

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 09/11/2006

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
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	S/2006/1948	ST PAUL
1	Miss L Flindell	APPROVE SUBJECT TO S106
4 - 14	43 ASHLEY ROAD SALISBURY CHANGE OF USE FROM MIXED BUSINESS USE TO 9 DWELLINGS	Cllr Clegg Cllr Fear
	S/2006/1984	ST ED & MILFORD
2	Mr R Hughes	APPROVED WITH CONDITIONS
15 - 18	REDUNDANT SWIMMING POOL SITE COLLEGE STREET SALISBURY DEMOLITION OF REDUNDANT SWIMMING POOL COMPLEX INCLUDING THE REMOVAL OF ALL FOUNDATIONS AND POOL TANKS	Cllr Sample Cllr Mrs Chettleburgh

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2006/1948		
Applicant/ Agent:	SPACE DESIGN SOLUTIONS LTD		
Location:	43 ASHLEY ROAD SALISBURY SP2 7DD		
Proposal:	CHANGE OF USE FROM MIXED BUSINESS USE TO 9 NO DWELLINGS		
Parish/ Ward	ST PAUL		
Conservation Area:		LB Grade:	
Date Valid:	22 September 2006	Expiry Date	17 November 2006
Case Officer:	Miss L Flindell	Contact Number:	01722 434377

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 located within a primarily residential area, characterised by terraced dwellings. There is a two-storey warehouse building on the site, set back from Ashley Road with forecourt parking. This building was originally constructed as an Ice Cream factory and storage distribution premises in 1947. It has a single storey lean to section at the rear of the building and attached garage/store running to the rear of the gardens of Nos 33 to 41 Ashley Road with separate access from Coldharbour Lane. There is a narrow passageway to the west side of the building with brick wall and trellis to the garden of No 41 Ashley Road. There is close boarded fencing to the east boundary with the Christadelphian Hall. The rear boundary wall of the lean-to section of the building forms the boundary with Salisbury District Council Allotments to the north.

THE PROPOSAL

To convert and extend the premises to provide 9 apartments. This will involve extending at the rear with a new single storey extension following demolition of the existing lean to section and garage/store; replacing the two storey extension to the east side with a two storey extension providing stair access to the rear flats; and the addition of a second floor set behind the parapet wall. The forecourt will provide 1 parking space per unit. Cycle parking and bin storage is proposed to the east side of the building.

Planning permission was refused for a previous application for change of use of the building to 9 dwellings on the grounds listed below:

- (1) The proposal by reason of the proximity of the existing building and proposed extensions to site boundaries and neighbouring residences, together with the insertion of new windows will seriously detract from the current standards of privacy enjoyed by nearby residential dwellings through overlooking contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan.
- (2) The proposal by reason of the number of units proposed and insufficient natural lighting and amenity space to some of the units will result in an overdevelopment of the site with subsequent adverse impact on future occupiers of the flats, contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan.

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

This application differs from the previous refused scheme as follows:-

The proposed stair tower extension to the east side of the building has been reduced from three to two storey with the 2nd floor flats accessed from the front of the building (following the raising of the front parapet wall).

The 2nd floor living accommodation has been reorganised so that the principal living areas are to the rear of the building and a window has been added to these areas on the rear elevation with outlook over the allotments.

PLANNING HISTORY

1979/S Section 53 Application for determination under Section 53 as to whether planning permission is required to use premises at Ashley road, Salisbury as a distribution depot for storing pharmaceutical meat products Determined that planning permission is not required for buildings 31st July 1979

1989/636 Change of use to bacon packing and sausage manufacturing Refused 10/5/1989.
The site of the proposed bacon packing and sausage manufacturing premises is considered unacceptable by reason of its proximity to existing residential development, the occupiers of which are likely to suffer detriment to the enjoyment of their dwellings caused by noise, general disturbance and odours.

1989/637 Change of use to Pet food Manufacturing Refused 15th May 1989

2005/2102 Change of use application form mixed use business premises to 10 one-bedroom apartments, including associated enabling works Withdrawn 12th December 2005

2006/281 Change of use from mixed use business premises to 9 dwellings Refused 07/04/2006

Reasons for Refusal:

(1) The proposal by reason of the proximity of the existing building and proposed extensions to site boundaries and neighbouring residences, together with the insertion of new windows will seriously detract from the current standards of privacy enjoyed by nearby residential dwellings through overlooking contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan.

