

Schedule Of Planning Applications For Consideration

In The following Order:

- Part 1) Applications Recommended For Refusal
- Part 2) Applications Recommended for Approval
- Part 3) Applications For The Observations of the Area Committee

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

ABBREVIATIONS USED THROUGHOUT THE TEXT

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
CITY AREA 24TH JANUARY 2008

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

Item Page	Application No Officer	Parish/Ward Recommendation Ward Councillors
1	S/2007/2075 Mr T Wippell	ST MARTIN & MIL REFUSAL
p3-6	D TAYLOR UNIT 2 VOLPOINT HOUSE MILFORD TRADING ESTATE SALISBURY	CLLR HOWARTH CLLR TOMES
2	S/2007/2356 Mr B Hatt	ST ED & MILFORD APPROVED WITH CONDITIONS
p7-9	MR ROUSE AND MISS K ASHLEY 81 WINCHESTER STREET SALISBURY	CLLR MRS CHETTLEBURGH CLLR SAMPLE
3	S/2007/2237 Mr W Simmonds	ST ED & MILFORD APPROVED WITH CONDITIONS
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4	S/2007/2238 Mr W Simmonds	ST ED & MILFORD APPROVED WITH CONDITIONS
p14-18	3D ENTERTAINMENT FORMER CHICAGO ROCK CAFÉ 30-32 FISHERTON STREET SALISBURY	CLLR MRS CHETTLEBURGH CLLR SAMPLE
5	S/2007/2361 Mr T Wippell	ST MARK & STRAT APPROVED WITH CONDITIONS
p19-25	MR & MRS G ROBINS 91 CASTLE ROAD SALISBURY	CLLR CURR CLLR ROBERTSON CLLR THORPE
6	S/2007/2156 Mr R Hughes	ST ED & MILFORD, FISHERTON, ST PAUL APPROVE SUBJECT TO S106
p26-40	NETWORK RAIL INFRASTRUCTURE LTD LAND AT FISHERTON STREET / ST PAULS ROAD SALISBURY	CLLR ROBERTS CLLR WALSH CLLR MRS CHETTLEBURGH CLLR SAMPLE CLLR CLEGG CLLR FEAR

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/2075		
Applicant/ Agent:	D TAYLOR / MYDDELTON & MAJOR		
Location:	UNIT 2 VOLPOINT HOUSE MILFORD TRADING ESTATE BLAKEY ROAD SALISBURY SP1 2JG		
Proposal:	CHANGE OF USE FROM B1 TO D2 FITNESS STUDIO		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:		LB Grade:	
Date Valid:	17 October 2007	Expiry Date	12 December 2007
Case Officer:	Mr T Wippell	Contact Number:	

REASON FOR REPORT TO MEMBERS

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

The controversial nature of the application.

SITE AND ITS SURROUNDINGS

Volpoint House is an industrial building with B1 Use, situated within a small industrial estate at the end of Blakey Road. The building has a two-storey office section at the front, and a warehouse section at the rear which has been subdivided into two units. The building is surrounded on three sides by a large tarmac hardstanding, with off-street parking available for dozens of vehicles.

The application site forms approximately half of the rear warehouse section of the building, with off-street parking provision for approximately 14 vehicles. Volpoint House has until recently been leased by a printing firm, but is now vacant.

THE PROPOSAL

The proposal is for a change of Use of approximately half of the rear warehouse from Class B1 light industrial to Class D2 Fitness Studio. Off-street parking provision will be provided for 14 vehicles.

PLANNING HISTORY

07/1417	Change of Use to B2 Use MOT Station, (other half of Volpoint House warehouse)	AC
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CONSULTATIONS

WCC Highways - No highways objections raised

Economic Development - After further considering the above planning application and reviewing the additional correspondence from Myddelton & Major, Economic Development have no specific objections to the development, as long as the site remains in employment use. Our original concerns with the proposals were that the development, along with other proposals in the area for the

former SEAT garage site and Tollgate Inn, would lead to the Tollgate Road/Blakey Road employment area being without a significant employment presence and lost to residential uses. Following the refusal of the SEAT application and withdrawal of the Tollgate Inn application we are less concerned with the above application as it does offer some employment, and we accept that the property may not be as suitable to some potential tenants. We would just warn against any future developments that could lean towards the loss a thriving employment site to residential uses, and suggest that perhaps limitations be placed to safeguard against this if permission were granted.

We are less concerned with the sequential market test as the Salisbury District Employment Land Review (April 2007) - produced as evidence for the LDF - suggests that rather than the current process of testing market demand which is difficult to monitor, the suitability of the property and area in the long term needs to be assessed, considering the properties ability to meet modern business needs, as well as its strategic value and contribution to the local economy in the long term. The future potential value and contribution that a site could make to the local economy should also be considered.

Forward Planning-

The current use class of the premises is B1, and hence the key Local Plan policy consideration is E16, which relates to changes of use from current employment uses. The principle underpinning this policy is under supporting text 5.25 which seeks "to provide a range of employment opportunities within the District," and which consequently seeks to prevent any loss of employment. E16 can, however, allow for changes of use where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities.

The key consideration therefore is whether D2 re-use is acceptable, and whether this could potentially be to the detriment of employment opportunities in the district. The applicant's supporting information suggests that 3-4 jobs would be provided in association with a fitness re-use of the premises. The unit is small (215m²) and this quantum of employment would not seem to be problematically low in terms of E16.

However, these 3-4 jobs provided by the fitness studio are not guaranteed, and in the event of approval, there is the risk that the premises could be re-used for other D2 uses, which may themselves provide less employment, or none at all. Were this to occur it would be against the principle established in E16.

Conclusion

Forward Planning advises that this change of use should be permitted only where, to the Case Officer's satisfaction, the use can be limited controlled so as to prevent a subsequent D2 use without employment. Permission could for instance be granted on a temporary basis or subject to appropriate conditions.

REPRESENTATIONS

Advertisement	No
Site Notice displayed	Yes- Expired 15/11/07
Departure	No
Neighbour notification	Yes- Expired 08/11/07
Third Party responses	No

MAIN ISSUES

1. Loss of Employment
2. Highways Safety/ Parking
3. Sustainability and Location

POLICY CONTEXT

Policies G2, E16, PS1, G1	Salisbury District Local Plan
PPS1-	Sustainable development
PPS6-	Planning for Town Centres

PLANNING CONSIDERATIONS

Loss of Employment

E16- On land allocated or currently used for employment purposes, the construction, change of use or 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 to this are where the land or premises are no longer viable for an employment generating 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.

In recognition of the continuing demands to locate other activities within employment areas, proposals for other uses on employment sites will be considered where the alternative use is acceptable in principle and provides a similar number and range of job opportunities. Proposals involving the significant net loss of employment opportunities in a town or main settlement or the loss of an employment use that is important to the rural economy will be resisted. The Council will consider making exceptions to this only where there is clear evidence that the land or premises are no longer viable for an employment generating 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.

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 uses away from B1/ B2 would arise throughout the entire Tollgate/Blakey Road employment area.

In support of the scheme, the applicant has stated that he expects to employ 1 to 2 staff (and possibly up to 3-4 staff) within a year of the relocation. Evidence has also been submitted to show that the unit has been marketed for at least 6 months with no interest for occupancy with a B1 Use (NB the applicant suggests that the low eaves height in the workshop and the large proportion of office accommodation makes it unsuitable for prospective tenants).

It must now be considered whether the applicant's justification into the benefits of the scheme outweigh the loss of a B1 unit in this location.

On balance, and when considering the applicant's justification into the scheme, it is judged that the benefits resulting from the change of use to Fitness Centre should not be given such weight so as to outweigh the loss of this industrial unit.

By maintaining the current function of the unit with a B1 use, a much wider range of job opportunities could potentially be provided. Whilst it is acknowledged that the site has been marketed for 6 months unsuccessfully, and there may be constraints which could render the unit unsuitable for modern B1 uses, the LPA considers it more important to consider whether the long-term suitability of the property/ wider area will be undermined, and whether the unit's strategic value and contribution to the local economy in the long term is particularly relevant.

Notwithstanding the 6 month-marketing strategy and the constraints of the unit, overall it is considered that a change away from an industrial unit would result in the site having a less sustainable long-term use, and this could undermine the overall employment use of Blakey Road.

Referring to Economic Development's suggestion that the current proposal may not affect the industrial use of the area significantly, (given that nearby applications for CoU to housing at the SEAT garage and Tollgate Inn have recently been refused), it should be noted that the SEAT garage application is currently being appealed by the applicant, and the LPA's stance against resisting loss of employment in this area has not been fully tested/ justified at appeal. Therefore, to be consistent in judgement and consistent with Local Plan Policies, refusal should be again recommended on the grounds of the loss of employment in this area.

Overall, officers do not feel that enough evidence has been provided to support the view that change of use of the unit to a fitness centre is the only suitable use for the site. Whilst the Local Planning Authority recognise the need for different types of employment in the district, a strategic view of the site needs to be taken and the cumulative effect of this change of use considered.

Highways Safety/ Parking

Sufficient off-street parking will be available for the change of use, and highways raise no objections to the scheme. It is considered that there will be no impact on highways safety with this development.

Sustainability and Location

The Local Planning Authority has considered the location of the fitness centre against the sustainability principles contained within Local Plan and National Guidance. It is judged that whilst the fitness centre is sited away from the main City Centre (ie- away from sustainable transport links such as bus routes), due to the small-scale nature of the unit, and its location within close proximity of residential areas on the edge of the City, the additional traffic/ trips generated by the scheme will not necessarily be significant enough to warrant refusal, given that the fitness centre could be used by local residents as local community facility, in compliance with Policy PS1.

Conclusion

On balance, and when considering the applicant's justification into the CoU, it is judged that the benefits resulting from the change of use to Fitness Centre should not be given such weight so as to outweigh the loss of the site for industrial employment purposes, given the range and amount of employment opportunities which would be lost in this location.

RECOMMENDATION: Refuse

For the following reasons:

The change of use of this unit from B1 industrial to D2 Fitness Studio is considered to result in the loss of an industrial unit within an important industrial employment area of the City, and adequate provision for alternative employment with a similar number of job provision has not been made, contrary to Policy E16 of the adopted Salisbury District Local Plan.

