

# 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*

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE

CITY AREA 25TH OCTOBER 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

<b>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2007/1374	ST MARTIN & MIL
4-9	Miss A Rountree	REFUSAL
	ANDERS ROBERTS & ASSOCIATES THE SEAT DEALERSHIP TOLLGATE ROAD SALISBURY SP1 2JG	Councillor Howarth Councillor Tomes
2	S/2007/1748	FISHERTON/BEM V
10-11	Miss A Rountree	REFUSAL
SV 4:45pm	MR PETER HICKS GROVE HOUSE SURGERY 18 WILTON ROAD SALISBURY	Councillor Roberts Councillor Walsh
3	S/2007/1755	ST MARTIN & MIL
12-16	Miss A Rountree	APPROVED WITH CONDITIONS
	MR ANTHONY FORTESCUE FOWLER FORTESCUE ARUNDELLS 59 THE CLOSE SALISBURY	Councillor Howarth Councillor Tomes
4	S/2007/1756	ST MARTIN & MIL
17-19	Miss A Rountree	APPROVED WITH CONDITIONS
	MR ANTHONY FORTESCUE FOWLER FORTESCUE ARUNDELLS 59 THE CLOSE SALISBURY	Councillor Howarth Councillor Tomes
5	S/2007/1561	ST PAUL
20-32	Miss L Flindell	APPROVED WITH CONDITIONS

SV 4:15pm	SPACE DESIGN SOLUTIONS LTD 43 ASHLEY ROAD SALISBURY SP2 7DD	Councillor Clegg Councillor Fear
6	S/2007/1522	ST MARK & STRAT
33-42	Mr R Hughes	APPROVED WITH CONDITIONS
SV 3:45pm	MR IAN BARDEN STRATFORD SOCIAL CLUB CHATHAM CLOSE SALISBURY SP1 3JR	Councillor Curr Councillor Robertson Councillor Thorpe

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2007/1374		
Applicant/ Agent:	CHRIS SHIPPERLEY		
Location:	THE SEAT DEALERSHIP TOLLGATE ROAD SALISBURY SP1 2JA		
Proposal:	DEMOLISH EXISTING BUILDINGS AND ERECT BLOCK OF 24 FLATS (SOCIAL/AFFORDABLE HOUSING) WITH ASSOCIATED PARKING		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	LB Grade:		
Date Valid:	5 July 2007	Expiry Date	5 October 2007
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

### REASON FOR REPORT TO MEMBERS

Councillor Tomes has requested that this item be determined by Committee due to the high level of public interest.

### SITE AND ITS SURROUNDINGS

The site was until recently in use as a car salesroom and forecourt for Hyundai and Seat, and forms part of a small industrial complex within the Housing Policy Boundary, north of Southampton Road. To the west and north lies the Conservation Area, and to the south are two and three storey residential properties including properties fronting Tollgate Road, Marina Road and The Beeches. The Dust Hole public house is also in close proximity. The site is also an Area of Special Archaeological Significance. A white retaining wall front Tollgate Road, and the site is raised above street level behind the wall.

### THE PROPOSAL

The applicant is seeking to demolish the existing car showroom and erect 24 affordable flats with terraced communal gardens and parking underneath. Since the previous application no changes have been made to the design of the building but amendments have been made to the access and parking and cycle and bin storage and a noise and land contamination assessments submitted.

### PLANNING HISTORY

Earlier in the year members refused the previous application (2007/0430) for the following reasons:

1. The development would result in the loss of an existing employment site, and makes no provision for an alternative employment use. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the site is no longer viable for employment use, contrary to Policy E16 of the adopted Salisbury District Local Plan.
2. The site has a past history of potentially contaminative uses. No information has been provided in respect to the assessment of land contamination and the Local Planning Authority is not satisfied that the site would be suitable for the proposed residential use, given the potential for contamination. Furthermore, the site is adjacent to various industrial units and several small air conditioning units serve the neighbouring office units. No information is provided in respect of the noise environment or noise

amelioration measures, and in the absence of this information, the Local Planning Authority is not satisfied that the amenities of future occupiers would not be unduly disturbed by the adjacent employment uses. The development would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan and the guidance in PPG24.

3. The right hand lower ground floor unit and the flat above have layouts that would result in a bedroom and living room being above and below one another. The different patterns of use of these rooms are likely to give rise to nuisance and detriment to the amenity of future occupiers, contrary to Policy G2 of the adopted Salisbury District Local Plan.
4. The layout of the development as proposed would be detrimental to the highway safety of existing and future users, and adequate provision for disabled parking and covered cycle parking has not been made, contrary to Policy G1, G2, TR14 and TR11 of the Salisbury District Local Plan.
5. Inadequate provision has been made to provide sufficient storage space for waste and recycling bins and boxes in a suitable location at the edge of the curtilage of the property adjacent to the public highway. The size of the bin store as proposed is too small to accommodate the number of bins required for the development. The proposal would therefore be contrary to Policy G2 of the adopted Salisbury District Local Plan.
6. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

An appeal has recently been lodged against this decision

## CONSULTATIONS

WCC Highways	- No objection subject to conditions
Housing & Health Officer	- No objection subject to conditions
Wessex Water Authority	- No objection
Design Forum	- See appendix one
Waste and Recycling	- Objection due to inadequate provision
Wiltshire Fire & Rescue	- No objection, comments given regarding fire safety measures
WCC Education infrastructure	- No contribution required for expansion of education
Economic Development	- Object
Housing Development Officer	- Supports need for affordable housing

## REPRESENTATIONS

Advertisement	Yes	Expired 09/08/07
Site Notice displayed	Yes	Expired 09/08/07
Departure	No	
Neighbour notification	Yes	Expired 27/07/07
Third Party responses	No	
Civic Society	No objection but question whether the agent has truly considered the site specifics for materials	

**Transport 2000**                      Comments regarding the provision of visitor parking

## MAIN ISSUES

- Principle and Provision of Affordable Housing
- New Planning Policy Statement 3 (Housing)
- Loss of Employment
- Scale and Design and Impact on Conservation Area
- Impact on Neighbouring Amenities
- Contamination and Environmental Health issues

- Highway Safety
- Public Open Space

## **POLICY CONTEXT**

Adopted Salisbury District Local Plan G2, E16, H16, D1, R2, TR11, TR14, CN11, H25 (affordable housing)

PPG24, PPS23, PPS3, PPS6, and PPS1.

“Creating Places” (Supplementary Planning Guidance)

Affordable Housing Supplementary Planning Guidance

## **PLANNING CONSIDERATIONS**

### **Principle**

The site lies within the Housing Policy Boundary, in an Area of Special Archaeological Significance, and close to a Conservation Area (north west). The development is therefore acceptable in principle under Policy H16, subject to the other policy provisions of the local plan. Also, the provision in principle of 24 affordable homes is welcome and in accordance with the general aims of the Local Plan and supplementary planning guidance.

### **New Planning Policy Statement 3 (Housing)**

PPS3 was published in November 2006, and sets out the Government’s current policy stance on housing development. It gives a new national indicative minimum site threshold of 15 units for affordable housing provision and 30 dwellings per hectare. The proposal includes 100% provision of affordable housing.

PPS3 seeks to ensure a wide choice of high quality homes, improve affordability and increase supply, through sustainable mixed communities. It sets out the criteria to consider when assessing design quality as the extent to which the development:

- Is easily accessible and well connected to public transport and community facilities and services and is well laid out
- Provides or enable good access to amenity space
- Is well integrated with and compliments neighbouring buildings and the local area in terms of density, scale, layout and access
- Facilitates efficient use of resources during construction and in use
- Takes a design led approach to the provision of car parking space, with a high quality public realm
- Creates a distinctive character and supports a sense of local pride and civic identity
- Provides for biodiversity.

Furthermore, the thrust of Local Plan policy is that general living/amenity standards for affordable housing should not be compromised.

### **Loss of Employment**

Policy E16 states that on existing employment land, the redevelopment of premises for other purposes will only be permitted where “The proposed development is an acceptable alternative use that provides a similar number and range of job opportunities.” The only exceptions are where the land or premises are a non employment use that would bring improvements to the local environment.

Both the Forward Planning and Economic Development departments have objected to the proposal on the same grounds which are detailed below.

The site does not appear to have been suitably marketed and the Commercial Viability report provided has not satisfactorily shown that the site is unsuitable for current employment use or that redevelopment of the site for new office units is unviable, with most of the evidence provided anecdotal and conjectured.

In order for the applicant to demonstrate that the site is no longer viable for employment generating use it is considered that a more robust assessment is required and it is necessary for the building and site to be marketed locally and nationally for a minimum of 6 months on the following terms:

- Offer of the site for sale on a freehold basis
- Offer for the lease of the site without restrictive rent review and tenancy conditions
- Establishment of appropriate prices for the sale or lease of the site, which reflect the condition of the premises and the location of the site.
- Advertising of the site in appropriate local and national newspapers, journals (at least monthly), websites, etc and appropriate on site advertising boards.
- Contact with previous interested parties whose interest may have been stymied by the onerous conditions previously set out.
- Clear recording of marketing undertaken (cuttings, proactive meeting sessions, etc) and details of respondents, which are capable of verification if required.
- Minimum 6-month marketing period.

