

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 02 OCTOBER 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 Site Visit	Application No Planning Officer	Parish/Ward Officer Recommendation Ward Councillors
1	S/2008/0963	ST MARTIN & MILFORD
4-21	Mrs J Wallace	REFUSAL
SV 4:15PM	<p>QUATTRO DESIGN ARCHITECTS LTD ALABARE DEVELOPMENT 58 BARNARD STREET SALISBURY</p> <p>DEMOLITION OF EXISTING 5 STOREY 35 BED, 40 PERSON HOSTEL (DAMASCUS HOUSE) ON BARNARD STREET AND REPLACEMENT WITH 4 STOREY 35 BED HOSTEL. CHANGE OF USE AND REFURBISHMENT OF GRADE II LISTED BUILDING (EMMAUS HOUSE) FROM RESIDENTIAL CARE HOME TO 8 NO. 1 BED AND 2 BED FLATS FOR MOVE ON ACCOMMODATION. RETAIN USE OF GROUND FLOOR MEETING ROOM AND ADMINISTRATION ROOM AND INTERNAL CHANGES TO LAYOUT OF TOILETS AND KITCHENETTE. ERECT 6 NO.1 BED FLATS FOR MOVE ON ACCOMMODATION ON LAND ADJACENT TO ST ANN STREET. ALTERATIONS TO CAR PARK AND CREATION OF FOOTPATH</p>	<p>ST MARTIN AND MILFORD WARD</p> <p>Councillor Howarth Councillor Tomes</p>
2	S/2008/0964	ST MARTIN & MILFORD
22-33	Mrs J Wallace	REFUSAL
SV 4:15PM	<p>QUATTRO DESIGN ARCHITECTS LTD ALABARE DEVELOPMENT 58 BARNARD STREET SALISBURY</p> <p>PARTIAL DEMOLITION OF BOUNDARY WALL ADJACENT TO ST ANN STREET. DEMOLITION OF DAMASCUS HOUSE AND INTERNAL ALTERATIONS AND REFURBISHMENT OF GRADE II LISTED BUILDING (EMMAUS HOUSE)</p>	<p>ST MARTIN AND MILFORD WARD</p> <p>Councillor Howarth Councillor Tomes</p>

3	S/2008/1311	ST ED & MILFORD
34-37	Mr W Simmonds	APPROVED WITH CONDITIONS
	<p>MRS EJ MCCOUGHLAN MORTIMERS 30-32 FISHERTON STREET SALISBURY</p> <p>APPLICATION FOR THE INSTALLATION OF AN EXTERNAL DISABLED USER RAMP AND ADAPTATION OF AN EXISTING OPENING TO PROVIDE AN ADDITIONAL ENTRANCE ON THE EASTERN END OF THE UNIT FRONTAGE ON FISHERTON STREET</p>	<p>ST EDMUNDS & MILFORD WARD</p> <p>Councillor Mrs Chettleburgh Councillor Sample</p>
4	S/2008/1309	ST ED & MILFORD
38-41	Mr W Simmonds	APPROVED WITH CONDITIONS
	<p>MRS EJ MCCOUGHLAN MORTIMERS 30-32 FISHERTON STREET SALISBURY</p> <p>VARIATION OF CONDITION 04 OF S/1999/1251 TO ALLOW THE PREMISES TO CONTINUE TRADING UNTIL 1AM (WITH 30 MINUTES DRINKING UP TIME) THE FOLLOWING MORNING ON FRIDAYS AND SATURDAYS ONLY</p>	<p>ST EDMUNDS & MILFORD WARD</p> <p>Councillor Mrs Chettleburgh Councillor Sample</p>
5	S/2008/1347	FISHERTON AND BEMERTON
42-45	Mr W Simmonds	APPROVED WITH CONDITIONS
	<p>MR DAVID WILLIAMSON JONES SAVILLS</p> <p>LAND AT BEMERTON FOLLY WOODS WESTWOOD ROAD SALISBURY</p> <p>24M LATTICE TELECOMMUNICATIONS MAST WITH 6 ANTENNA, 2 DISHES AND EQUIPMENT CABINET WITHIN FENCED COMPOUND</p>	<p>FISHERTON AND BEMERTON WARD</p> <p>Councillor Roberts Councillor Walsh</p>

Part 1

Applications recommended for Refusal

1

Application Number: Applicant/ Agent: Location: Proposal:	S/2008/0963 QUATTRO DESIGN ARCHITECTS LTD ALABARE DEVELOPMENT 58 BARNARD STREET SALISBURY SP1 2BJ DEMOLITION OF EXISTING 5 STOREY 35 BED, 40 PERSON HOSTEL (DAMASCUS HOUSE) ON BARNARD STREET AND REPLACEMENT WITH 4 STOREY 35 BED HOSTEL. CHANGE OF USE AND REFURBISHMENT OF GRADE II LISTED BUILDING (EMMAUS HOUSE) FROM RESIDENTIAL CARE HOME TO 8 NO. 1 BED AND 2 BED FLATS FOR MOVE ON ACCOMMODATION. RETAIN USE OF GROUND FLOOR MEETING ROOM AND ADMINISTRATION ROOM AND INTERNAL CHANGES TO LAYOUT OF TOILETS AND KITCHENETTE. ERECT 6 NO.1 BED FLATS FOR MOVE ON ACCOMMODATION ON LAND ADJACENT TO ST ANN STREET. ALTERATIONS TO CAR PARK AND CREATION OF FOOTPATH		
Parish/ Ward Conservation Area: Date Valid: Case Officer:	ST MARTIN & MIL SALISBURY 23 May 2008 Mrs J Wallace	LB Grade: Expiry Date Contact Number:	II 22 August 2008 01722 434687

REASON FOR REPORT TO MEMBERS

Councillor Tomes requests that Committee decide this application in view of the interest in the application.

SITE AND ITS SURROUNDINGS

The site forms part of the Pound Chequer, within the Conservation Area. It forms the easterly half of the chequer being bounded by Barnard Street, Dolphin Street and St Ann Street.

The site is currently occupied by Emmaus House, a listed grade II circa 1700 building, extended in the eighteenth century, and Damascus House, an early twentieth century building, remoulded in the 1960's. Both buildings are considered to form part of the listed building.

To the south of the buildings is a garden and car parking area, bounded by walls and trees. There are a number of listed buildings in the adjacent streets and although there has been modern infilling in the area, it retains its historic character.

THE PROPOSAL

It is proposed to:

- Demolish the existing 5 storey building known as Damascus House (currently used as a 35bed, 40 person hostel) and replace it with a 4 storey building to provide the same level of accommodation.
- Refurbish of Emmaus House and change from a care home to eight flats for 'move-on accommodation' (5 one bed, 3 two bed)
- Erect a two-storey building facing onto St Ann Street to provide six 1 bed flats for 'move-on accommodation'
- Reorder existing on site parking arrangements

- Removal of some boundary walling adjacent to St Ann Street and majority of trees
- Relocation of drop-in centre from The Friary

PLANNING HISTORY

95/1491	From nurses hostel to community home for adults with learning disabilities	AC	23.10.96
96/0927	To form day care centre within existing homeless person's hostel	AC	19.08.96
96/1381	To vary condition 2 relating to temporary time condition from planning permission S/96/0927	AC	28.10.96

CONSULTATIONS

WCC Archaeology

The archaeological evaluation of the site identified late medieval and post medieval features relating to previous buildings on the site. One of the finds found within the trench is a Saxon loom weight. Although it is likely there was a Saxon development at Harnham there is no information on any settlement within Salisbury itself. Remains relating to a Saxon cemetery have been identified to the east of Bourne Hill House suggesting settlement in the area. As the evaluation report makes clear this evidence of Saxon settlement is a very rare find in Salisbury.

The potential for finding further archaeological remains relating to various periods is therefore high. I advise that an archaeological excavation takes place in advance of construction and that the following condition as set out in Appendix A of DoE Circular 11 95 is placed on any permission

SDC Tree Officer

I object to the above application on the grounds that it involves the removal of, or may cause damage to, a number of trees with significant amenity value. The Cherry trees on the southern boundary are shown to be removed to accommodate development and it is unclear if the Limes on the eastern can be successfully protected.

The 3 x Pollarded Limes and the 2 x Cherries are relatively small trees but they make a significant contribution to the street scene and add to the character of the Conservation Area.

The trees are some of only a very few that are visible within the vicinity and as such they are deemed to be worthy of protection. A Tree Preservation Order (no. 406) was enacted on 10th July 2008.

There are several other trees on site which are not deemed worthy of protection because they are barely visible from the surrounding area.

SDC Conservation

"Proposed Alterations to Emmaus House

Emmaus House is a two-storey brick building dating from the 17th century, with additions in the 18th century. A number of internal alterations have been made historically, and only some of the building's original features remain. A historic assessment of the building has been submitted with the application. This has identified the significant elements of the building's historic character and fabric.

I attended a site visit with the architect during the course of the application to look at the internal alterations to the listed building. Whilst it would appear that the most significant elements are to be retained, and in some instances enhanced by the proposals, I raised some issues and suggested some alternative proposals that would be more appropriate. I understand that the architect intended to revise parts of the layout, and I await the amended plans.

Proposed Rebuilding of Damascus House

The existing Damascus House block is a 4/5 storey block of modern appearance, set back from the main street frontage. Its scale, appearance and position do not currently respect the character of the surrounding area. Consequently, I do not object in principle to the demolition and rebuilding of this block, and therefore consider that the proposals would comply with Policy CN9 of the Local Plan.

I feel that the proposed replacement block would be more in keeping with the Barnard Street frontage, being of a more appropriate scale, and sitting back-of-pavement. The reduction in overall height and massing would be more respectful of the neighbouring properties than the current building. I also feel that the design, proportions and materials, despite displaying a modern aesthetic, would sit comfortably alongside Emmaus House, and therefore I feel that the setting of the Grade II listed building would be enhanced when viewed from Barnard Street.

I am concerned, however, regarding the principle of developing the rear wing of the new building into the open area within the chequer. This area might historically only have been occupied by modest buildings of low scale (for example, outbuildings, stables, and perhaps houses). I believe the proposed three-storey projecting wing would result in an unwelcome intrusion into the centre of the chequer. This would be visible from the adjacent Dolphin Street, and I feel would impact adversely on the character of the conservation area, and therefore not accord with Policy CN8 of the Local Plan. I am also concerned that due to its scale, the proposed wing would detract from the setting of the listed building when viewed from the rear and would therefore be contrary to Policy CN5 of the Local Plan. I would like to request whether this aspect of the proposals could be reconsidered.

Proposals for St Ann Street

The site is currently bounded by a high brick wall on the corner of St Ann Street and Dolphin Street, which gives some enclosure to the site. The submitted application does not appear to mention the age of the wall or its likely significance as a structure. However, it would appear that the wall is a mixture of different brick types built over a number of periods, and is of limited intrinsic merit.

The current character of this part of the conservation area is generally made up of properties of two or three storeys, some with attics, constructed in brick, painted brick or render, and with steeply pitched plain clay tiled roofs. An appraisal of the Salisbury Conservation Area has recently been undertaken by consultants for the council (N.B. the most recent draft has just been received from the consultants – it is in a rough format which needs to be tidied up prior to going through the formal consultation process). The draft appraisal shows that the townscape of the eastern chequers as characteristically having a back-of-pavement building line. The analysis of Pound Chequer in which this site is situated, acknowledges the open space behind the wall on St Ann Street, however, this is not identified as being an open space of any great significance to the character of the conservation area. It is not considered that the open space would need to be retained in order to preserve the character of the conservation area, and therefore it is considered that development on this part of the site would comply with Policy CN10 of the Local Plan. Furthermore, the removal of the wall is considered acceptable in the context of the redevelopment of the site.

It is my view that a back-of-pavement development on St Ann Street that reinforces the perimeter of the chequer would respect the surrounding pattern and character of the conservation area, and thus would accord with Policy CN8 of the Local Plan. Furthermore, the scale, massing, design and materials of the proposed new buildings would respect the existing streetscene, and subject to details I feel that the character of the conservation area would be preserved. I also feel that the new buildings would fit into the surroundings without causing any harm to the setting of nearby listed buildings.

Please note that I would suggest that conditions would be needed requesting large scale details of windows, doors, eaves, and chimneys, along with materials and sample panels of materials for the new buildings in Barnard Street and St Ann Street.”

English Heritage (summarised)

The proposal site is within the central conservation area of Salisbury and includes the grade II listed Emmaus House in close proximity of the site is a number of highly graded listed buildings. The key issues in assessing this application is the impact on the special architectural and historic interest of Emmaus House and its setting preserving the setting of the surrounding listed buildings and the character and appearance of the conservation area. We welcome the demolition of the existing Damascus House and we consider the replacement to be an improvement in terms of height to the street frontage and relationship to Emmaus House. The Council will need to consider carefully the alterations to the interior of Emmaus House to ensure the conservation of its special interest. The proposals include building three properties housing flats fronting St Ann Street, this area is currently part of the garden car parking to Emmaus house and is surrounded by a high brick wall. Whilst we note that the OS map evidence shows this area as a private open space since the at least the mid 19th century the Naish map shows that in the early 18th century it was built upon. The main character of St Ann Street is a built up street frontage and we consider the principle of building in this location to be acceptable. There are a number of highly graded buildings on the south side opposite the proposal site but in terms of principle, mass and scale, we are of the view that the new build will not have an adverse impact on the setting of the listed buildings. The detailed design of all the new build will need to be carefully specified and approved by the Council to ensure a high quality design is delivered.

We do not wish to raise an objection to the proposals. We would urge you to address the above issues and recommend that this application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Environmental Health

Further to the above application my recommendations are as follows:

1) No demolition or construction work shall take place before 08 00 on any day and work must finish by 18 00 Monday to Friday and 13 00 on a Saturday. This includes delivery of materials to the site. No work shall take place on a Sunday or Bank Public Holidays

2) No development shall take place until a scheme for the control of dust from the site has been submitted to and approved by the local planning authority. Having viewed the plans for the proposed new development I am concerned about some of the proposed living arrangements in Damascus House and Emmaus House respectively. In Damascus House this relates to the intended provision of shared twin rooms on the 1st, 2nd and 3rd floor. In Emmaus House this relates to similar sharing arrangements but within self contained flats.

The concern arises should these twin rooms be used to accommodate unrelated people who are not co habiting. While it is acknowledged this type of accommodation can be the first step to gaining more permanent accommodation the duration of people s stay can be a significant period of time and as such sharing with unrelated adults is not an acceptable arrangement. I am aware that this cannot be conditioned under the provisions of the planning process, however, I would recommend the following informative be included should you e minded to grant consent. Twin room living arrangements between unrelated adults who are not co habiting is not an acceptable arrangement. Where these arrangements are found in the private rented sector these conditions would be assessed under part 1 of The Housing Act 2004 and any appropriate action

taken to reduce the number of occupiers where necessary. The same course of action would be taken if the hostel were found to be providing accommodation in this way. It should not be the intention of the developer to design this kind of arrangement into a new development planning permission

Wiltshire Police

Existing property.

The property is used by Alabare Christian Care, there are two buildings Damascus House and Emmaus House. Damascus House provides short term accommodation and direct access to homeless and vulnerable adults whilst Emmaus House provides 24hours support to adults with learning difficulties.

I have previously attended Emmaus house at the request of staff following some minor security concerns. Advice was given regarding general security, staff awareness and the use of CCTV to monitor the entrance/egress points.

Statistically using the time period of January 1st 2008 to 28th July 2008, there have been 34 recorded incidents on the police storm recording system and only 6 of these incidents were officially investigated as a crime.

Proposed development

The new development will be on the same footprint as existing but is reduced in height making it a less imposing building. In addition there will be some new properties facing onto St Ann Street that will be used as independent living accommodation; however these properties are still in curtilage of the main building and will be supervised by staff within the main building. To their credit, the architects have been in consultation with me prior to any planning submission and have taken on board the comments I made. The points raised at this early meeting and are still applicable were as follows;

- Lighting – this must be professionally surveyed and adopted as appropriate
- Recessed doorways and concealed areas must be avoided
- Controlled access is essential due to previous issues with access
- Staff awareness of security
- Making the building visibly permeable allowing for natural surveillance from the street, however pedestrian and vehicle movement should be controlled and the number of entry/egress points should be minimal

(Following the above response, your officers asked for clarification regards the above stance. The following additional response was received)

Having looked at the list of crimes I have recorded for the premises, the majority occurred inside and were calls from staff having issues with residents, therefore I don't think the building or location had any bearing on the issues. I would surmise that the calls to us would have occurred regardless, and I can only assume the same with a new building.

I haven't seen any measures in the proposals that will have any sustainable effect on issues at the house either positive or negative, however, as long as the new build has appropriate locks, doors, windows and fully briefed staff, then I don't see that it will have any detrimental effect or cause an increase in crime or anti social behaviour in the area.