(2) The proposal by reason of the number of units proposed and insufficient natural lighting and amenity space to some of the units will result in an overdevelopment of the site with subsequent adverse impact on future occupiers of the flats, contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan.

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

INFORMATIVE:- It should be noted that the reason given above relating to Policy R2 of the Adopted Salisbury District Local Plan could be overcome if all the relevant parties can agree with a Section 106 agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

CONSULTATIONS

WCC Highways – Waiting for comments to S/2006/1948.

Comments to S/2006/281 - The parking level and layout for this proposal is acceptable. I note that 10 secure cycle spaces are also provided and these spaces should also be covered – this is not clear from the submitted drawing. Subject to confirmation or resolution by condition no highway objection is raised.

Environmental Health Officer - I have no objection in principle to this proposal. I note that the applicant has carried out a contaminated land survey that identified the overall risk of

contamination as low. From the reported details and knowledge of the former uses of the site, I would agree with this statement. The survey has however identified a possible slight risk of soil contamination in the covered yard area at the rear of the site and I would recommend that as a condition of approval the applicant be required to take some soil samples in this area when the concrete is broken up and removed and to provide an analysis report validated by a suitably qualified consultant or if necessary a suitable scheme of remediation. I note that the issue of flood risk has been re-assessed in consultation with The Environment Agency (EA) and that the proposed floor levels will be at 48.90AOD which is 600mm above the predicted 1 in 100 year flood level, and 200mm above the climate change adjusted level. It may be appropriate to obtain written confirmation of this agreement with the EA and ensure that the proposed floor level is shown on the approved plan or attached as a condition.

Wessex Water Authority - The development is located within a sewered area, with foul and surface water sewers. The developer has not disclosed on how they propose to dispose of surface water flow. Please note the proposed development is within a Source Protection Zone and any surface water discharge will need to be in line with the Environment Agency guidelines. It will be necessary, if required for the developer to agree points of connection onto Wessex Water systems for the satisfactory disposal of foul flows and surface water flows generated by the proposal. Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as public in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

Natural England – Natural England notes that no new information has been supplied with this application to that supplied with application 06/281. The comments provided by English Nature on 20 February 2006 in respect of this previous application therefore equally apply to the current application.

Our comments related specifically to possible impacts upon bats, ie:

“Although the site is relatively close to the River Avon System Site of Special Scientific Interest and Special Area of Conservation, English Nature do not believe that there is a risk of the proposed development having any impact upon the SSSI.

No ecological information has been supplied with this application, however in this case English Nature think it unlikely that any protected species will be affected by the development. The only cause for concern is with regards to the possible presence of bats within the roof/roof spaces of the site. All species of bat are protected under the Conservation (Natural Habitats & c) Regulations 1994. Bats also have protection under the Wildlife and Countryside Act 1981 (as amended).

The ODPM/Defra Circular relating to Planning Policy Statement 9, paragraph 98, states that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Particular weight should be attached where a European protected species (listed in Annex IV to the Habitats Directive) is concerned. Under the Conservation Regulations 1994, Regulation 3(4), the local planning authority is the competent authority having regard to the requirements of the Habitats Directive in the exercise of its functions. Development in a non dwelling house which affects European Protected Species will require a licence from the DEFRA. To avoid risking an offence under the above legislation it is strongly recommended that where a building conversion is proposed, the developer has the building surveyed for bats. This must be completed by a competent suitably licensed consultant.”

Environment Agency - We have no objection to the proposed development subject to the following conditions and informative being included in any planning permission granted.

Forward Planning -

General Principles and environmental

The site is within the urban area of Salisbury and in close proximity to a wide range of services and public transport, makes effective reuse of a brownfield site, and can generally be judged as

meeting the sustainability criteria of policy G1. Under G2, there is no outright objection from a desk-based appraisal, however close consideration is needed in respect of issues arising from the relatively constrained setting of the building, such as the potential for overlooking and access to light, and parking and turning arrangements. Given the location of the site on level land within proximity to the River Avon, the case officer (in consultation with the Environment Agency) should be satisfied that the requirements of policy G4 are met, i.e. that development must not be at risk of flooding, or increase the risk of flooding taking place. The site is in close proximity to a Site of Special Scientific Interest, which requires that the proposals be scrutinised against policy C10 in order to prevent damaging impacts on habitats or other important features. Equally C11 restricts against development that would have a significant detrimental impact upon the nearby Area of High Ecological Value.