Furthermore, the Employment Land Review (April 2007) - produced as evidence for the Local Development Framework - identifies Southampton Road as a key strategic employment site for the district's economy. The area identified includes the Dolphin Industrial Estate, Bourne Centre, Dairy Meadow, Blakey Road and Tollgate Road (p39). It also identifies that most of any future employment land should be located in and around Salisbury city and Amesbury, representing an additional need to ensure existing employment sites remain.

Tollgate and Blakey Road are seemingly thriving and strategically important employment sites for Salisbury, being within a mile of the city centre and on the edge of the Southampton Road employment area. There is concern that if permission is granted for this application, a precedent would be set and a domino effect of new housing would arise throughout the entire Tollgate/Blakey Road employment area.

It is not considered that any environmental benefits resulting from the redevelopment of the site for housing should be given such weight so as to outweigh the loss of the site for employment purposes, given the above assessment on viability

The Local Planning Authority recognise the need for affordable housing in the district as supported by the Housing Development Officer. However, as recommended by the ELR, a strategic view of the site needs to be taken and the cumulative effect of change of use considered. Officers do not feel that enough evidence has been provided to support the view that redevelopment of the site for residential is the only suitable use for the site.

### **Scale and Design and Impact on Conservation Area**

Policy CN11 seeks to ensure that special care is taken when considering new development to ensure that views from and into Conservation Areas are safeguarded. The site is considered to be sufficiently distant from the CA not to detrimentally affect views.

The supporting comments of the Design Forum are attached in Appendix 1. The design policies of the adopted Local Plan have been reinforced by the recent adoption of Creating Places as supplementary design guidance. Policy D1 sets out 7 criteria for extensive development. In summary, new development will be permitted where the proposals are compatible with, or improve their surroundings in terms of the layout and form of development, any features adjoining the site, the scale and character of townscape building heights, building line, plot size, density, elevation design and materials), the scale and use of spaces between buildings, views and vistas, landscape, roofscape and long/medium distance views.

The proposed design is contemporary, and would extend to four storeys in height, although the lower ground floor would be partially sited below existing grounds levels. The north and east elevations include minimal fenestration, as these elevations would face existing employment and commercial uses. Materials would comprise white render, and timber boarding, with a metal roof. The height of the building above existing ground levels would range between 8.5m (east) and 11.5 metres (south) approximately.

The Design Forum welcomes the scheme as an improvement to an original proposal, and considers it is appropriate for the site and its surrounding context, and would make a welcome addition to the Salisbury townscape. However, officers have some concerns that the building may appear very tall within its context given the existing site levels and adjacent buildings.

### **Impact on Amenities, Refuse, Recycling, Contamination and Environmental Health Issues**

The immediate neighbours to the site would be existing commercial uses, and it is therefore unlikely that the occupiers of the commercial premises would be unduly, overlooked or disturbed by the proposal, in accordance with Policy G2.

However, the Environmental Health Officer previously had concerns regarding contaminated land, noise amelioration and the layout of one of the flats.

Since the previous application was submitted a noise assessment and land contamination assessment have been carried out. With regard to the noise assessment, providing a condition is added to ensure that development is carried out in accordance with the recommendations contained within the report, the Environmental Health Officer has removed his objection. With regard to the land contamination assessment, although he has again removed his objection, the officer has recommended that a detailed contaminated land investigation of the site be carried out prior to development commencing. This can be added as a condition of any approval and as such both aspects of the second reason for refusal on the previous decision have been overcome.

Further clarification has been submitted regarding the layout of the flats and the Local Planning Authority is not satisfied that consideration has been given to prevent the layout contributing to any potential noise disturbance. Therefore the third reason for refusal on the previous decision has been overcome.

### **Waste and Recycling**

It is considered that the developer should provide 24x180 litre bins for refuse and 24x180 litre bins for plastic/cardboard, and each household would require a 55litre kerbside box for household recycling. Alternatively, the developer could provide a communal bin store (4x1100 litres for refuse, 4 x1100 litre bins for plastic bottles and cardboard and 5x240 litre bins for paper, glass and cans). Sufficient storage space for bins and or boxes at the edge of the curtilage of the property adjacent to the public highway must be provided which the Waste and Recycling Officer is now happy can be achieved. As such the previous reason for refusal (five) is considered to have been overcome as details can be conditioned.

### **Highway Safety and Parking**

Amendments to the access, parking and cycle storage have been made since the previous application As such WCC Highways Department have no objections to the revised scheme providing a condition is added to ensure that details of the wall fronting plot 9 on Tollgate Road (including calculations) are agreed with the Local Planning Authority prior to development commencing as it appears to be 1.4 metres above the adjacent footway level. As such the previous reason for refusal (number four) has been overcome.

### **Public Open Space**

If members are minded to approve the applicant will need to sign a Section 106 agreement in respect of Policy R2 and pay the associated commuted sum prior to a decision being issued. If members are minded to refuse the application, reason for refusal six from the previous decision must remain in the event of an appeal.



## **CONCLUSION**

Whilst the proposal to provide 24 affordable homes close to the city centre is welcome in principle no further information has been submitted since the previous application to demonstrate that the existing employment site is no longer viable contrary to policy E16.

## **RECOMMENDATION: REFUSE**

### **For the following Reasons**

1. The development would result in the loss of an existing employment site, and makes no provision for an alternative employment use. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that the site is no longer viable for employment use, contrary to Policy E16 of the adopted Salisbury District Local Plan.
2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

Application Number:	S/2007/1748		
Applicant/ Agent:	PETER HICKS		
Location:	GROVE HOUSE SURGERY 18 WILTON ROAD SALISBURY SP2 7EE		
Proposal:	EXTEND CAR PARK		
Parish/ Ward	FISHERTON/BEM V		
Conservation Area:	LB Grade:		
Date Valid:	28 August 2007	Expiry Date	23 October 2007
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

### REASON FOR REPORT TO MEMBERS

Councillor Roberts has requested that this item be determined by Committee on the grounds of local interest.

### SITE AND ITS SURROUNDINGS

18 Wilton Road is currently used as a doctors surgery. The surgery and a private house are located at the northern end of the site with the existing parking area running in a narrow strip to the western side of the property. The remainder of the area is garden, mostly lawn. The property is bordered to the west and east by high walls and behind the surgery to the north by other residential properties

### THE PROPOSAL

Permission is sought to extend the car park over an area which is currently lawn. This additional parking area will be 15 metres by 12 metres will provide 10 additional car parking spaces. It is proposed to cover existing grass with plastic protection mesh green in colour and access will be enabled by the removal of 5 metres of shrubbery between the lawn and the current parking area. In addition two small trees will be removed to facilitate the proposal. It is proposed that the entire parking area will be chained off out of working hours and at weekends.

### PLANNING HISTORY

93/0063	Rebuilding and upgrading toilet block, build a new entrance hall	AC
	08.03.93	
95/0739	Portable building	AC
	05.07.95	
96/0625	Single storey extension	AC
	13.06.96	

### CONSULTATIONS

WCC Highways	- No Objection
Highways Agency	- On grounds of highway safety and sustainability have issued an indefinite direction of non- approval & recommends refusal
Environmental Health Officer	- No Objection

### REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expired 06/09/07
Departure	No	
Neighbour notification	Yes	Expired 27/09/07
Third Party responses	No	

## **MAIN ISSUES**

Impact on Highway Safety and Sustainability  
Visual Impact

## **POLICY CONTEXT**

Adopted SDLP TR1, G1, G2  
PPG13

## **PLANNING CONSIDERATIONS**

### **Impact on Highway Safety & Sustainability**

Wilton Road forms part of the A36 which is classified as a trunk road. Under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 applicants affecting an access onto a trunk road cannot be approved if the Local Planning Authority is directed not to approve by the Highways Agency. In this case they have directed that planning permission shall not be granted for an indefinite period of time which means that the application cannot be approved. This is for two reasons - sustainability and highway safety.

Firstly the premises are located close to the city centre, are well served by public transport and are within walking distance of a large catchments area. As such the extension of the car park is likely to encourage car use at the expense of more sustainable alternatives. The objectives of national guidance in PPG13 are to integrate planning and transport at all levels including promoting more sustainable transport choices and reducing the need to travel especially by car. This is backed up by policies G1 and TR1 of the Salisbury District Local Plan.

Secondly the existing access with the trunk road is substandard and the proposals will encourage additional use of this substandard access resulting in a detrimental impact on highway safety contrary to policy G2 of the Salisbury District Local Plan.

### **Visual Impact**

The area of car park will be screened from Wilton Road by a large wall and it is not judged to be visually detrimental to the surrounding area.

## **CONCLUSION**

Following the Highways Agency's direction to not grant planning permission there is no choice but to recommend the proposal for refusal on the grounds of sustainability and highway safety contrary to policy G2 of the Adopted Salisbury District Local Plan.

## **RECOMMENDATION: REFUSE**

### **For the following Reasons**

1. The site is located close to the city centre, is well served by public transport and is within walking distance of a large catchment area. As such the extension of the car park is likely to encourage car use at the expense of more sustainable alternatives contrary to the guidance contained within PPG13 and policies TR1 and G1 of the Adopted Salisbury District Local Plan.
2. The existing access with the A36 trunk road is substandard and the proposals will encourage additional use of this substandard access resulting in a detrimental impact on highway safety. As such the proposal is contrary to policy G2 of the Adopted Salisbury District Local Plan.