I have had several calls from members of the public living around the area who read my comments on the website, I have not gone into detail with them but I have confirmed that the majority of calls to us were from staff and that the number of incidents the locals say have happened certainly aren't reflected on police records.

WCC Highways

Originally raised concerns, but now no objections raised subject to the plans being amended to revert back to the use of the existing vehicular access, and clarification of cycle parking.

**SDC Strategic
Housing Services**

Damascus House is a homeless hostel. Residents include rough sleepers, homeless people with intensive needs and a limited number of couples. The facilities are in poor condition and do not meet Disability Discrimination Act (DDA) requirements. The building's inadequacies severely limit its capacity to motivate the homeless to address their needs and break their cycle of homelessness.

A continuing need for both hostel accommodation and supported accommodation has been identified and the provision of 35 direct access units to provide crisis accommodation and 14 flats will assist to address this need.

The project is key to the Councils Homelessness Strategy, relevant to the Vision for Salisbury and, closely aligned with the Sustainable Communities initiative. It will provide

- A base for an effective service for all homeless people including couples
- a new centre for homelessness day centre services with a direct link to accommodation,
- enable a range of services for the homelessness to come together,
- a supportive environment to improve the life opportunities of the homeless

Funding - On 11 October 2006 Cabinet agreed that it would 'Approve the allocation of £500,000 capital grant to Alabare for the remodelling of Damascus House. This is subject to Alabare achieving the relevant planning consents and additional funding for the project'.

REPRESENTATIONS

Advertisement	Yes expiry date 26/06/08
Site Notice displayed	Yes expiry date 26/06/08
Departure	No
Neighbour notification	Yes expiry date 26/06/08
Third party response	71 comments and objections (to this application and S/2008/0964) were received raising the following issues (summarised): <ul style="list-style-type: none">• Contrary to various local plan policies• Need to retain historic street pattern• St Ann Street most important historic area of the City after the Close; will ruin setting of Listed Buildings, Joiners hall and Emmaus House and damage Tourism.• St Ann Street view of Cathedral will be spoilt• Special character of St Ann Street is existence of breaks in frontage• Removal of Damascus House is enhancement, removing trees and building 6 dreary flats is neither restoration nor enhancement• Proposal is unsympathetic to the LB, it does not enhance or preserve CA• Proposal contrary to CN10 loss of open spaces, gaps between buildings and gardens should not be allowed where it would detract from the special character of the CA• Drop-in centre, offices, enlarged hostel and 14 flats is overdevelopment of site• Aggressive and intensive overdevelopment of site• Hostel in architecturally sensitive residential area is inappropriate• Desire to improve Barnard Street of inappropriate 5storey building should not be at cost of destroying St Ann Street • Damascus House is a lovely building should not be altered• Could be upgraded instead, would be less disruptive to neighbours• Damascus House is ugly, an eyesore and should be replaced sympathetically

- Massive overdevelopment, New building very intrusive
- Atrium is unsympathetic to this Conservation Area
- Object to rear extension, unsympathetic to this Conservation Area
- Spoil views of Cathedral
- Scale and proportions are unsympathetic and unsuitable
- Incursions into the Chequer should be scaled down
- Retention of open garden space crucial
- It is unreasonable to justify building in garden by saying that there may have been houses on the site in the past
- Open space and ancient wall important feature in street
- Views of Cathedral enhanced by garden and trees
- Wall should be retained, garden existed for 200years
- Open space and trees form important balance and contrast.Loss of green lung
- Loss of open space will detrimentally effect neighbours
- New housing should have amenity space, this proposal is the reverse destroying garden and parking space.
- Trees are not of 'little importance' they are important in the street scene and give pleasure
- Object to 6 flats on St Ann Street
- Development is out of keeping with area.
- Will increase noise echo from by pass in St Ann Street
- Will result in a tunnel-like effect of developing on open side of street
- Unsympathetic to this Conservation Area
- Detrimental to remove garden, build flats as would not enhance setting of Listed buildings
- Will ruin setting of Listed Buildings, Joiners hall and Emmaus House
- Proposed buildings are aesthetically unpleasing
- Mundane design does not fit in with surroundings.
- Municipal design, scale and proportions are unsympathetic and unsuitable
- Not subservient, will obliterate character of St Ann Street
- Salisbury spoilt by fake medieval new build, do not need a row of houses using elements from all the buildings in the street. Will look fake
- Design not good enough will have same detrimental impact as new hoses in Culver Street and Paynes Hill
- Re-development of nos29 to31 was a disaster, this will be as ugly
- Peace and serenity of area will be affected
- Noise and disturbance will increase as residents will not be supervised
- Anti-social behaviour in area will increase
- Drop-in centre is inappropriate use in a quiet residential area, will increase current levels of anti-social behaviour
- Drop-in centre would be better located in city centre/railway station
- Drop-in centre should be accessed from Barnard Street
- Concerns regarding parking and traffic
- Building is no longer well managed
- Alabare have not looked after their current buildings, ability to maintain new development questioned
- Loss of privacy and quiet enjoyment, overlooking, loss of light
- Windows will overlook house and garden

Support for the following aspects expressed:

- Principle of homeless hostel supported
- Demolition of Damascus House

- Redevelopment and height reduction of Damascus House
- New building would enhance Barnard Street
- Reduction in height will add balance to street scene and light
- Refurbishment of Emmaus House
- Pull in bay for police/ambulance on Barnard Street
- Main entrance on Barnard Street
- If flats must be built should be set back behind trees and turned to face Damascus House to reduce noise disturbance.

Other issues

- Current use may not have planning permission.
- Salisbury is being ruined by wrong developments
- Plans are inaccurate
- Proper analysis of pedestrian, cyclist, vehicular circulation and access not undertaken.
- No letters of objection included in the applicant's supporting documentation; there were many following the public consultation.
- No public consultation or dialogue with residents since presentation of proposals.
- Principle of homeless hostel supported, but should be located elsewhere, suggestions made include city center; central car park, out of town .
- Selling Damascus House site for private residential use would fund a modern building on a more appropriate site
- SDC funding on the project should not over-ride planning and conservation policies

Consultants report prepared by Pro Vision Planning and Design on behalf of **Friends of Pound Chequer** - a 57 page document whose conclusions are as follows:

"We recognise and appreciate the charitable status and circumstances of the applicant and their wish to increase and improve housing facilities as the reasons for the applications. Nonetheless these personal circumstances do not outweigh significant procedural and other flaws as well as serious planning listed building and conservation area objections.

In summary:

The proper consideration of protected species (bats) arrangements for satisfactory statutory consultation, validation and registration of the applications and receipt of appropriate applications

Omissions and inconsistencies in the submitted applications and in the analysis of the applications by the LPA and others

Failure to preserve or enhance the character and appearance of the City of Salisbury Conservation Area and failure to comply with policies D4 and CN8, CN11 of the adopted Salisbury District Local Plan

Adverse impact on the setting of a number of Listed Buildings and failure to comply with Policies CN3 and CN5 of the adopted Salisbury District Local Plan

Failure to comply with a number of the criteria contained within the guidance jointly produced by English Heritage and CABI regarding new development in Historic Areas

There is no compelling reason why these particular applications should be approved. Clearly it would be feasible to bring forward suitable alternative proposals that did not result in such significant or indeed any adverse harm to matters of acknowledged importance. This should be a matter of common ground with the LPA. In their present form the submitted applications clearly do not accord with the relevant provisions of the adopted Development Plan or with relevant Government and other supplementary planning guidance documents. There are neither overriding material considerations nor any suitable and appropriate planning conditions that would outweigh, mitigate or compensate for the significant adverse harm that would be caused to interests of acknowledged importance if these applications were permitted. The appropriate course of action is that the applications should be refused"

HDS Note: *In their submission, inter alia, the consultants acting on behalf of the Friends of the Pound Chequer have raised concerns about the validity of the application, referring to procedural failures, omissions and inadequacies in the applications and any decision to grant planning permission and /or listed building consent could be unsafe and capable of legal challenge and judicial review. The HDS has taken legal advice on the matter and at the time of preparing this report does not consider that the validity of the applications should be reviewed.*

Design Forum

The forum was generally satisfied regarding the proposals for the replacement Damascus House block on the Barnard Street frontage. It was considered that this was an improvement on the existing building. There was a concern, however, regarding the impact of the southern wing off the rear elevation. It was felt that the principle of extending the building into the open area in the centre of the chequer was not appropriate. It was also considered that the extension would dominate the adjacent listed building, and would look out of scale and character when viewed from Dolphin Street.

It was considered that the scale and proportions of the St Ann Street terrace were appropriate, and that the character of the conservation area would be preserved. There was a query relating to the proposed balconies which were considered to be out of context with the local street scene.

Salisbury Civic Society

I wish to write in OBJECTION to the above application which seeks permission to demolish Damascus House to replace it with alternative accommodation as well as creating new accommodation adjoining St Ann Street. The application was considered at length and the conclusions reached were as follows:-

Whilst the Society has no objection to the creation of more suitable accommodation for use by the Alabare Centre and has no objection to a contemporary approach necessarily, this particular development has two aspects of serious concern. The large projecting wing to the rear of Damascus House was thought to be overlarge and due to its inadequate portrayal in the elevations from Dolphin Street provided there is no confidence that this bulk would be suitably integrated within the chequers. Its impact was thought likely to be considerable. In their current form the flats (which appear as houses) on St Ann St lose what is considered to be a valuable breathing space in the urban fabric of St Ann s Street. The street is arguably the most attractive in Salisbury and although the loss of this space would be considered acceptable in principle it would only be so for something truly remarkable and worthy of its setting. On balance these terraced cottages were not thought to sufficiently justify this loss.

The Georgian Group

Having studied the information available the Group would like to make the following comments:

Demolition of Damascus House: Whilst the Group does not object to the demolition of Damascus House we are concerned that that the proposed footprint of the new building exceeds that of the current building. The scale, orientation, siting and massing of the proposed building especially the south wing would dominate the south aspect of No 58 Barnard Street (Emmaus House) in particular and would fail to preserve the character and appearance of the Conservation Area contrary to PPG 15, C7 and the provisions of Policies CN8, CN10 and CN11 of the Salisbury District Council Adopted Local Plan and Policy HE7 of the Wiltshire and Swindon Structure Plan 2006.

Internal alterations and refurbishment of No. 58 Barnard Street, Emmaus House: The Group does not wish to offer detailed comments regarding the proposed internal works to No 58 Barnard Street but would defer to the Victorian Society for any comments they have regarding the proposed internal works affecting the mid nineteenth century part of the building

Development fronting St Ann's Street: The Group objects towards the proposed development facing St Ann's Street, to the south of the application site. The south elevation of No 58 Barnard Street should be read as the principal elevation of the building, and the once formal gardens leading down to St Ann's Street are an important part of the character and setting of the Grade II listed building and the surrounding conservation area. Although there is great scope to enhance the former south garden site the current proposals, which include the proposal to demolish part of the boundary wall, would be detrimental to the character and setting of No 58 Barnard Street and the surrounding area.

In Conclusion the Group are concerned that the current proposals neither preserve nor enhance the conservation area and would do much to harm the character and setting of No 58 Barnard Street

National Trust

The site is directly opposite Joiners Hall which was acquired by the National Trust in 1898. It is a Grade I Listed Building with a timber facade dating from C16th and is within the Salisbury Conservation Area and an Area of Special Archaeological Significance.

The National Trust supports the need to make the most effective use of land in urban areas so as to reduce pressure on open land. However, we would not wish to see development that might detract from the Conservation Area or the setting of Joiners Hall.

We feel that the design of the proposed development for building 6 new flats on St Ann Street which forms part of the planning application neither preserves nor enhances the character of the conservation area and so is in contravention to your policy CN8. Therefore we are unable to support this application and would like you to register our objection

MAIN ISSUES

- 1) Need for proposal and affordable housing provision
- 2) Impact on character of Conservation Area and character and setting of listed building(s)
- 3) Impact on amenities of neighbours
- 4) Highway issues
- 5) Protected species issues
- 6) Procedural issues

POLICY CONTEXT

Approved development plan documents comprise: RPG10, Wiltshire & Swindon Structure Plan and Adopted Salisbury District Local Plan June 2003 (saved policies).
(the emerging RSS is at SOS's proposed changes stage)

Of particular relevance are the following saved policies from the Local Plan.

G1 and G2 (Aims and criteria of the Local Plan), D1, D4 and D6 (Design policies), CN1, CN2, CN3, CN4, CN5 (listed building policies), CN8, CN9, CN10 and CN11, CN12 (conservation area policies), CN17 (trees), CN23, H4, H8, H25 (Housing), PS1 (Community facilities) and TR11 (parking).
SPG Creating Places, affordable housing SPG

And national guidance:

PPS1 Sustainable development
PPS3 Housing
PPS9 Biodiversity
PPG15 Planning and the Historic Environment
PPG16 Archaeology

CABE: Building in Context

PLANNING CONSIDERATIONS

1. Need for development and provision of affordable housing

The Council's Housing Officer has indicated that there is a need to upgrade and improve the facilities currently offered by Damascus House. It currently provides 38 beds on a direct access basis for the homeless in Salisbury. The building was last modernised in the 1960s and provides a communal dining room, kitchen and lounge, laundry, toilets and reception area. As the facilities are 40 years old they are in a poor condition; some floors of the five storey building have 8 bedrooms, sharing a single bath and toilet. Disability Discrimination Act (DDA) requirements are also not met by the current building; (eg there is no lift to the upper floors).

The improvement of Damascus House is apparently the key to a project to support the strategic ambitions of Salisbury and Wiltshire, directly linking to the Councils Homelessness Strategy. It will serve the whole of Wiltshire, although the predominance of need is expected to be in Salisbury. The project will offer a direct access facility for people sleeping rough and support for people to improve their lives via 'move-on' accommodation.

There is apparently substantial local need for such a facility. The Homelessness & Housing Options Team see 110 –120 people a week who have issues with their housing, significant numbers of which are non-priority homeless. Over the last 3 months 5 long-term rough sleepers and 28 intermittent Rough Sleepers were identified and between July 2007 and February 2008; fifty two people had their individual needs to move towards independent living through either further supported housing, private or social sector assessed. Additionally up to 40 people per session currently use the Salisbury drop in centre for homeless people.

The improvements that the overall scheme will provide are:

- a) Direct access to 35 bedspaces as crisis accommodation, the design of which will provide a more homely environment through the use of clusters of bedrooms.
- b) The close proximity of the 'move-on' flats to the direct access accommodation will provide support to the residents and allow them to access activities and maintain social networks.
- c) Meaningful activities , improved education and employment opportunities can be offered as well as work advice, job searching, confidence building , tenancy training modules and practical DIY skills. courses on anger management, cooking, healthy eating, etc. It is proposed to use the garden to grow vegetables.

With regards to the above, Members need to be mindful that the site is located within the heart of the urban city centre, where the redevelopment of sites for housing is in accordance with the broad sustainability aims of central government planning guidance including PPS1, PPS3, and PPS13. Such guidance also supports the creation of mixed communities which take account of peoples diverse needs and aim to break down unnecessary barriers and exclusions in a manner that benefits the entire community. The provision of "affordable" housing would also of course be in line with national and local policies.

However, any such proposals must also be assessed and considered against other planning material considerations. In this particular instance, the impact of the scheme on the existing listed buildings and the wider conservation area must be fully assessed, as should the impact of the scheme on the amenities enjoyed by surrounding residents. Highway issues have also be of significant concern. The significant objections and concerns received from third parties must also be taken into consideration.

The following report therefore assesses the various impacts of the development.

2. Impact of development on existing listed building and wider conservation area

Preamble

The site lies within the Chequers, in the eastern part of the City. Generally speaking a Chequer was an open square area surrounded by streets which developed in the medieval period. They were developed as built-up street frontages around an open core. As other uses have vanished, in recent years the Chequers have become much more residential in character. The character of the Chequer is mixed, created by dwellings of varying sizes, ages and styles, generally positioned at the back of the pavement. This gives a strongly urban feel to the area particularly on Barnard Street. St Ann Street unlike the other adjacent streets, Love Lane, Dolphin Street and Barnard Street is interspersed with some spaces between the buildings which break up this urban frontage and create a more open townscape. In certain parts of this street there is a dominance of greenery created by the overhanging shrubs and trees. The third party objectors have submitted a detailed report on the history of the area and the site, and the draft version of the Salisbury Conservation Area Appraisal includes detailed assessment of this area.

In judging such impacts, Members must be mindful of the historic nature of the location and of the Council's policies, in particular policy H4 and D4 of the Local Plan, which contain specific reference to the Chequers Area. The current content of the draft CA Appraisal is also relevant, although of limited weight. Members are also aware of the requirements of PPG15, regards preserving/enhancing the Conservation Area, and the protection of historic fabric and buildings.

