

<b>Date of Meeting</b>	14/08/2014
<b>Application Number</b>	14/04255/FUL
<b>Site Address</b>	27 Tollgate Road and 1 & 2 Fowlers Hill Salisbury Wiltshire SP1 2JF
<b>Proposal</b>	Demolition of existing buildings & erection of a pair of interlinked 27 bed care homes with associated parking, access and landscaping, including the change of use of 27 Tollgate Road and 2 Fowlers Hill from C3 to C2
<b>Applicant / Agent:</b>	Wessex Care Limited
<b>Town / Parish Council</b>	Salisbury City Council
<b>Ward</b>	St Martins & Cathedral
<b>Grid Ref</b>	Easting: 415020    Northing: 129739
<b>Type of Application</b>	Full
<b>Case Officer</b>	Charlie Bruce-White

### Reason for the application being considered by Committee

Cllr Tomes has called in the application due to the scale of development, visual impact upon the surrounding area, relationship to adjoining properties and design – bulk, height, general appearance.

#### 1. Purpose of report

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

#### 2. Report summary

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

1. Principle of development;
2. Character and appearance of the area;
3. Impact upon residential amenities of neighbouring property;
4. Highway considerations;
5. Archaeology;
6. Ecology.

Objections were received from the City Council and 7 members of the public

#### 3. Site Description

The site relates to three properties on the corner of Tollgate Road and Fowlers Hill, on the edge of Salisbury city centre. The properties comprise a single storey dwelling (2 Fowlers Hill), a 20 bed residential care home ('Kimberley' or 1 Fowlers Hill) and a two storey dwelling (27 Tollgate Road). The site is within the Salisbury Conservation Area and Housing Policy Boundary.

#### 4. Relevant Planning History

85/1262	Conversion and change of use to old people's home	AC	7.11.85
87/792	Construction of dormer & extension of external fire escape to 2nd floor	AC	16.7.87
88/6	Extension to nursing home & alteration of access 18.2.88	R	
		App All	27.9.88

#### 5. Proposal

It is proposed to demolish all of the buildings on site and to erect two detached 27 bed residential care homes.

#### 6. Planning Policy

Local Plan: policies G1, G2, H24, D1, D2, CN8, CN9, CN10, CN11, CN12, CN21, CN22, C12, C13, TR11, TR14, PS2

Core Strategy: core policy 1

Central government planning policy: NPPF and NPPG

Other material guidance: Salisbury City Conservation Area Appraisal & Management Plan

#### 7. Consultations

City Council	<b>Object</b> due to overdevelopment
Conservation Officer	<b>No objection</b> subject to applicant demonstrating over-riding public benefit to the proposed development due to loss of heritage asset.
Highways Officer	<b>No objection</b> subject to conditions regarding access, parking and construction.
Highways Agency	<b>No objection</b>
Environmental Health	<b>No objection</b> subject to condition to secure details of ventilation equipment to control fumes, noise, odours.
Archaeologist	<b>No objection</b> subject to condition to secure a watching brief
Ecologist	<b>No objection</b>
Adult Services	<b>Support</b>

#### 8. Publicity

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

7 letters of representation were received, raising the following objections/concerns:

- Loss of light and privacy to neighbouring residential property;
- Increase in disturbance to neighbouring residential property through increased noise & smells;
- Resulting increase in traffic around the site would be detrimental to highway/pedestrian safety;
- Overdevelopment of the site and would dominate the streetscene;
- The demolition of 1 Fowlers Hill would result in the loss of a valued heritage asset;
- Inadequate provision of off-street parking within the site would affect surrounding roads;
- Potential disturbance and other effects to neighbours from the construction phase.

## 9. Planning Considerations

### 9.1 Principle of development

Local Plan policy H24 states that within the Housing Policy Boundaries, residential development suitable for the elderly will be permitted provided that:

- it includes adequate amenity space and has a high quality setting; and
- the development is well located in relation to local services and amenities.

