

# INDEX OF APPLICATIONS ON

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION	Division Members
01	S/2009/0376	Alabare Development 58 Barnard Street Salisbury Sp1 2bj	Demolition Of The Existing Five Storey 35 Bed 40 Person Hostel On Barnard Street. Replace With New Four Storey 30 Bed 33 Person Hostel. Refurbish Interior Of Grade Ii Listed Building Change Of Use From Residential Care Home To 8no 1 Bed And 2 Bed Flats For Move On Accommodation. Retained Use To The Ground Floor Meeting & Admin Room Within Emmaus House, Proposed Changes To Layout Of Existing Toilets & Kitchenette	Approve Subject to 106	Cllr Paul Sample
02	S/2009/0377	Alabare Development 58 Barnard Street Salisbury Sp1 2bj	Demolition Of The Existing Five Storey 35 Bed 40 Person Hostel On Barnard Street. Replace With New Four Storey 30 Bed 33 Person Hostel. Refurbish Interior Of Grade Ii Listed Building Change Of Use From Residential Care Home To 8no 1 Bed And 2 Bed Flats For Move On Accommodation. Retained Use To The Ground Floor Meeting & Admin Room Within Emmaus House, Proposed Changes To Layout Of Existing Toilets & Kitchenette	Approve with conditions	Cllr Paul Sample
03	S/2009/0469	63 Bouverie Avenue Salisbury SP2 8DU	Construction Of 1 New Dwelling With Access	Approve with conditions	Cllr Brian Dalton
04	S/2009/0014	Land At Longcross Zeals Warminster Ba126lj	Change Use Of Land From Agricultural To HGV Trailer Storage And New Vehicular Access And Relocation Of Layby	Approve Subject to 106	Cllr George Jeans

05	S/2009/0434	Spire Car Sales London Winterslow SP5 1ST	Change Of Use From Retail, Repair And Valeting Of Cars To Car Valeting Only	Approve with conditions	Cllr Christopher Devine
06	S/2008/0550	J C Dean (Haulage) Ltd Hatches Lane Salisbury Sp1 2nz	Division Of Existing Site To Provide A 1640m2 (Gross) Deep Discount Lidl Foodstore And Creation Of Replacement Workshop And Offices	Approve Subject to 106	Cllr John Brady
07	S/2008/1389	Unit 2 Bourne Retail Park Bourne Way Hatches Lane Salisbury Sp1 2qq	Variation Of Condition 3 To Planning Consent S/2008/0965 To Permit A Food Retail Use Of Unit 2	Approve Subject to 106	Cllr John Brady
08	S/2009/0482	Half Acre Frog Lane Chilmark Sp3 5bb	Raise Roof Over Existing Bungalow To Provide Additional Accommodation At First Floor Level. Insertion Of Three Dormer Windows To South West Elevation Of Extended Roof	Approve with conditions	Cllr Bridget Wayman

Date of Meeting	12-Jun-2009		
Application Number:	S/2009/0376		
Site Address:	ALABARE DEVELOPMENT 58 BARNARD STREET SALISBURY SP1 2BJ		
Proposal:	DEMOLITION OF THE EXISTING FIVE STOREY 35 BED 40 PERSON HOSTEL ON BARNARD STREET. REPLACE WITH NEW FOUR STOREY 30 BED 33 PERSON HOSTEL. REFURBISH INTERIOR OF GRADE II LISTED BUILDING CHANGE OF USE FROM RESIDENTIAL CARE HOME TO 8NO 1 BED AND 2 BED FLATS FOR MOVE ON ACCOMMODATION. RETAINED USE TO THE GROUND FLOOR MEETING & ADMIN ROOM WITHIN EMMAUS HOUSE, PROPOSED CHANGES TO LAYOUT OF EXISTING TOILETS & KITCHENETTE		
Applicant/ Agent:	QUATTRO DESIGN ARCHITECTS LTD		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	414783.1 129714		
Type of Application:	FULL		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

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### Reason for the application being considered by Committee

The Director of Development Services does not consider it prudent to exercise delegated powers as - under the former delegation scheme it was requested by Councillor Tomes that it be determined by committee due to the level of public interest.

In view of the comments by an objector, it is confirmed that this Committee is considered to be the appropriate body to determine the application, rather than the Strategic Planning Committee as whilst this application is not in accord with the wording of saved Local Plan policy D6, it is in harmony with both the aims of policy D6 which is to retain the Cathedral as the dominant feature of the Salisbury skyline and other policies of the Local Plan and therefore the application is not a material or significant departure from the Development Plan.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be

GRANTED subject to the applicant entering into an Agreement in respect of

(i) Policy R2

following completion of which within 1 month of this decision, the Director for Development Services be authorised to GRANT Planning Permission subject to conditions

### 2. Main Issues

The main issues to consider are :

1. Need for proposal
2. Impact on character of Conservation Area and character and setting of listed buildings
3. Impact on residential amenities
4. Protected species
5. Highway safety
6. Impact on trees
7. Archaeological Issues
8. Public Open Space policy R2

### 3. Site Description

The site forms part of the Pound Chequer, within the Salisbury Conservation Area. It forms the easterly half of the chequer being bounded by Barnard Street, Dolphin Street and St Ann Street. The site, 58 Barnard Street, is currently occupied by two buildings known as Emmaus House and Damascus House. Emmaus House, a listed grade II circa 1700 building, extended in the eighteenth century, and Damascus House is 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 some modern infilling in the area, the area retains its historic character.

### 4. Planning History

95/1262	External restorations and internal alterations	AC
95/1491	C/U from nurses hostel to community home for adults with learning disabilities	AC
96/0927	C/U to form day care centre within existing homeless person's hostel.	AC
96/1381	To vary condition 2 relating to temporary time condition from planning permission S/96/0927	AC
08/963	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.	REF
08/964	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)	REF

## 5. The Proposal -

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 30bed, 33 person hostel accommodation.

Refurbishment of Emmaus House and change of use from a care home to eight flats for 'move-on accommodation' (5 one bed, 3 two bed)

Rearrangement of existing on site parking arrangements

Relocation of drop-in centre from The Friary

## 6. Planning Policy

Of particular relevance are the following saved policies from the Adopted Salisbury District Local Plan June 2003.

G1, G2 and G3 (Aims and criteria of the Local Plan), D1 and D4 and D6 (Design policies), C12 (Protected species), C13 (Nature conservation), CN1, CN2, CN3, CN4, CN5 (listed building policies), CN8, CN9, CN10 and CN11, CN12 (conservation area policies), CN17 (trees) CN23 (archaeology), H4, H8 and H25 (Housing policies), PS1 (Community facilities) and TR11 (parking).

SPG Creating Places

SPG Affordable housing

And national guidance:

PPS1 Sustainable development

PPS3 Housing

PPS9 Biodiversity

PPG15 Planning and the Historic Environment

PPG16 Archaeology

ODPM Circular 06/2005, Habitats Regulations 1994 (as amended)

CABE: Building in Context

## 7. Consultations

### **Salisbury District Council (now Wiltshire Council) Strategic Housing Services**

Damascus House is a homeless persons hostel. Residents include rough sleepers, homeless people with intensive needs and a limited number of couples. The building was constructed in 1904 and modernised in the 1960's. The facilities are in poor condition and do not meet Disability Discrimination Act (DDA) requirements. The building's poor physical conditions and services does not motivate the homeless to address their needs and break their cycle of homelessness.

A continuing need for both hostel accommodation and supported accommodation in the Salisbury area has been identified and the provision of 33 direct access bed spaces to provide crisis accommodation and 8 flats will assist to address this need.

The scheme is a key element in the South Wiltshire Homelessness Strategy, it is relevant to the Vision for Salisbury and is 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 a direct access facility for people sleeping rough 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 Salisbury District Council 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'. Whilst this funding was agreed, capital grant allocations may be under review in the new Wiltshire Council, though, representations have made to the Director of Housing for support for this grant funding to continue.

Bids have also been made to the Department of Communities and Local Government and the Homes and Communities Agency for the funding required to deliver this project. Decisions are pending until relevant planning consents have been secured.

#### **Wiltshire Police**

The architects applicants have again been in consultation with me prior to this updated application being submitted and I am satisfied that they have addressed the crime reduction security issues that I raised.

#### **Wiltshire Council Archaeology**

The archaeological evaluation of the above 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:

'No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.'

#### **Wiltshire Fire and Rescue Services**

The premises once constructed and put to use will be subject to the Regulatory Reform Fire Safety Order 2005. Also comments relating to need for satisfactory access for fire engines, adequate water supplies and appropriate fire safety measures as well as the encouragement for the provision of sprinklers.

#### **Wiltshire Council Highways**

No objections as satisfied that the parking arrangements are adequate in this city centre location.

#### **Environment Agency**

No objection subject to conditions regarding a scheme to deal with the risks associated with any contamination of the site, water efficiency measures being incorporated into this scheme, to assist in conserving natural water resources, sustainable design and construction measures and safeguards during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

A site waste management plan (SWMP) is required for all new construction projects worth more than £300,000.

#### **Wiltshire Council Environmental Health**

Further to this application my only concerns would be the impact on those living near the buildings to be demolished and redeveloped, with regard to noise and dust from construction. As such I would recommend the following conditions be set.

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.

### **Wiltshire Council Conservation Officer**

#### **1 Demolition of Damascus House and Replacement Building**

I have commented previously regarding the principle of demolition of Damascus House and its rebuilding, which I believe would be acceptable. The design of the replacement building has been amended slightly since the last submission. In my view, I consider that the scale and massing of the replacement building would be an improvement on the existing situation, and in this respect I feel that the appearance of the conservation area would be improved.

I note that the rear projecting wing has been substantially reduced in bulk, and that this would result in a much more modest extension into the inner courtyard, which I feel would preserve the character of the Chequer.

I have one detailed comment regarding the materials for the new building. Whilst in general it would appear that the palette of materials has been kept to a minimum, which I feel is the correct approach to avoid the new building appearing fussy, I feel that the use of reconstituted stone for the cills, stringcourses and parapets would introduce an unnecessary additional material, which I feel detracts from the otherwise narrow palette. I also feel that the reconstituted stone would diminish the quality of the scheme, and would not be of a high enough standard within the conservation area. I would like to request whether consideration might be given to substitute the reconstituted stone for bricks on the stringcourses and parapets, and perhaps with clay tiles for the cills.

#### **2 Internal Alterations to Emmaus House**

The internal alterations are largely the same as previously submitted, and it is considered that these would preserve the historic fabric and character of the listed building. My only query relates to the need for the additional insulation that is being proposed for the loft space, and the potential covering up of existing lath and plaster ceilings in the process. Is this work really necessary?

#### **3 New Gates to St Ann Street**

The scheme includes proposals to replace the existing wooden gates with metal ones. The design of these look utilitarian and they appear to lack finesse. I would suggest that something a bit more along the lines of traditional cast iron gates would be more sympathetic to the character of the conservation area.

### **English Heritage**

The key issues in assessing this application are 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.

No objection to the demolition of Damascus House which although it contains some historic fabric is limited and is outweighed by the negative impact it has on the street scene due to its height on the street frontage. The proposed new building attempts to redress this discordant element in the townscape by replacing the building with one which is significantly lower especially in relation to Emmaus House. The overall bulk of the new building will be larger than many buildings within the street, however, by use of architectural articulation and change of building materials the designers have broken up the massing on the street frontage. We note that the height and bulk of the rear extension into the Chequer has been reduced compared to the earlier proposals and is more appropriate to the hierarchy of scale found within the Chequers.

The overall success of the new building will be highly dependent on the detailed design and the selection of high quality materials appropriate to the context and this aspect needs to be carefully conditioned. 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

It is not necessary to consult us again.

### **Design Forum - pre-application comments**

The revised proposal involved the removal of the contentious flats/houses on St Ann Street, and substantially reduced the bulk of the rear wing of the rebuilt Damascus House. The number of accommodation units had been reduced from 35 to 30, and the atrium and lift shaft of the rebuilt Damascus House would be lower than previously proposed.

The panel felt that the exceptionally detailed scheme was very well considered and the scale, massing and materials were generally respectful of its setting. A slight reservation was raised about the use of metal cladding to the western gable of Damascus House, as this may be visible from longer views nearer the western end of St Ann Street, and recommended that the case officer assess the significance of such a view in comparison with the existing building. It was suggested that an alternative material, such as brick, might be more appropriate. Some concerns were also raised about the visual success and practicalities of the curved tile hanging proposed for the western elevation, and that it would need to be very well executed to succeed.

The reduced rear wing would have much less impact on the courtyard and views from Dolphin Street than previously.

### **Wiltshire Council District Ecologist**

Background:

During pre- application discussions it emerged that both Damascus and Emmaus Houses had high suitability for bats. Emergence surveys in October 2008 were inconclusive. The applicant needs planning permission to apply for funding for the works. It was therefore agreed that further surveys could be conditioned to be done before development started provided that mitigation for the worst case scenario was incorporated into the application design drawings.

Key Issues:

The applicant has submitted a Bat Mitigation Strategy (Ecosulis, 5 Feb 2009) which makes a good justification for the following approach:

Undertaking 3 evening emergence/dawn swarming surveys between May and September during the summer prior to development commencing, in order to assess the need for a Natural England license

Applying for a Natural England license as necessary

Toolbox talk to contractors

Supervision of key stages of demolition of Damascus House by a licensed bat worker

Implementing the following mitigation regardless of the outcome of the surveys:

Bat boxes on trees

Bat boxes on roof of Emmaus House

Bat brick boxes on walls of Damascus House

Voids in lift shaft

Loose tiles on hanging wall

Enhancements to loft in Emmaus House

Provision of access into loft space of Damascus House extension

Boxed eaves with bat access points

Undertaking post development monitoring

Ecological Recommendation:

The application could be approved with the following issues conditioned

1 Implementation of the Bat Mitigation strategy (Ecosulis 5 Feb 09) and surveys must be completed between May and September before development (including demolition) commences.

2 Vegetation clearance must be undertaken outside the bird breeding season (1<sup>st</sup> March – 31<sup>st</sup>



August) unless an ecologist has confirmed that no breeding birds are present immediately prior to clearance taking place.

**Wiltshire Council Arboricultural Officer**

No objections. An updated arboricultural report has been submitted by the applicant. The method statement submitted with the application includes recommendations as to tree protection works and the tree protection plan should be a condition of any approval.

**8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 16 April 2009

17 letters of comment/support, to this application and S/2009/0377 (including 6 from current residents of Damascus House) have been received raising the following issues:-

Significant improvement on the existing building.

Current building is ugly and does not fit in, new building improves the street scene.

Current building is badly designed and energy wasteful, replacement will be more cost efficient and 'green'.

Amended scheme is in response to local concerns.

New building is reduced in height Overlooking is restricted.

Scheme will be good for the community.

Effectiveness of homeless care will be enhanced if facilities and resources improved.

Scheme minimises impact on local residents whilst providing an essential service

Support excellent work of organisation

24 letters of comment/objection, to this application and S/2009/0377 have been received raising the following issues:-

Damascus House is an eyesore, but this is no excuse for the replacement not to be of the highest standard. Need a more fitting design for new building.

Replacement will be an inappropriate building in the Conservation Area.

Replacement Damascus House does not complement surrounding Listed Buildings nor respect the Conservation Area.

Current proposal is neither a good modern design nor a successful match to surroundings

Stark, modern design.

Overall bulk, scale and architectural style inappropriate.

Proposed design, roof line, window detailing colours textures and materials inappropriate to area.

Sheet metal roof for replacement Damascus House is inappropriate

Appearance of replacement Damascus House is insufficiently improved to change previous recommendation of refusal

Building is still too high; it exceeds 12metres, contrary to policy D6.

No need for entrance/exit on St Ann Street, it should be closed.

Main entrance to Emmaus House should be on Barnard Street

Lack of development on St Ann Street is welcomed. Need a legal agreement to prevent any future development in this locality.

Trees and the Listed wall on St Ann Street need attention.

Proposed metal gate is of no merit should retain current wooden gates

Concern regarding how implementation of details of scheme will be ensured

Neighbours suffer from anti-social behaviour, drop in centre will exacerbate this.

Site is unsuited to a drop-in centre

Site is not well managed

Concerns regarding anti-social behaviour

Consultation with neighbours has been one-sided

This is a change of use application from use class C2 to C1 but there is a B1 use on the site for which no planning permission exists

Concerns regarding parking and traffic

Letter of objection from Consultants (Pro Vision Planning and Design) on behalf of the Friends of Pound Chequer – The letter also referred to an earlier letter to Stephen Thorne dated 9 January 2009 which confirmed the serious concerns of the Friends regarding the assessment of the development carried out by the LPA and the, in their opinion, serious shortcomings in the reports to Committee and the reasons for refusal. Attached was the 57 page document submitted with the previous application.

In summary the comments of most recent letter are:

That the only reduction in height of the proposed building is to the lift shaft housing and atrium roof light. This makes no meaningful difference. The principal bulk, massing, scale, height and detailed design of this part of the building and that which will be apparent in public street scene views remain substantially the same as before

The proposed building does not step down from Emmaus House in the street scene but in fact steps up at both eaves and main roof ridge heights. It is not subservient.

The proposed building is not justified simply because it is lesser than what exists currently.

Elements of the building are in breach of the LPA's policy D6 (a specific Salisbury Townscape policy). That the majority of the building is lower than 40 feet (12 metres) does not remove the conflicts with policy which amount to a departure from a significant and important Development Plan policy. It has not been declared or advertised as such, as is required by statutory planning procedure.

The proposed building is also fundamentally in conflict with another part of policy D6. The policy states that only pitched roofs clad in traditional materials will be permitted. The proposed standing seam zinc roof is in conflict with policy. Again if the LPA's Officers are intent on taking a decision that departs from policy, then the necessary procedural requirements for advertising and possible referral to the Secretary of State should be adhered to in the public interest.

The consultant also considers his previous letter (9 Jan 2009) relevant. This letter drew attention to issues in relation to the officer report and the Committee determination for applications S/2008/0963 and S/2008/0964. The letter also commented on revised plans supplied to the Friends of the Chequer by the applicants' architect as part of a pre-application community involvement process:-

The omission of development on St Ann Street in the revised plans is welcomed. But the reason for refusal of the development on St Ann Street was not an objection 'in principle' to development on St Ann Street. As our report was not considered by the Conservation Officer or English Heritage; the Committee were not properly advised, and the reason for refusal of the development on St Ann Street is flawed.

The reasons for refusal were confused and unsatisfactory.

The reasons for refusal do not refer to the Conservation Officer's objections to the internal alterations to Emmaus House.

The revised plans are insufficiently different from the earlier proposal to overcome the reasons for refusal.

The replacement building exceeds 12.2 metres; this contravenes policy D6; just because it is lower than the existing building does not mean it satisfies D6. The pitched mansard style roof is not clad in traditional materials; this is contrary to policy D6. This is a clear and specific policy. It is not a matter of interpretation, whether this proposal is in conflict with the policy.

The consultant also considers his previous 57 page report which drew attention to the following issues in relation to the applications S/2008/0963 and S/2008/0964, was relevant to the revised scheme. This makes reference to:-

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 CABE regarding new development in Historic Areas

The report stated that there was no compelling reason why these particular applications should be approved. It was feasible to bring forward suitable alternative proposals that did not result in such significant or indeed any adverse harm to matters of acknowledged importance. 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"

Copy of letter to an objector from Civic Society explaining the reasoning for not commenting on this application when the Society objected to the original application. The new application has redressed concerns by reducing the overall scale of the proposed development and removing the move on flats on St Ann's Street

## 9. Planning Considerations

### History

The current application is a resubmission of an earlier proposal (S/2008/0963) to change the use of Emmaus House to move-on accommodation, retaining the existing meeting and administration rooms. The application also included the demolition of Damascus House and the redevelopment of the site with a new hostel as well as the erection of a block of 6 move-on flats facing St Ann Street. This application was refused for the following reasons:-

*1 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 similarly the proposed six 'move-on flats' on St Ann Street would be of a poor quality of the design. 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 policies G1, G2, D1, CN1, CN3, CN8, CN9, & CN10 of the Salisbury District Local Plan, and the aims of PPG15.*

*2. 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.*

*3. 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.*

In considering this revised scheme the Local Planning Authority must therefore consider whether the need for the facility still exists and judge whether the previous reasons for refusal have been overcome.

### 9.1 Need for proposal

The Local Planning Authority has again sought the advice of the Council's Housing Officer, who has stated that there is still a need to upgrade and improve the facilities currently offered by Damascus House, which currently provides 38 beds on a direct access basis for the homeless in Salisbury. The

facilities for the homeless provided in the building were last modernised in the 1960's. The facilities offered are on a communal basis and they are 40 years old and in a poor condition. Some floors of the five storey building have 8 bedrooms and these 8 rooms share a single bath and toilet. Some of the 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 the Wiltshire Council, directly linking to the Homelessness Strategy. It is accepted that the facility will serve the whole of Wiltshire, but the predominance of need which it is expected to serve will be in the Salisbury area. The project will offer a direct access facility for people sleeping rough and support for people to improve their lives via 'move-on' accommodation.