Use as housing

The principle of changing use class on this site to residential does not pose an issue: Policy E16 allows employment land to be redeveloped for other purposes if the proposed development is an acceptable alternative and the land is no longer viable for an employment-generating use. The long period of vacancy, combined with the lack of any offer for the site during the marketing exercise, would suggest that employment use is no longer appropriate. Equally, given the characteristics of the area, housing would be an appropriate and acceptable re-use of this brownfield site, subject to the necessary considerations around design, siting, amenity and so on.

Transport

The proposal is in accordance with policy TR11 as it does not exceed the maximum car parking spaces allowed. However TR14 requires a minimum of 2 covered spaces per unit, and it is unclear that this criterion has been met. It is particularly important for a development as centrally located as this to provide adequate cycle parking in order to encourage sustainable transport modes, otherwise it fails against policy G1 (i).

Other

A developer contribution in line with the R2 policy is required of new residential development. The site falls below the threshold for Affordable Housing provision, and in terms of market provision, the size and mix of dwellings is good, given the emphasis on smaller units.

Conclusions

At present it is unclear that the proposals meet Policy TR14 and the application should only be approved if this is clearly met both in terms of numbers of cycle spaces and whether they are covered. Otherwise there is no policy objection to the proposal subject to judgement against the General Criteria for Development and compliance with the environmental policies outlined.

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes, expiry date 26th October 2006

Departure No

Neighbour notification Yes, expiry date 16th October 2006

Third Party responses Yes, 2 letters of support stating the following:

- 1) Support the development to utilize an old commercially unviable industrial premises for conversion into residential.
- 2) Good adaptation of the existing site, which will enhance the locality
- 3) Easy access to leisure facilities (parkland and leisure centre) and close proximity to city centre (residents likely to walk or cycle)
- 4) Proposal will bring much needed affordable housing

8 letters of objection/concern summarised as follows:

- 1) Overlooking to surrounding dwellings/gardens/increase in number of windows -Loss of privacy Noise
- 2) Existing building is unattractive
- 3) Site should be retained for business use
- 4) If site is to be developed – the existing building should be demolished and two or three houses built in keeping with the surrounding properties and frontage
- 5) Insufficient parking spaces – no allowance for visitor parking
- 6) Overdevelopment of site - area is not suitable for further dwellings

- 7) Already too much through traffic
- 8) Family sized houses with gardens more appropriate

69 signatures on a petition titled 'Residents objecting to the full application for the change of use of business premises to 09 one bedroom apartments including associated enabling works'

MAIN ISSUES

Principle
Loss of employment site
Impact to residential amenity
Parking
Flooding
Land contamination
Ecological impact and protected species
Water efficiency
Recreational open space

POLICY CONTEXT

Adopted Salisbury District Local Plan policies G1 (Sustainable Development), G2 (General), G3(water requirements), G4 (flooding), H8 (Housing Policy Boundary of Salisbury), E16 (employment), C10 (development affecting SSSIs/SAC), C11 (Area of High Ecological Value), C12 (protected species), D3 (extensions), TR11 (off street car parking), TR14 (provision of cycle parking), R2 (Recreational open space)

Supplementary Planning Guidance – Achieving Sustainable Development Adopted April 2005
PPG 3- Housing
PPS 9 – Biodiversity and Geological Conservation
PPG 25 – Development and Flood Risk
Circular 06/2005 – Biodiversity and Geological Conservation

PLANNING CONSIDERATIONS

Principle

The site is located within the Housing Policy Boundary of Salisbury where residential redevelopment is permitted except as provided for by other policies in the local plan. Local planning authorities are expected to give priority to converting existing buildings in preference to the development of Greenfield site and policy G1 of the Adopted Local Plan promotes the effective use of land in urban areas. However, PPG 3 (para 54) makes it clear that whilst new development must make the best use of available land this should not compromise the quality of the environment.

