

## REPORT TO STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	19 June 2019
<b>Application Number</b>	18/11957/FUL
<b>Site Address</b>	30 - 36 Fisherton Street, Salisbury, Wiltshire, SP2 7RG
<b>Proposal</b>	Demolition of the existing building at 30-36 Fisherton Street, currently used as retail. Erection of new building for library, gym and 86 room hotel.
<b>Applicant</b>	Janus Henderson UK Property PIAF
<b>Town/Parish Council</b>	SALISBURY CITY
<b>Electoral Division</b>	Salisbury St. Edmund and Milford ED (Cllr Atiquel Hoque)
<b>Grid Ref</b>	414160 130020
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because it involves matters of strategic relevance and because the application has generated significant public interest.

### 1. Purpose of Report

The report assesses the merits of the proposal against the policies of the Development Plan and other material considerations leading to a recommendation – which is, (subject to completion of initial archaeological works as specified in the Archaeological Desk-Based Assessment (and reporting thereon)), to grant planning permission subject to conditions.

### 2. Report Summary

This is a full planning application to demolish the existing building at 30-36 Fisherton Street, and to erect a new building containing a library, gym and 86 room hotel.

During the application's course the proposed design of the building has been revised.

Salisbury City Council objected to the original submission - because it considers the proposal does not comply with Core Policies 21, 22, 57 and 58 of the Wiltshire Core Strategy. Due to timing, any update to the City Council's response in relation to the revised proposal will be reported as a 'late item' to enable the committee to take it into account..

The planning application has been publicised by local newspaper advertisement, site notice and letters to neighbours. The initial submission generated 138 representations (134 objections and/or expressions of concern; 3 supports; 1 comments); at time of writing of this report the revised submission generated 11 additional representations (10 objections and/or

expressions of concern; 0 supports; 1 comment). At the time of writing, no 'first round' representations have been withdrawn; accordingly all representations remain relevant to the consideration of the application.

The application is recommended for approval, subject to preliminary archaeological works being carried out, and reported thereon.

### 3. Site Description

The application site is located in a prominent position at the corners of Fisherton Street / Malthouse Lane and Malthouse Lane / Priory Square (with 'front elevations' to all three of these thoroughfares). The site supports a part two storey / part single storey brick and tile building split into retail units (all presently vacant) with a small service yard to the rear, all constructed in the late 1970's as part of the wider Maltings complex.

Fisherton Street is a main traffic route into the city centre. Malthouse Lane is a no-through road principally providing access to the Maltings (Priory Square), City Hall and Salisbury Playhouse.

To the east side of the site is the United Reformed Church (a C19 grade II listed building), and beyond this relatively modest c. C19 buildings in mixed commercial and residential uses (nos. 12-20); the site and it's service yard wraps to the rear of these neighbours. Further to the east (beyond nos. 12-20 and the service yard), is the River Avon, with further historic buildings on its opposing bank. To the north side are Priory Square and other elements of the Maltings complex. To the west side (on the opposite side of Malthouse Lane) is further, older mixed commercial and residential development; including 38-40 Fisherton Street which are C16 grade II buildings concealed by later (C19) facades. To the south side of the site (on the opposite side of Fisherton Street) is the C18 grade II listed 'General Infirmary' – a sizeable 5 storey building, now in residential use. To either side of the General Infirmary are other, more modest, provincial-scale buildings of mixed age and in mixed uses (again, some listed).



**Location Plan**

In planning policy terms the application site is located within a 'Principal Settlement' as defined in the Wiltshire Core Strategy. It is also within the 'Salisbury City Centre' and the 'Secondary Shopping Area' as defined in saved policies of the Salisbury District Local Plan.

The larger part of the site is within the Salisbury Conservation Area (with Priory Square to the north lying mainly outside of the Conservation Area). Nearby listed buildings are referenced above.

The larger part of the site lies within Flood Zone 2 (with a small part alongside the river within Flood Zone 3).

The River Avon is an ecological Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

Most of Salisbury city centre is within an Air Quality Management Area (AQMA).

More specifically, the site forms part of the 'Central Car Park' proposed area for development, subject to Core Policy 21 of the Wiltshire Core Strategy. This is considered in more detail in the Planning Issues section of the report. The site also lies within the Salisbury Skyline policy area (Core Policy 22).

#### **4. Relevant Planning History**

There is no relevant planning history.

According to heritage records, the site included a listed building. However, this was, in fact, demolished in the 1970's. The heritage records have now been updated to reflect this – meaning there is now no listed building recorded at the site.

#### **5. Proposal**

The proposal is to demolish the existing building on the site and erect in its place a new building containing at ground floor level a library and gym; and on the first, second and third floors an 86 room hotel. A service yard would be provided at the rear (more or less on the site of the existing service yard), with 5 parking spaces (for the hotel).

The building would be sited effectively 'back of pavement' on its Priory Square and Malthouse Lane frontages, but slightly set back, and so aligned with the United Reformed Church, on its Fisherton Street frontage. The four stories would have a maximum height of 13.9m (at the Fisherton Street end), reducing to 12.8m (at the Priory Square end). On its public elevations the fourth floor would be contained in the 'roof', and so set back from the walls of the lower floors.

The design – which has evolved during progression of the application – is essentially contemporary. To all intents and purposes the single building would 'read' in its public-facing elevations as three attached buildings – the 'library' element fronting Fisherton Street and Malthouse Lane; the 'gym' element (also including part of the library) fronting Malthouse Lane and Priory Square; and a small link element between the two. All three elements of the building would contrast in terms of their detailed designs (including their fenestrations, 'shop' fronts and roofs) and in their external materials. Notably the external materials are indicated to be buff and grey in colour for the library part, and red (with grey roof) for the gym part.



1. Proposed Fisherton St - South Elevation (1:100)



2. Proposed Malthouse Lane - West Elevation (1:100)



3. Proposed Priory Square - North Elevation (1:100)



4. Proposed Servide Yard - East Elevation (1:100)



*Ground floor plan - proposed*

The application is accompanied by a Design and Access Statement, a Heritage Statement, an Archaeological Report, a Geotechnical & Geoenvironmental Report, a Surface Water Management Plan, a Flood Risk Assessment, a Transport Statement and a Planning Statement (and update in light of revisions to design).

## 6. Planning Policy and Guidance

### Wiltshire Core Strategy

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 20 – Spatial Strategy: Salisbury Community Area
- Core Policy 21 – The Maltings / Central Car Park
- Core Policy 22 – Salisbury Skyline
- Core Policy 36 – Economic Regeneration

Core Policy 39 – Tourist Development  
Core Policy 40 – Hotels, Bed & Breakfasts, Guest Houses and Conference Facilities  
Core Policy 50 – Biodiversity and Geodiversity  
Core Policy 55 – Air Quality  
Core Policy 56 – Contaminated Land  
Core Policy 57 – Ensuring High Quality Design and Place Shaping  
Core Policy 58 – Ensuring the Conservation of the Historic Environment  
Core Policy 60 – Sustainable Transport  
Core Policy 61 – Transport and new development  
Core Policy 64 – Demand management  
Core Policy 67 – Flood Risk

Salisbury District Local Plan ('saved' policies)

Policy S2 – Secondary Shopping Areas in Salisbury and Amesbury

The Maltings and Central Car Park Masterplan (consultation draft)

Referred to in the Planning Issues section of the report.

National Planning Policy Framework

Relevant paragraphs referred to in the Planning Issues section of the report.

## 7. Consultations

**Salisbury City Council:** Objection to initial submission.

*... it does not comply with Wiltshire Council's Core Policies 21, 22, 57 and 58, and furthermore the Committee notes the Conservation Officer's report.*

The City Council's response to the revised submission was not available at the time of writing. This will be reported at the Committee meeting.

**Wiltshire Council Archaeology:** Holding objection.

*.... note that the applicant has supplied a very useful archaeological desk-based assessment that confirms the potential of the site; however, we still consider evaluation trenching and inspection of test pits and boreholes to be critical to an understanding of not only the significance, but also the potential project implications of any remains present.*

**Wiltshire Council Arts Service:** Comments.

*.... The arts service would expect the integration of public art and design in to this site should planning approval be made, as referred to in Core Policies 3 (Infrastructure Requirements) and 57 (Ensuring high quality design and place shaping) of the Wiltshire Core Strategy. ....*

*Given that this site forms part of the plans for the Cultural Quarter/Maltings development, the integration of public art and design and inclusion of creative practitioners is particularly relevant to the creation of a vibrant well-designed space that will mitigate the impact of the development, engage communities and provide a sense of place. There is currently a consultation taking place on a Cultural Strategy and Cultural Quarter for Salisbury and the outcomes of this should also be taken into consideration for this site. ....*

**Wiltshire Council Conservation:** Objection.

*Revised proposal: the application has been revised and seeks consent for the demolition of the existing building and construction of a new building which will house a hotel on the upper floors with the relocated library and a gym on the ground floor. The main changes include a revision of the design of the Fisherton Street elevation and its return along Malthouse Lane and the associated area of roof; and the expansion of the space allocated to the library to incorporate the corner unit previously proposed as a restaurant. Minor revisions have also led to the omission of the service 'tower' at the north-eastern extent of the roof.*

*Minor errors in the original drafting have been corrected.*

*Otherwise, the footprint, the height and massing of the building and extent of the red line remain as per the original application as do the elevational treatments of the northern half of the building.*

*Supporting information: a covering letter has been submitted to provide additional justification for the proposals.*

*The letter makes reference to the Council's emerging 'masterplan' for the area. It is clear that the uses proposed accord in general with those promoted by the masterplan as contributing positively to the economic base of Salisbury and there is no objection in this respect. It is also clear that the development accords with the general program for the development of the overall site anticipated by the masterplan.*