The Council's Housing Officer has identified a substantial local need for such a homeless facility. Currently the Homelessness & Housing Options Team see some 110 to 120 people a week who have issues with their housing, significant numbers of which are non-priority homeless. During 2008, 5 long-term rough sleepers and 28 intermittent Rough Sleepers were identified and 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 proposed redevelopment of Damascus House and the creation of 8 move-on flats will provide are:

- a) direct access to 33 bedspaces as crisis accommodation, the design of which will provide a more homely environment through the use of clusters of bedrooms.
- b) The 8 flats will reduce the shortage of move-on accommodation and their close proximity to the direct access accommodation will allow residents 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, IT training, tenancy training and practical DIY skills. Additionally courses on, cooking, healthy eating, etc will be provided.
- d) Reducing the amount of open space, the scale and height of the building and designating the rear access for emergency use only will reduce impact on neighbours

Therefore there would appear to still be a need for the provision of a homeless hostel and move-on accommodation and in the view of the Council's Housing Officer, as the site is located within the heart of the city, the redevelopment of the sites for a homeless hostel will support the creation of mixed communities which take account of peoples' diverse needs. Central government planning guidance as expressed in policy statements such as PPS1, PPS3, and PPS13 support the redevelopment of sites for housing as this is in accordance with the broad sustainability aims of central government guidance which also aims to break down unnecessary barriers and exclusions so as to benefit the entire community.

However, the revised proposal must also be considered against other material planning considerations. In this such as the impact of the scheme on the existing listed buildings and the wider Conservation Area, and as importantly whether it has overcome the previous reasons for refusal.

## **9.2 Impact on character of Conservation Area and character and setting of listed buildings**

Damascus House and Emmaus House are sited within the Chequers, in the eastern part of the City. Generally speaking a Chequer developed in the medieval period and was an open square area surrounded by streets. They were developed as built-up street frontages around an open core. As other uses have vanished, the Chequers have become much more residential in character than was the case in earlier centuries. Whilst the character of the Pound Chequer is primarily residential, this residential character is very mixed as the dwellings are of varying sizes, ages and styles. However, the majority of the dwellings are positioned at the back of the pavement. This gives a strongly urban feel to the Chequer. The open space to the south of Emmaus House is unusual in this context and gives a more open and green aspect to parts of the street scene in Dolphin and St Ann streets.

The relevant Local Plan policies encourage residential and office use, (policies H4 and E4) within the Chequers. Specific design policies such as D4 also refer to the Chequers Area. The draft Conservation Area Appraisal also has some relevance although it is of limited weight as the appraisal is at a very early stage and has not yet been out to public consultation. Also relevant to consideration of this revised scheme will be PPG15 which refers to the preserving/enhancing of the Conservation Area, and the protection of historic fabric and buildings.

#### **a) Alterations to Emmaus House**

Emmaus House (which with Damascus House forms 58 Barnard Street) is a much extended listed grade II listed building with gardens and a small 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.

The applicants' again 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 agrees that over time 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. In order to convert the building from a care home to move-on flats further internal alterations are proposed but it is considered that the majority of these would not effect the historic fabric and character of the Listed Building. Following on the expression of concern by the Conservation Officer regarding the proposal to cover the existing lath and plaster ceilings; this element of the scheme has been removed from the proposal and amended plans omitting this proposed change have now been received.

#### **b) Demolition and rebuilding of Damascus House**

Damascus House is attached to Emmaus House and at the moment parts of the building, such as the basement are used in conjunction with the homeless hostel. Damascus House therefore forms part of the listed building and therefore, this proposal has to be considered in the light of saved policy CN4 which relates to the demolition of listed buildings.

The current 5-storey Damascus House building, though erected in the early twentieth century was apparently substantially altered in the 1960's. It is currently accessed via a narrow alley like entrance on St Ann Street. Therefore unlike most of the buildings in the surrounding Chequer, the building has its back to the street. It is also set back from Barnard Street behind a small service courtyard. Damascus House is much taller than Emmaus House, and therefore from the surrounding Conservation Area, it appears as a very prominent building. In the longer views of the Cathedral from surrounding points such as the Culver Street car park and the ring road it also appears as a more prominent building than the surrounding more domestic buildings. In scale and appearance it is considered that the current building neither respects the adjacent and nearby, listed buildings nor the surrounding Conservation Area. The existing building is also significantly taller than the 12.2m height limit proposed for new buildings in Local Plan policy D6 in order to retain the dominance of the Cathedral in the Salisbury skyline.

When considering the scale of the proposed new building, therefore, it is necessary to assess the proposal in relation to saved Policy D6 of the Local Plan. This policy identifies that the roofscape of Salisbury is a vital part of the area's character and appearance and that views of Salisbury are dominated by the Cathedral spire above that roofscape. This policy therefore seeks to continue this dominance by restricting the scale of new buildings within the Salisbury Central Area to a height that does not exceed 12.2 metres (40 feet) while it also states that only pitched roofs clad in traditional materials will be permitted. The policy, however, does recognise that there may be instances where new roofscape features could add variety to the skyline, but such features will only be allowed to exceed this height where they do not result in any increase in usable floorspace.

In this instance, the proposal includes the creation of a replacement building for one which already exceeds this height limit. However, whilst the proposed new building will contravene this restriction, the majority of the building is below 12.2metres with only some elements of the building projecting above; such as the top of the lift shaft. Additionally as the design includes a semi-mansard roof and an atrium over the central internal space, some small elements of these aspects also exceed 12.2m.

The replacement building is however, a full storey shorter than the current building and the four storey new building does not provide any additional usable floorspace above 12.2m. Therefore, whilst the proposed development is unquestionably in conflict with the wording of Policy D6, the central question is whether the breach of this policy gives rise to any demonstrable harm contrary to the objectives of what this policy is trying to achieve.

The height of the replacement building needs also be considered in the context of the existing surrounding buildings. In this respect, the proposed parapet below the mansard roof will also act as a visual break, and as the upper storey will be recessed from the front façade of the building, so that it is not readily visible when viewed from the street level below, this will visually reduce the apparent height of the building. This is considered to be an acceptable design solution in this area. As such, it is not considered that the proposed scheme will be out of keeping with the scale of other city centre buildings.

The proposal also incorporates materials such as the standing seam zinc roof which are not common in Salisbury but which are not unique to this building. The use of such materials maintains an element of diversity which whilst contrary to the letter of the policy, complies with the intent of Local Plan policies in relation to the Conservation Area.

Comments have also been made regarding the impact of the proposed metal cladding to the gable of Damascus House, on longer views of the building from within the Conservation Area, however, in comparison with the visual impact of the existing building, it is considered that such limited glimpses would not have a significant impact and that the main public views of importance as well as the character of the Conservation Area would be preserved. As noted by the Design Forum, the tile hanging on the side elevation will need to be carefully detailed and constructed because of its local importance to the details of the scheme. However, the use of reconstructed stone for the cills and string courses of the replacement building was considered inappropriate and the applicant has agreed to use real stone for these important details. English Heritage in their guidance support the view that new development can add beneficial change and PPG15 suggests that direct imitation and/or pastiche is not necessary and supports change and development of buildings within a Conservation Area. Similarly the SPG, Creating Places, supports the use of good modern design which creates new buildings in harmony with their surroundings. This maintains an element of diversity as well as variety in scale which is considered to comply with the intent of the Local Plan policies.

In light of the above comments, whilst the proposed development contravenes the 12.2m. Height restriction and the roof materials stipulated by Policy D6 it is considered that this has been well considered within the design of the replacement building such that it does not cause any demonstrable harm and indeed enhance the Conservation Area. Moreover, both English Heritage and the Conservation Officer support the replacement of Damascus House, and do not appear to object to its relationship with Emmaus House. As such, it is considered that the proposed development whilst strictly contrary to the letter of the policy complies with the intent of the aims and objectives of the policies of the Local Plan

As with any planning application, the issue of whether a case is a material departure to the Development Plan requires a balanced view to be taken. Conflict with a single policy does not mean that a proposal is an automatic departure from the Plan as there will be other parts of the Plan which support the proposals. As in all cases, it is a judgment as to scale and degree. In accordance with Para 8 of PPS1, there is a need to consider the Development Plan as a whole in decision making. The Development plan comprises national and regional policy as well as the Salisbury District Local Plan. Conflict with a single policy must be placed in this context when considering whether it represents a material departure. In this case, it is considered that the proposal is not a material departure from the Development Plan.

The main thrust of part of the previous reasons for refusal was that part of the replacement Damascus House building would project into the heart of the historic Pound Chequer, which would

be visually unsympathetic to the character of Emmaus House and result in a loss in privacy to neighbouring properties. The revised scheme has reduced the bulk, mass and scale of the rear extension, which is now subservient to the main Damascus House building. The building has been reduced from four storeys to 2storeys with a further small drop in the roof, and visually the rear extension now appears as an extension to the main building, a much more common characteristic of buildings within the Chequer. Additionally due to this reduction in height as well as the lack of windows above the ground floor in the rear elevation as well as the presence of the existing trees and boundary walls, the amount of dominance on the neighbours has been reduced. It is now considered that the significant reduction in the rear projecting "southern wing" of the new building is a sufficiently significant improvement as to overcome this part of the refusal reason.

#### **c) Impact on St Ann Street**

Adjacent to the site, St Ann Street is unusual in that it has areas of greenery created by the gardens of Emmaus House. It also has a view of the Cathedral. Local Plan policies seek to protect views of the Cathedral and to retain the character of the Conservation Area. The previous scheme included 6 move-on flats in the garden area of Emmaus House overlooking St Ann Street. This aspect of the previous scheme was refused because of the poor quality of the design and the perceived failure to preserve or enhance the character of the wider Conservation Area.

The removal of this aspect of the scheme overcomes this part of the previous reasons for refusal

#### **d) Impact on views of Cathedral**

Views of the cathedral from the site are limited. There is a splendid "vista" from St Ann Street and a partial view of the Cathedral from Barnard Street looking west, in the gap between the existing Damascus House building and the adjacent dwelling at No. 56. This latter view will be lost when the replacement building is brought forward to nearer the back of the pavement, because the current view exists only due to the recessed nature of the Damascus House frontage, and the fortuitous arrangement of buildings between the site and the cathedral. Whilst it is unfortunate that this small view will be lost, the view is 'accidental', limited and not significant, whereas the bringing forward of the replacement Damascus House, will result in an enhancement of the Conservation Area

### **9.3. Impact on residential amenities**

As has been noted, from the above comments on the application, the proposed scheme will lead to an improvement in the amenities of the future occupiers of the building. However, whilst there is local concern regarding the existing use of the site, in terms of the alleged antisocial behaviour of the occupiers of the existing property, concern was also expressed regarding the retention of the existing access on to St Ann Street as well as the proposal to relocate the drop-in centre from the Friary to this site. However, a number of residents of Damascus House currently use the drop-in centre in the Friary and the use of the facilities in the lower levels of the building by non-residents will be more closely supervised with the re-location of the entrance to the main entrance of Damascus House on Barnard Street.

Emmaus House, is currently used as a care home housing for 10 adults with learning disabilities (and there are some 10 staff). This use is being removed from the site, and Emmaus House will be converted into 8 move-on flats, which will be used in conjunction with the hostel use adjacent in Damascus House and the basic residential usage of the existing site does not therefore appear to significantly change. The provision of office and meeting rooms in conjunction with the hostel use and the move-on flats are considered to be ancillary to the basic residential use. The applicants are aware of existing local concerns regarding the use of the site as a hostel for the homeless ( and like the previous application) have proposed some changes to the way the replacement Damascus House will operate in comparison with the current situation. The main entrance to the building will be on Barnard Street with a supervised reception area. The existing main entrance along the narrow alley from St Ann Street will become an emergency exit only and will be supervised by CCTV. This will allow for improved monitoring of people away from the supervised areas on Barnard Street. Also staff offices, including sleep-in room, will all be on the ground floor. This allows for improved monitoring of communal areas. This compares with the current building where the staff offices are on different floors. The provision of improved facilities and planned activities should also help to reduce

antisocial behaviour by giving residents meaningful activities to undertake. The Police's design officer from Wiltshire Constabulary has supported these proposed changes and has been involved in the discussions about the design of the building. Overall, it is considered that the proposed changes in the operation of the building and its functions should facilitate better control and an improvement in the amenities of the neighbours.

Concerns were expressed previously that the creation of the four storey rear extension would result in overlooking of neighbours, an increase in noise and disturbance and a loss of privacy for some of the residents of the locality, particularly those in the immediate vicinity of the side and rear of the rear extension of Damascus House. Part of the previous reason for refusal related to the dominant impact of the rear extension on neighbours as well as the impact on their amenities. However, it is considered that the changes which have been made to this scheme, including the reduction in the size and height of the rear extension have overcome these previous reasons for refusal because the impact on the amenities of the neighbours has been substantially reduced and whilst there may be some oblique views from the bedrooms of the upper levels of the new building; within a residentially developed area, this is considered acceptable.

#### **9.4 Protected species**

The presence of a protected species is a material consideration, as indicated in central government guidance PPS9. The original ecological study submitted by the applicant in connection with the previous application, identified that the existing buildings, (including Damascus House which it is proposed to demolish) and some of the mature trees were able to support roosting bats. Insufficient information was supplied to demonstrate that a protected species would be unaffected by the development; and therefore this formed one of the reasons for refusal.

Over the last few years, Natural England have scaled back their operations, and have advised planning authorities that they should not be consulted with respect to protected species matters, but reliance should be placed upon the professional opinion of the expert advice within the Planning Authority.

In this instance, in order to overcome the reason for refusal; prior to re-submission, the advice of the District Ecologist was sought. She advised that additional surveys of the protected species should be undertaken. However, the emergence surveys undertaken by the bat specialists in October 2008 were inconclusive and more survey work was required in the period between May and September

Therefore, in order to progress, as bats were present in the area though the extent was unclear, provided the proposed scheme incorporated a full protection and mitigation scheme for the protected species, the District Ecologist agreed that further survey work could be conditioned. This is an unusual situation, but because, the scheme provides mitigation for the worst case scenario then the undertaking of 3 further surveys (evening emergence/dawn swarming surveys between May and September during the summer prior to development) could be a condition of any planning approval. The submitted reports together with the mitigation scheme is therefore considered by the District Ecologist to overcome the previous reason for refusal.

#### **9.5 Highway safety**

The Highway Authority has raised no concerns with regard to the scheme and the retention of the existing vehicular access arrangements is considered acceptable

#### **9.6. Impact on Trees**

All the trees on the site are currently protected by virtue of their location within the Conservation Area. An updated arboricultural report has been submitted by the applicant.

Following submission of the previous application, last year, the Council's Arboricultural Officer assessed the importance of the trees on the site to the public realm and considered whether any of them were worthy of a Tree Protection Order (TPO). In his view, whilst the Yew and the Silver Birch in the centre of the site 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 was therefore placed upon the two wild cherry and the three pollarded lime trees on 10 July 2008 (TPO 406). Following consideration of an objection to this order it was confirmed on 25 November 2008.

This scheme involves the removal of four trees from within the site including the yew and the silver birch but the 3 pollarded lime trees adjacent to Dolphin Street and the small group of five trees (including the two protected cherry trees) adjacent to St Ann Street are shown as to be retained. The method statement submitted with the application includes recommendations as to tree protection works and it is considered that provided these recommendations are adhered to then the impact on of the development on the health and condition of the retained trees will be negligible.

### **9.7 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 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 though the proposal is largely a re-development of an existing site that an archaeological excavation takes place in advance of construction.

### **9.8 Public Open Space Policy R2**

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. This formed the third reason for refusal of the previous application, but in this case the Applicants have indicated their willingness to enter into a legal agreement regarding a public open space contribution if the application is determined favorably.

## **10. Conclusion**

The previous reasons for refusal relate to the

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) the poor quality design of the six 'move-on flats' on St Ann Street
- c), the adverse effect on the existing amenities enjoyed by residents of adjacent properties
- d) the lack of information to demonstrate that the proposed works would not harm a protected species,
- e) the lack of public open space contribution

This revised application has omitted the move-on flats in St Ann Street, and provided sufficient information regarding the protected species to overcome that previous reason for refusal. The applicants have also indicated their willingness to enter into a legal agreement regarding a public open space contribution if the application is determined favorably.

As regards the bulk and scale of the replaced Damascus House, it is considered that the reduction in the size and bulk of the rear projection together with the minor changes to the external appearance of the main replacement building are sufficient to overcome this aspect of the reason for refusal. These changes have also reduced the dominance of the building and so substantially reduced the impact on the amenities of the neighbours as to also overcome this aspect of the reason for refusal

**Recommendation: that subject to**

- A) Following completion of a unilateral undertaking, whereby a commuted sum is paid towards the provision of off-site open space in accordance with saved policy R2 of the Salisbury District Local Plan, within month,

APPROVE for the following reasons

The previous reasons for refusal relate to the

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) the poor quality design of the six 'move-on flats' on St Ann Street
- c), the adverse effect on the existing amenities enjoyed by residents of adjacent properties
- d) the lack of information to demonstrate that the proposed works would not harm a protected species,
- e) the lack of public open space contribution

This revised application has omitted the move-on flats in St Ann Street, and provided sufficient information regarding the protected species to overcome that aspect of the previous reasons for refusal. The applicants have also indicated their willingness to enter into a legal agreement regarding a public open space contribution if the application is determined favourably.

As regards the bulk and scale of the replaced Damascus House, it is considered that the reduction in the size and bulk of the rear projection together with the minor changes to the external appearance of the main replacement building are sufficient to overcome this aspect of the reason for refusal. These changes have also reduced the dominance of the building and so substantially reduced the impact on the amenities of the neighbours as to also overcome this aspect of the reason for refusal.

Therefore the proposed development is considered acceptable on its planning merits as it has overcome the previous reasons for refusal, would be less prominent than the existing building and the massing, scale and design of the replacement building is considered to be compatible with the aims and objectives of the Local Plan. Having regard to these considerations, the Local Planning Authority considers that on balance planning permission should be granted.

And subject to the following conditions

1 :- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 :- No development shall commence on site until details and samples of the materials to be used for the external walls and roofs, have been submitted to, and, where so required by the Local Planning Authority, sample panels of the brick and stone work shall be constructed on the site; and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY-CN5 Listed Buildings CN8 Conservation Area

3 :- No development shall commence on site until details and samples of the external stonework, including type and colour of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY CN5 Listed Buildings

4 :- No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details) (to a scale of at least 1:5), doors (to at least a scale of 1:10), rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY CN3 Listed Buildings

5 :- No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

6 :- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, ( Tree Protection Plan TP/1024/0711/TCP and Tree Protection Plan TP/1024/0711/TPP in Design and Access Statement Rev B Appendices 4 and 26) without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until the scheme showing the exact position of protective fencing to enclose all retained trees (Tree Protection Plan TP/1024/0711/TCP) has been implemented in accordance with these plans and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-CN8 Development in Conservation Area and CN17 Trees covered by a TPO

7 :- No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON to safeguard the site of archaeological interest  
Policy CN23 Archaeology

8 :- 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.

REASON To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area  
POLICY G2 General criteria for development

9:- No demolition or construction 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.

REASON In the interests of the amenity of the area  
POLICY G2 General criteria for development

10 :- No development (including demolition) shall commence on site until the Bat Mitigation strategy (Ecosulis 5 Feb 09) has been implemented and the surveys identified as being required to be completed between May and September prior to development commencing, have been undertaken and the report of the results received and agreed in writing by the Local Planning Authority.

REASON In the interests of a protected species  
POLICY C12 Protected species

11 :- Any vegetation clearance of the site, must be undertaken outside the bird breeding season (1st March to 31st August) unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of nature conservation  
POLICY C13 Nature conservation

12 :- Prior to commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1.A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON The site lies within a groundwater vulnerability zone (not a Source Protection Zone) which means that groundwater resource is inherently at risk from pollution due to the nature of the soil, unsaturated zone or inherent characteristics of the aquifer. Although generic remedial options are available to deal with the risks to controlled waters posed by potential contamination at this site, further details will be required to ensure that risks are appropriately addressed.

Policy G2 General criteria for development

13 :- No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details

REASON In the interests of sustainable development and prudent use of natural resources.  
Policy G3, Protection of water supplies

14 :- The works hereby granted consent shall be carried out in such a manner as to ensure that Emmaus House is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.  
POLICY-CN3 Listed Buildings and PPG 15 'Planning and the Historic Environment'.

15 :- No works for the demolition of the building(s) or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission/listed building consent has been granted under application reference S/2009/0376 and S/2009/0377 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.  
POLICY:CN3 and CN5 Listed Buildings

16 :- No development shall commence until a scheme for the demolition of Damascus House has been submitted and approved in writing by the Local Planning Authority.

REASON In the interests of the character and appearance of the Listed Building and its setting and the protection of surrounding amenities.  
POLICY CN3 and CN5 Listed Buildings

#### INFORMATIVE 1 Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

We recommend referring to our Pollution Prevention Guidelines, found at [www.environment-agency.gov.uk/business/444251/444731/ppg/](http://www.environment-agency.gov.uk/business/444251/444731/ppg/)

#### INFORMATIVE 2 Site Waste Management

It is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

#### INFORMATIVE 3 REFERENCE TO LETTER ATTACHED TO DECISION

The attention of the applicant is drawn to the contents of the attached letter from the Environment

Agency dated 30 March 2009.

#### INFORMATIVE 4 REQUIREMENT TO NOTIFY ROYAL COMMISSION RE: DEMOLITION OF LISTED BUILDING

Your attention is drawn to the requirement to notify English Heritage's National Monuments Records Centre (NMRC) with at least one month's notice of your intention to execute the works and that you should allow reasonable access to the building for members or officers of the NMRC, for the purpose of recording it. The NMRC's standard notification form is attached for your use.

#### INFORMATIVE 5 COST OF BUILDING RECORDING/ARCHAEOLOGICAL WORK

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

#### INFORMATIVE 6 WILDLIFE AND COUNTRYSIDE ACT

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

#### INFORMATIVE 8 CONTAMINATED LAND

The developer is advised to discuss the contaminated land issues relevant to the site and what works, if any, are required in order to comply with the relevant conditions attached to this approval.

