

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 COMMITTEE 5th JULY 2007

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 Site Address Proposal | Parish/Ward Recommendation Ward Councillors |
|----------------------|--|--|
| 1. | S/2007/0832 | ST ED & MILFORD |
| 4 - 14 | Mr R Hughes | APPROVED WITH CONDITIONS |
| SV 5pm | LAND TO REAR OF 120 FISHERTON STREET, SALISBURY. SP2 7QT. DEMOLITION OF EXISTING REDUNDANT WORKSHOP/STORE BUILDINGS AND CONSTRUCTION OF 15 NO. TWO BED FLATS, AND 6 NO. ONE BED AFFORDABLE FLATS. 13 NO. CAR SPACES | CLLR MRS CHETTLEBURGH CLLR SAMPLE |
| 2. | S/2007/0833 | ST ED & MILFORD |
| 15 - 17 | Mr R Hughes | APPROVED WITH CONDITIONS |
| SV 5pm | LAND TO REAR OF 120 FISHERTON STREET, SALISBURY. SP2 7QT. DEMOLITION OF EXISTING REDUNDANT WORKSHOP/STORE BUILDINGS | CLLR MRS CHETTLEBURGH CLLR SAMPLE |
| | AGENDA ITEM 9: 19 PAUL'S DENE ROAD, SALISBURY. SP1 3SE. TREE PRESERVATION ORDER NO 342 | |

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

| | | | |
|---------------------|---|-----------------|--------------|
| Application Number: | S/2007/0832 | | |
| Applicant/ Agent: | CH DESIGN EUROPE LTD | | |
| Location: | LAND TO REAR OF 120 FISHERTON STREET SALISBURY SP2 7QT | | |
| Proposal: | DEMOLITION OF EXISTING REDUNDANT WORKSHOP/STORE BUILDINGS AND CONSTRUCTION OF 15 NO. TWO BED FLATS, AND 6 NO. ONE BED AFFORDABLE FLATS. 13 NO. CAR SPACES | | |
| Parish/ Ward | ST ED & MILFORD | | |
| Conservation Area: | SALISBURY | LB Grade: | |
| Date Valid: | 23 April 2007 | Expiry Date | 23 July 2007 |
| Case Officer: | Mr R Hughes | Contact Number: | 01722 434382 |

REASON FOR REPORT TO MEMBERS

Councillor Chettleburgh and Sample have requested that this item be determined by Committee due to the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is currently vacant, and is situated in the Conservation Area. The site is located between the railway and embankment to the north, the commercial premises along Fisherton Street to the south, and between Fisherton Mill to the east, and the Almshouse complex to the west. There is an existing access leading from Fisherton Street to the site.

The site currently contains a dilapidated workshop and store building.

THE PROPOSAL

It is proposed to remove the existing dilapidated store/workshop building, and construct an L shaped apartment block consisting of a total of 21 residential units, 6 of which would be for affordable housing. Between the new building and the Fisherton Street commercial buildings, it is planned to construct a 13 bay parking area, together with cycle parking and recycling facilities.

PLANNING HISTORY

The site itself does not have any particular history of note. (However, a separate Conservation Area Consent application S/07/0833 for the demolition of the existing workshop/store building on the site has also been submitted, and appears separately on the agenda)

CONSULTATIONS

WCC Education – No contribution required towards educational infrastructure.
WCC Highways - Whilst I have no highway objection in principle to this proposal I would make the following initial comments. Having regard to the site being within easy walking distance of public transport and other local facilities thus minimising the need for a private car, I would not wish to raise a highway objection to the level of parking or to the layout generally.
There are aspects of the layout however which require clarification, If the full requirement of Appendix VI of the Adopted Local Plan is to be met ie. 42 secure, covered cycle spaces, the building proposed for this purpose appears to be too small.

It is not clear how the proposed security gates will operate or where they will be sited. Their use could hinder emergency/refuse vehicles and could conflict with parked vehicles on the site and traffic within Fisherton Street. I am of the view that the gates should be deleted from the development.

In order not to increase pressure on existing residents parking zones, any planning permission should require the prevention of the issue of parking permits to the occupants of the development. An informative to this effect should be included.

SDC Housing – No objections. Inclusion of 6 affordable dwellings is welcomed.

WCC Library/ Museum - No objections. Archaeological evaluation undertaken, no finds of interest.