## Part 2

### Applications recommended for Approval

3

Application Number:	S/2007/1755		
Applicant/ Agent:	MR ANTHONY FORTESCUE, FOWLER FORTESCUE		
Location:	ARUNDELLS 59 THE CLOSE SALISBURY SP1 2EN		
Proposal:	CHANGE OF USE TO ENABLE PART OF DWELLING TO BE OPEN TO THE PUBLIC (TEMPORARY FOR 3 YEARS) & CONSTRUCTION OF HAND RAIL		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	II*
Date Valid:	29 August 2007	Expiry Date	24 October 2007
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

#### REASON FOR REPORT TO MEMBERS

Councillor Howarth has requested that this item be determined by Committee due to the high level of public interest.

#### SITE AND ITS SURROUNDINGS

The site is the Grade II\* listed building known as Arundells, 59 The Close, and is well known locally as the former home of Sir. Edward Heath (deceased). The house is set in large grounds, set back from The Close by a long driveway with gates and railings. A small shrub area lies behind the railings at the front of the property. The site lies in a Housing Restraint Area, within the Salisbury Central Area and Conservation Area, in an Area of Special Archaeological Significance.

#### THE PROPOSAL

The applicants (Trustees of the Sir Edward Heath Foundation) are seeking to partially change the use of the residential property, to enable access to visiting members of the public to the ground floor of the house and the grounds. Permission is sought for a temporary period of 3 years only, to enable The Trust to gauge likely demand from visitors. Pedestrian access would be from The Close. To facilitate this the only physical alteration required will be a pedestrian handrail and railings for the steps at the terrace to the rear.

Since the previous application the time period for opening has been reduced from five to three years and the fire doors and ticket booth removed from the scheme. Further details have been submitted by the applicant regarding the proposal and details of the signage proposed have been submitted although this does not form part of this application requiring listed building consent only.

#### PLANNING HISTORY

S/2007/0057 Temporary change of use for 5 years from private dwelling to mixed use private dwelling & dwelling open (in part) to the public. Minor temporary alterations including fire doors, handrails and erection of new ticket booth/shed railings.

Refused by members of City Area Committee on 12<sup>th</sup> March 2007 for the following reason:

The proposal which seeks to establish temporary mixed residential/public access use is considered to be contrary to Policy CN4, CN5 and CN8 of the adopted Salisbury District Local Plan in that:

- i) insufficient information has been submitted in relation to the needs of the public who are to be afforded access to the building (in particular the lack of toilet facilities and the absence of signage details) for the Local Planning Authority to be satisfied that the development would not be detrimental to the setting of the listed building and the unique historic character of the Cathedral Close, by the dilution of its residential character, and
- ii) the alterations proposed in the interests of fire safety will adversely affect the historic character of the building, and
- iii) the proposed ticket booth or ticket shed would adversely affect the setting of the listed building, contrary to Policy CN4 and CN5.

S/2007/0058 Minor Temporary Alterations Including Fire Doors, Handrail and Railings

Refused by members of City Area Committee on 12<sup>th</sup> March 2007 for the following reason:

The proposed change of use requires the removal of six existing internal doors, and replacement with fire doors. Three doors (FD1, FD5 and FD6) are considered to be of particular merit, and their loss would be harmful to the existing character of the listed building, contrary to Policy CN3, CN4 and CN5.

## CONSULTATIONS

<b>WCC Highways</b>	No objection
<b>Natural England</b>	No objection
<b>Conservation</b>	No objection
<b>Environment Agency</b>	No objection
<b>Tourism Officer</b>	No Comments received. However they supported the previous application on the grounds that Arundells is potentially a very important tourist attraction and opening it up to the public would help to raise the profile of Salisbury and South Wiltshire generally. The Tourism Strategy for South Wiltshire highlights the need to develop enhance and add to visitor attractions in the area, and the Arundells proposal would help to achieve this objective.
<b>English Heritage</b>	No objection - the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

## REPRESENTATIONS

Advertisement	Yes	Expiry 04/10/07
Site Notice displayed	Yes	Expiry 04/10/07
Departure	No	
Neighbour notification	Yes	Expiry 21/09/07
Third Party responses	Yes	10 Letters of objection on the following grounds:

- Increase in pedestrian and vehicular traffic to The Close
- Lack of toilet facilities
- Infrastructure of The Close not able to support the existing visitor attractions
- The time period could be extended indefinitely
- Noise disturbance to surrounding area
- It is unlikely to be a dwelling again
- Alteration of character of The Close away from residential to detriment of its unspoilt and peaceful character and setting for Cathedral

- commercial use of house is inappropriate,
- should display Sir Edward Heath's possessions in one of the museums,

and 2 letters of support for temporary use, provided the opening is carried out in accordance with the details submitted within the supporting statement.

**Transport 2000** Too many cars in the Close, High Street Gate is of safety concern, publicity for Arundells should not mention car parking in the Close, reduce entrance fees for those arriving by public transport.

**Note from HDS.** The tourist marketing of the property and entrance fees are not material land use planning considerations for this application.

## MAIN ISSUES

Principle of change of use  
Impact on neighbours  
Highway and pedestrian safety  
Impact on Grade II\* listed building

## POLICY CONTEXT

Adopted SDLP policies G2, H19, CN8, T1, CN3, CN4, CN5, and the guidance in PPG15

## PLANNING CONSIDERATIONS

### Principle of change of use

The site is located within the Cathedral Close, which comprises dwellings, and a mixture of other uses including the Cathedral, museums, Mompesson House (National Trust) the Medieval Hall, schools and college. The dwelling would be retained primarily in residential use, but permission is sought to enable visiting members of the public to access the ground floor and grounds. Policy T1 states that the development of new tourist attractions or facilities or the improvement of existing tourist attractions or facilities, will be permitted within the physical limits of settlements. The principle of the change of use to provide public access as a visitor attraction is therefore acceptable under Policy T1, subject to the amenity and conservation policies of the local plan.

Since the previous application further information has been submitted regarding the day to day running of the opening of to the public. It is proposed to open the house and garden Saturday to Tuesday between 1 and 6pm from Easter until the end of September. Visitors will enter the site through one of the existing garage doors ensuring that visitors will not congregate outside the public highway and providing protection from the weather. An attendant will be on duty during opening hours, monitoring entrances and exists. Visits will be on a guided tour basis with visitors encouraged to pre-book by phone or internet. The maximum number per tour will be 8 with 2 tours running concurrently if necessary. There will be no catering or retail facilities on site. With regard to toilet facilities an arrangement has been formally agreed with "The Wardrobe" next door to use their facilities. Any additional opening hours or the use of the site for functions or concerts would require a new planning permission.

### Impact on neighbouring amenities

Ten letters of objection have been received. The main objections raised hinge around potential increased disturbance in The Close, loss of quiet enjoyment, and impact on parking/traffic (see highway safety below).

Policy G2 seeks to ensure that the amenities of neighbouring occupiers are not *unduly* disturbed by new development. There are already a number of visitor attractions in The Close, including the Cathedral itself, which is the main generator of visitor movements in the vicinity. It is logical that visitors to the Cathedral would make linked trips to other attractions in The Close during their visit, including Arundells, but individual small attractions on their own are *unlikely* to become a main generator of visitors. On this basis, it is unlikely that Arundells would, on its own,

cause a significant increase in overall visitor numbers to The Close, but would enhance the existing visitor experience for people once they have arrived and have visited the Cathedral.

Arundells is set back within its own grounds, and is a detached building. It is therefore unlikely that adjoining properties would experience undue noise disturbance or overlooking from pedestrian visitors to any greater degree than if this large house were in full and active private residential use by a family (taking into account daytime and evening activities, visitors etc). As refreshments are not being served on the premises, people are unlikely to linger in the grounds to eat or drink.

Some third parties are concerned that the residential character of The Close would be diminished by the change of use, and that the building should remain entirely in residential use. However, this view would run counter to the principle of tourism policies of the SDLP, which seek to develop and improve existing tourist attractions within settlements. Therefore, a change in balance of uses in The Close away from residential could not be supported as a reason for refusal on its own.

Issues surrounding traffic and pedestrian safety are discussed below. Therefore, for the reasons given, officers do not consider that the amenities of neighbouring occupiers in The Close would be sufficiently disturbed by the proposal to warrant refusal under Policy G2.

### **Highway and Pedestrian Safety**

The applicants have indicated their willingness to work with the Cathedral to ensure visitors use alternative means of transport other than the private car. Park and Ride and city centre car parks are suggested alternatives, as no visitor parking would be made available within the curtilage of Arundells. The Cathedral has indicated willingness to work with the Trustees to share blue badge spaces for disabled visitors.

For the reasons set out previously, it is considered unlikely that Arundells would become a primary generator of visitor trips to The Close, and is more likely to share visitors who are already visiting the Cathedral. Therefore, it is also unlikely that Arundells would generate significant new demand for parking in The Close. The Highway Authority has raised no objections to the proposals, in accordance with Policy G2.

### **Impact on the Grade II\* Listed Building**

Policy CN3 sets out the criteria for development that would affect the character or setting of a listed building, and Policy CN4 sets out the criteria for the change of use of listed buildings in Conservation Areas, which will be permitted if:

- i) It contributes towards the retention of such buildings without adversely affecting their character, setting, or structural integrity and
- ii) It does not give rise to harmful effects on the general environment of the area.

Policy CN5 states that development within or outside the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building concerned.

The only physical alteration now required is the handrail to the rear steps, which is not judged to be visually detrimental to the building or surrounding area.

