

Schedule Of Planning Applications For Consideration

In The following Order:

Part 1) Applications Recommended For Refusal

Part 2) Applications Recommended for Approval

Part 3) Applications For The Observations of the Area Committee

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT

AHEV	- Area of High Ecological Value
AONB	- Area of Outstanding Natural Beauty
CA	- Conservation Area
CLA	- County Land Agent
EHO	- Environmental Health Officer
HDS	- Head of Development Services
HPB	- Housing Policy Boundary
HRA	- Housing Restraint Area
LPA	- Local Planning Authority
LB	- Listed Building
NFHA	- New Forest Heritage Area
NPLP	- Northern Parishes Local Plan
PC	- Parish Council
PPG	- Planning Policy Guidance
SDLP	- Salisbury District Local Plan
SEPLP	- South Eastern Parishes Local Plan
SLA	- Special Landscape Area
SRA	- Special Restraint Area
SWSP	- South Wiltshire Structure Plan
TPO	- Tree Preservation Order

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE
 FOLLOWING COMMITTEE
CITY AREA 10/01/2006

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

Item Page	Application No Officer	Parish/Ward Recommendation Ward Councillors
1	S/2005/2310 Mr W Simmonds	ST ED & MILFORD REFUSAL
	BOURNE AVENUE SALISBURY	
2	S/2005/1864 Mr R Hughes	FISHERTON/BEM V REFUSAL
	WILTON ROAD SALISBURY	
3	S/2005/1845 Mr R Hughes	FISHERTON/BEM V REFUSAL
	FORMER OLD MANOR HOSPITAL CAR PARK AND THE PARAGON NORTHERN SIDE OF WILTON ROAD SALISBURY	
4	S/2005/2459 Mrs B Jones	ST MARTIN & MIL REFUSAL
	ST. THOMAS'S HOUSE ST. THOMAS'S SQUARE SALISBURY	
5	S/2005/2255 Mr A Madge	LAVERSTOCKBISHOPDOWN REFUSAL
	LAND AT LONDON ROAD SALISBURY	

6	S/2005/0806	ST MARK & STRAT
	Mr O Marigold	APPROVED WITH CONDITIONS
	NLC CONTRACTOR LTD 73 HULSE ROAD SALISBURY	
7	S/2005/1842	FISHERTON/BEM V
	Mr R Hughes	APPROVED WITH CONDITIONS
	WILTON ROAD SALISBURY	
8	S/2005/1839	FISHERTON/BEM V
	Mr R Hughes	NO OBJECTION
	WILTON ROAD SALISBURY	

Part 1

Applications recommended for Refusal

1

Application Number:	S/2005/2310		
Applicant/ Agent:	E FRY		
Location:	BOURNE AVENUE SALISBURY SP1 1LS		
Proposal:	CONVERSION OF GARAGE TO SEPARATE DWELLING		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	LB Grade:		
Date Valid:	14 November 2005	Expiry Date	9 January 2006
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Mrs Chettleburgh has requested that this item be determined by Committee due to the interest shown in the application

SITE AND ITS SURROUNDINGS

The application site is a detached double garage constructed of brick elevations under a pitched roof, situated on Bourne Avenue, Salisbury.

Bourne Avenue is a residential road within the Housing Policy Boundary (H8) of Salisbury, and consists largely of two storey detached and semi-detached dwelling houses with gardens.

The application site was formerly associated with, and formed part of the curtilage of number 75 Wain-a-long Road but has previously been sold off and no longer has any association with the surrounding adjoining residential dwellings. The applicant has indicated that the building is currently used as a general store for a carpenter and joiner.

The side and rear walls of the building form the boundaries with the rear gardens of adjoining dwellings at numbers 73, 75 and 77 Wain-a-long Road. At the front of the building is an area of land of approximately 42 square metres with access via a drop kerb onto the highway. The footprint of the garage building itself is approximately 45 square metres.

THE PROPOSAL

The application proposes the conversion of the garage building to a separate unit of residential accommodation (a new dwelling).

Externally the proposal involves creating a new front elevation with two windows and a front door, and the insertion of three roof windows into the roof plane of the south (front) elevation. The area of hardstanding to the front of the building is designated as a parking area with dustbin/cycle store.

Internally the proposal creates one main living/bedroom area, off of which a small shower/toilet cubicle and kitchen cubicle are formed.

PLANNING HISTORY

S/05/1550 – Extension and conversion of detached garage to create new separate dwelling.
City Area Committee 10/01/2006

CONSULTATIONS

WCC Highways - No objection

Wessex Water – No objection

SDC Environmental Health – Object: the proposal fails to provide satisfactory standard of accommodation due to its small size and fails to make satisfactory provision for the hygienic preparation of food.

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes

Departure No

Neighbour notification Yes

Third Party responses Yes – Three letters of objection from neighbouring residents, grounds for objection include adverse impact on neighbour amenity from noise and odour resulting from toilet drainage/ducting, potential for additional windows being put into side and rear boundary walls causing overlooking, loss of garage space within the area, proposal would be out of keeping with the existing character of the area, and setting of poor precedent.

Ward Member response Yes – Cllr Chettleburgh calls application to be determined at CAC

MAIN ISSUES

Impact on neighbour amenity

Impact on existing character of surrounding area

Standard of fitness of housing for future occupants of the proposed dwelling

Creation of precedent

POLICY CONTEXT

Policies G1 & G2 (General Criteria for Development), D2 (Infill Development), H8 (Housing Policy Boundary), R2 (Open Space Provision) & TR11 (Transportation)

PLANNING CONSIDERATIONS

The existing building is unusual as it is not within the ownership or control of any of the adjoining dwellings. No planning history for the original building has been found and it may be concluded that it was built without planning consent. However, the building has been in situ since at least 1979 (shown on OS plotting sheets) and is therefore immune from enforcement action in respect of its construction.

The Head of Development Services does not consider the apparent lack of planning authorisation for the original building has any bearing on the issues to be considered in the determination of this application.

In respect of the impact of the proposal on visual amenity within the street scene and the character of the surrounding residential area; It is considered by virtue of the relationship of the size, scale and mass of the proposed building to the size of the overall plot, the development as a diminutive single storey separate dwelling with negligible garden or outdoor amenity space would appear incongruous within the street scene and very much at odds with the existing character of the surrounding residential area.

The proposed dwelling would provide minimal accommodation with no storage space for normal household items. It is difficult to envisage how the unit could reasonably accommodate a bed, wardrobe, chest of drawers, and seating etc.

There are no windows to the proposed shower/toilet and kitchen areas.

The objection of the environmental health officer underlines the unsuitability of the proposed

accommodation for habitation by virtue of the small size of the kitchen, being insufficient to contain normal kitchen facilities such as sink, cooker and fridge, and insufficient to allow sufficient workspace for the hygienic preparation of food. In the opinion of the environmental health officer the proposed development would thereby fail to meet the fitness standard of the Housing Act 1985, or its successor due to come into force in the next few months.

In respect of the amenities of neighbouring residents; the applicant has stated that all extractions and vents (eg any central heating boiler, or kitchen or bathroom/toilet ventilation) are to be ducted to terminate in the front roof slope. However, as the kitchen and bathroom/toilet areas within the proposed dwelling are against the boundary with neighbouring gardens there remains potential for significant noise, fumes and odour nuisance to neighbours should the proposed ducting of services prove technically unfeasible.

The applicant has completed a unilateral planning obligation for the proposed development in respect of provision for recreational open space in accordance with Policy R2 of the adopted Local Plan.

CONCLUSION

The proposal, by virtue of its scale, diminutive size and the unsatisfactory relationship of the proposed dwelling to the plot size, would constitute an unsatisfactory form of development that would be discordant the character of the surrounding residential area, would fail to provide a satisfactory standard of housing for its occupants, and would create an undesirable precedent for the conversion to separate dwellings of garages and other small ancillary buildings in residential areas.

RECOMMENDED REASONS FOR REFUSAL

(1) The proposed development, by virtue of its diminutive scale, size and the relationship of the proposed dwelling to the overall plot size, would result in an unsatisfactory form of development that would be discordant with the existing character of the surrounding residential area, would fail to provide a satisfactory standard of housing for occupants of the building, and would create an undesirable precedent for the conversion to separate dwellings of garages and other small ancillary buildings, contrary to Policies G1, G2, D2 & H8 of the adopted Salisbury District Local Plan.

(2) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Council Local Plan because appropriate provision towards public recreational space has not been made.

Application Number:	S/2005/1864		
Applicant/ Agent:	FEILDEN AND MAWSON LLP		
Location:	THE PARAGON WILTON ROAD SALISBURY SP2 7EH		
Proposal:	PARTIAL TAKING DOWN AND REBUILDING OF (CURTILAGE) LISTED BOUNDARY WALL AT WESTERN END ALONG WILTON ROAD WITH REGARD TO SALISBURY LAW COURTS PLANNING APPLICATION		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	SALISBURY	LB Grade:	II
Date Valid:	15 September 2005	Expiry Date	10 November 2005
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to:

the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in a Conservation Area, with vehicular access off the adjacent A36 Wilton Road, and comprises an existing car park, dilapidated single storey garages, and also encompasses part of the existing playing fields associated with Highbury Avenue schools. Open space adjacent to the social club is also included. The surrounding area contains a few listed buildings, notable The Old Manor Hospital buildings to the south. Part of the walling forming part of this application is part of the boundary walling for the grade II listed building adjacent to the application site (The Paragon).

THE PROPOSAL

It is proposed to erect a magistrates court complex on the site, together with associated access and parking facilities. The existing vehicular access onto the A36 would be relocated further eastwards. In order to meet WCC Highways and/or Highways Agency requirements, the development has had to include works to rebuild an adjacent brick walling, in order to provide acceptable visibility in a westerly and eastward direction from the new access. Several trees on and adjacent to the site would be affected/removed, with new replanting taking place around the site.

This application relates to Listed Building Consent for the works needed to the listed boundary walling.

PLANNING HISTORY

S/00/762 & S/00/1035 – Replacement courthouse, and demolition works. Withdrawn.

S/05/1839 & 45, S/05/1864 – Planning and 18/84 application, Conservation Area Consent applications regards demolition works and works to listed wall. (See separate reports on agenda)

Also of note is the application relating to the site to the rear involving demolition of the previous Orchard House and erection of Foyer building.

Also of related interest is the recent conversion works to Montague House, to the immediate west of the application site (S/00/1555). This approval granted consent for a new access driveway serving Montague House from the rear (crossing the current application site), and the provision of 8 parking spaces on part of the rear curtilage of the property. The approval also

permitted the demolition and rebuilding of the front boundary wall of Montague House to provide visibility splays associated with the Foyer scheme.

Whilst the previous high boundary walling adjacent to the A36 was demolished when the Foyer scheme was developed, the proposed visibility splay and new walling was never constructed. Similarly, the rear parking court for Montague House was never constructed.

CONSULTATIONS

Civic Society – (response to original scheme) – Express concern. The site is cramped and the designers have to fit a lot of building on the site, which is not helped by the social club building which severely compromises the scheme and will remain as a tatty blemish in the centre of the site for a major civic building. The front elevation of the building achieves the requisite Civic presence that a courthouse requires. However the society does have misgivings as to the view of the building as you travel west along Wilton road, including the abrupt finishing of the brick towers and the start of the white cladding, this is accentuated by the projecting roof detail, which also finishes abruptly at this point. The society is concerned that the white cladding panels to the sides and rear of the building are very dominant and if these are not washed down regularly will become dirty and discoloured very quickly. Also concern is expressed regards the lack of public art. (Comments awaited regards revised scheme)

Conservation Area Advisory Panel – (summary response to original scheme) – The Panel welcome the commitment to construct new law courts but regretted that the smallness of the site prevented the building from being set back behind the street line, which would have major advantages. Broadly welcome the design approach to the front elevation while emphasising that the quality of the brickwork would have a major impact on the overall success of the project. Principal concern regards choice of cladding material for the sides and back would have a negative effect, and needed to be reconsidered. It should certainly not be used on parts of the front elevation. Also concerned that highway considerations should not be allowed to unduly influence elements of the design, in particular the buildings impact on surrounding features of value to the conservation area. (Comments awaited regards revised scheme)

English Heritage – Do not wish to comment

REPRESENTATIONS

Advertisement Yes. Expiry 13/10/05

Site Notice displayed Yes. Expiry 13/10/05

Departure No

Neighbour notification Yes. Expiry 4/10/05

Third Party responses (Not on this issue)

Design Forum - The Design Forum accepts the revisions to the side and rear elevations proposed by the architects.

- The Forum is concerned however, that the rendered finish on the rear of the building may be difficult to maintain over a long period and may easily become stained, which will then be impossible to rectify. Very careful detailing of the eaves to the roof and around windows will be essential to try to avoid weather staining.
- In the Forum's view, the design of the forecourt facing Wilton Road still needs further consideration. The proposed dwarf walls create a suburban appearance, inappropriate to a major civic building, and should be deleted. The ramp provided for people with disabilities only requires to rise 300mm, and it may be possible to achieve this by re-leveling parts of the forecourt, rather than by creating a ramp.
- The location and design of the bollards needs further thought.
- There has been no mention of how the Council's policy on 'per cent for art' will be interpreted in the new Crown Courts. This needs to be addressed now.

MAIN ISSUES

Impact on listed building

POLICY CONTEXT

CN1 CN2 CN3 CN5 CN8 CN9

PLANNING CONSIDERATIONS

Impact on listed building

The scheme as submitted involves the removal (and some rebuilding) of walling to the east and west of the application site relating to the courts application, in order to provide a visibility splay for highway safety purposes for that scheme. That is the sole reason for these applications.

The existing walling forms part of a continuous boundary fronting the main road, and is very much part of the character of the area.

The removal of the walling adjacent to the site currently bounding the A36 Wilton Road is contentious, as it would partially involve the rebuilding of a listed section of walling. Whilst this section is relatively short, it is prominent in the street scene, and structurally, no evidence has been supplied to suggest the walling may be otherwise structurally deficient and in need of rebuilding. The wall forms part of the character of the listed building, and overall, the setting of the building would be affected by the rebuilding of this section of walling.

CONCLUSION

The removal of the walling adjacent to the site currently bounding the A36 Wilton Road is contentious, as it would partially involve the rebuilding of a listed section of walling. Whilst this section is relatively short, it is prominent in the street scene, and structurally, no evidence has been supplied to suggest the walling may be otherwise structurally deficient and in need of rebuilding. The wall forms part of the character of the listed building, and overall, the setting of the building would be affected by the rebuilding of this section of walling.