Housing & Health Officer - No objection to amended scheme subject to conditions

Wessex Water Authority- No reply

Environment Agency - No objections subject to conditions

Wiltshire Fire Service – No objections raised

Design Forum:

- A presentation was made by Chris Hughes of CH Design Europe Ltd in the company of Mark Bugden (Castleway Developments) and Paul Cadge (Myddelton and Major).
- The relatively high density of the scheme is welcome in view of the site's sustainable location and the benefit to the vitality of the town centre.
- In view of this sustainable location there may be scope to further reduce the no. of parking spaces with a view to achieving a better quality of landscaping particularly along the vehicular entrance to the site. The actual gating of the access is considered inappropriate and it is suggested that other more subtle methods of distinguishing between the more public realm of Fisherton Street and the semi-private access should be considered, such as adopting a quality contrasting material for the surface of the access to mark the threshold and/or possibly pillars to either side (without a gate).
- The external appearance and elevational treatment of the building is considered quite bland and somewhat detached from some of the more locally-distinctive references in the immediate townscape.
- With regard to its siting, scale and mass the Forum considers that the building has not been entirely successful in integrating itself into the surrounding townscape. In particular it was agreed that the manner in which it appeared 'turned its back' on the Mill was unfortunate as this precluded the possibility of opening up the Mill courtyard or at least providing a more substantial connection with it.
- The roof appears over-complicated and contrived. This is interpreted, in part, as a possible consequence of an overly conservative approach. There is no veto over a contemporary flat roof solution but, alternatively, if opting for a pitched-roof it should have a simpler continuous form, for example, as in the manner of the Mill itself and ideally be of a higher pitch. The height of the scheme was not considered immediately unacceptable but notwithstanding it does appear to exceed 12.2m (40ft) and therefore is contrary to policy D6 of the Local Plan.
- The communal rooftop terrace is an innovative amenity space, however the management plan for the building will need to take particular account of it and other communal areas.

REPRESENTATIONS

Advertisement: Yes Expiry 24/05

Site Notice displayed: Yes Expiry 24/05

Departure: No

Neighbour notification: Yes Expiry 15/05

Civic Society: A number of comments including:

- Welcome the redevelopment of the site
- Excellent opportunity to create an exciting urban space
- The size of the development in relation to adjacent properties appears as overdevelopment
- The architectural language is too corporate, and will detract from the vernacular grain of Fisherton Street

- We understand no agreement or right of way exists to Fisherton Mill. This is an opportunity missed.
- This scheme should not be gated.

Transport 2000 – Applaud the proposal for a high density development on a brownfield site in the city centre, but object to the inclusion of 13 car parking spaces. Emergency vehicle access via Fisherton Mill yard is a plus although concerned about practicality of this, and cycle storage seems to be adequate, although refuse area is open to elements. Site should not be gated off.

Third Party responses Yes. 15 letters (including one petition) raising the following issues:

1. Development of a brownfield site is welcomed
2. The development will tidy up and improve this site
3. Need more, small residential units in the city
4. Closure of this private car park might enhance council parking revenues
5. Will bring life back to the city centre
6. Overlooking of Fisherton Mill site seems insensitive and affects only amenity space of Mill residents
7. Development is too big and overpowers the surrounding buildings – glass monstrosity, needs to be more in keeping and smaller scale
8. 13 parking spaces is not enough for 21 dwellings
9. Will spoil the enjoyment of Fisherton Mill and its yard and hence affect the café business
10. Residential flats so close to commercial use and stone sculptor will affect business
11. Will affect amenities of residents of the Mill and flats above 108 Fisherton Street
12. Design is more like an office block, and is not a contemporary structure of note
13. Building will affect any future works at the Mill
14. Mill site needs to be properly protected during construction
15. Support the inclusion of affordable housing and the development of the site in principle
16. Building height is way above other buildings
cycle parking is inadequate
17. Will set precedent for similar development
18. Members should undertake a site visit to judge the impacts
19. Will create parking problems in surrounding area
20. Will affect resident in flat at 116 Fisherton Street (loss of light and noise)
21. Points of civil law regards access and other issues (non planning issues)

MAIN ISSUES

Principle
Affordable Housing provision
Design and Impact on Conservation Area
Impact on amenity
Impact on highway and railway system

POLICY CONTEXT

SWSP - Waste Local Plan Policies

CN8 CN9 CN11 G1 G2 R2 H25 Affordable Housing SPG

PPS1, PPS3, PPG15

PLANNING CONSIDERATIONS

Principles

The site has been vacant for many years and is situated within the city centre, with easy access to facilities and services, and sustainable transport options. As a consequence, the redevelopment of the site for residential use is in full accordance with the advice provided by PPS3 regards the reuse and redevelopment of sustainable sites for housing.