Part 2

Applications recommended for Approval

2

Application Number:	S/2007/2356		
Applicant/ Agent:	MR ROUSE AND MISS K ASHLEY		
Location:	81 WINCHESTER STREET SALISBURY SP1 1HS		
Proposal:	DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW GARAGE		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	II
Date Valid:	22 November 2007	Expiry Date	17 January 2008
Case Officer:	Mr B Hatt	Contact Number:	01722 434541

REASON FOR REPORT TO COMMITTEE:

The applicant is an employee of Salisbury District Council

SITE AND ITS SURROUNDINGS

81 Winchester Street is part of a grade 2 listed terrace. The existing flat roofed garage is situated to the rear of the property adjacent to the Greencroft and is surrounded by a line of existing garages that serve the properties in Winchester Street.

THE PROPOSAL

The proposal is for the erection of a replacement single storey garage to the rear of the property

PLANNING HISTORY

S/06/0430 demolition of garage and construction of replacement A/C 25.4.06

CONSULTATIONS

Conservation – No objections
WCC Highways – No objections

REPRESENTATIONS

Advertisement	Yes	27/12/07
Site Notice displayed	Yes	27/12/07
Departure	No	
Neighbour notification	Yes	17/12/07
Third Party responses	No	

MAIN ISSUES

Impact on amenities, scale and design, impact on Conservation Area and Listed Building

POLICY CONTEXT

G2- General Criteria for development
D3- Good design
H8- Housing policy boundary for Salisbury
CN8 – Conservation Areas
CN3 – Listed Buildings
CN5 – Listed Buildings
PPG15 – Planning and the Historic Environment

PLANNING CONSIDERATIONS

Impact on amenities

Due to the relatively moderate scale of the garage, and its divorced location away from adjacent properties, the location of the proposal will result in minimal impact on neighbouring amenities as an existing garage of a similar scale and design makes up part of the line of garages that characterise the Sothern side of the Greencroft. The impact on the street scene will be minimal as a result of this proposal as the garage will not introduce a discordant feature into the area. One window is proposed to the rear of the garage however it is 10m to the rear elevation of the neighbouring properties and the property benefits from a wall and close board fencing as boundary treatments which will ensure any overlooking will be minimal.

Impact on Conservation Area and the Listed Building

Both the scale and design of the proposal are acceptable due to its location. The proposed garage has a flat roof which is in keeping with the existing garages in the road. A previous application (S/06/0430) for a similar flat roofed garage to 83 Winchester Street was approved and it was recognised by the conservation team that whilst a pitched roof would usually be preferable in this case the existing form of flat roofs should be kept in order to avoid an obtrusive feature that would spoil the setting of the listed building. Therefore it is considered that a replacement flat roof garage is the most appropriate and sympathetic towards the conservation area and listed building as it retains the uniform appearance of the garages in the row.

RECOMMENDATION: APPROVED with conditions for the following reasons:

REASONS FOR APPROVAL:

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), H8 (Housing policy Boundary for Salisbury), CN8 (Conservation Areas), and CN3 (Listed Buildings) of the adopted Salisbury District Local Plan.

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)
2. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building. (D01A)

the reasons for the above conditions are listed below:

1. 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. To ensure that the proposed garage will satisfactorily harmonise with the external appearance of the existing building.

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

- G2 - General Criteria for development
- D3 - Good design
- H8 - Housing policy boundary for Salisbury
- CN8 - Conservation Areas
- CN3 - Listed Buildings

Application Number:	S/2007/2237		
Applicant/ Agent:	3D ENTERTAINMENT / MRS E J MACCOUGHLAN		
Location:	FORMER CHICAGO ROCK CAFÉ 30-32 FISHERTON STREET SALISBURY SP2 7RG		
Proposal:	INSTALLATION OF AN EXTERNAL DISABLED USER RAMP ADAPTATION OF AN EXISTING OPENING TO MAIN ENTRANCE ON THE EASTERN END OF THE UNIT FRONTAGE ON FISHERTON STREET ALTERATION OF THE MALTHOUSE LANE ENTRANCE TO A FIRE EXIT ONLY		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 November 2007	Expiry Date	3 January 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Cllr Tomes has requested the matter be determined by Committee due to the significant local concern.

SITE AND ITS SURROUNDINGS

The application relates to the former Chicago Rock café (now known as Mortimers) at 30-32 Fisherton Street. The premises is within the Salisbury Central Area and Central Conservation Area. There are several residential properties located within the adjacent area, including Pembroke House to the south, an apartment complex, and along Malthouse Lane.

THE PROPOSAL

The application proposes;

- the installation of an external disabled user access ramp and the adaption of an existing opening (presently to upper floor premises only) to create a new entrance at the eastern end of the Fisherton Street frontage of the building
- the use of existing doors to the west of the Fisherton Street frontage (via existing steps) as an additional entrance, and
- the cessation of use of the existing Malthouse Lane entrance doors which will become a fire exit only.

PLANNING HISTORY

99/1251	Change of use of part of ground floor from shop 01.06.00 (A1) to food and drink (A3) at no 30	AC
99/1252	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30	WD
00/1199	Proposed alterations to elevations of premises at no 30 31.07.00	AC
00/1958	Internally illuminated pub signage at no 30 21.11.00	AC
01/1014	Variation of condition 3 pursuant to planning permission S/00/1199 regarding the limited use of the fire exit for access to the proposed outdoor seating area at no 30 10.08.01	AC

01/1015	Proposal for outdoor seating / dining area adjacent to Chicago Rock Café, 30 Fisherton Street. 10.08.01	AC
01/1799	Variation of condition 4 of Planning Permission no S99/1251 to extend the hours of operation to 20.03.02 12.30am on Friday Saturday and Sunday nights at 30 Fisherton Street.	R
02/1566	Proposal for outdoor seating / dining area adjacent 30.09.02 to Chicago Rock Café, 30 Fisherton Street. (Renewal of planning permission S/01/1015)	AC
04/1880	4 No Amenity Boards 26.10.04	AC
04/2169	Temporary variation of Condition (4) of planning 15.12.04 permission S/99/1251 to allow the premises to open until 2am on January 1 st 2005.	AC
05/823	outdoor seating area / dining area adjacent to chicago 17.06.05 rock (previously approved on a temporary basis)	AC
07/0934	Use of land for the sitting of chairs and tables for 02.07. 07 outdoor eating and drinking on the Chicago rock café forecourt between 8am to 8pm daily.	AC

CONSULTATIONS

Conservation Officer – No objections, proposals would not adversely affect the character of the building or wider conservation area.

WCC Highways – No Highway objection

SDC Environmental Health – There is a long history of complaint associated with this premises, from residents living to the west of the building adjacent the main entrance. The department has no objection to relocating of the main entrances as the resident to the side of the premises has suffered many years of disturbance and such a move will benefit this property. I acknowledge there are residents to the front of the premises in Pembroke House, however they are a minimum of 35M away, so double the distance of the nearest residential property. The licensing legislation sets four objectives for premises including prevention of public nuisance and prevention of crime and disorder. Where there is evidence that these objectives are not being met licenses may be challenged in a formal review hearing. Whilst the department has no objections to the entrance position being changed to benefit the nearest residential property, it will have no compunction about bringing to bear its legal powers should this prove necessary. I understand the police also have powers to close premises for periods of time under the licensing legislation.

REPRESENTATIONS

Advertisement Yes. 13/12/07

Site Notice displayed Yes. 13/12/07

Departure No

Neighbour notification Yes. 30/11/07

Third Party responses Yes – Forty seven written representations objecting to the proposed development on the grounds of increased noise and disturbance to neighbouring residents

MAIN ISSUES

Impact on neighbour amenity

Highway safety

Impact on street scene/conservation area

POLICY CONTEXT

Policies G1 & G2 (General Criteria for Development) & CN8 (Conservation Areas)

PLANNING CONSIDERATIONS

Highway and access issues

The premises has a wide area of private hardstanding along its frontage with Fisherton Street, in addition to which there is a public pavement of relatively good width before the carriageway edge. The proposed disabled access ramp would be contained well within the private area of hardstanding and it is considered its presence and use, as well as the use of either entrance within the Fisherton Street frontage by patrons of the building, would not be detrimental to Highway safety.

The Highways officer raises no objection to the proposed disabled access ramp and revised access arrangements.

It is noted by officers that this application seems to be a slightly retrograde step by creating a separate access point for mobility impaired users of the proposal, rather than the joint access arrangements allowed by the existing access point on the west of the building. However, it is noted that the submitted plans have labeled the ramped access on the main southern façade as the “daytime entrance”, and the other stepped access as the “additional daytime entrance”. Consequently, provided such access arrangements are retained, it would appear that mobility impaired users would not be segregated from other users of the building.

Officers also noted that the proposed access route into and through the building for disabled persons would appear somewhat convoluted, being via a ramp and two 90 degree turns through three sets of double doors opening outwards. However, it is accepted such internal access design is otherwise controlled under the Building Regulations and Disability Discrimination Acts.

Impact on neighbour amenity

Forty seven written representations have been received opposing the proposed development. Three of the representations were specifically objecting to the application under this application reference, and forty four were objecting jointly to this application and that being considered concurrently under planning reference S/07/2238.

The stated grounds of objection to this application (S/07/2237) relate to concerns that an increase in noise and disturbance to neighbouring occupants will result from the revised access arrangements, principally for those residing on the opposite side of Fisherton Street.

The Environmental Health officer has provided comment that the licensing legislation sets out objectives for premises including the prevention of public nuisance, crime and disorder. Where there is evidence that these objectives are not being met licenses may be challenged in a formal review hearing. He has also indicated that in his opinion, the closure of the main access on the western elevation would benefit the amenities of the residents adjacent Malthouse Lane. In his opinion, the relocation of the access points to the Fisherton Street façade would not adversely affect the amenities of residents living adjacent this main façade.

Given the comments of the Environmental Health officer, it is considered that it would be difficult to substantiate any other stance than the change in the use of the existing doors onto Malthouse Lane to being a fire exit only and the use of the two proposed access points on the Fisherton Street frontage would improve the amenity of neighbours in Malthouse Lane and, by reason of the greater distance to the nearest residential neighbours opposite the Fisherton Street frontage of the building, would not unduly affect the amenity of neighbours.

However, if members remain concerned, officers have suggested a condition related to the control of the access doors, in order to limit noise emanating from the building during its operation.