RECOMMENDATION: **REFUSE** for the following reasons:

The proposal would involve the rebuilding of a listed section of walling. Whilst this section is relatively short, it is prominent in the street scene, and structurally, no evidence has been supplied to suggest the walling may be otherwise structurally deficient and in need of rebuilding. The wall forms part of the character of the listed building, and overall, the setting of the building would be affected by the rebuilding of this section of walling. The proposal would therefore be contrary to policies CN3, and CN5 of the Salisbury District Local Plan.

Application Number:	S/2005/1845		
Applicant/ Agent:	FEILDEN AND MAWSON LLP		
Location:	FORMER OLD MANOR HOSPITAL CAR PARK AND THE PARAGON ON THE NORTHERN SIDE OF WILTON ROAD SALISBURY SP2 7EJ		
Proposal:	DEMOLITION OF GARAGES AND SINGLE STOREY STORAGE BUILDING AND DEMOLITION / REDUCTION OF WALLING		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 September 2005	Expiry Date	3 November 2005
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to:

the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in a Conservation Area, with vehicular access off the adjacent A36 Wilton Road, and comprises an existing car park, dilapidated single storey garages, and also encompasses part of the existing playing fields associated with Highbury Avenue schools. Open space adjacent to the social club is also included. The surrounding area contains a few listed buildings, notable The Old Manor Hospital buildings to the south. Part of the walling forming part of this application is part of the boundary walling for the grade II listed building adjacent to the application site (The Paragon).

THE PROPOSAL

It is proposed to erect a magistrates court complex on the site, together with associated access and parking facilities. The existing vehicular access onto the A36 would be relocated further eastwards. In order to meet WCC Highways and/or Highways Agency requirements, the development has had to include works to rebuild an adjacent brick walling, in order to provide acceptable visibility in a westerly and eastward direction from the new access. Several trees on and adjacent to the site would be affected/removed, with new replanting taking place around the site.

This application relates to Conservation Area Consent for the works need to adjacent walling.

PLANNING HISTORY

S/00/762 & S/00/1035 – Replacement courthouse, and demolition works. Withdrawn.

S/05/1839 & 42, S/05/1864 – Planning and 18/84 application, Listed Building Consent applications regards demolition works and works to listed wall. (See separate reports on agenda)

Also of note is the application relating to the site to the rear involving demolition of the previous Orchard House and erection of Foyer building.

Also of related interest is the recent conversion works to Montague House, to the immediate west of the application site (S/00/1555). This approval granted consent for a new access driveway serving Montague House from the rear (crossing the current application site), and the provision of 8 parking spaces on part of the rear curtilage of the property. The approval also permitted the demolition and rebuilding of the front boundary wall of Montague House to provide

visibility splays associated with the Foyer scheme.

Whilst the previous high boundary walling adjacent to the A36 was demolished when the Foyer scheme was developed, the proposed visibility splay and new walling was never constructed. Similarly, the rear parking court for Montague House was never constructed.

CONSULTATIONS

Civic Society – (response to original scheme) – Express concern. The site is cramped and the designers have to fit a lot of building on the site, which is not helped by the social club building which severely compromises the scheme and will remain as a tatty blemish in the centre of the site for a major civic building. The front elevation of the building achieves the requisite Civic presence that a courthouse requires. However the society does have misgivings as to the view of the building as you travel west along Wilton Road, including the abrupt finishing of the brick towers and the start of the white cladding, this is accentuated by the projecting roof detail, which also finishes abruptly at this point. The society is concerned that the white cladding panels to the sides and rear of the building are very dominant and if these are not washed down regularly will become dirty and discoloured very quickly. Also concern is expressed regards the lack of public art. (Comments awaited regards revised scheme)

Conservation Area Advisory Panel – (summary response to original scheme) – The Panel welcome the commitment to construct new law courts but regretted that the smallness of the site prevented the building from being set back behind the street line, which would have major advantages. Broadly welcome the design approach to the front elevation while emphasising that the quality of the brickwork would have a major impact on the overall success of the project. Principal concern regards choice of cladding material for the sides and back would have a negative effect, and needed to be reconsidered. It should certainly not be used on parts of the front elevation. Also concerned that highway considerations should not be allowed to unduly influence elements of the design, in particular the buildings impact on surrounding features of value to the conservation area. (Comments awaited regards revised scheme)

English Heritage – Do not wish to comment

REPRESENTATIONS

Advertisement Yes. Expiry 13/10/05

Site Notice displayed Yes. Expiry 13/10/05

Departure No

Neighbour notification Yes. Expiry 4/10/05

Third Party responses (Not on this issue)

Design Forum - The Design Forum accepts the revisions to the side and rear elevations proposed by the architects.

- The Forum is concerned however, that the rendered finish on the rear of the building may be difficult to maintain over a long period and may easily become stained, which will then be impossible to rectify. Very careful detailing of the eaves to the roof and around windows will be essential to try to avoid weather staining.
- In the Forum's view, the design of the forecourt facing Wilton Road still needs further consideration. The proposed dwarf walls create a suburban appearance, inappropriate to a major civic building, and should be deleted. The ramp provided for people with disabilities only requires to rise 300mm, and it may be possible to achieve this by re-levelling parts of the forecourt, rather than by creating a ramp.
- The location and design of the bollards needs further thought.
- There has been no mention of how the Council's policy on 'per cent for art' will be interpreted in the new Crown Courts. This needs to be addressed now.

MAIN ISSUES

Impact on character of Conservation Area

POLICY CONTEXT

CN1 CN2 CN3 CN5 CN8 CN9

City Area Committee 10/01/2006

PLANNING CONSIDERATIONS

Impact of demolitions on Conservation Area

1. Removal of garage block

The existing dilapidated garage block on site is modern, and is considered detrimental to the character of the area. The removal of these structures is therefore welcomed.

2. Removal of walling to east and west of site

The scheme as submitted involves the removal (and some rebuilding) of walling to the east and west of the application site relating to the courts application, in order to provide a visibility splay for highway safety purposes for that scheme. That is the sole reason for these applications.

The existing walling forms part of a continuous boundary fronting the main road, and is very much part of the character of the area.

However, the removal of the walling adjacent to the site currently bounding the A36 Wilton Road is contentious. Firstly, it would partially involve the rebuilding of a listed section of walling. Whilst this section is relatively short, it is prominent in the street scene, and structurally, no evidence has been supplied to suggest the walling may be otherwise structurally deficient and in need of rebuilding.

Secondly, the rest of the proposal would involve rebuilding the other sections of walling to the east and west of the application site, and in one location, reducing the wall to a 600mm high dwarf wall, with railings behind between trees (not atop the walling). In the opinion of the LPA, based on the evidence supplied by the applicant, this particular element of the proposal may also significantly harm the adjacent mature trees and their roots. The loss or damage to these trees would also significantly degrade the character of the Conservation Area.

Taken together, the proposal involves alterations to a substantial section of walling, to loss and relocation of which would harm the character of the Conservation Area.

Members do however need to consider that the demolition and relocation of the front walling was sanctioned as part of the Foyer scheme.

CONCLUSION

Whilst the removal of the modern garage block is not contentious, the removal of a significant area of walling as proposed, including a listed element, would have an adverse impact on the character of the Conservation Area.

RECOMMENDATION: **REFUSE** for the following reasons:

Whilst the removal of the modern garage block is not contentious, the removal of a significant area of walling as proposed, including an element of listed wall forming the boundary to an adjacent a grade II building, would have an adverse impact on the character of the Conservation Area, contrary to policy CN1, CN2, CN3, CN5 and CN8, CN9 of the Salisbury District Local Plan.

Trees See comments below

REPRESENTATIONS

Advertisement	Yes	Expiry 5/1/06
Site Notice displayed	Yes	Expiry 5/1/06
Departure	No	
Neighbour notification	Yes	Expiry 23/12/05
Third Party responses	No	

MAIN ISSUES

1. Impact on Conservation Area
2. Highway / Pedestrian Safety

POLICY CONTEXT

Adopted SDLP Policy Adopted SDLP G2, CN8, CN11

PLANNING CONSIDERATIONS

Impact on Conservation Area

The applicant is proposing to remove approximately 50% of the existing yew hedge on the western boundary of St Thomas's Square to make way for a two stage ramp leading to the existing entrance of St Thomas House. The yew hedge forms part of the enclosure of St Thomas's Square, which provides a pedestrianised route linking Cheese Market with the junction of High Street with Silver Street. The walkway is heavily trafficked by pedestrians and the buildings and their enclosures, including the yew hedge, together form an important part of the Conservation Area and the setting of St Thomas Church.

The Conservation Officer previously considered that the design of the ramp was entirely reasonable and the current application differs from the first and second schemes as adequate provision has been made for successful replacement planting of a yew hedge to the rear of the site. The arboricultural officer considers that the landscaping shown is much larger than previously proposed and would form an instant screen to the close boarded fence at the rear of the site. However, he is still of the opinion that it would have been better placed at the front of the site, in line with the existing hedge to screen the ramp itself. This option was previously discussed with the applicant, following the refusal of S/05/1160 by City Area Committee. In its current position, the replacement hedge would not screen the ramp and would change the character of the locality.

Furthermore, officers consider that the hedge is very important in amenity terms, being situated on a public thoroughfare. Despite the proposed replacement yew planting, the loss of about 50% of the length of hedge which immediately encloses and lines the route through the square, coupled with the introduction of the brick course and railings, is considered likely to be detrimental to the streetscape and appearance of the Conservation Area. Whilst the proposal demonstrates improvements on the previous schemes as the replacement planting is likely to be successful, and the design of the railings is more aesthetically pleasing, the development as a whole is still unlikely to preserve or enhance the existing character.

Policy CN8 states that proposals within the Conservation Area should preserve or enhance the Conservation Area. Policy CN11 seeks to safeguard views into the Conservation Area when considering new development. In conclusion, the proposal is on balance considered to be detrimental to the character of the Conservation Area, contrary to Policy CN8 and CN11.

Highway and Pedestrian Safety

The Highway Authority have previously raised no objections to the proposal, subject to a condition relating to surface water management.

CONCLUSION

The proposal is considered unlikely to preserve or enhance the existing character of the

Conservation Area in St Thomas's Square, contrary to Policy CN8 and CN11 of the SDLP.

RECOMMENDATION: REFUSE

REASONS FOR REFUSAL

The proposed installation of the ramp access (with replacement yew planting against a close boarded fence) would affect an existing yew hedge, which forms an enclosure on the west side of St Thomas's Square within the Salisbury Conservation Area. The combination of the removal of a significant portion of the hedge and the erection of a visually prominent access ramp and associated brick and railing enclosure as proposed, is considered to be visually detrimental to the existing character of the Conservation Area, and would neither preserve nor enhance this character, contrary to Policy CN8 and CN11 of the adopted Salisbury District Local Plan.

And contrary to the following policies of the adopted Salisbury District Local Plan:

CN8 & CN11 Conservation Areas

Application Number:	S/2005/2255		
Applicant/ Agent:	MR AIDAN THATCHER		
Location:	LAND AT LONDON ROAD (A30) SALISBURY SP1 3YU		
Proposal:	MIXED - USE DEVELOPMENT COMPRISING THE ERECTION OF A TWO STOREY OFFICE BUILDING (CLASS B1) PART TWO / PART THREE STOREY OFFICE BUILDING (CLASS B1) AND A THREE STOREY 86 BEDROOM RESIDENTIAL CARE HOME, ASSOCIATED LANDSCAPING WORKS, CAR AND CYCLE PARKING, MECHANICAL PLANT ROOM AND NEW PEDESTRIAN ACCESS.		
Parish/ Ward	LAVERSTOCKBISHOPDOWN		
Conservation Area:	LB Grade:		
Date Valid:	27 October 2005	Expiry Date	22 December 2005
Case Officer:	Mr A Madge	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers

SITE AND ITS SURROUNDINGS

The application site is approximately 1.2ha and located between the A30 London Road and the railway line at Bishopdown, on the north side of the city.

The land is currently vacant and very gently slopes in a north-south direction with its lowest point at the northern end of the site. The existing ground level is also just below that of London Road. The railway is on a raised embankment. Beyond (east) of the railway is open meadowland (River Bourne) stretching to Laverstock. However, just on the east side of the railway at the far northern end of the site is St Thomas Farm, which includes a farmhouse and waste recycling centre.

To the south of the site is a petrol filling station and car showroom and to the north, separated by a track and further car sales businesses. On the opposite side of London Road at the southern end of the site, is the established Bishopdown housing estate (with a grassed open space and hedgerow to the road frontage) and opposite the southern end of the site, is the more recent Bishopdown Farm and Hampton Park housing estates, accessed off a roundabout. On this side of the road there is also a petrol filling station (BP) onto London Road and a single detached house ('Elmside') adjacent. To the north of the roundabout on the west side of the road, are Bishopdown Cottages and beyond this an as yet undeveloped retail warehouse site.

A modified roundabout has been constructed on the A30 which provides access to the application site and the adjacent land to the north, where a Fitness Centre (currently vacant) and Day Nursery has been constructed.

A service road has been constructed at the rear of the site which extends to the southern site boundary.

THE PROPOSAL

The proposal is for three buildings on this site:

- 1) A two storey office building of 2,225m² (Block A) located at the northern end of the site, adjacent the roundabout. It is a two storey building (7.5 – 8.7 m in height) of contemporary design using a combination of brickwork and glazing for the elevations, with a virtually flat plastic coated steel clad roof. The entrance is located at the front, whilst associated associated car parking is situated at the rear. The applicant states that this building would be for an existing business in the City.

2) A part two and three story office building (Block B) up to 10.7m in height (from road
City Area Committee 10/01/2006

level) in the centre of the site, split into three units, again in contemporary style with a virtually flat plastic coated steel clad roof, but with more brick-work and regular glazing / window pattern. Entrances are from the side and rear with associated car parking. It is understood that this would be a speculative building.

- 3) A three storey nursing /care home (for Westminster Health Care). This building is not the tallest of the three at 10.1m to ridge height but is largely similar to building A. It comprises a single block with one large wing and smaller gable projections, with similar layouts for each floor. The external finish is mainly brickwork but with some render detailing. The elevations are presented with a regular pattern of fenestration. The roof is pitched with the covering stated as merlin grey sheeting. The entrance is to the rear with associated parking. There is some outside amenity space associated with this building, the main area on the south side of the building.

The proposed floor levels are about a metre or so below road level.

The access has already been partially constructed. Landscaping is largely confined to the periphery of the site, with some specimen tree and shrub planting in the parking areas.

