

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 – 12/10/06

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	Parish/Ward Officer Recommendation Ward Councillors
1	S/2006/1651	ST MARTIN & MIL
SV	Mr S Rennie	REFUSAL
04 - 06	KAIVAN PHILLIP STORR 45 – 47 FISHERTON STREET SALISBURY CHANGE OF USE OF GROUND FOOR TO CAFÉ BAR / TAKE AWAY (USE CLASS A3 & A5)	Councillor Howarth Councillor Tomes
2	S/2006/1652	ST MARTIN & MIL
SV	Mr S Rennie	REFUSAL
06 - 08	KAIVAN PHILLIP STORR 45 – 47 FISHERTON STREET SALISBURY VARIOUS WORKS IN ASSOCIATION WITH CHANGE OF USE TO CAFÉ BAR / TAKE AWAY INCLUDING KITCHEN EXTRACTION AND WORKS TO KITCHEN	Councillor Howarth Councillor Tomes
3	S/2006/1758	ST ED & MILFORD
SV	Mrs B Jones	REFUSAL
09 - 13	MR SIMON HUGHES MILFORD HALL HOTEL & RESTAURANT 206 CASTLE STREET SALISBURY GROUND & FIRST FLOOR EXTENSIONS TO CREATE 12 ADDITIONAL BEDROOMS	Councillor Mrs Chettleburgh Councillor Sample
4	S/2006/1759	ST ED & MILFORD
SV	Mrs B Jones	APPROVED WITH CONDITIONS
14 - 17	MR SIMON HUGHES MILFORD HALL HOTEL & RESTAURANT 206 CASTLE STREET SALISBURY GROUND AND FIRST FLOOR EXTENSIONS TO CREATE 12 ADDITIONAL BEDROOMS	Councillor Mrs Chettleburgh Councillor Sample

5	S/2006/1815	ST PAUL
SV	Mr R Hughes	APPROVED WITH CONDITIONS
18 - 20	LOGIC MARKETING U.K. LIMITED 32 MIDDLETON ROAD SALISBURY FOUR ONE BEDROOM FLATS AND FOUR CAR PARKING SPACES	Councillor Clegg Councillor Fear
6	S/2006/1816	ST PAUL
SV	Mr R Hughes	APPROVED WITH CONDITIONS
21 - 23	LOGIC MARKETING U.K. LIMITED 32 MIDDLETON ROAD SALISBURY 4 ONE BEDROOM FLATS AND 4 CAR PARKING SPACES	Councillor Clegg Councillor Fear
7	S/2006/1647	FISHERTON/BEM V
	Mr R Hughes	APPROVED WITH CONDITIONS
24 - 29	THE DEPARTMENT OF CONSTITUTIONAL AFFAIRS SALISBURY LAW COURTS WILTON ROAD SALISBURY ALTERATION OF PLANNING CONSENT S/05/1842 TO INCLUDE ADDITIONAL PARKING, NEW STORE TO THE OLD MANOR SOCIAL CLUB, NEW ACCESS TO MONTAGUE HOUSE AND CHANGES TO FENESTRATION	Councillor Ms Mallory Councillor Walsh

AGENDA ITEM: TREE PRESERVATION ORDER 379 – LA RETRAITE SCHOOL, SALISBURY

Part 1

Applications recommended for Refusal

1

Application Number:	S/2006/1651		
Applicant/ Agent:	KAIVAN PHILLIP STORR		
Location:	45 - 47 FISHERTON STREET SALISBURY SP2 7SU		
Proposal:	CHANGE OF USE OF GROUND FLOOR TO CAFÉ BAR / TAKE AWAY (USE CLASS A3 & A5)		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	II
Date Valid:	8 August 2006	Expiry Date	3 October 2006
Case Officer:	Mr S Rennie	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Chettleburgh has requested that this item be determined by Committee due to the interest shown in the application from adjacent neighbours.

SITE AND ITS SURROUNDINGS

The site is currently a hairdressers/beauticians on the ground floor, with a courtyard to the rear which includes an outbuilding. The shop has residential use to the upper floors, and is in a terraced row which includes small specialist shops and residential. The building is grade II listed, with a particularly noticeable and important shopfront with a historic and impressive design.

THE PROPOSAL

The change of use only applies to the ground floor, with the café only proposed to be used from 7am to 6pm. No structural changes have been proposed. There is no customer parking proposed in connection with the business.

PLANNING HISTORY

None relevant;

CONSULTATIONS

Environmental Health – Raised concerns regarding noise and the extraction flue.
Highways – No objections;

REPRESENTATIONS

Advertisement Yes – Expired 07/09/06
Site Notice displayed Yes – Expired 07/09/06
Departure No
Neighbour notification Yes – Expired 31/08/06
Third Party responses Yes –

6 objections citing possible late night anti-social behaviour on Fisherton Street, parking issues, and litter; Also cited loss of specialist shops on Fisherton Street;
There was also one letter of support, plus one letter of support on the condition that the property be strictly used within the hours of operation proposed only;

MAIN ISSUES

Impact to neighbours due to noise and extraction flue;
Suitability of use of property as café/takeaway;
Parking issues;

POLICY CONTEXT

Policy G1 has regard to sustainable development, including the effective use of land and the vitality and viability of local communities;

Policy G2 considers impacts to neighbours, access and parking;

Policy CN3 considers alterations and extensions to listed buildings;

Policy CN4 considers change of use of listed buildings;

Policy CN8 considers development within conservation areas;

Policy S2 considering secondary shopping areas;

PLANNING CONSIDERATIONS

The proposed change of use is applied for by a prospective purchaser of the ground floor shop. Presently, the shop is used as a hairdressers/beautician, though this business is closing. The proposed use is as a café with a takeaway facility also, to be operated from 7am to 6pm. There is no indication that there is going to be any usage in the evening or night after 6pm. This would certainly mitigate any concerns about late night drinking and anti-social behaviour in unsociable hours which has been the concern expressed on a few of the objection letters. One letter received stated that they would not object as long as these hours of operation were adhered to, and indeed if this application were to be approved then the hours of operation would have to be conditioned.

In basic principle terms, the change of use must be considered under the criteria set within policy S2 of the local plan. This policy considers secondary shopping areas, such as Fisherton Street, and states that changes of use should not undermine the retail function of the locality, have adverse impacts to neighbouring residences, no increased traffic hazards and no loss of a residential unit. The proposed change of use in this instance complies with all the criteria except than the one concerning neighbour amenity impact which shall now be considered.

