming scheme to reduce car speeds around the school and guide hut
- Safety enhancements around the school entrance
- Provision of dropped curbs at crossing points within the site
- The public footpath along the southern edge of the site should be surfaced
- Need to liaise with the Drainage team about the proposed surface water drainage from the site
- A Residential Travel Plan should be provided
- The developer should fund a TRO (Traffic Regulation Order) for parking restrictions on the new roads and/or Firs Road if considered necessary.

Amended plans have been received following negotiations with the Highways Officer with respect of the residential parking provision, road alignment and the provision of suitable turning heads as well as traffic calming measures, the provision of cycle storage and the provision of cycle and footpath links through the development to the wider area.

The site is required to provide 112 allocated car parking spaces for the housing mix proposed (11 x 2 bed, 27 x 3 bed and 12 x 4 bed dwellings) with associated visitor spaces. An additional 11 spaces are shown to be provided at the new guide hut. The amended layout now shows 133 spaces and therefore complies with the Council's parking requirements.

Plans have been provided showing the details of the highway construction, including traffic calming measures and turning heads with swept path analysis to show that the larger vehicles such as fire engines and refuse trucks can safely manoeuvre within the site (these details were all missing from the illustrative layouts which accompanied the Outline application) The estate road entering the site will be provided via the new sports club access approved under ref no.S/2011/0029 which form an extension of Firs Road adjacent to the existing school access. The approved access will be upgraded to an adoptable residential standard. The access road within the estate is designed to adoptable standards as well. The revised plans have reduced the amount of hard surfacing associated with the access roads and have enabled the provision of greater areas of landscaping in front of the proposed dwellings and at key visual points within the scheme to provide a stronger landscape framework at the same time as providing traffic calming to the highway. The dropped kerbs

to serve the guide hut has been provided, along with cycle parking facilities to the front of the new building.

A footway/cycle link to the north west of the site is provided to link with Junction Road, although no vehicular access will be provided, in accordance with Condition 9 of the appeal decision. The existing public footpath along the southern boundary of the site, which is not within the application site, is not affected by the proposals. It is acknowledged that the Highways Officer asked that this footpath be surfaced as part of this Reserved Matters application, however it is not within the red line of the application site, and was not part of the Outline application site either and therefore it is not possible to require the applicant to carry out works to land not within their ownership or control.

The Outline consent, and its accompanying S106, did not seek any contributions to off-site works to the adjacent highway and therefore it is not possible at this Reserved Matters stage to require the applicants to carry out works to the public highway in the form of improvements around the school, even if they are seen as beneficial, as set out in the Highways officer's comments above. The same applies to the provision of a Travel Plan, which was not conditioned by the Inspector in his Decision notice in respect of the appeal on the 2017 application. However the scheme does incorporate the provision of cycle parking facilities and a cycle/footpath route via Junction Road and Firs Road to access facilities within the village which would be required by any travel plan to reduce the reliance on the private car. The Inspector, in his decision letter on the appeal, commented that he considered the location of the site was sustainable as Alderbury can be conveniently accessed by means other than the car (para 64).

The applicants responded to comments from various parties in respect of the provision of additional parking at the adjacent football grounds to alleviate parking issues in the area as follows:-

Several consultees, the local Parish Council and members of the public have suggested that the proposals should include measures to alleviate traffic issues outside Alderbury Primary school. Several of the consultation responses note plans which show provision for new parking around the Sports pavilion which were approved as part of earlier applications for the sports facility but have not been implemented. Vistry Homes sympathise with these concerns, however, it was not a requirement of the outline application, to which this reserved matters application is now pursuant, to provide these spaces. The approved spaces formed a part of approved applications S/2011/0029 and S/2013/0264 for the sports pavilion, pitches and associated infrastructure (including parking).

The fact that the approved parking spaces have not been implemented as part of the approved applications for the sports facility is not a matter for this current, separate, Reserved Matters application for the residential development of the site. Whilst the indicative masterplan for the outline application did indicate the spaces, as approved as part of the above applications, the indicative plan was not a listed approved plan. Furthermore, no legal or planning condition requirements on the related outline application 17/04001/OUT require the implementation of the parking spaces. Highways matters, in relation to traffic generation and off-site impacts, were considered at outline stage and cannot be revisited at this detailed Reserved Matters stage. Therefore, whilst being sympathetic to the concerns raised, it not a matter that this Reserved Matters application can or should address.

The Sports pavilion and playing pitches referred to above have been provided, and some car parking had been constructed to facilitate this use. However the existing access to the sports ground is currently gated off in the vicinity of the school access and is not available for use in association with the school drop off and pick up times. There is no condition on the 2011

planning permission (S/2011/0029) to require the use of these parking spaces to be made available to individuals associated with the school, nor is there a condition on the 2018 appeal decision requiring the same. These spaces are therefore the private property of the sports club which cannot be compelled to make them available for use in association with the school as part of this Reserved Matters application, even though the red line of this application includes the access to the Pavilion. This is necessary to enable the works to take place to access the development site, and to provide for the surface water outfall to serve the residential development only. It is appreciated that this is a frustration to local residents who might have expected that the sports club facility could be used for parking associated with the school, but there are no planning conditions that would require this scenario to be delivered.



Details of proposed access arrangements in the vicinity of the football club

Negotiations have taken place with the Council's Drainage Engineers to ensure that the totality of the surface water drainage system proposed for the site complies with the requirements of the Highways department in respect of what can be adopted from a highways point of view, and what is necessary to ensure a functioning Sustainable Urban Drainage system (SUDs) which not only satisfactorily discharges the water from the site, but ensures that the quality of the water discharged from the site into the local surface water system is of a suitable quality.

(c) Drainage

The Inspector, in his decision letter in respect of the appeal in 2018 commented that:-
I note the concerns of some interested parties regarding the highway and drainage impacts of the proposed development. However, there is no cogent evidence to substantiate these concerns and refute the findings within the appellant's Transport Statement /highways evidence or Flood Risk Assessment/ drainage evidence. The proposal would not compromise highway safety interests or result in any significant increase in congestion or increase the risk of flooding. (para 52) .

He imposed a condition (no12) which required the submission and approval of a scheme for the discharge of surface water from the site, to incorporate sustainable drainage details.

The concerns of the Parish Council and local residents in this regard still remains, however.

The Council's Drainage Engineers were concerned about the proposed method of disposal of surface water from the site, in particular the need to comply with current projections for the implications for climate change, and the need for any outflow from the site to provide the necessary pollution mitigation measures to ensure that the run off from the site meets current standards adopted by the Council as Lead Local Flood Authority, had not been met.

A revised scheme incorporating bioretention features within the proposed adoptable highway at the location of traffic calming buildouts to intercept, treat and attenuate runoff from the carriageway has been submitted which now meets the requirements of the Drainage Engineers and the Highways Authority. Therefore there is no objection to the proposal from a drainage point of view.