*It is less clear how the scheme will contribute to the masterplan's aspirations for creating a green/blue corridor through the wider site along the route of the river or for associated enhancements to the public realm. Neither is it clear that the proposals reflect the "transformational and design-led" development envisaged by the masterplan which has "particular regard to enhancing [the character of] Salisbury" and the characteristic "human scale of its urban core".*

*The covering letter explains the scale and mass of the building as being a product of the requirement for a minimum of 80 hotel bedrooms to ensure the economic viability of the project, although this perhaps reflects the current hotel operator's economic model rather than being a more general requirement. An examination of budget/mid-range hotel chain sites around the country reveals a pervasive tendency for development to be out of scale with its surroundings, suggesting that this is not a model which is easily accommodated in a sensitive context.*

*Principle of demolition and replacement: as previously, I have no objection in principle to the demolition of the current building but policy requires that a replacement should be of high quality design and construction in order to preserve or ideally enhance the character and appearance of the conservation area and the settings of neighbouring listed buildings.*

*Revised scheme: previous proposals for the Fisherton Street elevation incorporated a wide bay which provided the main feature entrance to the library. Areas of decorative brickwork above the entrance and to the otherwise blank corner provided a potential opportunity to create a high quality architectural detail but, in general, the sparse windows and areas of masonry surmounted by a faux pitched slate roof tended to draw attention to a built scale at odds with the character of the area.*

*The revised proposals consist of a series of plain shopfront windows carried across the Fisherton Street elevation and, via an angled corner, into Malthouse Lane. Although the*

*ground floor plan hints at a secondary entrance to the library, the elevations suggest this is not that case and that the only opening is from an escape staircase from the hotel. Above, the equally scaled first and second floors are relieved by a series of windows reflecting bedroom divisions, carried around the building. The third floor is contained within a metal clad flat roofed structure set back behind a parapet. The escape staircase to the south-east corner of the building is emphasised by the continuation of the brickwork to third floor level to create a tower-like feature which rises above the height of the main metal clad structure of the storey.*

*The revision of the design has a mixed impact:*

*The increased articulation of the elevations achieved via the incorporation of additional windows is more in character with the architectural rhythm of the street. Carrying the 'shop' windows around the elevation also provides a more active frontage at the corner of the building and both changes are welcomed in these respects. However, the lack of an active entrance and positive presence for the library to Fisherton Street is regrettable and the recessed corner at ground floor does little to improve the already rather weak Fisherton Street/Malthouse Lane road junction.*

*The revised third storey, set back from the face of the elevation, could be said to have a positive impact in terms of a reduction in the apparent bulk of this section of the building but is out of character with general architectural character of city roofscape and the proposed "white metal" may appear alien and obtrusive in long distance views.*

*The proposed stair tower immediately adjacent to the listed United Reformed Church increases the tendency to an already overbearing impact on the church which was designed to have a dominant visual presence within the area. The Conservation Area Appraisal identifies a key view south-eastwards along Fisherton Street, focussed on the church and its landmark spire. Whilst this view will not be removed, the proposed new development will have a greater impact than the present building, obscuring the nave roof and body of the church as the building is approached, to the detriment of its setting and significance and to that of the character and appearance of the conservation area.*

*It remains difficult to understand the reasons behind the choice of key materials (particularly the buff brickwork and 'white metal' cladding of the Fisherton Street elevation) which do not reflect the architectural character of the area.*

*The increased footprint of the library and corresponding omission of the proposed restaurant use remove the previous rationale for the changing elevational treatment along Malthouse lane (intended to break up the mass of the building) and adversely affect the legibility of the building.*

*Whilst the accompanying statement stresses that the site does not include the surrounding street and that it is therefore pointless to discuss public realm enhancements it is notable that there are still no proposals for the area which is within the applicants' remit, to the Fisherton Street front of the library. This is a poor quality area of left over space and it is disappointing that there remain no proposals for its enhancement. In the absence of proposals within applications for the commercial development of the area it is unclear how the aspirations of the masterplan in this respect are to be implemented.*

*The changes to the elevational treatment of part of the building have gone only a small way to addressing concerns regarding the proposed development and my previous comments in respect of scale, mass and design remain relevant. These comments should therefore be read in conjunction with my comments dated 31<sup>st</sup> January. [The Conservation Officer's initial comments are attached as annex 1 to this report].*

*Summary: there is no objection in principle to the demolition and replacement of the existing building which is of limited design quality. The current frontage building to Fisherton Street has a largely neutral impact within the conservation area by virtue of its reflection of the existing character and scale of development within the area. In addition the curve of Fisherton Street limits the visual impact of the site from the key thoroughfare. The remainder, however, constitutes a large mass of development of weak design which makes limited contribution to the area. However, current policy requires that a replacement should be of high quality design and construction which preserves or, ideally, takes opportunities to enhance the character and appearance of the conservation area and the settings of neighbouring listed buildings.*

*Unfortunately the scale and mass of the proposed replacement appear to have been driven largely by commercial requirement (a product of the operator's economic model and perhaps the need to reflect a brand) rather than as a response to context and represent a 'metropolitan' scaled development which is at odds in this sensitive historic environment. The height of the new building means that it will tend to dominate key listed buildings in the vicinity (including the neighbouring United Reformed Church) and appear overbearing from surrounding, more human scaled, streets. The proposed design and materials are not of such demonstrable quality as to offset the impact of the development, neither are there other accompanying proposals for the enhancement of the public realm which might have assisted in mitigating the impact of this large building. The proposals fail to reinforce local distinctiveness, to take the opportunity to enhance the area or to make a "positive architectural contribution to its [Salisbury's] legacy" as required by the emerging masterplan.*

*The site represents a single block within a large conservation area covering the whole of the city centre and taking into account that the existing building to be replaced makes no more than a neutral contribution to the character and appearance of the area and that the curve of Fisherton Street limits the prominence of this site in key views, the harm that will result from the proposed development should be considered (for the purposes of interpreting the tests set out within the NPPF) to be at the lower end of less than substantial harm. However, paragraph 194 makes it clear that "any harm" "should require clear and convincing justification". Paragraph 196 requires that the harm should be weighed against the public benefits of the proposal.*

*By virtue of its scale, mass and design, the proposed development appears to be in conflict with:*

- *Core Policy 22: Salisbury Skyline policy which seeks to protect the roofscape of the city;*
- *Core Policy 21: Maltings/Central which requires the redevelopment of the site to be "sensitive to Salisbury's skyline and respect the scale and building forms of the historic urban fabric";*
- *Core Policy 57: Ensuring high quality design and place shaping which requires new design to respond positively to the existing townscape.... to effectively integrate the building into its setting"; and*
- *Core Policy 58: Ensuring the conservation of the historic environment which requires not only that new development should protect and conserve the historic environment (including designated assets and their settings) but, where possible, take the opportunity to enhance it.*

*Planning balance: for the reasons discussed above, the proposed development will result in a level of harm to the historic environment. National and local policy allow that such harm may be offset in decision making by the delivery of significant public benefits. It will be for*

*others to determine whether the uses proposed to be accommodated with the development (including the relocated library) can be successful in contributing to the vitality of the area and to the delivery of the aspirations set out in Core Policy 21 and the Salisbury Vision such that the public benefits accruing from the scheme could be considered to offset the harm that will be caused to the historic environment. In making this decision the special regard required to be given to heritage assets by Section 66 and 72 of the Act and the great weight accorded to the conservation of assets by paragraph 193 of the NPPF must be taken into account.*

*The submitted information is very short in terms of architectural detail and, in the event of a recommendation for approval being made, the scheme would need to be subject to sufficient conditions to secure this detail and give certainty with regard to the final quality and appearance of the development.*

**Wiltshire Council Drainage:** Holding objection, but subject to conditions.

**Wiltshire Council Highways:** No objection.

**Wiltshire Council Public Protection:** No objection subject to conditions relating to the AQMA, noise controls, odours controls, contamination and a Construction Environmental Management Plan (CEMP).

**Wiltshire Council Urban Design:** Comments (relating to revised scheme).

*The red line application boundary still excludes most of the public realm immediately adjacent to the building, and though it includes a significant space on the Fisherton Street pavement, that space is left blank. The applicant, (in cover letter dated 3rd May 2019) has argued their view on this. I retain a concern that any future developer of this site may not be committed to contributing to the necessary public realm upgrades of an as-yet unadopted masterplan, if explicit minimum commitments are not secured within this consent, perhaps by way of CIL/s106. However, I will defer to Case officer on the matter.*

*The library has increased in size, though there is still no analysis of modern libraries, or indication of how an internal layout might work, with particular regard to refuse storage and collection so that this does not end up in the streetscene. I assume the library stakeholders will negotiate any concerns about this and will defer to the case officer on the matter. However, the loss of public amenity (seats, lighting, hard and soft landscaping, bicycle stands, public art etc. to the entrance of the existing library) are integral to the provision of this library and are not something should be left 'to others'.*

*Unfortunately, no revised DAS has been submitted, though one was expected; instead there is a Cover Letter, so whilst there are descriptions of the changes and reasoning, there is no more visual/illustrative evidence to justify some specific matters. I will defer to the case officer on the adequacy of this approach, though I do feel some further commitment to the detailing of some design elements must be secured (as discussed below) in some way or another, perhaps by condition.*

*With no revised DAS, there is still no comment futureproofing parking for the hotel, and there appears to be an assumption that the masterplan will manage to deal with this. Though this could have an impact on the urban design of the wider area, with this application coming ahead of the masterplan, I will defer to the highways and case officer on the matter.*

*The Cover Letter describes how the proposals have now been revised to address previous concerns relating to; articulation of Fisherton Street façade, ground floor active frontage and piers, the architecture of the 'corner'; and general fenestration and roof design as viewed*

*from Fisherton Street and Malthouse Lane. I would generally agree that the scheme has improved as a result of these changes.*