Policy E16 requires that the redevelopment of employment premises for non-employment purposes will only be permitted where the land or premises are no longer viable for an employment use and/or where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.

Loss of employment site

The applicant has submitted a supporting statement that the main building has only been partly utilised over the recent years, housing a refrigeration/cold storage business. A statement regarding the economic viability of the site from Myddelton & Major has been submitted with the application, stating that they marketed the property freehold between February and June 2005 in which they received no offers from prospective purchasers wishing to use the premises for commercial purposes. The applicant's statement raises concern over the impact of the general lack of investment in the buildings continued repair and maintenance as a result of its under-use, leaving the buildings in a poor condition and in need of investment to protect its longevity and that a more intensive business use, would have a detrimental effect on the residents of the area with an associated increase in vehicular movements. It is considered that applicant has

demonstrated that the premises are no longer viable for an employment use and that the loss of an employment use in this tight knit residential area represents an environmental benefit. The loss of such a use is therefore considered acceptable. Members will note that this issue did not form part of the previous reasons for refusal.

Impact to residential amenity

The impact on amenities to the occupiers of existing dwellings and future occupiers of the proposed flats formed the basis of the previous refusal reasons for the conversion of the building to 9 flats.

Refusal Reason 1

“(1) The proposal by reason of the proximity of the existing building and proposed extensions to site boundaries and neighbouring residences, together with the insertion of new windows will seriously detract from the current standards of privacy enjoyed by nearby residential dwellings through overlooking contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan”.

The revised scheme reduces the bulk of the building by restricting the side stair tower extension to two storey. However, the scheme has not been altered in respect of the fenestration arrangements and internal arrangement of accommodation to the ground and first floor flats.

Policy G2 (vi) requires the avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining dwellings to the detriment of existing occupiers.

The existing building has windows at ground and first floor on both the east and west elevations. The proposal seeks to block two existing windows on the east and west elevations at ground and first floor closest to No 41 Ashley Road and the Christadelphian Hall; change the remaining existing windows on the west elevation to high level and three additional high-level windows at first floor on the west elevation. New windows are proposed in reduced existing openings on the east elevation at ground and first floor. It is proposed to demolish and replace the existing garage and single storey lean to extension to the rear of the site with a single storey flat roof extension considered appropriate to and an improvement on the overall appearance of the existing building and site.

The internal layout of the flats have been designed so that the principal living spaces (sitting/dining rooms) of the proposed flats on the west side of the building (closest to No 41 Ashley Road) utilise windows to the front and rear of the building with the high level windows on the west elevation serving secondary living spaces.

Full height windows are proposed to the east elevation of the building to flats 2 and 6. The agent suggested in the previous application that these could be obscured glazed; however, due to the separation afforded by the Christadelphian Hall between the east elevation of the building and houses to the east, and as the windows are reduced in size from the existing openings, it is not considered that these windows will have an unacceptable overlooking impact and therefore unnecessary to condition that the windows on the east elevation should be obscured glazed.

Refusal Reason 2

“(2) The proposal by reason of the number of units proposed and insufficient natural lighting and amenity space to some of the units will result in an overdevelopment of the site with subsequent adverse impact on future occupiers of the flats, contrary to policies G2 and H8 of the Adopted Salisbury District Local Plan.”

Four flats are proposed at ground floor level, three flats at first floor level and two at second floor. This arrangement has not been altered from the previous refused scheme.

The previous application proposed rooflights only to the second floor flats set behind parapet walls. This revised application has reduced the rear stair tower extension to two storey height and reorganised the second floor accommodation so that these flats are accessed from an extension to the main stair lobby at the front of the building. The principal living areas of the flats on the second floor now have windows in the rear elevation to have views and outlook over the allotments.

The principal living areas of the ground and first floor flats also have outlook (units 3 & 4 have living areas accessing private gardens; the living areas of units 1 and 5 utilise the large windows on the front façade of the building, unit 2's living area looks onto the east side access to the rear of the building and the first floor unit 7 looks out over the allotment gardens to the north).