Affordable Housing

Further to the above principles, the scheme would also provide an element of much needed affordable housing, in accordance with local and national goals, in terms of 6, one bedroom flats. The Council's Housing officer has welcomed the scheme.

Members should note that one of the original suggested schemes for this site originally mooted 18 flats, all of which would have been for private sale. However, the scheme had to be rethought following the introduction of PPS3 and the lower affordable housing threshold of 15 dwellings last year.

Whilst this could have resulted in the applicants quite legitimately cutting their scheme back to a number of flats below the PPS3 threshold (and hence no provision of affordable housing), the applicants instead decided to increase the number of planned residential units to a total of 21, in order to provide an economic basis for providing 6 affordable flats.

Members should therefore consider this matter carefully, as any reduction in the number of residential units requested by members may well mean that any future reduced scheme would offer no affordable units.

Design and Impact on Conservation Area

The existing dilapidated buildings on site are not considered to be worthy of retention, and do not make a significant visual contribution to the character of the area, being constructed of a hotch potch of materials, and located largely out of site to the rear of buildings facing Fisherton Street. Their removal is therefore considered acceptable, regardless of any plans for the redevelopment of the site.

The Design Forum considered an earlier pre application scheme to the one subject of this application, and its views (related to the original scheme, not the finally submitted scheme) are given in full elsewhere in the report.

Following the Design Forums comments and discussions with officers, the applicant adjusted the scheme to include the following features :

Affordable Housing

Reduction in roof height to below 12.2m

Increase in landscaping

Provision of possible pedestrian access to Mill courtyard

Omission of gates and railings at entrance to site

Adjustments to elevations and fenestrations, including those facing the Mill Courtyard

Both objections and support have been received from various third parties regards the design approach for this scheme, and the Civic Society has raised some design issues. In officers opinion, this is a challenging contemporary architectural approach to undertake within a Conservation Area, which will not be to everyones architectural taste. Members therefore have to consider carefully the actual likely impacts of the building on the character of the surrounding Conservation Area.

Firstly, we need to assess in general terms the characteristics of the surrounding Conservation Area, particularly Fisherton Street. In officers opinion, Fisherton Street itself is an eclectic mix of architectural styles and materials which is not easy to reflect in one particular building. In particular, Members should note that the area includes examples of modern/contemporary architecture such as City Hall, Playhouse Theatre, and the LA Fitness Building, as well as other 20th century inserts between the Victorian buildings

Secondly, whilst the scheme is unashamedly contemporary in its general architectural approach, it does include pitched roofs, and the building design does include quoins on the edges of the facades, which are intended to be a modern interpretation of similar architectural detailing on existing buildings in the Fisherton Street area. The intended materials as suggested in general

terms (no samples have yet been provided), but the plans indicate natural slate for the roofs, and brickwork for the walls. Subject to suitable materials being agreed by officers, the resultant building could well reflect the characteristics of other surrounding buildings.

Whilst a building could be proposed which was more of an architectural pastiche of surrounding buildings, in particular the architect could have chosen to borrow heavily from the vernacular of the Mill building and/or the Almshouses, in officers opinion, such an approach may actually dilute the character and appearance of those adjacent buildings. It is often more appropriate to counterbalance an older traditional building with a simpler, more contemporary architectural approach, as this enhances the appearance of both the proposed and the existing adjacent buildings.

Thirdly, Members should note that the existing application site is located in what could be described as a backland style location, some distance from the main street scene of Fisherton Street. Members will note that when viewed from a vantage point on Fisherton Street opposite Sarah Hayter Almshouses, even Fisherton Mill itself appears rather small compared to closer street scene buildings. Given that the overall height of the planned building would be well below the 12.2m limit as prescribed by local plan policy, and has been deliberately designed to be lower than the adjacent Fisherton Mill building, (in order to retain the dominance of the Mill building), it is unlikely that if built, the proposed development would be a significant or prominent feature in the streetscape of Fisherton Street.

Members should however note that whilst the Mill is considered to be an attractive building of local historical importance, it is not listed, and English Heritage has in the past refused to list the building. Therefore, a refusal based on the impact of the proposed building on the character or setting of the Mill building would, in officers opinion, be somewhat difficult to quantify and justify at any appeal, particularly as the Mill building itself is not readily or wholly visible from most locations, being screened by surrounding development.