Design/Impact on street scene/Conservation Area

The building is located in a prominent location, and therefore any physical changes would have some impact on the character of the building and the wider street scene of the Conservation Area.

The scale, design and materials (hardwood timber and weather board, stained dark brown) of the proposed disabled access ramp are considered acceptable particularly as they will be seen within the context of the existing building. The conservation officer considers the proposal would not adversely affect the existing character of the surrounding Conservation Area.

CONCLUSION

The serious concerns of the local residents have been noted and taken into account as part of this application. Officers are aware of the planning history of this building and that arrangements were secured a number of years ago to limit the likely impact of the use of the building.

However, since the original approval of the use of the building and the imposition of controlling conditions, the licensing regime for such premises has altered, and it is understood that this regime could adequately protect the amenities of adjacent residents.

Given the assurances of the Environmental Health officer, it would appear that it would be difficult for the LPA to refuse this application on the grounds of the impact on adjacent residents.

Consequently, it is considered that the proposal would not unduly affect the amenity of existing neighbouring occupiers to the south of the site, and would improve the amenities of residents to the west of the premises. Furthermore, the proposal would not adversely affect the existing character of the surrounding Conservation Area and would not be detrimental to Highway safety. As such the proposed development is considered to accord with the relevant policies of the Development Plan, and in particular Policies G1, G2 and CN8 of the adopted Salisbury District Local Plan.

RECOMMENDATION: APPROVED with conditions, for the following reasons,

The serious concerns of the local residents have been noted and taken into account as part of this application. Officers are aware of the planning history of this building and that arrangements were secured a number of years ago to limit the likely impact of the use of the building.

However, since the original approval of the use of the building and the imposition of controlling conditions, the licensing regime for such premises has altered, and it is understood that this regime could adequately protect the amenities of adjacent residents.

Given the assurances of the Environmental Health officer, it would appear that it would be difficult for the LPA to refuse this application on the grounds of the impact on adjacent residents.

Consequently, it is considered that the proposal would not unduly affect the amenity of existing neighbouring occupiers to the south of the site, and would improve the amenities of residents to the west of the premises. Furthermore, the proposal would not adversely affect the existing character of the surrounding Conservation Area and would not be detrimental to Highway safety. As such the proposed development is considered to accord with the relevant policies of the Development Plan, and in particular Policies G1, G2 and CN8 of the adopted Salisbury District Local Plan.

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.

2. Before any development commences and before the alteration to the existing access arrangements, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which shall outline how the new Fisherton Street access arrangements will be operated in order to limit noise emanating from the premises. The scheme shall be carried out as agreed.

Reason: In order to limit the impact of the proposal on adjacent residential amenities.

Application Number:	S/2007/2238		
Applicant/ Agent:	3D ENTERTAINMENT / MRS E J MACCOUGHLAN		
Location:	FORMER CHICAGO ROCK CAFÉ 30-32 FISHERTON STREET SALISBURY SP2 7RG		
Proposal:	VARIATION OF CONDITION 04 OF PLANNING PERMISSION S19991251 TO ALLOW THE PREMISES TO CONTINUE TRADING UNTIL 2AM THE FOLLOWING MORNING ON FRIDAYS AND SATURDAYS		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	8 November 2007	Expiry Date	3 January 2008
Case Officer:	Mr W Simmonds	Contact Number:	

REASONS FOR REPORT TO MEMBERS

Cllr Tomes has requested that this matter be dealt with by Committee due to the significant local concern.

SITE AND ITS SURROUNDINGS

The application relates to the former Chicago Rock café at 30-32 Fisherton Street. The premises is within the Salisbury Central Area and Central Conservation Area. There are residential properties to the west and south of the property.

THE PROPOSAL

The application proposes the variation of Condition 4 to planning permission S/1999/1251 to allow the premises to continue trading until 0200 hours the following morning on Fridays and Saturdays.

PLANNING HISTORY

99/1251	Change of use of part of ground floor from shop 01.06.00 (A1) to food and drink (A3) at no 30	AC
99/1252	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30	WD
00/1199	Proposed alterations to elevations of premises at no 30 31.7.00	AC
00/1958	Internally illuminated pub signage at no 30 21.11.00	AC
01/1014	Variation of condition 3 pursuant to planning permission 10.08.01 S/00/1199 regarding the limited use of the fire exit for access to the proposed outdoor seating area at no 30	AC
01/1015	Proposal for outdoor seating / dining area adjacent 10.08.01 to Chicago Rock Café, 30 Fisherton Street.	AC
01/1799	Variation of condition 4 of Planning Permission 20.03.02 no S99/1251 to extend the hours of operation to 12.30am on Friday Saturday and Sunday nights at 30 Fisherton Street.	R

02/1566	Proposal for outdoor seating / dining area adjacent 30.09.02 to Chicago Rock Café, 30 Fisherton Street. (Renewal of planning permission S/01/1015)	AC
04/1880	4 No Amenity Boards 26.10.04	AC
04/2169	Temporary variation of Condition (4) of planning 15.12.04 permission S/99/1251 to allow the premises to open until 2am on January 1 st 2005.	AC
05/823	outdoor seating area / dining area adjacent to chicago 17.06.05 rock (previously approved on a temporary basis)	AC
07/0934	Use of land for the sitting of chairs and tables for 02.07. 07 outdoor eating and drinking on the Chicago rock café forecourt between 8am to 8pm daily.	AC

CONSULTATIONS

SDC Environmental Health – No objections: Three of the five business are currently open to at least 2am on Fridays and Saturdays already. I am not sure that sufficient evidence is available to demonstrate to a planning inspector that the premises should be prohibited from opening until 2am on these days when others are already doing so. Any problems with the operation of the use can be dealt with either by the police or under the licensing legislation.

REPRESENTATIONS

Advertisement	Yes. Expiry 13/12/07
Site Notice displayed	Yes. Expiry 13/12/07
Departure	No
Neighbour notification	Yes. Expiry 30/11/07
Third Party responses	Yes – Forty six written representations objecting to the proposal on the grounds of increased noise and disturbance in the early hours to neighbouring residents

MAIN ISSUES

Impact on neighbour amenity

POLICY CONTEXT

Policies G1 & G2 (General Criteria for Development)

PLANNING CONSIDERATIONS

Planning approval was granted in 2000 under planning reference S/99/1251 for the change of use of part of the ground floor of the building from A1 (retail) to A3 (food and drink) Condition 4 to the planning approval states:

“The premises shall not be open to the public for trade outside of the hours of 9am to 12 midnight Monday to Saturday, and 9am to 11pm Sundays and Bank Holidays. Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.”

The application proposes the variation of Condition 4 to planning permission S/1999/1251 to allow the premises to continue trading until 0200 hours the following morning on Fridays and Saturdays.

Officers are fully aware of the planning history of the premises, and understand that the previous condition 04 was imposed in order protect adjacent residential amenities. Members therefore need ascertain whether the relaxation/alteration of this condition would be a retrograde step and whether there has been some material change in circumstances since the condition was imposed.

Whilst the actual use of the building appears to have remained unchanged, the Licensing Act of 2003 embraces 24 hour opening, and several licensed premises in the immediate locality have been permitted to open into the early hours on Friday and Saturdays, including The Kings Arms (J.D.Wetherspoons) until 0200, The Charcoal Grill until 0200 and Moloko Bar until 0230 hours.

The environmental health officer comments that licensing legislation sets out objectives for premises including the prevention of public nuisance, crime and disorder, and where there is evidence that these objectives are not being met licenses may be challenged in a formal review hearing. The police also have powers to close premises for periods of time under the licensing legislation. The environmental health officer therefore raises no objection to the proposed variation of opening hours.

Consequently, whilst the concerns and objections of the local populace are understood and have been fully taken into consideration, the comments and recommendation of the Environmental Health officer are a significant material consideration in the consideration of this application, and a refusal of the applicants request would seem difficult to defend on appeal, if such a refusal of permission does not have the backing of the EHO.

However, it is noted that the pubs which open until at least 2am, ie The Kings Arms and Moloko Bar are located some distance away from the affected residential properties, whilst the Slug and Lettuce pub opening hours which lies closer to the adjacent residential properties are currently limited to until 11pm. It must also be acknowledged that Mortimers subject of this application is situated directly opposite the residential apartments of Pembroke House, and therefore could have more potential to harm adjacent amenities.

Officers therefore suggest that whilst the EHO comments cannot be ignored, it may be prudent to impose a temporary 1 year consent on this premises (allowing for both the normally busy summer evenings and Christmas periods) in order to test the assumptions of the EHO that a significant harm would not result. Furthermore, notwithstanding the separate application for changes to the access arrangements to the existing building and the conditions suggested as part of that report, it is suggested that a condition could also be imposed on any consent to vary the opening hours which would limit the noise emanating from the property during operation.

CONCLUSION

The Council's Environmental Health Officer has recommended that the amenity of existing neighbouring occupiers are sufficiently protected under existing licensing legislation, and has therefore raised no objections to the revised hours of operation. Consequently, whilst the strong concerns of adjacent residents have been taken into consideration, given the stance of the EHO and the opening times of other adjacent premises, it is therefore considered that it would be difficult to resist the alterations to the opening hours until 2am as suggested.

However, unlike other adjacent public bars, the premises subject of this application are located directly adjacent to a number of residential properties, and the residents are clearly concerned about this suggested variation of the hours of operation.

Consequently, it is suggested that in order to ensure that the EHO assumptions are correct and that a neighbour amenity issue will not result, Members could give a temporary 1 year consent to assess the impact of a 2am opening time. Furthermore, Members could also impose a restriction to limit the noise emanating from the premises from the access doors.

RECOMMENDATION: APPROVED with conditions, for the following reasons

The Council's Environmental Health Officer has recommended that the amenity of existing neighbouring occupiers are sufficiently protected under existing licensing legislation, and has therefore raised no objections to the revised hours of operation. Consequently, whilst the strong concerns of adjacent residents have been taken into consideration, given the stance of the EHO and the opening times of other adjacent premises, it is therefore considered that it would be difficult to resist the alterations to the opening hours until 2am as suggested.

However, unlike other adjacent public bars, the premises subject of this application are located directly adjacent to a number of residential properties, and the residents are clearly concerned about this suggested variation of the hours of operation.