Even with the strict limits on hours of operation be conditioned, there is still a concern over the impact to neighbouring properties from noise emitting from the site when in use. 45-47 Fisherton Street has residential neighbours, some of which have objected to this application. The most affected are the neighbours at 49 and 51 who have both objected through their representative. A side window of number 51 actually opens out over the courtyard which is being proposed to be used in conjunction with the café. Though the courtyard has been used as part of the hairdressers business, the use will potentially intensify considerably with tables and chairs in this area for customers to use on good weather days. This is a concern, especially at 7am in the morning, as it would have an undue impact upon the immediate neighbours with the potential noise this business would create. Environmental Health has agreed with this assessment and has expressed concerns also.

Another issue is that of the flue system which the Environmental Health officer has also raised concerns about. The flue pipe is large and prominent, and not an attractive feature for a listed building, even if this is to the rear of the property. The details provided concerning the flue have been minimal and does not provide sufficient information regarding the appropriate dispersal of fumes and odour from the café kitchen. The Environmental Health officer has also states that the flue has to be set higher than the eaves of the adjoining buildings. From the plans submitted this is not the case, with the adjoining buildings both being significantly taller which would not lead to a suitable dispersal of fumes as they could affect upper floor windows of the neighbours.

There are no highway concerns as this shop is close to the city centre with good transport links, and should not have much more vehicular activity associated with it than the existing hairdresser.

The principle of the change of use is acceptable, but the use of the courtyard needs to be addressed as this would lead to unacceptable neighbour disturbance, and there is not enough information submitted to convince the flue system proposed is suitable to meet the standards of

environmental health and could also be to the detriment of the neighbour amenities and to the visual appearance of the listed building.

CONCLUSION – RECOMMENDATION: REFUSE for the following reasons

The change of use and associated works is considered unacceptable as:

- (1) The proposed change of use to café/takeaway (use class A3 and A5) is considered unacceptable as it is considered contrary to policy G2 and S2 of the Adopted Salisbury District Local Plan which seeks to safeguard neighbour amenities and avoid undue disturbance, especially in secondary shopping areas where S2 is concerned. This is due to the potential detrimental impact to neighbour amenities from noise emanating from the proposed use of the unit and associated courtyard for café use from 7am, and the disturbance this could cause especially at early times of the morning.
- (2) The change of use is also regarded as unacceptable in terms of policy G2 and S2 as there is insufficient information regarding the flue system and concerns raised over its potential impact to the immediate neighbours. This is because in order to maximise the dispersal of any fumes the flue should be at or near the same level as the adjacent roofs. From the information submitted there is lack of height necessary for the flue pipe to appropriately disperse fumes and odour above the neighbouring residential properties, therefore detrimentally impacting upon neighbour amenities and being contrary to policy G2 and S2 of the Adopted Salisbury District Local Plan.
- (3) The appearance of the proposed flue system is considered unacceptable for the rear elevation of the listed building as it would be very visible and prominent and detrimental to the visual appearance of the rear elevation, contrary to policy CN3 and CN4 of the Adopted Salisbury District Local Plan which seeks to safeguard and enhance the qualities of listed buildings when they are extended or change their use.

Application Number:	S/2006/1652		
Applicant/ Agent:	KAIVAN PHILLIP STORR		
Location:	45 - 47 FISHERTON STREET SALISBURY SP2 7SU		
Proposal:	VARIOUS WORKS IN ASSOCIATION WITH CHANGE OF USE TO CAFÉ BAR / TAKE AWAY INCLUDING KITCHEN EXTRACTION AND WORKS TO KITCHEN		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	II
Date Valid:	8 August 2006	Expiry Date	3 October 2006
Case Officer:	Mr S Rennie	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Chettleburgh has requested that this item be determined by Committee due to the interest shown in the application from adjacent neighbours.

SITE AND ITS SURROUNDINGS

The site is currently a hairdressers/beauticians on the ground floor, with a courtyard to the rear which includes an outbuilding. The shop has residential use to the upper floors, and is in a terraced row which includes small specialist shops and residential. The building is grade II listed, with a particularly noticeable and important shopfront with a historic and impressive design.

THE PROPOSAL

The change of use only applies to the ground floor, with the café only proposed to be used from 7am to 6pm. No structural changes have been proposed, though there are certain changes to the kitchen with a large extraction flue to the rear.

PLANNING HISTORY

None relevant;

CONSULTATIONS

Conservation team – Expressed concerns over large extraction flue to rear of property, though has no principled objections to change of use;

REPRESENTATIONS

Advertisement Yes – Expired 07/09/06
 Site Notice displayed Yes – Expired 07/09/06
 Departure No
 Neighbour notification Yes – Expired 31/08/06
 Third Party responses – Only with regard to the change of use (on full plans application 06/1651);

MAIN ISSUES

Impact to listed building fabric and appearance;

POLICY CONTEXT

Policy CN3 considers alterations and extensions to listed buildings;
 Policy CN4 considers change of use of listed buildings;
 Policy CN8 considers development within conservation areas;

PLANNING CONSIDERATIONS

The proposed change of use is applied for by a prospective purchaser of the ground floor shop. Presently, the shop is used as a hairdressers/beautician, though this business is closing. The proposed use is as a café with a takeaway facility also, to be operated from 7am to 6pm.

Another issue is that of the flue system which the Environmental Health officer has also raised concerns about. The flue pipe is large and prominent, and not an attractive feature for a listed building, even if this is to the rear of the property. The lack of detail regarding the flue means that a proper analysis of its impact to the listed building cannot be evaluated and therefore the conservation team has objected to the application, and the conservation team have already stated they are concerned with the information that has been submitted due to the substantial height and prominence of the flue itself.

CONCLUSION

The proposed works associated with the change of use of this property is considered unacceptable due to the visual impact of the flue pipe to the rear of the property, plus the lack of information regarding its detailed appearance and impact to the grade II listed building.

RECOMMENDATION: REFUSE for the following reason:

The appearance of the flue system is considered unacceptable for the rear elevation of the listed building as it is very visual and prominent and detrimental to the visual appearance of the rear elevation, contrary to policy CN3 and CN4 of the adopted Salisbury District Local Plan which seeks to safeguard and enhance the qualities of listed buildings when they are extended or change their use.

Application Number:	S/2006/1758		
Applicant/ Agent:	FAVONIUS & CO ARCHITECTS		
Location:	206 CASTLE STREET SALISBURY SP1 3TE		
Proposal:	GROUND & FIRST FLOOR EXTENSIONS TO CREATE 12 ADDITIONAL BEDROOMS (PLANNING PORTAL APPLICATION)		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:		LB Grade:	II*
Date Valid:	25 August 2006	Expiry Date	20 October 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

The Head of Development Services does not consider it prudent to exercise delegated powers.