PLANNING HISTORY

Outline planning permission was granted (allowed on appeal) in 1993 (Ref.S/92/559) for Class B1 Office development and applications in 1995 (Ref.S/95/1511) and 1998 (Ref. S/98/1656) were subsequently granted planning permission to extend the period for submission of details and commencement of development. These related to the whole of the Local Plan allocated site.

In 1997, an outline planning application (Ref.S/1998) for leisure uses, Park and Ride and new access was submitted but withdrawn in 1999. In 1999 (Ref. S/99/234) an outline application for leisure, business uses and new access was submitted but later withdrawn. On the northern part of the allocated site, a planning application for a hotel (Ref.S/99/0198) was refused permission earlier this year. An appeal to the Secretary of State against this decision was lodged, but was subsequently withdrawn.

In 2001 an outline application (ref S/001122) was submitted for Class B1, B2, B8 and Park and Ride site, but not finally determined as it was superseded by later full applications as detailed below. A full application (S/01/1122) for B1, B2 and B8 units was granted permission on 06.12.01 on the current application site. A full application (ref S/01/2075) for a Park and Ride facility was granted permission on 22.09.03. Since then, conditional planning permission (ref S/02/2393) has been granted for ancillary sales from the business units and for a temporary height restriction barrier (ref S/03/1964).

CONSULTATIONS:

WCC Highways - Following my earlier views on S/2004/2265, in which certain concerns were expressed, I am not satisfied that the submitted scheme has fully overcome these concerns. I therefore comment as below on these issues, in the same order as provided in my response to S/2004/2265.

1. There is little variation or improvement to the parking level previously submitted. I therefore remain concerned, subject to the comments in 3 below, that the under-provision of car parking will lead to an unacceptable road safety hazard in the surrounding road network and along the access road for the future park and ride site.
2. Following meetings with the applicant and agent, the submitted scheme now shows the provision of a toucan crossing and connecting footway/cycleway, leading to the easterly site access road from London Road. This arrangement has been agreed but must be provided before occupation of any part of the site and in accordance with full details which should be submitted for further approval. (The submitted drawing indicates a short section of footway/cycleway along London Road to the south of the site in a position which has not been agreed, and amended drawing should be submitted, deleting this section of footway/cycleway). In order for the toucan crossing and linking footway/cycleway to be constructed, the developer should provide a contribution to the County Council, who will then construct the works, which shall include necessary

- fencing, gating to Park and Ride site and street lighting. This contribution should be provided via a Section 106 Agreement.
3. I have received confirmation that access rights to the Park and Ride site along the internal access road have been separately secured and withdraw the remarks on this point made in my earlier recommendation. However, discussions with the applicant have indicated that the applicant is willing to agree to the inclusion of a traffic regulation order along the internal access road to ensure that indiscriminate parking does not obstruct the route to the Park and Ride site. In order to secure this requirement, at the cost of the applicant, I recommend that the requirement for the developer to fund the implementation of a "no waiting at any time" traffic regulation order be included within the terms of a Section 106 Agreement. I also confirm that the securing of the Agreement would satisfy my concern over under provision of on-site parking.
 4. The Travel Plan has been reviewed and comments will be forwarded for your consideration - additional information should be supplied but I am satisfied that the requirement for the submission of a fully agreed and approved travel plan can be made subject of a condition. Secure, covered cycle parking, in accordance with guideline recommendations, should be provided adjacent to main entrances and this requirement is not satisfactorily shown on the submitted details. Further details are therefore requested.

Two further issues are unsatisfactorily resolved in the submitted scheme:

1. Although the details show a reservation for a future footway along London Road, the sections show that this reservation cannot be achieved without considerable future structural work on land which would be in third party control, i.e. making it impracticable for the Highway Authority to complete a future road improvement scheme. The reservation strip should be shown near level throughout its length for a depth of 2 metres and any retaining works to the rear must take account of future vehicular and pedestrian safety. Currently the scheme is unacceptable from a road safety viewpoint because future pedestrian and vehicular safety would be jeopardised by the submitted scheme. Revised details should be supplied for further consideration. Once details are satisfactorily submitted, the land reservation should be made subject to a Section 106 Agreement.
2. The details of retaining works shown between the proposed care home and the reservation strip are unsatisfactory. The proposed crash barrier (or safety fence) should be set at the rear of the 2m reservation, requiring amendments to the shown details (also requiring at least 1 metre working space to the rear of the crash barrier together with the barrier width of, say 300mm, - a total of 3.3 metre to the front face of the wall from edge of carriageway should be shown). Also, in order to protect workers who would maintain landscaping, it is considered that a pedestrian fence/guard rail should be included at the top of the retaining wall. Where the wall is close to the reservation, insufficient space appears to be available for these requirements. An alternative scheme would involve the use of a vehicular and pedestrian protection parapet, but this will involve the straightening of the retaining wall over the required length, set parallel to the carriageway. Additional safety fence would be required leading into the retaining wall in both cases and full details would need to be submitted for further consideration. As submitted the details are unsatisfactory and will further prejudice future pedestrian and vehicular safety along London Road.

I therefore look forward to further details as requested or recommend refusal on the grounds contained in the above views.

Housing & Health Officer - Following Survey results of noise data taken from the site. The data places the nursing home accommodation firmly within NEC category D of PPG24 Planning and noise.

I have not had the opportunity to survey the rail noise, however given the raised position of the track, it is likely to be equally disturbing to residential units on this side of the proposed development.

In light of this data I would recommend refusal of the application in its current format

Wessex Water Authority - *Foul Water* – There is a public foul sewer in the vicinity of the site. The foul sewerage system should have adequate capacity. Calculations to be provided.

Surface Water – A pumped discharge to MH 9001 may be acceptable to WW subject to a formal application. The maximum permitted discharge would be 4.5 litres/second. A maximum discharge of 1.5 litres/second may be connected to Manhole Ref 7804 or 7708. Calculations and discharge rates to be provided for a 1 in 30 year event. On-site attenuation would be required. The use of soakaways or land drainage may be possible. The latter with the approval of the land drainage authority.

Sewerage Treatment – There is sewerage treatment capacity available. There is adequate capacity at the terminal pumping station.

Water Supply – There is a water main in the vicinity of the site. There should be adequate capacity in the distribution system. There could be supply services connections crossing the site.

Environment Agency - We have no objection to the proposed development **subject to the following conditions** being included in any planning permission granted. Requested conditions cover:

1. Surface water drainage limitation
2. Contaminated Land
3. Pollution prevention
4. Water efficiency

Railtrack - No objections subject to the following issues being addressed by conditions – Plant, scaffolding and cranes, Demolition, Residential Amenity, Excavation of footings, Drainage, Fencing, Site Layout.

Design Forum - The forum welcomed the improvements proposed to the design of the Care Home, and suggested that the larger windows shown on the lower floors should be extended through to the second floor. The improvements made to the design of the Care Home highlights the need to rethink the design and layout of the adjoining offices. A contextual analysis of the site and its surroundings is needed on which to base the redesign of the offices. This should be supported by a design statement which explains why the building has been designed in the way it has, in the context of the character of the surrounding area.

REPRESENTATIONS

Advertisement	Yes	Expiry date 07.11.05
Site Notice Displayed	Yes	Expiry date 07.11.05
Departure	No	

Neighbour Responses It is considered three storey building is too large for site and will restrict view, If people were to stand on the balconies they will overlook surrounding properties. Considers the new development should be set further away from the road and reduced in size to two storeys. The same objections apply to the office buildings. The development will obscure light to the rear of properties in St Judes Close this may be until late morning due to the proposed siting of the buildings. Privacy will be removed to the rear of properties in St Judes Close by the new offices. A large new office building currently stands vacant on the opposite corner and this brings into question the need for a further office building. There is no proposed screening of the buildings with trees or hedges to soften the Environmental impact of such a development.

Considered that the green transport plan is not up to much, there are only six spaces for cycles and 142 for vehicles. This is a site where there will be a park and ride site next door and a frequent bus service of 3 per hour. Surely the office block should have reduced parking facilities. Is there the possibility of planning gain for a development of this size? Perhaps to aid completion of further cycleway links along the

Laverstock and Ford Parish Council (adjacent) – The Parish Council is pleased with the appearance which is more traditional and brick to be used reflects the older style properties –

There are concerns:-

The lighting of the external areas eg car parks. This should be environmentally friendly with minimal spillage (not like the car park of the nearby nursery/leisure centre). The potential of increased traffic in view of Park and Ride and Asda site developments additional pressure on the road. The run off of surface water from buildings and carpark and any potential adverse effect on the River Bourne.

MAIN ISSUES

1.Principle of development / Policy 2. Layout and design. 3. Highways 4. Impact on residential amenity 6. Drainage 7. Contamination.

POLICY CONTEXT

G1-2, G4, G5, D1, D2, D7-15, E2, E16, R14, PS2, TR1, TR2, TR56, TR8, TR14, TR15 SDLP
DP1, DP3, DP4 WSP
PPG1, PPG13

PLANNING CONSIDERATIONS

Principle of Development Policy

In the adopted SDLP this land is part of an allocation for employment and /or leisure uses under policies E2 and R14. The site is undeveloped and Policy E2 generally seeks to protect sites allocated for employment from changes to other uses. In the past planning permission has been granted for Class B1(office) use on the site. employment and / or leisure uses, and the southern part for a Park and Ride site under Policies E2, R15 and TR8(iv).

The applicant has provided additional information to support the use of the site as a residential care home rather than a trade park. This includes a document from consultants engaged in the year 2000 to market the trade park. The consultant contends that despite intensive marketing there was no serious demand from trade counter occupiers and that the City is adequately provided for in more established locations such as Southampton Road and the Churchfields Estate.

The proposed nursing home although not strictly an employment generating use in the normally accepted planning sense of the term, is likely to create a significant number of jobs and as such and given the perceived low demand by other employment generating uses for this type of activity it is considered this is acceptable.

Noise

The environmental health officer has raised concerns relating to noise that would effect the residential element of this proposal (the care home). Having taken measurements at the site the environmental health officer has stated that the traffic from the road makes the site fall within noise category D as specified within PPG24. Noise category D advises that where residential development falls within this category no development should be granted. As the applicant is proposing no mitigating measures to overcome the problems associated with this noise the application can only be recommended for refusal.

It is understood that at the time of writing this report the applicant has undertaken their own noise assessment at the site and are likely to send this shortly to the local authority. If further information in this respect is produced by the applicant this will be brought before committee. However at the present moment without such information it is officers opinion that the application should be recommended for refusal.

Highways / Transportation

The highways officer has raised a number of concerns relating to this application the first of which is that the area shown for reservation of a future footway would require considerable

structural alteration to make it acceptable for a footway. This would then be on land which would be in third party control making it impracticable for the local highway authority to complete a future road improvement scheme. The reservation strip would need to be shown near level and it is not. As such the scheme is unacceptable from a road safety viewpoint because future pedestrian and vehicular safety would be jeopardised by the submitted scheme. With the plans as currently stand the application should be refused

Secondly the highways authority are concerned that the details of the retaining works shown between the proposed care home and the reservation strip are unsatisfactory. The proposed crash barrier (or safety fence) should be set at the rear of the 2m reservation requiring amendments to the shown details. Also in order to protect workers who would maintain landscaping, it is considered that a pedestrian fence/guard rail should be included at the top of the retaining wall. Where the wall is close to the reservation there is insufficient space for this. Without changes to the plans in this respect the application should be refused.

Given that the application should be refused on the above two grounds it is considered that the requirement for further covered cycle parking cannot be met at the front of the office building and in view of this. This it is considered should form a further reason for refusal.

In view of all of the above it is recommended that the planning application be refused on highways grounds

Design, layout and landscaping

brick built nature of surrounding dwellings and in Salisbury more generally.

Building A is proposed to be built primarily in brick with large elements of glazing along two main wings. The roof has been redesigned as a direct result of input from the design forum who previously had concerns about the roof and the prominence it had in the wider landscape. The floor level of the block has been set approximately 1m below ground level so giving the building a lower appearance as a result it is considered that this building will have an acceptable form and shape and will sit well within the wider landscape.

Building B is a speculative office development in a similar style to that of office block A. It consists of a brick and glazing clad structure. Again the scale of this building has been reduced by dividing the roofs and the elevation into three elements. As such the building now sits more comfortably in the landscape and is no longer such an obtrusive element as previously as such it is considered that the design of this building is now satisfactory.

The third building which will house the residential care home is larger in its overall scale than the two office buildings but again the roof has been scaled down from the previous application submitted. As such it is now of the same scale as the office buildings and will be built of similar materials including the same type of brick.

The parking for the buildings is situated at the rear of the development as is the access which will be along the same access road as the new park and ride development. The car parking area is to be landscaped as is the area to the front of the development. Partly in order to facilitate this the pavement will not front the site but will instead run around the back of the development and back up to London road between the care home and the new park and ride.

The design and layout has been considered by the design forum and is considered to be acceptable. (See above)

The route of the pedestrian footpath around this site is proposed along the rear access way and then to cut up to the main road A30/London road through land that is owned as part of the Park and Ride site. This path will effectively run up through what was previously proposed as a planting/landscaping buffer strip. However given the considerable width of the previously approved buffer landscaping strip this is not considered in my opinion to be a significant issue in landscaping terms. There will still be a substantial area of landscaping available to Buffer the Park and Ride site.

Impact on residential amenity

It is accepted that some views across the site and to Laverstock from the rear of the houses on the opposite (west) side of London Road will be interrupted but the loss of views as such is not considered to be a material planning consideration. The applicants have gone some way in reducing the size of the buildings by setting them down from the surrounding road level so that they appear less incongruous and the effect on surrounding properties is lessened.

The proposed new buildings are proposed to be positioned in excess of 20m distant from the rear boundaries of gardens in St Judes close and across the busy London road. Whilst undoubtedly the residents in St Judes Close will feel more overlooked from a new three storey office building than they do at present where there are no buildings this is not sufficient to refuse planning permission. The distances into the actual dwellings in St Judes close from the proposed new office buildings are over 35m therefore there will be no direct overlooking into the actual houses. The only sense of being overlooked may occur in the rear gardens but given the distances of over 25m this is not considered sufficient to refuse planning permission.

We have received representations from the owners of Elmside opposite the care home. The care home is situated much closer to Elmside than the offices are to St Judes close the distances being approximately 17m from wall to wall. There are balconies proposed on the elevation that would face Elmside and as such again a degree of overlooking may occur. Whilst this situation is worse than that of the office blocks it is felt on balance to be acceptable as it is not an unusual relationship seen in many built environments and it is not considered on it's own to be sufficient justification for refusing planning permission.