Consequently, in order to ensure that the EHO assumptions are correct and that a neighbour amenity issue will not result, a temporary 1 year consent to assess the impact of a 2am opening time is considered appropriate. Furthermore, a restriction to limit the noise emanating from the premises from the access doors is also deemed appropriate. Subject to such restrictions the proposal is considered to meet the aims of saved policy G2 of the SDLP.

And subject to the following Conditions:

1. For a temporary period up to a limit of 1 year from the date of this consent, the premises shall not be open to the public for trade outside of the hours of 9am to 12 midnight Monday to Thursday, nor outside the hours of 9am to 2am (the following morning) on Fridays and Saturdays, and 9am to 11pm Sundays and Bank Holidays.

At the expiry of the 1 year temporary period, the opening hours of the premises shall revert to those imposed by condition 04 of planning permission S/1999/1251, as follows:

The premises shall not be open to the public for trade outside of the hours of 9am to 12 midnight Monday to Saturday, and 9am to 11pm Sundays and Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.”

2. Within one month of the date of this consent, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which shall outline how the access arrangements will be operated in order to limit noise emanating from the premises. The scheme shall be carried out as agreed.

Reason: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.”

Application Number:	S/2007/2361		
Applicant/ Agent:	MR AND MRS G ROBINS / D E JAY MCI OB		
Location:	91 CASTLE ROAD SALISBURY SP1 3RW		
Proposal:	CHALET BUNGALOW AND OFF STREET PARKING		
Parish/ Ward	ST MARK & STRAT		
Conservation Area:	LB Grade:		
Date Valid:	23 November 2007	Expiry Date	18 January 2008
Case Officer:	Mr T Wippell	Contact Number:	

REASON FOR REPORT TO MEMBERS

Cllr James Robertson has called the application to Committee due to:

The interest shown in the application.

SITE AND ITS SURROUNDINGS

The site forms the rear garden of a dwelling which fronts Castle Road, with a side frontage to Queensberry Road. The site lies within the Housing Policy Boundary for Salisbury, in an Area of Special Archaeological Significance and Water Source Catchment Area.

The area is characterised by mature housing, which is predominantly arranged in two storey semi detached pairs, and immediately opposite the site is a chalet bungalow (Fairstone) which faces Queensberry Road. Some dwellings have been extended and altered, to provide accommodation in the roof, including 91 Castle Road itself.

THE PROPOSAL

The applicant is proposing a chalet bungalow with three dormer windows facing the road, with access from Queensberry Road. There are to be no windows on the rear elevation of the dwelling. An existing fir tree would be removed for parking provision and the existing 1.7m staggered boundary wall fronting the road would be part lowered and also part raised to a maximum of 2 metres.

The chalet bungalow will be 6.2 metres in height at its ridgeline.

PLANNING HISTORY

S/1981/630	O/L erection of bungalow and construction of new access. Appeal dismissed	R
S/1989/695	O/L erection of pair of semi detached dwellings with garages and new access	WD
S/1995/1672	Construction of double garage and utility	AC
S/1999/496	Single storey rear extension	AC
S/06/569	Proposed new dwelling Appeal Dismissed	R
S/06/1559	Proposed two storey dwelling Appeal Dismissed	R
S/07/1505	Proposed chalet bungalow	R

CONSULTATIONS

WCC Highways - No objection subject to conditions
Wessex Water Authority- Points of connection and any easements to be agreed.

REPRESENTATIONS

Advertisement	Yes	Expiry 27/12/07
Site Notice displayed	Yes	Expiry 27/12/07
Departure	No	
Neighbour notification	Yes	Expiry 18/12/07
Third Party responses	Yes	

62 letters of support, with the main reasons for support summarised as follows:

- would fit in well and fill large gap,
- off road parking a benefit,
- would improve streetscene,
- comparable with 3 Queensberry Road,
- plot size comparable with others,
- house would be obscured by boundary hedge and trees,
- would not adversely affect neighbours,
- housing shortage,
- would balance road,
- good design on brownfield site,
- roof less dominant than previous scheme,
- lowering boundary wall is improvement,
- would not be cramped.

89 letters of objection, with the main reasons for objection summarised as follows:

- would affect private garden,
- plenty of three/four beds in Salisbury,
- would dwarf low rise bungalow opposite,
- loss of light,
- overlooking to front and side,
- loss of character,
- loss of outlook,
- would overbear privacy of garden for No 89,
- damage to hedge owned by No 89 and pressure for to fell due to proximity of ground floor windows,
- added congestion,
- garden would be too small for size of property,
- loss of balance in street,
- plot lacks sufficient depth and width,
- precedent,
- pressure for dormers and roof additions,
- over dominant,
- out of character with 30s style,
- amendments are insignificant,
- loss of rear garden for No 91,
- incorrect orientation,
- tandem, backland development,
- proximity to No 2 Queensbury Road garden,
- overlooking from gable end windows,
- disruption during construction,
- loss of tree.

POLICY CONTEXT

MAIN ISSUES

1. Planning History/ Differences between the schemes
2. Principle of Development
3. Impact on Character of Area
4. Impact on Neighbouring Amenity
5. Public Open Space, Trees and Highways

PLANNING CONSIDERATIONS

Planning History/ Differences between the schemes

A previous application for a chalet bungalow was refused at the City Area Committee (as per the LPA's recommendation) for the following reasons:

- The proposed dwelling would have a narrow plot, resulting from the sub division of the garden of 91 Castle Road. The proposed dwelling would be sited close to the rear boundaries of adjoining properties including 89 Castle Road, and would be 2m from the centre of the boundary hedge of No 89. Coupled with the bulk of the building so close to the boundary with the garden of No 89 Castle Road, there would be a detrimental impact in terms of bulk and dominance, to the detriment of the occupiers of No 89 Castle Road. The construction of a dwelling of the design proposed on this narrow site would therefore result in a cramped form of development, which would be out of keeping with the spacious character and layout of development in the immediate area, to the detriment of neighbouring amenity.

For the purposes of the application, the following main differences between this and the previous scheme are noted:

- The ridge height of the dwelling has been reduced from 7.2 metres to 6.2 metres. This has been achieved by reducing the pitch of the roof to 38 degrees.
- The footprint of the dwelling has been reduced, with the sunlounge and utility room removed from either side of the proposal. The length of the bungalow has been reduced from 18.3 m to 12.7 m (excluding rear porch).

This new proposal has to be considered in the light of this previous appeal decision, and the differences between the two schemes critically examined.

Principle of Development

Policy H8 states that infill development will normally be permitted within the Salisbury Housing Policy Boundary, subject to three criteria, relating to tandem/backland development, loss of important open spaces and the design policies of the local plan. The proposed site would represent the subdivision of an existing residential curtilage, and the new dwelling would be orientated towards and accessed from Queensberry Road. The development would therefore be neither backland nor tandem development. Whilst the principle of residential development would be acceptable on the site, the development would need to be in accordance with Policy D2 to satisfy Policy H8.

Impact on Character of the Area

Loss of Hedging

The proposed dwelling would be positioned just 2m from the centre of the hedge and two ground floor kitchen windows and a utility room glazed door would be on this south facing elevation. There is concern from local residents that the proximity of the dwelling (and these kitchen windows) to the neighbours hedge (approx 2m tall on submitted plans) would give rise to pressure to fell the hedge due to lack of light reaching the south facing windows, and the proximity of the development could also affect the hedge's ongoing health.

However, as the hedge can be protected during development, and replacement screening can be agreed by condition (either with fencing or vegetation), no objections are raised.

Increase Height of Walls to front elevation

Due to the size and shape of the plot, the dwelling would not have a rear garden, but the amenity space would be provided to the west. This positioning has prompted the desire to raise the existing boundary wall from pavement level from 1.7m approx to a maximum of 2.0m in height for a length of about 9m. The appeal Inspector in the recent appeal decision concluded that rising of the walls would not be harmful to the settings of the wider area, and as such, raising the height of the walls in this location does not carry significant weight as to warrant refusal on visual amenity grounds.

Layout and Design of Development

The previous scheme for a chalet bungalow was refused because the construction of a dwelling on this narrow site, coupled with the bulk of the building so close to the boundary, would have resulted in a cramped form of development, which would be out of keeping with the spacious character and layout of development in the immediate area, to the detriment of neighbouring amenity.

It is accepted that the narrowness of the site will again result in the development coming within 2 metres of the boundary of No. 89 Castle Road, and this is a factor that makes a judgment on whether the scheme is acceptable finely balanced. However, notwithstanding the constraints of the site, it is considered that the reduced footprint and height of the new dwelling has resulted in an scheme which will not result in a cramped form of development, and the proposal will not detract from the open character of the surrounding area to a significant degree to warrant refusal.

The height of the dwelling has been reduced by a metre at its ridgeheight, with the property now comparable in height to Fairstone bungalow opposite (the new dwelling would be approx. 6.2 metres). This reduced ridgeline has resulted in a much smaller building overall, and the impact on the skyline (especially when viewed from the neighbouring property No. 89 Castle Road) has been reduced to an acceptable level that will not harm the character of the area or streetscene to the detriment of neighbour amenity.

Furthermore, the reduced footprint of the dwelling (in combination with its reduced height) will help to preserve the open and spacious character of the streetscene, and although the gap between 91 Castle Road and 2 Queensbury Road will be occupied by a new dwelling, the reduced length of the development will ensure that the development will not appear as 'cramped in' between two dwellings (as in the previous scheme), and will not appear as inappropriate tandem development.

The building now 'sits' well within the plot, with the ratio of amenity area to dwelling comparable to other properties in the vicinity, and on balance, the reasons for refusal given in the previous scheme in regard to the 'cramped form of development' has been overcome.

Impact on Neighbouring Amenities

Overlooking

It is considered that overlooking will not occur to an unacceptable level as to warrant refusal. Whilst the ground floor kitchen and utility room door are close to the boundary, a 2m hedge screens the neighbouring property, and screening conditions can be conditioned if necessary. Overlooking to the front is not judged to occur to a significant degree.

The small ornamental gable-end windows either end of the building will not increase overlooking the neighbouring properties, due to their high-level (above head-height) and small size. To ensure privacy is maintained, it will be necessary to place a condition on the proposal so that any further windows are restricted.

Bulk and Dominance

The occupiers of No 89 Castle Road have erected a summerhouse on the eastern boundary, adjacent to the application site, and the occupiers clearly use the entire length of their garden, which has not been subdivided or compartmentalised in any way.