SITE AND ITS SURROUNDINGS

Milford Hall Hotel is a Grade II* listed building that has been significantly enlarged with more recent and modern single and two storey extensions to the rear. The site has a vehicular access from Castle Street with existing on site parking facilities to the southern side of the hotel buildings and extending into the full depth of the site.

The original two-storey house that dates from about 1800 occupies the front of the site and is set back from the road by a garden area, while the existing single storey accommodation block to which this application relates is to the rear of the site. This single storey block is connected by a single storey link to the adjacent two-storey accommodation block that is of the same general design and finished in a similar brick.

The residential properties in Wyndham Road and Hamilton Road adjoin the side boundaries of the site to the south and north respectively and are separated from it by their rear gardens. To the east, the site is adjoined at relatively close proximity by the residential dwelling at No32 King's Road that is "side on" to the site and is separated from the boundary by a driveway. The boundaries of the site with the surrounding properties are predominantly formed by a high brick wall.

THE PROPOSAL

The application seeks planning permission to erect a side and first floor extension to the existing single storey accommodation block to provide 12 additional en-suite bedrooms with partially obscured oriel windows and Juliet balconies. The south elevation would include a curved internal staircase.

PLANNING HISTORY

This site has been the subject of an extensive planning history. However, of particular relevance to the current proposal are the following applications:

S/1992/0598 Planning permission was approved in July 1992 for extensions comprising the conversion of outbuildings to form a kitchen, the formation of a conservatory, reception and dining room on the ground floor and a further extension at the ground and first floor levels to accommodate 31 bedroom units together with the construction of a car park in the rear garden area. (*This extension is the subject of the current application*).

S/2005/360 Erect first floor extension to create 8 en-suite bedrooms and an external staircase. Refused: *The proposed development, by virtue of the overall scale, massing and generally poor design, would have an adverse impact upon the character and setting of the Grade II* listed building and would adversely affect the amenities of the neighbouring residents due to its resultant dominance and overlooking. As such, the proposal would be contrary to Policies G2, D3, CN3 and CN5 of the Adopted Replacement Salisbury District Local Plan (June 2003).*

CONSULTATIONS

WCC Highways -	No objection in principle
Tourism Officer -	Support, see below
Wessex Water Authority-	Points of connection and easements to be agreed
English Heritage -	No objection
Conservation -	No objection
Archaeology -	No objection
Environmental Health Officer -	No objection subject to conditions relating to control of construction times and requirement for scheme of noise insulation for future air conditioning.

REPRESENTATIONS

Advertisement	Yes	Expiry 28/9/06
Site Notice displayed	Yes	Expiry 28/9/06
Departure	No	
Neighbour notification	Yes	Expiry 15/9/06

Third Party responses Yes 8 letters of objection (Wyndham Road, Hamilton Road and Kings Road) on the following grounds:

Balconies not in keeping with existing building, this building is larger than previously refused scheme and out of keeping with the area, inadequate parking, guests unlikely to use public car parks and walk to the site with luggage, highway safety issues, extensions would dominate listed building, loss of parking spaces, no first floor windows in existing south wall, increased level of overlooking and loss of light to staircase and main bedroom of 32 Kings Road, residential area not suitable for large hotel, loss of light to south facing gardens and properties in Hamilton Road, loss of privacy, increased noise, overbearing, dominant and crowding impact, loss of quality of life, impact of overspill parking on surrounding area, mishmash of design, combined size of existing and proposed buildings would diminish scale of listed house, extension would reduce space between hotel and Wyndham Road and be closer to Wyndham Road dwellings than the Kings Road properties, loss of value to property, no line of trees bordering Wyndham Road as promised.

MAIN ISSUES

1. Principle and tourism
2. Impact on Listed Building and its setting
3. Impact on amenities
4. Highway Safety

POLICY CONTEXT

Adopted Salisbury District Local Plan Policies G2, D3, D6, T1, T4, T6, CN3, CN5, TR11.
A Tourism Strategy for South Wiltshire
PPG15 "Planning and the Historic Environment"

PLANNING CONSIDERATIONS

1. Principle and tourism

The application relates to an existing hotel and Policy T1 states that the development of new tourist facilities, or the improvement of existing tourist facilities will be permitted within the physical limits of the settlement. The tourism officer considers that strategic objective 1 of the new tourism strategy (A Tourism Strategy for South Wiltshire) aims to, "Continue to provide a quality tourism product and where appropriate introduce new products with the aim of continuously improving the overall visitor experience." More specifically it talks of increasing the number of hotel bedspaces and aims to increase the number of 3* and above hotels from 42% of the current bedstock to 62%. The development is therefore considered to assist in achieving these aims. Tourism currently accounts for 8% of all jobs locally. For Salisbury and South Wiltshire to maintain a viable tourism industry, the strategy aims to encourage the development of more accommodation establishments to suit all tastes and pockets so that visitors to the

region will be encouraged to stay longer and spend more. A larger hotel would also support the need for accommodation that would suit the groups market.

2. Impact on the Listed Building and it's setting

Milford Hall Hotel is a late Georgian house dating from about 1800 and is a Grade II* listed building. The original building occupies the front of the site, while to the rear are a series of more recent brick extensions that have significantly enlarged the building. Some of the existing buildings, particularly the existing single storey and two-storey accommodation blocks, are of a poor quality design. In this respect, the character and setting of the listed building has already been compromised to some extent by the poor quality modern additions. More beneficially, the existing building is single storey and therefore has a more limited impact than the existing two-storey block on the character of the surrounding area and within the site itself.

Policy CN3 states that development that would in any manner affect the character or setting of a listed building will only be permitted if the proposal respects the character of the existing building in terms of scale, design and materials and its historic form and structural integrity. Policy CN5 states that development within the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building concerned.

The previous scheme presented a bland two storey block, with few defining features or characteristics. The revised design of the scheme has been significantly amended and improved following the previous refusal. The Conservation officer and English Heritage have raised no objection in terms of the design, scale, appearance and impact on the setting and character of the listed building. It is unlikely that the scheme would have a detrimental visual impact when viewed from the main front elevation of the listed building on Castle Street, as the extension is significantly set back to the rear of the site and would have an acceptable and pleasing design and appearance from this perspective. The applicant has submitted a full design and access statement to justify the revised design and its impact on the listed building, and the previous reasons for refusal on the grounds of the impact on the listed building are considered to be overcome, in accordance with Policy CN3 and CN5.