#### INFORMATIVE 9 ALTERATIONS TO APPROVED PLANS

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

#### INFORMATIVE 10 REFERENCE TO SECTION 106 AGREEMENTS

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990

#### INFORMATIVE 11: PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

#### INFORMATIVE 12 TREES IN CONSERVATION AREAS

All birds are legally protected and their nests and eggs are protected during the breeding season. For most species this is between 1st March and 31st August but it may occur outside this period. If there is a likelihood breeding birds are present, you must delay tree works until young birds have left the nest or the nest has been abandoned.

#### INFORMATIVE 13

The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

Only clean, uncontaminated surface water should be discharged to soakaway.

B) If the applicant does not comply with A) above the application is delegated to the Director of Development Services to refuse the proposal on the grounds of non compliance with saved policy

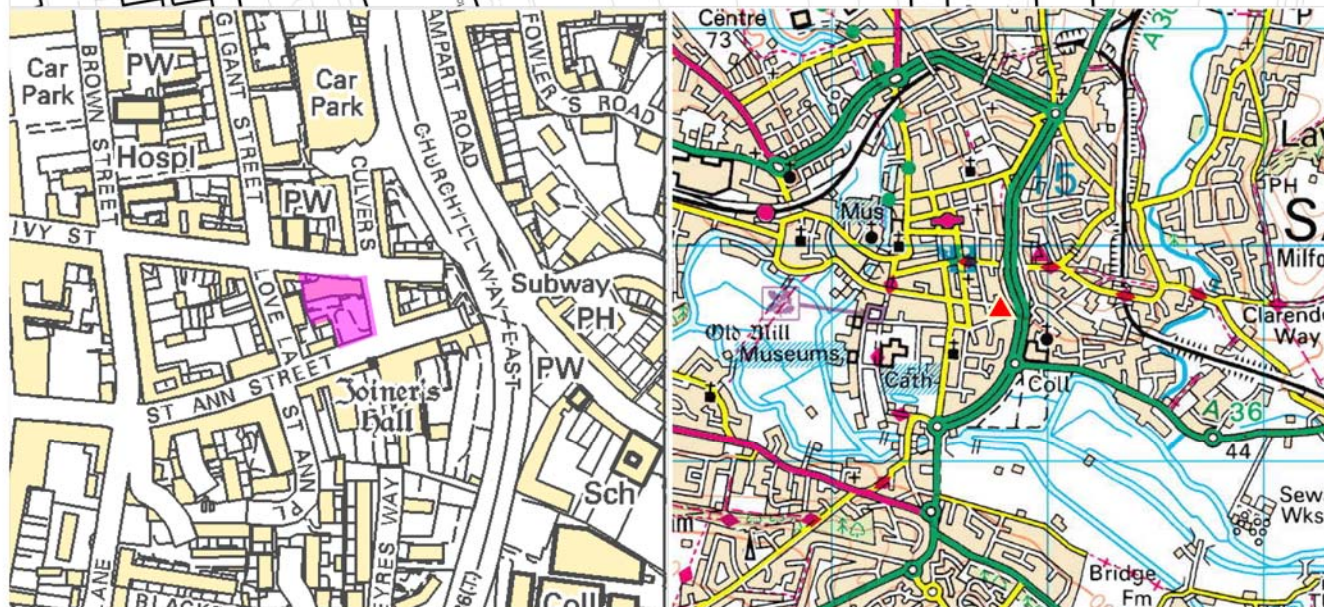
R2.

<b>Appendices:</b>	None
Background Documents Used in the Preparation of this Report:	<p>Design and Access statement and appendices</p> <p>Previous report on S/2008/0963</p> <p>Pro vision report and letters</p> <p>Plans and date received</p> <p>1953 /P/00 received on 13 March 2009</p> <p>1953/P/9 Rev B received on 13 March 2009</p> <p>1953/P/10 Rev D received on 2 June 2009</p> <p>1953/P/11 Rev A received on 2 June 2009</p> <p>1953/P/20 Rev A received on 13 March 2009</p> <p>1953/P/21 Rev A received on 13 March 2009</p> <p>1953/P/22Rev B received on 1May 2009</p> <p>1953/P/23 Rev A received on 13 March 2009</p> <p>1953/P/70 Rev D received on 2 June 2009</p> <p>1953/P/71 Rev F received on 2 June 2009</p> <p>1953/P/72 Rev E received on 2 June 2009</p> <p>1953/P/90 Rev A received on 13 March 2009</p> <p>1953/P/100 received on 13 March 2009</p> <p>1953/P/102 received on 13 March 2009</p> <p>1953/P/103 Rev C received on 2 June 2009</p> <p>1953/P/104 Rev A received on 2 June 2009</p> <p>1953/P/104-1 Rev A received on 2 June 2009</p> <p>1953/P/105 received on 13 March 2009</p> <p>1953/P/200 received on 13 March 2009</p> <p>1953/P/201 received on 13 March 2009</p> <p>1953/P/202 received on 13 March 2009</p> <p>1953/P/203 received on 13 March 2009</p> <p>Door gear for sliding glass panel received on 13 March 2009</p> <p>Ecosulis Bat Mitigation Strategy and extended phase 1 habitat survey</p> <p>Tree Protection Plan TP/1024/0711/TCP and Tree Protection Plan TP/1024/0711/TPP in Design and Access Statement Rev B Appendices 4 and 26</p>



DEMOLITION OF THE EXISTING FIVE STOREY 35 BED 40 PERSON HOSTEL ON BARNARD STREET. REPLACE WITH NEW FOUR STOREY 30 BED 33 PER

S/2009/376



**Wiltshire Council**  
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## ALABARE DEVELOPMENT 58 BARNARD STREET

SCALE: NTS DATE: 16/06/2009 08:20:20  
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Deadline	12-Jun-2009		
Application Number:	S/2009/0377		
Site Address:	ALABARE DEVELOPMENT 58 BARNARD STREET SALISBURY SP1 2BJ		
Proposal:	DEMOLITION OF THE EXISTING FIVE STOREY 35 BED 40 PERSON HOSTEL ON BARNARD STREET. REPLACE WITH NEW FOUR STOREY 30 BED 33 PERSON HOSTEL. REFURBISH INTERIOR OF GRADE II LISTED BUILDING CHANGE OF USE FROM RESIDENTIAL CARE HOME TO 8NO 1 BED AND 2 BED FLATS FOR MOVE ON ACCOMMODATION. RETAINED USE TO THE GROUND FLOOR MEETING & ADMIN ROOM WITHIN EMMAUS HOUSE, PROPOSED CHANGES TO LAYOUT OF EXISTING TOILETS & KITCHENETTE		
Applicant/ Agent:	QUATTRO DESIGN ARCHITECTS LTD		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	414783.1 129714		
Type of Application:	LWB		
Conservation Area:	SALISBURY	LB Grade:	II
Case Officer:	Mrs J Wallace	Contact Number:	01722 434687

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### Reason for the application being considered by Committee

The Director of Development Services does not consider it prudent to exercise delegated power as prior to the election Councillor Tomes has requested that this item be determined by Committee due to the level of public interest

### 1. Purpose of Report

Is to consider the report and recommend to the Secretary of State that Listed Building consent be granted subject to conditions

### 2. Main Issues

the main issue to consider is :

1. Impact on character and setting of listed building and the character of the surrounding Conservation Area.

### 3. Site Description

The site forms part of the Pound Chequer, within the Salisbury Conservation Area. It forms the easterly half of the chequer being bounded by Barnard Street, Dolphin Street and St Ann Street. The site, 58 Barnard Street, is currently occupied by two buildings known as Emmaus House and Damascus House. Emmaus House, a listed grade II circa 1700 building, extended in the eighteenth

century, and Damascus House is an early twentieth century building, remolded 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 some modern infilling in the area, the area retains its historic character.

#### 4. Planning History

95/1262	External restorations and internal alterations	AC
95/1491	C/U from nurses hostel to community home for adults with learning disabilities	AC
96/0927	C/U to form day care centre within existing homeless person's hostel.	AC
96/1381	To vary condition 2 relating to temporary time condition from planning permission S/96/0927	AC
08/963	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.	REF
08/964	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)	REF

#### 5. The Proposal

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 30bed, 33 person hostel accommodation.

Refurbishment of Emmaus House and change of use from a care home to eight flats for 'move-on accommodation' (5 one bed, 3 two bed)

Rearrangement of existing on site parking arrangements

Relocation of drop-in centre from The Friary

#### 6. Planning Policy

Of particular relevance are the following saved policies from the Adopted Salisbury District Local Plan June 2003.

D1and D4 and D6 (Design policies), CN1, CN2, CN3, CN4, CN5 (listed building policies), CN8, CN9,

CN10 and CN11, CN12 (conservation area policies), CN17 (trees)

SPG Creating Places

And national guidance:  
PPG15 Planning and the Historic Environment

CABE: Building in Context

## **7. Consultations**

### **Wiltshire Council Conservation Officer**

#### **1 Demolition of Damascus House and Replacement Building**

I have commented previously regarding the principle of demolition of Damascus House and its rebuilding, which I believe would be acceptable. The design of the replacement building has been amended slightly since the last submission. In my view, I consider that the scale and massing of the replacement building would be an improvement on the existing situation, and in this respect I feel that the appearance of the conservation area would be improved.

I note that the rear projecting wing has been substantially reduced in bulk, and that this would result in a much more modest extension into the inner courtyard, which I feel would preserve the character of the Chequer.

I have one detailed comment regarding the materials for the new building. Whilst in general it would appear that the palette of materials has been kept to a minimum, which I feel is the correct approach to avoid the new building appearing fussy, I feel that the use of reconstituted stone for the cills, stringcourses and parapets would introduce an unnecessary additional material, which I feel detracts from the otherwise narrow palette. I also feel that the reconstituted stone would diminish the quality of the scheme, and would not be of a high enough standard within the conservation area. I would like to request whether consideration might be given to substitute the reconstituted stone for bricks on the stringcourses and parapets, and perhaps with clay tiles for the cills.

#### **2 Internal Alterations to Emmaus House**

The internal alterations are largely the same as previously submitted, and it is considered that these would preserve the historic fabric and character of the listed building. My only query relates to the need for the additional insulation that is being proposed for the loft space, and the potential covering up of existing lath and plaster ceilings in the process. Is this work really necessary?

#### **3 New Gates to St Ann Street**

The scheme includes proposals to replace the existing wooden gates with metal ones. The design of these look utilitarian and they appear to lack finesse. I would suggest that something a bit more along the lines of traditional cast iron gates would be more sympathetic to the character of the conservation area.

### **English Heritage Advice**

The site includes Emmaus House a grade II building and is located within the Central Salisbury Conservation Area. The proposals involve the demolition and redevelopment of Damascus House and alterations to Emmaus House to create a residential hostel and move on accommodation

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.

There are a number of alterations to Emmaus House and some of the detailed handling of certain

aspects needs further clarification such as alterations to the interior roof. We consider that the Council has the expertise to deal with the detailed aspects of changes to the listed building and will condition the necessary aspects of the proposals.

We have no objection to the demolition of Damascus House which although it contains some historic fabric this is limited and outweighed by the negative impact it has on the street scene due to its height on the street frontage. The proposed new building attempts to redress this discordant element in the townscape by replacing the building with one which is significantly lower especially in relation to Emmaus House. The overall bulk of the new building will be larger than many buildings within the street however by use of architectural articulation and change of building materials the designers have broken up the massing on the street frontage. We note that the height and bulk of the rear extension into the Chequer has been reduced compared to the earlier proposals and is more appropriate to the hierarchy of scale found within the Chequers. The overall success of the new building will be highly dependent on the detailed design and the selection of high quality materials appropriate to the context and if the Council is minded to approve the proposals this aspect needs to be carefully conditioned.

#### Recommendation

We would urge you to address the above issue 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. It is not necessary for us to be consulted again.

#### Design Forum - pre-application comments

The revised proposal involved the removal of the contentious flats/houses on St Ann Street, and substantially reduced the bulk of the rear wing of the rebuilt Damascus House. The number of accommodation units had been reduced from 35 to 30, and the atrium and lift shaft of the rebuilt Damascus House would be lower than previously proposed.

The panel felt that the exceptionally detailed scheme was very well considered and the scale, massing and materials were generally respectful of its setting. A slight reservation was raised about the use of metal cladding to the western gable of Damascus House, as this may be visible from longer views nearer the western end of St Ann Street, and recommended that the case officer assess the significance of such a view in comparison with the existing building. It was suggested that an alternative material, such as brick, might be more appropriate. Some concerns were also raised about the visual success and practicalities of the curved tile hanging proposed for the western elevation, and that it would need to be very well executed to succeed.

The reduced rear wing would have much less impact on the courtyard and views from Dolphin Street than previously.

#### 8. Publicity

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 16 April 2009

17 letters of comment/support, to this application and S/2009/0376 (including 6 from current residents of Damascus House) have been received raising the following issues:-

Significant improvement on the existing building.

Current building is ugly and does not fit in, new building improves the street scene.

Current building is badly designed and energy wasteful, replacement will be more cost efficient and 'green'.

Amended scheme is in response to local concerns.

New building is reduced in height Overlooking is restricted.

Scheme will be good for the community.

Effectiveness of homeless care will be enhanced if facilities and resources improved.  
Scheme minimises impact on local residents whilst providing an essential service  
Support excellent work of organisation

24 letters of comment/objection, to this application and S/2009/0376 have been received raising the following issues:-

Damascus House is an eyesore, but this is no excuse for the replacement not to be of the highest standard. Need a more fitting design for new building.

Replacement will be an inappropriate building in the Conservation Area.

Replacement Damascus House does not complement surrounding Listed Buildings nor respect the Conservation Area.

Current proposal is neither a good modern design nor a successful match to surroundings  
Stark, modern design.

Overall bulk, scale and architectural style inappropriate.

Proposed design, roof line, window detailing colours textures and materials inappropriate to area.

Sheet metal roof for replacement Damascus House is inappropriate

Appearance of replacement Damascus House is insufficiently improved to change previous recommendation of refusal

Building is still too high; it exceeds 12metres, contrary to policy D6.

No need for entrance/exit on St Ann Street, it should be closed.

Main entrance to Emmaus House should be on Barnard Street

Lack of development on St Ann Street is welcomed. Need a legal agreement to prevent any future development in this locality.

Trees and the Listed wall on St Ann Street need attention.

Proposed metal gate is of no merit should retain current wooden gates

Concern regarding how implementation of details of scheme will be ensured

Neighbours suffer from anti-social behaviour, drop in centre will exacerbate this.

Site is unsuited to a drop-in centre

Site is not well managed

Concerns regarding anti-social behaviour

Consultation with neighbours has been one-sided

This is a change of use application from use class C2 to C1 but there is a B1 use on the site for which no planning permission exists

Concerns regarding parking and traffic

Letter of objection from Consultants (Pro Vision Planning and Design) on behalf of the Friends of Pound Chequer – The letter also referred to an earlier letter to Stephen Thorne dated 9 January 2009 which confirmed the serious concerns of the Friends regarding the assessment of the development carried out by the LPA and the, in their opinion, serious shortcomings in the reports to Committee and the reasons for refusal. Attached was the 57 page document submitted with the previous application.

In summary the comments of most recent letter are:

That the only reduction in height of the proposed building is to the lift shaft housing and atrium roof light. This makes no meaningful difference. The principal bulk, massing, scale, height and detailed design of this part of the building and that which will be apparent in public street scene views remain substantially the same as before

The proposed building does not step down from Emmaus House in the street scene but in fact steps up at both eaves and main roof ridge heights. It is not subservient.

The proposed building is not justified simply because it is lesser than what exists currently.

Elements of the building are in breach of the LPA's policy D6 (a specific Salisbury Townscape policy). That the majority of the building is lower than 40 feet (12 metres) does not remove the

conflicts with policy which amount to a departure from a significant and important Development Plan policy. It has not been declared or advertised as such, as is required by statutory planning procedure. The proposed building is also fundamentally in conflict with another part of policy D6. The policy states that only pitched roofs clad in traditional materials will be permitted. The proposed standing seam zinc roof is in conflict with policy. Again if the LPA's Officers are intent on taking a decision that departs from policy, then the necessary procedural requirements for advertising and possible referral to the Secretary of State should be adhered to in the public interest.

The consultant also considers his previous letter (9 Jan 2009) relevant. This letter drew attention to issues in relation to the officer report and the Committee determination for applications S/2008/0963 and S/2008/0964. The letter also commented on revised plans supplied to the Friends of the Chequer by the applicants' architect as part of a pre-application community involvement process:- The omission of development on St Ann Street in the revised plans is welcomed. But the reason for refusal of the development on St Ann Street was not an objection 'in principle' to development on St Ann Street. As our report was not considered by the Conservation Officer or English Heritage; the Committee were not properly advised, and the reason for refusal of the development on St Ann Street is flawed.

The reasons for refusal were confused and unsatisfactory.

The reasons for refusal do not refer to the Conservation Officer's objections to the internal alterations to Emmaus House.

The revised plans are insufficiently different from the earlier proposal to overcome the reasons for refusal.

The replacement building exceeds 12.2 metres; this contravenes policy D6; just because it is lower than the existing building does not mean it satisfies D6. The pitched mansard style roof is not clad in traditional materials; this is contrary to policy D6. This is a clear and specific policy. It is not a matter of interpretation, whether this proposal is in conflict with the policy.

The consultant also considers his previous 57 page report which drew attention to the following issues in relation to the applications S/2008/0963 and S/2008/0964, was relevant to the revised scheme. This makes reference to:-

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

The report stated that there was no compelling reason why these particular applications should be approved. It was feasible to bring forward suitable alternative proposals that did not result in such significant or indeed any adverse harm to matters of acknowledged importance. 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"

Copy of letter to an objector from Civic Society explaining the reasoning for not commenting on this application when the Society objected to the original application. The new application has redressed concerns by reducing the overall scale of the proposed development and removing the move on flats on St Ann's Street

## **9. Planning Considerations**

### **History**

The current application is a resubmission of an earlier proposal (S/2008/0964) to partially demolish the boundary wall adjacent to St Ann Street, the demolition of Damascus House and internal alterations and refurbishment of Grade II Listed Building (Emmaus House). The application was refused for the following reason:-

*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 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, the SPG 'Creating Places' and the aims of PPG15.*

In considering this revised scheme the Local Planning Authority must therefore consider whether the need for the facility still exists and judge whether the previous reasons for refusal have been overcome.

### **9.1 Impact on character and setting of listed building and the character of the surrounding Conservation Area**

Damascus House and Emmaus House are sited within the Chequers, in the eastern part of the City. Generally speaking a Chequer developed in the medieval period and was an open square area surrounded by streets. They were developed as built-up street frontages around an open core. As other uses have vanished, the Chequers have become much more residential in character than was the case in earlier centuries. Whilst the character of the Pound Chequer is primarily residential, this residential character is very mixed as the dwellings are of varying sizes, ages and styles. However, the majority of the dwellings are positioned at the back of the pavement. This gives a strongly urban feel to the Chequer. The open space to the south of Emmaus House is unusual in this context and gives a more open and green aspect to parts of the street scene in Dolphin and St Ann streets.

The relevant Local Plan policies encourage residential and office use, (policies H4 and E4) within the Chequers. Specific design policies such as D4 also refer to the Chequers Area. The draft Conservation Area Appraisal also has some relevance although it is of limited weight as the appraisal is at a very early stage and has not yet been out to public consultation. Also relevant to consideration of this revised scheme will be PPG15 which refers to the preserving/enhancing of the Conservation Area, and the protection of historic fabric and buildings.

#### **a)Alterations to Emmaus House**

Emmaus House (which with Damascus House forms 58 Barnard Street) is a much extended listed grade II listed building with gardens and a small 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.

The applicants' again 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 agrees that over time 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. In order to convert the building from a care home to move-on flats further internal alterations are proposed but it is considered that the majority of these would not effect the historic fabric and character of the Listed Building. Following on the expression of concern by the Conservation Officer regarding the proposal to cover the existing lath and plaster ceilings; this element of the scheme has been removed from the proposal and amended plans omitting this proposed change have now been received.

## **b) Demolition and Rebuilding of Damascus House**

Damascus House is attached to Emmaus House and at the moment parts of the building, such as the basement are used in conjunction with the homeless hostel. Damascus House therefore forms part of the listed building and therefore, this proposal has to be considered in the light of saved policy CN4 which relates to the demolition of listed buildings.

The current 5-storey Damascus House building, though erected in the early twentieth century was apparently substantially altered in the 1960's. It is currently accessed via a narrow alley like entrance on St Ann Street. Therefore unlike most of the buildings in the surrounding Chequer, the building has its back to the street. It is also set back from Barnard Street behind a small service courtyard.

Damascus House is much taller than Emmaus House, and therefore from the surrounding Conservation Area, it appears as a very prominent building. In the longer views of the Cathedral from surrounding points such as the Culver Street car park and the ring road it also appears as a more prominent building than the surrounding more domestic buildings. In scale and appearance it is considered that the current building neither respects the adjacent and nearby listed buildings nor the surrounding Conservation Area. The existing building is also significantly taller than the 12.2m height limit proposed for new buildings in Local Plan policy D6 in order to retain the dominance of the Cathedral in the Salisbury skyline.

When considering the scale of the proposed new building, therefore, it is necessary to assess the proposal in relation to saved Policy D6 of the Local Plan. This policy identifies that the roofscape of Salisbury is a vital part of the area's character and appearance and that views of Salisbury are dominated by the Cathedral spire above that roofscape. This policy therefore seeks to continue this dominance by restricting the scale of new buildings within the Salisbury Central Area to a height that does not exceed 12.2 metres (40 feet) while it also states that only pitched roofs clad in traditional materials will be permitted. The policy, however, does recognise that there may be instances where new roofscape features could add variety to the skyline, but such features will only be allowed to exceed this height where they do not result in any increase in usable floorspace.