It is accepted that a new dwelling within two-metres of the boundary will alter the skyline and will be visible when viewed from the neighbouring garden area. However, on balance, due to the reduced height of the dwelling, the impact on neighbour amenity is not considered to be sufficient enough in this location to warrant refusal, in compliance with (and to be consistent with) Local Plan Policies.

The roofslope of the new dwelling slopes down towards the boundary from the ridgeline, meaning that the highest point of the roof (6.2 metres) would be approximately 6 metres away from the boundary. The eaves height (2.7 metres) would come within two metres of the boundary, but considering the high hedging on the boundary, the actual overdominating impact in terms of the dwelling's built-form and its relationship with the boundary would not be significant enough to warrant refusal. Whilst the skyline would be altered, the overdominating impact of the development on residential amenity would not be significant enough to warrant refusal in this location. It should be noted that private views do not constitute material planning considerations.

Loss of Privacy

Perhaps the most important issue to consider in terms of neighbour amenity is whether there will be a loss of privacy, or whether the 'the perception' of privacy will be adversely affected by the new development, given that there will be a new dwelling (with kitchen windows and a utility room door) within two-metres of the boundary. There is a concern that the residents may feel 'hemmed in'.

On balance, it is considered that the siting of a new dwelling as proposed will not disrupt privacy to a significant degree to warrant refusal. The reduced height and scale of the dwelling, coupled with the omission of rear windows at first floor level, ensures that although close to the boundary, the dwelling will be sufficiently well screened and has been designed in such a way as to minimise any adverse impacts.

It should be noted that the LPA have taken into consideration all of the neighbour objection letters received, and judge that whilst the previous scheme(s) would have been detrimental to neighbour amenity, the current proposal, on balance will not be.

Public Open Space, Trees and Highways

The applicant has agreed to return a signed Section 106 Agreement in respect of payment for the provision of public open space. The site is not considered to contain any trees worthy of protection and no objections are raised to the loss of the fir.

The Highway Authority has raised no objection, subject to conditions.

CONCLUSION

On balance, this application has been considered against the relevant SDLP policies and overall, the changes made to the previous scheme have overcome the original reasons for refusal, and the reduced height and reduced footprint of the dwelling has overcome any harm caused to neighbour amenity and the character of the area.

RECOMMENDATION: APPROVAL

(a) Subject to the applicants entering into a S106 agreement to pay a commuted sum towards the provision of Public open space, the scheme is recommended for approval for the following reason:

REASONS FOR APPROVAL:

This application has been considered against the relevant Salisbury District Local Plan policies, G2, H8 and D2. It is considered that a new dwelling as proposed could be accommodated on this site without having an adverse impact upon the amenities and living environment enjoyed by residents, or detracting from the character of the area.

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 5(1) of the Planning and Compulsory Purchase Act 2004
2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To secure a harmonious form of development.
3. 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 at first floor on the south sloping roofslope or the gable ends of the dwelling.

Reason: To secure adequate standards of privacy for the occupants of neighbouring premises
4. Notwithstanding the provisions of Class[es] A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To ensure that the Local Planning Authority retains control over any future extensions in the interests of residential amenity, the conservation area and setting of the adjacent listed building.
5. Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced parking space and vehicular access shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority prior to development commencing on the site.

Reason: In the interests of highway safety.
6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of Highways Safety
7. 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.

8. The hedging on the southern boundary shall be protected during the course of the development in accordance with details to be submitted to and agreed by the Local Planning Authority before development commences. If any hedging is removed, uprooted or dies, another hedge shall be planted at the same place and that hedging shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure the retention and safeguarding of existing landscaping, in the interests of residential amenity.

9. The finished floor level of the proposed building shall be in accordance with details to be submitted to, and approved in writing by the Local Planning Authority before development is commenced. (C03A)

Reason: To ensure the exact finished floor level[s] of the buildings.

(b) If the applicant fails to enter into the required S106 Agreement and/ or fails to provide a commuted sum towards off-site public open space provision, then the application be delegated to the Head of Development Services to refuse the application due to non-compliance with the aims of Policy R2.

INFORMATIVES:-

Wessex Water Authority

The development is located within a sewerage area, with foul and surface water sewers.

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 as 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.

It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets.

The developer has proposed to dispose of surface water to soakaways. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site a connection onto Wessex Water infrastructure.

INFORMATIVES: 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.

Application Number:	S/2007/2156		
Applicant/ Agent:	NETWORK RAIL INFRASTRUCTURE LTD / GOADSBY TOWN PLANNING		
Location:	LAND AT FISHERTON ST / ST PAULS ROAD FISHERTON STREET SALISBURY SP2 7QW		
Proposal:	REMOVAL OF EXISTING CLUB BUILDING AND CREATION OF 178 SPACE CAR PARK FOR RAILWAY STATION USERS INCLUDING ACCESS IMPROVEMENTS AND NEW PEDESTRIAN CROSSING ST ED & MILFORD		
Parish/ Ward			
Conservation Area:		LB Grade:	
Date Valid:	26 October 2007	Expiry Date	21 December 2007
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

REASONS FOR REPORT TO MEMBERS

Cllr Cheryl Hill has requested that this matter be determined by Committee due to the significant third party interest in the application.

SITE AND ITS SURROUNDINGS

The application site was until recently part of a larger tract of land known collectively as Eastern Sidings. The majority of the land has now been developed for residential development, leaving a smaller area of land between the Royal Mail sorting office and the main railway line.

The access to the site is at present via Fisherton Street, a busy access road into the city centre and particularly the Churchfields Industrial Estate and Railway Station, some 400m away. The is a vehicular exit onto St Pauls Road, adjacent the new housing.

The application site is currently utilised as parking and access associated with the Sorting Office, and the Railway Social Club and various users that infrequently access the former marshalling yard.

The site contains a large social club building, which is currently screened by surrounding planting, including several significant cypressus trees.

THE PROPOSAL

It is proposed to remove the social club building and existing trees, and to create a 178 space parking area with lighting, for use by existing and future season ticket holders. The access off Fisherton Street would be "in" only, whilst the access of St Pauls Road to the east would be both "in" and "out". The Fisherton Street access would be controlled by means of a rising kerb barrier to allow access only.

A new puffin crossing will be provided across Fisherton Street, and access to the station will be by means of existing steps, and a new pedestrian route leading to the end of Platform 2.

The proposed car park would not contain any disabled parking spaces, but the number of disabled spaces will be increased to a total of 8 spaces at the existing station car park.

6 metre high lighting columns would be located throughout the scheme, and 10 CCTV are proposed.

It should also be noted that the existing rail car park on the west side of Fisherton Street off Windsor Road is also part of this application, and it is proposed to reorganise the existing 16 car parking spaces in this area.

The proposal also indicates that new signage would be erected throughout the area (although this cannot form part of this planning application, and may need separate advertisement consent).

PLANNING HISTORY

Of particular relevance to this proposal is previous application S/01/622, for the creation of:

- a) a rail/road freight interchange that will operate at weekends with a residue car park for the railway station of 78 spaces.
- b) A passenger interchange/car park for week day use of 178 spaces in conjunction with the railway station.
- c) With associated construction of a new access and roundabout

Members resolved to approve the above application subject to a legal agreement to secure various highway improvements and to restrict the use of the car park. However, the application was ultimately withdrawn by the applicant.

CONSULTATIONS

SDC Policy team

"Measures that result in improvements to the desirability and convenience of using public transport are generally consistent with the Government's approach for delivering sustainable development as set out in PPS1, para 27, particularly at paragraph vii, which seeks to:

"Reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development"

PPG13 (Transport) at paragraph 6 states that when considering planning applications, local authorities should:

"use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys;"

At paragraph 49 it states that:

"Reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices."

At paragraph 63, PPG13 also notes that parking at urban rail stations can exacerbate road congestion in the surrounding area and may also discourage travellers from using local bus or train services to connect to longer distance services. In this respect the creation of new parking capacity overall could be viewed as being inconsistent with PPG13.

Regional Planning Guidance policy TRAN 5: "Demand Management" encourages local authorities to "actively manage urban car parking and make more efficient use of highway space in order to achieve a modal shift towards more sustainable transport." However, the emergent Regional Spatial Strategy identifies that the Southampton/Bristol and London/Exeter rail lines are "Strategic Rail Links". Salisbury station is at the intersection of these two lines, and amongst other objectives the RSS seeks "enhanced car parking capacity" at these stations (paragraph 5.3.9 and Policy TR5).

Local Plan

TR1 outlines the broad transportation strategy for the Salisbury urban area. Several of the principles under this policy are of particular relevance to this application. These are:

- *Support for rail services;*
- *The creation of a comprehensive walking and cycling network;*
- *The limitation of traffic growth through the provision of Park and Ride sites supported by central car parking management measures including restrictions on long-term car parking within the city centre.*
- *The promotion of a sustainable pattern of development that reduces the need to travel by private car and encourages increased use of public transport, walking and cycling.*

There appears to be a balanced judgement to be made in this case as to whether additional provision of parking at the station is, overall, a “sustainable” move, by virtue of improving the accessibility of rail use, or whether this is outweighed by the potentially increased car use. The proposals support rail uses insofar as convenience is increased and pedestrian improvements would contribute to the walking and cycling network objective, whilst they do not correspond with the objective of overall parking reduction within the city centre in tandem with the provision of Park and Ride. It could, however, be considered that the hours of operation of Park and Ride (with buses operating from around 7am to 7pm) make this option inadequate to serve the needs of commuters from Salisbury, such that railway parking is something of a different case.

The site is mainly within the Salisbury Central Area (SCA), within which Local Plan policy TR6 applies, and this states that “the creation of private non-residential car parks will not be permitted in the Salisbury Central Area”. The four main reasons for this approach are in supporting paragraph 10.23:

- (a) *the environmental damage that may be caused by the establishment of private car parks would conflict with the District Council’s conservation objectives;*
- (b) *additional private car parks would lead to an increase in traffic on city centre streets;*
- (c) *public car parks are more efficient since spaces are pooled and made available at all times to the general public;*
- (d) *the management of car parks is an important aspect of transport policy and it is therefore better if the local authority has control over a high percentage of parking stock.*

It may be, however, that the case officer judges some of these criteria not to be obstacles to the proposals. Firstly its location is on the edge of the centre of the city, in close proximity and with good access to the Ring Road. The input of the Joint Transportation Team will be particularly significant in making the judgement on this point. Secondly, the proposed car park is for rail users and is hence semi-public and not a fully private car park, the type of which is resisted by the policy. Furthermore the applicant’s supporting statement (at 4.5) states that non-rail users will not be permitted to use the car park, with use restricted to permit holders.