Alterations to Emmaus House

Emmaus House (including Damascus House) is a much extended listed grade II listed building with a garden and car park to the south bounded by high brick walls and trees on the Dolphin Street and St Ann Street sides. The building was listed in 1972 and the setting of the building was defined by a 'garden front' to St Ann Street.

The applicants' submitted a historic assessment of the building with the application which identified the significant elements of the building's historic character and fabric.

The Conservation Officer concurs that historically a number of alterations have been made to the interior of the building and that therefore only some of the building's original features remain. However, further internal alterations are proposed and whilst most of the significant elements are to be retained, and in some instances enhanced by the proposals, there were some concerns and revisions to the internal layout were proposed.

At the time of writing, such amended plans have been received by the LPA which it is hoped address the above concerns. However, the Conservation officer has yet to consider these plans, and her comments will be reported to Committee. Therefore, refusal reason number one as outlined in this report is retained until Conservation withdraw their concerns regards this matter.

Demolition and Rebuilding of Damascus House

Damascus House is attached to Emmaus House and is used in conjunction with it. SDC Conservation consider that Damascus House forms part of the larger listed building. Therefore, this proposal needs to be assessed in the context of policy CN4 of your Local Plan which relates to the demolition of listed buildings.

The existing building was apparently substantially altered in the 1960's, and the resultant structure towers above Emmaus House and other adjacent buildings, and is a prominent building within this part of the Conservation Area. Whilst not the worst example of its kind, the existing building is considered to be a rather incongruous feature, the scale and appearance of which do not respect the character of the listed building or its context. It significantly exceeds the Council's 12.2m height limit as outlined in policy D6 of the SDLP.

In relation to the proposal to replace Damascus House, its replacement with a smaller scale building is considered to improve the relationship with Emmaus House, and the wider street scene, compared to the existing building and relationship. Members should note that the height reduction would better satisfy the aims of policy D6 of the Local Plan.

Officers would have preferred the building to be even more subservient to Emmaus House, and would have liked to see the Barnard Street façade address the sloping gradient of the street.

However, both English Heritage and SDC Conservation support the replacement of Damascus House, and do not seem to object to the contemporary architectural language of the scheme or its arrangement

and relationship with Emmaus House. Members will however note the strong objections to the architectural approach from third parties and some consultees such as National Trust and the Georgian Group.

However, whilst not objecting in principle to the redevelopment, both English Heritage and SDC Conservation have raised issues related to the overall bulk of the proposal in terms of its projection into the centre of the historic chequer.

English Heritage advises that the Council should determine whether the benefits of the scheme elsewhere on the site outweighs the undesirable extension of the building towards the centre of the chequer and the SDC Conservation Officer advises that the proposed building (the so called southern wing of the building) will have a detrimental impact on the setting of the adjacent Emmaus House.

In officer's opinion, the removal of the rear projecting "southern wing" of the new building would be a significant improvement, although it is difficult to see how this could be achieved without reordering and significantly reducing the proposed accommodation, which may ultimately affect whether the scheme actually happens at all.

In considering whether this proposal is acceptable, Members will therefore have to consider whether they accept the criticisms of the rear southern wing of the building, or indeed, whether they accept the wider criticisms of the building lobbied commentators of than the SDC Conservation and English Heritage.

Office advise that notwithstanding the array of objections related to this new building, Members should restrict any objection to the proposal to those which reflect the concerns of SDC Conservation and EH, as a wider design objection regards this part of the proposal may be difficult to substantiate on any future appeal.

Erection of buildings facing St Ann Street and the loss of open garden area

In relation to St Ann Street the current character of this part of the Conservation Area is generally made up of properties of two or three storeys, some with attics, constructed in brick, painted brick or render, and with steeply pitched plain clay tiled roofs. St Ann Street is acknowledged to be of importance as part of a historic link to Southampton; now broken by the barrier of the by-pass and it also has an important view/vista of the cathedral.

The application site is somewhat unusual in that it is of an open character, being bounded on two sides with a boundary wall, with what historical was the garden to Emmaus House behind. Several trees are situated adjacent to the walling, which partially block views into the site.

The proposal under consideration envisages the loss of part of the existing boundary wall, part of the garden and most of the trees along St Ann Street. The new building would provide 6 move-on flats, which would visually appear as three self contained cottages. Each 'cottage' would have a front door on to St Ann Street and the floor levels and ridges would vary so as to accommodate the changes in topography. St Ann Street rises to the east. The ground floor flats would be accessed by the front doors on to St Ann Street but the first floor flats would be accessed from a first floor walkway which debouches on to the garden/parking area of Emmaus House. In considering whether this part of the proposal is acceptable, Members will also need to assess whether the development is of such high quality that it would outweigh the impact of the loss of the existing trees (see separate section of report).

There seems to be considerable difference of opinion as regards the importance of the openness of the site and the open space behind Emmaus House.

Concern has been expressed from third parties that the breaks in the street frontage are an important aspect of the character of the street and that the open spaces such as the garden to Emmaus House are long standing features of importance to the character of the Conservation Area.

The Consultants report, commissioned by the objecting third parties, states that the garden which has been in existence for at least 200 years was part of the consideration when Emmaus House was listed in 1972. Evidence has also been provided which suggests that unlike other Chequers, Pound Chequer never was completed in the traditional form and the eastern corner was not built upon.

The listing description associated with this site clearly mentions the “garden front” to St Ann’s Street. However, whilst the current draft of the appraisal of the Salisbury Conservation Area acknowledges the open space behind the wall on St Ann Street, this is not identified as being an open space of any great significance to the character of the conservation area.

English Heritage considers that whilst the walled garden provides a view of trees and natural outlook to the surrounding properties, building on the site would not have an adverse impact on the setting of the listed buildings on St Ann Street. In its opinion, the greatest impact is considered to be on the setting of the grade II listed Emmaus House as the site is the garden to this property. Although it is accepted by EH that currently it is mainly used as a car park, English Heritage consider that the new development would be subservient to the grander 18th century buildings within the street and thus maintain the established architectural hierarchy. The Conservation Officer also considers:

“It is my view that a back-of-pavement development on St Ann Street that reinforces the perimeter of the Chequer would respect the surrounding pattern and character of the conservation area, and thus would accord with Policy CN8 of the Local Plan. Furthermore, the scale, massing, design and materials of the proposed new buildings would respect the existing street scene, and subject to details I feel that the character of the conservation area would be preserved. I also feel that the new buildings would fit into the surroundings without causing any harm to the setting of nearby listed buildings”.

This is therefore a difficult issue to advise members on, given the contrasting views on this subject. Officers understand that to many interested parties, the design approach of the dwellings proposed for the St Ann Street frontage is somewhat unusual, and it perhaps would have been better to provide a simpler pastiche of other more traditional architecture in the area. “Contemporary” design is often controversial, and the level of disagreement to the use of a contemporary language is understandable given that other attempts at such approaches in the past in this immediate area have not weathered well (with particular reference to the building north of the application site around Culver Street car park).

However, the chosen design does contain some implicit references to the traditional architectural proportions and features, and given the clearly positive views of the Design Forum, SDC Conservation officer and the views of English Heritage regards the architectural approach, officers must advise Members that it may be difficult to defend a reason for refusal at appeal based around the impact of the proposed development on the character of St Ann Street, the wider Conservation Area, or the setting of the associated listed building.

(Members should however note that by accepting the proposed development, this would over-ride any Tree Protection Order).

Impact on views of Cathedral

St Ann Street contains a splendid “vista” of the Cathedral. Policy CN11 seeks to protect such views. A number of third party comments and objections have referred to the detrimental impact of the proposal on the views of the Cathedral.

Views to the cathedral are currently available from St Ann Street looking west. The proposed scheme would not interrupt this vista/view, but the replacement of the existing trees along St Ann Street frontage with dwellings will obviously alter the visual appearance of the street scene which frames the vista/view. However, provided members are happy with the visual appearance of the St Ann Street proposal, then this vista/view remains largely unaffected.

There is also a partial view of the Cathedral across the front of the application site from Barnard Street look west, between the existing Damascus House building and the adjacent dwelling at No. 56. This view exists due to the existing recessed nature of the Damascus House frontage, and the fortunate arrangement of the other buildings between the site and the cathedral.

It is unfortunate that the proposed new building would effectively result in the blockage of this partial view, due to the back of pavement siting of the structure. However, in officers opinion, the existing view is purely “accidental” and not significant, and the removal of the view would still “preserve” the character of the conservation area.

Any view of the cathedral which there may be from a pedestrian point of view from Dolphin Street looking west across the site is masked by the existing canopies of the Lime Trees, which are to be retained. If

there are views from upper windows of houses along Dolphin Street, then any loss to this view caused by the development proposals would constitute other loss of a private, not a public view. A refusal based on the loss of private views is unlikely to be defensible at appeal.

Consequently, officers have fully assessed the impact of the development on "public" views of the cathedral, and consider that the main public view of importance, looking west down St Ann Street, would be preserved. The character of the conservation area would therefore be similarly preserved.

3. Impact on residential amenities

It is clear that the proposed scheme will lead to an improvement in the general amenities of the future occupiers of the site and buildings.

However, a significant amount of local concern has been expressed regards the impact of the existing use of the site, in terms of the alleged antisocial behaviour of the occupiers of the existing property. Members should note that the fear of crime can be a material consideration in the determination of a planning application.

With regards the antisocial behaviour issue, this is a very difficult point. Whilst it is clear that the existing use clearly has caused some issues, the impact of the proposed development must be assessed.

A major change is the relocation from the Friary of the drop-in centre, which will ultimately mean additional pedestrian traffic using this site. The applicant has stated that on average a total of 26 people spread throughout the day currently visit the centre, and on average 6 of these attendees are residents of Damascus House. The centre currently opens 3 days a week, Monday, Friday and Sunday.

Officers can understand why the relocating of this use would be objectionable to the local people. However, whilst this is largely a residential area, it is also located within the city centre, and the surrounding streets are peppered with non residential uses which also attract members of the public, including retail premises, public houses and guest houses, doctors/dentist surgeries. It is therefore not unusual to have a non residential use in this area. It must also be understood that the existing drop in centre is currently located only a few streets away, also in a residential area, and at the moment, it appears that roughly 6 of its users originate from Damascus house.

Consequently, the new drop-in centre may generate approximately 20 additional person visits per day. As these visits would be spread throughout the day, and the centre would be open only 3 days a week in officers opinion, it would be very difficult to support a refusal of the scheme based on the relocation of the drop in centre to this location as the harm caused by the additional pedestrian visits would be very difficult to quantify.

Also, whilst the creation of the 6 flats onto St Ann Street will relocate the existing usage of the site closer to existing residents, and thus any noise and disturbance, it is again difficult to ascertain how such a proposal could be refused, when the site is located in a city centre, and the government guidance promotes mixed and diverse communities.

With regards to Emmaus House, it is currently used as a care home housing 10 adults with learning disabilities (and also has 10 staff). This use is being removed from the site, and (according to the applicants) Emmaus House will then house a maximum of 11 people, resulting in an apparent reduction in number of people.

The basic residential usage of the existing site does not therefore significantly change, although it appears to officers that there will be an increase in the number of people using the site.

The applicants are aware of existing local concerns, and have made a number of changes to the organisation of the new building compared to the existing building, namely :

The entrance on Barnard Street has a lobby area and a reception area with a access controlled , which improves the staffs ability to manage who enters the building.

The main entrance is from Barnard Street, rather than via an alleyway from St Ann Street. This will allow for improved monitoring of people seeking to enter the building or being near the building.

Staff offices , including sleep in room, are all on the ground floor. This allows for improved monitoring of communal areas. In the current building, staff offices are on different floors.

The applicants also believe that the improved facilities and new planned activities will help reduce antisocial behaviour by giving residents meaningful activities to undertake.

Members should also note that the police design officer from Wiltshire Constabulary has not raised any particular concerns, and has been involved in discussions about the design of the buildings.

As a consequence, and being mindful of central government advice regards the creation of mixed and diverse communities, it is considered in this instance that it would be difficult to defend a reason for refusal based on the generation of anti-social behaviour from this site, particularly as this scheme envisages some measures which hopefully will lead to improvements to the existing situation.

With regards the highway issues, whilst the local concerns are understandable, this site is located close to the main heart of the City. As a result, it is not an area within which the LPA would wish to encourage an overprovision of parking for the private car. Furthermore, the city centre is an area where perhaps a reduced level of amenity can be expected with respect to general noise and disturbance from traffic. This site should not be assessed as if it were a suburban or rural location, even though it currently happens to have a rather quiet atmosphere as outlined by residents. Cities are by definition vibrant and often noisy places, within which traffic and other noise can be expected. In officers opinion, it seems unlikely that a refusal of this application on grounds on increased noise and disturbance in a general sense would be successful at appeal.

4. Archaeological Issues

The application site is located within the Area of Special Archaeological Significance as defined by the Adopted Salisbury District Local Plan (June 2003) and the applicant submitted a report from a competent professional regarding the archaeological importance of the site. The County Archaeological Officer has advised that there the archaeological evaluation of the site identified late medieval and post medieval features relating to previous buildings on the site. This evidence of Saxon settlement is a very rare find in Salisbury. As the potential for finding further archaeological remains relating to various periods is high it is advised that an archaeological excavation takes place in advance of construction

5. Highway safety

Originally, the Highway Authority raised some concerns. However, following discussions, the HA indicated that it had no issues with the scheme apart from the width of the proposed vehicular access, and confirmation of the location/number of cycle parking spaces on site. Amended plans to this affect will be presented to members following receipt.

The alteration of the scheme to revert to the existing vehicular access arrangements would retain parts of the walling, and it is considered by officers that the alterations do not make a material difference to the scheme or its impacts.

6. Impact on Trees

The scheme involves the loss of a number of trees on the site, including those adjacent to St Ann Street. The 3 lime trees adjacent to the Dolphin Street boundary are however to be retained. An arboricultural report has been submitted by the applicant.

Much concern has been expressed by third parties in the representations regarding the proposed loss of the trees, in particular regarding the proposed loss of the trees on the St Ann Street frontage.

The Council's Arboricultural Officer assessed whether any of the trees on the site were of sufficient importance in the public realm as to be worthy of a Tree Protection Order (TPO). In his view, whilst the Yew and the Silver Birch in particular were good specimens, they had a limited public amenity value and he considered that only the five trees on the south and east boundaries of the site were of sufficient importance in the public domain as to warrant a TPO. A provisional order has therefore been placed upon 2 wild cherry trees and 3 pollarded lime trees on 10 July 2008.(TPO 406). This order must be confirmed within 6months (i.e. by January 2009) or it will lapse. An objection has been received to the TPO.

The scheme involves the removal of the 2 trees that are subject of the provisional TPO adjacent to St Ann street (and other smaller specimens immediate adjacent these trees which are not subject of the provisional TPO, but are in any event protected by virtue of their location with the CA.).

The Council's Conservation Officer has indicated that the proposed development is in her view appropriate to the character of St Ann St and Pound chequer ,within which development is sited with frontages at the back of the pavement line . This implies that the trees could be lost without detriment to the character of the chequer. ..

It is clear from the third party comments received that the existing trees are considered to make a positive contribution to the street scene. The TPO confirms that your Tree officer shares those views, and has objected to the scheme on that basis.

Members therefore have to consider whether the reinforcing of the perimeter of the chequer by characteristic back of the pavement development along the St Ann St frontage t outweighs the visual contribution currently made by the trees..

The various qualities of the scheme are assessed elsewhere in this report.

7. Protected species

The ecological study submitted by the applicant identifies that the existing buildings, (including Damascus House which it is proposed to demolish) and some of the mature trees are able to support roosting bats. Further surveys are recommended.

The presence of a protected species is a material consideration, as indicated in central government guidance PPS9. As insufficient information has been supplied to demonstrate that a protected species will be unaffected by the development; it is considered that this should form a reason for refusal, at this particular time.

Over the last few years, Natural England have scaled back their operations, and have advised planning authorities that they should only be formally consulted with respect to protected species matters, once a suitable protected species report has been submitted to the LPA. In this instance, as a suitable protected species report with mitigation has not yet been submitted, Natural England has not been consulted in this instance.

8. Educational Infrastructure

The Local Education Authority has advised that in view of the nature of the accommodation to be provided no contribution towards educational facilities is required

9. R2 Provision of Recreation Facilities

In accordance with Policy R2 of the Adopted Replacement Salisbury District Local Plan the provision of recreation facilities must be considered for all proposals for new residential development. Whilst for developments over 10 dwellings the Local Planning Authority may consider that the provision of a play area could be appropriate on-site, in this instance in view of the nature of the accommodation to be provided it is considered that a financial contribution towards off site public open space would be more relevant.