In this instance, the proposal includes the creation of a replacement building for one which already exceeds this height limit. However, whilst the proposed new building will contravene this restriction, the majority of the building is below 12.2metres with only some elements of the building projecting above; such as the top of the lift shaft. Additionally as the design includes a semi-mansard roof and an atrium over the central internal space, small elements of these aspects also exceed 12.2m. The replacement building is however, a full storey shorter than the current building and the four storey new building does not provide any additional usable floorspace above 12.2m. However, whilst the proposed development is unquestionably in conflict with the terms of Policy D6, the central question is whether the breach of this policy gives rise to any demonstrable harm contrary to the objectives of what this policy is trying to achieve.

The height of the replacement building should also be considered in the context of the existing surrounding buildings as there are other large buildings in the vicinity of the application site. In this respect, the parapet below the mansard roof will also act as a visual break, and as the upper storey will be recessed from the front façade of the building, so that it is not readily visible when viewed from the street level below, this will visually reduce the apparent height of the building. This is considered to be an acceptable design solution in this area. As such, it is not considered that the proposed scheme will be out of keeping with the scale of other city centre buildings.

The proposal also incorporates materials such as the standing seam zinc roof which are not common in Salisbury but which are not unique to this building. The use of such materials maintains an element of diversity which whilst contrary to the letter of the policy, comply with the intent of the Local Plan policies in relation to the Conservation Area.

Comments have also been made regarding the impact of the proposed metal cladding to the gable of Damascus House, on longer views of the building from within the Conservation Area, however, in



comparison with the visual impact of the existing building, it is considered that such limited glimpses would not have a significant impact and that the main public views of importance as well as the character of the Conservation Area would be preserved. As noted by the Design Forum, the tile hanging on the side elevation will need to be carefully detailed and constructed because of its local importance to the details of the scheme. However, the use of reconstructed stone for the cills and string courses of the replacement building was considered inappropriate and the applicant has agreed to use real stone for these important details. English Heritage in their guidance support the view that new development can add beneficial change and PPG15 suggests that direct imitation and/or pastiche is not necessary and supports change and development of buildings within a Conservation Area. Similarly the SPG, Creating Places, supports the use of good modern design which creates new buildings in harmony with their surroundings. This maintains an element of diversity as well as variety in scale which is considered to comply with the intent of the Local Plan policies.

In light of the above comments, whilst the proposed development contravenes the 12.2m height restriction and the roof materials stipulated by Policy D6 it is considered that this has been well considered within the design of the replacement building such that it does not cause any demonstrable harm. Moreover, both English Heritage and the Conservation Officer support the replacement of Damascus House, and do not appear to object to its relationship with Emmaus House. As such, it is considered that the proposed development whilst strictly contrary to the letter of the policy complies with the intent of the policy and, on balance, is therefore acceptable.

The main thrust of part of the previous reasons for refusal was that part of the replacement Damascus House building would project into the heart of the historic Pound Chequer, which would be visually unsympathetic to the character of Emmaus House and result in a loss in privacy to neighbouring properties. The revised scheme has reduced the bulk, mass and scale of the rear extension, which is now subservient to the main Damascus House building. The building has been reduced from four storeys to 2storeys with a further small drop in the roof, and visually the rear extension now appears as an extension to the main building, a much more common characteristic of buildings within the Chequer. Additionally due to this reduction in height as well as the lack of windows above the ground floor in the rear elevation as well as the presence of the existing trees and boundary walls, the amount of dominance on the neighbours has been reduced. It is now considered that the significant reduction in the rear projecting “southern wing” of the new building is a sufficiently significant improvement as to overcome this part of the refusal reason.

#### **c) Impact on St Ann Street**

Adjacent to the site, St Ann Street is unusual in that it has areas of greenery created by the gardens of Emmaus House. It also has a view of the Cathedral. Local Plan policies seek to protect views of the Cathedral and to retain the character of the Conservation Area. The previous scheme included 6 move-on flats in the garden area of Emmaus House overlooking St Ann Street. This aspect of the previous scheme was refused because of the poor quality of the design and the perceived failure to preserve or enhance the character of the wider Conservation Area.

The removal of this aspect of the scheme overcomes this part of the previous reasons for refusal

#### **d) Impact on views of Cathedral**

Views of the cathedral from the site are limited. There is a splendid “vista” from St Ann Street and a partial view of the Cathedral from Barnard Street looking west, in the gap between the existing Damascus House building and the adjacent dwelling at No. 56. This latter view will be lost when the replacement building is brought forward to nearer the back of the pavement, because the current view exists only due to the recessed nature of the Damascus House frontage, and the fortuitous arrangement of buildings between the site and the cathedral. Whilst it is unfortunate that this small view will be lost, the view is ‘accidental’, limited and not significant, whereas the bringing forward of the replacement Damascus House, will result in an enhancement of the Conservation Area.

## 10. Conclusion

The previous reasons for refusal relate to the:-

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) development unsympathetic to the character of the listed building
- c) failure to preserve or enhance Conservation Area

This revised application has omitted the move-on flats in St Ann Street and the consequent need to remove the boundary wall. Together with the reduction in the size and bulk of the rear projection and the minor changes to the external appearance of the replacement building, it is considered that the reasons for refusal have been overcome.

(Members should note that due to the substantial demolition involved, the decision of the Local Planning Authority must be referred to the Government Office of the South West)

## Recommendation

That the Government Office of the South West be informed that the Local Planning Authority is minded to grant Listed Building Consent subject to the following conditions:

The previous reasons for refusal relate to the:-

- a) bulk and scale of the proposed replacement building projecting into the heart of the historic Pound Chequer,
- b) development unsympathetic to the character of the listed building
- c) failure to preserve or enhance Conservation Area

This revised application has omitted the move-on flats in St Ann Street and the consequent need to remove the boundary wall. Together with the reduction in the size and bulk of the rear projection and the minor changes to the external appearance of the replacement building, it is considered that the reasons for refusal have been overcome.

Subject to the following conditions

1 :- The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

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

2 :- No development shall commence on site until details and samples of the materials to be used for the external walls and roofs, have been submitted to, and, where so required by the Local Planning Authority, sample panels of the brick and stone work shall be constructed on the site; and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY CN5 listed Buildings and CN8 Conservation Area

3 :- No development shall commence on site until details and samples of the external stonework, including type and colour of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall be constructed in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

**POLICY CN3 Listed Buildings**

4 :- No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details) (to a scale of at least 1:5), doors (to at least a scale of 1:10), rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

**POLICY CN3 Listed Buildings**

5 :- The works hereby granted consent shall be carried out in such a manner as to ensure that Emmaus House is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

POLICY-CN3 Listed Buildings and PPG 15 'Planning and the Historic Environment'.

6 :- No works for the demolition of the building(s) or any part thereof shall commence on site until a valid construction contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which planning permission/listed building consent has been granted under application reference S/2009/0376 and S/2009/0377 or such other application(s) approved by the Local Planning Authority; and; evidence of the construction contract has first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of the visual amenity of the locality, which is within a designated Conservation Area.

**POLICY-CN8 Conservation Areas**

7 :- No development shall commence until a scheme for the demolition of Damascus House has been submitted and approved in writing by the Local Planning Authority.

REASON In the interests of the character and appearance of the Listed Building and its setting

POLICY CN3 and CN5 Listed Buildings

**INFORMATIVE 1: REQUIREMENT TO NOTIFY ROYAL COMMISSION RE: DEMOLITION OF LISTED BUILDING**

Your attention is drawn to the requirement to notify English Heritage's National Monuments Records Centre (NMRC) with at least one month's notice of your intention to execute the works and that you should allow reasonable access to the building for members or officers of the NMRC, for the purpose of recording it. The NMRC's standard notification form is attached for your use.

**INFORMATIVE 3 : ALTERATIONS TO APPROVED PLANS**

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

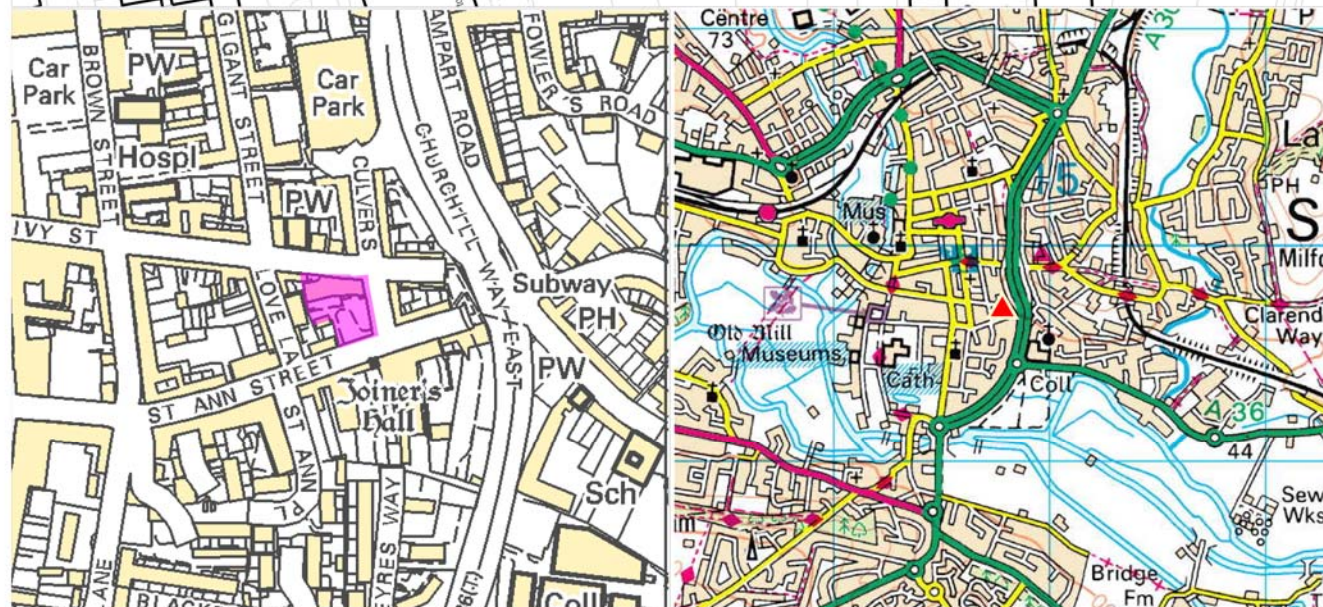
<b>Appendices:</b>	
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	Design and Access statement and appendices
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Background Documents Used in the Preparation of this Report:	<p>Previous report on S/2008/0963</p> <p>Provision report and letters</p> <p>Plans and date received</p> <p>1953 /P/00 received on 13 March 2009</p> <p>1953/P/9 Rev B received on 13 March 2009</p> <p>1953/P/10 Rev D received on 2 June 2009</p> <p>1953/P/11 Rev A received on 2 June 2009</p> <p>1953/P/20 Rev A received on 13 March 2009</p> <p>1953/P/21 Rev A received on 13 March 2009</p> <p>1953/P/22Rev B received on 1May 2009</p> <p>1953/P/23 Rev A received on 13 March 2009</p> <p>1953/P/70 Rev D received on 2 June 2009</p> <p>1953/P/71 Rev F received on 2 June 2009</p> <p>1953/P/72 Rev E received on 2 June 2009</p> <p>1953/P/90 Rev A received on 13 March 2009</p> <p>1953/P/100 received on 13 March 2009</p> <p>1953/P/102 received on 13 March 2009</p> <p>1953/P/103 Rev C received on 2 June 2009</p> <p>1953/P/104 Rev A received on 2 June 2009</p> <p>1953/P/104-1 Rev A received on 2 June 2009</p> <p>1953/P/105 received on 13 March 2009</p> <p>1953/P/200 received on 13 March 2009</p> <p>1953/P/201 received on 13 March 2009</p> <p>1953/P/202 received on 13 March 2009</p> <p>1953/P/203 received on 13 March 2009</p> <p>Door gear for sliding glass panel received on 13 March 2009</p> <p>Ecosulis Bat Mitigation Strategy and extended phase 1 habitat survey</p> <p>Tree Protection Plan TP/1024/0711/TCP and Tree Protection Plan TP/1024/0711/TPP in Design and Access Statement Rev B Appendices 4 and 26</p>
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DEMOLITION OF THE EXISTING FIVE STOREY 35 BED 40 PERSON HOSTEL ON BARNARD STREET. REPLACE WITH NEW FOUR STOREY 30 BED 33 PER

S/2009/377



**Wiltshire Council**  
Where everybody matters

## ALABARE DEVELOPMENT 58 BARNARD STREET

SCALE: NTS DATE: 16/06/2009 08:15:50  
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Deadline	28-May-2009		
Application Number:	S/2009/0469		
Site Address:	63 BOUVERIE AVENUE SALISBURY SP2 8DU		
Proposal:	CONSTRUCTION OF 1 NEW DWELLING WITH ACCESS		
Applicant/ Agent:	JOHN COLEMAN		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	413938.7 128594.9		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722434541

### Reason for the application being considered by Committee

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

- The extent of public interest shown

### 1. Purpose of Report

To consider the above application and the recommendation of officers to APPROVE the development subject to conditions and the applicant entering into an Agreement in respect of policy R2, following completion of which the Area Development Manager be authorised to approve planning permission subject to conditions.

### 2. Main Issues

1. Principle of development;
2. Character of the locality and amenity of the street scene;
3. Highway considerations;
4. Amenities of the occupiers of adjoining and near by property.

### 3. Site Description

The site relates to a residential dwelling and its curtilage, situated on a corner plot of Bouverie Avenue and Bouverie Avenue South, Salisbury.

The site is within a Housing Restraint Area, as designated within the Local Plan.

### 4. Planning History

Application	Proposal	Decision	Date
S/2007/2564	Erect 5 dwellings (demolish existing) and new vehicular access	R	20.02.08 26.06.08 Appeal dismissed
S/2008/0686	Erect 2 dwellings and new accesses	R	27.05.08 Appeal



S/2008/1047	Erect 1 dwelling and new access	R	dismissed 16.10.08 10.09.08 Appeal dismissed 06.01.09
S/2008/1078	Erect garage	AC	07.08.08
S/2008/2103	Erect 5 dwellings (demolish existing) and new vehicular access	R	13.02.09 Appeal still to be determined

## 5. The Proposal

It is proposed to erect a dwelling within the garden of 63 Bouverie Avenue, fronting onto Bouverie Avenue South, including the creation of a new access.

The proposal represents a resubmission of previously refused scheme for a single dwelling located in this part of the curtilage (S/2008/1047). This previous application was refused at the former City Area Committee for the following reasons:

*The proposal site is located in a Housing Restraint Area, which is characterised by dwellings located in spacious plots. The area suffers from foul drainage issues, and the application site and proposed access will abut a “walk to school” route.*

*It is considered that, due to a combination of the cramped nature of the resultant plots, the scale of the proposal including garage, the location of the new access, and the loss of the existing hedging and open gap, the proposal would adversely affect the character of the Housing Restraint Area; exacerbate foul drainage problems; reduce pedestrian safety, and discourage sustainable travel patterns.*

*As a result, the proposal would be contrary to the aims of policy G2, G5, D2, and H19 of the Salisbury District Local Plan, and contrary to the sustainability aims of PPS1 and PPS3.*

An appeal made by the applicant against this decision of the council was subsequently dismissed by the Planning Inspectorate, although the reasons given in relation to foul drainage, pedestrian safety and sustainable travel patterns were not upheld. A full copy of the appeal decision is appended to the end of this report.

Members will therefore need to be satisfied that the current proposal overcomes the previous reasons for refusal that were upheld by the Planning Inspectorate in relation to affects upon the character and appearance of the area.

## 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

- Local Plan policies G1, G2, G5, D2, H19, C12, C13, TR11, TR14, R2
- National guidance PPS1, PPS3, PPG13

## 7. Consultations

<b>Highways</b>	No objection subject to standard conditions for a new access
<b>Environmental Health</b>	Have previously recommend planning condition to impose restricted hours of construction works.
<b>Wiltshire Wildlife Trust</b>	Have previously recommended that the clearance of trees and areas of scrub should be avoided during the bird breeding season, and that any trees to be felled should be assessed for their bat habitat by a suitably qualified person.
<b>Wessex Water</b>	Foul flows can be connected to the public sewer. Storm flows should be disposed to soakaways, if soil conditions are favourable, or to the public surface water sewer, subject to Wessex Water's approval. Water supply can be provided by the existing system.

## 8. Publicity

The application was advertised by site notice and neighbour notification

Expiry date 07/05/09

18 letters of objection were received. A summary of the reasons include:

- Detrimental impact upon character of the area, predominantly due to the cramped form of development and excessive scale of the dwelling;
- Contrary to aims and objectives of Housing Restraint Policy;
- Does not overcome previous concerns of the Planning Inspectorate;
- New access and resulting vehicular movements would be a hazard to road safety given the location of the site adjacent to a blind bend and use of the footway as a walking route for school children;
- Affect on wildlife;
- Development would exacerbate local flooding problems;
- Increased pressure on already stretched public utilities and services;

## 9. Planning Considerations

### 9.1 Principle of development

The site is within a Housing Restraint Area where policy H19 of the Local Plan states that residential development will be acceptable only if the following criteria are met: i) there will be no adverse impact on the character of the settlement or neighbourhood designated as a Housing Restraint Area; ii) there is no loss of an important open space which contributes to the special character of the area; iii) the loss of features such as trees, hedges and walls, which contribute to the character of the area, is kept to a minimum; and iv) the development will be in keeping with the character of the neighbouring properties.

The supporting text to policy H19 states:

*Some Housing Restraint Areas are characterised by areas of buildings set in large gardens, possibly containing mature trees, which give the area a "green" appearance and where it is considered that the intensification of development would be detrimental to the established character, for example, the Harnham Hill area in Salisbury.*

For any development to be acceptable within these Housing Restraint Areas, it will need to be demonstrated to the satisfaction of the Local Planning Authority that there will be no adverse impact on the character of the settlement, there will be no loss of important open areas which contribute to the character of the area such as small fields or large gardens, and that the proposal is in keeping with immediately neighbouring properties in terms of plot size, dwelling size and design. In view of these



considerations although, in the main development is likely to be limited to a single dwelling only, there may be occasions where more than one dwelling will be acceptable, dependent on the size of the plot.

Policy D2 of the Local Plan states that the design of the proposal should respect the character of the area, with particular regard to building lines, scale and height and plot widths. PPS3 promotes a more efficient use of land, while at the same time ensuring a high quality design and environment which contributes to the maintenance and creation of sustainable communities.

It should be noted that the Planning Inspectorate in previous appeal decisions have not disputed the principle of residential development on this site, only the detailed criteria cited above in terms of the character and appearance of the area.

## **9.2 Character of the locality and amenity of the street scene**

Comments of the Planning Inspector on application S/2008/1047 are particularly relevant in terms of assessing the character of the area and in determining how much weight should be given to preserving the existing environment.

The inspector found that the dwelling previously proposed would be unacceptable predominantly on account of its over dominating appearance within the streetscene. The following matters were specifically identified by the Planning Inspector as contributing to this:

- 1) The close proximity of the proposed dwelling to No.103;
- 2) The bulkier nature and higher ridge of the proposed dwelling in relation to No.103;
- 3) The projection of the front garage.

Matters that were not disputed included:

- The separation distance between the proposal and No.63;
- The removal of part of the hedge to form the new access;
- Drainage issues;
- Highways/pedestrian safety.

Within the current application, the applicant has attempted to address the 3 concerns identified above as follows:

- 1) The bulk of the dwelling has been moved further from No.103. For instance, the main two storey part of the dwelling has been moved approximately 2 metres further away, and the single storey garage moved approximately 2.5 metres further away.
- 2) The width of the dwelling has been reduced by approximately 3.5 metres and its height by approximately 0.5 metre. Furthermore, although the dwelling is still set over 3 stories, the bulk of the roof has been significantly reduced by the omission of the forward projecting gable, and the dwelling now appears as two storey with two relatively modest dormer windows. Importantly the eaves level of the proposed dwelling is comparable with that of No.103.
- 3) A forward projecting garage has now been omitted, with a single garage now provided to the side.

Other aspects which were not disputed, such as separation from No.63, hedge removal, access arrangements, remain materially unaltered.

It is considered that the affect of the above alterations would be to significantly reduce the dominance of the proposed dwelling in relation to No.103. The proposed dwelling would still be seen as a more bulky and higher building than No.103, although it is not considered that the relative difference

between the two would be so significant as to make the proposal appear out of place with its surroundings. The general characteristics of the area is that of large dwellings set in large plots, with generous gaps and greenery in between, and the proposal is considered to maintain this character.

### **9.3 Highway considerations implications**

It is noted that concerns have been raised by residents over matters of highways safety in relation to potential problems of on-street parking and the affect of the new access on pedestrian safety. However these issues have been examined by the Local Highways Authority, who raise no objection, and have also been subject to scrutiny by Planning Inspectors in previous appeals on the site, where no detriment to highways safety was found.

### **9.4 Amenities of the occupiers of adjoining and near by property**

A number of letters of objection have been received, as noted and summarised above. However, whilst the third party concerns have been taken into account, given the comments of the Planning Inspectorate within previous appeal decisions relating to this site, a refusal on the basis of neighbouring amenity would be difficult to defend, for the reasons provided in the following paragraphs.