3. Residential Amenity

The application site is adjoined by the rear gardens of the residential properties fronting Hamilton Road and Wyndham Road to either side and by No 32 King's Road to the rear. The existing single storey structure has a negligible physical impact upon adjoining residential amenities as it is substantially screened behind the respective boundary walls with only limited views of the roof slope above. The existing two storey portion of the hotel presents a brick elevation to the gardens and terraces in Hamilton Road, with 'blind' brick recesses which present no overlooking or any perception of overlooking. The original extensions appear to have been carefully designed to minimise the impact on adjoining amenities.

The proposed extension, however, would substantially increase the overall scale and mass of this section of the building and given the relatively close proximity of the building to the boundaries, particularly the properties in Hamilton Road and No 32 King's Road, it is considered that it would result in a dominant presence in relation to these properties. The proposed extension would be particularly dominant in relation to No 32 King's Road which is separated from the rear elevation of the proposed 2-storey flank wall by some 7 metres. The dwelling has a number of windows in the side elevation facing the application site. In comparison with the previously refused scheme the proposed extension would actually extend further along the boundary at the front of this property.

It is acknowledged that the applicant has attempted to minimise any overlooking through the inclusion of obscured (with side clear glazed casements) oriel windows with Juliet balconies. The windows would be designed internally in such a way that a guest would have to lean across a deep window sill to look out sideways through the clear glazing, but whilst this is not easy, it is not impossible.

A sample of the means of obscuring the glazing has not been supplied with the application, so the Local Planning Authority cannot be sure of the effectiveness of the proposed decorative pattern for either onlookers or those being overlooked. Furthermore, the design of the oriel windows with Juliet balconies gives a strong perception of overlooking to observers stood in the gardens of Hamilton Road, or from within the staircase and guest and master bedrooms of No

32. It is likely that lights, shadows, open side casements and noise from open windows close to the boundaries would all increase the perception of being overlooked from these windows, with the possibility of oblique overlooking into gardens from the clear side casements. In at least one past appeal (S/2004/447) an Inspector has recognised that methods to obscure windows are in fact, “*A recognition of the intrusive effect that a window can have on living conditions of an adjacent occupier.*”

Officers are also concerned about the use of obscured glazing for the amenities of guests inside the bedrooms. Three of the oriels facing Hamilton Road properties would face north, and the bedrooms may, as a result, be quite dark, leading to pressure on the Local Planning Authority to lift any conditions requiring the obscure glazing in the guests’ interests.

Objections have also been received on the grounds that the proposal will lead to a loss of light to the surrounding properties. Although it is recognized that the proposal may result in a reduction in the levels of direct sunlight to the rear gardens and rear windows of some of these neighbouring properties it is considered that they would still benefit from a sufficient degree of general ambient daylight, including No 32 King’s Road which is located in closest proximity to the proposed development.

Nevertheless, it is considered that overall, the proposed development will have a detrimental impact upon residential amenity by virtue of dominance and perceived overlooking for the reasons set out above.

4. Highway Issues

The latest Government guidance contained in PPG13 seeks to reduce the reliance on the car, and the applicant states that both the existing and proposed car parking provision exceeds the Local Plan maximum requirements.

The Highway Authority considers that the proposed development does not appear to include additional on site parking facilities, in accordance with current standards ie a *maximum* of 1 space per bedroom. Although the application does not include information detailing the current parking/bedroom ratio, there seems to be little scope for increasing car parking within the site. Since the design and access statement states that the existing and proposed car parking provision exceeds the Local Plan maximum requirements, perhaps the applicant would supply further information in respect of usual guest numbers including their mode of transport. (This information has been requested, and members will be updated in late correspondence).

Members may consider that given the hotel’s central position this may be a situation where a reduced level of parking may be acceptable.

5. Impact on Trees

There are some large trees towards the front of the site that are important in terms of their public amenity value. Although these are well distanced from the area of the proposed extension, it is considered that they should be protected during the course of construction, through an appropriate condition.

CONCLUSION

The impact of the development on the Grade 2* listed building is considered to be acceptable, and would not harm its character or setting. Furthermore, the development is considered to be beneficial in terms of meeting the tourist bed space needs of the city, as identified by the tourism strategy. However, the impact of the development on neighbouring amenities is considered on balance to be detrimental, and overrides the other material considerations, for the reasons set out in the report and contrary to Policy G2 and D3.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed two storey development, by virtue of its siting, scale, design and relationship with neighbouring residential properties would adversely affect the amenities of the neighbouring residents due to its resultant dominance close to existing boundaries coupled with the perception of overlooking from the oriel windows. It is also possible that oblique overlooking could take place through the clear glazed casements on the north and east elevations. The

proposal would therefore be contrary to Policies G2 and D3 of the Adopted Replacement Salisbury District Local Plan (June 2003).

And contrary to the following policies of the Adopted Replacement Salisbury District Local Plan (June 2003):

Policy Purpose

G2	General Criteria for Development
D3	Design of Extensions

Part 2

Applications recommended for Approval

4

Application Number:	S/2006/1759		
Applicant/ Agent:	FAVONIUS & CO ARCHITECTS		
Location:	206 CASTLE STREET SALISBURY SP1 3TE		
Proposal:	GROUND AND FIRST FLOOR EXTENSIONS TO CREATE 12 ADDITIONAL BEDROOMS		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	LB Grade:	II*	
Date Valid:	24 August 2006	Expiry Date	19 October 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

The Head of Development Services does not consider it prudent to exercise delegated powers.

SITE AND ITS SURROUNDINGS

Milford Hall Hotel is a Grade II* listed building that has been significantly enlarged with more recent and modern single and two storey extensions to the rear. The site has a vehicular access from Castle Street with existing on site parking facilities to the southern side of the hotel buildings and extending into the full depth of the site.

The original two-storey house that dates from about 1800 occupies the front of the site and is set back from the road by a garden area, while the existing single storey accommodation block to which this application relates is to the rear of the site. This single storey block is connected by a single storey link to the adjacent two-storey accommodation block that is of the same general design and finished in a similar brick.

The residential properties in Wyndham Road and Hamilton Road adjoin the side boundaries of the site to the south and north respectively and are separated from it by their rear gardens. To the east, the site is adjoined at relatively close proximity by the residential dwelling at No32 King's Road that is "side on" to the site and is separated from the boundary by a driveway. The boundaries of the site with the surrounding properties are predominantly formed by a high brick wall.