*However, the materiality of the scheme is still lacking justification, and considering the stature of the building (its stature being explicitly acknowledged in the Cover Letter) I cannot understand this apparent shortcoming. To come to the point, Core Policy 57 states that:*

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 through:

iii) responding positively to the existing townscape ...in terms of ... materials... to effectively integrate the building into its setting

*Accordingly, my concern is that the suggested buff brick is conspicuously at odds with the rest of Fisherton Street and that despite its attractiveness in many metropolitan contexts, it may not integrate successfully here. I am quite open minded on this matter and simply request to see some design analysis on the issue, as it is a most important one, and I understand the conservation officer to also have expressed concerns.*

*I shall add to this that whilst I understand the reasoning for the introduction of contrasting brick treatment to the ground floor of the Library, I am not convinced that blue brick is the appropriate choice for this contrast. As there is no explanation for its selection, I can't support it either at this point, as it seems to combine with the buff to create a particularly generic contemporary character, not derived from a proper assessment of place and the opportunities for alternatives. ....*

*Thus, I strongly encourage the applicant to demonstrate their creative design process on how they have arrived at their proposals, in order to comply with CP57. As I stated previously, I do not want to encourage 'design by committee' but I cannot help sense that there are other potential alternatives that have been overlooked. ....*

*Whichever palette the applicant satisfactorily justifies, there remains a need to commit to high quality detailing to ensure the finished result is high quality. A comprehensive materials sheet must be submitted that describes all materials and detailing, e.g.;*

- *Masonry manufacturer, and model/tone*
- *Details of materials/seams on central section, along Malthouse Street*
- *Mortar colour*
- *Pointing depth*
- *Roof details inc. white metal 'crown'*
- *Window reveal, depth and finish*
- *Fenestration details inc. material, colour, frame thickness*
- *Parapet coping*
- *Rainwater goods (recommend 'Lindab' model or similar)*
- *Vents and meters etc. to be hidden were possible and coloured to match surrounding façade otherwise*
- *Recommend no uPVC*

*(The above list is an example and is not exhaustive.)*

*Whilst exact details can be confirmed later via condition, it is important to establish and secure the quality and character of these details prior to Planning approval. Therefore I recommend full descriptions be submitted with a 'or similar to be approved' caveat.*

*The boundary between public realm and service yard is still not defined on any drawing. As stated previously, if there has to be a gate, consider making it sculptural.*

*The textured walling detailing appears to have been removed. Whilst there were concerns expressed by some about how it was being used, I think there are still opportunities to incorporate it and that it could add real value to the appearance of the building. Perhaps as a pattern across the GF level of the library (similar to banding example above) to offer a more meaningful contrast than the blue brick. Or as a pattern on the walling above the library door, where there now are no windows to conflict with it. ....*

*I am still not clear as to the intended appearance of the central section along Malthouse Street, or what those materials are. Some example photos were requested previously.*

*White painted brick was discussed previously, though dismissed by the architect as being a maintenance burden. In Trowbridge, a quite large McCarthy and Stone care home was recently built with painted brickwork. If a care home can justify maintaining this material then I would expect a key civic building to justify it (if it were deemed an appropriate in places).*

**Environment Agency:** No objection subject to conditions.

Flood risk –

*The LPA is reminded that the Sequential Test should be applied to this application due to the site use increasing from ‘less vulnerable’ (retail) to ‘more vulnerable’ (hotel - albeit at first floor level).*

*We have reviewed the submitted Flood Risk Assessment (FRA) by Campbell Reith, ref 11917, dated December 2018.*

*The majority of the site lies within Flood Zone 2 as shown on the published Flood Map; part of the site lies within Flood Zone 1. The submitted FRA acknowledges the presence of the flood zones, and hence the fluvial flood risk to the site, and includes some modelled fluvial flood levels (on page 14) based on the outputs of river hydraulic modelling carried out by the Environment Agency some years ago. It states that the levels are for the ‘undefended’ scenario. However, in fact, the levels quoted are for the ‘defended’ scenario, although we appreciate that there is very little difference between the two scenarios at this site. The outputs of the river modelling were used to inform the current published Flood Map.*

*The FRA also notes that updated fluvial flood modelling is at present being finalised by us and some draft results, specifically indicative modelled flood depths are included in the report to ensure the best, most up-to-date, fluvial flood risk data is taken into account for this proposal. We have also supplied the applicant with draft flood outlines for 3 design flood events –*

- *the 1% AEP*
- *the 1% plus climate change AEP*
- *and the 0.1% AEP*

*However these outlines have not been included within the submitted FRA. Possibly, the applicant submitted the application to the LPA before receiving the draft flood outlines. Nevertheless, the draft flood outlines show increased fluvial flood risk in the vicinity of the site of the proposed development when compared against the published Flood Map; Flood Zone 3 extends into Fisherton Street adjacent the site, and Flood Zone 2 covers the entire site.*

*The conclusion reached on page 15 of the FRA is that, based on the draft fluvial flood depth data supplied by us, the design fluvial flood level (the 1% AEP plus an appropriate allowance for climate change) is around 46.9 metres AOD. Based on all the information we have, and the submitted FRA and supporting site topographic survey, we've no objection to using this figure as the design fluvial flood level for the site.*

*The proposal is for a library, gym and restaurant at ground floor level, with the hotel (the 'more vulnerable' flood risk use) at first floor level and above. The FRA proposes a 300mm freeboard allowance for setting minimum finished floor levels. This allowance should be considered the absolute minimum. A larger freeboard allowance, closer to 600mm, is recommended. However, mindful of the proposed 'less vulnerable' use at ground floor level, and the applicants' use of the most up-to-date, improved, fluvial hydraulic modelling data we have no objection to the proposed finished floor levels as set out in the FRA. Specifically, the library, fronting Fisherton Street, set no lower than 47.2 metres AOD. We note the gym, restaurant, and hotel entrance to the rear of the site will be set a little higher at 47.375 metres AOD by virtue of higher ground level in Malthouse Lane/Priory Square.*

#### Contamination –

*We have reviewed the preliminary information in relation to ground conditions contained within Campbell Reith Geotechnical and Geoenvironmental Desk Study report dated Dec 2018.*

*We concur with the recommendations for an intrusive investigation to characterise the site and inform the derivation of a controlled waters risk assessment. Given the sensitivity of the site (particularly in relation to the proximity of the River Avon) groundwater may be close to the surface and the derivation of remedial targets with respect to controlled waters may produce stringent clean up targets.*

*In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.*

#### Ecology –

*.... agree that the presence of bats and the management of pollution prevention during construction are the main risks.*

*However, we would correct section 3.4.3 [the ecological assessment] which states the section is too slow to support spawning salmon - there are known sites immediately up and downstream.*

*We would like to see a firm commitment to enhancing the exterior of the proposed building for wildlife, e.g. further bat and bird boxes, improved quantity and quality of planting, removal of sections of hard standing.*

*We would also like the exterior to be considered alongside and complementary to, the emerging Wiltshire Council Masterplan for the area (which is currently being consulted on) and suggested improved environmental/river surroundings. Removal of the hard edge to the river should be considered, and wider river corridor greening, for people and wildlife. The current design of the corridor is not one that we would support.*

Conditions also required for Construction Environmental Management Plan and water efficiency scheme.

**Historic England:** Concerns on heritage grounds (to revisions).

*..... if you are minded to approve its redevelopment the building should be recorded prior to demolition and the results deposited with the local Historic Environment Record. ....*

*In respect of the design of the proposed replacement building [original submission], we expressed reservations about the design of the proposed Fisherton Street elevation, which we felt unrelieved an inactive, and the Malthouse Lane elevation, which we felt was failing to respond to the character and appearance of the surrounding conservation area.*

*Revisions have been tabled to the Fisherton Street elevation, but unfortunately these do not completely address our concerns. While additional areas of glazing have been provided to the library area, the upper storeys of the proposed building would be a horizontally-aligned massed form that would in our view fail to respond to the established vertical rhythms of the surrounding townscape. The proposed Priory Square elevations are unaltered, and remain a missed opportunity in design terms with a regularity of architecture and roofscape that fails to respond to the fine urban grain and varying building heights of the surrounding conservation area.*

*In my previous letter we suggested that the proposals should be subject to the scrutiny of a Design Review Panel. These latest amendments bolster the case for this form of action, to ensure the redevelopment of this site provides new buildings that are sympathetic to local character and history, and the surrounding built environment. Unfortunately, this does not seem to be the case with these amended proposals.*

*Recommendation - Historic England has concerns regarding the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.*

**Natural England:** No objection.

As the site is directly adjacent to the River Avon SAC, suitable conditions should be attached to ensure no construction related runoff can enter the watercourse.

**Wessex Water:** No objection.

Separate foul and surface water systems are required.

## **8. Representations**

The planning application has been publicised by local newspaper advertisement, site notice and letters to neighbours. The initial submission generated 138 representations (134 objections and/or expressions of concern; 3 supports; 1 comment); at time of writing of this report (05/06/2019) the revised submission had generated 11 additional representations (10 objections and/or expressions of concern; 0 support; 1 comment). At time of writing, no 'first round' representations have been withdrawn; accordingly all representations remain relevant to the consideration of the application.

Objectors / expressers of concern include Salisbury Conservation Area Advisory Panel, Wiltshire Archaeological Natural History Society / Council for British Archaeology, Cycling Opportunity Group for Salisbury, Salisbury Innovation Accelerator, Wiltshire Creative and St

Edmunds Community Association. Comments / advice is provided by Salisbury & Wilton Swifts.