#### No.61 Bouverie Avenue

It is considered that the bulk of the dwelling would be a satisfactory distance from this neighbour (at least 12 metres from the boundary and 25 metres from the dwelling itself) so as to avoid any undue overbearing or overshadowing affect. With regards to privacy, it is noted that several first floor windows would look onto the rear garden area of this neighbour, although it is not considered that the extent of overlooking would be untypical of such suburban environments. This view has been supported by the Planning Inspectorate within previous appeal decisions relating to similar residential the development of the site.

#### No.103 Bouverie Avenue

It is considered that the bulk of the proposed dwelling would be sited far enough away from this neighbour and its main windows and amenity spaces so as not to cause a significant overbearing effect or loss of light. Any overlooking from the bedroom windows in the rear elevation would be very limited due to the oblique angle involved.

#### Dwellings on opposite side of road to site

It is considered that dwellings on the opposite side of the road from the site are situated far enough away from the dwelling so as not to be significantly affected.

## **10. Conclusion**

Several significant alterations have been made to the previously dismissed appeal application for a single dwelling on the site, directly addressing specific points made by the Planning Inspectorate. As such it is considered that the proposed dwelling would be in keeping with neighbouring properties, providing a detached dwelling set within a generous sized plot, that would substantially retain the existing beech hedge and an impression of open space, and would therefore preserve the character of the Housing Restraint Area. Due to the appropriate design and siting of the dwelling, and the nature of the built up area, a reasonable level of amenity for neighbours would be preserved. Subject to conditions, the proposed new access and parking/turning area would be acceptable in highway safety terms. The development would therefore address previous concerns of the Planning Inspectorate and would accord with the provisions of the development plan and Government guidance.

## **Recommendation**

Following completion of a unilateral L undertaking in respect of saved policy R2 of the adopted local plan

That permission be GRANTED for the following reason :

Several significant alterations have been made to the previously dismissed appeal application for a single dwelling on the site, directly addressing specific points made by the Planning Inspectorate. As such it is considered that the proposed dwelling would be in keeping with neighbouring properties, providing a detached dwelling set within a generous sized plot, that would substantially retain the existing beech hedge and an impression of open space, and would therefore preserve the character of the Housing Restraint Area. Due to the appropriate design and siting of the dwelling, and the nature of the built up area, a reasonable level of amenity for neighbours would be preserved. Subject to conditions, the proposed new access and parking/turning area would be acceptable in highway safety terms. The development would therefore address previous concerns of the Planning Inspectorate and would accord with the provisions of the development plan and Government guidance.

And subject to the following conditions:

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

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

2. Before the dwelling hereby approved is first occupied, the proposed parking/turning area shall be surfaced in a properly consolidated material (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highways safety.

3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highways safety.

4. Any gates to close the access shall be hung to open away from the highway only.

Reason: In the interests of highways safety.

5. The garage shown on the approved drawings shall not be converted into a habitable room.

Reason: To ensure the retention of adequate off-street parking facilities.

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

Reason: To secure a harmonious form of development.

7. Notwithstanding the provisions of Class[es] A, B and C of Schedule 2 (Part 1) to the Town and

Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling 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 and neighbouring amenity.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of existing trees and/or hedgerows on the boundaries of the site, and details of any to be retained, together with measures for their protection in the course of development. Such details shall show the retention of the boundary hedge to Bouverie Avenue South (except in the case of new/altered access). Development shall be carried out in accordance with the approved details.

9. Any part of the boundary hedgerow that dies, becomes diseased or fails to thrive within a period of 5 years from the occupation of the dwellings, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

Reason: In the interests of visual amenity.

10. No construction or demolition work shall take place on Sundays or bank holidays or outside the hours of 8.00am and 6.00pm weekdays or 8.00am to 1.00pm Saturdays. This condition shall not apply to the internal fitting out of the buildings.

Reason: In the interests of neighbouring amenity.

**And having regard to the following saved policies of the adopted Salisbury District Local Plan:**

Policy G1	Sustainable development criteria
Policy G2	General development criteria
Policy G5	Water services
Policy D2	Design of infill development
Policy H19	Housing Restraint Areas
Policy C12	Protected species
Policy C13	Wildlife habitats
Policy TR11	Parking provision
Policy TR14	Cycle provision
Policy R2	Recreational Open Space

**INFORMATIVES**

**Breeding birds**

All British birds, their nests and eggs are protected in law. It is an offence to take, kill or injure any wild bird or to take, damage or destroy any nest (while in use or being built) or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981 (as amended). To reduce the likelihood of harm to breeding birds, clearance of trees and areas of scrub should be avoided during the bird breeding season (March to August inclusive).

**Bats**

All bats are protected under the Wildlife and Countryside Act 1981 (as amended), and under the Conservation (Natural habitats & c.) Regulations 1994. Any trees to be felled should be assessed for their bat potential by a suitably qualified person. If any are identified, further guidance should be sought from the relevant District Ecologist.

Please note that if any evidence of bats is found during the development, all works must stop immediately and the relevant District Ecologist contacted for further advice.

**Appendices:**

Appeal decision APP/Y3940A/09/2099605

**Background Documents Used in the Preparation of this Report:**

The approved plans are as follows:

Proposed 1:500 scale block plan

Drawing No. 700/1

Drawing No. 700/2

Drawing No. 700/3

Received on 02.04.09

Received on 02.04.09

Received on 02.04.09

Received on 02.04.09



# Appeal Decision

Site visit made on 21 May 2009

by **Brian G Meardon** BA DipTP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**10 June 2009**

## **Appeal Ref: APP/Y3940/A/09/2099605**

### **63 Bouverie Avenue, Salisbury, SP2 8DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by John Coleman against the decision of Salisbury City Council, now known as Wiltshire Council.
- The application Ref S/2008/2103/FULL, dated 11 December 2008, was refused by notice dated 13 February 2009.
- The development proposed is construction of 5 new houses and demolition of existing house and creation of new vehicular and pedestrian accesses.

## **Decision**

1. The appeal is dismissed.

## **Main issue**

2. The main issue is the effect of the proposals on the character and appearance of the locality.

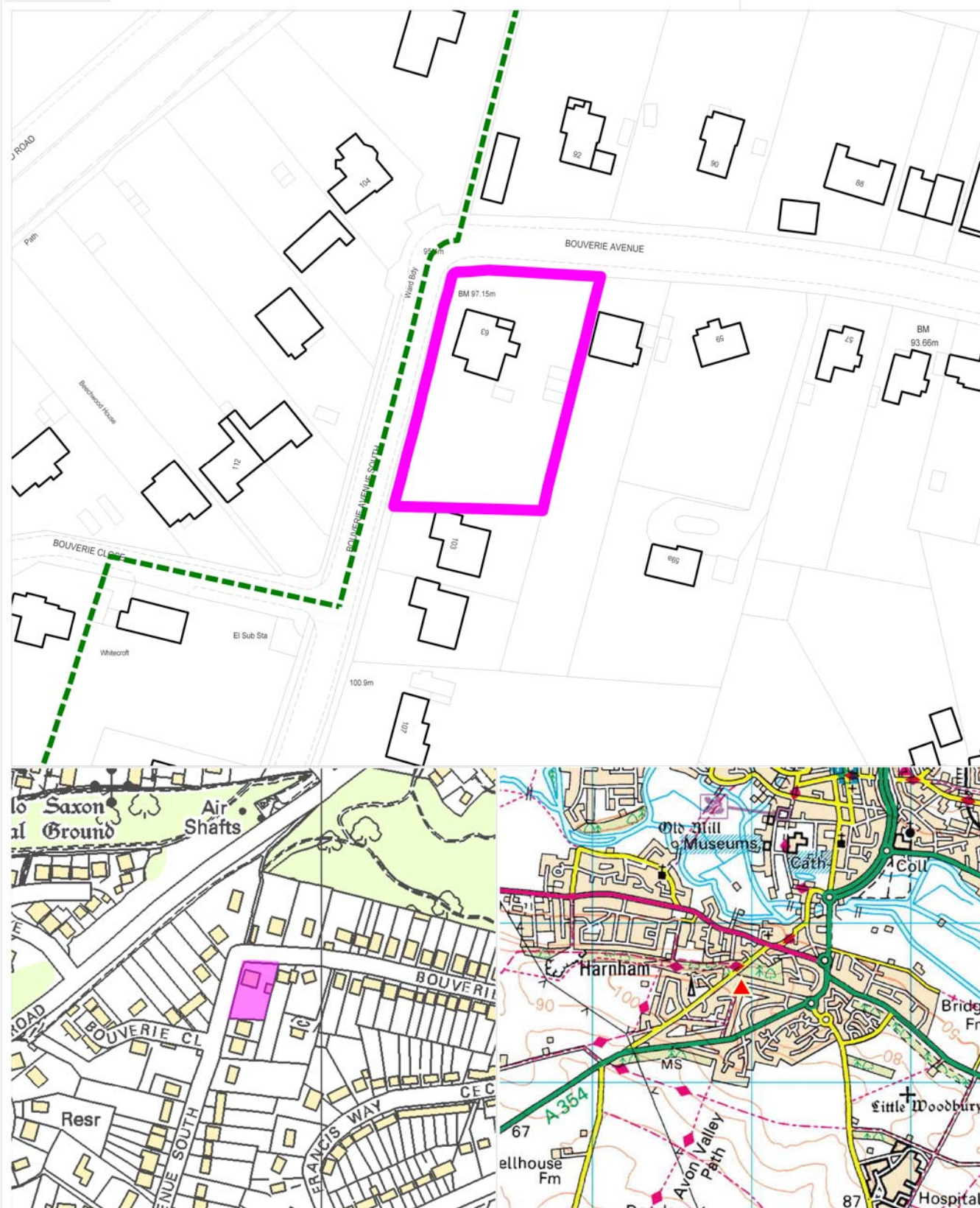
## **Reasons**

3. A proposed redevelopment of the site by five dwellings was dismissed on appeal in June 2008 when it was concluded, among other things, that the development would be cramped and not respect the character of the area. Aiming to respond to the concerns raised, the present scheme makes modifications which include a reduction in the size and footprint of the intended three dwellings fronting Bouverie Avenue, a greater separation between them and no 61, and a reduction in the size of the two dwellings on Bouverie Avenue South together with a deeper set back from the road.
4. The site is prominently located in a residential area where the fairly intensively built up frontage to Bouverie Avenue has given way to a noticeably lower density, spacious and leafy environment which has been recognised by its designation as a Housing Restraint Area in the Local Plan. The spacious setting of the present house behind the boundary hedging and tree at this corner distinctly displays this character. Policy H19 is permissive of new development only where, among other considerations, it would have no adverse impact on the character of the neighbourhood.
5. I acknowledge that the intended three dwellings facing on to Bouverie Avenue would not have an appearance normally associated with a terrace, having been subsumed in a design which draws from the arts and crafts philosophy so as to create the impression of a single house. Even so, the building would have a significantly greater footprint than the present property and would be

- positioned forward of it in relation to both road frontages, particularly so in respect of Bouverie Avenue. Because of its increased mass relative to the present building and the more advanced placement of the new building on this prominent site, I consider that these three dwellings would materially damage the spacious quality of this site which is an important contributor to the character which policy H19 seeks to protect.
6. While the proposal allows for greater space between the new building and the neighbouring house on Bouverie Avenue, the envisaged three storey building, standing on higher ground than no 61, would be imposing in relation to that dwelling even allowing for the hipped gable amendment to the roofline, and be harmful to the appearance of the street scene. Added to my earlier conclusion I consider that, despite the amendments made since the earlier proposal, the development would be inconsistent with the aims of the relevant policy in the Local Plan.
  7. I reach that conclusion also in relation to the other element of the scheme, namely the two houses proposed to front on to Bouverie Avenue South. Although these closely-set houses would be positioned further back than in the earlier proposal, they would nonetheless be well forward of the main body of the neighbouring houses and at their two and half storey height would stand out in the streetscape at this exposed corner. Taking up much of the openness of the present rear garden which contributes to the spacious attributes of the locality, the proposed two houses would augment the harm to the character and visual qualities which underpin the protective policy to which the Housing Restraint Area is directed.
  8. That the development would make for a more efficient use of the land is not disputed. However, this consideration is outweighed by the damaging impact on the character of this locality which leads to my decision to dismiss the appeal.
  9. I note that, in response to the second refusal reason, a S106 Undertaking has been provided to the Council in respect of a contribution to recreational open space to which policy R2 in the Local Plan is germane and that therefore no issue arises in that regard.
  10. Among other matters raised, I am satisfied that the design of the scheme is sufficiently respectful of the neighbouring properties to ensure that there would be no material effect on the privacy of their occupiers. Although safety concerns have been raised by local residents, nothing that I saw at my visit would lead me to conclude that the roads in the vicinity are inherently dangerous. While an accident at the bend in the road has been highlighted, it would appear that this resulted from snowy/icy conditions at the time rather than any deficiency in the roadway itself.
  11. These additional matters do not affect my conclusions on the main issue or the decision which I have reached.

*Brian G Meardon*

Inspector





Deadline	3 March 2009		
Application Number:	S/2009/0014		
Site Address:	LAND AT LONGCROSS ZEALS WARMINSTER BA126LJ		
Proposal:	CHANGE USE OF LAND FROM AGRICULTURAL TO HGV TRAILER STORAGE AND NEW VEHICULAR ACCESS AND RELOCATION OF LAYBY		
Applicant/ Agent:	MR DOUGLAS SMITH		
Parish:	ZEALSMERE		
Grid Reference:	378795.853157043 132153.846160889		
Type of Application:	CU		
Conservation Area:		LB Grade:	
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

### Reason for the application being considered by Committee

The Director of Development Services does not consider it prudent to exercise delegated powers as Councillor Spencer requested that this item be determined by Committee prior to the elections due to:

Scale of development

Visual impact upon the surrounding area

Relationship to adjoining properties

Environmental/highway impact

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be

Following completion of a Section 106 Agreement in respect of the following matters:

1. A lorry routing agreement requiring access from the east preventing vehicles entering and leaving the site from the West thus avoiding the settlement of Zeals. At all times.
2. Relocation of the Layby

following completion of which by the applicants, the Director of Development Services be authorised to GRANT Planning Permission subject to conditions

### 2. Main Issues

1. Principle of development / characteristics of the site
2. Impact on Neighbour Amenity
3. Visual impact upon the surrounding area (AONB)
4. Highway Safety

### 3. Site Description

The application site is situated on the northern side of the C380 Zeals to Mere Road at Long Cross approximately 500m to the north east of the village of Zeals. The C380 was formally the A 303 which runs just to the south of the application site.

The land the subject of this application has been in agricultural use although the land to the rear or north was some years ago planted with conifers. Immediately to the east of the site is an agricultural plant and machinery repair premises formally a Salisbury District Council depot To the west of the application site is the former A 303 picnic and toilet area where planning permission was granted for the erection of an indoor bowling club.

### 4. Planning History

Application	Proposal	Decision
2003/2195	Community Indoor Bowling building to serve county communities.	Refused 17/02/04
2004/0759	Community Indoor Bowling building to serve county communities	Approved 16/07/04
2007/1961	a change of use to HGV trailer storage and provision of new access and laying out of 15 trailer spaces and new permeable surface and fencing,.	Withdrawn in November 2007
2008//341	Retrospective application for a concrete pad for agricultural use and two tanks	Refused in April 2008

### 5. The Proposal

The proposal is to change the use of land between the former Salisbury District Council s depot now used as an agricultural contractors yard and a site formerly a picnic area and toilets where outline planning permission was granted by the former Salisbury District Council for an indoor bowling club.

The change of use of the land will allow for the parking of and secure storage of HGV trailers.

In order to facilitate the access and egress of the trailers, a new vehicular access will be formed capable of allowing the largest HGV trailers to safely access the site. It is proposed to remove the existing lay by between the application site and the metalled part of the C class road and to relocate this some 100m to the east where it would be constructed within highway verge This means that there will be no loss of a lay by along this stretch of county road. The proposal is to use the land for the parking of 15 HGV trailers and to provide a turning space within the curtilage of the site.

It is proposed to construct a new vehicular and pedestrian access 10m wide with 12m radii on either side The proposed gates will be set back 25m from the metalled part of the C class road and would open inwards thus ensuring that vehicles can pull off the road before opening the gates and the access is wide enough for one vehicle to be entering and the other leaving at the same time.

It is proposed to surface the yard with a permeable material the subsoil being green sand with good porosity therefore not causing any surface water runoff.

For security purposes it is intended to construct a palisade type fence some 2m high along the site

frontage. The existing hedge will be strengthened and where it needs to be trimmed back to provide visibility new hedging will be planted and along the whole of the frontage there will be a hedge between the highway and the palisade fence. It is proposed to plant further hedge and trees along the western boundary. As stated the eastern boundary is already well screened because of the former picnic area and toilet site.

## **6. Planning Policy**

the following policies are considered relevant to this proposal

Salisbury District local Plan;

E17 New business development

E18 New business development

E19 Existing employment sites

E21 Employment in the open countryside

National / Government Planning policy:

RPG 10 Regional Planning Guidance for the South West

PPS 13 Transport

PPS 1 Sustainable developments

## **7. Consultations**

### **Zeals Parish council**

At a meeting of the Zeals Parish Council held on 22nd January the 2009 members unanimously objected to the above application for the following reasons Visual impact. Its location in an area of outstanding natural beauty

Noise and nuisance to nearby residential properties. Including transfer of loads between vehicles on site Safety concerns regarding access on to the A303 Trunk Road as there is no eastward bound slip road.

Inability to enforce the applicants promise not to allow lorries to turn right towards Zeals when leaving the site

Possible future expansion of the site once established.

There will no benefit to local community by the creation of employment to help offset the resulting nuisance and visual impact.

### **Upper Deverills Parish Council**

The location of the proposed lorry park may lead to increased use of the B3095 Mere to Longbridge Deverill road by HGVs because it is a short cut that saves mileage and avoids the difficulty faced by drivers at the A303 A350 junction when travelling south from Warminster. The Parish Council stresses strongly that the B3095 is totally unsuitable for HGV usage because of the number of blind bends and narrow sections. Lorries not only create an increased danger to other road users but also to pedestrians as there are no footpaths along the route. In fact this situation is well recognized by the Police who have been obliged to use the B3095 as an emergency diversion if the A303 is closed. This is done reluctantly if there is absolutely no other alternative.

It is understood that Boyes Transport are prepared to enter into an agreement to access their proposed site only from the A303 and it is therefore assumed that they will not be permitted to use the B3095. The Parish Council feels strongly that this must be made a condition of the planning permission. There exists a catalogue of problems with use of the B3095 by vehicles which are too large and the Parish Council is anxious to continue its objective to prevent this unsuitable use in the interests of road safety.

It is noted that the public consultation period ended on 5 Feb 09. However this application was only recently brought to the Parish Council's attention. It trusts consideration will be given to its comments and it awaits your response.

### **Highways**

It is considered that the proposed development will not have a significant impact on highway safety and therefore I recommend that no highway objection be raised subject to the following:

Before the development hereby approved is commenced the new lay by shall be completed and available for use. Before the new site access is first brought into use the existing lay by to be replaced shall be removed and the resultant area soil and seeded in accordance with details to be approved. The existing site access shall be permanently stopped up when the new access is first brought into use.

The applicant entering into a legal agreement with the Council in order to facilitate the highway works associated with the development.

### **Highways Agency**

We have reviewed the application and its associated documentation and have concluded that the proposals will have no detrimental effect on the Strategic Road Network. We are therefore offering a no comments response on this application.

### **Environmental Health**

I have some slight concern regarding the possible impact the proposed use might have on the nearby residential uses by reason of noise and general disturbance.

I note that the application is only for parking of trailer units over the weekend period and that the applicant is prepared to enter into an agreement to access site only from the nearby A303 junction and not to permit vehicles to pass through the village.

Although the background noise levels at this location will be high from traffic on the A303 I still think there is potential for noise disturbance during the night and early hours of the morning. This could be minimised by providing some form of noise barrier on the western boundary of the site perhaps by increasing the depth of the hedge trees and controlling the hours when HGV access to the site is permitted. I would suggest no vehicle movements on the site between 22.00 and 08.00hrs. I would also suggest that a condition be applied to prevent the operation on the site of any refrigerator units.

### **Wessex Water**

We have no objection in principle to this proposal providing there is not impact on Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be

affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and / or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

### **Cranborne Chase & West Wiltshire downs Area of Outstanding Natural Beauty (AONB)**

The AONB has commented on the previous application for transport storage at this site. The same fundamental points relate to the current application. The AONB strongly recommended that a fully detailed landscape impact assessment with associated mitigation and landscape treatment proposals should be carried out. The current application has neither a landscape impact assessment nor mitigation and landscape treatment proposals.

I note that Mr Brimble on behalf of the applicant has provided a statement about the proposal however he has overlooked the fact that the site is within the AONB. I also note that there is no plan showing the current landscape features nor one showing any proposed landscape treatment.

Mr Brimble comments on the potential screening of the site but does not provide a plan that shows that vegetation, nor is it clear whether that vegetation is within the control of the applicant. Clearly if it is not within the control of the applicant then it can not be considered as effective screening.

I also note that the height of the security fence is rather vague but, is likely to be in excess of 2m high. Again, without a landscape plan it is unclear whether such a fence will be screened by a hedge that is in the control of the applicant and therefore a responsibility of the applicant to maintain that screening.

In relation to the potential screening by vegetation no mention is made of the height of the vehicles and I think this is a rather critical matter as large HGVs are in the order of 4m in height and so would be quite visible above a 2m fence and hedge.