(d) Housing layout and design

The scheme, as submitted, for the 50 dwellings lacked inspiration and local context as required by guidance in the NPPF and policy CP57 in particular. The scheme was dominated by a very formal road network with little informality or scope for any significant landscaping to soften the impact of the hard surfaced highways. The houses had little in the way of visual interest and did not pay strong regard to design features of dwellings within the locality.

Following comments on the form and the layout of the scheme from the Parish Council and this Council's Urban Design officer, amended plans have been received which seek to enhance the appearance of the site and to provide more visual interest.

A wider pallet of materials has been introduced, with the use of flint and tile hanging on focal units to increase variety and to emphasis key focal points at the entrances and the centre of the development. Brick chimneys have also been added to some units with prominent side elevations to provide additional interest, along with a wider range of porch designs.

The alterations to the highway layout has resulted in a less rigid building line and provided more space for a softer edge to building frontages, helping to provide a less formal design and layout.

The agent has commented that:-

The illustrative 'Design Code' and Masterplan accompanying the outline were originally provided to guide the overall, traditional, approach to the sites design and layout which has now been adopted. They were only ever indicative and did not take account of such matters as highways or estate infrastructure requirements (for example service runs). Furthermore, the site does not sit within a truly 'rural' context either, the closest housing being predominantly late 20th Century in age and design. Nor does the site sit within a true 'countryside' setting, being located adjacent to (and on former) sports pitches, which have their own suburbanising affect. The amendments to the proposals represent a significant material improvement to the scheme that positively address the consultee comments raised. The proposals, as amended, therefore are appropriate for the site and surrounding context and represent good, high quality design that provides for sustainable development.



Proposed site layout



Range of proposed house types



Further proposed house types

The applicants have confirmed that following the original submission an ecological enhancement plan was submitted informed by up-to-date ecology surveys. This shows the provision of integrated bird and bat boxes, insect boxes and hedgehog ‘highways’ through gardens to improve opportunities for biodiversity. The landscaping has also been chosen to improve biodiversity with considerable number of native trees chosen resulting in a significant net gain in trees on site, as well as wild meadow areas. The narrowing of the carriageway has also provided an opportunity for extra planting to the frontages of houses. The provision of the naturalistically styled play trail further encourages public engagement with nature. Existing trees on site are also retained. The revised drainage scheme will also allow for more extensive planting within the site, which will have a biodiversity gain compared to the predominantly open mown sports pitches that exist on the site at the present.

9. Conclusion (The Planning Balance)

This planning application proposes the construction of 50 dwellings in accordance with the provisions of the earlier Outline planning permission granted at appeal. The principle of the development has been set by that outline consent and the conditions attached to the decision, as well as a S106 Agreement to deliver a certain quantum of Affordable Housing, public open space and a contribution towards waste services.

The scheme meets the Affordable Housing requirements of the above legal agreement and the open market housing mix also provides for a suitable range of 2, 3 and 4 bed properties in this location. The public open space is to be provided along the southern edge of the site, in a supervised location, and will provide play equipment within the area in a naturalistic style. The contribution towards the provision of waste facilities is as per the Waste and Recycling department’s current requirements.

The amended layout and house designs, along with the alterations to the highway network and drainage proposals, meet the requirements of the Council’s Highways and Drainage Officers.

It is acknowledged that the layout and house designs are not the same as submitted for illustrative purposes only with the outline application, but the Inspector in his decision

letter (para 2) made it clear that he considered these drawings were illustrative only and did not form part of the approved scheme and therefore the LPA cannot insist that these designs are adhered to. The amended plans have sought to overcome the original concerns expressed by local representatives, the highways officer and the drainage officer to provide an acceptable scheme on the edge of the settlement which will have little relationship to adjoining residential areas due to its location and setting adjacent to the Primary school and other open areas. The scheme also provides for a replacement guide hut and the extension to the primary school playing field, as proposed in the outline consent. Neither of the latter requirements have raised any concerns during the processing of this application.

It is therefore concluded that the proposal complies with both local and national policy and the requirements of the outline permission and that the consent should be granted.

RECOMMENDATION

Grant, subject to the following conditions:-

1) Approved plans

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

Site Layout	Pegasus	P19-1086_13J	J
Site Location	Pegasus	P19-1086_14	B
House pack	Pegasus	P19-1086_17 [see below for ref for each plan]	N/A [See for
Tenure Plan	Pegasus	P19-1086_22E	E
Guide Hut	Pegasus	P19-1086_26	-
Street Scenes	Pegasus	P19-1086_27	B
Materials Plan	Pegasus	P19-1086_28	E
Open Space Plan	Pegasus	P19-1086_16	C
TOPO Elevations	LDS Ltd	LDS/10812-EL1	A
TOPO Plan	LDS Ltd	LDS/10812-TP2/A	-
HOUSETYPES			
House pack	Pegasus <u>Plots</u>	P19-1086_29 (July 2021)	
Eveleigh Floor Plans and elevations	42, 43	P19-1086_29-Sheet-1	-
Eveleigh Floor Plans and	40, 41	P19-1086_29-Sheet-2	-

Elevations			
Elmsie Floor Plans and Elevations	26,25	P19-1086_29-Sheet-3	-
Elmsie/Eveleigh/Elmise Elevations	30 - 32	P19-1086_29-Sheet-4	-
Elmsie/Eveleigh/Elmise Floorplans	30-32	P19-1086_29-Sheet-5	-
Becket Floorplans and Elevations	10, 29	P19-1086_29-Sheet-6	
Becket Floorplans and Elevations	33	P19-1086_29-Sheet-7	-
Becket Floorplans and Elevations	20,21,13	P19-1086_29-Sheet-8	-
Mylne Floorplans and Elevations	28,34	P19-1086_29-Sheet-9	-
Mylne Floorplans and Elevations	2, 35, 38,44, 3,36,39,45	P19-1086_29-Sheet-10	-
Pembroke Floorplans and Elevations	11, 24	P19-1086_29-Sheet-11	-
Knightley Floorplans and elevations	1,9,27	P19-1086_29-Sheet-12	-
Knightley Floorplans and elevations	16	P19-1086_29-Sheet-13	-
Knightley Floorplans and elevations	12,19,22	P19-1086_29-Sheet-14	-
Knightley Floorplans and elevations	23,46	P19-1086_29-Sheet-15	-
Knightly Floorplans and Elevations	37	P19-1086_29-Sheet-16	-
Atkins Floorplans and Elevations	47, 48	P19-1086_29-Sheet-17	-
Atkins Elevations	4-6	P19-1086_29-Sheet-18	-
Atkins Floorplans	4-6	P19-1086_29-Sheet-19	-
Asher Floorplans and elevations	7,15,8,14	P19-1086_29-Sheet-20	-
Atkins/Asher Floorplans and Elevations	49/50	P19-1086_29-Sheet-21	-
Garage Floorplans and Elevations	See site layout	P19-1086_29-Sheet-22	-