Policy TR4 allocated the Eastern Goods Yard (encompassing part of this site) as a freight/passenger interchange and stipulates that other development would not be permitted it would prejudice the implementation of these proposals. The Inspector’s report in respect of this policy noted that this site is “well placed strategically for an interchange use” and supported the policy of safeguarding it for this use. In this sense the application is supported.

Salisbury Vision

The emergent Salisbury Vision includes potential for a mixed-use redevelopment of the Central Car Park and these proposals could be seen as consistent with this aim by “freeing up” some of the demand on the Central Car Park and relocating it further towards the edge of the city. The Vision also envisages redevelopment of the area in front of the Station as a plaza and approval of these proposals could be viewed as consistent with this insofar as, again, some of the pressure for parking is taken away allowing more flexibility in the redevelopment scheme. Access to the railway station from the north is, as noted in the applicant’s supporting statement, poor, and the opportunity to improve this would appear to be beneficial.

Social Club

The social club on the site is lost through the proposals and is not replaced elsewhere. Local Plan Policy G1 seeks to “promote the vitality and viability of local communities”, and the loss of this facility, which is understood to be locally important, is clearly at odds with this objective. Similarly PPS1, para.5, requires planning to “facilitate and promote sustainable and inclusive patterns of urban and rural development”, and one of the criteria for achieving this is:

“[by] ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”

PPS6 also requires LPAs to “encourage diversification of uses in the town centre as a whole,

and ensure that tourism, leisure and cultural activities, which appeal to a wide range of age and social groups, are dispersed throughout the centre" (it should be noted that the social club is within the Salisbury Central Area). Equally, under para. 3.28, PPS6 sets out "social inclusion" as a material consideration on planning applications and the loss of this facility would be at odds with this general objective. However it is recognised that (a) the club is ultimately owned by Network Rail and could in any event be closed without planning permission, and (b) a number of other clubs and pubs/ venues exist within the close vicinity including the Fisherton Working Men's Club, the Old Manor Sports & Social Club on Wilton Road, and several pubs on Fisherton Street and Wilton Road.

The merits of this application are very much in balance, with the clear benefit for rail users and conformity with strategic transportation objectives weighing against the potential traffic issues and the loss of the club, which is beneficial to local community. However on balance Forward Planning do not consider that the latter factors outweigh the former and do not object on policy grounds."

WCC Highways -	Recommend that no highway objection be raised in principle, although note that the car park does not appear to cater for users who travel by bike or motorcycle, and concerned about how the car park users would be restricted and controlled, and subject to the applicant entering into a S 106 Agreement to secure the provision of a pedestrian crossing within Fisherton Street. (Officer note – these comments incorporate the comments of Salisbury Joint Transportation Team).
Highways Agency -	No comments
WCC Library/ Museum -	No comment received
Housing & Health Officer -	<p>Have expressed concern (and objected) regarding air quality and the impact on the Fisherton Street Air Quality Management Area, making the following points:</p> <ul style="list-style-type: none"> a) The AQMA was declared because of a likely exceedance of the annual mean objective for nitrogen dioxide, which must be achieved by 2010. The source of nitrogen dioxide is traffic. b) A reduction in nitrogen dioxide will inevitably mean reducing the amount of traffic entering the city precincts. c) The application has its merits in that it encourages a modal shift from private car to public transport. d) Increasing the car parking within the city centre is not conducive to a reduction in traffic and hence reduction in pollutants. e) Day commuters would be better encouraged to use the park and ride facilities f) The development is likely to have a detrimental impact on the council meeting its statutory objectives in relation to air quality (and the EHO therefore objects). The applicant should reappraise the options to integrate with existing services and facilities or alternatively be willing to contribute financially to assist the Council in monitoring and action planning to mitigate the likely impact of the proposed development on city centre air quality.
Environment Agency -	have no objections to the scheme, subject to conditions to protect surface waters from contamination and to control surface water drainage.

REPRESENTATIONS

Advertisement	Yes. Expiry 29/11/07
Site Notice displayed	Yes. Expiry 29/11/07
Departure	No
Neighbour notification	Yes. 20/11/07
Neighbour response	85 letters have been received strongly objecting to the loss of a social and community facility, the increase in noise, traffic and pollution, disturbance, and safety issues. Furthermore, concerns have been submitted by the social club itself, also stating that:

- a) Proposal is contrary to local plan policies TR1 and TR6, and TR16
- b) Proposal departs from TR4 as no freight interchange is proposed.
- c) Proposal is not sustainable and will not facilitate a suitable modal shift
- d) Considered that an EIA and other alternative schemes is required due to significant wider impact of proposal.
- e) Has a compromise scheme retaining the social club been considered ?
- f) Has a car deck over the existing railway car park been considered ?

Also, various information provided regards the patronage and usage of the social club, including:

Current membership – 824

Various events undertaken , including wedding receptions, funeral wakes, and also, the general public can hire rooms.

The Club committee has investigated several potential alternative properties, but all have been rejected.

Salisbury Campaign for Better Transport – We accept that a pedestrian crossing will be necessary, but are two crossing in close proximity going to add to congestion and pollution. Concern regards the exit choices of users of the car park, who will use either St Pauls Road up to Dunns House, or may turn right onto Fisherton Street. Why can't multi storey Salisbury Vision option be pursued instead. Cannot the operating times from the Park and ride sites be extended ?.

MAIN ISSUES

1. Policy Context,
2. Visual Impact
3. Impact on amenities
4. Air Quality
5. Loss of social club facilities
6. Highway safety and transportation.
7. Contamination.

Policy Context

PPS1 PPS6 PPG13

Regional Planning Guidance note 10

Draft Regional Spatial Strategy document

WSP Policy T3

Salisbury Transport Plan

TR1, TR4, TR6, TR16 TR17, G1, G2, D1 PS1 SDLP saved policies

Salisbury Vision document

PLANNING CONSIDERATIONS

1. Policy and principles

a) Central government guidance

National planning guidance now fully encourages sustainable development and emphasises city centre sites as a focal point for development (ie PPS1, PPS6 etc), and the use of other travel options other than the private car where possible.

The older document PPG13 which was also guidance in 2001/2002 when a previous car parking application was considered on this site also expresses this view, and the following paragraph from this document is considered to be of relevance:

“63. The provision of parking at urban and suburban rail stations can increase the potential catchment population for rail services, but can at the same time exacerbate road congestion in the surrounding area. At main line stations it may also discourage travellers from using local bus or train services to connect to longer distance services. Parking may also result in lower density development in the immediate vicinity of the station. Local authorities need therefore to consider the case for parking facilities at urban and suburban rail stations, and the treatment of on-street parking near to stations within the context of their local transport plan objectives and advice in this guidance, including paragraph 21 on making the most of highly accessible sites. In doing so, they should take account of the views of train operators and the SRA, and the potential for railway stations to act as park and ride sites for destinations outside the immediate locality.”

b) Regional guidance

RPG 10 – This document has generalistic broad aims to reduce the impact of transport on the environment, improve accessibility, create a modern, efficient and integrated transport system, and ensure the safe use of the regional transport network.

The emerging Regional Spatial Strategy document also makes reference to the role of rail travel in sustainable transport initiatives, and the document as currently worded even briefly indicates that the enhancement of car parking facilities at stations could be an option (see page 116, point 5.3.9 of the RSS). Members should note that this document has been submitted to the Secretary of state (but not yet agreed). Therefore its contents carry some weight at the present time.

The Structure Plan

The Wiltshire Structure Plan policy T3 supports this proposal in that::

“provision should be made for new or improved interchange facilities between all modes of transport. Land required for realistic rail proposals and bus Park and Ride facilities, should be safeguarded from inappropriate development”.

The Salisbury District Local Plan – saved policies

Saved policy Policy TR4 states that:

TR4 – “The former Eastern Goods Yard is proposed as a freight /passenger interchange. The Steam Engine Shed site proposed as a freight interchange/terminal. Other development will not be permitted on the above land if it would prejudice the implementation of these proposals.”

(Members should however note that whilst the majority of the application site (the eastern section) is covered by this policy allocation, the existing social club and the adjacent access driveway off Fisherton Street does not form part of the TR4 allocation).

Other saved Transport policies emphasise the need to reduce and discourage travel by private car, whilst encouraging the use of public transport and non car based travel, for instance:

TR1 – This supports a sustainable land use and transportation strategy, and includes support for rail services, and advocates restrictions on long terms car parking within the city centre.

TR6 -“The creation of private non-residential car parks will not be permitted in the Salisbury Central Area”

TR16 – “Existing bus and rail services should be retained and expanded where appropriate to provide an attractive alternative to the use of the car”

TR17 – “Proposals to provide new railway stations, new rail freight terminals and reopen former railway stations will be permitted. Planning permission will not be granted for development that would prevent realistic proposals of this nature”

The Salisbury Vision document also indicates that car parking facilities at the current station car parking site are inadequate and envisages a multi storey car stack on the existing car park. This document is however of very little weight in the determination of this current application, as it is not adopted planning policy.

Consequently, overall, there does appear to be a general acceptance at national, regional, and local level that whilst in general terms the accessing by private car of city and town centre sites should be discouraged, there may be a case that the enhancement of existing car parking within sustainable central areas may be acceptable if it helps in the wider goals of encouraging the use of more sustainable modes of transport.

2. Visual impact

The existing site is of a poor visual quality, with adhoc surfacing materials, parking, and unmanaged landscaping, although what landscaping there is does screen the existing clubhouse from view, and part of the railway line.

The proposals would effectively remove all current features from the site including the existing club house, and result in the creation of a car parking area, with lighting, and some ancillary landscaping. Following development, it seems likely that the site will have a slightly more urban appearance, due to the replacement of existing mature planting with a largely hardsurfaced development. The railway line will become more visible from Fisherton Street.

Whilst the loss of some of the more mature landscaping is somewhat regrettable, and lack of any substantial replacement new planting within the body of the scheme disappointing, in a visual sense, a site of such a hard urban character would not necessarily be out of place, particularly given its location directly adjacent the railway line. In officers opinion, the harm caused to the character of the wider area would not be significant enough to warrant refusal, particularly given the LPA's acceptance of a similar scheme 6 years ago.