Mr Brimble seems to be making quite an effort to explain the potential screening of the site but he does not include a landscape impact assessment with the application and, if you are minded to consider approving the proposal, I would strongly recommend that a landscape impact assessment and landscape plans be provided, prior to a decision being made, to enable you to be confident that Mr Brimble's assertions in his report are achievable.

I note that Mr Brimble mentions that the lorries would be parked on the site at weekends but he makes no comment about the site during the week. He does not address the question of how the drivers of the lorries get from the site to their homes presumably the site would operate as a car park for their personal vehicles when the drivers are using the lorries.

Whilst Mr Brimble sets out some relevant plan policies he omits to refer to PPS7, where the landscapes of national parks are clearly seen as equal to the landscapes of AONB's. Furthermore, it is quite clear from PPS7 that proposals within AONB's should be rigorously assessed and I have to say that Mr Brimble's assertions that everything will be perfectly satisfactory, without the supporting evidence from a professional landscape architect, are insufficient.

I recall from the previous application that there is an historic feature on the site and the report does not really address how that will be handled. Furthermore, although Mr Brimble's report appears to suggest that there would be no buildings on the site, the proposed plan shows a small compound and a structure on the right hand side of the entrance.

The AONB Team has been concerned for some time that the AONB should not be used for facilities that are more appropriate to industrial or business parks on the edge of the main settlements. Should your Council be inclined to approve this proposal the AONB would not regard it as a precedent for this type of development elsewhere within this AONB. The close proximity to a major road seems to be a key factor in seeking the permission and subject to the proposed Section 106 Agreement and

clarification of landscape matters the AONB would understand the arguments being put forward in support of the application Nevertheless there are a number of significant landscape matters that should be fully addressed and implemented.

I hope that these comments are helpful to you and I would of course be happy to comment on further information that you receive.

#### **Further comments: AONB**

Thank you for sending through the Landscape Impact Assessment Report in relation to this application Such a report is particularly useful in considering an application such as the current one where the applicant is arguing that the location close to the A303 is likely to be less problematic than its current site.

The report appears to be in line with current good practice and the photographs are very helpful. I note that there appears to be some site clearance going on at the time of the assessment being undertaken.

I think that the impact assessments are particularly relevant in your consideration of the application The significance of the impacts are set out in paragraphs 7.4 and 10.6 In both cases moderate levels of significance are identified On the general scale of things on a scoring scale of 0-9 moderate covers scores 4-6.

Mitigation measures are identified in Section 11 and set out in some detail on drawing number 884 PL8 Given the fact that the study has identified the moderate significance of the impacts I would have hoped that there might have been more details of mitigation in Section 11.

If on the basis of other planning considerations you are minded to approve use of the site then I would strongly recommend that both short term and long term site screening and impact mitigation are made the subject of planning conditions I believe that it would be important to ensure that screening is within the control of the applicant and therefore in addition to the mitigation proposals on the Peter Swann and Associates drawing 884 PL8 I would recommend screening inside.

Evolve Business 100 recycled the site along the northern boundary so that the site is not exposed to view when the woodland on the northern side is managed or felled.

I would also strongly recommend that there should be a condition that requires the landscape screening to be maintained in an effective state in perpetuity rather than simply relying on the five year maintenance condition Such a condition might be in the form of the existing and proposed hedging will be managed and maintained in perpetuity to ensure that there will be an effective screen maintained to a height of at least 4 metres at all times Existing and proposed trees will be maintained in good health and in the event of a tree becoming dead or diseased the trees will be replaced within the following planting season.

The hedging on the eastern and western sides within the security fencing should be provided with a protective fence to ensure that it is not damaged by the vehicles that use the site I would also recommend that the space allowed for the hedging should be at least 3 metres width.

The new hedge on the western side will take a number of years to mature and have a significant screening effect If you feel that it is important to have an immediate screening effect on that boundary then it would be appropriate to specify hedging This is a recently developed product available from a number of reputable outlets whereby lengths of hedging are pre grown in troughs which can then be planted out directly on site So long as these are properly watered and maintained within properly prepared ground these blocks of hedging provide a much quicker way of establishing a meaningful screen It might also be appropriate to require that approach be taken to fill the gap in the hedge when the existing access is closed.

I realise that in the interests of safe visibility the trees either side of the proposed access may need to be removed. I would however recommend that new trees could be planted within the security fence either side of the new entrance so as to provide added height to the screening.

I note that on drawing number 884 PL4 root protection areas and protective fencing for the retained and newly planted hedging is proposed. If this is carried out in accordance with BS 5837 2005 then this would be following current good practice.

I note that overhead wires are shown crossing the site and similar wires have recently created a problem on another site within the jurisdiction of another planning authority. In view of the size of HGVs, I wonder whether these wires are likely to place onerous restrictions on the use of the site or whether they will need to be raised to a higher level to allow the site to be used for the purposes to which the applicant is seeking permission. I hope that these comments are helpful to you. I would be quite happy to clarify and elaborate on any points in connection with the landscape treatment and long term screening of the site.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date site notice, 03/03/09 and neighbour letters, 03/03/09

22 letters of objection have been received.  
Summary of key points raised:

Land is agricultural

Adverse impact on the AONB

Noise and disturbance

Alternative sites exist

Lorries will go through Zeals

Hedge screen is inadequate particularly in Winter

Site contains a WW2 Pillbox

No benefit to the local community

Local businesses will suffer

## **9. Planning Considerations**

### **9.1 Principle of development / characteristics of the site**

The site is located outside the housing policy boundary of Zeals and as such is in open countryside from a policy point of view. In such location both local and national planning policy and guidance has the presumption against development for which there is no demonstrable agricultural need or, for which no local economic benefit can be identified. However, this presumption has to be weighed against all other material planning considerations which from time to time may result in the need to adopt a less strict

approach to this policy.

In this case the site is sandwiched between previously developed land. To the west, the site (previously the old council depot) is currently in business use as an agricultural contractors business, and to the east, is former toilet and picnic area. An outline planning permission was granted for an indoor bowling club building on the picnic site (as above). At the time of granting this permission the officer report set out the reasons for approval as:

- a) The proposal would provide a valuable community sporting facility in an area where such facilities are lacking on a site close to the village of Zeals.
- b) The sustainability argument is inappropriate in this case since it will serve a rural area, and in a rural area, it is necessary for people to travel by car to reach facilities, wherever they are. Furthermore, the 'wiggly' bus will provide an alternative form of transport. The A303 provides easy access
- c) It is the relocation of an existing facility that has lost its premises onto a brownfield site.
- d) It would not harm the character of the Area of Outstanding Natural Beauty and could potentially improve it, because of the site's current harmful visual appearance, the history of uses on the site and the extensive tree screening available.

There is not evidence to suggest that this approval has been implemented to date and the permission required by condition that the first of the reserved matters be submitted within 3 years of the date of the decision. The decision is dated 16/07/04 and as such is no longer extant.

Due to the specific characteristics of this site, careful consideration has to be given to whether a continued presumption against development should be maintained or, whether a less strict approach should be adopted in this case. Whilst this site itself is not the subject of any planning history, the fact that the sites either side are, is a material consideration in this case. The developed land (sites) either side has resulted in a visual characteristic that arguably is not akin to the open countryside. Whilst this fact alone would not mean the site should be considered as having development potential (as the countryside should be protected for its own sake) several other characteristics and facts of the site also have to be considered.

In this case, these other characteristics are considered to be:

1. That the proposed use and the location next to the A303 allows very easy access to and from the site and the A303 trunk road.

In relation to point 1 above, this location fact is a key consideration with proposals such as this. Planning Policy Guidance Note 13 (PPG13) clearly encourages that where possible local planning authorities should seek to locate development likely to generate substantial freight movements particularly of bulky goods, away from congested central areas and residential areas, and ensure adequate access to trunk roads. Whilst this application would not result in the movement of bulky goods and is limited to the parking of trailers only, the location of the site will ensure adherence to the advice in the PPG making it difficult to conclude that the site is not suitable in this case.

2. The site is located on the edge of the settlement past the last residential property in Longcross

In relation to point 2 above, the site is located approximately 600 metres from the edge of Zeals and is approximately 30 metres from the nearest residential property at Longcross. This fact means that the impact of the development on any nearby residential properties particularly in relation to vehicle movements is (subject to controls), likely to be minimal.



PPG 13 is clear that agreements should be reached with developers to agree on lorry routes and loading / unloading facilities and on reducing vehicle emissions and noise levels, to enable a more efficient and sustainable approach to such uses and that controls are imposed. This approach will assist in the mitigation of concerns raised by neighbouring properties in particular those related to lorries using the unsuitable roads through Zeals and beyond.

A section 106 agreement will provide controls in the form of a lorry routing agreement ensuring that lorries entering or leaving the site to drop off trailers, can only do so via the A303 trunk road. Whilst there are no objections to this proposal from the highways officers and Highways Agency, it is nevertheless considered reasonable in order to ensure that the existing situation experienced by residence from lorries / vehicles going through Zeals, will not be made any worse as a result of this proposal, that such an agreement is secured. The applicant has made clear within the application that they are prepared to enter in to an appropriate agreement.

In addition it is important to consider the wider planning implications of this proposal and in particular the issues related to the site and its location which (from a spatial planning policy point of view) is in open countryside.

Of relevance is a recent appeal decision affecting a site on the edge of Salisbury which has very similar characteristics to this site. This appeal was in part the result of a refusal for development that (from a spatial planning policy point of view) would be in "open countryside". However, the inspector considered that;

"Though the council are correct in identifying the site as being in open countryside insofar as it is beyond the City settlement boundary, it is not a term that satisfactorily describes the physical context of the site".

It is clear that in the case of the recent appeal the inspector gave significant weight to the particular spatial characteristics of the site considering that other material planning considerations carried more weight. It is considered that this case is similar to the extent that to object on spatial planning grounds, (that the site is in open countryside) would be difficult to defend.

### 3. Possibility of precedent being set by granting this application

Precedent is an important issue when considering developments of sites within the countryside that are not for agricultural developments. In this case the consideration must centre on whether in agreeing to this development, the council's decision is suggesting that a relaxed approach to such sites has been adopted generally. However, for the reasons set out previously related to the specific spatial characteristics of this site and the planning history, it is considered that a precedent will not be set. Furthermore, the reasons for approving the indoor bowling building in 2004 (as above), confirm that the councils view at the time of granting the permission, did not consider that the site was either unsustainable or open countryside to the extent that the 04 proposal should be refused. It would therefore be difficult to argue that a site now proposed being located nearer to the settlement edge than the bowling building site is unacceptable.

## 9.2 Departure

The applicant seeks to justify the proposal on the grounds that it would comply with policy E17 of the Local Plan, stating that this is 'the only relevant Policy contained within the Development Plan'. However, leaving aside the fact that General and AONB policies must also be taken into account in assessing the proposal, it is considered that the incorrect employment policy has been applied.

Policy E17 refers to the construction of new buildings or conversion of buildings for employment use, whereas the proposal involves a change of use of land. Furthermore Policy E17 is only permissive of such development within or 'on the edge of settlements' subject to certain criteria.

As stated earlier the site is in the open countryside for the purposes of the Local Plan. Whilst the site

has previously developed land immediately to the east and west and a few dwellings also to the west, open land separates the site from the Housing Policy Boundary for Zeals by some distance approx 600 metres. As such it is difficult to concur with the applicant's view that the site is 'on the edge' of the village but, rather that the site is on the edge of the small hamlet of Longcross. This being the case, the proposal should be judged against Policy E21 (and also therefore Policy E19).

Policy E21 (in its entirety) states that 'Except as provided in policy E19, the development of new sites for employment purposes will not be permitted in the open countryside'. Policy E19 is only permissive of the redevelopment or enlargement of existing employment sites in the countryside. The current use of the site in question is agricultural and the proposal could therefore be considered as not complying with this policy.

However, notwithstanding the comments related to the appeal above, and whilst such a policy stance is not being argued in this case for the reasons set out above, this proposal could be considered as development in the countryside for which no agricultural purpose or need, has been demonstrated. As such the proposal can be considered as a departure from local plan policy thus, requiring that the proposal is advertised as a departure.

### **9.3 Impact on neighbouring amenity**

In addition to the controls that a section 106 agreement can impose as set out above, other material planning considerations relating to particular impacts on neighbour amenity normally associated with this kind of development must be considered. Neighbours have (amongst other things) raised issue relating to lighting of the site, noise and general visual amenity and how these can be controlled. It is increasingly importance is given to the need to limit lighting to only where and when it is needed. The applicants have stated at 4.10 of their Design and Access Statement that:

All of the HGV's owned by Boyes Transport limited work from Monday to Friday hauling materials around the UK. The lorries do not return to their base during the week fulfilling orders and making the most efficient and economic use of each of the lorries.

This suggest that the need for lighting will at best be limited and suitable planning conditions will be imposed to control lighting of the site to a minimum.

Neighbours are also concerned about noise disturbance from the site. This issue is covered in the comments from the Environmental Health Officer who has recommended that conditions be imposed to limit the times that trailers can be parked on the site and that no movements of trailers occur between the hours of 22:00 and 08:00. Also that the hedge planting on the western boundary is increased in depth and that no refrigeration units are parked at the site. All of these conditions are considered to be reasonable and necessary in this case.

### **9.4 Visual impact upon the surrounding area (AONB)**

This site is situated within the wider Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). As such careful consideration has been given to the visual impacts of this proposal in the context of the AONB. This has resulted in two consultations with the AONB office the second of which followed the submission of a full landscape impact assessment. The assessment has been considered by the AONB office and is generally supported as an example of good practice. However, it is clear from there comments above, that some elements of the assessment are potentially weak. For this reason the recommendations set out in the comments of the AONB office will be carried through in the planning conditions. Of particular relevance is the impact of the possible loss of the woodland providing the northerly backdrop to the site. This area of woodland though substantial and high is likely to have been planted as a crop and has not naturally grown. As such it cannot be considered as a reliable means of screening or as a permanent backdrop as (in most cases) it could be felled without the need to apply for permission. The additional condition requested by the AONB office will thus be imposed requiring that all planting is within the site in the ownership of the applicants.

## 9.5 Highway Safety

This proposal was submitted following extensive pre – application consultations with the Wiltshire Council Highways Officers. As a result the proposal includes the repositioning of the lay-by further along the road improving highway safety and primarily to mitigate the reasons for refusal of the last application. This detail together with the imposition of the conditions that the highways officer has recommended (as above) and the no comments stance from Highways Agency will make a further refusal on highways safety grounds, difficult to defend.

This proposal will therefore result in a safe means of vehicular access and ingress with the potential to limit any adverse impact to neighbours subject to the conditions and to the routing agreement under the section 106.

## 10. Conclusion

On balance it is considered that this proposal, subject to the imposition of conditions and the section 106 agreement as set out in this report, is an acceptable form of development. In combination with the application being advertised as a departure from the SDLP, the proposal is considered to be in general accordance with the relevant local and national planning policy to the extent that refusal would be difficult to defend from a Town & Country Planning standpoint.

## Recommendation

That the application be advertised as a departure from policy E21 of the SDLP and provided no new and relevant issues are raised as a result, then:

(A) Following completion of a legal agreement to :

1. Agree a lorry / routing agreement requiring lorries to access to and from the site via the A303 from the east and not via Zeals
2. Relocation of the Layby

Planning permission be GRANTED for the following reason:

The proposal by reason of:

1. Its location in close proximity to the to the A303 Trunk road allowing easy access and egress to the site without clear demonstrable harm to neighbouring business, residential property and the surrounding road network.
2. The spatial characteristics of the site bounded on two sides by previously developed land
3. The mitigation set out in the landscape impact assessment

would result in a development that is considered to be in accordance with the overall objectives of relevant local and national planning policy.

And subject to the following conditions

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

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

amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the detailed landscape proposals set out in the Landscape Impact Assessment dated April 2009 no development shall commence until the details of a planting strip for the Northern and eastern boundaries of the site has been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of the visual amenity of the area within the wider AONB  
POLICY-[C4 Development within the AONB]

3. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY-[C4 Development within the AONB]

4. No development shall commence on site until details of the design and finish of all fencing has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought in to use.

Reason: In the interest of visual amenity and the character and appearance of the area within the wider AONB.

Policy: C4 Development within the AONB

5. The site shall be used for the parking of lorry trailers only and for no other purpose.

Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard for the circumstances of the case.

Policy: G2 New development / General Principles

6. No development shall commence until the full details of any lighting to be installed on the site has been agreed in writing by the Local planning Authority. The agreed details shall be fully implemented prior to the first use of the site and thereafter be retained, maintained and operated to the satisfaction of the LPA.

Reason: In the interest of the visual amenity of the area within the wider AONB and the amenity of the occupiers of nearby residential property.

Policy: C4 AONB, G2 New development

7. No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access / driveway) incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought in to first use until the agreed details have been fully implemented.

Reason: To ensure the development can be adequately drained.

Policy: G5 Adequate drainage

Before the development hereby approved is commenced the new lay by shall be completed and made available for use. Before the new site access is first brought into use the existing lay by to be replaced shall be removed and the resultant area soil and seeded in accordance with details to be approved by the LPA.

Reason: in the interests of highway safety

Policy: G2

8.The existing site access shall be permanently stopped up when the new access is first brought into use

Reason: In the interest of highway safety

Policy: G2 New development / Safe means of access

9.There shall be no vehicle movements on the site between the hours of 22. 00 and 08. 00hrs.

Reason; In the interest of the amenity of the immediate area and the avoidance of noise nuisance.

Policy: G2 New development / Amenity

10.In the event that any refrigerator units are parked on site, the units shall not be left running.

Reason; In the interest of the amenity of the immediate area and the avoidance of noise nuisance.

Policy: G2 New development / Amenity

#### INFORMATIVE:

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within(or very near to) the site. If any such apparatus exists applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and / or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

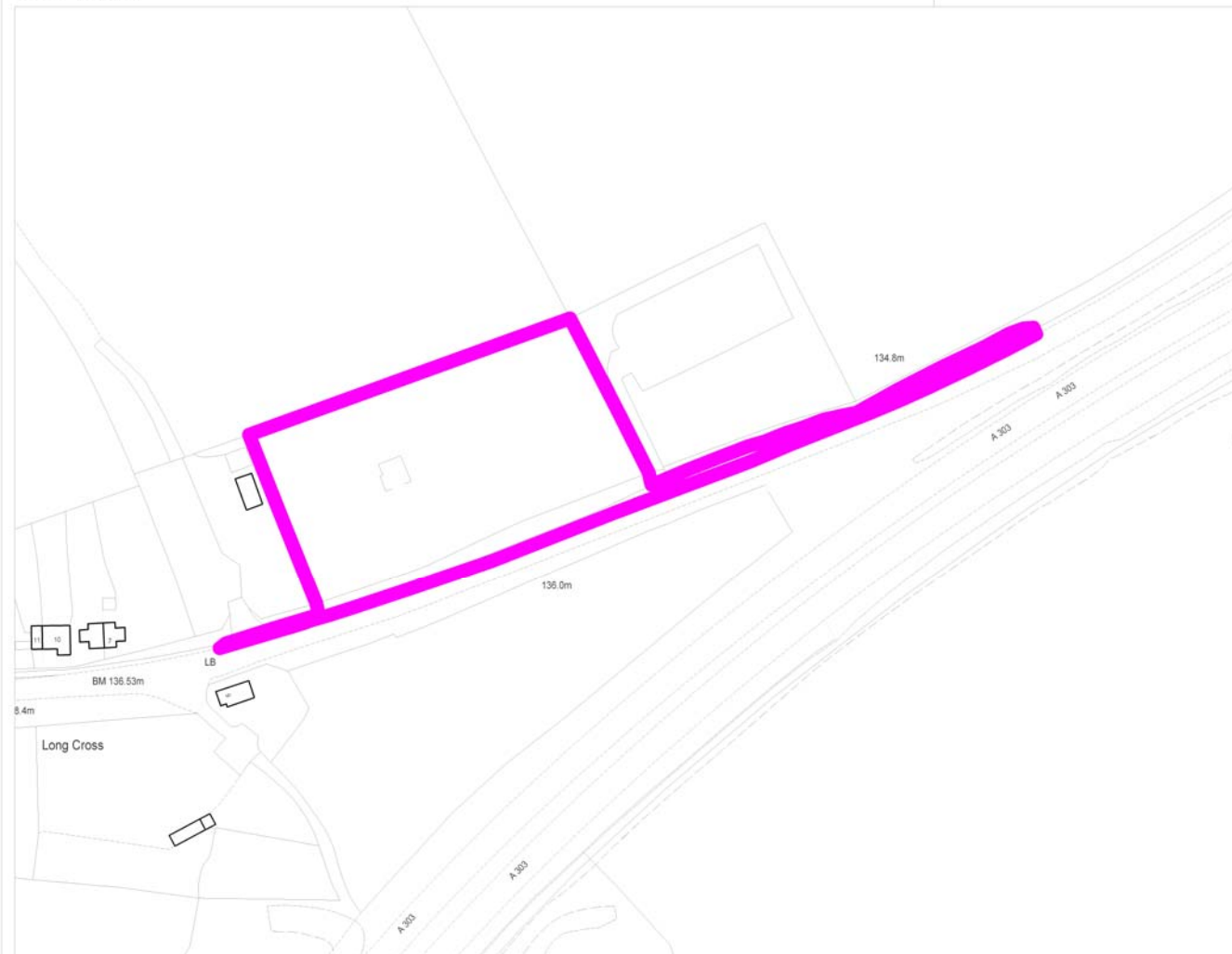
(B) Should the S106 agreement not be completed within three months of the date of the decision, then the Director of Development Services be authorized to refuse the application for reasons of traffic impact upon Zeals.