10. Sustainable design

The applicant has submitted a sustainability and energy efficiency, and waste statement. The proposal envisages solar panels on the roof of the new Damascus House, and its orientation and internal arrangement has been designed to take account of solar shading. Further, the proposal incorporates water reduction measures, and will have energy efficient lighting systems. The buildings will be designed to meet Code level 3 of the Code for Sustainable Homes. The proposal therefore accords with the aims of PPS1.

Conclusions

There appears to be clear need for this proposal in Salisbury, and furthermore, it appears that alterations are needed to the existing buildings to bring them into line with current legislation. The removal of the existing Damascus House building is welcomed, and the replacement of the use on the site acceptable in

principle. Whilst the concerns of existing neighbours regards anti-social behaviour are noted, it is considered that such concerns would be difficult to uphold at appeal, given the city centre location of the site, and lack of objection from Wiltshire Constabulary.

However, it is considered that there are aspects of the scheme which cause such demonstrable harm as to outweigh the positive provision and improvements suggested.

In particular, the proposal envisages internal alterations to Emmaus House. The proposals as submitted are not acceptable to the LPA due to the impact of the proposed changes on the historic integrity and existing features. As a result, the scheme would be detrimental to the historic integrity of the listed building.

Secondly, whilst the removal of the existing Damascus House building is welcomed in principle, it is considered that the overall bulk and scale of the proposed replacement building would result in a new building which would project into the heart of the historic Pound Chequer, and be visually unsympathetic to the character of the listed building, and hence the scheme fails to preserve or enhance the character of the wider Conservation Area. Furthermore, the building as proposed would adversely affect the existing amenities enjoyed by residents of adjacent properties, due to the over-dominating size of the building, and the resulting loss in privacy. As a result, the current scheme is not considered to be of such sufficient quality as to warrant the removal of the existing trees.

Furthermore, in the absence of a suitable survey by a competent authority, the applicant has not proven to the satisfaction of the Local Planning Authority that the proposed works would not harm a protected species.

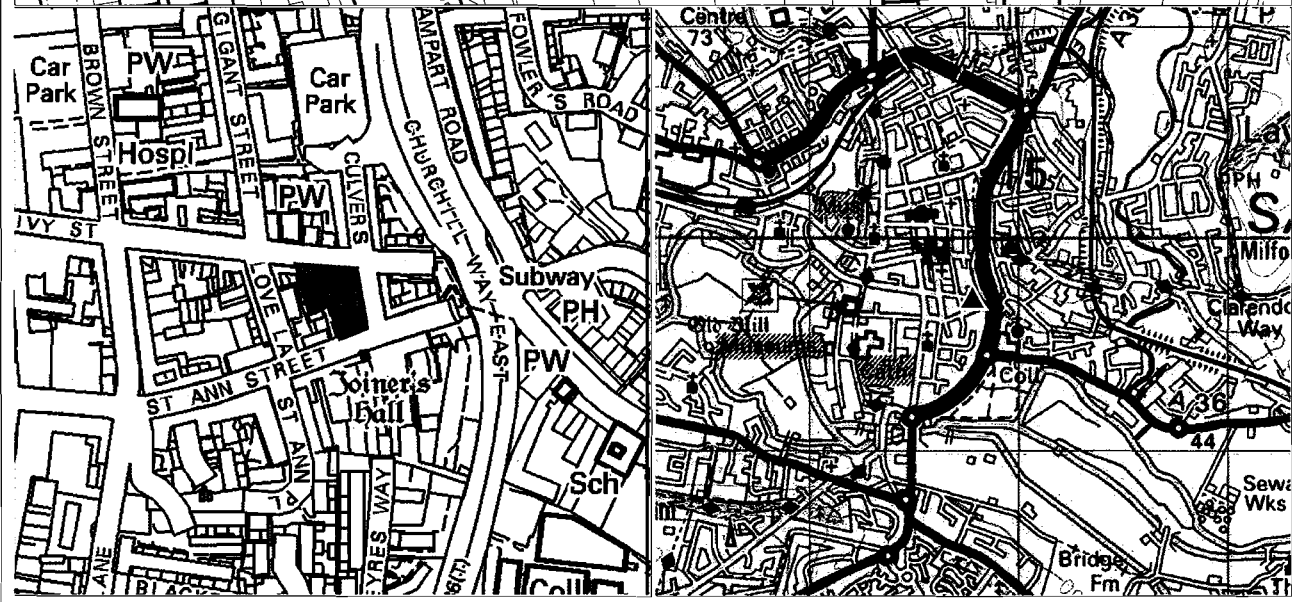
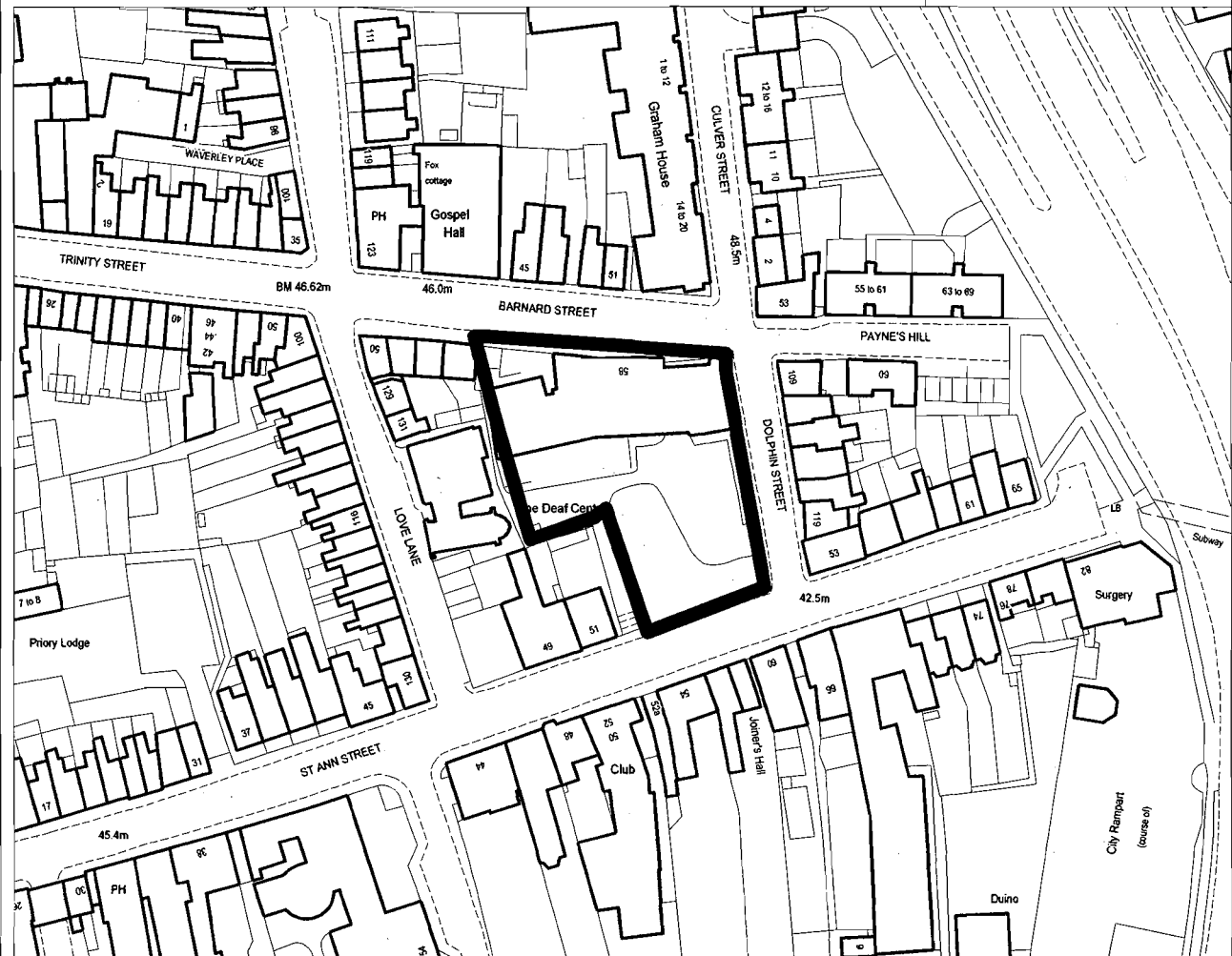
As a result, it is considered that the proposal should be refused as it currently stands.

RECOMMENDATION: REFUSE, for the following reasons:

1. The proposal envisages internal alterations to Emmaus House. The proposals as submitted are not acceptable to the Local Planning Authority due to the impact of the proposed changes on the historic integrity and existing features. As a result, the scheme would be detrimental to the historic integrity of the listed building, contrary to the aims of policy CN3 of the Salisbury District Local Plan, and the aims of PPG15.
2. Whilst the removal of the existing Damascus House building is welcomed in principle, it is considered that the overall bulk and scale of the proposed replacement building would result in a new building which would project into the heart of the historic Pound Chequer, and which would be visually unsympathetic to the character of the listed building, and hence the scheme fails to preserve or enhance the character of the wider Conservation Area. Furthermore, the building as proposed would adversely affect the existing amenities enjoyed by residents of adjacent properties, due to the over-dominating size of the building, and the resulting loss in privacy. Consequently, the scheme as proposed is not considered to be of sufficient quality as to warrant to removal of the existing trees. The proposal is therefore considered to be contrary to the aims of policy G1, G2, D1, CN1, CN3, CN8, CN9, & CN10 of the Salisbury District Local Plan, and the aims of PPG15.
3. In the absence of a suitable survey by a competent authority, the applicant has not proven to the satisfaction of the Local Planning Authority that the proposed works would not harm a protected species, contrary to the guidance and aims provided by PPS9.
4. The proposed development is considered by the Local Planning Authority to be contrary to (saved) Policy R2 of the Adopted Salisbury District Local Plan 2003.

INFORMATIVE: - R2 FOR REFUSAL

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



ALABARE DEVELOPMENT 58 BARNARD STREET

SCALE: NTS

DATE: 23/09/2008 09:30:45

DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.



Application Number:	S/2008/0964		
Applicant/ Agent:	QUATTRO DESIGN ARCHITECTS LTD		
Location:	DAMASCUS HOUSE 58 BARNARD STREET SALISBURY SP1 2BJ		
Proposal:	PARTIAL DEMOLITION OF BOUNDARY WALL ADJACENT TO ST ANN STREET. DEMOLITION OF DAMASCUS HOUSE AND INTERNAL ALTERATIONS AND REFURBISHMENT OF GRADE II LISTED BUILDING (EMMAUS HOUSE)		
Parish/ Ward	ST MARTIN & MIL		
Conservation Area:	SALISBURY	LB Grade:	II
Date Valid:	23 May 2008	Expiry Date	18 July 2008
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

REASON FOR REPORT TO MEMBERS

Councillor Tomes requests that Committee decide this application in view of the interest in the application.

SITE AND ITS SURROUNDINGS

The site forms part of the Pound Chequer, within the Conservation Area. It forms the easterly half of the chequer being bounded by Barnard Street, Dolphin Street and St Ann Street.

The site is currently occupied by Emmaus House, a listed grade II circa 1700 building, extended in the eighteenth century, and Damascus House, an early twentieth century building, remoulded in the 1960's. Both buildings are considered to form part of the listed building.

To the south of the buildings is a garden and car parking area, bounded by walls and trees. There are a number of listed buildings in the adjacent streets and although there has been modern infilling in the area, it retains its historic character.

THE PROPOSAL

It is proposed to:

- demolish the existing 5 storey building known as Damascus House (currently used as a 35bed, 40 person hostel) and replace it with a 4 storey building to provide the same level of accommodation.
- refurbish of Emmaus House and change from a care home to eight flats for 'move-on accommodation' (5 one bed, 3 two bed)
- Erect a two-storey building facing onto St Ann Street to provide six 1 bed flats for 'move-on accommodation'
- Reorder existing on site parking arrangements
- Removal of some boundary walling adjacent to St Ann Street and majority of trees
- Relocation of drop-in centre from The Friary

PLANNING HISTORY

95/1491	From nurses hostel to community home for adults with learning disabilities	AC	23.10.96
96/0927	To form day care centre within existing homeless person's hostel	AC	19.08.96
96/1381	To vary condition 2 relating to temporary time condition from planning permission S/96/0927	AC	28.10.96

CONSULTATIONS

SDC Tree Officer I object to the above application on the grounds that it involves the removal of, or may cause damage to, a number of trees with significant amenity value. The Cherry trees on the southern boundary are shown to be removed to accommodate development and it is unclear if the Limes on the eastern can be successfully protected.

The 3 x Pollarded Limes and the 2 x Cherries are relatively small trees but They make a significant contribution to the street scene and add to the character of the Conservation Area.

The trees are some of only a very few that are visible within the vicinity and as such they are deemed to be worthy of protection. A Tree Preservation Order (no. 406) was enacted on 10th July 2008.

There are several other trees on site which are not deemed worthy of protection because they are barely visible from the surrounding area.

SDC Conservation

"Proposed Alterations to Emmaus House

Emmaus House is a two-storey brick building dating from the 17th century, with additions in the 18th century. A number of internal alterations have been made historically, and only some of the building's original features remain. A historic assessment of the building has been submitted with the application. This has identified the significant elements of the building's historic character and fabric.

I attended a site visit with the architect during the course of the application to look at the internal alterations to the listed building. Whilst it would appear that the most significant elements are to be retained, and in some instances enhanced by the proposals, I raised some issues and suggested some alternative proposals that would be more appropriate. I understand that the architect intended to revise parts of the layout, and I await the amended plans.

Proposed Rebuilding of Damascus House

The existing Damascus House block is a 4/5 storey block of modern appearance, set back from the main street frontage. Its scale, appearance and position do not currently respect the character of the surrounding area. Consequently, I do not object in principle to the demolition and rebuilding of this block, and therefore consider that the proposals would comply with Policy CN9 of the Local Plan.

I feel that the proposed replacement block would be more in keeping with the Barnard Street frontage, being of a more appropriate scale, and sitting back-of-pavement. The reduction in overall height and massing would be more respectful of the neighbouring properties than the current building. I also feel that the design, proportions and materials, despite displaying a modern aesthetic, would sit comfortably alongside Emmaus House, and therefore I feel that the setting of the Grade II listed building would be enhanced when viewed from Barnard Street.

I am concerned, however, regarding the principle of developing the rear wing of the new building into the open area within the chequer. This area might historically only have been occupied by modest buildings of low scale (for example, outbuildings, stables, and perhaps houses). I believe the proposed three-storey projecting wing would result in an unwelcome intrusion into the centre of the chequer. This would be visible from the adjacent Dolphin Street, and I feel would impact adversely on the character of the conservation area, and therefore not accord with Policy CN8 of the Local Plan. I am also concerned that due to its scale, the proposed wing would detract from the setting of the listed building when viewed from the rear and would therefore be contrary to Policy CN5

of the Local Plan. I would like to request whether this aspect of the proposals could be reconsidered.

Proposals for St Ann Street

The site is currently bounded by a high brick wall on the corner of St Ann Street and Dolphin Street, which gives some enclosure to the site. The submitted application does not appear to mention the age of the wall or its likely significance as a structure. However, it would appear that the wall is a mixture of different brick types built over a number of periods, and is of limited intrinsic merit.

The current character of this part of the conservation area is generally made up of properties of two or three storeys, some with attics, constructed in brick, painted brick or render, and with steeply pitched plain clay tiled roofs. An appraisal of the Salisbury Conservation Area has recently been undertaken by consultants for the council (N.B. the most recent draft has just been received from the consultants – it is in a rough format which needs to be tidied up prior to going through the formal consultation process). The draft appraisal shows that the townscape of the eastern chequers as characteristically having a back-of-pavement building line. The analysis of Pound Chequer in which this site is situated, acknowledges the open space behind the wall on St Ann Street, however, this is not identified as being an open space of any great significance to the character of the conservation area. It is not considered that the open space would need to be retained in order to preserve the character of the conservation area, and therefore it is considered that development on this part of the site would comply with Policy CN10 of the Local Plan. Furthermore, the removal of the wall is considered acceptable in the context of the redevelopment of the site.

It is my view that a back-of-pavement development on St Ann Street that reinforces the perimeter of the chequer would respect the surrounding pattern and character of the conservation area, and thus would accord with Policy CN8 of the Local Plan. Furthermore, the scale, massing, design and materials of the proposed new buildings would respect the existing streetscene, and subject to details I feel that the character of the conservation area would be preserved. I also feel that the new buildings would fit into the surroundings without causing any harm to the setting of nearby listed buildings.