Overall, it is considered that the scheme has been adjusted to address many of officers and design forum comments, including creating a better façade to the Fisherton Mill courtyard. Based on the above assessment, it is considered that scheme as revised is acceptable in design terms, and would preserve the character of the conservation area.

In sustainability terms, the applicant has submitted the following list:

- Solar panels
- Part passive ventilation system
- Sound and heat insulated glazing
- Roof insulation
- A Rated condensing boilers
- Low energy light fittings
- Water use reduction methods
- Timber frame construction
- Locally acquired materials where appropriate

With regards the above, most of the issues raised, whilst welcomed, are now standard requirements in modern construction, and it is noted that solar panels are not readily indicated on the submitted plans, and a note on the drawings as submitted indicates that the extent of operation to be the subject of a design study and included in the building regulations. This statement is disappointing, and there seems to be no reason why solar panels cannot be easily fitted within the flat section of roofing planned for the building, particularly given the likely southern orientation of the building. In accordance with the aims of PPS1 (supplementary guidance on climate change), it is therefore recommended that solar panels be conditioned as part of any planning consent.

Impact on amenities

Members need to consider this issue very carefully. Many strong objections have been received regards the impact of the proposals on the surrounding residential amenities, with particular respect to Fisherton Mill. Concerns have however also been raised regards the residential flats

within the upper storeys of the buildings along Fisherton Street, which have windows facing northwards onto the application site.

There are however two parts to this assessment. Firstly, the likely impact of the development on surrounding existing residential amenities, and secondly, the impact on future residents of the proposal due to the location of the building within a commercial area and adjacent the main railway line.

a) Impact on amenities of existing surrounding residents

Strong concerns and objections have been received from adjacent residents of this site, in particular, the owners of the adjacent Fisherton Mill, which contains a large residential apartment on the top two floors of the Mill buildings. The objections partially centre around loss of privacy and general noise and disturbance, caused primarily by the proposed projection on the L shaped building which will abut the western boundary of the Fisherton Mill site.

Understandably, the occupiers of Fisherton Mill have raised concerns about not only the overlooking of their upper residential windows, but also the overlooking and overshadowing of the open courtyard, which they regard as their amenity space/private open space.

Members should be in no doubt that the proposal as envisaged will significantly alter the immediate general environment around the Mill building, which has for many years enjoyed the benefit of an undeveloped and open site to their western boundary. The section of the development which would run parallel with the western boundary of the Mill would indeed be visible from most of the windows of the Mill, a number of which serve the residential use on the uppermost floors. The existing courtyard of the Mill would indeed be overlooked by many of the windows planned in the new development.

However, in officers opinion, Fisherton Mill and its open courtyard is seen as a largely commercial operation, with an "ancillary" residential element building and the adjacent courtyard has no planning permission to be used solely as the private amenity/outdoor area serving the apartment. It was for this reason that when discussing this proposal with the now applicants, your officers (together with members of the Design Forum), considered that any eastern facing façade of the proposed L shaped building should not be a bland, featureless façade punctuated solely by very ancillary openings and drain pipes, but should instead try and address the courtyard of Fisherton Mill, so that the space is enlivened and possibly enhanced.

It is acknowledged that the new building will to some extent reduce the current privacy levels enjoyed by occupiers of the residential apartment situated on the top two floors of Fisherton Mill. However, the top floor of the residential apartment is served by rooflights, the main aspect from which is of the sky. Therefore, the main impacts would be in relation to the residential windows facing southwards, below the main roof of Fisherton Mill.

In this regard, the level of inter-relationship between the residential windows of the new development and the residential windows serving the Mill decreases the further the various windows are away from each other. Thus, in officers opinion, those residential windows on the right hand side of the Mill southern façade are far less affected than those closer to the boundary with the application site.

It is acknowledged that there is quite a lot of fenestration on the east façade of the new building, facing towards the Mill and its courtyard. However, some of these windows are ancillary windows serving stairwells (which can be obscure glazed), and some of the living room and bedroom windows are of a small scale, and most are located at such a sufficient distance and oblique angle as to have little impact on the occupiers of Fisherton Mill.

It is possible that perhaps two of the three proposed balconies serving some of the flats on the eastern elevation may cause some adverse impact to occupiers of the apartment in the Mill building, given the close proximity of the balconies to the front façade and windows of the Mill building, and the existing fire escape staircase serving the Mill. However, it is possible to condition some form of screening to the balconies, so that users of the balconies would only have a clear outlook to the southeast and south directions, over the existing courtyard serving the Mill.