Whilst the bedrooms, kitchens and bathrooms in the second floor flats have only rooflights, as these rooflights would have an uninterrupted light source and taking into account government guidance on the promotion of the reuse of existing buildings and that the local planning authority should take a flexible approach to standards; it is considered that the top floor flats would have an acceptable standard of accommodation.

Parking

Objections have been received to the application on the grounds that insufficient on street parking is available.

It is proposed to use the forecourt to provide 10 parking spaces. Cycle parking is also proposed to the east of the building.

PPG3 requires local planning authorities to examine critically the standards applied to new residential development, particularly with regards to roads, layouts and car parking. Whilst each application is judged on its own merits, an appeal decision on an application in George Street (to the south of the development site) for the conversion of one dwelling into two (S/2000/1397) is relevant when considering parking in the area. Planning application S/2000/1397 did not provide any on site parking. The inspector considered that the creation of an additional dwelling by the division of a larger house itself without on-site parking would contribute positively to the aims of securing more efficient use of urban land and sustainable residential environments. He notes that PPG3 requires Council's to review their parking standards to allow for significant lower levels in urban areas where public transport is available and there is a demand for car free housing. The inspector considered that this would tend to both discourage the use of and minimise the need for a private car, central to the aims of PPG3. The inspector concluded that the absence of on-site parking in the location would accord with Government Guidance aimed at securing sustainable residential environments, outweighing the conflict with the parking requirement policies of the Local Plan and that the lack of on site parking would not justify rejection of the proposal.

WCC Highways raised no objection to the previous application to provide one parking space per flat, although recommended that the cycle spaces should be covered. Policy TR14 requires a minimum of 2 covered spaces per unit. This could be dealt with via condition.

Members will note that this issue did not form part of the previous reasons for refusal.

Flooding

The applicant has submitted a Flood Risk Assessment which the Environment Agency has recommended will meet the requirements of PPG25 (Development and Flood Risk) and that the proposed development is in accordance with the guidance contained therein. They have recommended conditions and an informative.

Members will note that this issue did not form part of the previous reasons for refusal.

Land contamination

The applicant has carried out a contaminated land survey that has identified the overall risk of contamination as low. The Environmental Health Officer has recommended that there is a possible slight risk of soil contamination in the covered yard area at the rear of the site and has recommended a condition for soil samples and analysis report to be completed.

Members will note that this issue did not form part of the previous reasons for refusal.

Ecological impact and Protected Species

The site is near to the River Avon, a part of the River Avon System Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). This site has protection under national and international legislation.

English nature is of the opinion that there is no risk of the proposed development having any impact on the SSSI/SAC.

Planning authorities are required to take account of the presence of protected species, when considering applications for planning permission. English Nature has advised that the applicant will need to provide information on whether protected species are present. Paragraph 99 of Circular 06/2005 states 'bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development'.

The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present. It is considered that as the building has been in use for refrigeration and cold storage, it is unlikely that protected species are present, and a survey is not requested.

Members will note that this issue did not form part of the previous reasons for refusal.

Water Efficiency

The Environment Agency has advised that the site falls within the catchment of the River Avon and the habitats and watercourse have been suffering as a result of over abstraction of water resources throughout the catchment. Whilst Wessex Water has raised no objections to the proposal; in order to contribute to reducing water demand in the area to be of benefit to the River Avon and contribute to the preservation of future public water supplies in the area, in accordance with policy G3 of the Local Plan and Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" which promotes the prudent use of natural resources, the Environment Agency has recommended a condition that a water efficiency scheme for the development is required to include water efficient appliances, fittings and systems.

Members will note that this issue did not form part of the previous reasons for refusal.

Recreational open space

The development incorporates the available areas of open space on the site to include gardens for the two ground floor flats at the rear of the site and provide storage areas for cycles and waste collection points. The site does not incorporate any communal outside spaces or play areas. However the site is in close proximity to playing fields, playgrounds and Salisbury Leisure Centre.

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment towards recreational facilities. Applicants are now required to sign agreements during the course of the application. The applicant has been sent an agreement to complete. However, payment is only requested if the council is minded to approve the scheme.

CONCLUSION

This application has been considered against the relevant policies from the Adopted Local Plan.

PPG3 (paras 39 and 41) states that local planning authorities should promote conversions of buildings formerly in other uses by taking a more flexible approach to development plan standards with regards to densities, car parking, amenity space and overlooking, design and layout.