Please note that I would suggest that conditions would be needed requesting large scale details of windows, doors, eaves, and chimneys, along with materials and sample panels of materials for the new buildings in Barnard Street and St Ann Street.”

English Heritage

(summarised) The proposal site is within the central conservation area of Salisbury and includes the grade II listed Emmaus House in close proximity of the site is a number of highly graded listed buildings. The key issues in assessing this application is the impact on the special architectural and historic interest of Emmaus House and its setting preserving the setting of the surrounding listed buildings and the character and appearance of the conservation area. We welcome the demolition of the existing Damascus House and we consider the replacement to be an improvement in terms of height to the street frontage and relationship to Emmaus House. The Council will need to consider carefully the alterations to the interior of Emmaus House to ensure the conservation of its special interest. The proposals include building three properties housing flats fronting St Ann Street, this area is currently part of the garden car parking to Emmaus house and is surrounded by a high brick wall. Whilst we note that the OS map evidence shows this area as a private open space since the at least the mid 19th century the Naish map shows that in the early 18th century it was built upon. The main character of St Ann Street is a built up street frontage and we consider the principle of building in this location to be acceptable. There are a number of highly graded buildings on the south side opposite the proposal site but in terms of principle, mass and scale, we are of the view that the new build will not have an adverse impact on the setting of the listed buildings. The detailed design of all the new build will need to be carefully specified and approved by the Council to ensure a high quality design is delivered.

We do not wish to raise an objection to the proposals. We would urge you

to address the above issues and recommend that this application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

REPRESENTATIONS

Advertisement	Yes expiry date 26/06/08
Site Notice displayed	Yes expiry date 26/06/08
Departure	No
Neighbour notification	Yes expiry date 26/06/08

Third party response 71 comments and objections (to this application and S/2008/0964) were received raising the following issues (summarised):

- Contrary to various local plan policies
- Need to retain historic street pattern
- St Ann Street most important historic area of the City after the Close; will ruin setting of Listed Buildings, Joiners hall and Emmaus House and damage Tourism.
- St Ann Street view of Cathedral will be spoilt
- Special character of St Ann Street is existence of breaks in frontage
- Removal of Damascus House is enhancement, removing trees and building 6 dreary flats is neither restoration nor enhancement
- Proposal is unsympathetic to the LB, it does not enhance or preserve CA
- Proposal contrary to CN10 loss of open spaces, gaps between buildings and gardens should not be allowed where it would detract from the special character of the CA
- Drop-in centre, offices, enlarged hostel and 14 flats is overdevelopment of site
- Aggressive and intensive overdevelopment of site
- Hostel in architecturally sensitive residential area is inappropriate
- Desire to improve Barnard Street of inappropriate 5storey building should not be at cost of destroying St Ann Street

- Damascus House is a lovely building should not be altered
- Could be upgraded instead, would be less disruptive to neighbours
- Damascus House is ugly, an eyesore and should be replaced sympathetically
- Massive overdevelopment, New building very intrusive
- Atrium is unsympathetic to this Conservation Area

- Object to rear extension, unsympathetic to this Conservation Area
- Spoil views of Cathedral
- Scale and proportions are unsympathetic and unsuitable
- Incursions into the Chequer should be scaled down

- Retention of open garden space crucial
- It is unreasonable to justify building in garden by saying that there may have been houses on the site in the past
- Open space and ancient wall important feature in street
- Views of Cathedral enhanced by garden and trees
- Wall should be retained, garden existed for 200years
- Open space and trees form important balance and contrast.Loss of green lung
- Loss of open space will detrimentally effect neighbours
- New housing should have amenity space, this proposal is the reverse destroying garden and parking space.
- Trees are not of 'little importance' they are important in the street scene and give pleasure

- Object to 6 flats on St Ann Street
- Development is out of keeping with area.
- Will increase noise echo from by pass in St Ann Street
- Will result in a tunnel-like effect of developing on open side of street
- Unsympathetic to this Conservation Area

- Detrimental to remove garden, build flats as would not enhance setting of Listed buildings
- Will ruin setting of Listed Buildings, Joiners hall and Emmaus House
- Proposed buildings are aesthetically unpleasing
- Mundane design does not fit in with surroundings.
- Municipal design, scale and proportions are unsympathetic and unsuitable
- Not subservient, will obliterate character of St Ann Street
- Salisbury spoilt by fake medieval new build, do not need a row of houses using elements from all the buildings in the street. Will look fake
- Design not good enough will have same detrimental impact as new houses in Culver Street and Paynes Hill
- Re-development of nos29 to31 was a disaster, this will be as ugly
- Peace and serenity of area will be affected
- Noise and disturbance will increase as residents will not be supervised
- Anti-social behaviour in area will increase
- Drop-in centre is inappropriate use in a quiet residential area, will increase current levels of anti-social behaviour
- Drop-in centre would be better located in city centre/railway station
- Drop-in centre should be accessed from Barnard Street
- Concerns regarding parking and traffic
- Building is no longer well managed
- Alabare have not looked after their current buildings, ability to maintain new development questioned
- Loss of privacy and quiet enjoyment, overlooking, loss of light
- Windows will overlook house and garden

Support for the following aspects expressed:

- Principle of homeless hostel supported
- Demolition of Damascus House
- Redevelopment and height reduction of Damascus House
- New building would enhance Barnard Street
- Reduction in height will add balance to street scene and light
- Refurbishment of Emmaus House
- Pull in bay for police/ambulance on Barnard Street
- Main entrance on Barnard Street
- If flats must be built should be set back behind trees and turned to face Damascus House to reduce noise disturbance.

Other issues

- Current use may not have planning permission.
- Salisbury is being ruined by wrong developments
- Plans are inaccurate
- Proper analysis of pedestrian, cyclist, vehicular circulation and access not undertaken.
- No letters of objection included in the applicant's supporting documentation; there were many following the public consultation.
- No public consultation or dialogue with residents since presentation of proposals.
- Principle of homeless hostel supported, but should be located elsewhere, suggestions made include city center; central car park, out of town .
- Selling Damascus House site for private residential use would fund a modern building on a more appropriate site
- SDC funding on the project should not over-ride planning and conservation policies

Consultants report prepared by Pro Vision Planning and Design on behalf of **Friends of Pound Chequer** - a 57 page document whose conclusions are as follows:

"We recognise and appreciate the charitable status and circumstances of the applicant and their wish to increase and improve housing facilities as the reasons for the applications. Nonetheless these personal circumstances do not outweigh significant procedural and other flaws as well as serious planning listed building and conservation area objections.

In summary:

The proper consideration of protected species (bats) arrangements for satisfactory statutory consultation, validation and registration of the applications and receipt of appropriate applications

Omissions and inconsistencies in the submitted applications and in the analysis of the applications by the LPA and others

Failure to preserve or enhance the character and appearance of the City of Salisbury Conservation Area and failure to comply with policies D4 and CN8, CN11 of the adopted Salisbury District Local Plan

Adverse impact on the setting of a number of Listed Buildings and failure to comply with Policies CN3 and CN5 of the adopted Salisbury District Local Plan

Failure to comply with a number of the criteria contained within the guidance jointly produced by English Heritage and CABI regarding new development in Historic Areas

There is no compelling reason why these particular applications should be approved. Clearly it would be feasible to bring forward suitable alternative proposals that did not result in such significant or indeed any adverse harm to matters of acknowledged importance. This should be a matter of common ground with the LPA. In their present form the submitted applications clearly do not accord with the relevant provisions of the adopted Development Plan or with relevant Government and other supplementary planning guidance documents. There are neither overriding material considerations nor any suitable and appropriate planning conditions that would outweigh, mitigate or compensate for the significant adverse harm that would be caused to interests of acknowledged importance if these applications were permitted. The appropriate course of action is that the applications should be refused"

HDS Note: *In their submission, inter alia, the consultants acting on behalf of the Friends of the Pound Chequer have raised concerns about the validity of the application, referring to procedural failures, omissions and inadequacies in the applications and any decision to grant planning permission and /or listed building consent could be unsafe and capable of legal challenge and judicial review. The HDS has taken legal advice on the matter and at the time of preparing this report does not consider that the validity of the applications should be reviewed.*

Design Forum

The forum was generally satisfied regarding the proposals for the replacement Damascus House block on the Barnard Street frontage. It was considered that this was an improvement on the existing building. There was a concern, however, regarding the impact of the southern wing off the rear elevation. It was felt that the principle of extending the building into the open area in the centre of the chequer was not appropriate. It was also considered that the extension would dominate the adjacent listed building, and would look out of scale and character when viewed from Dolphin Street.

It was considered that the scale and proportions of the St Ann Street terrace were appropriate, and that the character of the conservation area would be preserved. There was a query relating to the proposed balconies which were considered to be out of context with the local street scene.

Salisbury Civic Society

I wish to write in OBJECTION to the above application which seeks permission to demolish Damascus House to replace it with alternative accommodation as well as creating new accommodation adjoining St Ann Street. The application was considered at length and the conclusions reached were as follows:-

Whilst the Society has no objection to the creation of more suitable accommodation for use by the Alabare Centre and has no objection to a contemporary approach necessarily, this particular development has two aspects of serious concern. The large projecting wing to the rear of Damascus House was thought to be overlarge and due to its inadequate portrayal in the elevations from Dolphin Street provided there is no confidence that this bulk would be suitably integrated within the chequers. Its impact was thought likely to be considerable. In their current form the flats (which appear as houses) on St Ann St lose what is considered to be a valuable breathing space in the urban fabric of St Ann s Street. The street is arguably the most attractive in Salisbury and although the loss of this space would be considered acceptable in principle it would only be so for something truly remarkable and worthy of its setting On balance these terraced cottages were not thought to sufficiently justify this loss.

The Georgian Group

Having studied the information available the Group would like to make the following comments:

Demolition of Damascus House: Whilst the Group does not object to the demolition of Damascus House we are concerned that that the proposed footprint of the new building exceeds that of the current building. The scale, orientation, siting and massing of the proposed building especially the south wing would dominate the south aspect of No 58 Barnard Street (Emmaus House) in particular and would fail to preserve the character and appearance of the Conservation Area contrary to PPG 15, C7 and the provisions of Policies CN8, CN10 and CN11 of the Salisbury District Council Adopted Local Plan and Policy HE7 of the Wiltshire and Swindon Structure Plan 2006.

Internal alterations and refurbishment of No. 58 Barnard Street, Emmaus House: The Group does not wish to offer detailed comments regarding the proposed internal works to No 58 Barnard Street but would defer to the Victorian Society for any comments they have regarding the proposed internal works affecting the mid nineteenth century part of the building

Development fronting St Ann's Street: The Group objects towards the proposed development facing St Ann's Street, to the south of the application site. The south elevation of No 58 Barnard Street should be read as the principal elevation of the building, and the once formal gardens leading down to St Ann's Street are an important part of the character and setting of the Grade II listed building and the surrounding conservation area. Although there is great scope to enhance the former south garden site the current proposals, which include the proposal to demolish part of the boundary wall, would be detrimental to the character and setting of No 58 Barnard Street and the surrounding area.

In Conclusion the Group are concerned that the current proposals neither preserve nor enhance the conservation area and would do much to harm the character and setting of No 58 Barnard Street

National Trust The site is directly opposite Joiners Hall which was acquired by the National Trust in 1898. It is a Grade I Listed Building with a timber facade dating from C16th and is within the Salisbury Conservation Area and an Area of Special Archaeological Significance.

The National Trust supports the need to make the most effective use of land in urban areas so as to reduce pressure on open land. However, we would not wish to see development that might detract from the Conservation Area or the setting of Joiners Hall. We feel that the design of the proposed development for building 6 new flats on St Ann Street which forms part of the planning application neither preserves nor enhances the character of the conservation area and so is in contravention to your policy CN8. Therefore we are unable to support this application and would like you to register our objection

MAIN ISSUES

- 1) Impact on character of Conservation Area and character and setting of listed building(s)
- 2) Procedural issues

POLICY CONTEXT

Approved development plan documents comprise: RPG10, Wiltshire & Swindon Structure Plan and Adopted Salisbury District Local Plan June 2003 (saved policies).
(the emerging RSS is at SOS's proposed changes stage)

Of particular relevance are the following saved policies from the Local Plan:

D1, D4 and D6 (Design policies), CN1, CN2, CN3, CN4, CN5 (listed building policies), CN8 CN9, CN10 and CN11 CN12 (conservation area policies), CN17 (trees), H4.

SPG Creating Places

And national guidance: PPG15 Planning and the Historic Environment, CABE: Buildings in Context

PLANNING CONSIDERATIONS

1. Impact of development on existing listed building and wider conservation area

Preamble

The site lies within the Chequers, in the eastern part of the City. Generally speaking a Chequer was an open square area surrounded by streets which developed in the medieval period. They were developed as built-up street frontages around an open core. As other uses have vanished, in recent years the Chequers have become much more residential in character. The character of the Chequer is mixed, created by dwellings of varying sizes, ages and styles, generally positioned at the back of the pavement. This gives a strongly urban feel to the area particularly on Barnard Street. St Ann Street unlike the other adjacent streets, Love Lane, Dolphin Street and Barnard Street is interspersed with some spaces between the buildings which break up this urban frontage and create a more open townscape. In certain parts of this street there is a dominance of greenery created by the overhanging shrubs and trees. The third party objectors have submitted a detailed report on the history of the area and the site, and the draft version of the Salisbury Conservation Area Appraisal includes detailed assessment of this area.

In judging such impacts, Members must be mindful of the historic nature of the location and of the Council's policies, in particular policy H4 and D4 of the Local Plan, which contain specific reference to the Chequers Area. The current content of the draft CA Appraisal is also relevant, although of limited weight. Members are also aware of the requirements of PPG15, regards preserving/enhancing the Conservation Area, and the protection of historic fabric and buildings.

Alterations to Emmaus House

Emmaus House (including Damascus House) is a much extended listed grade II listed building with a garden and car park to the south bounded by high brick walls and trees on the Dolphin Street and St Ann Street sides. The building was listed in 1972 and the setting of the building was defined by a 'garden front' to St Ann Street.

The applicants' submitted a historic assessment of the building with the application which identified the significant elements of the building's historic character and fabric.

The Conservation Officer concurs that historically a number of alterations have been made to the interior of the building and that therefore only some of the building's original features remain. However, further internal alterations are proposed and whilst most of the significant elements are to be retained, and in some instances enhanced by the proposals, there were some concerns and revisions to the internal layout were proposed.

At the time of writing, such amended plans have been received by the LPA which it is hoped address the above concerns. However, the Conservation officer has yet to consider these plans, and her comments

will be reported to Committee. Therefore, refusal reason number one as outlined in this report is retained until Conservation withdraw their concerns regards this matter.

Demolition and Rebuilding of Damascus House

Damascus House is attached to Emmaus House and is used in conjunction with it. SDC Conservation consider that Damascus House forms part of the larger listed building. Therefore, this proposal needs to be assessed in the context of policy CN4 of your Local Plan which relates to the demolition of listed buildings.

The existing building was apparently substantially altered in the 1960's, and the resultant structure towers above Emmaus House and other adjacent buildings, and is a prominent building within this part of the Conservation Area. Whilst not the worst example of its kind, the existing building is considered to be a rather incongruous feature, the scale and appearance of which do not respect the character of the listed building or its context. It significantly exceeds the Council's 12.2m height limit as outlined in policy D6 of the SDLP.

In relation to the proposal to replace Damascus House, its replacement with a smaller scale building is considered to improve the relationship with Emmaus House, and the wider street scene, compared to the existing building and relationship. Members should note that the height reduction would better satisfy the aims of policy D6 of the Local Plan.

Officers would have preferred the building to be even more subservient to Emmaus House, and would have liked to see the Barnard Street façade address the sloping gradient of the street.

However, both English Heritage and SDC Conservation support the replacement of Damascus House, and do not seem to object to the contemporary architectural language of the scheme or its arrangement and relationship with Emmaus House. Members will however note the strong objections to the architectural approach from third parties and some consultees such as National Trust and the Georgian Group.

However, whilst not objecting in principle to the redevelopment, both English Heritage and SDC Conservation have raised issues related to the overall bulk of the proposal in terms of its projection into the centre of the historic chequer.

English Heritage advises that the Council should determine whether the benefits of the scheme elsewhere on the site outweighs the undesirable extension of the building towards the centre of the chequer and the SDC Conservation Officer advises that the proposed building (the so called southern wing of the building) will have a detrimental impact on the setting of the adjacent Emmaus House.

In officers opinion, the removal of the rear projecting "southern wing" of the new building would be a significant improvement, although it is difficult to see how this could be achieved without reordering and significantly reducing the proposed accommodation, which may affect ultimately affect whether the scheme actually happens at all.