1	External Levels Plan	Ardent	2101520-002	
2	Drainage Plan	Ardent	2101520-003	
3	Longitudinal Sections	Ardent	2101520-004	
4	Tracking	Ardent	2101520-005	
5	Geometry and Visibility	Ardent	2101520-006	
1	Soft Landscape Proposals Sheet 1 of 2	CSA	5477_100_D	
2	Soft Landscape Proposals Sheet 2 of 2	CSA	5477_101_D	
3	Hard Landscape Proposals sheet 1 of 2	CSA	5477_102_D	
4	Hard Landscape Proposals Sheet 2 of 2	CSA	5477_103_D	
5	Landscape Masterplan	CSA	5477_104_D	
6	Ecological enhancements Plan	CSA	5477/106	
3	Planning Statement (incorporating Affordable Housing Statement and SCI)	Tetra Tech	HP21007 - 784-B027568 - PS	V2
4	Design and Access Statement	Pegasus	P19-1086_24C	C
5	Highways Technical Note	Ardent	2101520-01	B
6	Drainage Strategy Technical Note	Ardent	2101520-02	C
7	Arboricultural Impact assessment (incorporating tree survey and protection plan)	Barton Hyett	BHA_4323_AIA	A
8	Update Ecological Appraisal (Submitted 10.05.21)	CSA	CSA/5477/02	-
9	Information to Inform Habitat Regulations Assessment (Submitted 10.05.21)	CSA	CSA/5477/01	-

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

Informative Notes

2) Approval of Reserved Matters

This approval of matters reserved refers only to conditions 1, 7, 12, 14, of outline planning permission 17/04001/OUT dated 7th December 2018, but does not by itself constitute a planning permission.

3) Reserved Matters Outstanding

The further approval of the Local Planning Authority in respect of those

matters reserved by conditions 6, 8, 10, 13, 15, 16, of outline planning permission dated 7th December 2018 is required before development commences.

4) Reference to S106 Agreement

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 22nd November 2018.

This page is intentionally left blank

REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	14 October 2021
Application Number	PL/2021/03958
Site Address	29 and 29A Brown Street Salisbury SP1 2AS
Proposal	Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area (Description revised following changes to the proposed frontage – previously “Demolition of existing building, erection of gates and railings as modification to front facade to facilitate use of land as a hospitality”)
Applicant	Newbury Pension Scheme
Town/Parish Council	SALISBURY CITY
Electoral Division	Salisbury St Edmund’s - Cllr Paul Sample
Grid Ref	51.068189, -1.792535
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

Following the committee decision to defer the application at its meeting on 24 June 2021 to enable further consideration be given to the noise impacts of the use and mitigation measures.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

The main issues to consider are:

1. Demolition of the existing building and impact on the Conservation Area
2. Principle of the proposed use
3. Impact on residential amenity and noise/disturbance

3. Site Description

A detailed site description is provided in the original report attached as Appendix 1 at Section 3.

4. Planning History

The planning history is set out in the original report attached as Appendix 1 at Section 4.

5. The Proposal

The proposal is for the demolition of the existing single storey building at 29A Brown Street and use of the land created as an outside hospitality area, together with front boundary treatment comprising the retention of the frontage wall of the existing building. A site plan and elevation plan is provided in the original officer report attached as Appendix A at Section 5. The proposal will now also include the provision of an acoustic barrier between Nos. 29 and 31 Brown Street of at least 4 metres in height above ground level. Details of such would be subject to agreement by condition in the event of approval.

6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

Section 72: General duties of planning authorities

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 20 – Spatial Strategy for the Salisbury Community Area

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 69 - (Protection of the River Avon SAC)

Salisbury District Local Plan (2003)

National Planning Policy Framework 2021

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

Planning Practice Guidance

Salisbury City Conservation Area Appraisal and Management Plan

National Design Guide (2021)

Habitat Regulations 2017

7. Summary of consultation responses

Consultation responses are set out in the original report attached as Appendix 1 at Section 7. Additional comments have been provided in respect of the additional information as follows:

WC Public Protection – have reviewed the Hayes MacKenzie report and agree that with the barrier in place, the resulting noise levels at Charter Court would be acceptable, providing of course the increased height of the noise barrier is acceptable in planning terms. Installation of the barrier in accordance with the Noise Report should be conditioned as part of any approval.

The report states at 3.12: Limiting the typical sound levels generated within 29 Brown Street to be no more than 65 dB LAeq would result in acceptable noise levels at the nearest residential properties most of the time but there would be times when the impact was greater such as busy evenings when more customers are using the space and the sound level increases accordingly.

It is therefore essential that upon any approval of the application, a condition is applied to restrict the Music Noise Levels to no more than 65dB LAeq, 1min in the listening area (rather than the 70dB as previously recommended). In addition, you may wish to consider also recommending a condition as follows: Site to be managed strictly in accordance with the Noise Management Plan. The plan should be raised and agreed in writing by Wiltshire Council Public Protection within 1 month of the approval of the planning application, and complied with at all times thereafter. This would allow us to have an input in the plan to ensure that 'non typical' nights when there may be many more people using that space do not occur on a routine basis.

Suggested conditions:

- Acoustic barrier as detailed at Section 4.3 or 4.4 in Hayes McKenzie Noise report dated 10th September 2021 shall be installed and sited in accordance with the submitted plans, and maintained at all times thereafter.
- The use hereby permitted shall only take place between the hours of:
11am and 10pm Monday – Wednesday,
11am – 11pm Thursday
11am – midnight on Friday and Saturday, and
11am – 9pm on Sunday and Public/ Bank Holidays.
- Amplified music (live or recorded) played on the application site shall not be above 65dB LAeq, 1min in listener areas at any time (in accordance with recommendation at Section 4.5 in Hayes McKenzie report dated 10th September).
- No Amplified music will be played on the development site after 2300hrs.
- A Noise Management Plan shall be raised by the applicant and approved in writing by Wiltshire Council Public Protection within 1 month of (insert date application was approved). The application site will be managed strictly in accordance with the approved Noise Management Plan at all times thereafter.

8. Publicity

No further third-party representations have been submitted at the time of the report. Representations received in respect of the application are outlined in the original report attached as Appendix 1 at Section 8.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the National

Planning Policy Framework, which is a material consideration in the decision-making process. Since the original report, officers note the changes to the NPPF and National Design Guidance in July 2021. Those changes introduce some alterations to Section 16 relating to the historic environment and resultant changes in paragraph numbering throughout, however none of the amendments would fundamentally alter the officer's consideration and recommendation.

9.1 Demolition of Existing Building and Impact on the Conservation Area

The issues relating to the demolition of the existing building and consequent impact remain as set out in the original report attached as Appendix 1 at Section 9.1.

However, the submitted noise report makes recommendations for a sound barrier in the gap between No. 29 Brown Street and the adjacent office building (as described in Sections 4.3 and 4.4). This indicates that the sound barrier would need to be a minimum of 4 metres in height from ground level to achieve the sound levels given. At the time of writing the report, plans showing the final details of the sound barrier have not been provided but given the height of existing walls, external staircase and position of the proposed barrier it is considered that a noise barrier could be provided without undue harm to the character and appearance of the Conservation Area subject to agreement of design and materials.