### **CONCLUSION**

The proposed change of use of Arundells, which is sited within the Cathedral Close, to enable visiting members of the public to the ground floor and grounds would be in accordance with the tourism policies of the Salisbury District Local Plan, and is unlikely to cause undue disturbance to existing amenities, or create highway safety issues.

**RECOMMENDATION: APPROVE**

**REASON FOR APPROVAL:**

The proposal would be in accordance with the adopted policy context of the Salisbury District Local Plan, and is unlikely to cause undue disturbance to existing amenities, or create highway safety issues, or harm the character or setting of the listed building. As such it is judged to conform with policy G2, H19, CN8, T1, CN3, CN4, CN5, and the guidance in PPG15.

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. The change of use hereby permitted shall cease and the building and land shall revert to its former use as a private residential dwelling, and the ticket booth hereby approved shall be removed, on or before 25th October 2010, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V13A)

Reason: To enable the Local Planning Authority to maintain control over the development.

3. The change of use hereby permitted shall not commence until Listed Building Consent has been issued for the installation of the pedestrian hand rail and railings.

Reason: In order to define the scope and extent of this planning permission, which does not operate as a grant of Listed Building Consent for the works associated with the change of use hereby approved.

4. The use hereby permitted shall only be open to the public Saturday to Tuesday inclusive between the hours of 1pm to 6pm from Good Friday to 30th September

Reason: In the interests of amenity for the occupants of the neighbouring/nearby dwelling(s).

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

Policy G2	General Principles for Development
Policy H19	Housing Restraint Area
Policy T1	Tourism
Policy CN3, CN4, CN5	Listed Buildings
Policy CN8	Conservation Areas

and the guidance in PPG15



Application Number:	S/2007/1756		
Applicant/ Agent:	MR ANTHONY FORTESCUE, FOWLER FORTESCUE		
Location:	ARUNDELLS 59 THE CLOSE SALISBURY SP1 2EN		
Proposal:	SIGNAGE & ALTERATIONS (INTERNAL & EXTERNAL) TO FACILITATE AREA OF DWELLING TO BE OPEN TO THE PUBLIC		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	II*
Date Valid:	29 August 2007	Expiry Date	24 October 2007
Case Officer:	Miss A Rountree	Contact Number:	01722 434312

### REASON FOR REPORT TO MEMBERS

Councillor Howarth has requested that this item be determined by Committee due to the high level of public interest.

### SITE AND ITS SURROUNDINGS

The site is the Grade II\* listed building known as Arundells, 59 The Close, and is well known locally as the former home of Sir. Edward Heath (deceased). The house is set in large grounds, set back from The Close by a long driveway with gates and railings. A small shrub area lies behind the railings at the front of the property. The site lies in a Housing Restraint Area, within the Salisbury Central Area and Conservation Area, in an Area of Special Archaeological Significance.

### THE PROPOSAL

The applicants (Trustees of the Sir Edward Heath Foundation) are seeking to partially change the use of the residential property, to enable access to visiting members of the public to the ground floor of the house and the grounds. Permission is sought for a temporary period of 3 years only, to enable The Trust to gauge likely demand from visitors. Pedestrian access would be from The Close. To facilitate this the only physical alteration required will be a pedestrian handrail and railings for the steps at the terrace to the rear, the removal of an internal blast wall in the garage and a sign on the front railings.

### PLANNING HISTORY

S/2007/0057 Temporary change of use for 5 years from private dwelling to mixed use private dwelling & dwelling open (in part) to the public. Minor temporary alterations including fire doors, handrails and erection of new ticket booth/shed railings.

Refused by members of City Area Committee on 12<sup>th</sup> March 2007 for the following reason:

The proposal which seeks to establish temporary mixed residential/public access use is considered to be contrary to Policy CN4, CN5 and CN8 of the adopted Salisbury District Local Plan in that:

- i) insufficient information has been submitted in relation to the needs of the public who are to be afforded access to the building (in particular the lack of toilet facilities and the absence of signage details) for the Local Planning Authority to be satisfied that the development would not be detrimental to the setting of the listed building and the unique historic character of the Cathedral Close, by the dilution of its residential character, and
- ii) the alterations proposed in the interests of fire safety will adversely affect the historic character of the building, and
- iii) the proposed ticket booth or ticket shed would adversely affect the setting of the listed building, contrary to Policy CN4 and CN5.

Refused by members of City Area Committee on 12<sup>th</sup> March 2007 for the following reason:

*The proposed change of use requires the removal of six existing internal doors, and replacement with fire doors. Three doors (FD1, FD5 and FD6) are considered to be of particular merit, and their loss would be harmful to the existing character of the listed building, contrary to Policy CN3, CN4 and CN5.*

## CONSULTATIONS

**Conservation** No objection  
**English Heritage** No objection - the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

## REPRESENTATIONS

Advertisement	Yes	Expiry 04/10/07
Site Notice displayed	Yes	Expiry 04/10/07
Departure	No	
Neighbour notification	Yes	Expiry 21/09/07
Third Party responses	Yes	10 letters of objection and 2 of support to the change of use application. No points relevant to this application were raised.

## MAIN ISSUES

Impact on Grade II\* listed building

## POLICY CONTEXT

Adopted SDLP policies CN3, CN4, CN5 and the guidance in PPG15

## PLANNING CONSIDERATIONS

### Impact on the Grade II\* Listed Building

Policy CN3 sets out the criteria for development that would affect the character or setting of a listed building, and Policy CN4 sets out the criteria for the change of use of listed buildings in Conservation Areas, which will be permitted if:

- i) It contributes towards the retention of such buildings without adversely affecting their character, setting, or structural integrity and
- ii) It does not give rise to harmful effects on the general environment of the area.

Policy CN5 states that development within or outside the curtilage of a listed building will only be permitted where it does not harm the character or setting of the building concerned.

None of the proposed works are judged to be detrimental to the historic fabric or character of the listed building. The blast wall is neither historic nor visible from the public realm, the signage will be in keeping with the surrounding area being minimal in size and discrete in style and colour and the handrail to the rear steps is not judged to be visually detrimental to the building or surrounding area.

## CONCLUSION

The proposed handrail, sign and removal of the blast wall are not judged to be detrimental to the historic fabric or character of the grade II\* listed building. The application must be referred to the Secretary of State (GOSW) as the building is Grade 2\* listed.

**RECOMMENDATION: APPROVE**

**REASON FOR APPROVAL:**

The proposed works are not judged to be detrimental to the historic fabric or character of the grade II\* listed building. As such the proposal is judged to conform with Adopted SDLP policies CN3, CN4, CN5 and the guidance in PPG15

**And subject to the following conditions**

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

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 ( 4) of the Planning and Compulsory Purchase Act 2004. .0006 AMENDED

2. The building shall revert back to its former condition with the handrail and railings all be removed on or before 25th October 2010, unless otherwise agreed in writing by the Local Planning Authority upon submission of a listed building application in that behalf. (V13A)

Reason: In the interests of the character of the listed building, as the changes are approved on a temporary basis only.

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

Policy CN3, CN4, CN5 Listed Buildings  
and the guidance in PPG15

Application Number:	S/2007/1561		
Applicant/ Agent:	SPACE DESIGN SOLUTIONS LTD		
Location:	43 ASHLEY ROAD SALISBURY SP2 7DD		
Proposal:	CHANGE OF USE FROM MIXED BUSINESS PREMISES TO 9 NO. DWELLINGS		
Parish/ Ward	ST PAUL		
Conservation Area:		LB Grade:	
Date Valid:	3 August 2007	Expiry Date	28 September 2007
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; demolishing the two storey extension to the east side and the addition of a second floor set behind the parapet wall. The forecourt will provide 1 parking space per unit. A shared bin storage area is provided and separate amenity spaces are provided for each flat each including a cycle storage area and retractable/washing line.

Planning permission has previously been refused for two applications (S/2006/0281 and S/2006/1948) for a change of use of the building to 9 dwellings on the grounds listed below (both applications were refused on the same grounds).

Planning permission was later dismissed at appeal for application no S/2006/0281. Application S/2006/1948 was not appealed.

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

- The stair tower extension to the east side of the building is no longer proposed.
- Separate amenity areas to each flat have been provided
- The 2<sup>nd</sup> floor living accommodation includes a roof top courtyard to each flat
- The internal layout of the flats on the ground and first floor is more 'open plan' without the divisions between the dining/sitting room and kitchens that were proposed in the previous applications.
- The internal layout to flats 3, 7, 8 and 9 have been revised (explained below under 'Privacy of nearby dwellings' section)

## 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 31<sup>st</sup> 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 Petfood Manufacturing Refused 15<sup>th</sup> 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.

This application was later dismissed at appeal. A copy of that appeal decision is attached.

06/1948 Change of use from mixed business use to 9no dwellings Refused 15/11/06

Reasons for Refusal:

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 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.

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.

## CONSULTATIONS

WCC Highways

Waiting for comments to S/2007/1561.  
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 additional comments to those made on previous application on this site (S/2005/2102, S/2006/281 and S/2006/1948)

Most recent comments to S/2006/1948:

“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.

Environment Agency

We have no objection to the proposed development subject to conditions and informative being included in any planning permission granted (see conditions 2 and

Natural England –

- 1 Under Regulation 48 3 of the Habitats Regulations 19942 and based on the information provided Natural England is of the opinion that the proposal either alone or in combination with other plans or projects would not be likely to have a significant effect

on the important interest features of the River Avon Special Area of Conservation SAC or any of the features of special scientific interest of the River Avon System Site of Special Scientific Interest SSSI.