In considering whether this proposal is acceptable, Members will therefore have to consider whether they accept the criticisms of the rear southern wing of the building, or indeed, whether they accept the wider criticisms of the building lobbied commentators of than the SDC Conservation and English Heritage.

Office advise that notwithstanding the array of objections related to this new building, Members should restrict any objection to the proposal to those which reflect the concerns of SDC Conservation and EH, as a wider design objection regards this part of the proposal may be difficult to substantiate on any future appeal.

Erection of buildings facing St Ann Street and the loss of open garden area

In relation to St Ann Street the current character of this part of the Conservation Area is generally made up of properties of two or three storeys, some with attics, constructed in brick, painted brick or render, and with steeply pitched plain clay tiled roofs. St Ann Street is acknowledged to be of importance as part of a historic link to Southampton; now broken by the barrier of the by-pass and it also has an important view/vista of the cathedral.

The application site is somewhat unusual in that it is of an open character, being bounded on two sides with a boundary wall, with what historical was the garden to Emmaus House behind. Several trees are situated adjacent to the walling, which partially block views into the site.

The proposal under consideration envisages the loss of part of the existing boundary wall, part of the garden and most of the trees along St Ann Street. The new building would provide 6 move-on flats, which would visually appear as three self contained cottages. Each 'cottage' would have a front door on to St Ann Street and the floor levels and ridges would vary so as to accommodate the changes in topography. St Ann Street rises to the east. The ground floor flats would be accessed by the front doors on to St Ann Street but the first floor flats would be accessed from a first floor walkway which debouches on to the garden/parking area of Emmaus House. In considering whether this part of the proposal is acceptable, Members will also need to assess whether the development is of such high quality that it would outweigh the impact of the loss of the existing trees (see separate section of report).

There seems to be considerable difference of opinion regards the importance of the openness of the site and the open space behind Emmaus House.

Concern has been expressed from third parties that the breaks in the street frontage are an important aspect of the character of the street and that the open spaces such as the garden to Emmaus House are long standing features of importance to the character of the Conservation Area.

The Consultants report, commissioned by the objecting third parties, states that the garden which has been in existence for at least 200 years was part of the consideration when Emmaus House was listed in 1972. Evidence has also been provided which suggests that unlike other Chequers, Pound Chequer never was completed in the traditional form and the eastern corner was not built upon.

The listing description associated with this site clearly mentions the "garden front" to St Ann's Street. However, whilst the current draft of the appraisal of the Salisbury Conservation Area acknowledges the open space behind the wall on St Ann Street, this is not identified as being an open space of any great significance to the character of the conservation area.

English Heritage considers that whilst the walled garden provides a view of trees and natural outlook to the surrounding properties, building on the site would not have an adverse impact on the setting of the listed buildings on St Ann Street. In its opinion, the greatest impact is considered to be on the setting of the grade II listed Emmaus House as the site is the garden to this property. Although it is accepted by EH that currently it is mainly used as a car park, English Heritage consider that the new development would be subservient to the grander 18th century buildings within the street and thus maintain the established architectural hierarchy and the Conservation Officer also considers that:

"It is my view that a back-of-pavement development on St Ann Street that reinforces the perimeter of the Chequer would respect the surrounding pattern and character of the conservation area, and thus would accord with Policy CN8 of the Local Plan. Furthermore, the scale, massing, design and materials of the proposed new buildings would respect the existing street scene, and subject to details I feel that the character of the conservation area would be preserved. I also feel that the new buildings would fit into the surroundings without causing any harm to the setting of nearby listed buildings".

This is therefore a difficult issue to advise members on, given the contrasting views on this subject. Officers understand that to many interested parties, the design approach of the dwellings proposed for the St Ann Street frontage is somewhat unusual, and it perhaps would have been better to provide a simpler pastiche of other more traditional architecture in the area. "Contemporary" design is often controversial, and the level of disagreement to the use of a contemporary language is understandable given that other attempts at such approaches in the past in this immediate area have not weathered well (with particular reference to the building north of the application site around Culver Street car park).

However, the chosen design does contain some implicit references to the traditional architectural proportions and features, and given the clearly positive views of the Design Forum, SDC Conservation officer and the views of English Heritage regards the architectural approach, officers must advise Members that it may be difficult to defend a reason for refusal at appeal based around the impact of the proposed development on the character of St Ann Street, the wider Conservation Area, or the setting of the associated listed building.

(Members should however note that by accepting the proposed development, this would over-ride any Tree Protection Order).

2. Impact on Trees

The scheme involves the loss of a number of trees on the site, including those adjacent to St Ann Street. The 3 lime trees adjacent to the Dolphin Street boundary are however to be retained. An arboricultural report has been submitted by the applicant.

Much concern has been expressed by third parties in the representations regarding the proposed loss of the trees, in particular regarding the proposed loss of the trees on the St Ann Street frontage.

The Council's Arboricultural Officer assessed whether any of the trees on the site were of sufficient importance in the public realm as to be worthy of a Tree Protection Order (TPO). In his view, whilst the Yew and the Silver Birch in particular were good specimens, they had a limited public amenity value and he considered that only the five trees on the south and east boundaries of the site were of sufficient importance in the public domain as to warrant a TPO. A provisional order has therefore been placed upon 2 wild cherry trees and 3 pollarded lime trees on 10 July 2008.(TPO 406). This order must be confirmed within 6months (i.e. by January 2009) or it will lapse.

The scheme involves the removal of the 2 trees that are subject of the provisional TPO adjacent to St Ann street (and other smaller specimens immediate adjacent these trees which are not subject of the provisional TPO, but are in any event protected by virtue of their location with the CA).

The Council's Conservation Officer has indicated that the proposed development is in her view appropriate to the character of St Ann St and Pound chequer ,within which development is sited with frontages at the back of the pavement line . This implies that the trees could be lost without detriment to the character of the chequer. ..

It is clear from the third party comments received that the existing trees are considered to make a positive contribution to the street scene. The TPO confirms that your Tree officer shares those views, and has objected to the scheme on that basis.

Members therefore have to consider whether the reinforcing of the perimeter of the chequer by characteristic back of the pavement development along the St Ann St frontage t outweighs the visual contribution currently made by the trees..

The various qualities of the scheme are assessed elsewhere in this report.

Conclusions

There appears to be clear need for this proposal in Salisbury, and furthermore, it appears that alterations are needed to the existing buildings to bring them into line with current legislation. The removal of the existing Damascus House building is welcomed, and the replacement of the use on the site acceptable in principle. Whilst the concerns of existing neighbours regards anti-social behaviour are noted, it is considered that such concerns would be difficult to uphold at appeal, given the city centre location of the site, and lack of objection from Wiltshire Constabulary.

However, it is considered that there are aspects of the scheme which cause such demonstrable harm as to outweigh the positive provision and improvements suggested.

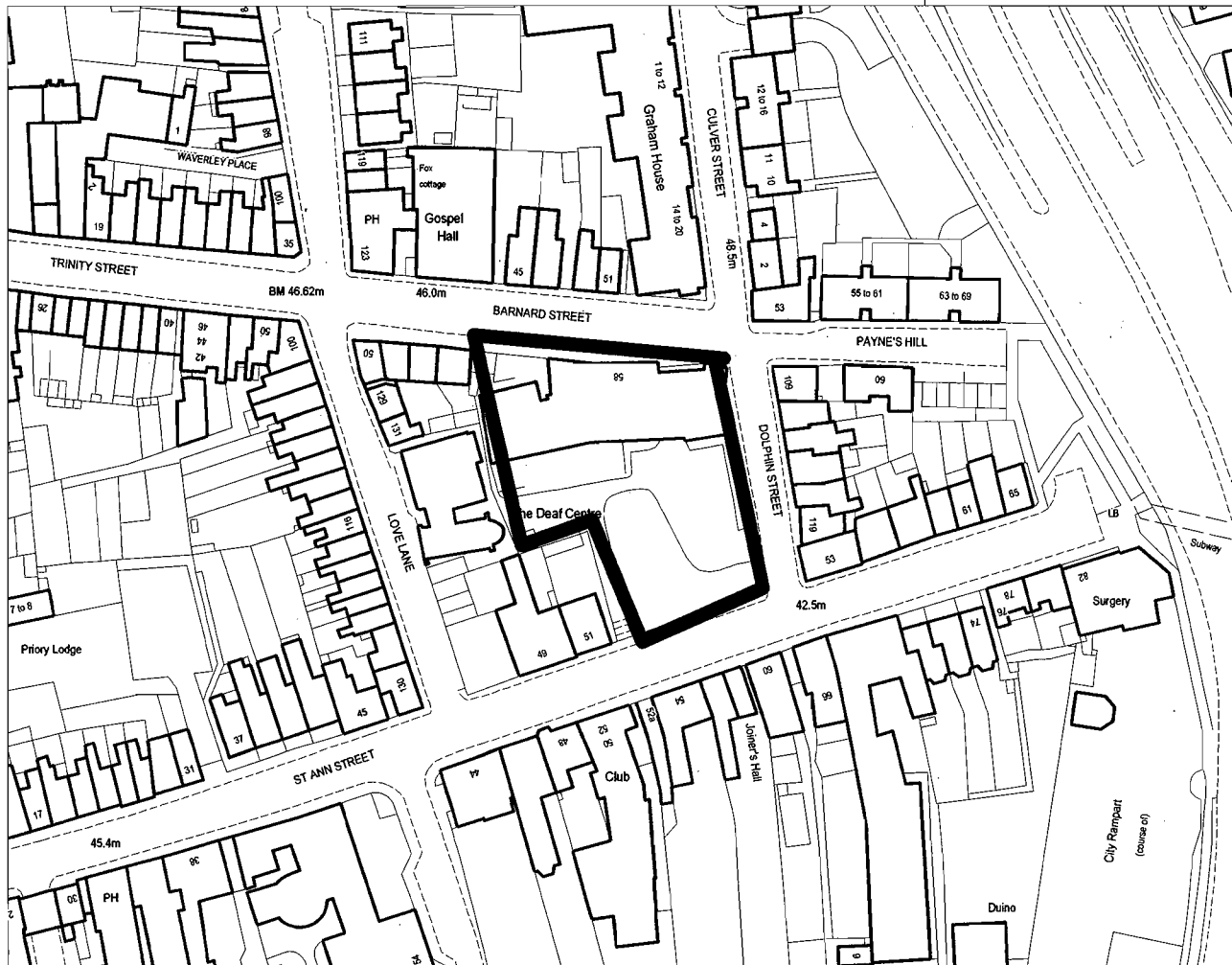
In particular, the proposal envisages internal alterations to Emmaus House. The proposals as submitted are not acceptable to the LPA due to the impact of the proposed changes on the historic integrity and existing features. As a result, the scheme would be detrimental to the historic integrity of the listed building.

Secondly, whilst the removal of the existing Damascus House building is welcomed in principle, it is considered that the overall bulk and scale of the proposed replacement building would result in a new building which would project into the heart of the historic Pound Chequer, and be visually unsympathetic to the character of the listed building, and hence the scheme fails to preserve or enhance the character of the wider Conservation Area. As a result, the current scheme is not considered to be of such sufficient quality as to warrant the removal of the existing trees.

As a result, it is considered that the proposal should be refused as it currently stands.

RECOMMENDATION: REFUSE, for the following reasons:

1. The proposal envisages internal alterations to Emmaus House. The proposals as submitted are not acceptable to the LPA due to the impact of the proposed changes on the historic integrity and existing features. As a result, the scheme would be detrimental to the historic integrity of the listed building, contrary to the aims of policy CN3 of the Salisbury District Local Plan, and the aims of PPG15.
2. Whilst the removal of the existing Damascus House building is welcomed in principle, it is considered that the overall bulk and scale of the proposed replacement building would result in a new building which would project into the heart of the historic Pound Chequer, and which would be visually unsympathetic to the character of the listed building, and hence the scheme fails to preserve or enhance the character of the wider Conservation Area. Consequently, the scheme as proposed is not considered to be of sufficient quality as to warrant to removal of the existing trees. The proposal is therefore considered to be contrary to the aims of policy D1, CN1, CN3, CN8, CN9, & CN10 of the Salisbury District Local Plan, and the aims of PPG15.



DAMASCUS HOUSE 58 BARNARD STREET

SCALE: NTS

DATE: 23/09/2008 09:38:29

DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.



Part 2

Applications recommended for Approval

3

Application Number:	S/2008/1311		
Applicant/ Agent:	MRS EJ MCCOUGHLAN		
Location:	MORTIMERS 30-32 FISHERTON STREET SALISBURY SP2 7RG		
Proposal:	APPLICATION FOR THE INSTALLATION OF AN EXTERNAL DISABLED USER RAMP AND ADAPTATION OF AN EXISTING OPENING TO PROVIDE AN ADDITIONAL ENTRANCE ON THE EASTERN END OF THE UNIT FRONTAGE ON FISHERTON STREET		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	24 July 2008	Expiry Date	18 September 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

REASON FOR REPORT TO MEMBERS

The application is an amended resubmission of application reference S/07/2237 which was previously called to Committee by Councillor Tomes due to significant local interest.

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 continuation of the use of existing Malthouse Lane entrance doors

The application differs from that previously refused under planning reference S/07/2237 as the applicant now proposes to continue the use of the Malthouse Lane entrance doors (these were previously proposed to become an emergency exit only), thereby resulting in a total of three accesses to the premises and a diffusion of comings and goings between the two frontages, rather than the concentration at the Fisherton Street frontage.

PLANNING HISTORY

99/1251	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30	AC	01.06.00
99/1252	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30		

00/1199	Proposed alterations to elevations of premises at no 30	AC	31.7.00
00/1958	Internally illuminated pub signage at no 30	AC	21.11.00
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	AC	10.08.01
01/1015	Proposal for outdoor seating / dining area adjacent to Chicago Rock Café, 30 Fisherton Street.	AC	10.08.01
01/1799	Variation of condition 4 of Planning Permission no S99/1251 to extend the hours of operation to 12.30am on Friday Saturday and Sunday nights at 30 Fisherton Street.	R	20.03.02
02/1566	Proposal for outdoor seating / dining area adjacent to Chicago Rock Café, 30 Fisherton Street. (Renewal of planning permission S/01/1015)	AC	30.09.02
04/1880	4 No Amenity Boards	AC	26.10.04
04/2169	Temporary variation of Condition (4) of planning permission S/99/1251 to allow the premises to open until 2am on January 1 st 2005.	AC	15.12.04
05/823	outdoor seating area / dining area adjacent to chicago rock (previously approved on a temporary basis)	AC	17/06/05
07/0934	Use of land for the sitting of chairs and tables for outdoor eating and drinking on the Chicago rock café forecourt between 8am to 8pm daily.	AC	02.07.2007
07/2238	Variation of Condition 4 of planning permission S/1999/1251 to allow the premises to continue trading until 0200 hours the following morning on Friday and Saturday	R	07.02.08 (currently at appeal)
07/2237	Installation of disabled user access ramp, adaption of an existing opening to main entrance on the eastern end of the unit frontage on Fisherton Street. Alteration of Malthouse Lane entrance to fire exit	R	07.02.08 (currently at appeal)

CONSULTATIONS

Conservation Officer	No objections to ramp or adaption to existing opening
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. Recommend a Condition is applied to ensure that the Malthouse Lane entrance shall be closed and not used (except for in an emergency) after 1900 hours.
Building Control	No adverse comments

REPRESENTATIONS

Advertisement	Yes - Expiry 28.08.08
Site Notice displayed	Yes - Expiry 28.08.08
Departure	No
Neighbour notification	Yes - Expiry 18.08.08
Third Party responses	Yes – Twenty four written representations objecting to the proposed development on the grounds of lack of need for a new disabled access

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 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.

Impact on neighbour amenity

Twenty four written representations have been received opposing the proposed development on the grounds that a new disabled user access ramp and associated new entrance are not necessary. Whether a proposed development is 'necessary' would not normally constitute a material planning consideration, therefore the proposal should be assessed on its merits in accordance with the policies of the Development Plan, unless material considerations dictate otherwise. The material planning considerations pursuant to this application are considered to be the impact of the proposed development on neighbour amenity, Highway safety and the impact on the existing character of the surrounding conservation area.

The Environmental Health officer has recommended a Condition that the Malthouse Lane entrance is restricted to emergency use only from 1900 hours onwards. Whilst the recommended Condition is clearly intended to reduce the impact of noise and disturbance on residents in Malthouse Lane, the access can at present be used at any time during opening hours. The effect of creating a new access on Fisherton Street, making a total of three accesses for the premises, would have the effect of diffusing the comings and goings to the premises between three access points and this is likely to result in a net reduction of the use of the existing Malthouse Lane entrance. In this respect it is considered unreasonable to reduce the use of the Malthouse Lane access to below existing levels, however, taking into consideration the concurrent application to extend the trading hours of the premises (planning reference S/08/1309) to 0100 hours with 30 minutes drinking up time the next day on Fridays and Saturdays, it would be reasonable to impose a Condition that the use of the Malthouse Lane entrance is stopped (except for emergency) outside of the existing trading hours (midnight). Thereby the amenity of neighbours in Malthouse Lane as affected by the use of the Malthouse Lane entrance would be preserved at existing levels, regardless of whether trading hours are extended.