Summary of objections / expressions of concern –

- **Maltings / Central Car Park ‘Masterplan’** – required in advance of planning applications - otherwise difficult to comment on ‘fit’, including considerations such as wider permeability (including riverside access), cycle access, wider impact on Salisbury, fit with ‘Cultural Quarter’, wider provision of bus station/police station/post office/etc., improvement of wider public realm, etc.; proposal is premature - piecemeal approach will not achieve reimagining of city; insufficient community engagement; failure to follow principles of Salisbury Vision. This proposal is unimaginative and profit-driven, and not coherent or comprehensively planned as it should be c/o a masterplan; Contrary to CP21;
- **Economic considerations** – Salisbury was in decline before nerve agent attack (empty shops, etc.); the rush to recover post-nerve agent attack is clouding judgment on quality and how funding sources should be used; the people of Salisbury should determine how recovery funding is used. Proposal is developer / profit-driven and not planned with the wider future of Salisbury in mind. Proposal is essentially a like for like replacement of the existing building on the site. No need for a gym (there are others nearby); no need for a hotel (Premier Inn on Southampton Road recently opened and other sites with permissions in vicinity standing empty); if hotel is required, then should be different to normal budget hotels (that is, a premium hotel) – with conference facilities and attraction for international visitors, and this site is unsuitable for such a hotel anyway;
- **Library relocation** – library should not be relocated – existing location of better-suited; library should not share space with other facilities as perceived importance will be reduced; library should not be reduced in size or lose its other facilities (galleries, meeting rooms, reference library); library needs to maintain popularity, which this proposal will effect / cause decline; Library functions well in existing location – there is no report indicating why existing library is not still fit for purpose; library relocation should not be temporary – where will / will the library move again?;
- **Design / conservation** – design should be exemplary – not ‘retail mall bog-standard’; failure to enhance Priory Square as part of proposal is missed opportunity; proposed building is ugly/bland/an any-town Travelodge; proposed building is too large / metropolitan / utilitarian / without articulation in comparison with adjoining church and rest of street; proposal is out of keeping with historic character and scale of Fisherton Street and would have detrimental effect on setting of listed buildings (notably the church); Application site is still a listed building, albeit that this was demolished in the 1970’s [*the anomalous listed building status of the site has now been corrected by Historic England*]; proposal is 2019 version of existing 1980’s development; insufficient detail – treatment of surrounding public realm, etc.; rear elevations facing the church are not of ‘high quality’; existing building on the site is more suited to this location; Contrary to CP57 & 58;
- **Archaeology** – application site is on site of a medieval friary – investigation and care required during construction;
- **Salisbury skyline policy** – proposal breaches ‘40 ft rule’ which has been in place for 50 yrs and played major part in protecting views of the cathedral and the roof line of the city – if allowed a dangerous precedent would be set; Contrary to CP22;
- **Parking** – provision should be made for cycle parking; no Travel Plan; car parking is not always available in Central Car Park;
- **Air quality** – no Air Quality Assessment with application; contrary to CP55;
- **Amenity/privacy** – proximity and scale of proposed building would cause overlooking and loss of privacy to neighbouring church; proximity to church would

result in noise disturbance which would be detrimental to quiet and reflective use of the church; presently no authority to access the site and/or carry out works from church land.

Summary of supports –

- **Principle** – support hotel as no suitable, affordable accommodation in city;
- **Piecemeal approach** – will minimise disruption;
- **Library relocation** – new, bright, modern facility still within city is a benefit – existing library old and dated; opening up of Market Walk (through removal of library) is an opportunity.

Summary of comments / advice –

- **Wildlife** – the development should incorporate swift bricks.

## 9. Planning Issues

The main issues to be considered in this case are, firstly, the principle of the proposal; and then, assuming the principle is accepted, the impact of the specific scheme on detailed matters, including design, conservation, highway safety, ecology, drainage and residential amenity. There are also important material considerations in this case to be weighed in the balance.

### 9.1 Principle –

#### 9.1.1 Core Strategy principles

The Wiltshire Core Strategy sets out a ‘Settlement Strategy’ (Core Policy 1) and a ‘Delivery Strategy’ (Core Policy 2) for new development across the county. Proposed development which complies with the Settlement and Delivery Strategies will be sustainable in the overarching context of the Wiltshire Core Strategy.

The Settlement Strategy identifies four tiers of settlement – Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages. With the exception of the Small Villages, each settlement has a defined boundary. Inside the boundaries new development which fulfils the defined purposes of the settlement will be acceptable as a matter of principle; outside of the boundaries, and so in the ‘countryside’, there is effectively a presumption against new development which should otherwise be inside.

Within the Settlement Strategy Salisbury is identified as being a Principal Settlement. Core Policy 1 explains that Principal Settlements “... are *strategically important centres and the primary focus for development*”; and their purpose is to “... *provide significant levels of jobs and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment*”. The application site lies inside the Principal Settlement boundary. It follows that as a deliverer of jobs, community facilities and infrastructure, the proposal complies with the Settlement Strategy as a matter of principle.

Core Policy 20 of the Wiltshire Core Strategy sets out the specific ‘Spatial Strategy’ for the Salisbury Community Area. In the broadest terms it states that development in the Salisbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1. It further states that development proposals in the Community area will need to

demonstrate how particular identified issues will be addressed. These include ensuring that Salisbury can maintain its place as an important retail centre in the face of intense sub-regional competition; and achieving significant enhancement to its retail core through development of the Central Car Park site to complement the historic street pattern of the city. As a matter of principal the proposal would contribute to the fulfilment of this Spatial Strategy. The detailed reasons are explained in later sections of the report.

In terms of tourism in general, Core Policy 39 of the Wiltshire Core Strategy, states that within the Principal Settlements [and Market Towns] proposals for tourist development of an appropriate scale (including tourist accommodation) will be supported [subject to a sequential assessment]. Core Policy 40 further confirms that proposals for hotels will be supported within Principal Settlements. The proposal, incorporating a hotel on a site which is sequentially acceptable (being within the City Centre and so preferable to out- or edge-of-centre sites) complies with Core Policies 39 and 40 as a matter of principle.

### **9.1.2 Principle – the changing ‘High Street’ and recent events**

Notwithstanding the clear policy support for sustainable, economic development within the limits of the Salisbury ‘Principal Settlement’ (and, in particular, within its centre), there are also other material considerations to which weight must be given. These include the evolving role of ‘high streets’ in general, the importance of Salisbury as a tourist and business attraction, and the negative impacts of recent events in the city on its image.

These considerations are referred to by the application agent in his supporting statements in the following terms .....

*“Salisbury city centre has been affected by the same issues faced by high streets throughout the country, particularly the rise of online shopping, and in order to remain competitive, the city will need to redefine its role. Whilst the city centre will still remain a commercial centre, consumers are now looking for a wider range of experiences that are not just centred on retailing. Salisbury will have to respond appropriately if it is to remain vibrant and competitive....*

*Added to this shift in the role of town centres, the incidents associated with the nerve agent attack in 2018 have left a major negative impact on the public image of Salisbury. There has been global negative media coverage of the event. Shopping areas, individual shops and restaurants, community facilities, parks and cemeteries have been closed for long periods because of the events.*

*The longer-term recovery to ensure Salisbury continues to be a strong international tourist destination, a sub-regional centre for retail and a place with a thriving night time economy which meets the needs of the current and future residents is now imperative.*

*Even before the nerve agent attack, the Core Strategy recognised that there is a lack of both budget and high quality tourist accommodation in Wiltshire, particularly in the south, and that Salisbury has been less successful at attracting business visitors than other, similar destinations. The nerve agent attack and the knock on effects have compounded this issue. ....”*

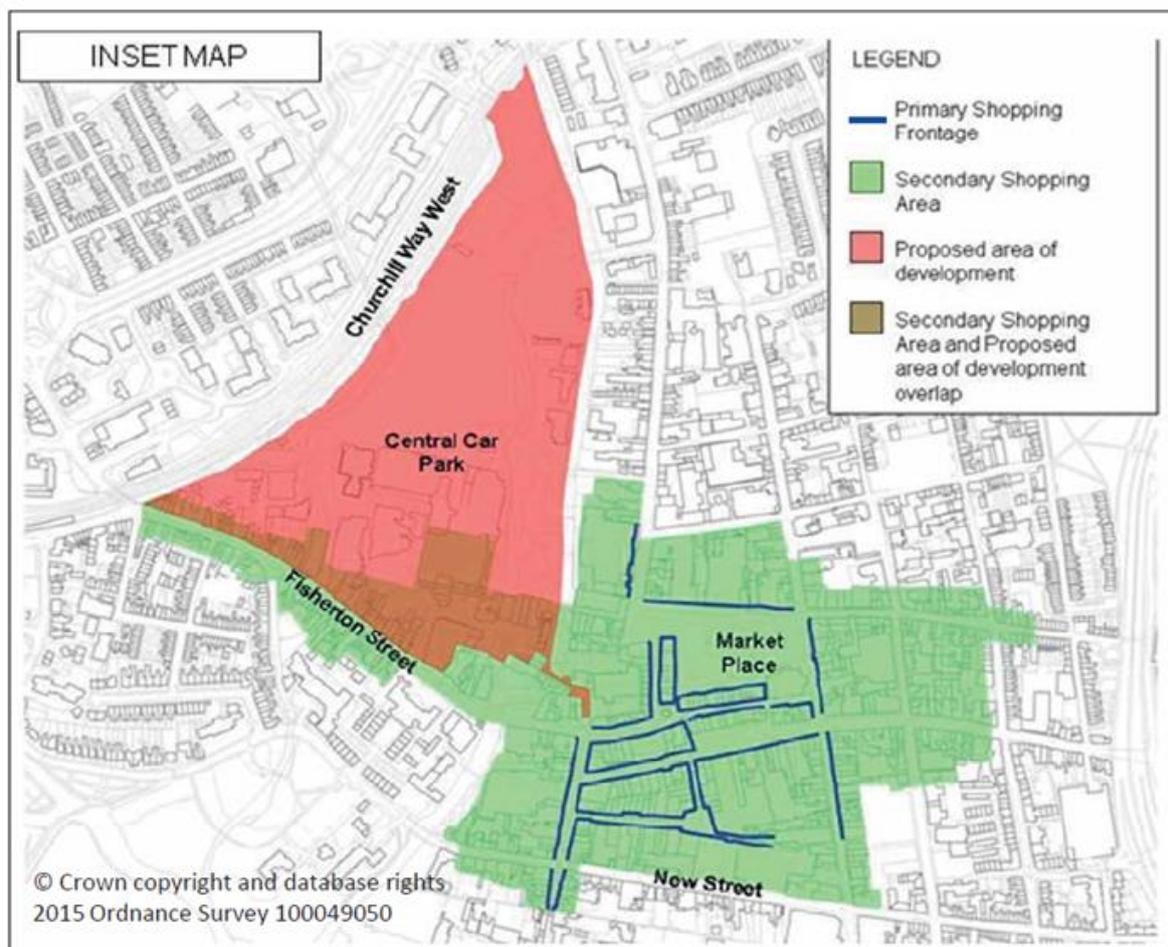
The proposal would address each of these considerations by contributing to the re-defining of Salisbury’s role through the offer of a wider range of uses, and by providing demonstrably needed accommodation for tourism and business (compliant with strategic policy in any event). In terms of broader national planning policy, and as this broader policy requires, this amounts to planning for a strong, competitive economy, and is accordingly fully compliant.