If Members remain concerned that the other windows in the eastern façade could cause harmful overlooking into the windows serving the residential part of the Mill building, then it may be possible to erect some form of screen/shield adjacent to the various bedroom and living room windows which would limit views out of the proposed building. However, such an approach would have an architectural and visual impact, and as stated, officers do not consider such a measure to be particularly necessary given the small scale of the windows and the oblique views offered.

Whilst there would be some overshadowing caused to the courtyard of the Mill (but only in the latter stages of the day), it is considered that any overshadowing caused would not be so significant or harmful as to warrant refusal, particularly given the location of the site within the built up centre of the city.

Likewise, the impact of overlooking from the large open roof terrace feature in relation to adjacent residential properties (including 108 Fisherton Street), including the Mill, could be mitigated with the erection of some form of screen to head height. However, any noise emanating from this area would be difficult if impossible to control, and Members need to take this into consideration when considering the impacts of the scheme. The EHO has however raised no issues regards this roof terrace and noise nuisance.

The occupiers of 108 Fisherton Street (the flat on the upper floors) will be affected by this scheme, as the proposed east facing flats of the new development will be clearly visible from its north facing windows. However, it is assumed that these are not the only windows serving this flat, and therefore any loss of privacy to this flat would not be likely to be so significant as to warrant refusal. Again, however, it is brought to members attention that the proposed open roof garden in the new proposal would be located close to this flat, although without any objections by the EHO, a refusal on noise nuisance would be difficult to support, particularly given the existing location of the flat within a commercial area.

Otherwise, in officers opinion, other residential flats which may exist above the commercial uses in Fisherton Street (to the south of the application site) are located at a sufficient distance as not to be so affected by the proposed development as to warrant a refusal on planning grounds (again, particularly given their location adjacent a busy arterial road within the city centre, and above commercial uses).

Whilst the introduction of a large apartment block would also have some impact on the outlook of some of the east facing side windows serving the adjacent Almshouses, it is considered by officers that the distances between windows would be such that privacy levels would not be significantly harmed.

b) Impact on amenities of future occupiers of the development.

The Council's EHO originally raised concerns related to the proximity of the building and the residential flats to the adjacent railway line, and originally stated that an acoustic barrier be erected along the top of the railway embankment (similar to that now erected for the Eastern Sidings development). However, the land along the top of the embankment is not within the applicants control, and Network Rail have apparently indicated to the applicant that it does not wish to have such a fence erected in that location (no written confirmation of this has been received from Network Rail).

Instead, the applicants have revised the design of the building, by reducing the number of openings on the northern façade facing the railway, and by proposing the installation of a combination fixed windows and a passive ventilation system. The windows deleted from the north elevation have been replaced by new rooflights, and additional windows on the side elevations of the buildings (which do not cause any additional overlooking to occupiers of either the adjacent Fisherton Mill (as they face the blank side wall of the Mill), or the Almshouses (as the windows face towards the existing rear of the building and the existing mast).

The above changes are accepted by the EHO. The EHO has raised no concerns regarding the impact on residents of the new flats of surrounding commercial uses.

Impact on highway system/access issues

The site is located within the city centre, where a reduced level of on site parking is encouraged and expected. The introduction into the city of an additional 21 residential units is not considered excessive in terms of its likely minimal impact on the existing highway system.

Cycle parking on the site has been planned. Whilst a total of 13 parking spaces is shown on the plans, members should note that 1 of these spaces is intended for occupiers of 120 Fisherton Street. The remaining 12 spaces would be utilised only by the private residential flats, (the affordable housing would not apparently be served by any of the spaces at the behest of the relevant Housing Association). Therefore, the 12 car parking spaces would actually amount to less than 1 parking space for each of the proposed residents, and cannot really be considered as an overprovision.

In officers opinion, it would perhaps be preferable in visual terms to remove a few of the planned 13 parking spaces, and replace them with an admittedly small area of open space/landscaping at the front entrance to the building. However, the proposed car parking (and indeed any replacement landscaping) would only be partially visible from Fisherton Street, and therefore the visual impact of the proposed car parking area would be rather minimal.