3. Impact on amenities

The proposal will formalise and significantly enlarge existing parking provision serving the railway station, and will result in a maximum of 178 new cars utilising the site and the road system around the site on a regular daily basis.

Given the largely commercial use of the immediate environment, the main harm caused by the use would be to the occupiers of the new housing development on the former Eastern Good Yard site and the residential flats adjacent the sorting office, which are located within a few metres of the eastern boundary of the site, and one of its vehicular access points.

This proposal would increase the intensity of the existing use of the site, and would also be likely to result in vehicular movements to and from the site during the early hours of the morning, and possibly very late in the evening. The proposed lighting of the car park would further intrude on adjacent residential amenities through light pollution. In officers opinion, amenities of surrounding residential properties are likely to be reduced by this proposal.

Whilst noise, disturbance, and general light pollution could be mitigated via conditions, in this instance, given the proposed use of the car park for season ticket holders at off peak times during the week, it would not be possible to restrict the proposal with suitable conditions related

to the hours of use, as such conditions would be contrary to the requirements of the applicant, and therefore contrary to Circular advice.

Members therefore need to consider whether the harm caused to the amenities of the surrounding residential dwellings would be significantly harmful enough to warrant refusal on those grounds. In officers opinion, if the CCTV and lighting is suitably controlled, it would be difficult to justify refusing the application, as the impacts would not cause significant harm.

4. Air Quality

The site is located within an Air Quality Management Area (AQMA), and the Council's Environmental Health Officer has stated that in his opinion, this application proposal would have an adverse impact on the air quality of the immediate Fisherton Street area. He has therefore indicated that he objects to the proposal, unless there is some form of mitigation measures included in the proposal.

This is a difficult planning issue. It would appear that there is very little the applicant could do to mitigate the possible air quality impact of the development, save for reducing the number of cars proposed as part of the application. It may also be possible to plant additional trees on the application site, which may in the longer term contribute positively to air quality in this locality (which would necessitate the removal of several car parking spaces).

However, in officers opinion, a refusal of this application on air quality grounds may be difficult to support. Whilst on the face of it, the application may result in 178 additional cars using the site and the surrounding area, the LPA may find it difficult to prove that these 178 cars do not already come into the city centre and park elsewhere (although conversely, the applicant has similarly not proven that this application would not lead to 178 additional cars using the city centre). Furthermore, on a more regional level, it may also be argued that allowing more people access to the railway system will actually help to improve air quality over a wider geographical area.

Such a stance may also be difficult to substantiate given that city centre location of the site, which is an area which already experiences a huge volume of traffic, of which 178 additional cars may only form a percentage of (note: the applicants have submitted no empirical evidence in this regards, and the LPA or Highway Authority do not have accurate figures to this effect). Hence, the actual harm caused by an additional 178 vehicles would be likely to be dwarfed by the likely levels of pollutants generated by existing levels of traffic. Officers also take the applicants point that the contribution to the city centre emissions will be quite low as the cars will be parked for most of the time and not in use, and due to the fact that the journey times for the car park are much earlier and again much later than visitors to Salisbury, emissions would be at different times and will not contribute to the peak values.

In officers opinion, it may also be possible to reduce the likely future impact of the proposals themselves and the impact of general car based transport accessing the railway station in terms of air quality with the imposition of restrictions and other measures which could result in the future reduction of cars accessing the railway station overall. In particular, the provision of a management scheme to safeguard the use of the passenger interchange/car park for season ticket holders only travelling on the railway, will prohibit the use of the new car parking subject of this application to general users of the city centre area. Further, the submission of a Travel Plan scheme which would encourage railway users to access the railway station by means other than the private car, including the utilisation of the city Park and Ride sites, and the use of public transport and walking and cycling, may also steadily reduce the necessity for car parking facilities serving the station. The provision and improvement of secure cycle parking facilities at the railway station site, would also seem to address some of the EHO concerns, and would if implemented, hopefully reduce pollutants in the city centre area.

Consequently, it is advised that a refusal on an air quality basis alone may be problematical to justify in planning terms. The impact of the scheme in air quality terms is unlikely to be of significance.

5. Highway impacts and sustainability

a) Policy situation

As policy TR4 of the Local Plan indicates, rail services provide a valuable public transport service both nationally and locally. They are seen as enhancing the accessibility of Salisbury, to strengthen its economic position and increase the range of travel opportunities for residents, business users and visitors alike. Environmentally the benefits of rail use are considerable, moving car users from the road, easing congestion and reducing pollution.

Part of the application site is clearly allocated for a "passenger interchange" in policy TR4, and the policy gives no indication of the level of parking considered acceptable. The LPA previously resolved to approve a passenger car park on this site (including the social club site) in 2002, which would strongly suggest that as far as the LPA were concerned, the principle of a car park in this location is acceptable.

As stated elsewhere there also appears to be broad support for such provision from national and regional planning guidance.

b) The applicants case

The applicant has submitted a Transport Assessment document, which indicates that the current railway car park operates at over capacity, and rail patronage is increasing, and this results in ad hoc parking in and around the railway station. It indicates that potential rail users in the Salisbury Catchment Area are put off from using the railway because of limited parking at the existing station. However, no empirical evidence has been submitted to support these findings.

The report also states that many of the existing parking spaces at the existing railway car park are occupied by commuters, and therefore the proposed new parking facilities for season ticket holders will free up parking spaces for non season ticket holders in the existing car park. The thrust of the applicants case is that providing additional parking around the station will **encourage** people who otherwise use the car for their whole journey, to instead commute to the train station and use the rail services (although, again, no survey results or similar have been appended to the application which back up these claims).

In terms of the provision of a total of 178 new spaces for season ticket holder car park, the applicants documents advises that there are currently 155 season ticket holders and that railway authority have a long standing requirement to provide 175 spaces to serve the station, (as was accepted by the LPA at that time).

c) Officer opinion

A total of 290 parking spaces would be retained in the existing car park, plus 178 new car parking spaces on the application site, plus 16 reconfigured parking spaces being retained for staff only on the western side of Fisherton Street. This results in a total of 484 parking spaces being provided to serve the railway station, although at least 16 of these spaces are not available to the rail users.

WCC Highways have raised no objection to the proposal, subject to the restrictions on the use of the new car park and the provision of a pedestrian crossing, although they have questioned why the proposal makes no provision for cycle or motor bike parking.

As part of the application site is allocated for a car park associated with railway station, it must be accepted that a large amount of car parking serving the railway station is already acceptable in principle.

However, the assessment of this application is complicated by the fact that the western part of the application site, including the social club site and the access roadway off Fisherton Street is not covered by policy TR4. Consequently, the provision of 178 parking spaces has not been fully covered by the policy allocation, and this aspect of the scheme needs further consideration.

The area of land forming part of this application but located outside the allocation would provide approximately 20 car parking spaces , plus also provide an access to the application site off Fisherton Street.

The applicants premise is that additional car parking on the (whole) application site would encourage more rail users to use the railway station services. However, the applicants have not really justified why a lesser number of spaces would not be sufficient for the purposes of the railway station, and have not indicated why they considered the parking facilities at the nearby central car park are in some way inadequate. Similarly, the applicants have not adequately justified why the existing 16 space staff parking facility which forms part of the red line of this application) cannot be used by railway users, with staff being encouraged to use more sustainable modes of transport to access the railway station and/or use the existing central car parking facilities at the Maltings.

However, whilst it could be argued that the scheme as a whole for 178 spaces would seem to encourage access to the city centre and the railway station by private car, it could also be equally argued that even if 178 new vehicles are encouraged to use this proposed car park, the users of those vehicles are ultimately utilising a far more sustainable mode of transport in order to reach their final destination.

Notwithstanding this fact, it would be difficult for the LPA to justify any claims that 178 new vehicles would indeed be drawn into this city centre location, as it may equally be the case that current users of the railway may already be parking elsewhere in the city area.

The Salisbury Vision, whilst unadopted and of very limited weight in the determination of this application, does currently suggest that the existing car parking at the station is inadequate. Similarly, the Regional Spatial Strategy, whilst also not yet adopted although of greater weight, also suggests that additional car parking at stations in the south west region may be one solution to improving the usage of sustainable train journeys.

In the opinion of officers, it may also be possible to reduce the likely future traffic impact of the railway station in terms of it attractive cars into the city centre with the imposition of restrictions and other measures which would hopefully result in the future reduction of cars accessing the railway station. In particular, the provision of a management scheme to safeguard the use of the passenger interchange/car park for season ticket holders only travelling on the railway would prohibit general users of the city centre from using the parking facilities. The submission of a Travel Plan scheme would hopefully also encourage railway users to access the railway station by means other than the private car, including the utilisation of the city Park and Ride sites, and the use of public transport and walking and cycling. Together with the provision and improvement of secure cycle parking facilities at the railway station site, such provisions would also seem to address some of the WCC and EHO concerns, and would if implemented, hopefully reduce car based transport and hence pollutants in the city centre area.

Therefore, whilst not all of the 178 parking spaces hereby proposed are within the allocation site of policy TR4, it is considered that a refusal based on the likely traffic and highway impacts of the proposal in safety or capacity terms may be difficult to support on appeal, particularly given the LPA's acceptance of a similar scheme 6 years ago.

Furthermore, whilst there is no provision of any bicycle parking/storage spaces as part of the suggested scheme, such contributions or other provisions have been suggested by officers as part of a legal agreement, and therefore refusal on this basis would be difficult to substantiate.

5. Contamination and drainage issues

The Environment Agency has raised no objections subject to suitable conditions to control the contamination of ground waters, and to limit surface water drainage, due to the size of the amount of hardstanding proposed.

6. Loss of social club

A significant amount of letters have been received which raise concerns and objection related to the loss of the social club and its facilities. There is no indication as part of the submitted

scheme that the social club facilities would be relocated elsewhere in the city, and therefore it is clear at this stage that this facility will be lost as part of the development proposals.

The applicants have indicated that the function of the social club could be recreated in other similar halls and public houses in the city area, and therefore the facility on site is not central to the economic or social life of the settlement.

Policy PS3 of the SDLP does not apply within the city centre, having been intended solely to protect community and similar facilities in the villages within the district. This stance has been held on appeal by Inspectors. It is also true that in 2002, the officer dealing with the previous application which resulted in the loss of the social club concluded that an objection on loss of the facility would be difficult to support.