### **9.1.3 The Maltings and Central Car Park Site**

Core Policy 21 of the Wiltshire Core Strategy allocates the area around the Maltings, Central Car Park and Library for a retail led mixed-use development to enhance Salisbury City centre's position as a sub-regional and cultural centre. The policy states the following:

*The redevelopment of the Maltings / Central Car Park will be sensitive to Salisbury's skyline and respect the scale and building forms of the historic urban fabric. It will build on the city's already strong retail offer to create a new quarter specifically designed to meet the demands of the modern shopper, and the modern retailer, with simple, regular shaped interior spaces which can be easily configured to meet a wide variety of needs and shop sizes.*

*The Maltings/Central Car Park will not be an enclosed shopping centre or self-contained mall style development, but a high quality outward looking design, which integrates into the city centre. Retail, residential and leisure areas will be linked by open, pedestrianised streets and public spaces, with an improved cultural area around the Playhouse and City Hall, improving legibility from the new development through the cultural area to Fisherton Street. Relocation or remodelling of the library will open up links to the Market Square. This open streetscape will connect the prime retail units and will include retail with an anchor store, residential and leisure areas.*



***Extract from Wiltshire Core Strategy: Inset map accompanying Core Policy 21***

Appendix A to the Core Strategy sets out further requirements for strategic allocations in the form of 'Development Templates'. For the Maltings and Central Car Park site, requirements

identified in its template include to ensure the continued viability and vibrancy of the whole of Salisbury city centre and to provide a replacement or remodelled library. In addition to new retail floor space, expected land uses across the site include leisure uses, a replacement or remodelled library, and an improved cultural area around the Playhouse and City Hall.

Appendix A further states that the 'delivery mechanism' for the Maltings and Central Car Park site should be "... a partnership between private and public sector based on frontloading a masterplan to be approved by the local planning authority as part of the planning application process. ...". At the time of writing of this report a masterplan is in preparation; its relevance, and the compatibility with this planning application, is considered further below.

In broad terms the proposal in this planning application complies with Core Policy 21, as it would commence the delivery of the wider Maltings and Central Car Park site development (albeit in isolation) in accordance with the Design Template. Notably, the proposal would provide leisure uses – the hotel and gym – and a replacement library (these uses complementary to, and so leading to the required improvement of, the cultural area); and would, through the relocation of the library, 'force' early consideration of improving linkages between the Maltings and Market Square. It is anticipated that the proposal would be a catalyst for the progression of other elements of the Design Template.

#### **9.1.4 The Maltings and Central Car Park Masterplan**

Notwithstanding that the planning application can be considered in isolation and on its own merits (because it proposes a development which can stand alone in any event), in accordance with the Maltings and Central Car Park Site Development Template, a Masterplan for the site is in preparation. At the time of writing the Masterplan was a public consultation draft, and as such it can/could only be given limited weight as a material consideration. This said, it still sets out a considered 'direction of travel' for the overall site, and so is referenced here.

Within the draft Masterplan five 'Areas' are defined where, having regard to their context, different development opportunities are planned. The planning application site lies within Area 2 which is referred to as the 'Cultural Quarter', principally in view of it including the existing City Hall and Playhouse. The draft Masterplan envisages that Area 2 will, amongst other things, "*Build upon the existing strengths by establishing a reimagined 'Cultural Quarter', encompassing the City Hall and Playhouse and a relocated library and art gallery, developing potential synergies between these uses*"; it further envisages the "*Development of a hotel*".

Accordingly the proposal, which incorporates a library and hotel, complies with the draft Masterplan; and regardless of the present status of the Masterplan, the likely synergies between the existing cultural uses and the proposed uses lead to a reasonable conclusion that they are both compatible and complimentary in any event.

#### **9.1.5 Relocation of library**

The relocation of the library per se is not a planning consideration; rather, it is a matter for the relevant service of the Council responsible for libraries to determine having regard to other day to day operational considerations. This said, the city centre location of the application site and the compatibility of a library within the planned 'Cultural Quarter' of the Maltings complex, and the other aspirations of the emerging Masterplan relating to improving linkages between the Maltings and the Market Place, mean that relocation of the library as proposed would not raise planning issues in any event.

## **9.2. Matters of detail**

### **9.2.1 Heritage and Design**

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Core Policy 58 (ensuring the conservation of the historic environment) of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance the historic environment.

Paragraph 193 of the NPPF states that 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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 states that where a proposal 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 total loss is necessary to achieve substantial public benefits that outweigh the harm or loss (or unless other specified exceptional circumstances apply). Paragraph 196 states that where a 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.

Historic England defines significance as "*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*". Setting is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

### **9.2.2 Heritage Statement**

The application is accompanied by a Heritage Statement. This 'scopes-out' heritage assets affected by the proposal, and then defines the significance of these assets. The assets so scoped are Salisbury City Conservation Area (and in general terms the heritage 'structures' therein), the General Infirmary, the United Reformed Church, and nos. 38-40 Fisherton Street.

On the Conservation Area (and by implication, the buildings therein), the Heritage Statement notes the strong Victorian character of Fisherton Street overlaying its medieval origins. The statement says –

*"The architectural styles and local details in the Fisherton Street area span the periods from the late seventeenth century to the late nineteenth century and add to the architectural value of the Conservation Area, offering good and fine examples of the period housing stock ...*

*and which is nationally a finite resource. All of this contributes to the architectural value of the Conservation Area”.*

The statement confirms that the Conservation Area is of considerable architectural and historical value, as is its setting.

On specific assets, the United Reformed Church (adjoining the planning application site) is noted to be of considerable historic and architectural value. Within its context of the Conservation Area the Heritage Statement says the following –

*“By far the most prominent feature within the Site [that is, the Conservation Area], and visible along the majority of Fisherton Street, is the spire of the Congregational Church, located adjacent to the Site. The spire is complimented and forms a symmetry with the lower, but similar linear form of the Grade II Listed Clock Tower (and former jail) located to the south. The retention of this skyline, with its linear structural forms with the prominence of the Church spire and flanked by the clock tower, is of key interest for any proposals at the Site”.*

In isolation the statement refers to the church as being “... of considerable historic and architectural value”; with its setting “... making a moderate contribution to its setting”.

The General Infirmary (opposite the application site) is noted to have “considerable historical” and “some architectural value, largely reflecting the structure being a good example of a nationally rare building type”. Its setting makes a “moderate contribution” to its significance. Similar conclusions are drawn in relation to 38-40 Fisherton Street.

Regarding the existing building on the application site, the Heritage Statement considers its loss through re-development to be not necessarily harmful to other heritage assets, including the conservation area, but this dependent on the quality of the replacement. The Statement says –

*“The current structure located at the site, whilst not a negative contribution to the character of the Conservation Area, offers a pastiche take on the historic shop frontage which once was located on this section of Fisherton Street. As a result, the existing structure at the Site has dated badly and provided no sustainable use for the property following the vacation of the premises by two retailers. This unsustainable form, coupled with the unsympathetic use of steeply pitched roofs (designed originally to mimic those of the historic Maltings structures) within an area where this pastiche architectural detailing had no appreciable links to the modern setting, has meant that the current structure located at the Site has dated poorly”.*

The Heritage Statement’s assessment of the significance of existing heritage assets is broadly agreed. Most particularly it is acknowledged that Fisherton Street is a bustling, just out-of-city-centre thoroughfare, supporting a wide range of buildings of mixed age, scale and form, and in mixed, and predominantly, independent uses. Its character is essentially provincial, or ‘small town’, as is typical of many evolved Victorian suburbs. Amongst the transitional ‘suburbia’ there are a handful of more significant buildings which, intentionally or otherwise, dominate the street scene, these including the United Reformed Church and the General Infirmary. The existing building on the application site has a neutral impact in this context, neither detracting from nor enhancing the appearance and character of the area.