- 2 Natural England objects to this application as the as the proposal may have implications for species and their habitats protected under the Wildlife and Countryside Act 1981 as amended the Conservation Natural Habitats c Regulations 1994 as amended Paragraph 98 of the Circular states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that if carried out would be likely to result in harm to the species or its habitat A list of all protected species of animals and plants can be found in Annex A of Circular 06 2005 accompanying PPS9 Detailed reasoning behind this view is set out below

The existing buildings may have the potential to harbour bat roosts

In view of the above Natural England recommends that a survey of the area for its potential to support protected species is undertaken by a suitably qualified and icensed ecological surveyor The survey should aim to identify the following information.

Survey for protected species thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species  
Impact assessment clear assessment of the likely impacts of the proposal upon protected species  
Mitigation strategy to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species This should be proportionate to perceived impacts and must include clear site specific prescriptions rather than vague general or indicative possibilities and  
Delivery mechanisms to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e g architects plans licenses planning agreements contractors precautionary method statements

It is the responsibility of the developer to provide this information to enable Natural England to make a substantive response and for the local planning authority to fully assess the proposal Circular 08 2005 states that the 21 day consultation period for statutory consultees will not start until receipt of adequate information to make a substantive response.

Wiltshire Fire and Rescue Service Have submitted a letter of recommendations with regard to fire safety measures. This information could be added as an informative to any consent.

Building control The means of escape is satisfactory subject to the following:

- Each habitable room at ground and first floor level are required to have an openable window minimum 750mm x 450mm
- The layout of the flats at second floor level do not comply as the Building Regulations suggest the kitchen to be remote from the entrance door and not prejudice the escape route from any point in the flat.
- All other issues will be addressed when the Building Regulation application is submitted.

## REPRESENTATIONS

Advertisement No  
Site Notice displayed Yes, expiry date 6<sup>th</sup> September 2007  
Departure No  
Neighbour notification Yes, expiry date 27<sup>th</sup> August 2007  
Third Party responses Yes, two letters of support, summarised as follows:

- The conversion will bring much needed, affordable, starter housing in the city.
- Salisbury is not providing the type of starter accommodation urgently required and will be losing revenue and contributions to other areas.

- The development will provide a broader spectrum of property
- Excellent adaptation and utilisation of an old commercially unviable industrial property, which will enhance the locality.
- The developers have made great efforts to include all of the recommendations made in the previous planning applications

Four letters of objection, summarised as follows:

- The application has already been refused on numerous occasions
- Block of flats will be completely detrimental to the aesthetic of the residential area
- Overlooking from occupiers of flats - Windows are too small to be acceptable to the occupiers and will no doubt be enlarged.
- Did not object to the site being developed into 2 or 3 houses, not 9 small dwellings with no proper outdoor facilities and very little space

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' with accompanying letter stating:

'Following your letter of the 6<sup>th</sup> August, I again write to inform you that we object to the above application. As stated in my previous letters the reason we object is because we will lose our privacy, as the flats will overlook our back garden. I also enclose the residents petition with regard to this matter.

## **MAIN ISSUES**

### **1) Principle**

### **2) Impact to residential amenity, appeal decision**

### **3) Other issues**

- Loss of employment site
- Parking
- Flooding
- Land contamination
- Ecological impact and protected species
- Water efficiency

### **4) Recreational open space**

## **POLICY CONTEXT**

Adopted Salisbury District Local Plan policies G1 (Sustainable Development), G2 (General), G3 (water requirements), 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

PPS 3- Housing

PPS 9 – Biodiversity and Geological Conservation

PPS 25 – Development and Flood Risk

Circular 06/2005 – Biodiversity and Geological Conservation

## **PLANNING CONSIDERATIONS**

### **1) 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 sites and policy G1 of the Adopted Local Plan



promotes the effective use of land in urban areas. However, whilst PPS3 (paragraph 45) states that using land efficiently is a key consideration in planning for housing, paragraph 10 lists the delivery of high quality housing is one of the specific outcomes that the planning system should deliver.

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.

As explained above, this site has had two recent applications for conversion and extension of the building into flats. Both have been refused, and one dismissed at appeal.

## **2) Impact to residential amenity and appeal decision**

The Inspector determining the planning appeal identified two main issues:

the effect on the living conditions of the occupants of nearby dwellings, with particular reference to privacy; and  
whether the flats would provide satisfactory living conditions for future occupants, with particular reference to natural light, amenity space and outlook.

These issues are considered separately below. The Inspectors report is also attached in full as an appendix.

### ***(i) Privacy of nearby dwellings:***

Paragraphs 5 to 7 of the Inspectors report refer specifically to the impact on the privacy of nearby dwellings.

The Inspector concluded that the use of high level and top opening windows on the south west elevation of the building (as still proposed) would not result in any material loss of privacy to the terrace of four houses to the southwest '*since the view towards their homes and gardens would be above the ordinary sight of the flats' occupiers*'. The Inspector also considered that subject to a condition to require the lower portions of the first floor windows on the north east elevation being obscured glazed and fixed shut, this would minimize any overlooking to the terrace of three houses beyond the Christadelphian Hall on the northeast side of the building to an acceptable level.

The inspector concluded that with regard to the first issue, the proposal would not conflict with policy G2 (vi) of the SDLP (paragraph 7 of the Inspectors report).

This scheme has made some changes to the fenestration arrangements and internal arrangement of the accommodation from the S/2006/0281 application:

- On the ground floor, the kitchen in flat 3 on the south west elevation has been swapped with a bedroom
- On the first floor, the living room in flat 7 on the south west elevation has been swapped with a bedroom
- On the second floor, the sitting/dining rooms in flats 8 and 9 have been swapped with the access hall and windows added to the northwest elevation.

Subject to a condition in relation to obscured glazing and restricted openings, as recommended previously by the Inspector, it is considered that the revisions do not conflict with the Inspector's previous decision and that the application does therefore not conflict with policy G2 (vi) in relation to overlooking/impact to privacy of nearby dwellings.

### **(ii) Living conditions for future occupants:**

#### **Ground and first floor flats**

**Previous application** - Paragraph 8 of the Inspectors report refers to the proposed high-level windows in the south west elevation of the building. The Inspector considered that whilst the high level windows in the southwest elevation of the buildings would be the sole source of natural light in the kitchens and bedrooms of the flats on this side of the building; due to the nature of the use of these rooms (bedrooms and kitchens) and their limited depth; this would be sufficient to provide adequate natural light to these rooms. The Inspector also considered that the flats on the ground and first floors would all have a least one habitable room with a direct outlook through a clear glazed window which *'on balance would provide acceptable living conditions for the occupants of these flats in terms of outlook'*.

**The current revised application** - The orientation of the flats on the east side of the building are such that they will have restricted light, being overshadowed by the existing building. The boundary fencing to the proposed amenity areas will also restrict light further. However, the scheme has been revised so that the internal layout of the flats on the ground and first floor is more 'open plan' without the divisions between the dining/sitting room and kitchens that were proposed in the previous applications, which should improve the light levels within the flats.

### **Second floor flats**

**Previous application** - Paragraph 9 of the Inspectors report refers to the second floor units. In the 2006/0281 application it was proposed *'that a roof extension would accommodate two one-bedroom flats. Rooflights would provide all natural light in each of these rooms...Parts of the sitting/dining rooms and bedrooms would be beneath sloping ceilings with the result that the light reaching these areas would be severely restricted. In addition the bedrooms would be particularly dark due to the size of the rooflights relative to the size of the rooms. Further all light in the long hallways would be "borrowed" light...I consider that the natural light that would be provided in the second floor flats would be severely restricted.'*

Paragraph 11 of the Inspector's report elaborates on the living conditions in the second floor flats:

*'...the new roof would be set behind a parapet wall, so that in the case of the second floor flats it would be possible to see little more than sky through the rooflights. Combined with the lack of amenity space, I consider that this would result in an oppressive and isolated feeling within the flats such that they would not provide satisfactory accommodation.'*

Paragraph 12 goes on to state *'In my view the second floor accommodation would be unsatisfactory in terms of the combined shortcomings of natural light, amenity space and outlook, and thereby fail to create acceptable living conditions.'*

**The current revised application** - The scheme that was considered at appeal proposed rooflights only to the second floor flats set behind parapet walls. The current scheme has revised the second floor accommodation so each of the flats has a private outside courtyard space to the front of the building accessed via the kitchen and the sitting/dining rooms are located at the rear of the building with a window inserted in the end elevation overlooking the allotments, improving the outlook. The internal hallways will also be lit using sun-pipes (previously relying on 'borrowed light'). Whilst the bedrooms will still be lit via roof lights; this was an 'in addition' concern raised by the Inspector, and in itself is not considered to amount to result in the previously considered unsatisfactory living conditions.

### **Amenity space**

**Previous application** - Whilst acknowledging the 'large area of public open space within a short walk of the site', the Inspector also raised concern that seven of the flats would have no private outdoor amenity space 'for activities such as sitting out or clothes drying'.

**The current revised application** - The revised scheme has split the area of land to the side and north west of the building into separate private amenity areas for seven of the flats. The second floor flats also have private courtyards set behind the parapet walls. Whilst these are small, they provide a private area for each flat which could be utilised for 'sitting out' and for drying clothes. The application plans indicate positions of cycle storage areas and rotary and retractable washing lines to some of the gardens.