9.2 Principle of the Proposed Use

The principle of the proposed use is also as set out in the original report attached as Appendix 1 at section 9.2. For the reasons previously set out, the proposed use is considered to be acceptable in this location subject to appropriate conditions and mitigation to minimise impact on neighbouring residential properties and adjoining commercial uses.

9.3 Impact on Residential Amenity and Noise/Disturbance

The issues relating to residential amenity were set out in the original report, attached at Appendix 1 at section 9.3. Members will recall that representations were made to the committee on 24 June 2021 by and on behalf of residents of Charter Court in respect of noise and odour impacts of the use which had commenced prior to the meeting. The noise and odour was escaping through a small gap between the corner of No. 29 Brown Street and the adjoining office building. The members of the committee voted to defer the determination of the application to enable assessment of noise impacts and mitigation measures.

A number of visits to the site have been undertaken by the Council's environmental health officers. A noise assessment report has been submitted on behalf of the application by Hayes McKenzie, Consultants in Acoustics and provides various noise measurements taken within the site and at the boundary of the curtilage of the nearest residential property. The report concludes that limiting the typical sound levels generated with the outdoor area to no more than 65dB L_{Aeq} would result in acceptable noise levels at the nearest residential properties most of the time. It is acknowledged that there would be times when the noise levels could be higher during busy evenings and dependent on the exact location of the noise source, ie customers who unlike

speakers would not be positioned in a fixed location or direction. Consequently the report recommends that a noise barrier is installed above the existing boundary wall, up to a minimum height of 4 metres above ground level to achieve a predicted noise level of just below 18 dB L_{Aeq} at the residential boundary measurement location. A reduction to just below 17 dB L_{Aeq} could be achieved by a barrier of 4 metres above the height of the existing 1.5m high brick wall.

Based on the noise report, officers consider that a condition requiring a noise barrier of at least 4 metres from ground level to be installed and maintained would be the minimum requirement and has been agreed in principle with the Council's environmental health officers. Details of the exact height, materials and appearance of the noise barrier are currently being prepared for consideration and can be subject to condition to be submitted within 1 month together with a Noise Management Plan as required to be agreed in consultation with Public Protection. In addition to the requirement for an acoustic barrier and noise management plan, conditions are also recommended regarding hours of use and music as follows:

- The use hereby permitted shall only take place between the hours of:
11am and 10pm Monday – Wednesday,
11am – 11pm Thursday
11am – midnight on Friday and Saturday, and
11am – 9pm on Sunday and Public/ Bank Holidays.
- Amplified music (live or recorded) played on the application site shall not be above 65dB L_{Aeq} , 1min in listener areas at any time (in accordance with recommendation at Section 4.5 in Hayes McKenzie report dated 10th September). No Amplified music will be played on the development site after 2300hrs.

Subject to the suggested conditions and additional measures it is not considered that the proposal would demonstrably harm the amenities of local residents.

10. Conclusion (The Planning Balance)

In the planning balance, the principle of the demolition of the existing building is acceptable having regard to the neutral to positive impact that the removal of the building would have on the character and appearance of the Conservation Area and opening up views of No. 29 Brown Street. The retention of the front wall as a means of enclosure on the front boundary along Brown Street is also acceptable having regard to the interests of preserving the character and appearance of the Conservation Area. The principle of the proposed land use as a hospitality area is also considered acceptable having regard to the location of the site where such a use would not be out of character or incompatible with commercial uses within the city centre, subject to the suggested conditions including the installation of an acoustic barrier and limitations on amplified music and opening hours, in the interests of residential amenity. Taking all matters into consideration there are no material considerations which would weigh against the proposal, subject to the conditions set out.

RECOMMENDATION

Approve subject to the following conditions:

- 1 The development hereby permitted shall be in accordance with the following approved plans:

Site Location Plan PP1338/100 P3 dated 25.03.2021
Ground Floor Plan PP1338/101 P3 dated 22.03.2021
Street Elevation PP1338/104 P1 dated 04.06.2021
Site Survey PP1338/DM02 dated 10.03.2021

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

- 2 Detailed plans of an acoustic barrier to a minimum height of 4 metres above ground level, as specified at Sections 4.3 and 4.4 in Hayes McKenzie Noise report dated 10th September 2021, shall be submitted within 1 month of the date of this decision and approved in writing by the Local Planning Authority. The acoustic barrier shall be installed and sited in accordance with the approved details by 1 March 2022 and maintained at all times thereafter. The use of the outdoor venue shall be closed to members of the public during January and February 2022 to enable the required works to be undertaken and tested prior to re-opening.

REASON: In the interests of residential amenity.

- 3 The use hereby permitted shall only take place between the hours of:
11am and 10pm Monday – Wednesday,
11am – 11pm Thursday
11am – midnight on Friday and Saturday, and
11am – 9pm on Sunday and Public/ Bank Holidays.

REASON: In the interests of residential amenity.

- 4 Amplified music (live or recorded) played on the application site shall not be above 65dB LAeq, 1min in listener areas at any time (in accordance with recommendation at Section 4.5 in Hayes McKenzie report dated 10th September). No Amplified music will be played on the development site after 2300hrs.

REASON: In the interests of residential amenity.

- 5 A Noise Management Plan shall be submitted by the applicant within 1 month of the date of this decision and approved in writing by the Local Planning Authority in consultation with Wiltshire Council Public Protection. The application site will be managed strictly in accordance with the approved Noise Management Plan at all times thereafter.

REASON: In the interests of residential amenity.

INFORMATIVES TO APPLICANT:

- The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be

expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the approved details must first be agreed with the Local Planning Authority before commencement of work.

APPENDIX 1 – PREVIOUS COMMITTEE REPORT

REPORT OUTLINE FOR AREA PLANNING COMMITTEE

Report No.

Date of Meeting	24 June 2021
Application Number	PL/2021/03958
Site Address	29 and 29A Brown Street Salisbury SP1 2AS
Proposal	Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area (Description revised following changes to the proposed frontage – previously “Demolition of existing building, erection of gates and railings as modification to front facade to facilitate use of land as a hospitality”)
Applicant	Newbury Pension Scheme
Town/Parish Council	SALISBURY CITY
Electoral Division	Salisbury St Edmund’s - Cllr Paul Sample
Grid Ref	
Type of application	Full Planning
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

At the request of the elected member Cllr Paul Sample due to location of the site being within close earshot of Charter Court and Gigant Street where residents have expressed concerns about the use of amplified music, lighting and preservation of the quiet hours between 2300 and 0700.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be approved subject to conditions.

2. Report Summary

The main issues to consider are:

1. Demolition of the existing building and impact on the Conservation Area
2. Principle of the proposed use

3. Impact on residential amenity and noise/disturbance

3. Site Description

The application site lies within an urban, built up part of Salisbury city which includes a mix of commercial and residential land uses. The site itself, numbered 29A Brown Street, is developed with a single storey building which brick façade and asbestos roof, being constructed in the 1940's (approximately), and last used by the Alzheimer's Society charity. To each side of the building are timber gates and alley ways which provide access to the building behind, No. 29 Brown Street, also known as Sarum 76. During the course of the consideration of the current application, the building, other than its frontage wall, and the timber gates to each side have been demolished. The photograph below shows the building prior to any demolition works with the gated entrance to the Vision nightclub to the right-hand side and 29 Brown Street behind.