Drainage

The environment agency raised a technical objection to the previous application on the grounds that the former application had no flood risk assessment submitted with it. The new application now has such a flood risk assessment and as such the environment agency have raised no objections to the application subject to a number of conditions which are outlined in the representations above

CONCLUSION

Given the concerns of both the highways officer and the environmental health officer as outlined above it is recommended that members refuse this application.

RECOMMENDATION: REFUSE

- 1) the proposed residential care home by reason of it's positioning between the A30 and the main railway line is considered to be an inappropriate type of development because of the likely noise nuisance that will occur from both road and rail traffic. In the absence of suitable mitigating measures it is considered that residents will suffer significant disturbance contrary to policy G2(vi) of the adopted local plan and Planning Policy Guidance note 24.
- 2) The proposed reservation strip fronting London road because of it's non level design and configuration is likely to lead to a requirement for significant future structural work on land in third party control if a pedestrian walkway is required on this land. As such it is considered that the scheme is an unacceptable form of development likely to jeopardise future pedestrian and vehicular safety contrary to policy G2 of the adopted local plan.
- 3) The details of the proposed crash barrier are not considered satisfactory between the proposed care home and the reservation strip fronting London road. It is considered insufficient space has been allowed for the crash barrier between the care home and the road (a total width of 3.3m should be available). As such it is considered highway safety is likely to be affected contrary to policy G2(ii)

- 4) The proposal makes insufficient provision for covered cycle parking facilities to aid sustainable journeys to the new development as such the proposal is contrary Appendix VI of the adopted local plan and PPG13 (Transport)

This permission has been taken in accordance with the following policy/policies:

G1, G3, E2, E3B, TR23, TR24 of the adopted Salisbury District Local Plan.

G1-2, G4, G5, D1, D2, D7-15, E2, E16, R15, TR1, TR2, TR56, TR8, TR14, TR15 Replacement SDLP

DP1, DP3, DP4 Deposit Wiltshire Structure Plan.

PPG1, PPG4, PPG13

Part 2

Applications recommended for Approval

6

Application Number:	S/2005/0806		
Applicant/ Agent:	NLC CONTRACTOR LTD		
Location:	NLC CONTRACTOR LTD 73 HULSE ROAD SALISBURY SP1 3NA		
Proposal:	USE OF LAND AS A SCAFFOLD/ STORAGE YARD AND ASSOCIATED PORTACABIN OFFICE BUILDING (RETROSPECTIVE)		
Parish/ Ward	ST MARK & STRAT		
Conservation Area:		LB Grade:	
Date Valid:	21 April 2005	Expiry Date	16 June 2005
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Warrander has asked that the application be heard at City Area Committee

SITE AND ITS SURROUNDINGS

The site consists of a scaffolding business with associated portacabins. It is sited on Hulse Road, close to the entrance of the leisure centre, with residential dwellings opposite but adjacent to another industrial building.

THE PROPOSAL

The application is retrospective, for the retention of the scaffolding business and the portacabins.

PLANNING HISTORY

The site has a long history of unauthorised uses, including a scrap yard use, for which enforcement action was taken. The site has also had permissions for residential dwellings, although these have now lapsed. Part of the site has a B8 use, but with a condition requiring that no outside storage takes place. It would appear that the use of the site as a scaffolding yard (which is not a B8 use) has existed for eight or nine years and is therefore unlikely to be lawful. The stacking of one 'portacabin' on top of the other has only occurred since 2003.

CONSULTATIONS

English Nature – granting of retrospective consent would not have a significant affect on the SSSI/cSAC but, to preserve the special interest, recommend a condition preventing the storage of equipment or the placing of a building within 6m of the bank.

Highway Authority - no highway objection.

Environment Agency – no objection subject to conditions

Environmental Health – Health and Safety Executive will inspect site given possibility of
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breaches of legislation. Site is high risk given proximity of electrical sub-station (not a planning issue). Impact from site also controllable under Council's nuisance powers. Condition could be imposed limiting hours worked to overcome question of amenity.

REPRESENTATIONS

ADVERT	NO	
SITE NOTICE	YES	EXPIRY 26/95/05
NEIGHBOUR NOTIFICATION	YES	EXPIRY 16/05/05
NEIGHBOUR RESPONSES	YES	One letter of objection raising following issues: 1. Whether use is B8 2. Excessive noise of scaffolding poles during unsocial hours, lorries leaving early at 5am and on Saturday afternoons and Sundays 3. 6 and 8 lorries have operated from the site 4. Regular parking of vehicles on double yellow lines, obscuring the view of traffic entering or leaving the leisure centre

MAIN ISSUES

Impact on character and appearance of the area
Impact on living conditions of neighbouring properties
Impact on highway safety
Other matters

POLICY CONTEXT

Adopted SDLP, G1, G2, CN8

PLANNING CONSIDERATIONS

Impact on character and appearance of the area

The application is retrospective for the retention of the existing scaffold business. The site currently has an industrial and utilitarian appearance, with scaffolding poles etc and the first floor of the portacabin being visible above and through the existing fencing. This has a detrimental effect on the character and appearance of the area, both from Hulse Road (the entrance to the Leisure Centre) and from the river footpath to the south. Indeed, the corner of the site lies within the Conservation Area.

However consideration has to be given to whether the current use could be ameliorated by the imposition of conditions. The applicants have not responded to officer's suggestions of ways to limit the harm from the use but it is considered that the erection of a replacement solid form of boundary treatment of 2.5 metres in height, together with a scheme for the reduction in height of the scaffolding materials to no higher than 2.5m, and the removal of the first floor portacabin building, could be secured by condition. Provided this is done, the impact of the use of the character and appearance of the area and the Conservation Area would be acceptable.

Impact on living conditions of neighbouring properties

Concerns have been expressed that the current use of the building harms the living conditions of the nearby residential units, primarily through the noise of scaffold pole movements and lorries entering and leaving the site from as early as 5am.

The Council's Environmental Health officer has advised that investigations of the site are likely under separate legislation and that noise nuisance is controllable under separate environmental health legislation. The officer recommends that, at the latest, a condition restricting operation hours from 7am to 7pm should be imposed.

Provided that a condition is imposed restricting the use of the site to these hours, it is considered that the impact on the living conditions of neighbouring properties would be acceptable.

Impact on highway safety

Concerns have been expressed that lorries servicing the site are causing a harm to highway safety, by parking on double yellow lines and manoeuvring on the highway and in the entrance to the leisure centre. However, the Highway Authority have not raised an objection to retrospective approval and a refusal on highway safety grounds would not be defensible at appeal.

It appears that vehicles associated with the scaffolding business park while being loaded on land behind the double yellow lines. However, the Highway Authority have advised that this land is highway land and that, in any case, the double yellow lines remain in force to the back edge of the highway, even though they are painted further forward.

Other Matters

Consideration has been given to the impact on the river system behind the application site. However, the Environment Agency have raised no objection subject to a condition relating to pollution prevention, while English Nature are of the opinion that granting retrospective consent would not be likely to have a significant effect on the SSSI/cSAC.

It is considered that the consent should be made personal to NLC Contractor Ltd, to enable the Local Planning Authority to have control over future uses of the site in the interests of the amenities of the area.

APPROVED WITH CONDITIONS

REASON FOR APPROVAL

Subject to compliance with conditions, it is considered that the scaffolding use would not have a harmful impact on the character and appearance of the area, on the living conditions of neighbouring properties, on highway safety or on any other material planning consideration, in accordance with policies G1, G2 and CN8 of the Replacement Salisbury District local Plan.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

G1 General Development Criteria
G2 General Development Criteria
CN8 Development in Conservation Areas

(1) Within one month of the date of this permission, a detailed scheme to limit the impact of the scaffolding business use on the character and appearance of the area shall be submitted, in writing, to the Local Planning Authority.

This scheme shall include:

- (a) A reduction in the height of scaffolding stacked /stored on the site and the portacabins stationed on the site, all to be no higher than 2.5metres above ground level;

(b) Details of the provision of boundary treatments to the site, consisting of fencing with a height no greater than 2.5metres above ground level;

(1) In the interests of the character and appearance of the area

(2) Within 3 months of the date of this permission, the scheme approved pursuant to condition 1 above shall be carried out in full by:

(a) The repositioning/removal of the stacked/stored scaffolding and portacabin to not exceed a height of 2.5 metres above ground level, and;

(b) The erection of the fencing in accordance with the approved details.

(2) In the interests of the character and appearance of the area

(3) Following the implementation of the scheme approved pursuant to condition 1 above, no scaffolding or scaffolding components, timber planks, portacabins or other materials associated with the permitted use shall be stored, stacked or stationed at the site where their height exceeds 2.5 metres above ground level.

(3) In the interests of the character and appearance of the area

(4) There shall be no loading or unloading of vehicles, or work undertaken at the application premises, outside of the following hours:

8.00am to 7.00pm on Mondays to Fridays

8.00am to 1.00pm on Saturdays

(4) in the interests of the living conditions of nearby properties

(5) Within one month of the date of this permission, details of any facilities for the storage of oils, fuels or chemicals, showing their siting on impervious bases and surrounded by impervious bund walls, shall be submitted to the Local Planning Authority for approval. Development shall not be carried out other than in accordance with the details approved under this condition. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

If the capacity of any storage container is greater than 3500 litres the developer the developer should refer to Guidance for the Control of Pollution (Oil Storage) (England) Regulations 2001 published by the Department for Environment, Food and Rural Affairs.

(5) To prevent pollution of the water environment

Informative

The applicant is warned that breach of the conditions attached to this permission will risk enforcement action by Local Planning Authority to ensure compliance.

Application Number:	S/2005/1842		
Applicant/ Agent:	FEILDEN AND MAWSON LLP		
Location:	FORMER OLD MANOR HOSPITAL CAR PARK ON NORTHERN SIDE OF WILTON ROAD SALISBURY SP2 7EJ		
Proposal:	DEMOLITION OF EXISTING STRUCTURES INCLUDING TREE REMOVAL AND ERECTION OF 3 STOREY COMBINED COURTS CENTRE AND CREATION OF NEW VEHICULAR ACCESS CAR PARKING AND ASSOCIATED WORKS		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 September 2005	Expiry Date	3 November 2005
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in a Conservation Area, with vehicular access off the adjacent A36 Wilton Road, and comprises an existing car park, dilapidated single storey garages, and also encompasses part of the existing playing fields associated with Highbury Avenue schools. Open space adjacent to the social club is also included. The surrounding area contains a few listed buildings, notable The Old Manor Hospital buildings to the south.

THE PROPOSAL

It is proposed to erect a magistrates court complex on the site, together with associated access and parking facilities. The existing vehicular access onto the A36 would be relocated further eastwards. (At the insistence of WCC Highways and Highways Agency, the development must also include works to rebuild an adjacent 2 metre (approx) brick wall, in order to provide acceptable visibility in an eastward direction from the new access. Several trees on and adjacent to the site would be affected/removed, with new replanting taking place around the site.

A detailed design statement, Conservation Area assessment, transport assessment, and travel plan has been submitted as part of the application.

PLANNING HISTORY

S/05/1842, S/05/1845 & 1864 – Planning application (details as per this proposal), Conservation Area and Listed Building Consent applications regards demolition works and works to listed wall. (See separate reports on agenda)

S/00/762 & S/00/1035 – Replacement courthouse, and demolition works. Withdrawn.

Also of note is the application relating to the site to the rear involving demolition of the previous Orchard House and erection of Foyer building.

Also of related interest is the recent conversion works to Montague House, to the immediate west of the application site (S/00/1555). This approval granted consent for a new access driveway serving Montague House from the rear (crossing the current application site), and the provision of 8 parking spaces on part of the rear curtilage of the property. The approval also

permitted the demolition and rebuilding of the front boundary wall of Montague House to provide visibility splays associated with the Foyer scheme.

Whilst the previous 3 metre boundary walling adjacent to the A36 was demolished when the Foyer scheme was developed, the proposed visibility splay and new walling was never constructed. Similarly, the rear parking court for Montague House was never constructed.

Whilst this would seem to raise an enforcement issue based on breach of conditions (which officers will of course look into), it seems likely the required visibility works were put on hold due to the long gestation period of the replacement courts scheme, which has been "in the pipeline" since at least year 2000, and for which different visibility splay requirements might be needed. Similarly, it is presumed that residents of Montague House currently utilised the vast car park on the application site, and hence the lack of any progress with this matter.

Consequently, it would seem that if the current application for the new courts building does commence, then the visibility requirements regards the Foyer scheme will be superseded. However, conversely, if the courts proposal does commence, then replacement parking will be required for Montague House (see highways section of report).

CONSULTATIONS

WCC Highways - See attached. No objections in principle to a scheme involving a 2.4m by 90m visibility splay, however, concerns about the use of a traffic light junction.

WCC Library/ Museum - No comments

Housing & Health Officer – No comments

Wessex Water Authority- No objection in principle. Surface water should not discharge to the foul sewer.

Environment Agency - No objections in principle subject to various conditions

Highways Agency - See attached. No objection in principle to a scheme involving a 4.5m by 90m splay, would object to a scheme involving a 2.4m by 90m splay, and no objections in principle to a junction incorporating traffic lights.

English Nature - No objections to scheme following submission of protected species survey

Wiltshire Constabulary - No comments to make, other than boundary wall at the back maybe a target and point of access. Architects should consider some kind of topping, or anti climb paint. Also does car park have lighting?

English Heritage - Do not wish to offer comments

REPRESENTATIONS

Advertisement Yes. Expiry 13/10/05

Site Notice displayed Yes. Expiry 13/10/05

Departure No

Neighbour notification Yes. Expiry 3/10/05

Third Party responses 1 letter (from adjacent Social Club) stating that:

- a) Serious concerns over the effects the building will have on the club both during and after construction
- b) All the windows to the main function area of the club are on the west of the building, facing the new courts building. This will seriously reduce the amount of natural light into the main area.
- c) The club is frequented by the training team of the local Mental Health services during weekdays, for which good levels of natural light are essential.
- d) The club is used during the day, particularly at weekends for private functions by members and the public. Our ability to provide a bright welcoming atmosphere for these will be seriously compromised if the building work proceeds.
- e) We are concerned we will potentially lose income as the dark and gloomy atmosphere will make people less likely to decide to hire our facilities.
- f) We also have difficulties with the current access arrangements.