Through the addition of windows to the living areas of the second floor flats, and careful positioning of the principal living areas to the other flats so that these all have outlook, it is

considered that the revised proposal will have an acceptable impact to future occupiers of the flats.

Whilst the revised scheme has not specifically addressed the first reason for refusal on the previous scheme, the application seeks to retain the existing building, which has been on the site since 1947 and forms part of the history of the development of the area, and is a sustainable reuse of an existing building in line with policy and government guidance.

It is considered that the revised proposal will result in an acceptable impact to residential amenity for both existing and future occupiers.

RECOMMENDATION:

Subject to the applicant and any other relevant parties entering into a section 106 of the principal act relating to the provision of public recreation open space within the statutory determination period (ending 17/11/2006), then the application be approved for the following reason:

REASON FOR APPROVAL:-

This application has been considered against the relevant policies from the Adopted Local Plan. The application seeks to retain the existing building, which has been on the site since 1947 and forms part of the history of the development of the area, and is a sustainable reuse of an existing building in line with policy and government guidance. It is considered that the revised proposal will result in an acceptable impact to residential amenity for both existing and future occupiers. And 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. (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) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

Reason: In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

(3) Floor levels should be set at least 600mm above the 1 in 100 year flood level currently predicted to be 48.3m above Ordnance Datum.

Reason: To protect the development from flooding

(4) Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason To secure a harmonious form of development.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows other than those hereby permitted.

Reason: To secure adequate standards of privacy for the occupants of neighbouring premises

(6) If any sign of protected species are found during the building works hereby permitted, work should stop immediately and English Nature be contacted immediately for further advice.

Reason: To safeguard protected species.

(7) Before the development hereby permitted commences on the site, a soil survey of the area where the concrete is to be broken up and removed (in the covered yard area at the rear of the site) shall be undertaken and the results submitted to the Local Planning Authority in the form of an analysis report validated by a suitably qualified consultant and if necessary a suitable scheme of remediation to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason: In the interests of health and safety for occupants of or visitors of the proposed development as there is a slight risk of soil contamination in the covered yard area at the rear of the site.

(8) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

(9) Before development commences, full details of the cycle storage provision to include the design, siting, numbers of and timing for provision and the allocation to users shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall subsequently accord with the approved scheme.

Reason: To ensure that adequate and suitable cycle parking spaces are available to the residents of the development in accordance with the requirements of policy TR14 of the Adopted Salisbury District Local Plan.

INFORMATIVES: - POLICY

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan: G1 (Sustainable development), G2 (General), G3(water requirements), G4 (flooding), H8 (Housing Policy Boundary of Salisbury), E16 (employment), C10 (development affecting SSSIs/SAC), C11 (Area of High Ecological Value), C12 (protected species), D3 (extensions), TR11 (off street car parking), TR14 (provision of cycle parking), R2 (Recreation open space)

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions

INFORMATIVE: ENVIRONMENT AGENCY

Water Efficiency

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered. The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development.

Contaminated land and groundwater protection

The site overlies a Major Aquifer and falls within a groundwater Source Protection Zone 1 (SPZ1). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination.

We note the findings of the Desk Study report stating that the "site is considered to have a low potential for soil contamination". We also note from the report that a suitably qualified Geo-environmental Engineer should be present following the demolition of hardstanding to inspect the soils for potential contamination. We would welcome the opportunity to consider the findings of this inspection in due course.

Pollution Prevention

Given that this site is located on a Major Aquifer, measures should be taken at the construction stage to prevent and minimise pollution. We must be notified immediately of any incident likely to cause pollution directly to the local office or via the emergency contact number 0800 807060. Measures should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

The site operators/developer should ensure that there is no possibility of contaminated water entering groundwater.

Sustainable Construction

We would encourage the design and construction of the development to include sustainable construction measures, such as those given in the Building Research Establishment (BRE) EcoHomes standards or similar. This allows the maximum preservation of natural resources during construction and improves energy efficiency and cost reduction during subsequent use.