### **9.2.3 The proposal – design, context and heritage**

As set out in the ‘Proposal’ section of this report, the proposal is to replace the existing building with a more contemporary form of development. The footprints of the existing and

proposed buildings would be similar; however, the new building would be taller, presenting four stories to each of the public frontages (although with the top floor contained within 'roof', or crown, structures which - through 'set-backs' and/or contrasting materials – would help to break-up the mass / height). The finer detail of the building has evolved during the consideration of the application, with the final rendition explained by the application agent in the following terms –

*“.... The scale and animation of the Fisherton Street frontage and the way the elevational treatment turns the corner into Malthouse Lane as a more active street frontage and increasing the articulation of the upper floors evokes elements of the Conservation Area's character.*

*The design approach has been to develop a more neutral façade reflecting the rest of the Conservation Area in a contemporary way adding to the variety of building types and styles within the historic edge of the City centre.*

*The mass of the Fisherton Street elevation is very similar in format to the overall Fisherton Street Conservation Area being a commercial use at ground floor and two domestic albeit Victorian floor to floor heights above. This means the level of the proposed parapet [at 10.35m above pavement level] equates to some of the other buildings on Fisherton Street. For example, the parapet to Fisherton Mill is 9.75m above street level but appears taller due to the narrow proportion of the frontage whilst the group of three properties at 98-104 have a gutter line above street level at 9.45m. In contrast to these examples the row of properties between nos. 21 and 29 Fisherton Street gutter line as low as 5.6m. As can be observed the variation within the Conservation Area is significant and the proposed building will in our view comfortably seat within the general matrix of sizes without diminishing the stature of the United Reformed Church or harm the intrinsic quality of the Conservation Area or the City as a whole. ...”.*

By all accounts the new building would be, and would read as, larger than the existing. However, in the context of Fisherton Street, where it is acknowledged that buildings throughout are of mixed size and form already, this would not necessarily be out of place – indeed, the proposal could reasonably be described as the next step in the varied and, to a certain extent, contrasting evolution of Fisherton Street. The neighbouring United Reformed Church would still be taller (at its nave and spire), and so continue to maintain its dominance in the street scene (helped by its unique styling in any event), this notwithstanding that existing views of its side would be further obscured – on this, the side view is not considered to be significant in the context of the church and the wider conservation area where public frontages are debatably of paramount relevance. The contrasting appearance of the church alongside the proposed building would ensure that neither should compete with the other, this notwithstanding their relatively large sizes. It follows that the setting of the church, and for that matter the wider Conservation Area and other nearby listed buildings, would not be adversely affected, but rather as a consequence of the removal of the existing building and its replacement by a building of improved design, there would in fact be a neutral, or even slight beneficial, effect on the existing heritage assets.

Regarding Historic England's comments, it is acknowledged that the proposal building has a horizontal rather than vertical emphasis to its design. However, in this instance this contrast is not considered inappropriate in the context of a building which is intentionally, and honestly, contemporary.

The impact of the new building on its Malthouse Lane and Priory Square sides would be neutral and/or a slight improvement having regard to the character and form of these areas which are less sensitive to change than the Fisherton Street frontage.

In all other regards the revised design improves the appearance of the proposed building. Materials are expected to be of high quality, with additional types and colours to break-up mass and add more interest. Fenestration has also been improved and added to with the same end result. On the roof plant (including lift overruns), most has been moved to either inside the building or into cavities on the upper floor – to keep the overall height down and safeguard wider city roofscape. In the event of planning permission being given, conditions would be required to ensure all fine detail is fully and adequately agreed in advance of commencement, this to address matters raised in Urban Design and Conservation representations.

Without diminishing the above conclusions, if a different view on the impact of the proposal on heritage assets is reached by the Committee (that is, that harm would in fact be caused), then national and local policy allow that such harm may be offset in decision making by the delivery of significant public benefits. As noted in the Conservation Officer's response, harm would 'only' be at the lower end of less than substantial; and notwithstanding that at any level harm is harm, the public benefits of this proposal – that is, the delivery of the first phase of the Maltings / Central Car Park re-development, the enhancement of the 'Cultural Quarter', the general betterment of the city centre in economic terms, and the provision of a new library facility – are considered to be significant. On balance, they would outweigh any less than substantial harm in any event. This conclusion is reached with due regard to the statutory responsibilities relating to heritage matters.



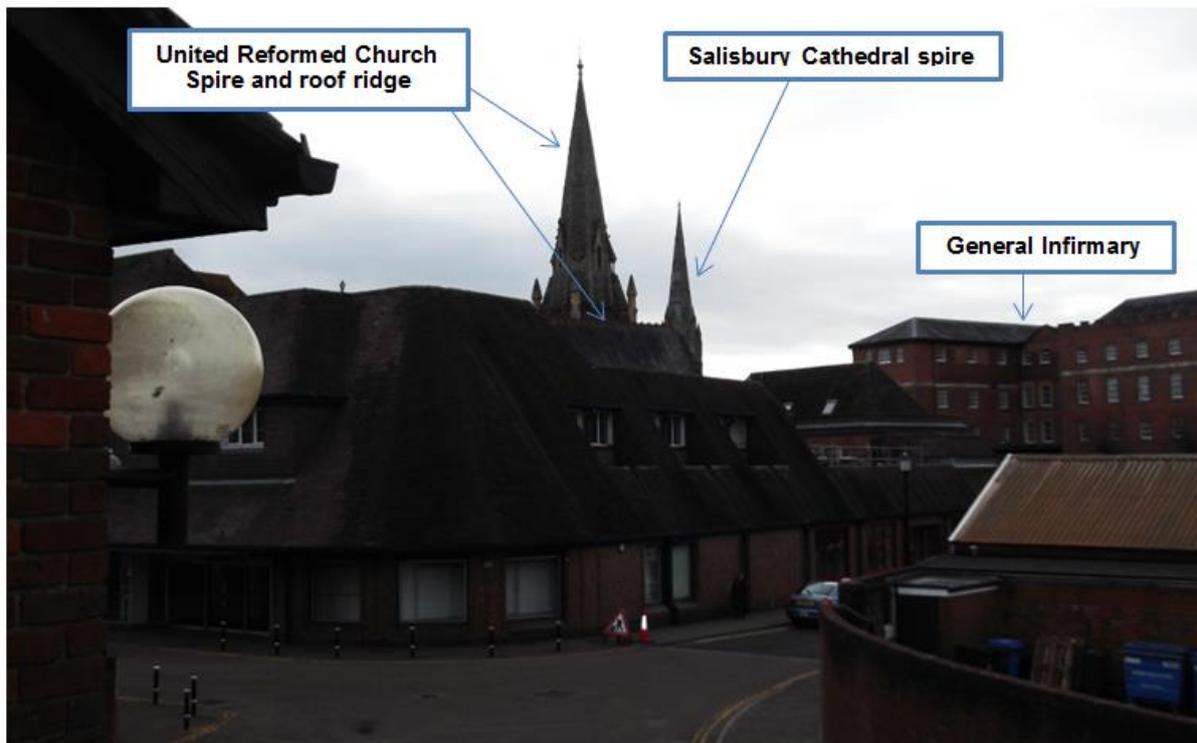
Architect's illustrative street scenes ('perspectives') – proposed

#### **9.2.4 Salisbury Skyline**

Core Policy 22 of the Wiltshire Core Strategy states that in the Salisbury Central Area new development will be restricted to a height that does not exceed 12.2m (40ft) above ground level. Decorative features that contribute to the form and character of the wider roof-scape may exceed this figure; and in exceptional circumstances, and where there is adequate demonstration, development more generally in excess of 12.2m will be permitted if it would not cause harm to the roof-scape of the city and/or views of the cathedral; would be essential for the long term economic viability of the city; and has the height that is required to ensure the most efficient use of land.

As already noted, the proposal is to erect a building with maximum height of 13.9m (reducing to 12.8m on the Priory Square side). This height is required to allow the building to provide the four stories necessary to contain the library, gym and hotel. It follows that from a pure efficiency perspective the additional height over 12.2m can be justified for this reason.

In terms of the impact on roof-scape and views of the cathedral, the height of the proposal is also justifiable in these terms. Within the vicinity of the application site there are no designed and/or meaningful views of the cathedral – indeed, lines of sight in the direction of the cathedral are largely screened by existing developments, including the United Reformed Church (see annotated photograph below). And similarly, views of the site from the cathedral across the city’s roof-scape are largely hidden (again, by the higher ridge line of the intervening United Reformed Church), or are dominated by other larger scale buildings (notably the General Infirmary). It follows that within its immediate context the additional height of the proposed building would not cause harm to the city’s roof-scape, and so not undermine the intentions of Core Policy 22 or set a precedent.



**View towards Cathedral from Maltings first floor colonnade**

On Core Policy 22 the application architect also makes the following additional, and relevant, points ....

*“The revised design has removed the faux pitched slate roof and replaced it with an articulated white metal crown set further back from the frontage parapet to visually contrast with the surrounding buildings and as can be seen in the submitted perspectives [reproduced below] reduces the visual weight and impact on the Conservation Area.*

*We have also removed the need for plant on the roof and the lift over runs by specifying hydraulic lifts. ....*

*The proposed site due to the surrounding building identified on the D&A statement clearly does not impact on the views of the Cathedral and our amended proposals create an interesting skyline as a counterpart to the surrounding ridges and parapet conditions”.*

The result is a proposal which is, on balance, acceptable, this regardless of the height. The design and context are such that the exceptions set out in Core Policy 22 apply, meaning that the proposal is compliant with the policy.