1 letter of support stating the "vital need" for the scheme for the following reasons:

a) Guildhall cannot be used for custody cases due to poor facilities, ie

No secure dock

No way of satisfactorily delivering prisoners to the building

Only one retiring room for two courts and if both courts need to retire one of the courts has to be cleared

No arrangements for special measures ie video suites, no modern IT equipment

Access for disabled is via the magistrates entrance via a dated chair lift

No separate facilities for defence and prosecution witnesses

No facilities to separate youths from adults

The lawyers have nowhere to interview defendants on their own

No facilities for families, social workers or lawyers

b) The Bench sits in Salisbury every day of the week, in Devizes on two days, and in the crown court at times, and also Andover one day a week. At Devizes, the court is housed in temporary accommodation and the cell holding area has not reached the standards required by the authorities. Due to such poor facilities at Salisbury and Devizes, custody cases are dealt with at Andover. However, police custody cases other than over a weekend are dealt with in Chippenham. There is however a lack of direct transport from Chippenham to Salisbury, which causes problems for people detained over night, and unable to get home to Salisbury.

In summary, the opportunity to provide a combined court building will be an enormous asset to the city and area. We will have the facilities to enhance the service that we provide to the community and will all benefit from the closer working environment developed between all branches of the judiciary.

Design Forum – The Design Forum accepts the revisions to the side and rear elevations proposed by the architects.

- The Forum is concerned however, that the rendered finish on the rear of the building may be difficult to maintain over a long period and may easily become stained, which will then be impossible to rectify. Very careful detailing of the eaves to the roof and around windows will be essential to try to avoid weather staining.
- In the Forum's view, the design of the forecourt facing Wilton Road still needs further consideration. The proposed dwarf walls create a suburban appearance, inappropriate to a major civic building, and should be deleted. The ramp provided for people with disabilities only requires to rise 300mm, and it may be possible to achieve this by re-levelling parts of the forecourt, rather than by creating a ramp.
- The location and design of the bollards needs further thought.
- There has been no mention of how the Council's policy on 'per cent for art' will be interpreted in the new Crown Courts. This needs to be addressed now.

Civic Society – (response to original scheme) – Express concern. The site is cramped and the designers have to fit a lot of building on the site, which is not helped by the social club building which severely compromises the scheme and will remain as a tatty blemish in the centre of the site for a major civic building. The front elevation of the building achieves the requisite Civic presence that a courthouse requires. However the society does have misgivings as to the view of the building as you travel west along Wilton Road, including the abrupt finishing of the brick towers and the start of the white cladding, this is accentuated by the projecting roof detail, which also finishes abruptly at this point. The society is concerned that the white cladding panels to the sides and rear of the building are very dominant and if these are not washed down regularly will become dirty and discoloured very quickly. Also concern is expressed regards the lack of public art. (Comments awaited regards revised scheme)

Conservation Area Advisory Panel – (summary response to original scheme) – The Panel welcome the commitment to construct new law courts but regretted that the smallness of the site prevented the building from being set back behind the street line, which would have major advantages. Broadly welcome the design approach to the front elevation while emphasising that the quality of the brickwork would have a major impact on the overall success of the project. Principal concern regards choice of cladding material for the sides and back would have a negative effect, and needed to be reconsidered. It should certainly not be used on parts of the front elevation. Also concerned that highway considerations should not be allowed to unduly influence elements of the design, in particular the buildings impact on surrounding features of

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value to the conservation area. (Comments awaited regards revised scheme)

MAIN ISSUES

1. Principle
2. Need for new Courts building
3. Locational issues
4. Recreational open space issues
5. Impact on Conservation area and adjacent listed buildings
6. Impact on adjacent amenities
7. Impact on highway system

POLICY CONTEXT

With such a strategic proposal, most of the policies in the Salisbury District Local Plan will be in some way relevant to this proposal and its impacts. The most pertinent being:

G1,G2,D1, D7, PS1, (E6,H3 – adjacent sites),E17,CN5, CN8,CN9, CN17,TR1,TR11,TR12,R5

Members should of course also have regard to National policies and guidance contained within documents such as PPS1, PPS6 and PPG13, with particular regards to sustainability issues and the efficient use of previously developed land. PPG17 (loss of playing fields etc) is also relevant.

PLANNING CONSIDERATIONS

1. Principle of development on this site
 - a) The application site is essentially a “windfall site”, and is not specifically allocated in Local Plan for any particular use. The proposal therefore needs to be considered on its merits. However, it is worth noting the submission of applications by WCC in 2000 for a replacement courtroom and demolition works.
 - b) The site is of a generally unkempt appearance, and it is considered that the use of this open, largely hardsurfaced site for parking, together with the disused garage block, do not preserve the appearance of the Conservation Area.
 - c) The site is also considered to fall within the definition of a previously developed brownfield site, which, in accordance with guidance given in PPS1, is suitable for redevelopment. The site is considered to be located in a suitably sustainable location, close to facilities and services.
 - d) Members also need to note that the adjacent sites to the immediate east of the application site, and to the south of the application site (on the opposite side of the A36), have been specifically allocated in the Salisbury District Local Plan (policies E6 and H3 refers) for housing and office development. Therefore, this current proposal must be considered alongside the future development of those sites.
 - e) The relocation of the courts to the site would retain employment within the city, in accordance with Council/LPA policies.

Therefore, given the above and the location of the site on the edge of, and at the entrance gateway to the city centre, it is considered that the redevelopment of the application site for some form of development may be acceptable and indeed welcomed, subject to the impacts of that proposal.

However, one drawback to the redevelopment of the site, is that the site as defined contains some land which is designated in the Salisbury District Local Plan under policy R5 as open space which should be protected. This matter is covered elsewhere in detail.

2. Need for new Courts building at this site

It is clear from recent planning histories that a replacement courts facility has been planned for some years.

The existing courts in the centre of Salisbury City Centre (the Guildhall) have, according to the City Area Committee 10/01/2006

applicants, outlived their usefulness for several reasons, and that the requirements of the court service cannot be met by a new building on the current site. As a result, a new larger site is being sought, either within or outside Salisbury District. The following is an extract from the applicants submitted statement:

“An inspection of the Wiltshire Magistrates Court Committee (WMCC) Area occurred in September 2000, by then HM Magistrates Courts Services Inspectorate (MCSI). The overall findings and recommendations identified deficiencies in facilities for court users such as issues related to Health and Safety, security, Disability Discrimination Act 1995 (DDA) and Human Rights Act 1998 (HRA). There was also the need to urgently develop an accommodation strategy which clearly sets out the criteria for the location of offices and courthouses in Wiltshire. It recommended the immediate closure of the Devizes, Trowbridge and Salisbury (Guildhall) courthouses to hear custody cases due to non compliant access and custody arrangement.”

The above problems are reiterated by one of the third party letters received by this Authority (see separate section of this report)

3. Locational issues

Commercial and public offices are listed in PPS6 as “a main town centre use”. Consequently, any application that proposes any such building has to undertake some form of “sequential test” to demonstrate that the most suitable site has been chosen.

The applicants submitted evidence further states that:

“The Wilton Road site was selected by Wiltshire County Council after consideration of all options through an extensive trawl of site searches and option appraisals. The site fitted the key criteria being sufficiently close to the city centre, well served by public transport, being on the new park and ride route, and close to the railway station. The only viable alternative was to relocate the Courts to a new location out of town such as Solstice Park. This is not ideal as it would not provide good public transport access and would be contrary to DCA policy. Of all the sites considered within Salisbury, all except Wilton Road were rejected on the basis of being unavailable within the timescale of the project, restricted access, size/shape or inappropriate location for the courts, ie industrial estate.”

Whilst the LPA consider that a site elsewhere within the confines of the city centre may be a more appropriate and sustainable solution to the relocation of the courts facilities, it is accepted that at this time, there are very few if any large sites currently available within the immediate city that would be suitable to meet the requirements of the applicants.

It would therefore seem a reasonable compromise to seek to site the new courts complex as close to the city centre as possible. In this regard, it is considered that the site chosen, in purely sustainability terms, would appear to be appropriate, sited as it is within easy reach of the city centre, and on one of the main bus routes.

The other brownfield site on London Road which is allocated for employment and leisure uses adjacent the park and ride site could possibly be the other alternative site. However, this site is already owned by another party, and an application has been submitted for office and carehome use, therefore its utilisation for the new courts facility would seem more problematic than the application site. Furthermore, the application site is located much closer to the city centre than the London Road site, and closer to the police station. It is therefore stated that the application site allows greater access to more sustainable forms of transport, and would limit the amount and time of journeys of police vehicular traffic (and presumably reduce police traffic through the city centre).

The relocation of the courts facility to Solstice Park has been mooted by the applicants submitted details. Whilst such a relocation would obviously improve some employment prospects in Amesbury, it is considered that the advantages offered by such a relocation would be clearly outweighed by the advantages resulting from the relocation to a site closer to Salisbury City.

The relocation of the courts facility outside the District would obviously result in the loss of those

employment opportunities offer by such a use, contrary to general employment policies in the development plan.

4. Loss of open space

PPG17 makes it quite clear that the existing and potential value for recreation and other purposes should be properly assessed before development is considered. Paragraph 15 of the PPG indicates that where a robust assessment of need (the need for the playing fields as assessed by the LPA) has not been undertaken, planning permission for such developments should not be allowed unless:

- i) the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- ii) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or
- iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

With regards PPG17 and the above criteria, in officers opinion, the PPG seems to be primarily aimed at the loss of whole or substantial parts of playing fields and other similar open space. It is considered that in the situation with regards to this application is somewhat more complicated, in that the area of playing field to be lost accounts for a slither of land which would not affect the playing field provision associated with the adjacent school. Secondly, the area of "open space" adjacent to the social club does not form part of either a playing field, or a larger open space, and is a small area of land used for private purposes. As a result, criteria i) & ii) of PPG17 seems at least partially satisfied.

Policy R5 of the Salisbury District Local Plan seeks to protect outdoor facilities, and states that developments which lead to the loss of public or private sports fields (including school playing fields), will not be permitted unless:

- (i) sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or*
- (ii) alternative equivalent provision is made available in the locality; or*
- (iii) there is an excess of sports pitch provision and public open space in the area, taking into account of the recreation and amenity value of such provision.*

Part of the designated R5 land forms part of the southern tip of the playing fields serving the adjacent school. The land has therefore been included in the application with the consent of Wiltshire County Council, and hence, the land would by definition seem superfluous to their needs. Notwithstanding this, the school is currently served by a huge expanse of open space and other playing facilities, and the piece of land included in this application is considered to amount to a small, rather insignificant slither of land at the edge of the playing fields. As its loss does not seem to matter to the school, and as the visual impact of its loss would not be materially harmful to the conservation area (it is already hidden from public view by a high fence), it is considered that the loss of this area of outdoor space would not conflict with policy R5, in particular R5 (III).

The other area of R5 designated land is located around the social club. Again, as this presumably has been able to be included with the consent of the social club, the land must by definition be surplus to requirements. Notwithstanding this issue, the land amounts to little more than a small grassed area surrounding the building, and therefore its value as an outdoor (non public) facility seems limited. As its loss does not seem to matter to the social club, and as the visual impact of its loss would not be materially harmful, it is considered that the loss of this area of outdoor space would not conflict with policy R5, in particular R5 (III).

5. Impact on Conservation Area, wider context, and adjacent listed buildings

The applicants have outlined in detail what they consider to be the rather special design requirements for the proposed facility. In essence, it transpires that the internal arrangement of the courts building is very strictly controlled by various regulations that apply to all such buildings, both in terms of the amount of office and other accommodation (ie various elements must be included for the process to work), the internal location and relationship between various uses (for instance the separation between cells and courtroom, and between waiting rooms etc), and also the internal design and size of such uses and rooms. Furthermore, the design of the building is also affected by all the usual building and other regulations, and of course the rather restricted size and shape of the site. Yet further, the new access proposed has resulted in the requirement from the highway authorities to retain a large visibility splay across the front of the site, within which visibility to left or right should not be restricted.

As a result, it is important to note that before fully considering the impact of the building on the wider conservation area, the new courts building has had to be designed from the inside outwards, and this has obviously dictated to a great degree the external design and appearance of the building. Given such requirements, as well as requirements to provide a modern accessible building, this invariably means that the requirements of a courts of justice facility could only be served by a large scale contemporary style building, containing a certain level of accommodation.

The applicant has thoroughly assessed what they believe to be the character of the Conservation Area and the wider Wilton Road, and has sought to justify in detail why they feel the proposed scheme would enhance the character of the area. The Design Statement has particularly highlighted that Fisherton Brick is a feature in the area, and that the buildings along Wilton Road are punctuated by prominent trees. The statement also highlights that there is a particular type of rhythm, scale, and juxtaposition to the built form along Wilton Road. Overall, the design statement indicates that the overall ethos behind the design of the scheme is to enhance the site, and the wider area. Views from Highbury Avenue area of the Cathedral have been noted and preserved.

As a result of the design constraints and requirements on the development of the site, including the restrictive size of the site, and a commitment to enhance the character of the Conservation Area, the applicants have produced a contemporary piece of architecture which extends to 4 storeys, and which utilises a Fisherton style brick on its main facades, punctuated and framed with glazing.

Whilst the building would have benefited from being set back further to create a more imposing and grander entrance and public open space (which would have increased the general gravitas of the building itself and rendered it less visible in the street scene) such a relocation seems impossible, given the limited depth of the site coupled with the internal special requirements of the use. Therefore, as it stands, it is considered that the overall design ethos of the building and its impact on the wider area has been fully considered, and that if constructed, the building would indeed tidy up a rather scruffy site at present, whilst adding an imposing public building to the street scene. Whilst the building would be very dominant and prominent, it is considered that such a relationship with the street scene and wider context is not without historical precedent for such public buildings, which have often been larger and more visible than more domestic buildings, with particular reference to the existing Police station elsewhere on Wilton Road, and the Council's own Bourne Hill campus. Elsewhere, public buildings such as courts are also very prominent buildings within the towns and cities which they occupy.

The remainder of the site around the building is utilised by the requirements for the highway access and roadways serving not only this development, but the adjacent Foyer building, and a future road access into the allocated land to the east. Relatively small areas of parking are also provided on site, serving staff. The remainder of land between the new building and the highway system has been filled with additional public open space/footway and access systems. It is considered that whilst small, the new limited public area in front of the building would generally enhance the street scene, where at the moment, there is the remnants of a red brick wall and expanse of tarmac.

6. Impact on trees

Whilst the loss of some of the existing trees along the street scene is regrettable particularly the larger specimens adjacent the new vehicular access, the plans show new tree planting dotted around the building. The large Willow between the site and Montague House on the western boundary of the site is shown to be retained, although some trimming of the tree canopy will be required, and the Council's Tree Officer considers that the proposal may potentially harm the long term health of the tree given the impact on its root system.