Flood Risk

The Local Planning Authority and Environment Agency does not accept liability for the detailed calculations contained in the FRA, nor does this consent constitute consent or approval of those calculations nor does it constitute consent or approval that may be required under any other statutory provision, byelaw, order or regulation. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and this consent does not absolve the developer of their responsibility to ensure a safe development.

INFORMATIVE:- PROTECTED SPECIES

Certain species are protected under Part 1 of the Wildlife and Countryside Act 1981 and others are protected under the Habitats Regulations. Some are protected under their own legislation. The protected species legislation applied independently of planning permission, and the developer has legal obligations towards any protected species that may be present.

INFORMATIVE:- WESSEX WATER

The development is located within a sewered area, with foul and surface water sewers available. It will be necessary, if required for the developer to agree points of connection onto Wessex Water systems for the satisfactory disposal of foul flows and surface water flows generated by the proposal. According to our records there is a public water main and surface water sewer crossing the site. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. The developer will need to protect the integrity of Wessex systems and agree in writing prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Although not shown on the public sewer record drawing, there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as public in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

Application Number:	S/2006/1984		
Applicant/ Agent:	TURLEY ASSOCIATES		
Location:	REDUNDANT SWIMMING POOL SITE COLLEGE STREET SALISBURY		
Proposal:	DEMOLITION OF REDUNDANT SWIMMING POOL COMPLEX INCLUDING THE REMOVAL OF ALL FOUNDATIONS AND POOL TANKS		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	26 September 2006	Expiry Date	21 November 2006
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASON FOR REPORT TO MEMBERS

Council application

SITE AND ITS SURROUNDINGS

The site is located within a Conservation Area, adjacent to a public open space, and adjacent to a predominantly residential area on the edge of the city centre. There are a number of trees surrounding the site. The building that used to be the old public swimming pool has been disused for a number of years.

THE PROPOSAL

It is proposed to demolish the existing building, together with any ancillary structures (steps, and plant room etc). Following demolition, the site will be landscaped and laid to grass to match surrounding land.

PLANNING HISTORY

Various works to building and adjacent site, although none related to demolition works.

CONSULTATIONS

WCC Library/ Museum	- No comments
Environmental Health Officer	- No objections
SDC Property	- Inappropriate to comment
SDC Parks	- Only issued raised regards landscaping of the site
English Heritage	- Awaited
SDC Trees	- Surrounding trees should be protected during development
SDC Conservation	- No objection. Building does not contribute positively to the character of the Conservation Area

REPRESENTATIONS

Advertisement	Yes. Expiry 26/10
Site Notice displayed	Yes. Expiry 26/10
Departure	No
Neighbour notification	Yes. Expiry 19/10
Third Party responses	none

MAIN ISSUES

Requirements for demolition
Policy Framework
Impact on Conservation Area

POLICY CONTEXT

PPG15

Regional Guidance RPG10

Structure Plan policy HE7

CN8 CN9 CN11 CN12 SDLP

PLANNING CONSIDERATIONS

Requirement for demolition

The applicant has stated as part of its supporting documentation that the requirement for demolition is:

“ The original intention of Salisbury District Council was to sell the redundant swimming pool site in its present state to a developer who would then undertake the demolition of the disused swimming pool complex as part of the redevelopment of the site. Unfortunately the swimming pool building is now in a state of considerable deterioration, aided by acts of vandalism. There have been cases of youths obtaining access to the building including the roof and the Council considers that the building represents a significant health and safety hazard to such people. If the building is allowed to deteriorate further it will represent an increasing risk to the public. The Council therefore considers that its duty as a responsible local authority and landowner means that it must now bring forward the demolition and undertake it itself as a matter of urgency.”

Policy Framework

Within Conservation Areas, formal approval is required for demolition or partial demolition of any large buildings. This application relates purely to demolition works and the LPA can only consider the impact of the demolition works on the character of the conservation area. The LPA cannot consider any other wider issues such as the impact on residential amenities or highway safety.

PPG15 states that:

“4.26 In exercising conservation area controls local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question, and; as with listed building controls; this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building’s surroundings and on the conservation area as a whole. 4.27 The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area.”