Local Plan policy PS2 states that the erection of new buildings for nursing homes will be permitted within the settlements, subject to the buildings being;

- detached with adequate private, well located garden space within the curtilage of the property; and
- located close to shops, community facilities and bus routes.

Being within a Conservation Area, Local Plan policies CN8 and CN9 are particularly relevant, which seek to preserve and enhance the character of the Conservation Area. The NPPF includes further guidance on the loss of heritage assets, particularly at paragraph 133.

### 9.2 Character & appearance of the area

On the loss of the existing buildings on the site the Conservation Officer comments as follows:

*The site is within the Milford Hill area of the Salisbury Conservation Area, and as you will be aware, a conservation area is a designated heritage asset using NPPF terms. The proposal to demolish the three buildings therefore has an impact on a heritage asset and we need to consider whether the impact is “substantial” or “less than substantial” (again NPPF terminology). Whilst the draft conservation area appraisal for Milford Hill identifies number 1 Fowlers Hill (Kimberley) as a building that makes a positive contribution to the character of the conservation area, it does not identify 27 Tollgate Road or number 2 Fowlers Hill and I think it is clear that they make a ‘neutral’ contribution.*

*I would concur with Elaine Milton’s [the applicant’s conservation consultant] conclusion that the loss of these three buildings would be ‘less than substantial harm’ (i.e. we are agreeing there is a harm, but that it is not substantial) as the buildings are*

*only a relatively modest element of the conservation area and two of the buildings have a neutral contribution. Having established this, the NPPF then says (para. 134) that the potential harm needs to be outweighed by substantial public benefits. The precise wording is:*

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

*The best use for Kimberley, from my perspective, would be for it to return to a single dwelling. However it has been a nursing home for a number of years and has been extended to accommodate this use, it is therefore difficult to envisage a scenario that would involve reversion to domestic use. I therefore feel that the applicants need to satisfy you that their proposals would result in an improved public benefit that could not reasonably be accommodated elsewhere and I would suggest that there needs to be a clear demonstration of improved facilities for the existing and new customers and that this meets wider community needs.*

The applicant has submitted a detailed report assessing the care needs in the catchment area of the site. This notes a projected future increase in the number of over 85s, the group most likely to require long term residential care, which is projected to increase from 3,700 in 2015 to 5,340 by 2026. The number of additional residential care bed spaces that are anticipated up to 2026 is 307. An assessment of other proposed developments that have been granted consent for additional care home bed spaces indicates that only a net increase of 16 bed spaces are currently in the pipeline.

Whilst the Government does not provide projections of need for care homes or issue guidance on appropriate levels of capacity, both the *National Strategy for Housing in an Ageing Society* and the NPPF advocate the provision of a wide range of accommodation and choice to meet the likely needs of an ageing population. The applicant also details that the proposed accommodation would be purposely built and designed to current standards, and that the phased nature of the development would allow the current residents of Kimberley House to remain on site before moving into the first of the new care home buildings.

The Council's Adult Services department confirm that they welcome the increase in capacity and improvements to the existing facilities that the development would bring, particularly given the more affordable nature of Wessex Care's accommodation in a locality where this not often the case.

On the basis of the applicant's report, the support of the Council's Adult Services department, and the objectives of Government guidance and the Core Strategy to provide new housing which meets the needs of all, Officers consider that the proposal development, which would result in a net increase of 33 bed spaces in a sustainable urban location, would provide the necessary public benefits to override the less than substantial harm identified by the Conservation Officer.