### **9.2.5 Archaeology**

The application is accompanied by an Archaeological Desk-Based Assessment. Its conclusion includes the following:

*This assessment has established that there is an archaeological interest within the Site. This is defined as the potential for the presence of buried archaeological remains, in particular relating to the buried structural remains of the Black Friars of Salisbury's Dominican Friary, which was located within the site. Remains could include structural remains relating to the Church or other structures, and possibly additional monastic inhumation burials. Any such remains, if present, would be of regional and national significance.*

*There have been multiple phases of occupation and redevelopment within the Site, beginning with the medieval friary, which was gradually superseded by post-medieval houses, potentially re-using the substantial foundations of the Church, ancillary structures and land divisions. Each of these phases will have had an impact upon the survival of any archaeological deposits present within the Site. The impact of the existing 30-36, Fisherton Street upon buried archaeological remains may be limited to the footprint and radius of the pilings used as support for the structure. The ground levelling works may not have extended to a sufficient depth (2.30 m) to encounter the medieval and post-medieval deposits. Moreover, it was observed during the Site Visit that the ground level had been further raised prior to the redevelopment of the Site in 1978.*

*In the absence of clear evidence to the contrary, it should be assumed that there is the potential for buried archaeological remains, especially those pre-dating the 18th century, to survive well within the site.*

*Any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. However the proposals for piled foundations will ensure that the impacts are distributed evenly across the site and confined to discrete locations.*

*The significance of any buried archaeological remains present within the site cannot currently be accurately assessed on the basis of the available evidence. Further archaeological investigation will be required to determine the level of preservation and extent of any buried archaeological remains.*

*It is proposed to carry out an archaeological watching brief during geotechnical works which are to be carried out within the Site prior to the determination of the planning application. These works will entail the excavation of 11 trial pits, as well as boreholes and window samples. The results of the watching brief have the potential to provide valuable information regarding the presence, depth and degree of survival of any buried archaeological remains associated with the Friary, as well as having the potential to shed light upon the possible layout of the Friary. Following consultation with the archaeological advisor to Wiltshire Council, it is proposed to submit a Written Scheme of Investigation for an archaeological watching brief to the LPA in advance of the geotechnical works.*

The Council's Archaeologist has raised a holding objection until the geotechnical works (and associated trial pits, etc.) are completed. The application agent has advised that the works have now commenced, although at the time of writing of this report no outcomes were available. Accordingly the recommendation reflects this situation.

### **9.3 Highway Safety**

Core Policies 60 to 66 of the Wiltshire Core Strategy relate to transport matters in general. Notably, Core Policy 60 states that the Council will use its planning and transport powers to help reduce the need to travel, particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within the county. This will be achieved by:

- i. Planning developments in accessible locations;
- ii. Promoting sustainable transport alternatives to the use of the private motor car;
- iii. Maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community;
- iv. Promoting appropriate demand measurement measures;
- v. Influencing the routing of freight within and through the county;
- vi. Assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.

The proposal includes provision of 5 on-site parking spaces (for the hotel).

The application is accompanied by a Transport Statement which assesses the impact of the proposal on all forms of transport to and from the site. Using TRICS<sup>1</sup> data to inform the analysis, the Transport Statement concludes the following:

*“As the gym and library are relocating from their existing premises the number of new trips to the proposed development will primarily be those to the hotel and restaurant<sup>2</sup> land uses. Based on the trip rates presented above, these land uses are anticipated to generate 17 two-way vehicle trips in the AM peak hour and 17 two-way vehicles trips in the PM peak hour. It is anticipated that the proposals will generate 53 two-way people movements in the AM peak hour and 110 two-way people movements in the PM peak hour for all proposed land uses.*

*It is considered that the anticipated level of proposed development traffic will not have a significant adverse impact on the operation of the local transport network.*

*Based on the vehicle arrival and departure trip rates, it is estimated that an 86 bedroom hotel will see the vehicle accumulation between 07:00 and 21:00 vary by around 15 vehicles, with the least vehicles present at 11:00 and the maximum vehicle accumulation occurring overnight.*

*Parking surveys at The Maltings Shopping Centre and a number of Council car parks were undertaken in 2017 as part of a Parking Assessment exercise undertaken by Mayer Brown. The survey results showed that the existing car parks do not reach full capacity at any time during the week or at weekends. Therefore it is expected that the low number of vehicles predicted to be associated with the hotel use will be able to be accommodated in the local car parks with occupancy levels overnight being recorded as being less than 20% full.*

.....

*The local area has adequate pedestrian and cyclist facilities which provides good connectivity between the site and local facilities. The site is situated approximately 100 metres from the nearest bus stops and is approximately a five minute walk to the rail station.*

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<sup>1</sup> TRICS (Trip Rate Information Computer System) is a database of trip rates for development types used for transport planning purposes, specifically to quantify the trip generation of new developments.

<sup>2</sup> The restaurant element of the original proposal was removed during the evolution of the application.

*It is considered that the anticipated level of proposed development traffic will not have a significant adverse impact on the operation of the local transport network with vehicles associated with the proposed development able to be accommodated in the local car parks.*

*The proposed development layout can be safely accessed and serviced from the existing highway network. In conclusion, there is no highways and transport reason why the development should not be permitted’.*

These outcomes are agreed by the Council’s Highways Officer. Essentially this is a city centre location with excellent pedestrian, cycle and public transport accessibility, and with adequate public car parking facilities to meet the demands of the proposed development. The wider highway network can accommodate the limited levels of additional traffic generation. There are no highway safety issues around the use of existing roads and junctions within the locality.

On cycling, a condition is recommended requiring provision of bike parking facilities – this to encourage transportation means other than just cars.

The application site lies within the Salisbury Air Quality Management Area. However, as this is a re-development proposal, the implications for this designation are not considered to be significant.

#### **9.4 Flood Risk and Drainage**

The application site lies mainly within Flood Zone 2 although with small sections within Flood Zone 3 (beside the river) and within Flood Zone 1 (adjacent to Priory Square).

##### **9.4.1 Flood risk**

In view of the site’s location mainly within Flood Zone 2, and in view of the proposal involving a change from a ‘less vulnerable’ use (retail) to a ‘more vulnerable’ use (hotel, albeit at first floor level)) it is necessary for the ‘Sequential Test’ to be applied. According to the NPPF, the aim of the sequential test is to steer new development to areas with the lowest risk of flooding (namely Flood Zone 1); development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Applying the Sequential Test in this instance it is considered that the proposal ‘passes’. This is because there are no other sites reasonably available and/or being delivered at this time outside of Flood Zone 2 for a sustainable city centre hotel such as this.

In situations where it is not possible for development to be located in zones with a lower risk of flooding, it is then necessary to apply the ‘Exception Test’. According to the NPPF, the need for the Exception Test depends on the potential vulnerability of the site and of the development proposed; and for the Exception Test to be passed it should be demonstrated that –

- (a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

To assist consideration of the Exception Test the application is accompanied by a Flood Risk Assessment (FRA). Based on fluvial flood depth data supplied by the Environment Agency, a design fluvial flood level (the 1% Annual Exceedance Probability, plus an appropriate

allowance for climate change) is c. 46.9 metres AOD. In its response to the application the Environment Agency accepts this figure, and accordingly concludes as follows:

*“The proposal is for a library, gym and restaurant at ground floor level, with the hotel (the ‘more vulnerable’ flood risk use) at first floor level and above. The FRA proposes a 300mm freeboard allowance for setting minimum finished floor levels. This allowance should be considered the absolute minimum. A larger freeboard allowance, closer to 600mm, is recommended. However, mindful of the proposed ‘less vulnerable’ use at ground floor level, and the applicants’ use of the most up-to-date, improved, fluvial hydraulic modelling data we [the Environment Agency] have no objection to the proposed finished floor levels as set out in the FRA. Specifically, the library, fronting Fisherton Street, set no lower than 47.2 metres AOD. We note the gym, restaurant, and hotel entrance to the rear of the site will be set a little higher at 47.375 metres AOD by virtue of higher ground level in Malthouse Lane/Priory Square”.*

Accordingly the Environment Agency raises no objection, subject to conditions.

#### **9.4.2 Surface water drainage**

The application is also accompanied by a Surface Water Management Plan. It sets out proposals for the management of surface water from the site, and these comprise a combination of SUDs measures in the form of ‘blue’ and ‘green’ roofs, and permeable paving. In combination these measures would restrict/control surface water flows to the River Avon (via a pump, trap and existing manhole) to no more than 2 l/s; this is a better outcome than the present arrangements at the site, and so satisfies (a) and (b) of the Exception Test (referred to above).

In the event of exceedance, the Management Plan proposes the following –

*“The exceedance route in events in excess of the 100 year plus 40% climate change events will surcharge from the lowest manhole with the lowest cover level, which is in the service yard area. The flooding will be stored here before draining back into the permeable paving when flooding subsides before leaving the site”.*

The Council's Drainage Officer has raised a holding objection, but this is in view of requirements for additional information relating to the design of the surface water drainage scheme and an emergency plan. These are both matters that can be covered by planning conditions in the event of planning permission being given.

#### **9.4.3 Foul water drainage**

Wessex Water raises no objections subject to there being no surface water drainage connections to the foul system. This is a matter for a planning condition.

#### **9.5 Biodiversity**

The application site is adjacent to the River Avon – a designated Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

The application is accompanied by a Preliminary Ecological Appraisal. It concludes on ecological considerations as follows:

*Redevelopment of 32-36 Fisherton Street requires demolition of all buildings within the site. The nature and location of the site means that it has very limited opportunities to support protected species of fauna and no nature conservation habitats of Importance.*

*Notwithstanding this, the site is adjacent to part of the River Avon SAC & SSSI which is a linear site with a conservation value of National Importance.*

*Further surveys are necessary to inform whether bats roost at the site and if so the species and roost types. If bat roost sites are present then a European Protected Species mitigation licence will be required before the site is demolished and roosts destroyed. A licence will be legally binding. It will compel the applicant to deliver a pre-agreed mitigation strategy and compensatory bat roosting provision in the replacement building so that there are no negative impacts on the local population of bats.*

*Common species of birds could also nest in the building and so demolition must be timed to avoid an offence; new nesting provision should also be made.*

*It is vital that the development does not result in pollution of the River Avon watercourse either directly or indirectly in the pre, during or post development stages. Biodiversity gain can be achieved by providing additional bat and nesting bird sites so that the proposals can remain compliant with legislation and policy and result in no permanent negative effects on bats, birds or the interests of the River Avon SAC/SSSI.*

Planning conditions can address the requirement for bat surveys at the appropriate time. Protection of the river can be assured by means of a Construction Environmental Management Plan at time of construction, and the Surface Water Management Plan addresses discharges from the site into the river.