## **Building Regulations**

Whilst Building Regulations operates separately from planning; as the living conditions were one of the main issues under consideration in the previous schemes; the Building Control Department have been consulted. They advised that without prejudice to a Building Regulations Submission; the Means of Escape appeared satisfactory subject to the following:

- a) Each habitable room at ground and first floor area required to an openable window measuring 750mm by 450mm
- b) The layout of the flats at second floor level is revised, as the building regulations requires kitchen to be remote from the entrance door and should not prejudice the escape route from any point in the flat.

The applicant has since confirmed that it is the intention to provide smoke detection units in each habitable room together with rate of rise heat detectors in the kitchen areas; the provision of an escape route by installing self closing fire doors to each room and emergency egress windows would also be provided to rooms with such a window did not interfere with the privacy of neighbours. The applicant has also confirmed that a domestic sprinkler system would be installed to reduce the potential risk further. This is in line with the guidance from Wiltshire Fire and Rescue Service who have provided a letter of recommendations with regard to fire safety measures including the provision of domestic sprinkler protection. This information could be added as an informative to any consent.

## **Conclusion**

The Inspector concluded that whilst the previous application did not have a direct conflict with Policy H8 or with any of the criteria listed in policy G2, the proposal 'would not provide the high quality new housing promoted by the Government in Planning Policy Statement 3 Housing...and overall...the proposal would provide unsatisfactory living conditions for some of the future occupants in terms of natural light, amenity space and outlook, in conflict with national policy.'

It is considered that the amendments to the scheme have on balance overcome the Inspector's concerns with regard to the standard of accommodation in relation to natural light, amenity space and outlook.

## **3) Other issues**

The issues relating to loss of an employment site, parking, flooding, land contamination, ecological impact and protected species and water efficiency have previously been considered and did not form part of the previous reasons for refusal or raised as issues by the Planning Inspector:

### **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.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

### **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.

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. The Inspector noted that PPG3 (replaced by PPS3) required 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. These aims have been carried forward into PPS3. 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.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

### **Flooding**

The applicant has submitted a Flood Risk Assessment which the Environment Agency has recommended will meet the requirements of PPS25 (Development and Flood Risk) and that the proposed development is in accordance with the guidance contained therein. They have recommended conditions and an informative.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

### **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.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

### **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.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

#### **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.

This issue did not form part of the previous reasons for refusal or raised as an issue by the Planning Inspector

#### **4) Recreational open space**

The development incorporates the available areas of open space on the site to include gardens incorporating storage areas of 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 returned a completed agreement and R2 payment.

#### **CONCLUSION**

This site has had two recent applications for conversion and extension of the building into flats. Both have been refused, and one dismissed at appeal.

The Planning Inspector concluded that whilst the previous application did not have a direct conflict with Policy H8 or with any of the criteria listed in policy G2, the proposal would not provide the high quality new housing promoted by the Government in Planning Policy Statement 3 Housing and overall the proposal would provide unsatisfactory living conditions for some of the future occupants in terms of natural light, amenity space and outlook, in conflict with national policy.

The current 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 through redesigning the internal layout of the flats to be more 'open plan'; the addition of windows, sun-pipes and a rooftop courtyard to each of the second floor flats; and the

provision of separate amenity areas for each flat has on balance overcome the Inspector's concerns with regard to the standard of living accommodation in relation to natural light, amenity space and outlook to the flats.

**RECOMMENDATION: APPROVE**

**REASON FOR APPROVAL:**

This site has had two recent applications for conversion and extension of the building into flats. Both have been refused, and one dismissed at appeal.

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**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.

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.

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.

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. Before flats 6 and 7 of the development hereby approved are first occupied, the lower portions of the first floor windows on the north east elevation of the development shall be glazed with obscure glass and shall be fixed shut, apart from the top opening vent (openable), details of which shall be submitted to and approved in writing by the Local Planning Authority. The glazing so agreed shall be maintained in this condition thereafter

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

7. 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.

8. 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 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.

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.

10. No construction work shall take place on Sundays or public holidays or outside the hours of 7.00am to 9.00pm, weekdays and Saturdays.

Reason: To minimise the disturbance which noise during the construction of the proposed development could otherwise have upon the amenities of nearby dwellings.

#### **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), H8 (Housing Policy Boundary of Salisbury), E16 (employment), C10 (development affecting SSSIs/SAC), C12 (protected species), D3 (extensions), TR11 (off street car parking), TR14 (provision of cycle parking), R2 (Recreation open space)

#### **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

## **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, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

## **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 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.

## **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.

## **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/2007/1522		
Applicant/ Agent:	IAN BARDEN		
Location:	STRATFORD SOCIAL CLUB CHATHAM CLOSE SALISBURY SP1 3JR		
Proposal:	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW COMMUNITY CENTRE AND 27 RESIDENTIAL UNITS INCLUDING PARKING AND ACCESS		
Parish/ Ward	ST MARK & STRAT		
Conservation Area:	STRATFORD SUB	LB Grade:	
	CASTLE		
Date Valid:	24 July 2007	Expiry Date	23 October 2007
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

### REASON FOR REPORT TO MEMBERS

Councillor Thorpe have requested that this item be determined by Committee due to:

- the interest shown in the application
- the controversial nature of the application

Members should note that this application involves land owned by Salisbury District Council.

### SITE AND ITS SURROUNDINGS

The existing site contains a number of community buildings, including a large social club, a scout hut, and two other smaller buildings, which are used by a weightlifters club. The red line of the application site also encompasses an existing car parking area, and an area of grassed open space. The use of the immediate area is residential, including the imposing 4 storey residential accommodation block, with the land to the east being used by the rugby club, and the area to the north used as public open space as part of Hudson Field. Part of this land immediately adjacent the northern boundary of the application site

To the north, lies the Conservation Area surrounding the Ancient Monument of Old Sarum.

### THE PROPOSAL

It is proposed to remove the existing community buildings on the site and to construct a new community centre and scout hut to the rear of the multi-storey flats, on the existing car park. The remainder of the site will be redeveloped for 27 dwellings, including a mix of flats, bungalows, and houses. Parking would be provided in a centralised courtyard between the dwellings. Also, additional parking would be created to the immediate north of existing bungalows off Chatham Close, and furthermore, parking would also be constructed between the new housing and the northern boundary of the site.

### PLANNING HISTORY

A number of similar applications for housing development have been submitted and subsequently withdrawn in the last 2 years due to issues related to land ownership/notification.

### CONSULTATIONS

WCC Highways -	No objections subject to conditions
WCC Library/ Museum -	No comments
Housing & Health Officer	No objections subject to limitations on the times of demolition and construction works, and limitations on the operation of the community centre
Wessex Water Authority-	No objections

Environment Agency - No objection subject to conditions

WCC Education- The scheme generates the requirement to fund 6 primary school places.  
Police Design officer No fundamental objection to the scheme, and happy with curtilage parking arrangement. Raised issues regards security lighting, and boundary fencing and other non planning matters.  
English Heritage Reiterated previous comments, namely no objections in principle to redevelopment of the site or the use, but raised concerns regards the scale of the development, particularly the flats, and the impact on the adjacent conservation area /SAM. Also concerned that design approach lacked local distinctiveness and distinction.

## REPRESENTATIONS

Advertisement Yes. Expiry 30/8/07  
Site Notice displayed Yes. Expiry 30/8/07  
Departure No  
Neighbour notification Yes. Expiry 20/8/07  
Third Party responses A total of 6 letters. 3 letters from the rugby club stating:

- Happy with the rugby netting
- Would like to see the existing source of water and toilet facilities in existing club house retained somewhere on new site

3 letters from third parties stating that:

- Development will severely affect privacy and views of Old Sarum
- Protective rugby netting will be an eyesore
- Development will cause noise/vandalism
- Lighting will be intrusive
- Affect views from old sarum
- Is community centre needed ?
- Loss of existing car park will lead to parking in surrounding area
- Will affect existing accesway into Hudson field.
- Overdevelopment of the site
- Will increase traffic throughout area

## MAIN ISSUES

- Principles and policies/
- open space
- affordable housing
- Impact on Conservation Area and Ancient Monument
- Impact on amenities
- Impact on highway safety

## POLICY CONTEXT

PPS1 PPS3 PPG15 PPG17

G1 G2 D1 H25 H26 R5 CN8 CN11 PS1 C7

## PLANNING CONSIDERATIONS

### Principles

This is a complex site in terms of the policy constraints.

Firstly, part of the site lies within the defined Conservation Area which surrounds the adjacent Scheduled Ancient Monument (the existing car park and existing huts to be demolished excluding the existing social club building). This defined area also corresponds with the policy designation R5, relating to the protection of open space, and furthermore, also corresponds with the policy designation C7, relating to the Landscape Setting of Salisbury.

However, the remainder, (majority) of the site is located within the HPB, and is regarded as being a brownfield previously developed land suitable for housing development. Members should also note that Local Plan policies also allow for affordable housing to be constructed outside the defined Housing Policy Boundaries where deemed acceptable.

Consequently, whilst in principle the application site could be redeveloped for housing in accordance with PPS3 guidance, there are other policy constraints on development which must be examined carefully.