THE PROPOSAL

The application seeks planning permission to erect a side and first floor extension to the existing single storey accommodation block to provide 12 additional en-suite bedrooms with partially obscured oriel windows and Juliet balconies. The south elevation would include a curved internal staircase.

PLANNING HISTORY

This site has been the subject of an extensive planning history. However, of particular relevance to the current proposal are the following applications:

S/1992/0598 Planning permission was approved in July 1992 for extensions comprising the conversion of outbuildings to form a kitchen, the formation of a conservatory,

reception and dining room on the ground floor and a further extension at the ground and first floor levels to accommodate 31 bedroom units together with the construction of a car park in the rear garden area. (*This extension is the subject of the current application*).

S/2005/360 Erect first floor extension to create 8 en-suite bedrooms and an external staircase. Refused: *The proposed development, by virtue of the overall scale, massing and generally poor design, would have an adverse impact upon the character and setting of the Grade II* listed building and would adversely affect the amenities of the neighbouring residents due to its resultant dominance and overlooking. As such, the proposal would be contrary to Policies G2, D3, CN3 and CN5 of the Adopted Replacement Salisbury District Local Plan (June 2003).*

CONSULTATIONS

CONSERVATION No objection subject to details of staircase
ENGLISH HERITAGE No comments, the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

REPRESENTATIONS

Advertisement	Yes	Expiry 28/9/06
Site Notice displayed	Yes	Expiry 28/9/06
Departure	No	
Neighbour notification	Yes	Expiry 15/9/06
Neighbour responses	Yes	3 letters of objection on the grounds that the extensions would dominate the existing building, extensions are not in character with the listed building, out of scale with original house,

MAIN ISSUES

1. Impact on Listed Building and its setting

POLICY CONTEXT

Adopted Salisbury District Local Plan CN1, CN3, CN5
PPG15 "Planning and the Historic Environment"

PLANNING CONSIDERATIONS

The site is a Grade II* listed building, which lies outside the Conservation Area and within the Housing Policy Boundary. The site forms part of the existing Milford Hall Hotel and the proposal seeks the demolition of a modern single storey extension at the rear of the site, and its replacement with a two storey structure.

The main issue for the application is the potential impact of the demolition and alterations on the character and setting of the listed building.

Impact on the Listed Building and its setting.

Milford Hall Hotel is a late Georgian house dating from about 1800 and is a Grade II* listed building. The original building occupies the front of the site, while to the rear of the listed building planning permission and listed building consent has been granted for a series of more recent and modern extensions, including the single and two-storey brick built accommodation blocks (the former of which is the subject of this application) that have significantly enlarged the building.

In terms of design, some of the existing buildings, particularly the existing single storey and two-storey accommodation blocks, are of a poor quality. In this respect, the character and setting of the listed building has already been compromised to some extent by the sprawling and rather uninspiring, poor quality modern additions. The virtue, if there is any, of the existing building is that it is single storey and therefore has a more limited impact than the existing two-storey block on the character of the surrounding area and within the site itself.

The proposed first floor extension over this existing single storey structure would result in a classical style, to reflect the style of Milford Hall. The building has been simply detailed, with a simple cornice and frieze at the junction of the walls. Metal Juliet balconies and oriel windows have been incorporated, and a curved staircase detail has been added to the central section.

The proposed extension would be located at the eastern end of the site where it would be furthest distanced from the main listed building and separated from it by the existing extensions in between. In this respect, it is considered that the development would not further exacerbate, erode or detract from the character and setting of this Grade II* listed building, in accordance with Policy CN1, CN3 and CN5 of the Salisbury District Local Plan, and the guidance in PPG15.

As the building is Grade II* listed, should Members be minded to approve, the application would be referred to GOSW.

CONCLUSION

The proposal seeks to extend the rear portion of a Grade II* listed building to provide additional hotel accommodation. The proposal would not detrimentally affect the character or setting of the listed building, in accordance with the adopted policy provisions of the Salisbury District Local Plan, and the guidance in PPG15.

RECOMMENDATION: APPROVE

REASONS FOR APPROVAL

The proposal seeks to extend the rear portion of a Grade II* listed building to provide additional hotel accommodation. The proposal would not detrimentally affect the character or setting of the listed building, in accordance with the adopted policy provisions of the Salisbury District Local Plan, and the guidance in PPG15.

And subject to the following conditions

(1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission. (Z01B)

Reason: To comply with the provisions of Section 18 of the Planning (1) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall not be commenced until planning consent has been issued for the listed building works hereby approved.

Reason: For the avoidance of doubt, as planning permission has not yet been obtained for the development.

(3) This consent does not permit the demolition of that part of the existing (listed) building known as 206 Castle Street and hatched on the attached plan, and relates expressly to the portion of the hotel building marked as "New Work" on plan ref 530-20-02 (Z05A)

Reason: In order to define the scope and extent of the consent.

(4) Before development is commenced, a schedule of materials and finishes to be used for the external wall[s] and roof[s] and a sample of the means of obscuring the oriel windows of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. A one square metre sample of the brickwork shall be constructed on site and agreed in writing by the Local Planning Authority before construction commences. The development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development

(5) Detailed working drawings at a suitable scale to show:

- a. the new oriel windows
- b. external doors
- c. eaves

shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The works shall be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure a harmonious form of development

INFORMATIVE

In accordance with the following policies of the adopted Salisbury District Local Plan:

CN1, CN3, CN5 Listed Buildings

Application Number:	S/2006/1815		
Applicant/ Agent:	MR A STOCKEN		
Location:	32 MIDDLETON ROAD SALISBURY SP2 7AY		
Proposal:	FOUR ONE BEDROOM FLATS AND FOUR CAR PARKING SPACES		
Parish/ Ward	ST PAUL		
Conservation Area:		LB Grade:	
Date Valid:	4 September 2006	Expiry Date	30 October 2006
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

The site is currently being developed by virtue of planning permission S/05/2123, which relates to the creation of 4 flats in a three storey building, with parking space.

THE PROPOSAL

The application results from an enforcement investigation into complaints that the permitted building was being built too high.

Following these investigations, it would appear that the roof trusses may have been built at slightly the wrong angle, which would result (if constructed) in the ridge of the roof being higher than the approved plans. (Members should however note that work on the roof structure has ceased and has not yet been completed to this new ridge level)

Notwithstanding the above issue, it has also been revealed that in order to make the staircase within the approved scheme more workable, a blank projecting dormer is being proposed on the rear roofslope to provide extra head height at the third floor level.