There are a number of Local Plan policies of direct relevance to this proposal. For instance, policy CN9 of the Salisbury District Local Plan, states that:

“In Conservation Areas, the demolition or substantial demolition of buildings or other structures, such as boundary walls, will be permitted only in cases where the existing structure is:

*wholly beyond repair; or
of a character inappropriate to the Conservation Area; or that
there are over-riding highway or other safety reasons; or
where planning permission has been granted for the development of the site”*

Policy CN11 states that:

“Special care will be taken when considering new development to ensure that views from and into Conservation Areas are safeguarded and views which do not contribute to their character are improved where opportunities arise.”

Policy CN12 states that:

“The removal or improvement of features which detract from the quality of a Conservation Area, including signs, buildings, advertisements and overhead wires will be sought.”

Impact on conservation area

The old swimming pool building is located in a prominent corner location, at the junction of a number of pedestrian and vehicular routes, and also readily visible from across the public open space. The building has been vacant for a number of years and its external appearance has suffered in that time, succumbing to vandalism and graffiti. However, notwithstanding its current physical condition, the building is not considered to be of any particular architectural merit, making no positive contribution to the character of the Conservation. In its present state therefore, the building does not preserve or enhance the character of the area, and in fact detracts from it.

This building and its context are rather unusual, in that it is a rather isolated detached building, located on the edge of a large public open space which is laid to grass and trees, and does not form part of a built frontage (which might as a whole contribute to the character of the area). The removal of this isolated building in the absence of any planning permission authorising redevelopment would therefore result in the creation of an open space which would allow views across the open playing fields to the immediate north of the site. It is therefore considered that the removal of the existing building would result in a positive improvement to the character of the area.

Consequently, it is considered that the removal of the building would comply with criterion (ii) of policy CN9 above, as the building is considered of an inappropriate character. The removal of the building would also improve in general terms the appearance of the site and area, in accordance with the aims of policy CN11 and CN12. The aims of PPG15 would also be met.

Notwithstanding the above PPG 15 makes it clear that within a conservation area the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.

However in this particular instance,

- (i) Given the poor visual quality of the building and its clear negative contribution to the character and appearance of the conservation area,
- (ii) The demolition of the building will not result in a gap within a built up frontage.
- (iii) The requirement of the applicant, as a responsible authority, to remove the building, which in the public interest, due to health and safety reasons, is considered essential;
- (iv) And that the removal of the building would recreate the original open character of this part of the conservation area;

it is considered that on its merits the demolition of this unlisted building in a conservation area is acceptable and consent should be granted.

In order to ensure that the demolition works do not be by default result in an untidy site or have any adverse impact on existing trees (which are considered to contribute positively), several conditions are recommended.

CONCLUSION – REASONS FOR APPROVAL

The proposal is considered to result in the removal of an isolated and unattractive building which detracts from the character of the conservation area, and the creation of an open space which would generally enhance the character of the area by opening views across the adjacent playing field.

In the opinion of the Head of Development Services due to the significance of the proposal, the application needs to be decided by the P&R Panel.

Members should note that in accordance with legislative requirements this application must be determined by the Secretary of State.

RECOMMENDATION TO THE PLANNING & REGULATORY PANEL: APPROVE: for the following reasons:

The proposal is considered to result in the removal of an isolated and unattractive building which detracts from the character of the conservation area, and the creation of an open space which would generally enhance the character of the area by opening views across the adjacent playing field.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: 0006 To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) Before demolition commences, the trees surrounding the building shall be protected by means of a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to protect adjacent trees in order to preserve the character of the conservation area

(3) Before demolition works commence, a detailed scheme for the restoration/landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include species, method of planting/seeding, timing of planting, and maintenance, and the works shall be carried as agreed, unless otherwise agreed in writing by the local planning authority.

Reason: To secure the reinstatement of the site in order to enhance the character of the conservation area.

(4) The demolition works and removal of waste materials shall be carried out in accordance with the details contained within the Demolition Method Statement dated September 2006 (Turley Associates), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure an acceptable scheme of demolition and waste removal in the interests of the amenities and the visual appearance of the Conservation Area.

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

Policy	Purpose
CN8	General Impact on character of Conservation area
CN9	Demolition works in Conservation Area
CN11	Views in and out of the Conservation Area
CN12	Removal of features from a Conservation Area.

Part 3
Applications recommended for the Observations
of the Area Committee

No Observations