Appendices:	None
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Background Documents Used in the Preparation of this Report:	Refer to part 6 of this report above
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S/2009/14

Site View



Deadline	21-May-2009		
Application Number:	S/2009/0434		
Site Address:	SPIRE CAR SALES LONDON ROAD WINTERSLOW SALISBURY SP5 1ST		
Proposal:	CHANGE OF USE FROM RETAIL, REPAIR AND VALETING OF CARS TO CAR VALETING ONLY		
Applicant/ Agent:	MR DOUGLAS SMITH		
Parish:	FIRSDOWN		
Grid Reference:	420405.5 133637.9		
Type of Application:	CU		
Conservation Area:		LB Grade:	
Case Officer:	MRS A ILES	Contact Number:	01722 434312

### Reason for the application being considered by Committee

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

- Scale of development ☐
- Visual impact upon the surrounding area ☐
- Relationship to adjoining properties ☐
- Design – bulk, height, general appearance ☐
- Environmental/highway impact ☒
- Car parking ☐

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

### 2. Main Issues

the main issues to consider are :

1. Principle of Change of Use
2. Visual Impact
3. Impact on Highway Safety
4. Environmental Impact
5. Impact on Residential Amenity
6. Sustainability

### 3. Site Description

Spire Car Sales is located on the brow of a hill where the A30 meets the C289 Firs Road which forms the main thoroughfare through the village of Firsdown. It is located within the open countryside of the Special Landscape Area. The site is a former filling station which was subsequently granted change of use to vehicle repair, valeting and car sales. Consent is now sought for the change of use solely to valeting with no physical works proposed

### 4. Planning History

Application	Proposal	Decision
TP 87	Petrol tank & pumps	AC 07.01.53
TP 154	Resiting of petrol pump & erection of canopy over pumps	A 21.07.54
TP 177	Resiting of pump canopy & sign	R 08.12.54
969	Erection of filling station, stores & toilets	A 23.05.56
TP ADV 56	BP illuminated shield	A 10.10.56
TP ADV 57	Internally illuminated BP sign	R 22.03.57
TP ADV 61	BP advert sign	A 22.05.57
TP ADV 68	Replacement of lighting units	A 26.03.58
TP 1036	1,500 gallon propane tank	A 25.03.64
2769	Toilet block	A 22.05.64
TP 1249	Replacement of pump island light by canopy light	A 23.06.65
TP 1734	Installation of combined not acceptor unit linked with BP blender pumps	A 23.10.68
72/19	Erection of flat exist filling station building (?)	AC 22.05.72
78/24	Canopy	A 15.02.78
78/588	Six foot high fence	A 02.08.78
81/830	Canopy extension	AC 12.08.81
83/328	Two internally illuminated entrance signs	AC 19.05.83
83/329	Two internally illuminated fascia signs	R 25.05.83
83/330	Internally illuminated pole sign	AC 19.05.83
83/331	Internally illuminated fascia sign in canopy	AC 19.05.83
83/796	Non-illuminated advance warning board to replace existing	A 21.07.83
<b>92/0993</b>	<b>Change of use from motor vehicle repair workshop with residential flat over and associated car parking and petrol filling station to vehicle repair and valeting with residential flat over and parking</b>	<b>WD 02.03.94</b>
<b>93/376</b>	<b>Change of use from motor vehicle repair workshop to car sales</b>	<b>R 09.06.93 Appeal dismissed 24.09.93</b>
<b>93/1801</b>	<b>Erection of shed for car valeting</b>	<b>AC 21.02.94</b>
<b>94/1165</b>	<b>Use for sale of cars (max.5</b>	<b>AC 12.10.94</b>
97/186	Application for determination as to whether prior Determination is required for 10m with associated equipment cabin	PA NOT REQ
<b>97/348</b>	<b>Small extension to Garage, 1st floor</b>	<b>A 24.04.97</b>



	<b>and new pitched roof extension</b>	
<b>97/1845</b>	<b>Variation of condition numbers 2 (personal condition) and 3 (number of cars) from planning approval S/94/1165</b>	<b>WD 29.12.97</b>
<b>98/0051</b>	<b>Variation to conditions 02 &amp; 03 of 94/1165 to part operate by Mr T D Wells and increase the number of cars displayed from 5 to 12</b>	<b>AC 29.04.98</b>
<b>98/0053</b>	<b>Variation to condition 02 of S/94/1165 to permit use &amp; operation by Mr T D Wells</b>	<b>AC 23.02.98</b>
<b>99/1934</b>	<b>Advertising hoarding in car park</b>	<b>R 05.01.00</b>
<b>01/2171</b>	<b>CoU of garden to parking and relocation or two parking spaces for customer</b>	<b>AC 15.02.02</b>

## 5. The Proposal

Permission is sought to change the use of the site from retail, repair and valeting of cars to car valeting only.

## 6. Planning Policy

the following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan. saved policies G1, G2, G8, C2, C6 & E19

## 7. Consultations

### Firsdow Parish council

Object on the grounds of:

- High number of vehicles using the site
- The use of chemicals close to residential properties
- The proposed hours of use
- Waste water disposal
- Impact on highway safety

### Highways

No objection subject to condition being imposed with regard to surface water drainage.

### Environment Agency

No objection in principle but the application as currently submitted gives insufficient information to demonstrate the drainage for the development will not cause pollution of groundwater. However, this can be dealt with by condition (see below).

### Environmental Health

No objection in principle but recommend that conditions are added regarding prevention of music being played and surface water.

## 8. Publicity

The application was advertised by site notice and neighbour notification which expired on 24<sup>th</sup> April 2009.

9 letters of objection (2 from the same party) have been received regarding:

1. Impact on highway safety due to speed of cars on this stretch of road
2. Impact on highway safety due to entrance/exit where the A30 and Firs Road meet
3. A bus stop and footpath are close to the wash down site
4. The site used to be bordered by a 6ft fence
5. Impact on highway safety due to the increase in traffic
6. Solely valeting would mean increased activity and noise
7. Increased water use would have an impact on the water pressure of surrounding dwellings
8. Concern with regard to waste water disposal as there is no mains drainage
9. The cleaning products may contain irritants which will be spread in mist/aerosol form
10. Advertising signs, lighting and decoration will be distracting to drivers
11. Impact on highway safety from queuing to enter the site
12. It is irrelevant that the adjacent restaurant owner supports the application
13. There should be external lighting or valeting on the area of the site which was once garden
14. The boundary hedges on the southern and eastern boundaries should remain

With regard to point 7 and 12 these are not material planning considerations, the remaining points will be dealt with below.

## 9. Planning Considerations

### 9.1 Principle of Change of Use

Although valeting was previously carried out at the site planning consent is required for change of use as formally valeting was restricted to cars being sold at the site.

There is no saved policy specifically relating to change of use of premises in the countryside but the most relevant is policy E19. This states that proposals to redevelop or enlarge existing employment sites are acceptable providing the following criterion are met:

- (i) the proposal would result in improved local employment opportunities;*
- (ii) the proposal will improve the operational efficiency of the enterprise;*
- (iii) there is no suitable alternative building in the immediate locality;*
- (iv) there is no adverse impact on the character of the surrounding landscape or biodiversity;*
- (v) there is no unacceptable increase in vehicular traffic or additional reliance on the private car; and*
- (vi) the environment of any nearby dwellings will not be adversely affected.*

It is proposed that the site will employ four full time and four part time members of staff thereby improving local employment opportunities and as Spire Car Sales is currently struggling in the economic climate the change of use will improve the operational efficiency. In addition as there are no other buildings in the vicinity which could be used for the proposed use. With regards to visual impact, traffic and environment of dwellings these will be dealt with in the sections below but the proposal is considered to comply with the general aims and objectives of policy E19.

## **9.2 Visual Impact**

As no physical changes are proposed to the site the visual impact will much the same as it is currently.

Third parties have raised concern with regard to advertising and decoration at the site but the applicant is aware that a separate advertisement consent application will need to be applied for this.

A third party has also requested that a condition be added to ensure that the boundary hedges on the south and east boundaries will remain. As this was a condition on a previous consent at the site, and provides soft screening, the addition of this condition, is considered reasonable.

## **9.3 Environmental Impact**

There is concern from third parties and the Parish Council with regard to the environmental impact and The Parish Council has requested that an Environmental Statement be undertaken. However, the LPA are unable to request this as there is no statutory requirement for one to be carried out as valeting currently takes place at the site.

The development overlies a major aquifer as defined by the Environment Agency's Policy and Practice and is located within Source Protection Zone 2 (Outer Zone) of a public water supply. However, the Environment Agency have been consulted and have no objection in principle providing that two conditions are added. The first of these requests further information with regard to drainage as it would not be acceptable to dispose of wash down water to a soakaway given the status of the groundwater. The second condition relates to submission of a scheme to deal with risks associated with contaminated land as having been used for retail, car repair and valeting, the site has the potential to cause contamination of soils, subsoil and groundwater beneath the site. With the imposition of these conditions have been added it is considered that sufficient mitigation is in place to address the concerns of the Parish Council and third parties and there will be minimal environmental impact.

## **9.4 Impact on Highway Safety**

Several third parties and the Parish Council have objected on the grounds of highway safety. The site has two accesses, one directly off the A30 and the other off Firs Road, close to the A30 junction but having assessed the two accesses the Highways Department are satisfied that the proposed highway arrangement is acceptable from a highway safety perspective. Also the applicant has addressed the possibility of vehicles queuing onto the highway by providing a one-way system through the site and additional overflow parking. Finally the condition requested by the Highway Department regarding surface water drainage has been incorporated into that suggested by the Environment Agency. Given the above, without the support of the Highway Department it would be difficult to defend a reason for refusal on highway grounds at appeal.

## **9.5 Impact on Residential Amenity**

Concern has been raised by the Parish Council with regard to the hours of operation in connection with noise and disturbance. Although the level is noise and disturbance is considered not to be much greater than the existing use, it is considered appropriate to control the hours of use. The applicants have stated that the trading hours would more or less correspond with the restaurant which trades 08:00 to 19:00 Monday to Saturday and 08:00 to 17:00 Sundays. From a potential nuisance point of view the Environmental Health Officer has not specifically recommended a condition on hours of operation but Officers consider that a condition to restrict the operation to the hours referred to above would be reasonable on amenity grounds, otherwise there would be no planning control on hours of use. The nearest residential properties are immediately to the east of the site. The potential impact on residential amenity is a material consideration that Members are able to take into account.

The Environmental Health Department have no objections in principle to the scheme but have

requested that two conditions be added. The first prevents amplified music being played at the site and the second concerns surface water which is covered by that requested by the Environment Agency. They have also stated that they have no concerns with regard to “chemical mist” from the business as health and safety legislation requires that chemicals are at safe levels for the operators of the car wash. However, it is considered appropriate to add a condition to ensure that details of boundary treatments are submitted which shall include a screen fence on part of the southern boundary to protect cars and pedestrians from spray.

With regard to lighting, which is also raised by third parties a condition has been added stating that no external lighting shall be installed until full details have been submitted to the Local Planning Authority in order that we can ensure that siting and luminance levels are appropriate.

## **9.6 Sustainability**

A business of this nature would be better located in the urban area preventing the need for specific journeys to the site. However, given the fact that there is another valeting business on the A30 further to the west and the current use of the site it is considered that a reason for refusal on sustainability grounds would be difficult to defend.

## **10. Conclusion**

The proposed change of use is considered to be acceptable in principle while not prejudicing residential amenity of nearby dwellings, highway safety or having detriment to the environment. As such it is considered to conform with saved policy G1, G2, G8, C2, C6 & E19 of the Adopted Salisbury District Local Plan.

## **Recommendation**

Permission be granted for the following reasons

The proposed change of use is considered to be acceptable in principle while not prejudicing residential amenity of nearby dwellings, highway safety or having detriment to the environment. As such it is considered to conform with saved policy G1, G2, G8, C2, C6 & E19 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.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 :- No development shall commence on site until a scheme for the discharge of surface water and foul water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No wash down water shall be discharged to ground, only clean surface and roof water will be discharged to soakaway. The development shall not be first brought into use until surface and foul water drainage has been constructed in accordance with the approved scheme.

REASON

To prevent pollution of the water environment as the site lies within a Source Protection Zone 2 of a public water supply borehole as defined by the Environment Agency.

POLICY - G1 (General Development Guidance), G2 (General Development Guidance), G8

(Development within a Groundwater Source Protection Area)

3 :- Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

#### REASON

To ensure the proposed development will not cause pollution of Controlled Waters.

POLICY - G1 (General Development Guidance), G2 (General Development Guidance), G8 (Development within a Groundwater Source Protection Area)

4 :- The area to the south of Hilltop Restaurant shall be used only of customer and trade vehicle parking as indicated on drawing number 5599/1/2 and not for valeting.

REASON - In the interests of amenity

POLICY - G2 (General Development Guidance)

5 :- No development shall commence until details of all boundary treatment, including a screen fence on part of the southern boundary of the site, has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

POLICY- G2 [General Development Guidance)

6 :- The use hereby permitted shall only take place between the hours of 08:00 -19:00 from Mondays to Saturdays and between 08:00 and 17.00 on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY- G2 (General Development Guidance)

7 :- No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated or music played within the premises hereby approved or its curtilage.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and

activity in the interests of the amenity of the area.  
POLICY-G2 (General Development Guidance]

8 :- No external lighting shall be installed on site unless otherwise agreed by the Local Planning Authority and until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

POLICY- G2 [General Development Guidance]

9 :- The existing boundary hedges on the south and eastern boundary shall be retained and maintained thereafter at a minimum height of 2 metres above road carriageway level and a minimum height of 3 metres above ground level on the eastern boundary.

REASON: In the interests of privacy and amenity of neighbouring properties and the environment.

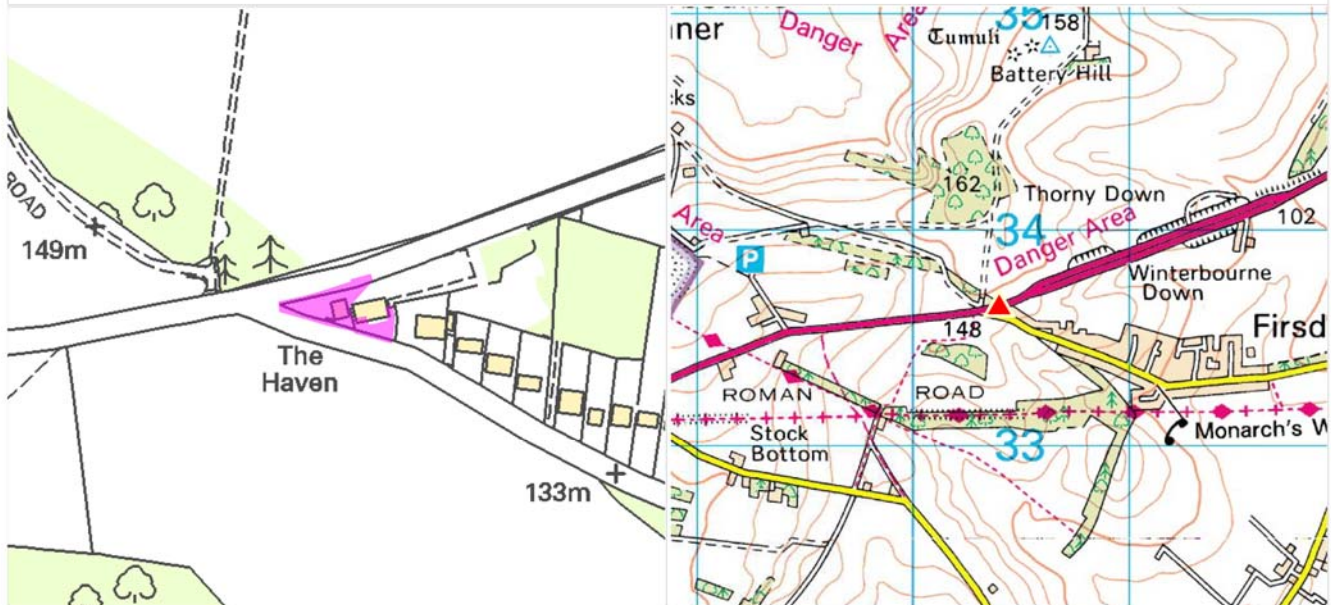
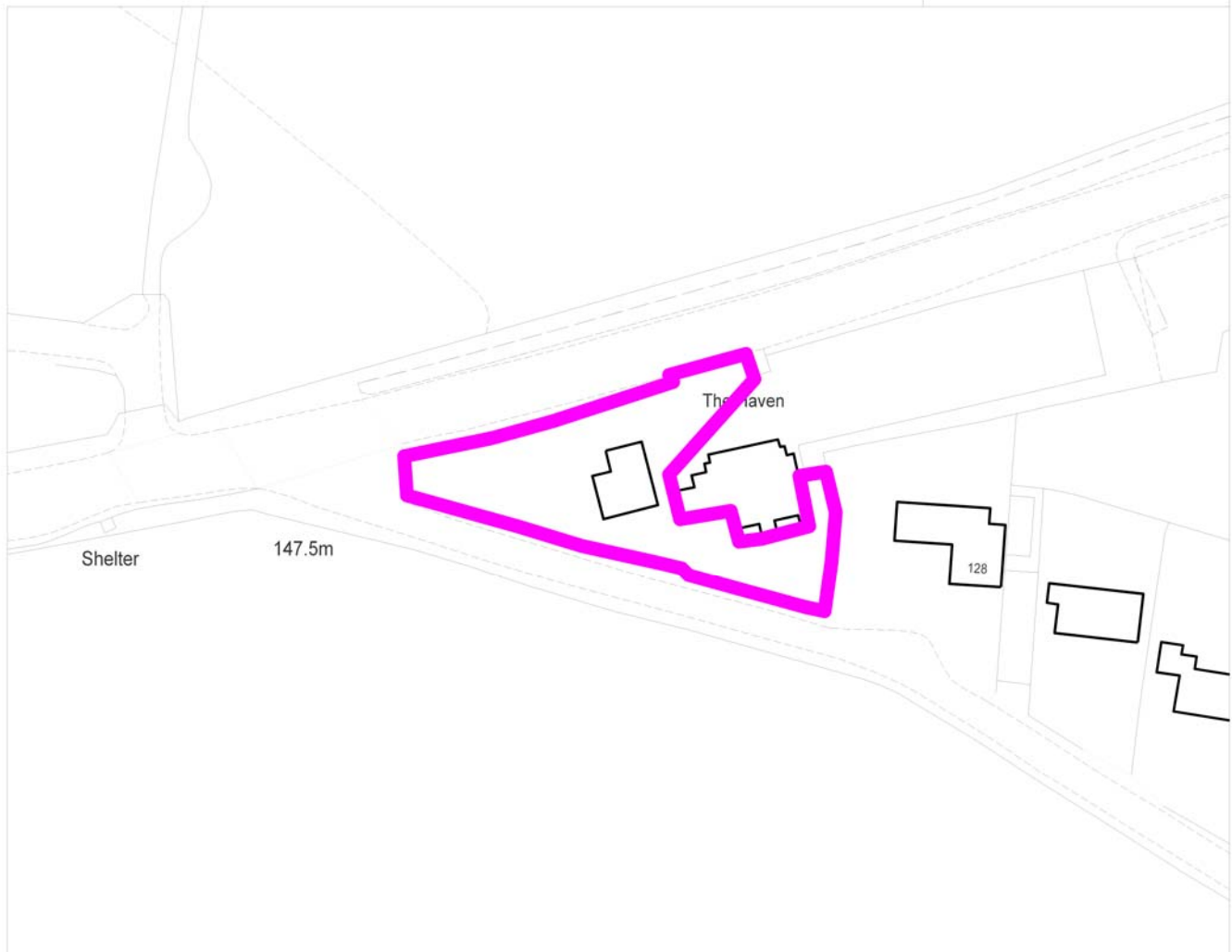
#### INFORMATIVE/ ADVICE TO APPLICANT - ENVIRONMENT AGENCY

The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.
- 4) Dirty water or run-off from vehicle washing and cleaning carried out as a business or industrial activity is called trade effluent and must be disposed of accordingly. The applicant should refer to the Environment Agency Pollution Prevention Guideline 13: Vehicle washing and cleaning, which can be found at: [http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-epdf?lang=\\_e](http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-epdf?lang=_e). If the applicant installs a trade effluent treatment system prior to Discharge Consent will be required from the Environment Agency. Further details can be obtained from the Environment Agency by phoning 08708506506 or alternatively at <http://www.environment-agency.gov.uk/business/regulation/32038.aspx>.

<b>Appendices:</b>	none
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<b>Background Documents Used in the Preparation of this Report:</b>	5599\1\2 Submitted on 26/03/09
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Deadline	17-Jun-2008		
Application Number:	S/2008/0550		
Site Address:	J C DEAN (HAULAGE) LTD HATCHES LANE SALISBURY SP1 2NZ		
Proposal:	DIVISION OF EXISTING SITE TO PROVIDE A 1640M2 (GROSS) DEEP DISCOUNT LIDL FOODSTORE AND CREATION OF REPLACEMENT WORKSHOP AND OFFICES		
Applicant/ Agent:	LIDL UK GMBH		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	415803.6 129304.4		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr R Hughes	Contact Number:	01722 434382

### Reason for the application being considered by Committee

The Director of Development Services does not consider it prudent to exercise delegated powers due to the potential retail impact of the proposal upon the wider area, including the vitality and viability of Salisbury city centre.

### 1. Purpose of Report

To recommend GRANT planning permission subject to conditions and a legal agreement in relation to the restricting of the retail use, and in relation to the securing of a Travel Plan and a Transport Management Strategy in accordance with the direction of the Highways Agency, following completion of which the Director of Development Services be authorised to GRANT planning permission subject to conditions.