However, if members remain concerned, officers have suggested a further 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 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 raises no objection.

CONCLUSION

The 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.

The resubmitted proposal is considered to represent an improvement over the previously proposed scheme insofar as the proposal would result in the establishment of three accesses to the premises over two separate frontages, thereby diffusing the comings and goings of patrons between the three accesses rather than concentrating all of the people movements onto one frontage.

Consequently, it is considered that the proposal would not unduly affect the amenity of existing neighbouring occupiers to the south of the site or in Malthouse Lane. 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.

Notwithstanding the previous refusal by members of planning application S/07/2237, the refusal of which is a material planning consideration, members need to consider whether the amended proposals overcome their objection to the previous application (which is now the subject of an appeal to the Planning Inspectorate).

RECOMMENDATION: APPROVE

REASONS FOR APPROVAL

The 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.

Consequently, it is considered that the proposal would not unduly affect the amenity of existing neighbouring occupiers to the south of the site or in Malthouse Lane. 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. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (004 AMENDED)

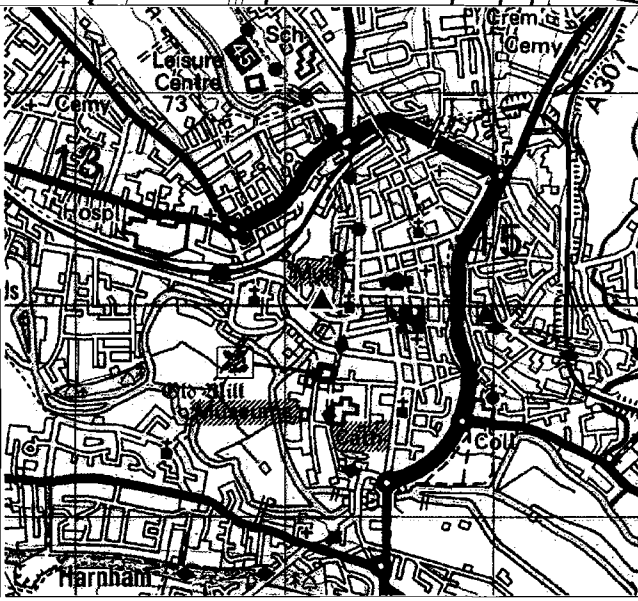
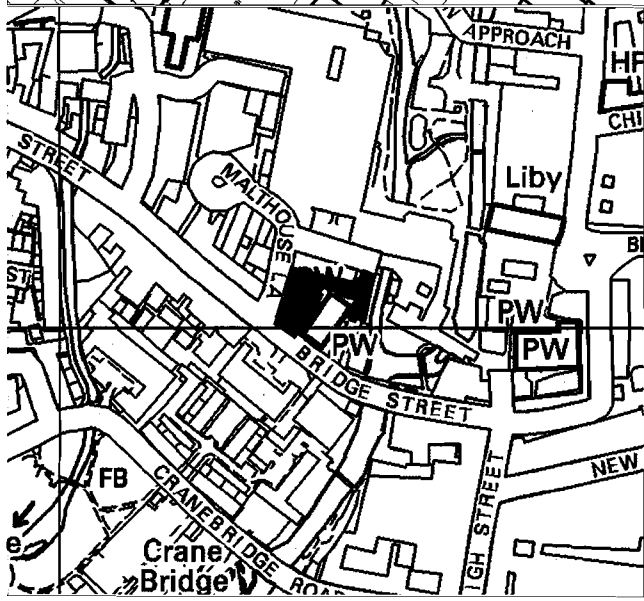
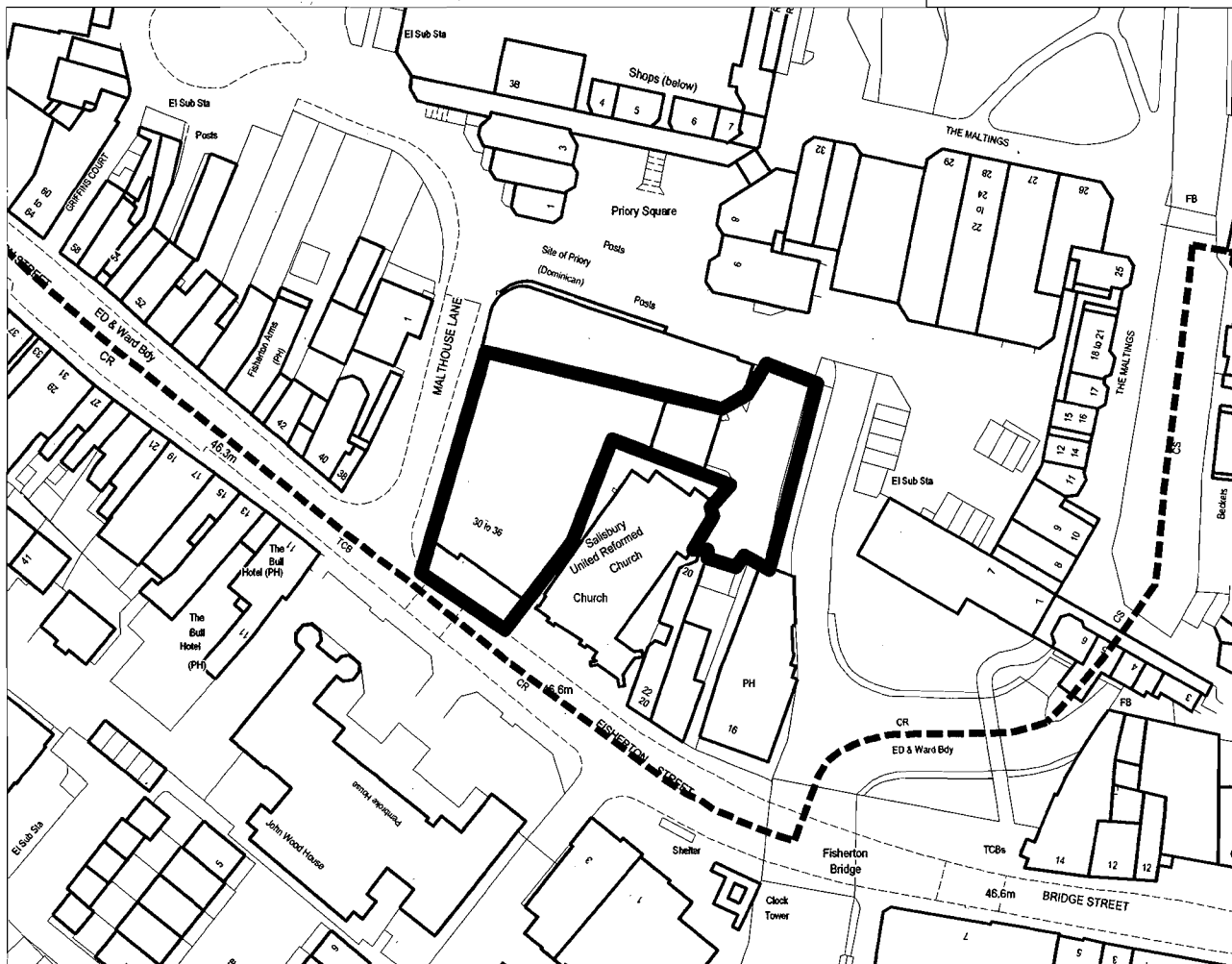
2. The Malthouse Lane entrance doors shall not be used outside the hours of 9am to 12 midnight Monday to Saturday, and 9am to 11pm on Sundays and Bank Holidays, except in emergency.

Reason: To protect the amenity of neighbouring residential occupiers in Malthouse Lane

3. Prior to the commencement of development, 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, concurrently with the new access arrangements being brought into use and shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

Site Visit:



MORTIMERS 30-32 FISHERTON STREET

SCALE: NTS

DATE: 23/09/2008 09:55:55

DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.



Application Number:	S/2008/1309		
Applicant/ Agent:	MRS E J MACCOUGHLAN		
Location:	MORTIMERS 30-32 FISHERTON STREET SALISBURY SP2 7RG		
Proposal:	VARIATION OF CONDITION 04 OF S/1999/1251 TO ALLOW THE PREMISES TO CONTINUE TRADING UNTIL 1AM (WITH 30 MINUTES DRINKING UP TIME) THE FOLLOWING MORNING ON FRIDAYS AND SATURDAYS ONLY		
Parish/ Ward	ST ED & MILFORD		
Conservation Area:	SALISBURY	LB Grade:	
Date Valid:	24 July 2008	Expiry Date	18 September 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

REASON FOR REPORT TO MEMBERS

The application is an amended resubmission of application reference S/07/2238 which was previously called to Committee by Councillor Tomes due to significant local interest.

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 0100 hours (with 30 minutes drinking up time) the following morning on Fridays and Saturdays.

PLANNING HISTORY

99/1251	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30	AC	01.06.00
99/1252	Change of use of part of ground floor from shop (A1) to food and drink (A3) at no 30		
00/1199	Proposed alterations to elevations of premises at no 30	AC	31.7.00
00/1958	Internally illuminated pub signage at no 30	AC	21.11.00
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	AC	10.08.01
01/1015	Proposal for outdoor seating / dining area adjacent to Chicago Rock Café, 30 Fisherton Street.	AC	10.08.01
01/1799	Variation of condition 4 of Planning Permission no S99/1251 to extend the hours of operation to 12.30am on Friday Saturday and Sunday nights at 30 Fisherton Street.	R	20.03.02
02/1566	Proposal for outdoor seating / dining area adjacent to Chicago Rock Café, 30 Fisherton Street. (Renewal of planning permission S/01/1015)	AC	30.09.02
04/1880	4 No Amenity Boards	AC	26.10.04

04/2169	Temporary variation of Condition (4) of planning permission S/99/1251 to allow the premises to open until 2am on January 1 st 2005.	AC	15.12.04
05/823	outdoor seating area / dining area adjacent to Chicago Rock (previously approved on a temporary basis)	AC	17.06.05
07/0934	Use of land for the sitting of chairs and tables for outdoor eating and drinking on the Chicago Rock café forecourt between 8am to 8pm daily.	AC	02.07.07
07/2238	Variation of Condition 4 of planning permission S/1999/1251 to allow the premises to continue trading until 0200 hours the following morning on Friday and Saturday	R	07.02.08 (currently at appeal)
07/2237	Installation of disabled user access ramp, adaption of an existing opening to main entrance on the eastern end of the unit frontage on Fisherton Street. Alteration of Malthouse Lane entrance to fire exit	R	07.02.08 (currently at appeal)

CONSULTATIONS

SDC Environmental Health – Comments in respect of the proximity of neighbouring residential properties in Malthouse Lane and at Pembroke House (opposite). Comments on the entrance/fire exit arrangements. Suggested Condition that all external and internal entrance doors are kept closed at all times except for access, and no queuing or loitering in the vicinity of the entrance.

REPRESENTATIONS

Advertisement	Yes. Expiry 28.08.08
Site Notice displayed	Yes. Expiry 28.08.08
Departure	No
Neighbour notification	Yes. Expiry 18.08.08
Third Party responses	Yes – Twenty four written representations objecting to the proposal on the grounds of increased noise and disturbance to neighbouring residents

MAIN ISSUES

Impact on neighbour amenity

POLICY CONTEXT

Policies G1 & G2 (General Criteria for Development)

PLANNING CONSIDERATIONS

The planning history

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 current application

The application is an amended resubmission of the previous proposal (S/07/2238) for the variation of Condition 4 to planning permission S/1999/1251 to allow the premises to continue trading until 0100 hours (with 30 minutes drinking up time) the following morning on Fridays and Saturdays. Planning application S/07/2238 was refused by the members of the City Area Committee on 07.02.08 for the following reason:

"The proposed extension to the opening hours of the premises would be detrimental to the amenities of existing residents of Pembroke House, due to the increase in noise and general disturbance, contrary to policy G2 of the saved policies of the adopted Salisbury District Local Plan."

The previously refused application is currently the subject of an appeal to the Planning Inspectorate.

Officers are fully aware of the planning history of the premises, and understand that the previous condition 04 was imposed in order to protect adjacent residential amenities. Members therefore need to 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.

Environmental health considerations

The environmental health officer (EHO) has previously commented (on application S/07/2238) 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. On this basis the EHO previously raised no objection to the proposed variation of opening hours to 0200 hours under the previous application (reference S/07/2238).

The EHO's comments specific to the current application for an extension of opening hours to 0100 the following morning on Fridays and Saturdays appear to give greater weight to considerations in respect of the proximity of the premises to neighbouring residential properties and the potential for disturbance from noise, and concludes by raising no objections to the extended hours of operation subject to a Condition that all internal and external entrance doors are kept closed at all times except for access and that there is no queuing or loitering in the vicinity of the entrance. In planning terms, such a Condition would be very difficult to monitor and enforce, and in particular issues of persons queuing or 'loitering' outside the premises are largely beyond the control of the applicant. The EHO's suggested condition would therefore be considered unenforceable and unreasonable to impose. These controls may be able to be imposed under licensing legislation but are considered to fail the Government's tests for Conditions as set out in Circular 11/95 (Use of conditions in planning permission), as such the use of a Condition as suggested by the EHO is not recommended.

It is noted that the pubs which open until at least 2am, i.e. 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 is situated directly opposite the residential apartments of Pembroke House, and residential premises in Malthouse Lane and therefore could have more potential to harm adjacent amenities than other premises with later closing times.

Officers therefore suggest that 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 that 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 (planning reference S/08/1311), 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

Whilst the strong concerns of adjacent residents have been taken into consideration, given the stance of the EHO and the opening times of other similar premises in the vicinity, it is considered that it would be difficult to resist the proposed extension to the opening hours until 1am, with 30 minutes drinking up time, 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 extension of the hours of operation.

The proposal is considered to constitute an improved proposal over that previously refused as the amount of time extended is reduced from two hours to one on the two specified days of the week.

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 1am opening time. Furthermore, Members could also impose a restriction to limit the noise emanating from the premises from the access doors.

Notwithstanding the previous refusal by members of planning application S/07/2238 which constitutes a material planning consideration, members need to consider whether the amended proposal overcomes their objection to the previous application (which is now the subject of an appeal to the Planning Inspectorate).