However, if members choose a traffic light junction option (see highway section of this report), it is considered that several new trees could be planted along the front of the site between the road and the building. Members should also note that as part of the Foyer scheme, a new visibility splay across the frontage of the application site was approved, which would have resulted in the loss of existing trees adjacent to the A36, although replacement tree planting was expected behind the visibility splay.

As a result of the above and the planning history of the site, it is considered that a refusal on the loss of existing trees would be difficult to support, given the possibilities to replant replacement trees, perhaps even across the front of the site.

Summary

Therefore, on balance, given that the development itself is considered to offer an improvement to the general environment of the site, and could be supplemented with new planting which in time would enhance the setting of the building, it is considered that a refusal on overall design grounds may be difficult to support.

The above assessment is of course affected by which particular vehicular access option Members consider appropriate, due to the likely impact of the different options on existing walling adjacent the A36. These are outlined in detailed in the highways section of this report. However, it is important for Members to note that as outlined in the Planning History section of this report, there is approval for the walling of Montague House to be relocated as part of the visibility splay connected with the Foyer scheme. As a result, a refusal based on the impact of this part of the walling would be difficult to support on appeal.

7. Impact on adjacent amenities

As stated elsewhere, the courts building will unquestionably be a dominant and prominent building in the street scene. Furthermore, the internal arrangement of the building, and therefore the external design and fenestration details, has to a large extent been governed by strict guidelines and legislation. As a result of the above, the building will inevitably have a dominating impact on any buildings adjacent to the site, and will result in fenestration facing towards those buildings which on other development, could have been omitted or negotiated out in some other manner.

In particular, the adjacent single storey club building will be dwarfed by the courts building, and will be likely to be positioned in its shadow for much of the afternoon, particularly during winter months. Given the constraints of the site and the design requirements for the building however, officers and the applicant are unable to resolve this issue. Members will therefore have to determine whether the likely impacts on the "amenities" enjoyed by users of the social club, would be so serious as to outweigh the broad planning and conservation "gains" resulting from the siting of the replacement courts facility on this site.

In officer's opinion, whilst the impact on the social club building would be significant, this building is not a residential building, and therefore, it is argued that a different expectation level of amenities should apply to such non residential buildings. For instance, enjoyment of a dwelling house can be significantly reduced by a reduction in the "outlook" as seen from within a dwelling house, particular with respect of a residential garden area, where occupiers would expect to have a certain level of privacy and receive a certain minimum level of daylight. Conversely, the "enjoyment" of a private club such as the social club by its members is normally defined by the limited non residential activities within such buildings (group meeting and similar, use of the bar area etc). Such activities are normally "inward looking", in that they do not necessarily rely on an

attractive or conducive outlook outside the building.

Therefore, whilst this proposed development will change the way the club building is lit during daytime activities, evening functions will presumably not be affected. Therefore, it is considered on balance that the impact on the "amenities" of users of the social club would not be so significantly harmful as to warrant refusal of the application.

To the west of the site is located a number of residential properties. Given this orientation, it is considered that the level and impact of overshadowing resulting from the courts building would not have any significant impacts on adjacent amenities. Therefore, whilst Montague House, the residential flats directly adjacent to the western boundary of the site would undoubtedly be dominated by the large scale of the new building, its impact would be significantly lessened due to the lack of overshadowing. Similarly, whilst the courts building would have a number of windows facing towards Montague House, the fenestration on the building has been carefully designed to limit the amount of overlooking possible by users of the courts facility, and a level of obscurity can be added to the large expanse of glazing serving the stairwells and other areas on this western elevation of the building.

Given the urban location of the site, where the expectation of amenities would be less than other less dense urban areas, it is therefore considered the amenities experienced by occupiers of Montague House, and other properties beyond, would not be so significantly affected as to warrant refusal of the application.

8. Impact on highway system

The site is access via the A36 Wilton Road, which is effectively operated and controlled primarily by the Highways Agency, in consultation with WCC Highways, until the road is de-trunked. From an early stage of the application process, the Highways Agency used their statutory powers to issue the LPA with a "Direction", which effectively prohibits the LPA from approving the application, until certain issues have been sorted out, for a specified period of time. If it so wished, the Highways Agency could "direct" the LPA to issue a refusal on an application, which the LPA would have to abide with. (The Highways cannot "Direct" approval however, and therefore Members could object to the highway works if they considered that there were valid planning grounds on which to do so)

This process has unfortunately delayed the application process by several months, during which negotiations have continued to break the deadlock surrounding the highway matters. The main issue of contention has been the extent and impact of the visibility splays serving the new vehicular access onto the A36.

Following protracted negotiations and discussions, three options related to the vehicular access have emerged. These "options" are analysed below:

- (i) Provision of vehicular access with visibility splays of 90m length measured from a point 4.5m back from the highway

This splay forms part of the formal plans related to this proposal.

The Highways Agency has indicated that this size of splay would be a departure from its normal standard in such a location of 120m by 4.5m. However, the Agency has indicated that it approves of such a splay, although WCC Highways have stated that a reduced splay of 2.4m back by 90m length in each direction is needed.

However, Members need to note that the creation of this splay would involve demolition of existing walling (some of which is listed), the removal of at least one mature tree, and possible impacts on other existing mature trees adjacent to existing walling to be removed or rebuilt. In officers opinion, such works are the least favourable "option" available, particularly given the loss of some listed walling. However, before discounting this option, Members must take into account that the approved visibility splay associated with the Foyer scheme also envisaged the loss (and replacement) of the trees along the site frontage, and the relocation of the boundary wall of Montague House. Therefore refusal based on the impact of this part of the visibility splay may be difficult to support on appeal.

- (ii) Provision of vehicular access with visibility splays of 90m length measured from a point 2.4m back from the highway edge

This revised suggested splay is supported by WCC Highways, but Highways Agency do not support such a splay, given that it would be a significant reduction compared to its normal splay dimensions of 120m by 4.5m.

Such a splay would result in the removal and rebuilding of walling adjacent to the site, together with the removal of one mature tree on the eastern side of the site.

In your officer's opinion, whilst this option reduces the impact on the conservation area to an acceptable degree when balanced against other factors, it is less preferable than retaining such existing features if possible. However, before discounting this option, Members must take into account that the approved visibility splay associated with the Foyer scheme also envisaged the loss (and replacement) of the trees along the site frontage, and the relocation of the boundary wall of Montague House. Therefore refusal based on the impact of this part of the visibility splay may be difficult to support on appeal.

- (iii) Creation of vehicular access, served via a traffic light junction. No visibility splays needed.

The Highways Agency generally supports such a proposal, but the WCC Highways, who will take on responsibility of the A36, have reservations about such provision.

In your officers opinion and therefore their recommendation, this seems to be the best solution of the three options. It would retain existing walling to Montague House; would facilitate the possible planting of new trees along the front of the site; and would create a traffic light controlled junction which would (supposedly) be safer than a non controlled junction, particularly as this access could then also serve any new development amounting from the allocated site to the east of the application site, as designated in the Local Plan. This is the option that best preserves the character of the Conservation Area. (Note: depending on the choice of access arrangements, the suggested conditions may need to be reworded).

As part of the highway works, other works on and within the highway have been agreed between the applicants and the Highways Agency, including a new bus stop adjacent the site. Again, because of the Agency's powers of Direction, the LPA is unable to strongly influence these works as such works within the highway could be undertaken by the highway authorities without the agreement of the LPA or this Council.

Members should also note that this scheme provides for a new vehicular access road into the allocated site to the immediate east of the application site, as well as retaining access to the adjacent Foyer building and the Social Club. The existing access to the adjacent site off the A36 will be reduced to a pedestrian only access.

CONCLUSION – (REASONS FOR NO OBJECTIONS)

1. The redevelopment of sustainable previously developed sites within urban areas is promoted by Central Government and Local Plan policy, therefore in principle, the redevelopment of this site is acceptable, subject to the impacts of the development.
2. The overall layout and design of the proposed courts facility has been strongly influenced by various legislation and advice, outside the control of the applicant, including the requirements of the various Building Regulations and similar requirements, and the requirements of the Highways Agency (which cannot be challenged by the LPA). This important factor should be taken into consideration when assessing the impact of the proposal.
3. The resultant development is considered to enhance what is a rather unkempt site, and thereby enhance the wider Conservation Area and the setting of adjacent listed buildings.
4. Whilst the amenities of adjacent residential and non residential properties will be affected by this proposal, it is considered that given the urban nature of the site, and the mitigation measures proposed for fenestration to limit overlooking, it is considered that

- the impacts would not be so bad as to warrant refusal.
5. The impact of the scheme on the surrounding highway system has been negotiated and agreed with the Highways Agency and WCC Highways. Therefore, highway safety issues are considered acceptable.
 6. Whilst there is likely to be a loss of open space as a result of this development, it is considered that the areas lost do not result in significant harm for the reasons given in the officer report, and their loss would not conflict with policy R5 of the adopted Salisbury District Local Plan

RECOMMENDATION: No objections, subject to the following conditions

CONDITIONS

01 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. (0004)

02 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. (D04A)

REASON: 0014 To secure a harmonious form of development.

03 Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the traffic controlled vehicular junction and access and other highway improvements, internal roadways, car parking and bicycle parking areas have been provided on site, and the existing vehicular access serving the adjacent site to the east has been permanently altered to allow pedestrian only traffic, in accordance with a scheme to be agreed in writing with the Local Planning Authority.

REASON: In order to limit the impact on the wider highway system

04 Before any development is commenced on the site, including site works of any description, all the existing trees to be retained on or adjacent to the site shall be protected by means of a scheme of protection to be agreed in writing with the Local Planning Authority before development commences. Such a scheme as agreed shall be retained throughout the construction phase of the development.

REASON: In the interest of visual amenity

05 Prior to any development commencing, details of the replacement tree and other associated planting (including protection scheme and maintenance schedule) shall be submitted to and agreed in writing with the Local Planning Authority. The planting scheme shall be carried out as agreed, and at the agreed times.

REASON: In the interest of visual amenity

06 Before development commences, details of the hardsurfaces around the building, and details of ancillary street furniture, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out as agreed.

REASON: In the interest of visual amenity

07 Before development commences, details of the obscuring measures to be used for windows on the west elevation of the building so as to limit the possibility of overlooking of adjacent properties from the building shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented as agreed.

REASON: 0018 To ensure adequate privacy for the occupants of neighbouring premises.

08 Before development commences, a scheme for water efficiency measures to be incorporated into the building; and a scheme to minimise the effect on water interests of the site and the risks of pollution during construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed schemes.

REASON: In order to reduce the impact on the wider water environment

09 No development approved by this permission shall be commenced until the developer has taken prudent steps to assess the risks associated with potential contaminants at this site. Such a strategy should take the form of and include the following stages:

- A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information..

If the potential for significant ground contamination is confirmed, this information should be used to produce:

- A diagrammatical representation (conceptual model) for the site of all potential contaminated sources, pathways and receptors.
- A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual model) undertaken. The investigation must be comprehensive enough to enable:
 - A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - Refinement of the Conceptual Model, and
 - Development of a Method Statement detailing the remediation requirements.

The results from each stage should be submitted to and approved in writing by the Local Planning Authority before construction begins.

This practice is considered important in order that the site operator / owner, the regulatory authorities and other parties can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

Reference should be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk.

REASON: To ensure the development will not cause pollution of Controlled Waters through the mobilisation of the land contaminants.

10 This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 15th September, as amended by the applicant's letter and plans received on 6th December 2005 (relating to the revised schedule of brick, render and glazing materials – excluding previous cladding system), unless otherwise agreed in writing by the Local Planning Authority. (B02A)

REASON: 0007 For the avoidance of doubt.

11 Before development commences a travel plan shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In order to reduce the impact on the wider highway environment

12 Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. Such a scheme shall prevent discharge onto the highway.

REASON:0064 To ensure that the development is provided with a satisfactory means of surface water disposal.

Application Number:	S/2005/1839		
Applicant/ Agent:	FEILDEN AND MAWSON		
Location:	FORMER OLD MANOR HOSPITAL CAR PARK ON NORTHERN SIDE OF WILTON ROAD SALISBURY SP2 7EJ		
Proposal:	DEMOLITION OF EXISTING STRUCTURES INCLUDING TREE REMOVAL AND ERECTION OF 3 STOREY COMBINED COURTS CENTRE AND CREATION OF NEW VEHICULAR ACCESS CAR PARKING AND ASSOCIATED WORKS		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 September 2005	Expiry Date	3 November 2005
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Councillor Walsh has requested that this item be determined by Committee due to the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located in a Conservation Area, with vehicular access off the adjacent A36 Wilton Road, and comprises an existing car park, dilapidated single storey garages, and also encompasses part of the existing playing fields associated with Highbury Avenue schools. Open space adjacent to the social club is also included. The surrounding area contains a few listed buildings, notable The Old Manor Hospital buildings to the south.

THE PROPOSAL

It is proposed to erect a magistrates court complex on the site, together with associated access and parking facilities. The existing vehicular access onto the A36 would be relocated further eastwards. (At the insistence of WCC Highways and Highways Agency, the development must also include works to rebuild an adjacent 2 metre (approx) brick wall, in order to provide acceptable visibility in an eastward direction from the new access. Several trees on and adjacent to the site would be affected/removed, with new replanting taking place around the site.

A detailed design statement, Conservation Area assessment, transport assessment, and travel plan has been submitted as part of the application.

Members should note that this application is identical to the planning application, but has been submitted under the Circular 18/84 procedure for Crown applications. With Crown applications, Local Planning Authorities can either raise an objection, or raise no objections to a proposal.

PLANNING HISTORY

S/05/1842, S/05/1845 & 1864 – Planning application (details as per this proposal), Conservation Area and Listed Building Consent applications regards demolition works and works to listed wall. (See separate reports on agenda)

S/00/762 & S/00/1035 – Replacement courthouse, and demolition works. Withdrawn.

Also of note is the application relating to the site to the rear involving demolition of the previous Orchard House and erection of Foyer building.

Also of related interest is the recent conversion works to Montague House, to the immediate west of the application site (S/00/1555). This approval granted consent for a new access driveway serving Montague House from the rear (crossing the current application site), and the City Area Committee 10/01/2006

provision of 8 parking spaces on part of the rear curtilage of the property. The approval also permitted the demolition and rebuilding of the front boundary wall of Montague House to provide visibility splays associated with the Foyer scheme.

Whilst the previous 3 metre boundary walling adjacent to the A36 was demolished when the Foyer scheme was developed, the proposed visibility splay and new walling was never constructed. Similarly, the rear parking court for Montague House was never constructed.