### **Loss of existing protected open space**

In terms of policy R5, it should be noted that although part of the site is defined as open space, in reality on the ground, the existing tarmaced car parking area could hardly be compared with the large open area of grassed open space which is located to the north of the site surrounding the Old Sarum monument and is not considered usable open space in the normal sense. Likewise, the grassed area adjacent the rugby club ground which forms the eastern part of the application site is now separated from the rugby ground open space by a 2 metre pallisade fence. Given that the land is also covered by a number of buildings and is clearly not maintained as formal (useable) public open space, it is also considered that this area is not in reality usable as open space.

As a consequence, it is considered that in reality, no significant areas of actual open space will be lost as part of this development. As a result, it is considered that the use of this piece of land for housing development would not be contrary to the aims of policy R5, or the guidance provided in national guidance PPG17.

### **Loss of protected countryside**

As stated a small part of the application site is also covered by the policy designation C7, the aims of which are weighted against any significant development within the designation.

However, as indicated above as part of the considerations of the loss of the designated R5 land, the land which falls within the red line of the application site is not in reality open countryside, being largely ancillary grassed areas directly adjacent to the existing dwellings, car park, and the existing community buildings. The application site and these grassed areas are also separated from the adjacent countryside to the north by a distinct hedged boundary, and from the adjacent rugby pitch by the palisade fencing.

It is therefore considered in this particular instance that the redevelopment of those areas of the site within the policy C7 designation would not result in any significant harm to the character of the surrounding countryside.

### **Affordable Housing provision**

As the majority of the site lies within the Housing Policy Boundary, in accordance with national and local policy, only a proportion (up to 40 percent) of any housing development proposed for this site would actually need to be affordable housing provision.

However, this scheme has been developed by a Housing Association, and will actually provide 100 percent affordable housing. The provision of more affordable homes is in full accordance with the aims of both Development Plan policies, and the aims of central government. It is also in accordance with the key objectives of Salisbury District Council.

Members should therefore note that unless properly restricted via condition or legal agreement, it would be possible overtime for any affordable houses built to be sold on as private dwellings on the open market. If members therefore consider that the provision of affordable housing is a material consideration of significant weight in the determination of this application, then the provision of 100 percent affordable units offered by the developer need to be properly secured.

### **Provision of community facilities**

The application site contains a number of dilapidated and rather unsightly buildings, which are currently in use as community facilities, including a scout hut.

The development of the site for 27 dwellings would facilitate the redevelopment and provision of replacement community facilities, namely a new community hall (with two function rooms, and two pool and snooker rooms, community consultation rooms, and other ancillary rooms), and a smaller separate replacement scout hut with external open space.

It is considered that the replacement of existing facilities would not only be a visual improvement to the area in general, but would also significantly improve existing community facilities, to the benefit of existing and future users, including residents of the surrounding area. Such provision would be in full accordance with the aims of policy PS1 of the Local Plan, and also in accordance in general terms with central governments aims of achieving sustainable communities.

### **Impact on character of area and Conservation Area/Scheduled Ancient Monument**

The applicants have chosen a simple approach to the layout and architectural appearance of the scheme. The courtyard design enables the 27 dwellings to be fitted in, as well as to allow the provision of suitable on site parking and turning area.

The design of the dwellings does not seek to reflect or copy the architectural vernacular or general layout of the surrounding housing area, simply utilising timber cladding for the facades, with the dwellings arranged formally around a large parking area. However, the character of the surrounding area is very varied, with inter-war council housing being the dominant built form to the immediate south and west of the site. Furthermore, the site is dominated by the 4 storey block of flats, which is of a utilitarian design and is a prominent and some would say discordant feature in the surrounding landscape.

Given that most of the development would be of a relatively modest single storey and two storey scale, and somewhat divorced from the main road and surrounding dwellings, it is considered that the scheme in general terms would cause limited harm to the overall character of the area. However, officers remain concerned regards the use of timber cladding on the scale suggested by the current plans, which would result in a development of very different elevational treatment from the adjacent properties.

Whilst timber cladding can be used to good effect on modern developments, officers are concerned that the wide scale application of timber cladding and dark roofing would visually isolate the development from the surrounding area, and hence, would further isolate in a visual sense the existing block of flats, which already is architecturally and spatially divorced from the surrounding area. Officers therefore suggest that the proposed timber cladding is omitted, and replaced with materials which reflect those used in the surrounding developments. Such an approach will hopefully not only help tie the new development into the character of the area, but also help tie the existing block of flats into the surrounding development. Similarly, the introduction of gable end roofs instead of hipped designs would better reflect surrounding buildings.

In terms of the likely impact of the scheme on the character of the Conservation Area and surrounding landscape, the dwellings would be largely dwarfed by the adjacent block of flats, and given the regressive nature of the materials chosen, would not likely to be unduly prominent, particularly when viewed from the adjacent Old Sarum monument and associated public open space. Given also that the buildings would replace several dilapidated existing buildings which to some extent adversely affect the character of the area, it is considered that the housing scheme

would preserve the character of the conservation area, as when viewed from the adjacent Conservation Area, the development would readily blend into the surrounding urban area.

Similarly the proposed community centre has been carefully sited and designed so that it has a low ridge height, and will be located on the northern edge of the site, between the existing hedging and the much larger block of flats. Therefore, from the surrounding area, only a small part of the community centre would be visible, and the character of the area would be preserved.

Therefore, whilst the concerns of English Heritage are noted, in this instance, for the reasons explained above, officers consider that the impacts of the development on the adjacent SAM will not be significant.

### **Impact on residential amenities**

Third parties have raised a number of concerns regards the likely reduction in privacy caused by this development, and the creation of general noise, disturbance, and antisocial behaviour.

Antisocial behaviour cannot be controlled by the planning system. However, the police design officer seems generally happy with the scheme layout. Furthermore, several residents have raised some concerns regards the misuse of the rear access lanes serving some of the properties adjacent Fairfield Road. However, these access lanes are intended simply to act as rear access points to those new dwellings, and not as a through route or other form of footpath. It is therefore unlikely that these access lanes would be used by other residents of the housing scheme. A condition to control the impact of any lighting introduced into the scheme has been suggested, as this also seemed to be of concern to some third parties.

The creation of 27 dwellings on this site is likely to reduce the amenities of occupiers of adjacent dwellings, with particular reference to those located adjacent to the southern boundary of the application site (Fairfield Road), due to the introduction of the new properties which would be two storeys tall, and sited approximately 7 to 8 metres from the southern boundary of the site.

There is the potential for overlooking, and some loss of (private) views into the conservation area. The introduction of rear garden areas will also introduce more noise and disturbance issues than currently experienced. In officers opinion, Nos 19 through 33 Fairfield Road will be most affected by the development, with other dwellings in Fairfield Road less affected depending on the distance from the site.

However, the two storey dwellings adjacent to the southern boundary have been internally arranged so that the rear south facing first floor windows serve the bathroom and the hall/landing area. The actual overlooking caused by these first floor windows would therefore be limited, particularly if obscure glazing were to be used. Similarly, the two storey flats would have obscure glazing to the communal stairwell, and use obscure glazing on the metal balconies at first floor level. This would significantly limit the ability of the future occupants to view down into adjacent properties and garden areas when sat in their respective flats. Furthermore, the proposed flats to the immediate north of nos 21 –29 Fairfield Road would only have one bedroom window and one kitchen/diner window at first floor level facing south. Therefore, once again, opportunities for overlooking of rear gardens and properties in Fairfield Road would be somewhat limited.

Nos 2 & 4 Chatham Close (single storey bungalows) will also be directly affected by the proposed development, as the development would lie to the immediate east of those bungalows. However, along this (western) edge of the development scheme, only single storey bungalows are being proposed. Therefore, the amenities of the occupiers of nos 2&4 would in the opinion of officers not be so significantly affected by this development (in terms of dominance or loss of privacy) as to warrant refusal.

A solution to the above issues would be to reposition the new dwellings further from the southern boundary, and/or reduce the amount of dwellings on the site. However, it is understood from the protracted discussions regards this site that the provision of at least 27 dwellings is financially essential for the development to happen in the way intended, including the provision of a new replacement community centre facility.

If 27 dwellings were to be retained but repositioned away from the southern boundary, it could well mean that taller blocks of flats would be needed on the site, which in officers opinion would be unlikely to be desirable in visual terms, and could well block wider, more public views of the Old Sarum Monument, and would certainly be more prominent from the monument itself. Members should note that a similar sketch scheme was discussed at preapplication stage with the LPA a few years ago, and was ultimately discounted by officers for the above reasons.

Members therefore need to weigh up whether the harm caused to the existing amenities enjoyed by some residents adjacent to the southern boundary of the site, is outweighed by the provision of affordable housing and new community facilities. It however be noted that a loss of a private view is not a material planning consideration.

Furthermore, the amenities currently enjoyed by occupiers of the adjacent block of flats are also likely to be altered by this proposal, primarily in relation to the introduction of general noise, disturbance, and traffic movements from the new dwellings and the planned community centre. However, given that the existing site is already used for community uses, it is considered that the resultant reduction in amenities would be unlikely to be so significant as to warrant refusal, particularly if hours of use could be limited via condition.

It is also likely that residents of the adjacent caravan park may in similarly affected by the introduction of dwellings and a new community centre.

On a positive note, the scheme would result in the provision of a new community facility and scout hut. Given the poor quality of existing structures currently used for this purpose, it is considered that this aspect of the scheme would generally improve the amenities of users of the existing facilities.