PLANNING HISTORY

S/06/1816 – This application relates to an alternative proposal to finish the existing roof at a proper pitched ridge. This application is discussed elsewhere on this agenda.

The site benefits from planning permission S/05/2123, which has been commenced and is partially completed.

When considering this application, members should also take into account the other existing and proposed residential developments in Middleton Road, particularly applications S/06/0870 & S/05/0196 relating to 31 Middleton Road, and 27/29 Middleton Road.

CONSULTATIONS

None on this particular application due to nature of changes.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 5/10/06
Departure	No
Neighbour notification	Yes. Expiry 26/9/06
Third Party responses	5 letters relating to the following:

the development is out of character with the area
the scheme will affect views and adjacent amenities
the building has not been constructed as approved

the applicants do not own all the application site as claimed

MAIN ISSUES

The impact on the proposed changes to the approved structures on the character of the area and surrounding residential amenity.

POLICY CONTEXT

G2 D2 SDLP

PLANNING CONSIDERATIONS

Impact on character of area

a) Impact of truncated flat roof design

The approved scheme envisaged a final ridge height of 8.5 metres, resolved by means of a normally designed pitched roof design. This revised proposal would involve the truncating of the roof at a final height of 8.6metres, resolved by means of a narrow flat roofed element.

It is considered that this solution would be acceptable for the following reasons:

The “flat roof” element would be quite narrow, and from most perspectives, particularly from pedestrian level, the roof would appear to be resolved by means of a normal pitched roof design, with the flat roof element hardly visible if at all. Therefore, the impact on the character of the area would be the same as the previously approved scheme.

When assessing the impact of the proposed roof design change on the character of the area, members must obviously assess the proposal against other developments in Middleton Road. In this regard, the current proposal must therefore be judged not just against the smaller terraced dwellings immediately to the south of the site, but also against the recently completed development at 27/29 Middleton Road, which measures approximately 8.5 to 9m to the ridge of the roof. Furthermore, Members have also recently approved a scheme for 12 flats at 31 Middleton Road adjacent the gasometer, which is a three storey building, measuring 8.5 metres to ridge, which is designed with a much larger element of flat roof than the current proposal which will be readily visible from the street scene. Consequently, whilst it is acknowledged that the dwelling subject of this application would be taller than surrounding terraced dwellings, when compared to other more recent schemes in the same road, the proposal subject of this application is similar in height. A refusal on this issue would therefore be difficult to support.

b) Impact of blind dormer extension

This would be mostly visible only from the rear garden areas of the dwellings to the immediate west of the site, and would be of a relatively modest scale when compared to the size of the development itself. It is therefore considered that it would be difficult to support a refusal based on the impact of this feature of the character of the building itself or that of the area.

Impact on surrounding residential amenities

A number of concerns have been received from adjacent neighbours regards the impact of the proposal on adjacent amenities.

It is understood that because the building is set back some approximately 5 metres from Middleton Road to allow for parking space and access to the building, and because of the height of the structure, that the building as approved is already a dominant feature as seen from the properties to the immediate west of the site. However, the siting of the building in this manner has been approved, and therefore members need to concentrate on the impact of the difference in height between the approved scheme and the proposed scheme.

The approved scheme was permitted with a final ridge height of 8.5 metres (allowing unfortunately for a 600mm height requirement above flood levels insisted on by the Environment Agency). The scheme now for consideration proposed a final ridge height of 8.6metres, a difference of approximately 100mm.

Members also need to take into consideration the fact that the roof would also be sloping away from adjacent neighbouring properties. Therefore, the actual visual impact of an increase of 100mm would be different to that which would be perceived if say 100mm were added to a flat surface facing the adjacent dwellings. The perception of the difference in height due to perspective would therefore appear very similar to the approved ridge height, and therefore the dominance of the structure would not be exacerbated.

Any overshadowing of properties to the west which would have resulted from erection of the approved building would not be materially increased as a result of the marginally higher building now proposed.

As a result, whilst neighbour concerns are noted, it is considered that it would be difficult to defend a refusal based on the impact of the proposed approximate increase in height of 100mm on residential amenity.

With regards the flat roofed blind dormer extension, whilst this would be visible from adjacent properties to the west, it would be a "blind" dormer, without any windows. Therefore, given the scale of the structure when compared against the main roof, it is difficult to see how this extension would affect adjacent residential amenities (subject to a condition restricting the insertion of a window in this structure).

CONCLUSION –REASON FOR APPROVAL

Whilst neighbour concerns are noted, given the varying scale and design of buildings existing or permitted in Middleton Road, it would be difficult to support a refusal based on the likely impact on the character of the area. Secondly, the proposal would result in only an approximately 100mm difference in the ridge height with the approved scheme. As a result, having assessed the impact of such a change in perspective terms, it is considered that the proposed changes would result in a building very similar in height terms to the approved scheme, and therefore, it would be difficult to support a refusal based on the impact of the scheme on surrounding residential amenities.

RECOMMENDATION: APPROVE: for the following reasons

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1)of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

(2) The parking areas shown on the plans shall be marked out and provided on site before the development is first occupied.

Reason: In the interest of highway safety and parking space

(3) There shall be no windows inserted in building hereby permitted, including the roof dormer extension on the rear west facing roofslope of the building.

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

(4) No construction work shall take place outside the hours of 0700hrs to 1900hrs weekdays and 0700hrs to 1300 hrs on Saturdays. No work shall take place on Sundays or public holidays. (This condition does not apply to the internal fitting out of the building, provided the activity cannot be heard at the boundary of the site).

Reason: In the interest of amenity

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

Policy G2 Purpose: Impact on amenities
Policy D2 Purpose: Impact on character of area

Application Number:	S/2006/1816		
Applicant/ Agent:	MR A STOCKEN		
Location:	32 MIDDLETON ROAD SALISBURY SP2 7AY		
Proposal:	4 ONE BEDROOM FLATS AND 4 CAR PARKING SPACES		
Parish/ Ward	ST PAUL		
Conservation Area:		LB Grade:	
Date Valid:	4 September 2006	Expiry Date	30 October 2006
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

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

SITE AND ITS SURROUNDINGS

The site is currently being developed by virtue of planning permission S/05/2123, which relates to the creation of 4 flats in a three storey building, with parking space.

THE PROPOSAL

The application results from an enforcement investigation into complaints that the permitted building was being built too high.