Whilst this would seem to raise an enforcement issue based on breach of conditions (which officers will of course look into), it seems likely the required visibility works were put on hold due to the long gestation period of the replacement courts scheme, which has been "in the pipeline" since at least year 2000, and for which different visibility splay requirements might be needed. Similarly, it is presumed that residents of Montague House currently utilised the vast car park on the application site, and hence the lack of any progress with this matter.

Consequently, it would seem that if the current application for the new courts building does commence, then the visibility requirements regards the Foyer scheme will be superceded. However, conversely, if the courts proposal does commence, then replacement parking will be required for Montague House (see highways section of report).

CONSULTATIONS

WCC Highways - See attached. No objections in principle to a scheme involving a 2.4m by 90m visibility splay, however, concerns about the use of a traffic light junction.

WCC Library/ Museum - No comments

Housing & Health Officer – No comments

Wessex Water Authority- No objection in principle. Surface water should not discharge to the foul sewer.

Environment Agency - No objections in principle subject to various conditions

Highways Agency - See attached. No objection in principle to a scheme involving a 4.5m by 90m splay, would object to a scheme involving a 2.4m by 90m splay, and no objections in principle to a junction incorporating traffic lights.

English Nature - No objections to scheme following submission of protected species survey

Wiltshire Constabulary - No comments to make, other than boundary wall at the back maybe a target and point of access. Architects should consider some kind of topping, or anti climb paint. Also does car park have lighting?

English Heritage - Do not wish to offer comments

REPRESENTATIONS

Advertisement Yes. Expiry 13/10/05

Site Notice displayed Yes. Expiry 13/10/05

Departure No

Neighbour notification Yes. Expiry 3/10/05

Third Party responses 1 letter (from adjacent Social Club) stating that:

- g) Serious concerns over the effects the building will have on the club both during and after construction
- h) All the windows to the main function area of the club are on the west of the building, facing the new courts building. This will seriously reduce the amount of natural light into the main area.
- i) The club is frequented by the training team of the local Mental Health services during weekdays, for which good levels of natural light are essential.
- j) The club is used during the day, particularly at weekends for private functions by members and the public. Our ability to provide a bright welcoming atmosphere for these will be seriously compromised if the building work proceeds.
- k) We are concerned we will potentially lose income as the dark and gloomy atmosphere will make people less likely to decide to hire our facilities.
- l) We also have difficulties with the current access arrangements.

1 letter of support stating the "vital need" for the scheme for the following reasons:

b) Guildhall cannot be used for custody cases due to poor facilities, ie

No secure dock

No way of satisfactorily delivering prisoners to the building

Only one retiring room for two courts and if both courts need to retire one of the courts has to be cleared

No arrangements for special measures ie video suites, no modern IT equipment

Access for disabled is via the magistrates entrance via a dated chair lift

No separate facilities for defence and prosecution witnesses

No facilities to separate youths from adults

The lawyers have nowhere to interview defendants on their own

No facilities for families, social workers or lawyers

b) The Bench sits in Salisbury every day of the week, in Devizes on two days, and in the crown court at times, and also Andover one day a week. At Devizes, the court is housed in temporary accommodation and the cell holding area has not reached the standards required by the authorities. Due to such poor facilities at Salisbury and Devizes, custody cases are dealt with at Andover. However, police custody cases other than over a weekend are dealt with in Chippenham. There is however a lack of direct transport from Chippenham to Salisbury, which causes problems for people detained over night, and unable to get home to Salisbury.

In summary, the opportunity to provide a combined court building will be an enormous asset to the city and area. We will have the facilities to enhance the service that we provide to the community and will all benefit from the closer working environment developed between all branches of the judiciary.

Design Forum – The Design Forum accepts the revisions to the side and rear elevations proposed by the architects.

- The Forum is concerned however, that the rendered finish on the rear of the building may be difficult to maintain over a long period and may easily become stained, which will then be impossible to rectify. Very careful detailing of the eaves to the roof and around windows will be essential to try to avoid weather staining.
- In the Forum's view, the design of the forecourt facing Wilton Road still needs further consideration. The proposed dwarf walls create a suburban appearance, inappropriate to a major civic building, and should be deleted. The ramp provided for people with disabilities only requires to rise 300mm, and it may be possible to achieve this by re-levelling parts of the forecourt, rather than by creating a ramp.
- The location and design of the bollards needs further thought.
- There has been no mention of how the Council's policy on 'per cent for art' will be interpreted in the new Crown Courts. This needs to be addressed now.

Civic Society – (response to original scheme) – Express concern. The site is cramped and the designers have to fit a lot of building on the site, which is not helped by the social club building which severely compromises the scheme and will remain as a tatty blemish in the centre of the site for a major civic building. The front elevation of the building achieves the requisite Civic presence that a courthouse requires. However the society does have misgivings as to the view of the building as you travel west along Wilton Road, including the abrupt finishing of the brick towers and the start of the white cladding, this is accentuated by the projecting roof detail, which also finishes abruptly at this point. The society is concerned that the white cladding panels to the sides and rear of the building are very dominant and if these are not washed down regularly will become dirty and discoloured very quickly. Also concern is expressed regards the lack of public art. (Comments awaited regards revised scheme)

Conservation Area Advisory Panel – (summary response to original scheme) – The Panel welcome the commitment to construct new law courts but regretted that the smallness of the site prevented the building from being set back behind the street line, which would have major advantages. Broadly welcome the design approach to the front elevation while emphasising that the quality of the brickwork would have a major impact on the overall success of the project. Principal concern regards choice of cladding material for the sides and back would have a negative effect, and needed to be reconsidered. It should certainly not be used on parts of the front elevation. Also concerned that highway considerations should not be allowed to unduly

influence elements of the design, in particular the buildings impact on surrounding features of value to the conservation area. (Comments awaited regards revised scheme)

MAIN ISSUES

8. Principle
9. Need for new Courts building
10. Locational issues
11. Recreational open space issues
12. Impact on Conservation area and adjacent listed buildings
13. Impact on adjacent amenities
14. Impact on highway system

POLICY CONTEXT

With such a strategic proposal, most of the policies in the Salisbury District Local Plan will be in some way relevant to this proposal and its impacts. The most pertinent being:

G1,G2,D1, D7, PS1, (E6,H3 – adjacent sites),E17,CN5, CN8,CN9, CN17,TR1,TR11,TR12,R5

Members should of course also have regard to National policies and guidance contained within documents such as PPS1, PPS6 and PPG13, with particular regards to sustainability issues and the efficient use of previously developed land. PPG17 (loss of playing fields etc) is also relevant.

PLANNING CONSIDERATIONS

1. Principle of development on this site
 - f) The application site is essentially a “windfall site”, and is not specifically allocated in Local Plan for any particular use. The proposal therefore needs to be considered on its merits. However, it is worth noting the submission of applications by WCC in 2000 for a replacement courtroom and demolition works.
 - g) The site is of a generally unkempt appearance, and it is considered that the use of this open, largely hardsurfaced site for parking, together with the disused garage block, do not preserve the appearance of the Conservation Area.
 - h) The site is also considered to fall within the definition of a previously developed brownfield site, which, in accordance with guidance given in PPS1, is suitable for redevelopment. The site is considered to be located in a suitably sustainable location, close to facilities and services.
 - i) Members also need to note that the adjacent sites to the immediate east of the application site, and to the south of the application site (on the opposite side of the A36), have been specifically allocated in the Salisbury District Local Plan (policies E6 and H3 refers) for housing and office development. Therefore, this current proposal must be considered alongside the future development of those sites.
 - j) The relocation of the courts to the site would retain employment within the city, in accordance with Council/LPA policies.

Therefore, given the above and the location of the site on the edge of, and at the entrance gateway to the city centre, it is considered that the redevelopment of the application site for some form of development may be acceptable and indeed welcomed, subject to the impacts of that proposal.

However, one drawback to the redevelopment of the site, is that the site as defined contains some land which is designated in the Salisbury District Local Plan under policy R5 as open space which should be protected. This matter is covered elsewhere in detail.

2. Need for new Courts building at this site

It is clear from recent planning histories that a replacement courts facility has been planned for some years.

The existing courts in the centre of Salisbury City Centre (the Guildhall) have, according to the applicants, outlived their usefulness for several reasons, and that the requirements of the court service cannot be met by a new building on the current site. As a result, a new larger site is being sought, either within or outside Salisbury District. The following is an extract from the applicants submitted statement:

“An inspection of the Wiltshire Magistrates Court Committee (WMCC) Area occurred in September 2000, by then HM Magistrates Courts Services Inspectorate (MCSI). The overall findings and recommendations identified deficiencies in facilities for court users such as issues related to Health and Safety, security, Disability Discrimination Act 1995 (DDA) and Human Rights Act 1998 (HRA). There was also the need to urgently develop an accommodation strategy which clearly sets out the criteria for the location of offices and courthouses in Wiltshire. It recommended the immediate closure of the Devizes, Trowbridge and Salisbury (Guildhall) courthouses to hear custody cases due to non compliant access and custody arrangement.”

The above problems are reiterated by one of the third party letters received by this Authority (see separate section of this report)

3. Locational issues

Commercial and public offices are listed in PPS6 as “a main town centre use”. Consequently, any application that proposes any such building has to undertake some form of “sequential test” to demonstrate that the most suitable site has been chosen.

The applicants submitted evidence further states that:

“ The Wilton Road site was selected by Wiltshire County Council after consideration of all options through an extensive trawl of site searches and option appraisals. The site fitted the key criteria being sufficiently close to the city centre, well served by public transport, being on the new park and ride route, and close to the railway station. The only viable alternative was to relocate the Courts to a new location out of town such as Solistice Park. This is not ideal as it would not provide good public transport access and would be contrary to DCA policy. Of all the sites considered within Salisbury, all except Wilton Road were rejected on the basis of being unavailable within the timescale of the project, restricted access, size/shape or inappropriate location for the courts, ie industrial estate.”

Whilst the LPA consider that a site elsewhere within the confines of the city centre may be a more appropriate and sustainable solution to the relocation of the courts facilities, it is accepted that at this time, there are very few if any large sites currently available within the immediate city that would be suitable to meet the requirements of the applicants.

It would therefore seem a reasonable compromise to seek to site the new courts complex as close to the city centre as possible. In this regard, it is considered that the site chosen, in purely sustainability terms, would appear to be appropriate, sited as it is within easy reach of the city centre, and on one of the main bus routes.

The other brownfield site on London Road which is allocated for employment and leisure uses adjacent the park and ride site could possibly be the other alternative site. However, this site is already owned by another party, and an application has been submitted for office and carehome use, therefore its utilisation for the new courts facility would seem more problematic than the application site. Furthermore, the application site is located much closer to the city centre than the London Road site, and closer to the police station. It is therefore stated that the application site allows greater access to more sustainable forms of transport, and would limit the amount and time of journeys of police vehicular traffic (and presumably reduce police traffic through the city centre).

The relocation of the courts facility to Solstice Park has been mooted by the applicants submitted details. Whilst such a relocation would obviously improve some employment prospects in Amesbury, it is considered that the advantages offered by such a relocation would be clearly outweighed by the advantages resulting from the relocation to a site closer to Salisbury City

The relocation of the courts facility outside the District would obviously result in the loss of those employment opportunities offer by such a use, contrary to general employment policies in the development plan.

4. Loss of open space

PPG17 makes it quite clear that the existing and potential value for recreation and other purposes should be properly assessed before development is considered. Paragraph 15 of the PPG indicates that where a robust assessment of need (the need for the playing fields as assessed by the LPA) has not been undertaken, planning permission for such developments should not be allowed unless:

- v) the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- vi) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- vii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or
- viii) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

With regards PPG17 and the above criteria, in officers opinion, the PPG seems to be primarily aimed at the loss of whole or substantial parts of playing fields and other similar open space. It is considered that in the situation with regards to this application is somewhat more complicated, in that the area of playing field to be lost accounts for a slither of land which would not affect the playing field provision associated with the adjacent school. Secondly, the area of "open space" adjacent to the social club does not form part of either a playing field, or a larger open space, and is a small area of land used for private purposes. As a result, criteria i) & ii) of PPG17 seems at least partially satisfied.

Policy R5 of the Salisbury District Local Plan seeks to protect outdoor facilities, and states that developments which lead to the loss of public or private sports fields (including school playing fields), will not be permitted unless:

- (iv) *sports and recreation facilities can be best retained and enhanced through the redevelopment of a small part of the site; or*
- (v) *alternative equivalent provision is made available in the locality; or*
- (vi) *there is an excess of sports pitch provision and public open space in the area, taking into account of the recreation and amenity value of such provision.*

Part of the designated R5 land forms part of the southern tip of the playing fields serving the adjacent school. The land has therefore been included in the application with the consent of Wiltshire County Council, and hence, the land would by definition seem superfluous to their needs. Notwithstanding this, the school is currently serve by a huge expanse of open space and other playing facilities, and the piece of land included in this application is considered to amount to a small, rather insignificant slither of land at the edge of the playing fields. As its loss does not seem to matter to the school, and as the visual impact of its loss would not be materially harmful to the conservation area (it is already hidden from public view by a high fence), it is considered that the loss of this area of outdoor space would not conflict with policy R5, in particular R5 (III).

The other area of R5 designated land is located around the social club. Again, as this presumably has been able to be included with the consent of the social club, the land must by definition be surplus to requirements. Notwithstanding this issue, the land amounts to little more than a small grassed area surrounding the building, and therefore its value as an outdoor (non public) facility seems limited. As its loss does not seem to matter to the social club, and as the visual impact of its loss would not be materially harmful, it is considered that the loss of this area of outdoor space would not conflict with policy R5, in particular R5 (III).

5. Impact on Conservation Area, wider context, and adjacent listed buildings

The applicants have outlined in detail what they consider to be the rather special design requirements for the proposed facility. In essence, it transpires that the internal arrangement of the courts building is very strictly controlled by various regulations that apply to all such buildings, both in terms of the amount of office and other accommodation (ie various elements must be included for the process to work), the internal location and relationship between various uses (for instance the separation between cells and courtroom, and between waiting rooms etc), and also the internal design and size of such uses and rooms. Furthermore, the design of the building is also affected by all the usual building and other regulations, and of course the rather restricted size and shape of the site. Yet further, the new access proposed has resulted in the requirement from the highway authorities to retain a large visibility splay across the front of the site, within which visibility to left or right should not be restricted.

As a result, it is important to note that before fully considering the impact of the building on the wider conservation area, the new courts building has had to be designed from the inside outwards, and this has obviously dictated to a great degree the external design and appearance of the building. Given such requirements, as well as requirements to provide a modern accessible building, this invariably means that the requirements of a courts of justice facility could only be served by a large scale contemporary style building, containing a certain level of accommodation.