Officers are also mindful of residents concerns of the years regards developments without any on site car parking, due to the impact on existing on street parking facilities. Therefore, officers recommend that the scheme as proposed is acceptable

Emergency access to Fisherton Mill has been suggested by the applicants plans, and in planning terms, officers agree that such a link may improve the permeability of both the application site and benefit the commercial operations at Fisherton Mill. However, at the current time, no such scheme has been agreed with the current occupiers of Fisherton Mill. Consequently, (if members consider it appropriate) a suitable condition has been suggested below, which would request details of how this part of the boundary be treated. (Members should however note that even if the boundary between the application site and Fisherton Mill remained "open", this would not obviously permit access onto adjacent private land without the consent of the adjacent owner).

WCC Highways have raised no fundamental issues to the scheme, although have raised issues about the amount of bicycle parking on site and wishes the development to be ungated.

Amended plans have indicated that the development will indeed be ungated, and a condition could be included on any consent to ensure this. Regards the bike parking issue, at the moment, the plans show that one bike parking space would be provided for each residential unit (so 21 bike parking spaces). The Local Plan standard for such things is that 2 bike parking spaces should be provided for each residential unit, making a total of 42 spaces for this development. There is therefore a deficit of 21 spaces.

However, the provision of an extra 21 bike spaces would probably need additional buildings on the site, which may affect the overall setting of the building, or even the layout of the parking area. In particular, there does seem scope to extend the proposed bike shed building northwards towards the main building, although this will remove an area of landscaping and place the building within a few metres of the front windows serving a residential flat. In officers opinion, given that other bikes could be stored in individual flats, it is considered that on balance, the amount of the bike storage is considered acceptable.

As a result, and in light of the above arguments, it is considered that a refusal of this scheme based on either too much parking or too little parking, or any other impact on the highway system of the city would be very difficult to justify.

Other issues

As normal a financial contribution will be required in accordance with policy R2.
In accordance with the structure plan waste policies, a contribution/provision of waste audit and recycling facilities is required
The County council have confirmed that no education contribution is required in this instance

The above matters can be dealt with via the usual S106 procedures.

CONCLUSION

RECOMMENDATION: APPROVE

Subject to all parties entering into a Section 106 agreement whereby:

- a) a total of 6 one bed affordable residential units are provided within the development
- b) a commuted sum is provided towards the provision of off site public open space in accordance with policy R2 of the Salisbury district local plan
- c) a suitable contribution be made towards the provision of recycling and waste facilities on site

Reasons for Approval

This is a brownfield, previously developed site is a highly sustainable location within the city centre, and accords with current national and local planning policies. The scheme would provide much needed affordable housing provision, in a convenient location. The building would be back some distance from Fisherton Street, and due to surrounding structures, would not be wholly or readily visible from most viewpoints either within or outside the Conservation Area. It is considered that the scheme would at least preserve the character of the Conservation Area. Taking into account the location of the site within the heart of the city, the impact of the scheme on residential amenities is not likely to be so significantly harmful as to warrant refusal. Any impact on the amenities of future residents of the scheme caused by its proximity to surrounding uses, particularly the main railway system, have been mitigated by amendments to the design. Given the location of the city within the city centre, the introduction of an additional 21 residential units is unlikely to significantly affect the existing highway system.

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: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as 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. Before the development is first occupied, a scheme to limit the impact of the development in terms of overlooking of adjacent residential uses shall be submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

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

4. Before the development is first occupied, full details of the cycle parking area/stands shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme, and such facilities shall be available for use by residents, prior to the first occupation of any of the residential units.

REASON: In the interests of sustainable transport provision

5. Before development commences, full details of the proposed hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out as agreed.

REASON: In the interest of visual amenity

6. Before development commences a scheme for water efficiency within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out as agreed.

REASON: In the interest of sustainable development and water conservation

7. Prior to occupation of the development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority, which shall discourage any access to the Fisherton Mill land from the suggested emergency accessway. The scheme as agreed shall be put in place prior to the occupation of the development, and shall remain in place thereafter, until such time that an agreement is reached between the parties concerned, which would permit access between the two sites.

REASON: In the interests of good neighbourliness and residential amenity

8. Before development commences, a scheme for the inclusion of solar panels or similar on site power generation facilities be submitted to and agreed in writing by the Local Planning Authority. Such facilities as agreed shall be erected prior to the first occupation of any of the dwellings, and thereafter retained.

REASON: In order to achieve the aims of PPS1 in terms of sustainable development

9. The development shall be carried out in accordance with the noise and fume attenuation measures shown on the approved plans and as provided in the applicants letter dated 11th June 2007 (CH design Limited). All attenuation measures as approved shall be in place prior to the first occupation of any of the residential flats.