Immediately to the north of the site is the blank brick wall of a large building occupied by a vehicle parts and servicing centre, 'Motabitz'. Immediately to the south of the site is a further blank brick forming the side of Chequers Court, a commercial building comprising offices and consulting rooms. To the rear (east) of the site is part of the nightclub premises (in the same ownership as the applicant site) and on the opposite side of Brown Street to the west is a hotel, which includes an outdoor courtyard dining area, and Brown Street car park. Residential development at Charter Court is located to the south east, off Gigant Street (redevelopment of former brewery site).

The building at 29 Brown Street is internally linked to The Chapel Nightclub and Vestry Bar (34 Milford Street), both Grade II Listed Buildings, via a large extension over a courtyard which forms part of the nightclub. The plan extract below shows the relationship of 29A Brown Street to the Club fronting Milford Street.



The site lies within the Salisbury Conservation Area. The extract map below shows the relationship of the site to listed buildings hatched in black.



4. Planning History

No planning history for the subject building has been identified.

Various permissions relating to the adjacent building, No 29 Brown Street, are identified as follows:

S/1999/1025 - ERECTION OF 1.2M SATELLITE DISH ON SIDE OF BUILDING

S/2000/0925 - ALTERATIONS TO EXISTING NIGHTCLUB TO ALLOW FIRST FLOOR ACCESS FOR SEATING/DINING ROOM WITH NEW ROOF ABOVE TOGETHER WITH EXTENSION OF NIGHTCLUB ACTIVITIES TO REAR INCORPORATING ENTRANCE TO BROWN STREET

S/2003/1966 - PROPOSED ALTERATIONS TO BOTTOM OF STAIRS ADJ. TO ORGAN IN THE CHAPEL

Permissions relating to The Chapel Nightclub (34 Milford Street) excluding land at 29 and 29A Brown Street are identified as follows:

S/2000/1037 - ALTERATIONS AND FIRST FLOOR EXTENSION

S/2004/0735 - REMOVAL AND REFIXING OF PROJECTING LIGHT FITTING TO BELOW STONE DECORATIVE FEATURE. RELOCATION OF SIGN BOARDS TO POSTS IN FAR COURT. ENLARGEMENT OF VENTS

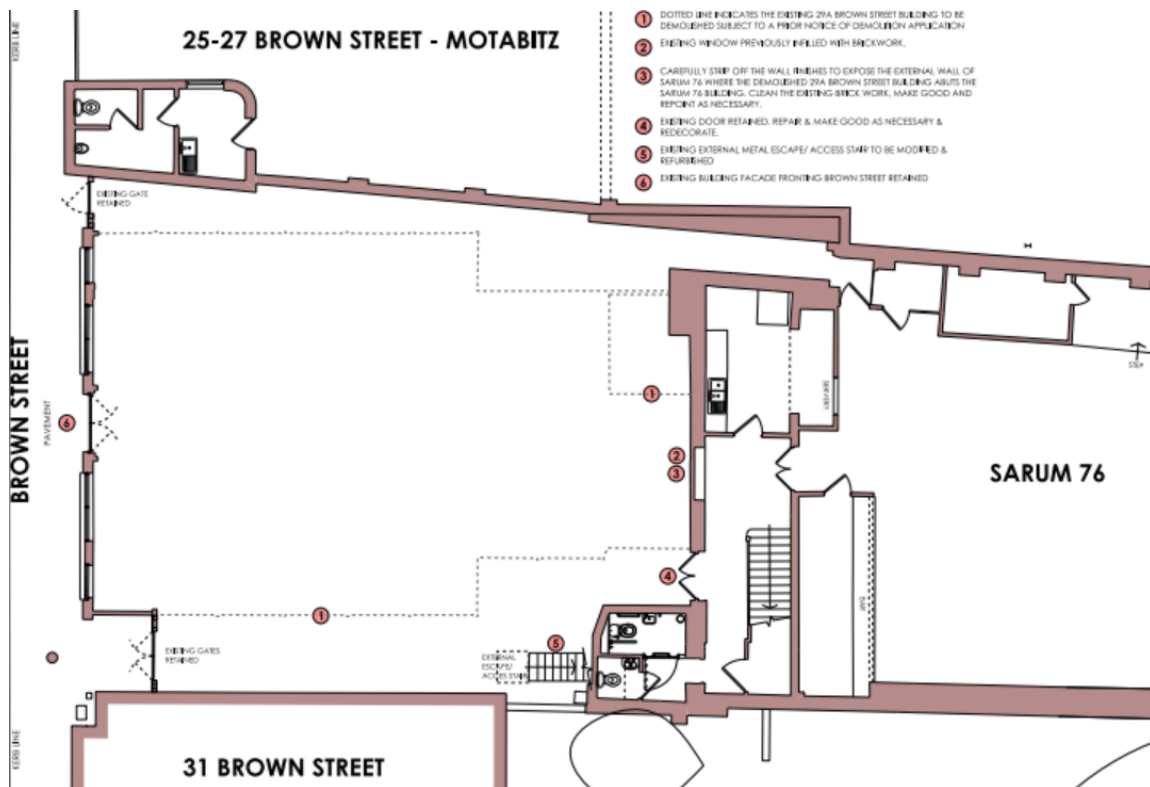
S/2007/0992 - INTERNAL AND EXTERNAL ALTERATIONS

S/2009/1168 - PROPOSED FIRST FLOOR EXTENSION AND ALTERATIONS TO PROVIDE CASINO, PRIVATE DINING ROOM, BAR, MALE AND FEMALE TOILETS

S/2009/1169 - LISTED BUILDING CONSENT - PROPOSED FIRST FLOOR EXTENSION AND ALTERATIONS TO PROVIDE CASINO, PRIVATE DINING ROOM, BAR, MALE AND FEMALE TOILETS

5. The Proposal

The proposal is for the demolition of the existing single storey building at 29A Brown Street and use of the land created as an outside hospitality area, together with front boundary treatment comprising the retention of the frontage wall of the existing building. This replaces the railings and gate detailing which was originally proposed.



Site Plan as proposed



Elevation plan as proposed (revised detailing)

6. Local Planning Policy

Planning (Listed Building and Conservation Areas) Act 1990

Section 72: General duties of planning authorities

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 20 – Spatial Strategy for the Salisbury Community Area

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

Core Policy 69 - (Protection of the River Avon SAC)

Salisbury District Local Plan (2003)

National Planning Policy Framework 2019

In particular: Section 4 (decision making); Section 11 (making effective use of land); Section 12 (achieving well- designed places); Section 16 (conserving and enhancing the historic environment)

Government Planning Practice Guidance

Salisbury City Conservation Area Appraisal and Management Plan

National Design Guide (September 2019)

Habitat Regulations 2017

7. Summary of consultation responses

Salisbury City Council –

- No comment

WC Conservation –

- I'm satisfied with the agent's comments regarding the heritage interest of the site and consideration of the CA and setting of nearby LBs, this provides the necessary information.
- The amended plans are an improvement, although still not especially reflecting or continuing the character of the gates.
- I wonder if the railings would look better with a double strip along the top that is aligned with and incorporates a similar curl detail to the gates?