Following these investigations, it would appear that the roof trusses may have been built at slightly the wrong angle, which would result (if constructed) in the ridge of the roof being higher than the approved plans. (Members should however note that work on the roof structure has ceased and has not yet been completed to this new ridge level)

Notwithstanding the above issue, it has also been revealed that in order to make the staircase within the approved scheme more workable, a blank projecting dormer is being proposed on the rear roofslope to provide extra head height at the third floor level.

This application therefore seeks to resolve the roof issue and the blind dormer issues

PLANNING HISTORY

S/06/1815 – This application relates to an alternative proposal to finish the existing roof at a truncated pitched ridge. This application is discussed elsewhere on this agenda.

The site benefits from planning permission S/05/2123, which has been commenced and is partially completed.

When considering this application, members should also take into account the other existing and proposed residential developments in Middleton Road, particularly applications S/06/0870 & S/05/0196 relating to 31 Middleton Road, and 27/29 Middleton Road.

CONSULTATIONS

None on this particular application due to nature of changes.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes. Expiry 5/10/06
Departure	No
Neighbour notification	Yes. Expiry 26/9/06
Third Party responses	5 letters relating to the following:

the development is out of character with the area
the scheme will affect views and adjacent amenities
the building has not been constructed as approved

the applicants do not own all the application site as claimed

MAIN ISSUES

The impact on the proposed changes to the approved structures on the character of the area and surrounding residential amenity.

POLICY CONTEXT

G2 D2 SDLP

PLANNING CONSIDERATIONS

Impact on character of area

a) Impact of higher pitched roof design

The approved scheme envisaged a final ridge height of 8.5 metres, resolved by means of a normally designed pitched roof design. This revised proposal would involve the creation of a new pitched roof at a final height of 9.1 metres.

It is considered that this solution would be acceptable for the following reasons:

The proposed increase in height to 9.1m would not look unusual in a visual sense (particularly from a low level pedestrian point of view), and whilst higher than adjacent roofing, would not result in a discordant feature in the roofscape, particularly as the area is dominated by the gasometer building. Therefore, the impact on the character of the area would be the same as the previously approved scheme.

When assessing the impact of the proposed roof design change on the character of the area, members must obviously assess the proposal against other developments in Middleton Road. In this regard, the current proposal must therefore be judged not just against the smaller terraced dwellings immediately to the south of the site, but also against the recently completed development at 27/29 Middleton Road, which measures approximately 8.5 to 9m to the ridge of the roof. Furthermore, Members have also recently approved a scheme for 12 flats at 31 Middleton Road adjacent the gasometer, which is a three storey building, measuring 8.5 metres to ridge, which is designed with a much larger element of flat roof than the current proposal which will be readily visible from the street scene. Consequently, whilst it is acknowledged that the dwelling subject of this application would be taller than surrounding terraced dwellings, when compared to other more recent schemes in the same road, the proposal subject of this application is similar in height (being 100mm higher than the new flats at nos 27/29. A refusal on this issue would therefore be difficult to support.

b) Impact of blind dormer extension

This would be mostly visible only from the rear garden areas of the dwellings to the immediate west of the site, and would be of a relatively modest scale when compared to the size of the development itself. It is therefore considered that it would be difficult to support a refusal based on the impact of this feature of the character of the building itself or that of the area.

Impact on surrounding residential amenities

A number of concerns have been received from adjacent neighbours regards the impact of the proposal on adjacent amenities.

It is understood that because the building is set back some approximately 5 metres from Middleton Road to allow for parking space and access to the building, and because of the height of the structure, that the building as approved is already a dominant feature as seen from the properties to the immediate west of the site. However, the siting of the building in this manner has been approved, and therefore members need to concentrate on the impact of the difference in height between the approved scheme and the proposed scheme.

The approved scheme was permitted with a final ridge height of 8.5 metres (allowing unfortunately for a 600mm height requirement above flood levels insisted on by the Environment

Agency). The scheme now for consideration proposed a final ridge height of 9.1 metres, a difference of approximately 600mm.

Members also need to take into consideration the fact that the roof would also be sloping away from adjacent neighbouring properties. Therefore, the actual visual impact of an increase of 600mm would be different to that which would be perceived if (say) 600mm were added to a flat surface facing the adjacent dwellings. The perception of the difference in height due to perspective would therefore appear very similar to the approved ridge height, and therefore the dominance of the structure would not be exacerbated.

Any overshadowing of properties to the west which would have resulted from erection of the approved building would not be materially increased as a result of the higher building now proposed.

As a result, whilst neighbour concerns are noted, it is considered that it may be difficult to defend a refusal based on the impact of the proposed approximate increase in height of 600mm on residential amenity (overshadowing and dominance).

With regards the flat roofed blind dormer extension, whilst this would be visible from adjacent properties to the west, it would be a "blind" dormer, without any windows. Therefore, given the scale of the structure when compared against the main roof, it is difficult to see how this extension would affect adjacent residential amenities (subject to a condition restricting the insertion of a window in this structure).

CONCLUSION –REASON FOR APPROVAL

Whilst neighbour concerns are noted, given the varying scale and design of buildings existing or permitted in Middleton Road, it would be difficult to support a refusal based on the likely impact on the character of the area. Secondly, whilst the proposal would result in an approximately 600mm difference in the ridge height with the approved scheme, having assessed the impact of such a change in perspective terms, it is considered that the proposed changes would result in a building somewhat similar in height terms to the approved scheme, and therefore, it would be difficult to support a refusal based on the impact of the scheme on surrounding residential amenities.

RECOMMENDATION: APPROVE: for the following reasons

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1)of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

(2) The parking areas shown on the plans shall be marked out and provided on site before the development is first occupied.

Reason: In the interest of highway safety and parking space

(3) There shall be no windows inserted in the building hereby permitted, including the roof dormer extension on the rear west facing roofslope of the building.

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

(4) No construction work shall take place outside the hours of 0700hrs to 1900hrs weekdays and 0700hrs to 1300 hrs on Saturdays. No work shall take place on Sundays or public holidays. (This condition does not apply to the internal fitting out of the building, provided the activity cannot be heard at the boundary of the site).

Reason: In the interest of amenity

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

Policy G2 Purpose: Impact on amenities
Policy D2 Purpose: Impact on character of area

Application Number:	S/2006/1647		
Applicant/ Agent:	FIELDEN AND MAWSON LLP		
Location:	SALISBURY LAW COURTS WILTON ROAD SALISBURY SP2 7EJ		
Proposal:	ALTERATION OF PLANNING CONSENT S/05/1842 TO INCLUDE ADDITIONAL PARKING, NEW STORE TO THE OLD MANOR SOCIAL CLUB, NEW ACCESS TO MONTAGUE HOUSE AND CHANGES TO FENESTRATION		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 August 2006	Expiry Date	3 October 2006
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Recommendation is contrary to the views of a statutory consultee, which is material to the planning judgement

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.