REASON: In the interest of amenity

10. Before development commences the applicant shall commission the services of a competent contaminated land consultant to carry out a detailed contaminated land investigation of the site and the results provided to the Local Planning Authority:

The investigation must include:

- A full desktop survey of historic land use data,
- A conceptual model of the site identifying all potential and actual contaminants, receptors and pathways (pollution linkages).
- A risk assessment of the actual and potential pollution linkages identified,
- A remediation programme for contaminants identified. The remediation programme shall incorporate a validation protocol for the remediation work implemented, confirming whether the site is suitable for use.

The remediation programme shall be fully implemented and the validation report shall be forwarded to the Local planning authority prior to the first habitation of the property/ use of the premises.

REASON: In the interests of amenity

11. No gates or other physical barrier shall be erected across the access driveway serving this site off Fisherton Street at any point along its length.

REASON: In the interest of highway safety and in order to integrate the site into the surrounding area

INFORMATIVE:

The developer should note and inform future residents of this scheme that future residents are unlikely to be issued with a parking permit, should they choose to apply for one.

Regards condition 3 above, details shall be submitted which restrict overlooking from the various windows, balconies, and the roof garden. It is suggested that some form of (attractive) screen is used, coupled with obscure glazing to stairwell windows, and the opening of windows in a manner which would direct views away from the residential use at Fisherton Mill. The privacy of other residential units to the south of the development also needs to be protected.

Regards condition 7 above, both the developer and occupiers of Fisherton Mill should of course note that this restriction does not affect normal rights of access between either site, where the consent of both land owners is required before persons can move from one piece of land to the other. If, either prior to, during, or following the agreement of a scheme by the LPA to restrict access, private individuals continue to trespass onto adjacent land, this will be a private civil matter between the parties concerned, and not a matter for the Planning Authority.

Regards condition 6 above, the developer should visit the environment agency website, where guidance is available regards water efficiency measures likely to be acceptable to address this condition, such as water efficient appliances, fittings and systems.

Surface water run –off should be controlled as near to its source as possible with sustainable drainage systems. Safeguards should be implemented during construction phase to minimise the risks of pollution and any detrimental effects to the water interests in and around the site, and should cover the use of plant and machinery, oils/chemicals and materials, control and removal of spoil and waste, and location and form of work and storage areas.

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

| Policy | Purpose |
|----------------|---|
| CN8, CN9, CN11 | Impact on conservation area |
| G1, G2 | Sustainability, highway safety, and residential amenity |
| H25 | Affordable Housing provision |
| R2 | Public open space provision |

| | | | |
|---------------------|--|-----------------|--------------|
| Application Number: | S/2007/0833 | | |
| Applicant/ Agent: | CH DESIGN EUROPE LTD | | |
| Location: | LAND TO REAR OF 120 FISHERTON STREET SALISBURY SP2 7QT | | |
| Proposal: | DEMOLITION OF EXISTING REDUNDANT WORKSHOP/STORE BUILDINGS | | |
| Parish/ Ward | ST ED & MILFORD | | |
| Conservation Area: | SALISBURY | LB Grade: | |
| Date Valid: | 23 April 2007 | Expiry Date | 18 June 2007 |
| Case Officer: | Mr R Hughes | Contact Number: | 01722 434382 |

REASON FOR REPORT TO MEMBERS

Councillor Chettleburgh and Sample have requested that this item be determined by Committee due to the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is currently vacant, and is situated in the Conservation Area. The site is located between the railway and embankment to the north, the commercial premises along Fisherton Street to the south, and between Fisherton Mill to the east, and the Almshouse complex to the west. There is an existing access leading from Fisherton Street to the site.

The site currently contains a dilapidated workshop and store building.

THE PROPOSAL

This application is required because the site is located within the Conservation Area. The only issue members should consider is what the impact of the demolition/loss of the existing building would have on the character of the Conservation Area.

PLANNING HISTORY

The site itself does not have any particular history of note. (However, planning application S/07/0832 for the demolition of the existing workshop/store building and the erection of flats has also been submitted, and appears separately on the agenda)

CONSULTATIONS

Conservation officer – Comments to be reported at meeting

REPRESENTATIONS

Advertisement Yes Expiry 24/05
 Site Notice displayed Yes. Expiry 24/05
 Departure No
 Neighbour notification Yes. Expiry 15/05
 Civic Society – A number of comments including:

Welcome the redevelopment of the site
 Excellent opportunity to create an exciting urban space
 The size of the development in relation to adjacent properties appears as overdevelopment
 The architectural language is too corporate, and will detract from the vernacular grain of Fisherton Street
 We understand no agreement or right of way exists to Fisherton Mill. This is an opportunity missed.
 This scheme should not be gated.