Updated response:

- I understand that the proposals have been amended so that the front elevation of the Alzheimer's Society building will be retained, and there will be no replacement railings and gates.
- I am satisfied that this would preserve the character of the CA and would have no adverse impact on the setting of any listed buildings.
- I have no particular conditions in mind; if they intend to reglaze the frontage, or to install signage, then these may require consent, depending on the details.

WC Public Protection –

- I have given this some thought and recommend the following conditions are applied to any approval:
 - The use hereby permitted shall only take place between the hours of 11am and midnight daily.
 - Amplified music will not be played on the development site after 2300hrs.

8. Publicity

The application was publicised by newspaper advertisement, site notice and neighbour notification to properties immediately adjacent to the site. A total of 14 representations had been received in objection to the proposal at the time of writing the report.

Comments are summarised as follows:

- Demolition has already taken place
- Venue has opened before planning permission granted - egregious conduct
- Building should be reinstated
- Why has this been allowed to happen without full consent/unlawfully?
- Is the property not within a Conservation Area?
- Residents already blighted by noise pollution from Chapel Nightclub in early hours
- Open air venue will increase noise pollution, nuisance and anti-social behaviour
- Outdoor music events in Market Square means noise from late after until 3 am
- Additional venue in residential area is not wanted or needed
- It would create an unbearable living environment
- Nightlife and urban, residential regeneration does not sit well
- The proposal is a material change of use
- Full examination of potential noise and nuisance to residents needs to be undertaken
- There are enough hospitality areas in the centre of Salisbury

- More beneficial to turn area into an open/green space to be used and enjoyed by residents who do not have a garden of their own
- Charter Court Management has no issue with the demolition of a building which was unattractive and without either historic or architectural importance
- “Existing hospitality use” (section 9 of the planning application) is The Chapel nightclub at 34 Milford Street, Salisbury SP1 2AP, which was established in 1997
- This predates the Charter Court Estate which was built between 2000 and 2001
- Charter Court residents have suffered noise problems at night which the club has taken steps to alleviate through soundproofing
- The proposed business at 29 and 29a Brown Street is a new hospitality venture not “external space in association with existing hospitality use”
- Salisbury Journal (published online on 27 April 2021) refers to it as “a new establishment to be called Brown Street”
- This is a separate open-air venue with “three street food caterers and a platform for live music and DJs” not an integral part of The Chapel
- Opening hours would be 11am to 11pm (initially it would be 4pm to 11pm on weekdays)
- This is a substantial new venture not an extension of existing hospitality use
- The nearest residents in Charter Court are 35 metres from the new venue, all are within earshot
- Loud music will be played outside
- The smell from street food and noise from drinkers at an earlier time of day than the night club’s current opening hours will be a major nuisance to residents
- The proposed use of the land is an integral part of this planning application which requires planning permission, not just demolition/gates
- Concerns about noise and smell should be taken into account
- The scheme should either be rejected or subject to strict controls to minimise nuisance
- We appreciate that licencing is the responsibility of a separate department at Wiltshire Council but feel it should be mentioned
- The applicant stated that The Chapel has a Pavement Licence valid until September 2022 which would enable the night club to operate ‘Brown Street’
- Pavement Licences are issued for public highways and pavements, not privately-owned land
- If such a licence has been issued it is not relevant to the ‘Brown Street’ project
- The Chapel would have to apply for a new premises licence
- An open air area for late night revellers
- Numerous complaints/calls to police to control loud/drunken behaviour in this area
- Barnard St/Gigant St/Trinity St vicinity has one of the highest police call outs in the area
- We are obliged to live with noise and inconvenience at present, which the police do their best to control, this new venue will merely exacerbate the situation
- The occupants of nearby properties are entitled to enjoy peace and quiet in the evenings - this will not be possible with a loud open-air entertainment venue
- Will cause unnecessary stress to those living/working nearby

- Residents deserve better than a late night venue on their doorstep
- There are many empty buildings in Salisbury which could be used to provide valuable and needed services to the young
- The site is directly opposite and overlooked by hotel bedrooms
- There is no mitigation for increased levels of noise and disturbance on residents staying in the hotel during evening/late operation of this proposed area
- Both long-term and short-term residents have a reasonable expectation of acceptable levels of noise pollution
- Exponential increase in noise levels
- Impact on visual amenity
- Hotel guests would not expect to oversee a recently installed beer style garden
- Concerns for highway safety from increased footfall onto Brown Street especially at closing of the late-night venue
- At the close of business, the seating capacity would theoretically allow one hundred plus people to spill directly onto Brown Street
- Wire gates and decorative walls will not reduce noise of over 100 additional seats for people to sit, drink and become louder
- Fail to see how increasing the level of late-night noise is acceptable.
- Regeneration of the City should not come as a highly visible late night noise generator Will increase the likelihood of accidents on Brown Street as people leave late at night
- The application is obviously a “stand alone“ request - by definition a Night Club only operates in the late evening
- Further permission will be required to include change of use
- Proposal will extend the area blighted by night time noise away from Milford St
- Many more residential properties will be affected
- It will be joined with the Chapel and there will be mingling of both clientele
- The presence of a DJ will ensure that every night will become 'party night'
- Residents who came to live in the area never appreciated the nuisance the Chapel already produces
- Local residents are mainly, if not all, pensioners
- Local residents will suffer further inconvenience and sleepless nights
- Surely this application is only to take advantage of current, short-term government guidance
- The night club will continue to have early morning, outdoor, extremely loud and drunk people causing distress to nearby and elderly residents
- Residents have had to suffer unreasonable levels of noise and disruption from late night revelry and anti-social behaviour from the customers of The Chapel
- The proposed “extension” named “Brown Street” can only increase these levels to unacceptable proportions
- Food take-aways are already prolific in nearby Milford Street
- Early morning walkers - residents and visitors - already have to face dirty pavements, discarded food and human detritus strewn around
- Object to loud music going on into the early hours
- Revellers leaving The Chapel have no consideration for people living in the area
- I dread the reopening of the nightclub

- Club goers use Gigant Street as a route to the southern area of the city with no concern for local residents
- The noise from the proposed Brown Street outdoor area, music playing and link into the Chapel will without any doubt be heard within the ring road

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Demolition of Existing Building and Impact on the Conservation Area

The existing red-brick building which occupied the site until its recent demolition was previously occupied by a charity and known as the 'Alzheimer's Society building' or 'Eventide Centre'. Historic mapping indicates that the building was built between 1936 and 1953-4. The building is unlisted but lies within the Conservation Area. Gated alleyways to each side of the building have historically been used as access/egress from the late-night venue within the building behind the Alzheimer's Society building, most recently known as 'Vision' nightclub. This venue is in the same ownership as The Chapel Nightclub and The Vestry which both front onto Milford Street as well as the building at No. 29 Brown Street (also known as Sarum 76) and there is internal access between each of the venues. The photograph earlier in the report in the Site Description shows the building prior to the commencement of demolition works and the existing gate to the Vision venue. The photograph below shows the inside of the gated entrance from the club and part of the retained from wall and floor.