Whilst the overall design of the courts building is essential the same as the previously approved application (albeit with a few minor changes in detail), this revised application also relates to the following additional development:

- A new access road serving Montague House
- A new store building serving the retained social club
- Additional /revised parking layout with 6 additional parking spaces

PLANNING HISTORY

S/05/1842 – Erection of courts building, access and car parking. Approved subject to various conditions.

S/05/1839, S/05/1845 & 1864 – Circular 18/84 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.

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.

CONSULTATIONS

WCC Highways - No response received
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
Highways Agency - No objections
English Nature - Additional protected species survey needed via condition
Sport England - Objection, due to unjustified loss of playing field

REPRESENTATIONS

Advertisement Yes. Expiry 7/9/06
Site Notice displayed Yes. Expiry 7/9/06
Departure No
Neighbour notification Yes. Expiry 30/08/06
Third party comments: None

PLANNING CONSIDERATIONS

1. Principle of development on this site

Planning permission (and other associated permissions) issued recently for the redevelopment of this site are obviously a material consideration of significant weight.

Based on these recent consents, it is considered that the redevelopment of the application site for some form of development is acceptable and indeed welcomed.

However, the revised application site as defined contains a sizeable piece of land which is designated in the Salisbury District Local Plan under policy R5 as open space which should be protected. Furthermore, the LPA needs to assess the impact of the other alterations to the approved courts scheme.

These matters are covered elsewhere in detail.

2. Loss of open space

The previously agreed application for the courts development included a narrow area of playing field land, which was utilised to provide parking to the north of the courts building. This current application would take approx 10 metres more of that playing field land in order to provide a landscaped strip plus the new driveway access to the rear of Montague house.

Consequently, given that the use of part of the playing field for the courts development has been permitted, it is only the additional 10m strip of playing field land which is for debate as part of this application.

PPG17 and 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 (INTER ALIA):

- 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 which served 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 was 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 County Council (the owners), 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).

Whilst Sport England has raised objections to the proposal, it is considered that there is no basis for such an objection, and the loss of the additional area of playing field is non contentious because:

- a) The school to which the playing fields were associated are now closed, and therefore the fields are not currently in use as school playing fields.
- b) The owners of the land, Wiltshire County Council, are clearly happy to lose that part of the playing field, and therefore the land appears to be surplus to requirements.
- c) Even if the school was still in operation, it is understood that the area of playing fields associated with the use was far in excess of that actually needed for the now closed school
- d) Even if the school was still in operation, the area of land lost to this development constituted a grassed area on the fringes of the open space, and its loss would not affect any defined playing pitches.
- e) The fields were not public open space, but playing fields intended for use by the associated school.

Para 10 of PPG17 is important in this determination. It clearly indicates that playing fields can be developed in particular circumstances, namely where they are surplus to requirements, and there is limited or no other recreational uses to which the land could be put. It is also noted that, in the context of the advice given in para 10, no letters of objections have been received regards this application in terms of objections to the loss of the open space.

In officers opinion, and in this instance, it is therefore considered that the development of the playing fields would not be contrary to the guidance given in PPG17 or the aims of policy R5 of the Salisbury District Local Plan.

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

It is considered that, on the basis of the previously agreed scheme, and the minor changes proposed to the architectural detailing of the building, the overall design ethos of the building

and its impact on the wider area has been fully considered and accepted previously. When 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.

It is considered that the additional parking proposed adjacent the social club would be largely screened from view by the new courts building and of course the existing social club. Similarly, the new access driveway proposed serving Montague House would be seen in the context of the main courts building, and would have little visual impact, even taking into account the loss of some open space (which at the moment is not visible anyway being hidden by a high fence). The small scale additional store building serving the social club, whilst visible to users of the car parking, would also be seen against the larger scale courts building and other paraphernalia, and again, in a visual sense, there would be no real impact.

4. Impact on trees

This revised scheme involves two more major tree removal than the previously approved application scheme. Any possible impact on tree roots caused by the enlarged parking area can be covered by conditions. Members should also note that this scheme involves replacement planting similar to that already approved, although with a different positioning of trees resulting from the location of the proposed access driveway serving Montague house.

5. Impact on adjacent amenities

The minor revisions to the design of the courts building will cause no more harm to adjacent amenities than the approved scheme. Noise from the access road serving Montague house may have some impact on the amenities of adjacent dwellings to the immediate west. However, given the small number of flats which may use such an access, and the proximity of the courts car parking in any event, it is considered that any harm caused by the use of the access road to Montague house would not be material. The revisions to the scheme will in some way benefit the adjacent social club, with the provision of some parking and a new store.

6. Impact on highway system

Members should note that as previously approved, this scheme provides for a new vehicular access road off Wilton Road, and 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. In essence, the scheme is the same as previously approved.

Highways Agency has raised no objections, and no response has been received from WCC Highways. Therefore, the proposal is considered acceptable.

7. Impact on protected species

A survey has been undertaken of the affected areas, which has indicated that the probability of reptiles being in this area is not high. English Nature has therefore recommended that an additional condition be added to any consent whereby a destructive search of the site should be carried out prior to development, supervised by an ecologist. Any reptiles found should be moved to a suitable location nearby.

CONCLUSION – REASONS FOR APPROVAL

The principles of a large public building and access has already been agreed on this site. In design terms, the scheme is very similar to the approved scheme, and therefore will have similar or identical impacts.

Whilst the amenities of adjacent residential and non residential properties will be affected by this proposal, it is considered that the impacts would be no worse than those of the approved scheme.

The impact of the scheme on the surrounding highway system would be no more harmful than as previously approved.

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 or PPG17.

RECOMMENDATION: SUBJECT TO THE COMMENTS OF GOSW, THE APPLICATION BE APPROVED, subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

(2) 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: To secure a harmonious form of development.

(3) 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 alter 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

(4) 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

(5) 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

(6) 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

(7) Before development commences, details of the obscurity 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: To ensure adequate privacy for the occupants of neighbouring premises.

(8) 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

(9) 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.

Reason: For the avoidance of doubt.

(10) 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

(11) 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: To ensure that the development is provided with a satisfactory means of surface water disposal.