

## Report to Southern Area Planning Committee

Date of Meeting	28 November 2013		
Application Number	13/04597/LBC		
Site Address	The Old George Brewery, 3 Rollestone Street, Salisbury, Wiltshire SP1 1DX		
Proposal	Change of Use from offices to form ground floor reception area, first floor restaurant/kitchen and second floor storage/staff rooms		
Applicant	Mr Bruce Cifci		
Electoral Division	Salisbury St Edmund and Milford	Unitary Member	Cllr Dr Helena McKeown
Town/Parish Council	Salisbury City		
Grid Ref	Easting: 414585	Northing: 130090	
Type of application	Full Planning		
Case Officer	Matthew Legge		

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### Reason for the Application being considered by Committee

Cllr Dr Helen McKeown has 'called in' the application due to:

- Undue late night noise and disturbance and impact on neighbouring properties.

### 1. Purpose of Report

To consider the above application and to the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

### 2. Report Summary

The main issues in the consideration of this application are as follows:

1. Application background
2. Impact on Listed Building

### 3. Site Description

3 Rollestone Street forms part of the listing for 19 and 21 Winchester Street which was previously The Old George Inn. The building has 14<sup>th</sup> century origins with 17<sup>th</sup> and 18<sup>th</sup> century rebuilding. The building is Grade II\* listed and is formed of two storeys with an

attic and gabled end tiled roof. It is also located within the Conservation Area and Secondary Shopping Area of Salisbury.

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

There is a long planning history for this site. The following is considered to be most relevant to this current application:

**13/00373/FUL:** Change of Use from offices to form ground floor reception area, first floor restaurant/kitchen and second floor storage/staff rooms. REF (for refusal reason see body of report)

**13/00374/LBC:** Change of Use from offices to form ground floor reception area, first floor restaurant/kitchen and second floor storage/staff rooms. REF (for refusal reason see body of report)

#### **5. The Proposal**

Permission is sought to change the use of the premises from offices to a restaurant. The ground floor will be converted to form a reception area while the first floor will form a restaurant area with kitchen to the rear, and the second floor will form a storage area and staff rooms.

#### **6. Planning Policy**

Salisbury District Local Plan policies CN3 & CN5 as saved within Appendix C of the Adopted South Wiltshire Core Strategy.

NPPF

#### **7. Consultations**

**Salisbury City Council:**  
Support

**Wiltshire Council Highways Department:**  
No objection

**Wiltshire Council Environmental Health:**  
No objection subject to conditions

**Wiltshire Council Conservation:**  
No objections

**Wiltshire Council Building Control:**  
None received

**English Heritage:** No comment

## **Wiltshire Fire & Rescue Service:**

### General comments

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

24 letters of objection were received (from 19 Households). A selection of comments:

- Concern over proposed noise mitigation being actually constructed and maintained.
- Additional light pollution and smell pollution from the restaurant
- Restaurant customers, delivery drivers and restaurant staff would park on both sides of Rollestone Street, again generating noise until very late in the evening.
- Customers at the restaurant would gather outside and smoke and chat. This would be an unwelcome sight to those of us who live opposite and would be noisy too.
- The proposal is for a restaurant to open from midday to 11:00pm at night every day of the week including Sundays and Bank Holidays. This would generate unacceptable noise and disruption until very late in the evening.
- Currently there are no restaurants or bars on Rollestone street. It consists of offices, a doctors surgery & residential dwellings. A restaurant would radically alter the nature of the street for the worse.
- The restaurant windows will look straight into the windows of the apartments opposite, in Three Cuppes Lane, so privacy will be lost.
- There will be increased traffic coming and going until late at night, also the problem of deliveries being made to the restaurant in a narrow road which already suffers congestion.
- The noise caused late at night by customers would impact on local residents as would the light pollution from the restaurant and smells and odours extracted from the kitchens
- We have problems in this area with a lot of antisocial behaviour so a curry restaurant that sells alcohol from 12 am till 11pm can only bring in more.
- Loss of property value.
- Concern over anti social behaviour and illegal activity

1 letter of comment has been received.

- Confirmation sought that another acoustics assessment will be completed once the build has been completed.

1 letter of support has been received from Wessex Property Consultants Ltd.

- Comments that the property has been vacant since October 2009 and has been unsuccessfully marketed as office space since then.

## **9. Planning Considerations**

### 9.1 Application background

This application has been submitted following the refusal of the recent applications 13/00373/FUL and 00374/LBC.

The differences with this application relate to the level of information and nature of extraction system details and location of external vent openings. Also two of the first floor windows located within the elevation facing Rollestreet will now be fixed shut and obscure glazed. These windows will serve the commercial kitchen.

The reason for the previous refusal reason is as follows:

*“The site is located in very close proximity to residential flats in what has largely been a quieter residential area of the city located away from the night time economy and adjacent to an office building. The proposed change of use to a restaurant is considered to cause significant detriment to the amenity of the occupiers of adjacent properties by reason of the noise and odour from the extraction system; and noise from the night time activities such as that generated by a commercial kitchen activity, music, and noise from customers coming/going and congregating outside to smoke. Therefore the proposal is judged to be contrary to policy G2 of the Salisbury District Local Plan as saved within the Adopted South Wiltshire Core Strategy, and the guidance contained within the National Planning Policy Framework, in particular paragraph 123.”*

## 9.2 Impact on Listed Building

The previous refusal reason does not relate to any harm to the character or setting of the listed building. A Wiltshire Council Conservation Officer has previously raised comments as directed to the recently refused applications (13/00373 and 13/00374):

*“This is a grade II\* listed building so EH will need to be consulted.*

*Ground floor – no objection to removal of stud partitions and creation of disabled toilet.*

*First floor – can they provide more information on ‘encased beams over’ i.e. how are they going to do this? No objection to the other minor changes except again the restaurant area says ‘encased beams over’. I can’t quite recall but I think there is a suspended ceiling. Could we get them to provide a cross section of the ceiling and a beam to show the detailing please?*

*Second floor – this is where the big change is in terms of the cooker extraction unit. My recollection is that the building/roof is most altered at the north end, so I have no objection to the extraction unit running through and out of the roof on the western slope (so it is not visible from the street). Just to be sure, perhaps we could have a condition saying specifically that consent is not given for the removal or alteration of any historic timbers?*

*No objection to signage (subject to more details) or bin in yard.”*

As part of this current application the same Conservation Officer has commented:

*“I remember having several discussions with the agents during the life of the application and in respect of my comments above.*

*I don't think there is anything outstanding from my perspective so I am happy to repeat that I have no objections to the proposals.*

*I do not require any conditions. We have had a number of revised plans and conversations that clarify the likely impact on this building. Where they do impact on fabric it is in areas where there is modern fabric (not historic). All in all this scheme has a much 'lighter touch' in relation to the listed building and its character than the previous pre-application discussions about residential conversion"*

This application has received no representation comments in relation to the proposed works to the listed building. The Conservation Officer has not objected to the proposed works. Officers consider that the proposed development will have no detrimental impact to the character and setting of the listed building.

## **10. Conclusion**

It is considered that the proposal will not result in any harm to the character or setting of the Listed Building.

## **Recommendation**

### **Planning Permission be Approved subject to conditions:**

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

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

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

1410/P07	Submitted on 26/09/13
1410/P08 Rev A	Submitted on 26/09/13
1410/P09 Rev B	Submitted on 26/09/13
1410/P10 Rev E	Submitted on 26/09/13
Details of odour and noise control	Submitted on 26/09/13

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use

Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.

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

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.

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

- 7 The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rolleston Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.