Turning to the design merits of the new buildings proposed, the Conservation Officer comments that:

*I welcome the idea of creating two villas, each with their own characteristics as this reduces the bulk of the potential building (creating two buildings instead of one) and also more closely reflects the character of the area. I have no particular comments to make but would like conditions that require drawings at a greater scale for elements of*

*the building (particularly windows, entrances, chimneys, decorative elements etc.) and also a condition covering materials (in particular I would like to see one of the villas using the clay tiles that are currently on the roof of 1 Fowler's Hill – which the architect describes as a Bridgewater tile).*

Whilst it is noted that the City Council and several local residents have raised concerns over the scale of the development, Officers concur with the opinion on the Conservation Officer on the proposed design and are satisfied that the submitted street elevation drawings demonstrate that the development would not be overly dominant within the streetscene and would provide good quality feature buildings that would positively contribute to the character of the area.

### *9.3 Amenities of adjoining and nearby property*

Several residents to the north and east of the application site have raised concerns that the development would have adverse impacts, notably upon their privacy and levels of light. No.3 Fowlers Hill is immediately to the east of the application site, adjacent to where the bungalow at No.2 would be demolished and replaced by the rearmost part of 'Villa 2' which would extend over much of the bungalow's former footprint, effectively extending its height by a storey and a half.

The applicant has given consideration to preserving privacy to the neighbours to the rear by designing room layouts so as to site predominantly only en-suites bathroom windows facing onto these neighbours. A condition can be imposed to ensure that these windows are both obscured and designed so as to prevent views when open. In terms of the additional bulk of the proposed building, it is noted that the increased height of the buildings have been limited by cutting into the slope of the site, so that the ground floor level would be notably lower than the existing bungalow. The bulk of the new building would also be reduced by its 'L'-shaped footprint and off-set angle to the rear boundary. Taken with the fact No.3 Fowlers Road would be situated on higher ground, it is not considered that the proposal would result in loss of light or overbearing effects to an unacceptable degree.

'Villa 1' would be constructed to a similar design in terms of room layout, also avoiding a significant number of windows to habitable rooms facing to the rear and, despite being a larger building than no.27 Tollgate Road, due to its lowered ground floor level would be no higher than this existing dwelling it would replace. The other dwellings to the north, on Fowlers Road, would be situated relatively further away from the application site compared to no. 3 Fowlers Road, and on higher ground still. These dwellings would also be separated from the application site by existing landscaping to the rear boundary of the site which is of a considerable height, and would be retained within the proposed development. Consequently it is not considered that these neighbours would be affected to an unacceptable degree either.

To the west of the site lies no.25 Tollgate Road. Although no objections have been received from its occupants, consideration has been given to the potential impacts upon its amenity. Whilst a number of windows to habitable accommodation would face onto this neighbour, this boundary also has existing landscaping of a considerable height that would be retained within the proposed development, and would screen both the bulk of the building and its windows to a large degree.

To the opposite side of the site, the two villas would look onto the terraces across the street on Tollgate Road. Such a relationship would be typical of that found within the urban area, where a degree of mutual overlooking is to be expected.

In terms of other potential effects, the Council's Environmental Health Officer comments that suitable ventilation and filtration equipment should be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises, and that such equipment will need to operate at a suitably quiet level. Such details can be secured by a planning condition.

#### *9.4 Highway considerations*

The Highways Officer comments that the site is located in a sustainable location close to the city centre, within easy walking distance of public transport, thus minimising the need for a private car, and therefore no highway objection is raised to the level of parking or to the proposed layout generally. Conditions are recommended to secure appropriate details for the new site access and a construction method statement to ensure safe practices during the construction process.

#### *9.5 Archaeology*

The Council's Archaeologist observes there is potential for remains associated with the medieval city and also with earlier settlement to be present on the site. However, the existing buildings may well have resulted in some damage or disturbance to any potential remains and there may be significant overlap between the footprint of the existing buildings and the proposed care homes. Consequently an archaeological watching brief is recommended during construction, rather than pre-determination evaluation, and a condition shall be imposed to secure this.

#### *9.6 Ecology*

The bat and nesting bird survey submitted with the application indicates that the buildings due to be demolished hold no evidence of bats or birds. Consequently the Council's Ecologist raises no objection.