RECOMMENDATION : APPROVE

REASONS FOR APPROVAL

The Council's Environmental Health Officer has recommended that the amenity of existing neighbouring occupiers are sufficiently protected under existing licensing legislation. 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 similar premises in the vicinity, it is therefore considered that it would be difficult to resist the alterations to the opening hours until 1am (with 30 minutes drinking up time) 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 an adverse impact on neighbour amenity 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 1am (the following morning, with 30 minutes drinking up time) 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:

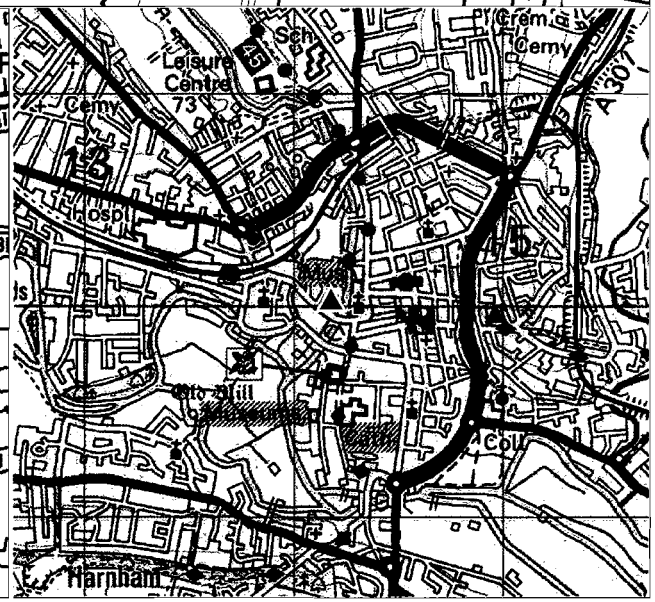
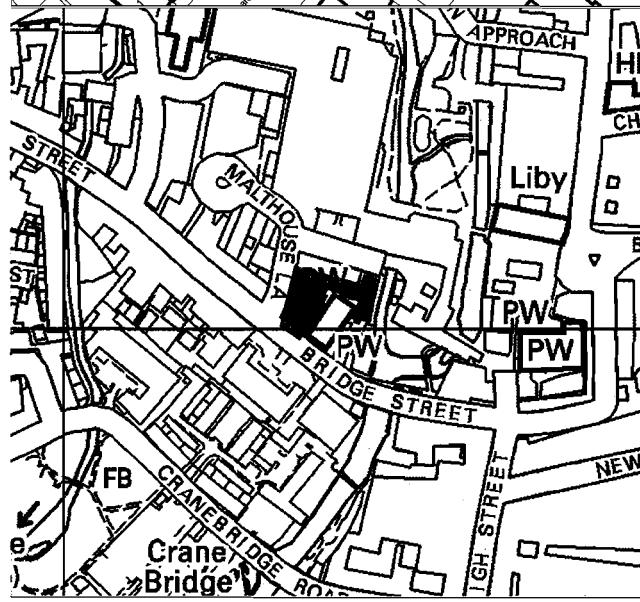
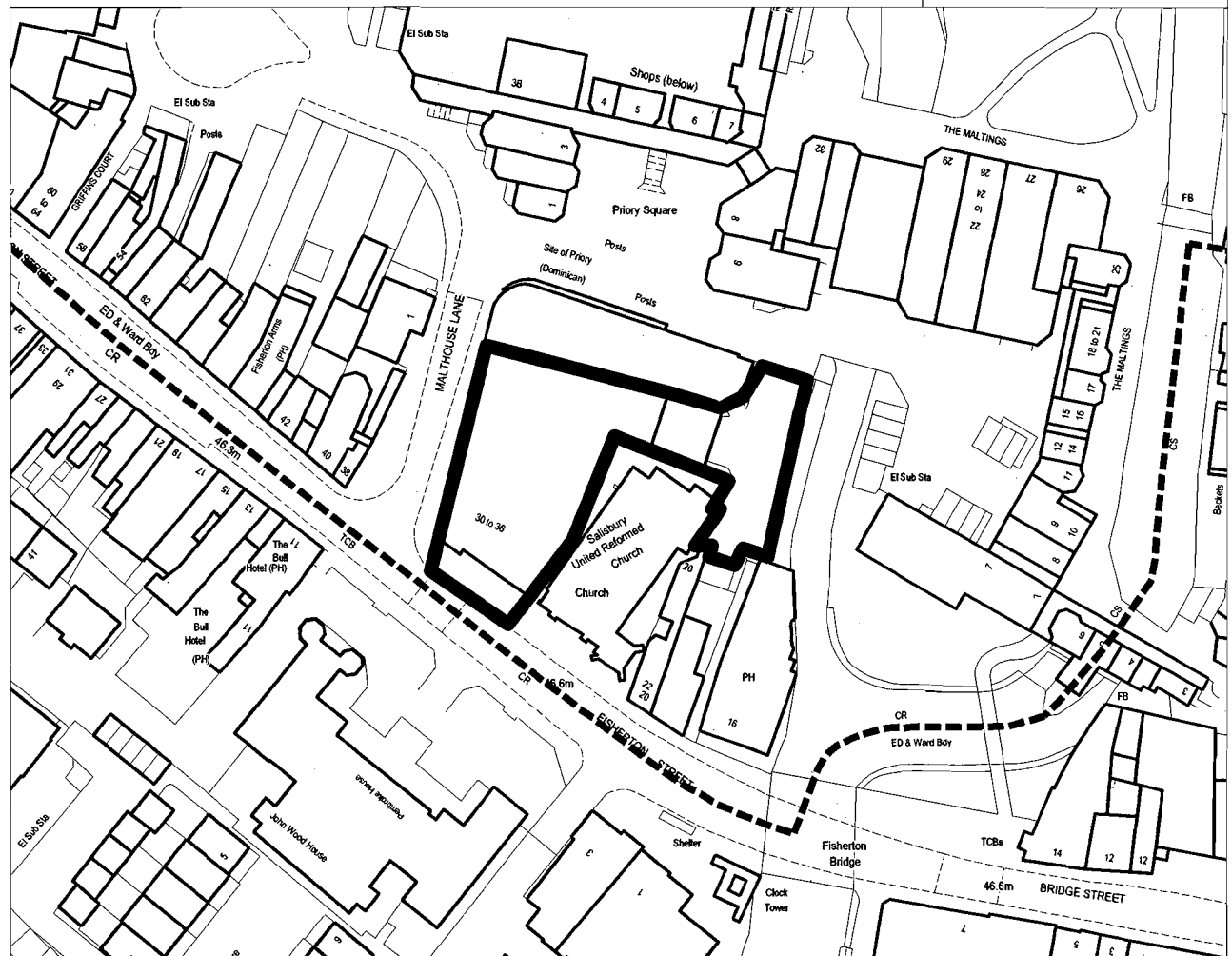
The premises shall not be open to the public for trade outside of the hours of 9am to 12 midnight Monday to Saturday, and 9am to 11pm Sundays and Bank Holidays.

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.

Site Visit:



MORTIMERS 30-32 FISHERTON STREET

SCALE: NTS
 DATE: 23/09/2008 10:00:40
 DEPARTMENT: Planning

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.



Application Number:	S/2008/1347		
Applicant/ Agent:	MR DAVID WILLIAMSON -JONES SAVILLS		
Location:	LAND AT BEMERTON FOLLY WOODS WESTWOOD ROAD SALISBURY		
Proposal:	24M LATTICE TELECOMMUNICATIONS MAST WITH 6 ANTENNA, 2 DISHES AND EQUIPMENT CABINET WITHIN FENCED COMPOUND		
Parish/ Ward	FISHERTON AND BEMERTON		
Conservation Area:	LB Grade:		
Date Valid:	31 JULY 2008	Expiry Date	25 September 2008
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers as the development is on council land.

SITE AND ITS SURROUNDINGS

The application relates to an area of woodland off Westwood Road, Bemerton Heath. The site is within an area of archaeological significance and has been designated as a Local Nature Reserve (Bemerton Heath and Barnard's Folly LNR).

THE PROPOSAL

The application proposes the construction of a 24m lattice telecommunications mast (overall height of approximately 25.5 metres) with 6 antenna, 2 dishes and associated ground based equipment cabinets contained within a 2.4m palisade fenced compound.

PLANNING HISTORY

None relevant

CONSULTATIONS

WCC Archaeology	No comments
Tree officer	No objection
WCC Highways	No Highway objection
Environmental health	Recommend the Council's Precautionary Policy is applied
WCC District Ecologist	No objection

REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes
Departure	No
Neighbour notification	Yes
Third Party responses	Yes – One letter and two emails objecting to the proposed development on grounds of adverse impact on the designated LNR, the access path would encourage access to the wood by motorbikes and quad bikes and could lead to increased fly tipping, youths would access the wood and start fires and attack the telecommunications apparatus with air rifles and catapults.

MAIN ISSUES

Impact on archaeology
Impact on the Local Nature Reserve
Impact on neighbour amenity
Siting and design

POLICY CONTEXT

Policies G2 (General Criteria for Development), D3 (Design), C11 & C12 (Nature Conservation), CN21 & CN23 (Archaeology), PS7 (Telecommunications) & PPG8 (Telecommunications)

PLANNING CONSIDERATIONS

The application relates to an area of woodland off Westwood Road, Bemerton Heath. The site is within an area of archaeological significance and has been designated as a Local Nature Reserve (Bemerton Heath and Barnard's Folly LNR).

The application proposes the construction of a 24m lattice telecommunications mast with 6 antenna, 2 dishes and associated ground based equipment cabinets contained within a 2.4m palisade fenced compound situated within the woodland adjacent to Westwood Road.

The proposed compound is set approximately 3.5 metres from the woodland boundary and occupies an area of approximately 13.5 square metres. There is a gravel access path of approximately 1 metre in width from the woodland boundary to the compound (access path approximately 3.5 metres in length).

Siting and design

The proposed lattice mast and antennas attached on top has an overall height of approximately 25.5 metres, and is situated in an area of mature and relatively dense woodland where the canopy height of surrounding trees is estimated to be approximately 22 metres.

Lattice masts (as a design option) are generally accepted as having the least impact on wider views within the landscape than other alternative designs, as the slim components of their lattice structure and galvanised steel finish tend to blend into their surroundings better in distant views. The applicant has submitted a number of photo-montages of the proposed mast from various vantage points in the surrounding vicinity and whilst these are not to scale and can only be considered as indicative of the visual impact of the proposed structure, they assist in illustrating the scale and design of the proposed mast would have a limited impact on visual amenity.

By reason of the lattice design of the proposed mast, and its location within an established area of mature woodland, the proposal is considered acceptable in respect of its siting and design, and has been located and designed so as to minimise the environmental and visual impact of the apparatus.

Impact on neighbour amenity

The site of the proposed mast is approximately 75 metres from the nearest dwelling in Folly View, and 60 metres from the nearest dwellings in Westwood Road and Olivier Close. By reason of the distance between the proposed mast and the nearest neighbouring dwellings, together with the natural screening of the site afforded by the area of woodland surrounding the site, it is considered the proposed mast would not adversely affect the amenity of neighbours in terms of the visual impact of the proposed apparatus.

The Department for Communities and Local Government (DCLG) publication Planning Policy Guidance 8 (PPG8) provides guidance on planning for telecommunications development - including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

PPG 8 also specifically deals with considerations of the impact of telecommunications developments on human health. It is the Governments stated view (PPG 8 paras 29 to 31) that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health.

In the Governments view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure, as in the case of this application, it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The Governments acceptance of the precautionary approach recommended by the Stewart Groups report "*mobile phones and health*" is limited to the specific recommendations in the Groups report and the Governments response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Governments view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecoms development and existing development.

In respect of the proposed mast at Bemerton Folly woods, the applicant has provided confirmation that the proposed apparatus would comply with ICNIRP standards, and has additionally submitted a statement as to how the proposed development complies with SDC's own Precautionary Policy for telecommunications apparatus.

In respect of the neighbour comments and objections to the proposed mast, these have been carefully considered and are dealt with as follows:

Impact on designated LNR – the District Ecologist has confirmed she has no objections to the siting of the apparatus within the designated LNR, and can see no reason that the mast cannot be located in the woods.

Issues of youths riding motorbikes, starting fires in the woods and causing criminal damage to apparatus would constitute a civil or criminal matter to be dealt with under other legislation outside of planning, as would any issues of fly tipping.

It is therefore considered that the comments and objections raised by neighbours, for the reasons stated above, do not constitute a valid reason for the refusal of the proposed development.

Impact on the woodland and nature conservation interests

The woodland is relatively dense with many mature trees in excess of 20 metres in height. The tree officer has visited the site and assessed the potential impact on trees and raises no objection subject to a Condition that development is carried out in accordance with the submitted Arboricultural Method Statement.

The woodland was given the designation of Local Nature Reserve in 2004 (a non-statutory local designation). The District Ecologist at WCC has been consulted on the proposal and raised no objection, stating she has no significant ecological concerns. It is therefore considered that the proposed development would not be discordant with Policy C11 or C12 (Nature Conservation) of the adopted Local Plan.

Archaeology

The site is within an Area of Archaeological Significance as defined by the adopted Local Plan. In accordance with Policies CN21 & CN23 the County Archaeologist was consulted on the application and has replied that she has no comments to make on the application. In view of the consultation response of the County Archaeologist it is not considered necessary to require that any further archaeological evaluation of the site is carried out before the application is determined.

RECOMMENDATION: APPROVE

REASON FOR APPROVAL

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), C11 & C12 (Nature Conservation), CN21 & CN23 (Archaeology) & PS7 (Telecommunications) of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPG8 (Telecommunications) insofar as the proposed development is considered compatible in terms of the scale, design, materials and siting, and would not adversely affect the amenity of neighbours or visual amenity within the surrounding 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. (A07B)

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

2. The development hereby approved shall be taken down and removed from the land, and the land returned to its former condition (i.e. woodland) on or before 22.09.18 or as soon as reasonably practicable after the equipment and apparatus hereby approved are no longer required for operational telecommunications purposes for the provision of network coverage in the area (whichever is the earlier) in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: To ensure the mast and associated equipment are removed from the land when they are no longer required, in the interests of visual amenity within the surrounding landscape.

3. The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement produced by Mark Hinsley and dated 16th July 2008.

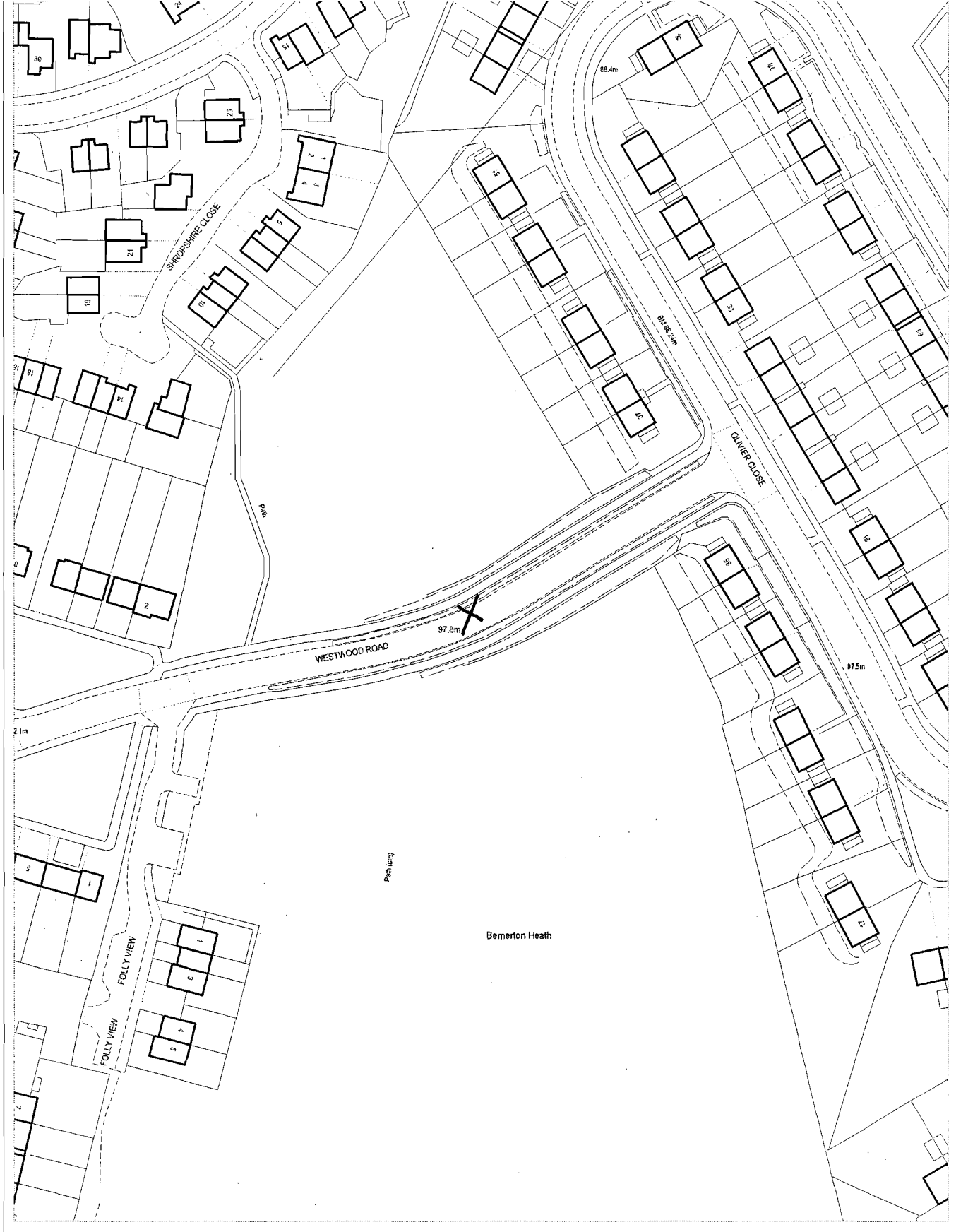
Reason: (3) To ensure the adequate protection of trees to be retained, in the interests of amenity.

4. Notwithstanding the provisions of Class A of Schedule 2 (Part 24) to the Town and Country (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), there shall be no installation, alteration or replacement of any telecommunications apparatus unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual amenity within the surrounding landscape.

And in accordance with the following policies of the Adopted Salisbury District Local Plan.

G2 (General Criteria for Development), D3 (Design), C11 & C12 (Nature Conservation), CN21 & CN23 (Archaeology) & PS7 (Telecommunications) of the saved policies of the adopted Salisbury District Local Plan, and the aims and objectives of PPG8 (Telecommunications)



LAND AT BEMERTON FOLLY WOODS

SCALE: 1:1250

DATE: 23rd September 2008

DEPARTMENT:

THIS MAP IS FOR INTERNAL USE ONLY.

Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100033329, Salisbury District Council, 2008.