The applicant has thoroughly assessed what they believe to be the character of the Conservation Area and the wider Wilton Road, and has sought to justify in detail why they feel the proposed scheme would enhance the character of the area. The Design Statement has particularly highlighted that Fisherton Brick is a feature in the area, and that the buildings along Wilton Road are punctuated by prominent trees. The statement also highlights that there is a particular type of rhythm, scale, and juxtaposition to the built form along Wilton Road. Overall, the design statement indicates that the overall ethos behind the design of the scheme is to enhance the site, and the wider area. Views from Highbury Avenue area of the Cathedral have been noted and preserved.

As a result of the design constraints and requirements on the development of the site, including the restrictive size of the site, and a commitment to enhance the character of the Conservation Area, the applicants have produced a contemporary piece of architecture which extends to 4 storeys, and which utilises a Fisherton style brick on its main facades, punctuated and framed with glazing.

Whilst the building would have benefited from being set back further to create a more imposing and grander entrance and public open space (which would have increased the general gravitas of the building itself and rendered it less visible in the street scene) such a relocation seems impossible, given the limited depth of the site coupled with the internal special requirements of the use. Therefore, as it stands, it is considered that the overall design ethos of the building and its impact on the wider area has been fully considered, and that if constructed, the building would indeed tidy up a rather scruffy site at present, whilst adding an imposing public building to the street scene. Whilst the building would be very dominant and prominent, it is considered that such a relationship with the street scene and wider context is not without historical precedent for such public buildings, which have often been larger and more visible than more domestic buildings, with particular reference to the existing Police station elsewhere on Wilton Road, and the Council's own Bourne Hill campus. Elsewhere, public buildings such as courts are also very prominent buildings within the towns and cities which they occupy.

The remainder of the site around the building is utilised by the requirements for the highway

access and roadways serving not only this development, but the adjacent Foyer building, and a future road access into the allocated land to the east. Relatively small areas of parking are also provided on site, serving staff. The remainder of land between the new building and the highway system has been filled with additional public open space/footway and access systems. It is considered that whilst small, the new limited public area in front of the building would generally enhance the street scene, where at the moment, there is the remnants of a red brick wall and expanse of tarmac.

6. Impact on trees

Whilst the loss of some of the existing trees along the street scene is regrettable particularly the larger specimens adjacent the new vehicular access, the plans show new tree planting dotted around the building. The large Willow between the site and Montague House on the western boundary of the site is shown to be retained, although some trimming of the tree canopy will be required, and the Council's Tree Officer considers that the proposal may potentially harm the long term health of the tree given the impact on its root system.

However, if members choose a traffic light junction option (see highway section of this report), it is considered that several new trees could be planted along the front of the site between the road and the building. Members should also note that as part of the Foyer scheme, a new visibility splay across the frontage of the application site was approved, which would have resulted in the loss of existing trees adjacent to the A36, although replacement tree planting was expected behind the visibility splay.

As a result of the above and the planning history of the site, it is considered that a refusal on the loss of existing trees would be difficult to support, given the possibilities to replant replacement trees, perhaps even across the front of the site.

Summary

Therefore, on balance, given that the development itself is considered to offer an improvement to the general environment of the site, and could be supplemented with new planting which in time would enhance the setting of the building, it is considered that a refusal on overall design grounds may be difficult to support.

The above assessment is of course affected by which particular vehicular access option Members consider appropriate, due to the likely impact of the different options on existing walling adjacent the A36. These are outlined in detailed in the highways section of this report. However, it is important for Members to note that as outlined in the Planning History section of this report, there is approval for the walling of Montague House to be relocated as part of the visibility splay connected with the Foyer scheme. As a result, a refusal based on the impact of this part of the walling would be difficult to support on appeal.

7. Impact on adjacent amenities

As stated elsewhere, the courts building will unquestionably be a dominant and prominent building in the street scene. Furthermore, the internal arrangement of the building, and therefore the external design and fenestration details, has to a large extent been governed by strict guidelines and legislation. As a result of the above, the building will inevitably have a dominating impact on any buildings adjacent to the site, and will result in fenestration facing towards those buildings which on other development, could have been omitted or negotiated out in some other manner.

In particular, the adjacent single storey club building will be dwarfed by the courts building, and will be likely to be positioned in its shadow for much of the afternoon, particularly during winter months. Given the constraints of the site and the design requirements for the building however, officers and the applicant are unable to resolve this issue. Members will therefore have to determine whether the likely impacts on the "amenities" enjoyed by users of the social club, would be so serious as to outweigh the broad planning and conservation "gains" resulting from the siting of the replacement courts facility on this site.

In officer's opinion, whilst the impact on the social club building would be significant, this building

is not a residential building, and therefore, it is argued that a different expectation level of amenities should apply to such non residential buildings. For instance, enjoyment of a dwelling house can be significantly reduced by a reduction in the “outlook” as seen from within a dwelling house, particular with respect of a residential garden area, where occupiers would expect to have a certain level of privacy and receive a certain minimum level of daylight. Conversely, the “enjoyment” of a private club such as the social club by its members is normally defined by the limited non residential activities within such buildings (group meeting and similar, use of the bar area etc). Such activities are normally “inward looking”, in that they do not necessarily rely on an attractive or conducive outlook outside the building.

Therefore, whilst this proposed development will change the way the club building is lit during daytime activities, evening functions will presumably not be affected. Therefore, it is considered on balance that the impact on the “amenities” of users of the social club would not be so significantly harmful as to warrant refusal of the application.

To the west of the site is located a number of residential properties. Given this orientation, it is considered that the level and impact of overshadowing resulting from the courts building would not have any significant impacts on adjacent amenities. Therefore, whilst Montague House, the residential flats directly adjacent to the western boundary of the site would undoubtedly be dominated by the large scale of the new building, its impact would be significantly lessened due to the lack of overshadowing. Similarly, whilst the courts building would have a number of windows facing towards Montague House, the fenestration on the building has been carefully designed to limit the amount of overlooking possible by users of the courts facility, and a level of obscurity can be added to the large expanse of glazing serving the stairwells and other areas on this western elevation of the building.

Given the urban location of the site, where the expectation of amenities would be less than other less dense urban areas, it is therefore considered the amenities experienced by occupiers of Montague House, and other properties beyond, would not be so significantly affected as to warrant refusal of the application.

8. Impact on highway system

The site is access via the A36 Wilton Road, which is effectively operated and controlled primarily by the Highways Agency, in consultation with WCC Highways, until the road is de-trunked. From an early stage of the application process, the Highways Agency used their statutory powers to issue the LPA with a “Direction”, which effectively prohibits the LPA from approving the application, until certain issues have been sorted out, for a specified period of time. If it so wished, the Highways Agency could “direct” the LPA to issue a refusal on an application, which the LPA would have to abide with. (The Highways cannot “Direct” approval however, and therefore Members could object to the highway works if they considered that there were valid planning grounds on which to do so)

This process has unfortunately delayed the application process by several months, during which negotiations have continued to break the deadlock surrounding the highway matters. The main issue of contention has been the extent and impact of the visibility splays serving the new vehicular access onto the A36.

Following protracted negotiations and discussions, three options related to the vehicular access have emerged. These “options” are analysed below:

- (i). Provision of vehicular access with visibility splays of 90m length measured from a point 4.5m back from the highway

This splay forms part of the formal plans related to this proposal.

The Highways Agency has indicated that this size of splay would be a departure from its normal standard in such a location of 120m by 4.5m. However, the Agency has indicated that it approves of such a splay, although WCC Highways have stated that a reduced splay of 2.4m back by 90m length in each direction is needed.

However, Members need to note that the creation of this splay would involve demolition of

existing walling (some of which is listed), the removal of at least one mature tree, and possible impacts on other existing mature trees adjacent to existing walling to be removed or rebuilt. In officer's opinion, such works are the least favourable "option" available, particularly given the loss of some listed walling. However, before discounting this option, Members must take into account that the approved visibility splay associated with the Foyer scheme also envisaged the loss (and replacement) of the trees along the site frontage, and the relocation of the boundary wall of Montague House. Therefore refusal based on the impact of this part of the visibility splay may be difficult to support on appeal.

(ii). Provision of vehicular access with visibility splays of 90m length measured from a point 2.4m back from the highway edge

This revised suggested splay is supported by WCC Highways, but Highways Agency do not support such a splay, given that it would be a significant reduction compared to its normal splay dimensions of 120m by 4.5m.

Such a splay would result in the removal and rebuilding of walling adjacent to the site, together with the removal of one mature tree on the eastern side of the site.

In your officer's opinion, whilst this option reduces the impact on the conservation area to an acceptable degree when balanced against other factors, it is less preferable than retaining such existing features if possible. However, before discounting this option, Members must take into account that the approved visibility splay associated with the Foyer scheme also envisaged the loss (and replacement) of the trees along the site frontage, and the relocation of the boundary wall of Montague House. Therefore refusal based on the impact of this part of the visibility splay may be difficult to support on appeal.

(iii). Creation of vehicular access, served via a traffic light junction. No visibility splays needed.

The Highways Agency generally supports such a proposal, but the WCC Highways, who will take on responsibility of the A36, have reservations about such provision. In your officer's opinion and therefore their recommendation, this seems to be the best solution of the three options. It would retain existing walling to Montague House; would facilitate the possible planting of new trees along the front of the site; and would create a traffic light controlled junction which would (supposedly) be safer than a non controlled junction, particularly as this access could then also serve any new development amounting from the allocated site to the east of the application site, as designated in the Local Plan. This is the option that best preserves the character of the Conservation Area. (Note: depending on the choice of access arrangements, the suggested conditions may need to be reworded).

As part of the highway works, other works on and within the highway have been agreed between the applicants and the Highways Agency, including a new bus stop adjacent the site. Again, because of the Agency's powers of Direction, the LPA is unable to strongly influence these works as such works within the highway could be undertaken by the highway authorities without the agreement of the LPA or this Council.

Members should also note that this scheme provides for a new vehicular access road into the allocated site to the immediate east of the application site, as well as retaining access to the adjacent Foyer building and the Social Club. The existing access to the adjacent site off the A36 will be reduced to a pedestrian only access.

CONCLUSION – (REASONS FOR NO OBJECTIONS)

7. The redevelopment of sustainable previously developed sites within urban areas is promoted by Central Government and Local Plan policy, therefore in principle, the redevelopment of this site is acceptable, subject to the impacts of the development.
8. The overall layout and design of the proposed courts facility has been strongly influenced by various legislation and advice, outside the control of the applicant, including the requirements of the various Building Regulations and similar requirements, and the requirements of the Highways Agency (which cannot be challenged by the LPA). This important factor should be taken into consideration when assessing the impact of the proposal.
9. The resultant development is considered to enhance what is a rather unkempt site, and thereby enhance the wider Conservation Area and the setting of adjacent listed buildings.
10. Whilst the amenities of adjacent residential and non residential properties will be affected by this proposal, it is considered that given the urban nature of the site, and the mitigation measures proposed for fenestration to limit overlooking, it is considered that the impacts would not be so bad as to warrant refusal.
11. The impact of the scheme on the surrounding highway system has been negotiated and agreed with the Highways Agency and WCC Highways. Therefore, highway safety issues are considered acceptable.
12. Whilst there is likely to be a loss of open space as a result of this development, it is considered that the areas lost do not result in significant harm for the reasons given in the officer report, and their loss would not conflict with policy R5 of the adopted Salisbury District Local Plan

RECOMMENDATION: No objections, subject to the following conditions:

CONDITIONS

01 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. (0004)

02 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. (D04A)

REASON: 0014 To secure a harmonious form of development.

03 Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the traffic controlled vehicular junction and access and other highway improvements, internal roadways, car parking and bicycle parking areas have been provided on site, and the existing vehicular access serving the adjacent site to the east has been permanently altered to allow pedestrian only traffic, in accordance with a scheme to be agreed in

writing with the Local Planning Authority.

REASON: In order to limit the impact on the wider highway system

04 Before any development is commenced on the site, including site works of any description, all the existing trees to be retained on or adjacent to the site shall be protected by means of a scheme of protection to be agreed in writing with the Local Planning Authority before development commences. Such a scheme as agreed shall be retained throughout the construction phase of the development.

REASON: In the interest of visual amenity

05 Prior to any development commencing, details of the replacement tree and other associated planting (including protection scheme and maintenance schedule) shall be submitted to and agreed in writing with the Local Planning Authority. The planting scheme shall be carried out as agreed, and at the agreed times.

REASON: In the interest of visual amenity

06 Before development commences, details of the hardsurfaces around the building, and details of ancillary street furniture, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out as agreed.

REASON: In the interest of visual amenity

07 Before development commences, details of the obscuring measures to be used for windows on the west elevation of the building so as to limit the possibility of overlooking of adjacent properties from the building shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented as agreed.

REASON:0018 To ensure adequate privacy for the occupants of neighbouring premises.

08 Before development commences, a scheme for water efficiency measures to be incorporated into the building; and a scheme to minimise the effect on water interests of the site and the risks of pollution during construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed schemes.

REASON: In order to reduce the impact on the wider water environment

09 No development approved by this permission shall be commenced until the developer has taken prudent steps to assess the risks associated with potential contaminants at this site. Such a strategy should take the form of and include the following stages:

- A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce:

- A diagrammatical representation (conceptual model) for the site of all potential contaminated sources, pathways and receptors.
- A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual model) undertaken. The investigation must be comprehensive enough to enable:
 - A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - Refinement of the Conceptual Model, and
 - Development of a Method Statement detailing the remediation requirements.

The results from each stage should be submitted to and approved in writing by the Local Planning Authority before construction begins.

This practice is considered important in order that the site operator / owner, the regulatory City Area Committee 10/01/2006

authorities and other parties can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

Reference should be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk.

REASON: To ensure the development will not cause pollution of Controlled Waters through the mobilisation of the land contaminants.

10 This development shall be in accordance with the submitted drawing[s] deposited with the Local Planning Authority on 15th September, as amended by the applicant's letter and plans received on 6th December 2005 (relating to the revised schedule of brick, render and glazing materials – excluding previous cladding system), unless otherwise agreed in writing by the Local Planning Authority. (B02A)

REASON: 0007 For the avoidance of doubt.

11 Before development commences a travel plan shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In order to reduce the impact on the wider highway environment

12 Before development commences, a scheme for the discharge of surface water from the building(s) hereby permitted shall be submitted to and approved by the Local Planning Authority, and shall be carried out as approved. Such a scheme shall prevent discharge onto the highway.

REASON: 0064 To ensure that the development is provided with a satisfactory means of surface water disposal.