### **10. Conclusion**

The development would be acceptable in principle and although it would result in the loss of a heritage asset, the harm would be less than substantial and it is considered that there would be over-riding public benefit through the provision of much needed additional residential care bed spaces. It is considered that the proposed two buildings would be of an appropriate scale, siting and design, so as to preserve the character of the Conservation Area. There would be no significant adverse impacts upon the amenities of neighbours and appropriate access and parking would be provided so that the development would be acceptable in highway terms. There would be no detrimental impacts upon protected species and subject to an archaeological watching brief archaeology would be appropriately recorded.

### **11. Recommendation**

**Planning Permission be GRANTED subject to the following conditions:**

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

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

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....13-1871-100...	Dated....22.04.14....
Plan Ref....13-1871-101...	Dated....22.04.14....
Plan Ref....13-1871-102...	Dated....22.04.14....
Plan Ref....13-1871-103...	Dated....22.04.14....
Plan Ref....13-1871-104...	Dated....22.04.14....
Plan Ref....13-1871-105...	Dated....22.04.14....
Plan Ref....13-1871-106...	Dated....22.04.14....
Plan Ref....13-1871-107...	Dated....22.04.14....
Plan Ref....496 Ip 01...	Dated....22.04.14....

Reason: For the avoidance of doubt.

- 3) The site shall be used as a residential care home / nursing home for the elderly and for no other purpose (including any other purpose in Class C2 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 having regard to the circumstances of the case.

- 4) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.

- 5) No development to face the external walls of the care homes hereby permitted shall commence on site until a sample brickwork wall panel, not less than 1 metre square, 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.

- 6) 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, entrances and decorative elements 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: In the interests of visual amenity and the character and appearance of the area

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) details of trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (b) details of new trees and hedgerows to be planted, including species;
- (c) means of enclosure;
- (d) car park layouts;
- (e) hard surfacing materials;
- (f) minor artefacts and structures (e.g. refuse and other storage units, oil tanks);

Reason: To ensure a satisfactory landscaped setting for the development.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. 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.

- 9) No development shall commence on site until details of the proposed access alterations to the Tollgate Road site frontage have been submitted to, and approved in writing by the local planning authority. The development hereby permitted shall not be fully brought into use until the access alterations, drop off area and realigned paved footway, including all associated highway works, have been provided in accordance with the approved details.

Reason: In the interests of highway safety.

- 10) The development hereby approved shall not be fully brought into use until the cycle/car parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for these uses at all times thereafter.

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

- 11) The development hereby permitted shall not be fully brought into use until the first five metres of the new Tollgate Road site access, measured from the back of the realigned paved footway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 12) The gradient of the new Tollgate Road access shall not at any point exceed 1 in 15 for a distance of five metres from the back of the realigned paved footway.

Reason: In the interests of highway safety.

- 13) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway area), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be fully brought into use until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

- 14) No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

- 15) Before the development hereby permitted commences a scheme for the discharge and control of fumes and/or odours from the proposed cooking operations on the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

Reason: In the interests of neighbouring amenity.

- 16) Before the development hereby permitted commences a scheme of acoustic insulation shall be submitted to and approved in writing by the Local Planning Authority specifying the measures that will be taken for the purposes of preventing and controlling the emission of noise from externally mounted plant, equipment and ventilation systems. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

Reason: In the interests of neighbouring amenity.

- 17) The en-suite windows in the north-east elevations shall be glazed with obscure glass only and permanently fixed with a ventilation stay restricting the opening of the window, in accordance with details to be submitted to and agreed in writing by the local planning authority, prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

Reason: In the interests of residential amenity and privacy.

- 18) No development shall commence within the area indicated (proposed development site) until 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. The approved programme of archaeological work shall be carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

- 19) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

Reason: In the interests of neighbouring amenity.

## **INFORMATIVES:**

### Bats

There is a low risk that bats may occur at the development site. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bat Conservation Trust website

### Highways adoption

It is anticipated that the realigned paved footway will be adopted by the council under a legal agreement.