Prior to the submission of the current application, the applicant applied for a prior notification for the demolition of the existing building. Permission under the prior

notification procedure was refused due to the building being a 'relevant building' within the Conservation Area. This was a procedural decision rather than a decision to refuse the demolition on its merits, the applicant states that she received advice from another department within Wiltshire Council that a demolition notice would be the correct process to follow and this led to delays in the submission of a full planning application, which is the application now under consideration.

Due to the time delays experienced and on the basis that this part of the proposal receiving no objection in principle to the demolition from the Council's Conservation Officer, subject to agreement of detailing to the street elevation, the applicant proceeded with the demolition of the building other than the frontage onto Brown Street. Objections have been received in respect of the timing of the demolition of the building although no objections with regard to the loss of the building. Officers have advised the applicant that undertaking such works without the necessary permission are carried out at their own risk. However, as a valid application had already been submitted, the LPA is not in a position to consider any enforcement action pending the outcome of this application. The decision whether to allow permission must be judged on its merits. The timing of the building being demolished prior to the determination of the application is immaterial to the acceptability of the proposal.

The site is within the Salisbury Conservation Area consideration is required to be had to the impact of the proposed demolition of the building on this designated heritage asset. The Brown Street frontage is not physically related to any identified listed buildings although part of the Grade II listed Red Lion Hotel which fronts onto Milford Street also has a frontage onto Brown Street on the opposite side of the highway to the application site. It is considered that the development proposal would not have any impact on the setting of listed buildings due to the distance and separation.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF (Section 16) states at :

Paragraph 193, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200, Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Core Policy CP58 (Ensuring the Protection of the Historic Environment) of the adopted WCS indicates that development should protect, conserve and where possible enhance the historic environment and designated heritage assets and their settings should be conserved, and where appropriate enhanced in a manner appropriate to their significance.

Taking into account the age, structure and appearance of the existing building and on the basis of the expert advice of the Council's Conservation Officer, it is considered that there are no grounds to consider that the loss of the building at No. 29A Brown Street would cause harm to the character and appearance of the Conservation Area. The removal of the building also has the benefit of revealing more of the more historically significant building behind (No. 29). Accordingly there is no basis to not permit the principle of the demolition of the building on heritage grounds, however this is subject to the consideration of any proposed building works, including the means of enclosure, providing an acceptable feature within the streetscene taking into account the relationship with adjoining buildings and impact on the character and appearance of the area.

The original plans submitted with the scheme showed that the frontage of the building would be replaced by metal railings and gate, providing an enclosure of the site but enhanced visibility of No. 29 Brown Street, which was previously obscured by the presence of No. 29 A. During the consideration of the application, the majority of the building has been removed but the red brick frontage of the building has been retained. The applicant has advised that it is now the intention to retain the existing front wall of the building rather than remove this wall and install new railings. Revised plans detailing the retention of the front wall have been provided and it has been agreed to amend the description of development which previously referred to the provision of gates and railings. Comments have been sought from the Council's Conservation Officer who is satisfied that this would preserve the character of the CA and would have no adverse impact on the setting of any listed buildings. No conditions are

recommended, however it is noted that if it is intended to reglaze the frontage, or to install signage, then these elements may require consent, depending on the details.

Having regard to local and national planning policy and Section 72 of the P(LBaCA) Act, as referred to above, it is considered that the proposed physical works associated with the change of use will have no material impact or harm to the character and appearance of the Conservation Area.

9.2 Principle of the Proposed Use

As a result of the demolition, an outdoor space is to be created and the second part of the description of development relates to the proposed use of land as a 'hospitality area'. This will include tables and chairs for the consumption of food and drink which would form part of the proposed use but are not development within the definition of the 1990 Town and Country Planning Act.

Wiltshire Core Policy 1 (Settlement Strategy) identifies settlements where sustainable development will take place. Salisbury is categorised as a 'Principal Settlement', which is a strategically important centre and the primary focus of development. Core Policy 2 (Delivery Strategy) states that a more detailed distribution is set out in the Community Area Strategies and development proposals should also be in general conformity with these. Core Policy 2 includes the following statement:

"...Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages..."

The description of development originally given was for the "demolition of existing building, erection of gates and railings as modification to front facade to facilitate use of land as a hospitality area". Whilst noting the content of third-party representations regarding the use of the land being part of the consideration of this application, officers consider that the original description of development was sufficiently clear to indicate that the proposal was to include the proposed use of land as a hospitality area as well as the demolition and associated operational development as described. However with the need to change the description to include the retention of the front wall instead of new railings, the description of development has been simplified to: "Demolition of existing building with retention of existing façade with minor modifications and use of land as a hospitality area."

The description does not state that the use of the hospitality area would be linked to any specific commercial element of the applicants existing businesses in Brown Street or Milford Street and in planning terms there is no requirement for it to do so. From the information available and provided by the applicant, including the land ownership plan, the proposed use of the space would be related to the existing use of adjoining licenced premises but also proposes a more flexible use that would represent a diversification of the existing business to include a daytime/early evening use as well as the existing night club. The hours of opening of the hospitality area are proposed in the accompanying planning statement as 11 am to 11 pm with some flexibility until midnight requested through discussions with the applicant. From the information provided, there is no

stated intention to seek permission to use the outdoor space for any purpose beyond midnight and into “the early hours” as suggested in a number of third-party representations.

The applicant may need to consider whether or not any future use of the existing building at 29 Brown Street as a mixed use to include nightclub/public house/drinking establishment with food provision (sui generis uses) would constitute a material change of use from a nightclub (also a sui generis use), however this is not included within the scope of the current application which seeks to establish the principle of the demolition, use of land and associated alterations to the site. Any appropriate licensing requirements for an alternative business offer will be dealt with outside of the scope of the planning regime.

The application site lies within an urban, built up part of the city which includes a mix of commercial and residential land uses. Immediately to the north of the site is the blank brick wall of a large building occupied by a vehicle parts and servicing centre, ‘Motabitz’. Immediately to the south of the site is a further blank brick forming the side of Chequers Court, a commercial building comprising offices and consulting rooms. To the rear (east) of the site is the associated nightclub premises and on the opposite side of Brown Street to the west is a hotel, which includes an outdoor courtyard dining area, and Brown Street car park. Residential development at Charter Court is located to the south east, off Gigant Street (redevelopment of former brewery site).