Third Party responses Yes. 15 letters (including one petition) raising the following issues which mainly relate to the separate planning application S/07/0832:

1. Development of a brownfield site is welcomed
2. The development will tidy up and improve this site
3. Need more, small residential units in the city
4. Closure of this private car park might enhance council parking revenues
5. Will bring life back to the city centre
6. Overlooking of Fisherton Mill site seems insensitive and affects only amenity space of Mill residents
7. Development is too big and overpowers the surrounding buildings – glass monstrosity, needs to be more in keeping and smaller scale
8. 13 parking spaces is not enough for 21 dwellings
9. Will spoil the enjoyment of Fisherton Mill and its yard and hence affect the café business
10. Residential flats so close to commercial use and stone sculptor will affect business
11. Will affect amenities of residents of the Mill and flats above 108 Fisherton Street
12. Design is more like an office block, and is not a contemporary structure of note
13. Building will affect any future works at the Mill
14. Mill site needs to be properly protected during construction
15. Support the inclusion of affordable housing and the development of the site in principle
16. Building height is way above other buildings
17. cycle parking is inadequate
18. Will set precedent for similar development
19. Members should undertake a site visit to judge the impacts
20. Will create parking problems in surrounding area
21. Will affect resident in flat at 116 Fisherton Street (loss of light and noise)
22. Points of civil law regards access and other issues (non planning issues)

MAIN ISSUES

Impact on Conservation Area of loss of building

POLICY CONTEXT

CN5 CN8 CN9 CN11

PPG15

PLANNING CONSIDERATIONS

Impact on Conservation Area

Members will note that none of the responses received from third parties has referred to the existing workshop building on the site, and no-one has raised any objections to its removal.

This application site has laid vacant for many years, being used as a private car park. There is only one set of buildings on the site, and at the time of officers site visit, the buildings appeared disused.

The building on site has clearly been significantly altered overtime, and includes a modern extension to its eastern side, which it is believed was previously used by artists associated with the adjacent Fisherton Mill.

Policy CN9 of the Local Plan lists four criteria against which any demolition application should be assessed, ie:

- i) the building is wholly beyond repair
- ii) the building is of a character inappropriate to the Conservation Area
- iii) there are overriding highway or other safety reasons
- iv) where planning permission has been granted for the development of the site

In the case of criteria i) & ii), whilst no substantial evidence has been submitted by the applicant to prove the building is wholly beyond repair, although in officers opinion, the building is a hotch potch of materials and alterations, and does not contribute positively to the character of the Conservation Area. Its retention and renovation would therefore serve no positive visual purpose.

Regards criteria iii) & iv), there seem to be no overriding highway of other safety reasons, and at the time of writing, planning permission has not yet been granted for the development of the site (this matter will of course be affected by members resolutions regards separate planning application S/07/0832).

In officers opinion, the existing dilapidated building on site is not considered to be worthy of retention, as it does not appear to be of any historical significance, and does not in officers opinion make a significant visual contribution to the character of the area, being constructed of a hotch potch of materials, and located largely out of site to the rear of buildings facing Fisherton Street. Their removal is therefore considered acceptable, regardless of any plans for the redevelopment of the site. Views into and out of the Conservation Area would not be affected.

CONCLUSION

The removal of the existing dilapidated building on the site would not adversely affect the character of the Conservation Area, and therefore its removal would accord with guidance provided in PPG15, and the aim of Local Plan policies, particularly CN9.

RECOMMENDATION: APPROVE, FOR THE FOLLOWING REASONS:

The removal of the existing dilapidated building on the site would not adversely affect the character of the Conservation Area, and therefore its removal would accord with guidance provided in PPG15, and the aim of Local Plan policies, particularly CN9.

And subject to the following conditions:

1. The development for which permission is hereby granted (demolition of existing buildings) must be commenced not later than the expiration of 3 years beginning with the date of this permission.

REASON: 0010

2. Prior to demolition works commencing, a scheme for the removal of the building in its entirety and the making good of the resultant site, including the removal of all debris and materials, shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interest of the long term visual character of the site and the wider Conservation Area

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

| Policy | Purpose |
|---------------|---|
| CN8 | The preservation/enhancement of the Conservation Area |
| CN9 | Control of demolition of buildings in Conservation Areas |
| CN11 | Protection of views into and out of the Conservation Area |