Members will therefore need to weigh up the positive and negative impacts of the development with other material considerations outlined in this report.

The EHO has not raised any concerns, other than requested the restriction of hours of operation of the community centre, and limits on the construction times, in order to protected adjacent residential amenities. Suitable conditions are suggested below.

### **Impact on highway system**

Third parties have raised concerns regards the loss of existing parking spaces, and the creation of additional traffic and parking in the surrounding residential area.

Chatham Close is already used to access a number of residential properties, and an existing vehicular access already exists to serve the new site for the community centre. The submitted plans propose to retain the main vehicular access as is (Chatham Close), but it is proposed to reconfigure the secondary vehicular access which currently leads to the open parking area, so that a wider access is created.

WCC Highways have raised no fundamental objections to the overall scheme, or the suggested works to the secondary access.

It is considered that both access points are suitable to be utilised for the additional traffic likely to be generated by this development, subject to the changes indicated on the submitted plans, including the retention of a visibility splay.

As regards parking issues, it is considered that there is sufficient parking proposed on the site to meet the needs of the new occupiers and users of the new facilities, given the access to other sustainable modes of transport, namely that the site is close to several bus routes, and occupiers could choose to cycle or walk into the city centre from this site. There is also a local convenience store on Castle Road.

In terms of bike storage, all the dwellings have access to rear gardens and sheds where bikes could be stored. However, it is considered that bike stores to serve the proposed flats need to be conditioned to ensure the provision of suitably covered areas within the large rear garden areas of the flats.

### **Impact on adjacent rugby club operation**

The new dwellings would be built in very close proximity to the adjacent rugby pitch, and in fact the application site involves part of the land owned by the rugby club. As well as general noise and disturbance being caused to occupiers of the proposed dwellings, it is also possible that rugby balls may find their way into the east facing gardens of the new dwellings which are sited directly to the west of the goalposts.

However, regards this matter, it is of course the case that other existing dwellings are already located adjacent to the rugby pitch. Furthermore, a solution to this close proximity issue has been discussed between the rugby club and the applicants, and as part of the application, it has been proposed to provide some form of retractable netting between the existing goalposts and the new housing, in order to reduce the chances of ball strikes on the proposed houses and garden areas.

Given the above, it is considered that a refusal based on the possible impacts of the use of sports pitch on the proposed dwellings would be difficult to support on appeal.

### **Open space issues**

No formal public open space has been provided on the site. However, there is adequate garden areas around the dwellings, and furthermore, the site lies directly adjacent to a large area of open space. It would therefore be difficult to justify the provision of public open space on this site. Furthermore, the provision of open space on the site would result in the likely loss of on site parking spaces.

It is therefore intended that the development will make a financial contribution towards off site open play space in the immediate locality, and that such a contribution will satisfy the requirements of policy R2 in this particular instance.

### **CONCLUSIONS**

The proposal would affect and reduce the amenities enjoyed by occupiers of existing dwellings adjacent to the development site, through the general reduction in existing privacy levels, and the introduction of general noise and disturbance. However, these impacts would not in officers opinion, be so significant as to warrant refusal. Whilst some private views will be lost, this is not a material planning consideration. Furthermore, whilst there would be some modest loss of land currently designated as public open space and open countryside, it is considered that in this instance, the loss of such land would not result in significant harm to the surrounding countryside, or result in any useable public open space. The visual impact on the character of the area and the Conservation Area is considered to be acceptable, and there would be no significant highway impacts.

The proposal would address the aims of two major local plan policies, in terms of providing affordable housing in a sustainable location and providing improved community facilities. The provision of sustainable communities is one of the key objectives of current central government policy, as well as current Local Plan policy.

Consequently, in officers opinion, it is considered that in this particular instance, the positive outcomes of this proposal outweigh the likely harm caused to surrounding residential amenities, particularly as such harm can be mitigated to a certain extent with suitable conditions.

### **RECOMMENDATION: Subject to**

- 1) revised materials which better reflect the materials used in other surrounding development, and the introduction of gable end roof designs to the north end of the single storey wing and**
- 2) to the applicant entering into a legal agreement for:**

- A. The provision of a financial contribution towards the provision and maintenance of off site public open space**
- B. The provision in perpetuity of a new community building/facility**
- C. The provision in perpetuity of affordable housing**
- D. The provision and maintenance of rugby safety nets**
- E. The provision of a waste and recycling scheme**
- F. A commuted payment towards off site education facilities**
- G. The provision and retention of an access to hudson field**

**Then APPROVE for the following reasons:**

The proposal would affect and reduce the amenities enjoyed by occupiers of existing dwellings adjacent to the development site, through the general reduction in existing privacy levels, and the introduction of general noise and disturbance. However, these impacts would not in officers opinion, be so significant as to warrant refusal. Whilst some private views will be lost, this is not a material planning consideration. Furthermore, whilst there would be some modest loss of land currently designated as public open space and open countryside, it is considered that in this instance, the loss of such land would not result in significant harm to the surrounding countryside, or result in any useable public open space. The visual impact on the character of the area and the Conservation Area is considered to be acceptable, and there would be no significant highway impacts.

The proposal would address the aims of two major local plan policies, in terms of providing affordable housing in a sustainable location and providing improved community facilities. The provision of sustainable communities is one of the key objectives of current central government policy, as well as current Local Plan policy.

Consequently, in officers opinion, it is considered that in this particular instance, the positive outcomes of this proposal outweigh the likely harm caused to surrounding residential amenities, particularly as such harm can be mitigated to a certain extent with suitable conditions.

**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. (A07A)

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

2. No development shall commence until a schedule of materials and finishes, and, where so required by the Local Planning Authority, sample panels of such materials and finishes, to be used for the external wall[s], roof[s] and windows of the proposed development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: 0014 To secure a harmonious form of development.

3. The car parking, bins stores, and bicycle parking shall be provided and made available for use before the dwellings hereby approved are occupied, and the community hall is first brought into use.

Reason: In order to ensure that suitable parking and bin facilities are provided on site.

4. Prior to first occupation of the dwellings, the rear south facing first floor bathroom and landing windows in plots 6,7,8, and 9, and the balcony screens serving units 12 & 13 shall be fitted with obscure glazing, details of which shall have been submitted and agreed in writing by the Local Planning Authority before development commences.

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



5. The existing hedging along northern boundary of the site with Hudsons Field shall be protected during development by means of a scheme to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that existing beneficial landscape features are retained.

6. No development shall commence until a scheme of water efficiency measures has been submitted to and agreed in writing by the Local Planning Authority. Such facilities and measures thus approved shall be provided before the flats are first occupied.

Reason: In order to facilitate the inclusion of water efficiency measures within the scheme to produce a sustainable form of development in accordance with central government guidance.

7. No development shall commence until full details of planting, hard and soft landscaping, and boundary treatments have been submitted to and agreed in writing by the Local Planning Authority. Such features shall be provided on site prior to the first occupation of any of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 0014 To secure a harmonious form of development.

8. No development shall commence until a scheme for the provision of covered bicycle parking for the proposed flats has been submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided before the flats are first occupied.

Reason: To encourage sustainable modes of transport usage.

9. No demolition work or construction work shall take place on Sundays or public holidays, or outside the hours of 8am to 6pm weekdays, and 8am to 1pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In order to protect adjacent residential amenities

10. There shall be no use of the community centre between the hours of midnight and 7am Monday to Saturday, and between the hours of 11pm to 7am on Sundays.

Reason: In order to protect adjacent residential amenities

11. No development shall commence until a scheme to deal with the risks associated with contamination of the protected groundwater within Source Protection Zone 1 during shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- A desk study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potential unacceptable risks arising from contamination at the site.
- A site investigation scheme based on the desk study, to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and risk assessment and a method statement based on those results giving details of the remediation measures required and how they are to be undertaken.
- A verification report on completion of the works set out in C) above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To protect the water environment

12. No development ( to include any demolition ) shall commence until a scheme to minimise the risks of pollution and detrimental effects to the water interests in and around the site both during demolition and during construction, including the discharge of surface water from the proposed building(s) hereby permitted has been submitted to

and approved by the Local Planning Authority. Development shall be carried out in accordance with the scheme so approved.

Reason: In order to limit the impact of the development of existing water resources.

13. Before development commences, full details of the proposed lighting design and luminance levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: In the interest of amenity

14. No development shall commence until full details of the height, length, materials and appearance of the rugby club netting, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as agreed before the occupation of the dwellings.

Reason: In the interests of adjacent residential amenity.

15. No development shall commence until large scale details (1:10) of the windows, doors, window and door surrounds, eaves detailing, meter boxes and similar equipment, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: 0014 To secure a harmonious form of development.

#### **INFORMATIVE**

1. Regards water efficiency measures, please contact the Environment Agency or its website.
2. Surface water run off should be controlled as near its source as possible with sustainable urban drainage systems. For more information, please contact the environment agency.
3. Pollution prevention 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.

And having regard to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1	Purpose: Sustainability
Policy G2	Purpose: General impacts of the development
Policy R2 & R5	Purpose: Recreational provision
Policy CN8 & CN11	Purpose: Impact on conservation area
Policy C7	Purpose: Impact on surrounding countryside
Policy H25/H26	Purpose: Provision of affordable Housing
Policy D1	Purpose: General design issues
Policy PS1	Purpose: Provision of community facilities