A third party representation requests that 'swift bricks' are utilised in the new build to provide nesting opportunities for swifts. This would be in addition to other bird and bat boxes. The applicant is agreeable to this, and accordingly – and because Core Policy 50 of the Wiltshire Core Strategy seeks protection *and* enhancement of biodiversity – a condition is recommended.

## **9.6 Residential amenity**

Core Policy 57 of the Wiltshire Core Strategy requires new development to make a positive contribution to the character of Wiltshire through, amongst of things, having 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 Council's Public Protection Officer has highlighted that the proposed uses may have the potential to generate noise and odours. Accordingly conditions are recommended requiring schemes to ensure the building is suitably insulated and equipped to eliminate these.

Conditions are also recommended relating to air quality improvement and potential contamination.

The proposed building would be sited close to the adjacent United Reformed Church. However, there is sufficient separation between the buildings to ensure light levels at the church would not be adversely affected. The relationship between the two buildings would be similar to what presently exists, the change is not considered to be overbearing, and is not considered inappropriate within the city centre context where buildings often stand cheek by jowl.

## 10. Conclusion

The proposal seeks to re-develop this site to provide a hotel, gym and library. This as a matter of principle complies with the Core Strategy, and notably Core Policy 21 which allocates the area around the Maltings – including the application site – for a mixed-use development to enhance the city centre’s position as a sub-regional and cultural centre.

The detailed design of the proposal is contemporary and of relatively large scale in its context. However, the overall impact on interests of acknowledged importance – including heritage, ecology and drainage – are considered to be neutral and/or beneficial, and the public benefit arising from the proposal, including its potential to kick-start the wider re-development of the Central Car Park and Maltings is a significant consideration in any event. Notwithstanding this, should the Committee conclude that there is harm, specifically to heritage assets, then then applying the public benefits ‘test’, this harm is outweighed by the public benefits – notably, the delivery of the first phase of the Maltings / Central Car Park re-development, the enhancement of the ‘Cultural Quarter’, the general betterment of the city centre in economic terms, and the provision of a new library facility.

Accordingly the application is recommended for approval, subject to satisfactory completion of preliminary archaeological investigations.

## RECOMMENDATION

**Subject to completion of initial archaeological works (as specified in the Archaeological Desk-Based Assessment) and reporting thereon, to authorise the Head of Development Management to GRANT planning permission 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. Notwithstanding the details shown on the submitted application particulars, no development shall commence on site until the exact details 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, in the interests of visual amenity and the character and appearance of the area, which is a conservation area.

3. No walls shall be constructed on site, until a sample wall panel (or panels), not less than 1 metre square, showing the external materials and mortar colours/depths/finishes, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area, which is a conservation area.

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers, canopies, parapet copings, roof details (inc. white metal 'crown'), vents, meters, and external plant 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 contains 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, which is a conservation area.

5. 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 (where relevant) :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels;
- means of enclosure;
- vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials, and their detailed arrangement on the site;
- minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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 setting for the development.

6. 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 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.

7. 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: In the interests of highway safety.

8. No part of the development shall be first brought into use, until details of secure covered cycle parking, together with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and timetable, and shall be retained for use 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.

9. No part of the development hereby permitted shall be first brought into use until an assessment of the acoustic impact arising from the operation of all proposed external plant at all uses within the development has been undertaken in accordance with BS 4142: 2014 and BS8233. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures as necessary to ensure the rating level of noise emitted from the proposed plant shall be at least 5dB less than lowest background level and is protective of local amenity. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to first use of the development and thereafter be permanently retained.

REASON: In order to safeguard the amenities of the area in which the development is located.

10. No part of the gymnasium element of the development hereby permitted shall be first brought into use until a scheme of mitigation and validation for the gymnasium element has been undertaken that meets the noise requirements of NR25 (maximum noise rating level) and to so protect the hotel and library elements of the development. The scheme shall be submitted to and approved in writing by the Local Planning Authority and shall demonstrate substantial compliance over a 1 hour LAeq taking due account of frequency.

The scheme must include details of stages of validation during the construction phase and a post construction scheme of validation and measurement to demonstrate substantive compliance. The gymnasium use hereby permitted shall not commence until the approved details are fully implemented and details of post construction validation have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to safeguard the amenities of the area in which the development is located.

11. No part of the development hereby permitted shall be first brought into use until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odour & fumes, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In order to safeguard the amenities of the area in which the development is located.

12. 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 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 and to minimise unnecessary light spillage above and outside the development site.

13. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) - Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) - Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

#### Step (iii) - Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

#### Step (iv) - Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

#### Step (v) - Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

#### Step (vi) - Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents / interested parties to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The CEMP shall be implemented at all times during the construction phase as approved.

REASON: In order to safeguard the amenities of the area in which the development is located.

15. The development hereby approved shall not commence until an Air Quality Assessment (AQA) is carried out to assess the impact, if any, of the development on the Salisbury Air Quality Management Area. The AQA shall be carried out in accordance with the requirements of the Council's Air Quality SPD; and where impacts are predicted, shall set out mitigation and a programme of implementation to address these. The development shall not commence until the AQA has been approved in writing by the local planning authority; and the development shall then be implemented and operated thereafter in accordance with the approved mitigation and related programme.

REASON: The application site is within an Air Quality Management Area where air quality objectives have been breached. In these circumstances Core Policy 55 of the Wiltshire Core Strategy requires new development to demonstrate that it will not exacerbate the situation and/or to propose mitigation measures as necessary, this in order to protect public health, environmental quality and amenity.

16. Notwithstanding the details sets out in the application particulars, no development shall commence on site until a scheme for the discharge of surface water from the site (including the service yard), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contains 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 that the development can be adequately drained.

**INFORMATIVE:**

In preparing the scheme for the discharge of surface water the applicant should have regard to the response to the application from WC Drainage; in particular, those comments relating to the shortcomings of the Flood Risk Assessment and Surface Water Management Plan accompanying the original planning application.

17. No part of the development hereby permitted shall be first brought into use until a flood emergency plan (Flood Warning and Evacuation Plan) has been submitted to and approved in writing by the Local Planning Authority. The emergency plan shall address all sources of flooding (river, surface water, groundwater and sewer), and shall set out prevention and evacuation measures in the event of a flood event. Following first use of the development the flood emergency plan shall be implemented if and whenever flood events occur.

**REASON:** To ensure safe access and escape routes during times of flooding.

18. Notwithstanding the details set out in the application particulars, the finished floor levels of the development hereby permitted shall be set no lower than 47.2 metres above Ordnance Datum (AOD).

**REASON:** To reduce the risk of flooding and to accord with the terms of the Flood Risk Assessment which accompanies the planning application.

**INFORMATIVE:**

In view of the potential flood risks in this locality, the Environment Agency advises that the developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

19. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

**REASON:** In the interests of sustainable development and climate change adaptation.

**INFORMATIVE:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include calculations to demonstrate how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

20. There shall be no surface water drainage connection to foul water drainage systems.

REASON: To reduce the risk of flooding.

21. No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) of the existing building to be demolished has been carried out. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: The application contains 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 secure the proper recording of the existing building.

22. No works for the demolition of the existing building or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission has been granted; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: The application contains 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 visual amenity of the locality, which is within a designated Conservation Area.

23. No development shall commence within the application site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contains 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 enable the recording of any matters of archaeological interest.

24. Prior to commencement of the development hereby approved, a scheme for the incorporation of bat and bird boxes (including swift bricks) into the new building works shall be submitted to the local planning authority for approval in writing. The bat and bird boxes / swift bricks shall be incorporated in accordance with the approved scheme and retained for nesting purposes in perpetuity thereafter.

REASON: To ensure enhancement of ecological interests in accordance with Core Policy 50 of the Wiltshire Core Strategy.

25. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal by Ecological Consultancy Services Ltd dated February 2019; in particular, those recommendations requiring further bat surveys to be

undertaken at particular times of the year.

REASON: To safeguard ecological interests, notably bats.

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

3097-A-1524 P03 (Roof plan) dated 14/05/19  
3097-A-1526 P01 (Ground floor plan) dated 26/04/19  
3097-A-1527 P02 (First floor plan) dated 14/05/19  
3097-A-1528 P02 (Second floor plan) dated 14/05/19  
3097-A-1529 P02 (Third floor plan) dated 14/05/19

3097-A-1532 P02 (Elevations – sheet 1) dated 03/05/19  
3097-A-1533 P02 (Elevations – sheet 2) dated 14/05/19  
3097-A-1540 P03 (Sections) dated 14/05/19

Detail E – Typical PV Mounting Arrangement drawing

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

27. INFORMATIVE:

An environmental permit is required for any works within 8m of a main river, such as the River Avon. For more guidance on environmental permits, consult the Wiltshire Council website.

The Environment Agency issue environmental permits, however, as Wiltshire Council have the lead responsibility for surface water management, the discharge rate from the site must be agreed with the Council.

28. INFORMATIVE:

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

29. INFORMATIVE:

The applicant should note that the costs of carrying out a programme of building recording and archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

30. INFORMATIVE:

The applicant is requested to note 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 it is intended to carry out works in the vicinity of the site boundary, the applicant is also advised that it may be expedient to seek independent advice with regard to the requirements of the Party Wall Act 1996.

31. INFORMATIVE:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note

that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

32. **INFORMATIVE:**

The applicant is advised that Council offices do not have the facility to receive material samples. If samples are required then they should be delivered to site and the Planning Officer notified accordingly.

33. **INFORMATIVE:**

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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).