It is acknowledged that the site lies within an area which accommodates residential properties but which also has a strong commercial element including licensed premises. Within a city centre location such as this, it is considered that a hospitality area such as that which would normally be associated with a public house or restaurant would not be out of character or incompatible, in principle, with the range of commercial uses and activities that are present in the immediate and wider locality. Most food and drink establishments incorporate outdoor seating areas where there is the land available to do so. The potential use of the hospitality area in association with existing licensed premises with a late-night licence (“nightclub”) is of significant concern to local residents. However the information provided within the application is that this is not what the application is seeking to achieve.

A third-party representation has suggested that the privately owned land should be used to create a garden/park area for public use, it would not be possible to require a private land owner to provide such a use.

It is concluded that the principle of the proposed land use is an appropriate re-use of this city centre site following demolition of the existing building.

9.3 Impact on Residential Amenity and Noise/Disturbance

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to:

“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable

within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)".

The NPPF at paragraph 127(f) states that the planning system should seek to secure a high-quality design and good standard of amenity for all existing (and future) occupiers of land and buildings. The issue for consideration in this case is the impact of the proposed land use on the amenities of neighbouring residents.

Numerous third-party objections have been received on the impact on the amenity of nearby residents and the local community as a result of the proposed use of the land due to the potential for noise and disturbance to residents late at night as well as food smells. The representations are made by occupiers of Charter Court, which is located off Gigant Street to the south east of No. 29 Brown Street, as well as other addresses in the locality. Not all representations include an address and it is not possible to verify the individual relationship of their properties to the application site. The majority of representations state that their experience of living in this locality is already adversely affected by noise and disturbance from the existing late night venues with many reporting that this has reduced due to the Covid-19 restrictions where premises have been closed for significant periods. It is strongly felt by the residents that have commented on the application that the proposed land use would increase noise and disturbance further. However, it is also accepted that the refusal of the current application would not address any pre-existing issues or complaints relating to established drinking establishments.

The submitted documentation states hours of use as 11 am to 11 pm daily although it was requested that the Council consider allowing for the use of the seating area up until midnight as elsewhere in the city centre. The application documents do not propose the use of the land into the early hours of the morning and no request has been made for the LPA to consider the use of land after midnight on any day of the week.

In consideration of the proposal, the Council's Public Protection Officer has not raised any objection in principle to the proposed land use. The following conditions have been recommended in respect of the hours and nature of use which is considered appropriate in this context:

1. The use hereby permitted shall only take place between the hours of 11am and midnight daily.
2. Amplified music will not be played on the development site after 2300hrs

The suggested conditions indicate that in this city centre location, the continuation of the use as a seating area only for one hour beyond 11pm is not considered to represent a noise nuisance having regard to existing night-time activity generated by existing, non-associated premises with the provision that this does not include amplified music. It is considered that with such a condition, the proposed land use would not demonstrably increase the potential for noise impacts on the surrounding area when assessed in the context of the existing evening and night-time activity in the locality and is considered acceptable in principle. The Council's Public Protection Team (EHO) has raised no objection in relation to residential amenity and noise other than to comment on the hours of use and amplified music as set out above.

Given that the application site is within a location where there are established night time venues and associated activity and movement to and from such premises, including food takeaway premises, which objectors to the proposal have confirmed in their representations, it is not considered that the proposed use of land is likely to generate any significantly greater impact on the residential amenity of nearby occupants through

increased levels of noise, disturbance or food smells than already exists (other than during the temporary pandemic conditions). Whilst this proposal would represent a new hospitality area where there was previously a building, it would be difficult for the LPA to argue that the refusal of the use of land would be justified on residential amenity grounds in a city centre location of mixed uses where outdoor 'beer gardens' and terraces and premises serving alcohol and hot foods form a significant and integral part of commercial uses. Similarly, the hotel accommodation on the opposite side of the road incorporates a courtyard seating area including food and drink provision from within the existing premises which would have a similar relationship to guest rooms as the proposed site.

Taking the views of the local residents and the suggested wording of the condition recommended by the Council's Public Protection Officer into account, officers consider that it would be reasonable and justifiable to alter the suggested wording to allow for the hours of use to be 11 am to 11 pm daily (Sundays to Thursdays inclusive) and 11 am to midnight only on Fridays and Saturdays, with no amplified music at any time/day after 11 pm. In terms of the use of the site itself, this would preserve the standard quiet hours between 11 pm and 7 am with the exception of 2 days each week at weekends. Subject to this condition it is not considered that the proposal would demonstrably harm the amenities of local residents or hotel guests given the city centre location of the site and the context for existing commercial activity. The proposed activities may also require a new licence which would be dealt with separately to the planning regime.

10. Conclusion (The Planning Balance)

In the planning balance, the principle of the demolition of the existing building is acceptable having regard to the neutral to positive impact that the removal of the building would have on the character and appearance of the Conservation Area and opening up views of No. 29 Brown Street. The retention of the front wall as a means of enclose on the front boundary along Brown Street is also acceptable having regard to the interests of preserving the character and appearance of the Conservation Area. The principle of the proposed land use as a hospitality area is also considered acceptable having regard to the location of the site where such a use would not be out of character or incompatible with commercial uses within the city centre, with due regard to the proximity to residential properties, conditions limiting the hours of use would be necessary in the interests of residential amenity.

Whilst noting the level of objection from local residents, the issues raised are predominantly associated with the impacts of noise and disturbance resulting from established and permitted land uses including the late licence of the adjoining nightclub premises and other bars, drinking and food establishments in the area. As these impacts are reported as being experienced for many years, these impacts cannot be attributable to the current proposal. The suggested hours of use of the proposed hospitality space, which have been recommended by the Council's Public Protection Officer, as amended, would not materially increase impacts on the surroundings given the existing context. The licensing requirements for the proposed use are outside the scope of the planning considerations and will be dealt with separately by the licensing officer as necessary. Comments relating to the demolition of the existing building taking place prior to planning permission being granted are not a reason for refusal of development where the proposed development would be considered acceptable on its merits. It is not within the scope of planning controls to require that a private landowner

makes the space available for the public enjoyment and recreation only. Taking all matters into consideration there are no material considerations which would weigh against the acceptability of the proposal, subject to the conditions set out.

RECOMMENDATION

Approve subject to the following conditions:

- 1 The use 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 PP1338/100 P3 dated 25.03.2021
Ground Floor Plan PP1338/101 P3 dated 22.03.2021
Street Elevation PP1338/104 P1 dated 04.06.2021
Site Survey PP1338/DM02 dated 10.03.2021

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

- 3 The use hereby permitted shall only take place between the hours of 1100 hours and 2300 hours daily and 1100 hours and midnight on Fridays and Saturdays. Amplified music shall not be played on the development site after 2300 hours on any day.

REASON: In the interests of residential amenity.

INFORMATIVES TO APPLICANT:

- The applicant is advised that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- Any alterations to the approved plans, brought about by compliance with Building Regulations, Licensing or any other reason, and resulting in external alterations to the approved details must first be agreed with the Local Planning Authority before commencement of work.

This page is intentionally left blank



This page is intentionally left blank