However, since the previous determination in 2002, the sustainability aims of Policy G1 has been used by a number of Planning Inspectors to refuse schemes within the suburbs of the city which would result in the loss of a community facility which would be central to the economic/social life of the settlement. Of particular reference are the appeals at the Butt of Ale and Conquered Moon public houses, where the inspectors came to this conclusion even though the housing estates of which the public houses were part were an extension of the wider residential areas around the city.

From the comments received there is clearly a demand for the social club facilities in that it performs the function of a community facility.

The applicant has not submitted any empirical evidence that the social club is little utilised, or that the loss of this particular facility could be replaced by the utilisation of other places and spaces within the surrounding area of the city. Whilst it is true that part of the social club's function could be performed and replaced by the numerous public houses within the city area, the community/social aspect performed by the railway social club is not so easily replicated in public houses.

Furthermore, given that the fact that the social club lies outside the policy TR4 allocation, it would appear that the social club could in theory be retained on site, with a fewer number of new car parking spaces being created.

The social club have submitted strong objections to this application, and have suggested an alternative parking scheme which would appear on plan to retain the social club, and provide at least the required number of car parking spaces. However, at this point in time, the LPA must consider that application scheme before it, and the LPA are unaware as to whether the suggested alternative layout scheme has been discussed either with WCC Highways or the applicant. The LPA has no way of knowing at this point whether the reorganisation of the parking as suggested would actually be workable.

However, notwithstanding whether or not the social club could be retained by a reorganised parking layout, the LPA has no empirical evidence which would could be used to dispute the argument that current users of the social club could not be absorbed by other local social clubs in the city centre. The social club itself in its objection to the application lists its competitors as:

Fisherton Working Mens Club, Wilton Road
Old Manor Sports and social club, Wilton Road
The Royal British Legion, Endless Street
Salisbury and district angling club, Castle Street
Salisbury cycling and social club, Salt Lane
St Pauls Conservative Club, Devizes Road
Wyndham Park Conservative Club, College Street
Working Mens Club, Scots Lane

Whilst the social club have indicated that many of the above premises are not suitable for relocation, no tangible reason is provided why existing members of the social club could not join the other listed facilities. This list also seems to indicate that there are a number of city centre social facilities.

Therefore, the significance of the impact of the loss of the railway social club in both sustainability terms, and in terms of the likely social/economic impact of the loss of the facility is very difficult to quantify. This makes this case very different from both the aforementioned appeals at the Butt of Ale and the Conquered Moon, which were very clearly isolated public houses, the loss of which would clearly result in users having to travel a significant distance to similar public houses.

Members should note that the applicants have control over the social club. As the lease of the social club apparently expires in a few years time, and the building could cease to be occupied and even be demolished without requiring any planning permission, it is entirely possible that should the LPA decide to refuse this current application on the basis of the existing social club use, the site owners could choose to remove the social club in due course.

Consequently, despite the lack of evidence supplied that the social club is somehow unviable or redundant, and despite the clear strong objections received by the LPA as part of this application, officers must advise that a refusal of this application based on the loss of the social club may be very difficult to support in policy terms, particular in light of the LPA's acceptance of the removal of the social club for parking some 6 years ago.

7. Need for an EIA

The social club have indicated that they believe that an Environmental Impact Assessment (EIA) is required for the application scheme given the wider impact of the proposal.

Officers do not agree with this ascertain. An EIA is required only where a development is likely to have a significant impact on a "sensitive area" (as defined in the EIA guidance). This site is however located in an urban location within the city centre, and is not located close to a "sensitive area" as defined. Furthermore, whilst the site is technically within 2km of an SSSI, having assessed the likely impacts of the proposal, it would appear that the impacts of the development would not be so significant as to result in likely significant impacts, and what impacts there may be (in particular in terms of air quality, drainage and contamination) are likely to be minimal and can be mitigated by condition, as suggested by the various consultees.

CONCLUSIONS

The majority of the application site is clearly allocated for a "passenger interchange" in policy TR4, and the LPA did resolve to approve a passenger car park on the application site in 2002.

Whilst the proposal would result in the loss of an apparently well used social club, which is located outside the area of land defined by policy TR4, the LPA resolved in 2002 to approve a similar parking scheme which would have led to the removal of the social club, and crucially, it should also be noted that the applicants have control over the social club. As the lease of the social club expires in a few years time, and the use could cease and the building itself could be demolished without requiring any planning permission, it is entirely possible that should the LPA decide to refuse this current application on the basis of the existing social club use, the site owners could choose to remove the social club in due course.

Furthermore, the LPA has no empirical evidence which would could be used to dispute the argument that current users of the social club could not be absorbed by other local social clubs in the city centre. Therefore, the significance of the impact of the loss of the railway social club in both sustainability terms, and in terms of the likely social/economic impact of the loss of the facility is very difficult to quantify. This makes this case very different from both the aforementioned appeals at the Butt of Ale and the Conquered Moon, which were very clearly isolated public houses, the loss of which would clearly result in users having to travel a significant distance to similar public houses.

Consequently, despite the lack of evidence supplied that the social club is somehow unviable or redundant, or that its usage could be replicated by another facility elsewhere in the city, a refusal of this application based on the loss of the social club may be very difficult to support in policy terms.

Despite the concerns of the EHO, a refusal of this application on air quality grounds may be difficult to support. Whilst on the face of it, the application may result in 178 additional cars using the site and the surrounding area, the LPA may find it difficult to prove that these 178 cars do not already come into the city centre and park elsewhere. Furthermore, on a more regional level, it may also be argued that allowing more people access to the railway system will actually help to improve air quality over a wider geographical area.

Even if the proposal would indeed result in 178 additional cars using the city centre road system, such a stance may also be difficult to substantiate given that city centre location of the site, which is an area which already experiences a huge volume of traffic, of which 178 additional cars will only form a small percentage of. Hence, the actual harm caused by an additional 178 vehicles would be likely to be dwarfed by the likely levels of pollutants generated by existing levels of traffic. Consequently, justification of a refusal on an air quality basis alone may be problematical in planning terms.

RECOMMENDATION: APPROVAL with the following conditions, Provided that:

- (a) the applicant and any other relevant parties undertake, under Section 106 of the principal act to;**
- i) provide a management scheme to safeguard the use of the passenger interchange/car park for season ticket holders.**
 - ii) provide a pedestrian crossing across Fisherton Street before the car parking first comes into operation.**
 - iii) the submission of a Travel Plan scheme which would encourage railway users and railway staff to access the railway station by means other than the private car, including the utilisation of the city Park and Ride sites, and the use of public transport and walking and cycling, together with the provision and improvement of secure cycle parking facilities at the railway station site.**
- (b) If the applicant does not comply with (a) within a period of 3 months (or other further period agreed by the HDS) then the application be delegated to the Head of Development Services, to reach a decision as it stands and it is likely that the proposal will be refused for non-compliance, (or in part), with the above provisos.**

then this authority is minded to grant planning permission to the above application for the following reasons:

REASONS FOR APPROVAL:

The majority of the application site is clearly allocated for a "passenger interchange" in policy TR4, and the LPA did resolve to approve a passenger car park on the application site in 2002.

Whilst the proposal would result in the loss of an apparently well used social club, which is located outside the area of land defined by policy TR4, the LPA resolved in 2002 to approve a similar parking scheme which would have led to the removal of the social club, and crucially, it should also be noted that the applicants have control over the future of the social club, and it is entirely possible that should the LPA decide to refuse this current application on the basis of the existing social club use, the site owners could choose to remove the social club in due course.

Furthermore, the LPA has no empirical evidence which could be used to dispute the argument that current users of the social club could not be absorbed by other local social clubs in the city centre, and hence cannot prove that the social club plays an essential role in the social or economic life of the settlement. The physical loss of the social club could also occur outside the control of the planning system.

Despite the concerns of the EHO, a refusal of this application on air quality grounds may be difficult to support. Whilst on the face of it, the proposal may result in 178 additional cars using the site and the surrounding area, the LPA may find it difficult to prove that these 178 cars do

not already come into the city centre and park elsewhere. Furthermore, on a more regional level, it may also be argued that allowing more people access to the railway system will actually help to improve air quality over a wider geographical area.

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. Before development commences approval of the details of any operational works to include means of enclosure, access (vehicular and pedestrian), roadworks, buildings, or other structures connected with the use of this land as a freight/passenger interchange shall be submitted in writing to the Local Planning Authority and shall be carried out as approved unless otherwise agreed in writing

Reason: 0003 The Local Planning Authority wishes to give further consideration to the details of any further operational works in the context of fully detailed plans.

3. Before any use on any part of the site commences the construction of the accesses shall be carried out in complete accordance with the approved drawings contained and shall be finished in its entirety unless otherwise agreed in writing by the Local Planning Authority. (B04A)

Reason: 0007 For the avoidance of doubt and in the interest of highway safety

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use of the development hereby permitted. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc. indicating lines , manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant). (G01A)

Reason: To enable the Local Planning Authority to secure a satisfactory standard of design and implementation for the landscaping of the proposed development, in the interests of visual amenity.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. (G03A)

Reason: 0032 To enable the Local Planning Authority to secure the satisfactory implementation of all approved landscaping works, in the interests of visual amenity.

6. Before any use hereby permitted commences, details of any lighting and CCTV equipment, shall be submitted to and approved in writing by the Local Planning Authority and any construction shall be carried out in accordance with those approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 0034 To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and/or the level of illumination in the interests of visual amenity.

7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (G12A)

Reason: To ensure the satisfactory establishment of the approved scheme for the landscaping of the site.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment and other means of enclosure, to be erected. The boundary treatment shall be completed before any use hereby permitted is commenced. Development shall be carried out in accordance with the approved details. (G06A)

Reason: 0035 To enable the Local Planning Authority to secure the satisfactory treatment of the boundaries and other means of enclosure, in the interests of visual amenity.

9. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (L03A)

Reason: 0062 To ensure that the development is provided with a satisfactory means of drainage which would limit surface water run off.

10. Prior to the commencement of development, a scheme to deal with the risks associated with contamination of the site and the protection of surface waters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: In order to minimise the impact of the development regards the contamination of surface waters.

INFORMATIVE

For guidance related to condition 10 and 11 above, please see that attached comments from the environment agency. Information can also found on their website.