### 2. Main Issues

1. Principle of development
2. Impact upon the vitality and viability of Salisbury town centre;
3. Access / Highway considerations.
4. Design issues

### 3. Site Description

The site is currently occupied by a haulage operation, and is largely of an open character consisting of a parking and turning area, with a commercial building located in the south eastern corner. There are two access points onto Hatches Lane. To the north of the site is situated the Staples retail store, subject of a concurrent application for a second discount foodstore, and to the north east is situated Tesco's superstore.



#### 4. Planning History

None of direct relevance. Councillors should however be aware that there are two other (both identical) applications for a discount foodstore in part of the existing Staples store opposite this application site. One of these applications has been appealed by the applicant, and Members of the May Southern Area Committee assessed an officer report in relation to the forthcoming appeal. The identical twin application appears as a separate report as part of this agenda.

#### 5. The Proposal

It is proposed to sub divide the existing site, and relocate the haulage business on the northern section of the site, with a new commercial building, parking and turning area. The southern part of the existing site would be developed for a new discount foodstore, with parking and loading area. There would be two separate vehicular access points onto Hatches Lane. The new discount foodstore would be approximately 1640sqm gross area, with 91 car parking spaces, plus cycle spaces.

The applicant has also worked with the Highways Agency to produce a Travel Plan and a Transport Demand Management strategy, the aim of which is to encourage the reduction of vehicular traffic on the highways system around the site, including the A36, in order to compensate for the additional traffic created by the proposed development. The Strategy would require the applicant to contribute a sum of £300,000 in order to set up and implement the scheme.

#### 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

Local Plan policies G1, G2, TR1, TR11, TR14, E16

Structure Plan policies DP1, DP2, DP5, DP6, TR11

PPS1: *Sustainable Development*; PPS6: *Planning for Town Centres*; PPG13: *Transport*

Other planning documents of relevance include:

SDC Retail & Leisure Needs Study (October 2006)

The Salisbury Vision, including aspirations for the Southampton Road area

#### 7. Consultations

Wiltshire Council  
Highways

No objection, subject to the applicant entering into and implementing a transport demand management strategy as advised by the Highways Agency.

Highways Agency

Imposed a Direction of non approval on the scheme, which will be lifted if and when a suitable travel plan and traffic demand management strategy for the A36 has been secured via a suitable legal agreement. These in combination provide a strategy sufficient to mitigate the implications of the development on the A36. Once implemented, the TDM Strategy will offer other current and future developments a chance to join up on a voluntary basis. The success of the wider Travel Demand Management Strategy will have a positive impact on the safety and journey reliability time of the strategic road network.

Environmental Heath	No objections, subject to conditions related to surface water and contamination, light pollution, and noise insulation. EH also indicated that a contribution to air quality monitoring should be sought.
Environment Agency	No objections, subject to conditions being imposed related to surface water run off, contamination issues, water efficiency
Wessex Water	Advice related to the local drainage issues
Wiltshire Fire and Rescue	Advice related to fire prevention and use of sprinklers
Natural England	Would welcome any reduction in the area of impermeable surfaces, and that drainage system is conditioned.

## 8. Publicity

The application was advertised by site notice / neighbour notification

Expiry date 24<sup>th</sup> April 2008

A 603 signatory petition in support of the proposal, together with 27 letters were submitted by the applicants as a result of its own public consultation exercise indicating that there is a need for a discount foodstore in Salisbury, which will reduce trips to other discount foodstores outside the area. Also create employment, and increase choice of cheaper food, and increase competition. Might alleviate traffic congestion in Tesco's car park.

27 letters/emails submitted directly to the Council raising similar issues as listed above, including one objection, related to the increase in traffic congestion in the area and Tesco's, and the likely impact on city centre shops. Concerns also expressed regarding future signage and illumination which may adversely affect the character of the area. Preservation of existing haulage business is welcomed.

Salisbury Campaign for Better Transport – The proposal may result in overflow parking on adjacent road system, and additional traffic generation onto the Bourne Way roundabout. Query raised about the need to provide additional wider parking bays for parent and toddler, and the need for a travel plan for the haulage operation.

## 9. Planning Considerations

### 9.1. Principle of development

Loss of employment

Policy E16 of the Local Plan indicates that:

*“On land allocated or currently used for employment purposes, the construction, change of use or redevelopment of premises for other purposes will only be permitted where the proposed development is an acceptable alternative use that provides a similar number and range of job opportunities. The only exceptions to this are where the land or premises are no longer viable for an employment generating use and/or where redevelopment of a site for a non employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs”*

The site is currently used for commercial/employment purposes for a haulage firm, although much of the site seems under-utilised at present, being laid to hardsurfacing for parking and turning purposes

which in officers opinion seems of a rather excessive size compared to the actual use requirements of the existing commercial operation.

Consequently, whilst part of the existing site would be “lost” to provide the retail element of the proposal, the existing haulage business would be relocated on the remaining half of the site, and therefore retain the existing employment use and jobs, as well as providing an additional retail use which would also offer a form of employment and a number of jobs in the retail sector (the applicant indicates that up to 40 jobs may be created in the Lidl store and approx 5 staff and 24 lorry drivers will remain with the haulage company).

In officers opinion, it is therefore considered that the proposal achieves the aims of policy E16 in not only retaining the existing type and range of jobs on the site, but also creating additional jobs in the retail sector.

#### Retail issues

The site is currently used for commercial/employment purposes, although much of the site seems under-utilised at present, being laid to hardsurfacing for parking and turning purposes which in officers opinion seems of a rather excessive size compared to the actual use requirements of the existing commercial operation. Consequently, whilst part of the existing site would be lost to provide the retail element of the proposal, the existing haulage business would be relocated on the remaining half of the site, and therefore retain the existing employment use, as well as providing an additional retail use which would also offer a form of employment. In officers opinion, it is therefore considered that the proposal achieves the aims of policy E16.

The site is not specifically allocated for a food retail use or employment within the Local Plan, and therefore the proposal should be considered on its merits in relation to guidance contained within PPS6. Section 3 of PPS6 sets out the relevant policy considerations which apply to the application. Applicants are required to demonstrate the following:

- The need for development, having regard to quantitative and qualitative factors;
- That the development is of an appropriate scale, having regard to the catchment area it is to serve;
- That there are no more central sites, within the existing town centre for the development, i.e. the “sequential approach”;
- That there are no unacceptable impacts on existing centres; and
- That locations are accessible to their intended catchment by sustainable transport modes.

The following paragraphs address the above matters.

### **9.2. Impact upon vitality and viability of town centre**

Whilst the above criteria contained within PPS6 provide clear guidelines for assessing retail developments, matters are complicated in this case by several concurrent retail proposals and future development which require cumulative affects to be considered.

Other concurrent proposals and future developments include:

- The Tesco and Asda food store planning applications at Amesbury (Asda and Tesco), currently being considered by the Planning Inspectorate following a recent public inquiry, with a decision not expected until later in the year;

- The other discount food store planning application in one half of the existing Staples store, currently also being considered by the Council.
- The future planned redevelopment of the Maltings, which includes the provisions of a larger food store, as provided for within the Local Plan and plans for the forthcoming LDF and Salisbury Vision

Consequently, the Council officers have employed consultants GVA Grimley to provide specialist retail advice on the potential impacts of the Bourne Retail Park and Lidl Hatches Lane planning applications, including their relationship with the proposed Amesbury and Maltings food store developments.

Taking into account this advice from GVA Grimley, the PPS6 criteria are examined below:

#### A) Assessing the Need for Development

PPS 6 is clear that “Need” must be demonstrated for the proposal as it is sited within an out of town location. Need is considered in both “quantitative” terms (i.e. is there sufficient demand expenditure in the catchment for the proposal?) and “qualitative” terms (i.e. will the proposal contribute to the overall retail offer of the catchment?).

The applicants retail assessment is specifically based on the fact that the proposal in question is a “deep discount foodstore” and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Dealing first with quantitative need, although the applicant had demonstrated that there would be sufficient capacity at the present time for the store’s projected sales figures, their initial analysis took no account of the cumulative impact of other retail proposals as these were evolving at the time of the application being considered. GVA Grimley noted that “If one or both of the current food store proposals proposed in Amesbury were to be permitted... we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms.” This was because residents in the Amesbury catchment who currently shop in Salisbury would be more likely to be drawn to a new Tesco and/or Asda in Amesbury, thereby reducing the turnover of the main Salisbury stores.

The applicant has however now supplied some additional clarification regards this matter, and GVA Grimley has indicated that it is happy with the response.

As for qualitative need, it is noted that there are currently no such national multiple discount food retailers in the urban area of Salisbury, with the nearest being the Lidl store in Amesbury. The proposal would therefore meet this need. GVA Grimley has questioned the need for two discount food stores in the Southampton Road area, which would occur if both this and the second discount foodstore development were approved. However, GVA Grimley has advise that, in their opinion, this matter is probably not a strong enough reason on its own to refuse the proposal.

As a result of GVA Grimley’s advice that the applicants further clarification is acceptable, and the fact that there appears to be a high level of support for the proposal from the public, officers accept that there is a “need” for the proposal.

#### B) Securing the Appropriate Scale of Development

The size of the food retail area of the proposed store would be average for a multiple food store operator and is not considered to be out of scale for the Salisbury urban area and its catchment. However, when taken with the concurrent proposal for a second discount foodstore, the scale of discount retail floorspace in the Southampton Road area could be relatively large (just over

2,500sqm), resulting in a less than ideal distribution across the urban area. However, given the comments of GVA Grimley, who have advised that it may be difficult to defend a reason for refusal based on the geographical distribution of the stores, it is not considered that this would be a strong enough reason in itself to not permit the proposal.

### C) Applying the Sequential Approach to Site Selection

The guidance contained within PPS6 states that developers should be “flexible” when exploring the possibility of more central sites and that all options in the centre should be “thoroughly assessed” [paras. 3.14 and 3.15].

At the time the application was first submitted, the applicant undertook a sequential test to identify whether there are any available sites within Salisbury city centre to accommodate the food store. However, since undertaking that initial assessment, the economic climate has altered considerably and a number of stores within the city centre have become vacant including the former Woolworth's store.

The Council's retail consultant GVA Grimley considered that the applicants had not undertaken an appropriate sequential assessment, to demonstrate why a discount retailer could not practically operate from within the town centre. The applicant was therefore requested to supply additional, up to date information regards this matter.

The applicant has subsequently undertaken such an additional assessment which indicates that having undertaken a fresh search of approximately a dozen vacant units in the city, all but one was ruled out on the grounds that they were too small, given the minimum size that the deep discounter format would remain viable. The only credible large retail unit which could theoretically accommodate the proposed store was in the opinion of the applicant, the former Woolworth's store. However, the applicant goes on to indicate that this store would be unsuitable as its ground floorspace of 2,908sqm is considerably larger than that suggested for the Lidl proposal, and as a consequence, the Woolworth unit would be inherently unsuitable and unviable unless it could be subdivided. The applicant further indicates the former Woolworths store does not, in their opinion, lend itself to subdivision due to its highly irregular shape and narrow frontage on to High Street. They indicate that the frontage is only 20 metres in length which is apparently narrower than the width of the proposed Lidl store, and is therefore too small to accommodate a deep discounter without even allowing for an additional store frontage for another retailer. They indicate that a store narrower than the standard Lidl format severely compromises on the internal layout, the number of aisles and checkouts, the need to accommodate emergency exits etc, which would apparently render the operation unviable. This situation is apparently compounded by the numerous internal columns which would make it “near impossible” to accommodate a viable deep discount trading format. Furthermore, the applicants have indicated that the lack of any adjacent parking at the Woolworths unit is a major constraint for a bulk foodstore, and that in the face of competition from other bulk shopping stores which have such parking, the unit would “almost certainly” be an unviable location. The applicant believes that the former Woolworths store would instead be more suitable for a “basket- based top up store”. They go onto to indicate that the former Woolworths store is unsuitable for service deliveries by the 45ft articulated lorries which service Lidl stores, which would impact on Lidl's cost model of one delivery wagon per day to each store.

GVA Grimley has indicated that it is now satisfied that this matter has been covered adequately, and consequently, officers are now satisfied that the applicants have undertaken an appropriate sequential assessment, and have adequately demonstrated why a discount retailer could not practically operate from within the town centre.

### D) Assessing Impact

The guidance contained within PPS6 is clear that cumulative effects are an important consideration within the assessment of out of town development proposals upon the vitality and viability of

existing centres [para. 3.21].

The applicants retail assessment is specifically based on the fact that the proposal in question is a “deep discount foodstore” and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Following concerns from GVA Grimley the applicant has now considered the cumulative impact of both its own application for a discount food store and the concurrent application for a second discount food store within the existing Staples unit. The applicant has also considered the implications of new food stores in Amesbury and the impact of the recent Tesco extension and potential redevelopment of the Maltings, which includes the provisions of a larger food store.

GVA Grimley has indicated that it is now happy with the applicants assessment of the impact of the proposal. Consequently, officers are now satisfied that the proposal, either by itself or cumulatively with other retail scheme (including the second discount foodstore scheme) will be unlikely to harm the vitality and viability of the city centre.

### **9.3. Access / Highway considerations**

#### **E) Ensuring Locations are Accessible**

PPS6 describes two factors which should be considered in terms of accessibility, first in terms of a choice means of transport, and second in terms of the impact on car use, traffic and congestion.

With regards to the impact of the development on car use, traffic and congestion, this is a key consideration within the determination of this application due to the potentially controversial nature of additional traffic on Southampton Road. Officers of the Council have made both the Highways Agency and the Highway Authority fully aware of the localised traffic issues and congestion associated with the highway system around the application site, and those associated with the A36.

From the very start of the application process, the Highways Agency issued a Direction of “non approval” on the LPA, whilst they requested further information and clarification from the applicant, which prevented the Council from progressing the application.

The Highways Agency has indicated that a net development trip generation of 63 additional two way trips during the Friday PM peak and 108 additional two way trips during the Saturday peak (which was found to be the busiest period during the week).

However, the Highways Agency has now indicated that it considers that the proposal can be made acceptable by the applicant entering into a Travel Plan to encourage the use of sustainable transport measures, which will hopefully reduce the amount of car-borne traffic on the road system. Furthermore, the Agency also considers that the proposal will be acceptable if the applicant enters into and initiates a scheme which would seek to reduce the level of other vehicular traffic using the adjacent A36 road network, thus mitigating for any increase generated by the application proposal, and long term, resulting in less car borne traffic around the application site and the A36. The Highways Agency has therefore indicated that its Direction will be removed (ie they will find the scheme acceptable) if and when the applicant agrees via a S106 Agreement to enter into the aforementioned Travel Plan and traffic demand management strategy.

The “strategy” would consist of a package of sustainable transport initiatives, towards which the applicant has offered a payment £300k. This would pay for a consultant to devise and implement a travel marketing scheme, which would relate to all users of the highway network not just customers of Lidl, and would encourage car sharing, increased public transport use, walking and cycling. The resultant effect is called “trip banking”, where the development would remove other car trips on the

network, thereby creating space for the traffic generated from the Lidl development.

The highways department of Wiltshire Council has indicated that provided the transport demand management strategy is implemented, it would not object, subject to relevant conditions.

Both the HA and the highway department of this Council seem to accept that this proposal could add to the congestion within the road system around the site and Tesco's. However, this particular area is not adopted highway, and therefore the main concern of both highway authorities is the adopted A36 system, which in their opinion, would not be significantly affected, if a Travel Plan being adhered to and a Transport Management Strategy being implemented, which together would result in a reduction of traffic in and around the application site and along the A36 corridor. They also believe that any congestion generated on the unadopted road system around the application site and Tesco's car park would be self regulating.

With regards to general parking matters, it is considered that appropriate levels of parking would be provided by the proposed car park as per guidelines contained within Appendix VI of the Local Plan. Cycle parking is included within the scheme. It should also be noted that the site would be accessible on foot and bicycle from the town centre and adjoining residential areas. There are bus stops situated on Southampton Road with regular trips from surrounding areas. It is noted that the proposal also presents opportunities to link trips given the site's proximity to other nearby retail uses.

Consequently, whilst officers understand the concerns related to additional traffic congestion around the application site, given the stance of the highway authorities regards this application that the suggested Travel Plan and Transport Strategy will create a situation where the proposed foodstore will ultimately have limited impact on the road system around the site, it is considered that a refusal on highways grounds would be difficult to support.

#### **9.4 Design and other environmental issues**

The surrounding area is typified by a plethora of commercial units, and the site itself is only partially visible from within this commercial area. Whilst the overall design of the scheme is rather utilitarian, it is considered that the proposal would not have any significant impact on the character of the wider area. In fact, due to the removal of part of the palisade fencing which currently exists along Hatches Lane to allow the construction of the foodstore building, it is considered that the proposal represents a general improvement.

In terms of sustainable design, the Lidl store as proposed contains a number of sustainable features similar to those contained within other Lidl stores. Information has been submitted with the application which indicates that packaging is recycled, and that the building is operated in a manner which reduces energy consumption.

The Council EHO has suggested that restricts/condition be imposed relating to lighting, in order to protect surrounding "amenities". However, the site is surrounded by commercial operations, and the travellers site is located some distance to the north west of the site, behind the commercial timber yard and its buildings. Therefore a condition regards this matter would not seem to be relevant. It would however seem reasonable to impose conditions related to noise emissions from the site, and in relation to contamination, drainage and water efficiency issues, given the proximity of the site to the river system and the existing commercial nature of the site.

#### **10. Conclusion**

The proposal would retain the existing employment use on the site, as well as creating additional jobs as part of the retail foodstore. It is therefore considered that the proposal would comply with the aims of policy E16 of the Local Plan.

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore in part of the existing Staples store.

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan and traffic management scheme.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

## **Recommendation**

(A) That subject to all parties entering into a Section 106 Agreement to:

- a) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre); and
- b) A Travel Plan and Traffic Management Strategy is entered into which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36 Road; and
- c) A financial contribution is paid towards the monitoring and evaluation of air quality within the area around the site

Within 3 months of the date of the committee meeting

That permission be GRANTED , for the following reason:

The proposal would retain the existing employment use on the site, as well as creating additional jobs as part of the retail foodstore. It is therefore considered that the proposal would comply with the aims of policy E16 of the Local Plan.

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore in part of the existing Staples store.

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential



assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan and traffic management scheme.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider 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.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 :- No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY-[G2 & D1 visual appearance]

3 :- No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied / brought into use].

REASON: In the interests of visual amenity and the character and appearance of the area.  
POLICY-G2 - (visual appearance]

4 :- No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.  
POLICY- G2 (highway safety]

4 :- Before development commences, details of the cycle storage and bin stores shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

REASON: In the interest of amenities and sustainable travel  
POLICY G1 & G2 sustainability and amenities

5 :- Prior to commencement of development approved by this planning permission a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme based on 1 above to provide information for an assessment of the risk to all receptors that may be affected including those off site

3. The results of the site investigation and risk assessment and method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works as set out in 3 above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

5. A verification report on completion of the works as set out in 3 above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON: In the interests of public health and safety.

POLICY- G2

6 :- No development shall commence on site until a scheme of works for noise attenuation from the replacement haulage building has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed prior to the premises are first brought into use/first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY- G2

7 :- No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

POLICY-- G2

8 :- No development shall commence on site until a scheme of water and energy efficiency measures to reduce the water and energy consumption of the development hereby approved has been submitted to and approved by the Local Planning Authority. Before any of the dwellings are occupied, the approved measures shall be implemented and brought into operation in accordance with the approved scheme and thereafter retained.

REASON: In the interests of the conservation of water and energy resources. .

POLICY- G1 sustainable development

9 :- No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY--[G2 protection of amenities]

10 :- Before development commences a scheme for sustainable urban drainage and the discharge of surface water from the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and shall be carried out as approved. Any scheme shall ensure that the infiltration of surface water drainage into the ground is limited and there is no resultant unacceptable risk to controlled waters.

REASON: To ensure the development is provided with satisfactory means of surface water disposal.  
Policy G5 (drainage)

13 :- No development approved by this permission shall commence until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with approved programme and details.

REASONS: To prevent increased risk of flooding associated with surface water drainage.  
POLICY G5

14 :- INFORMATIVE

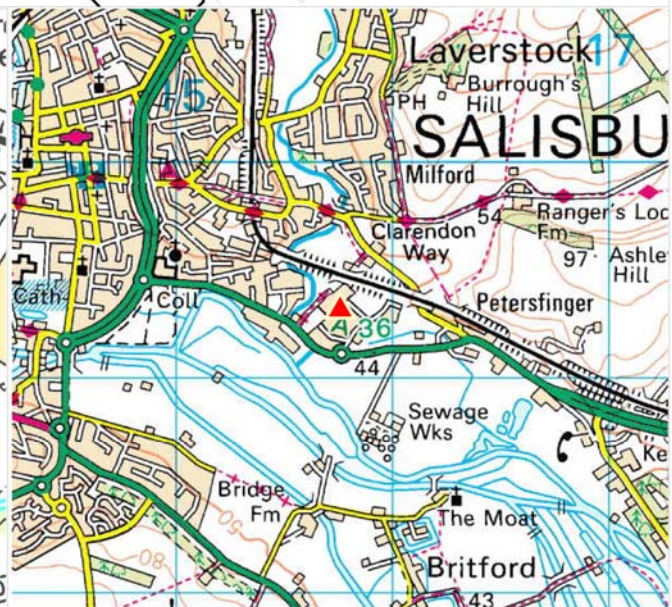
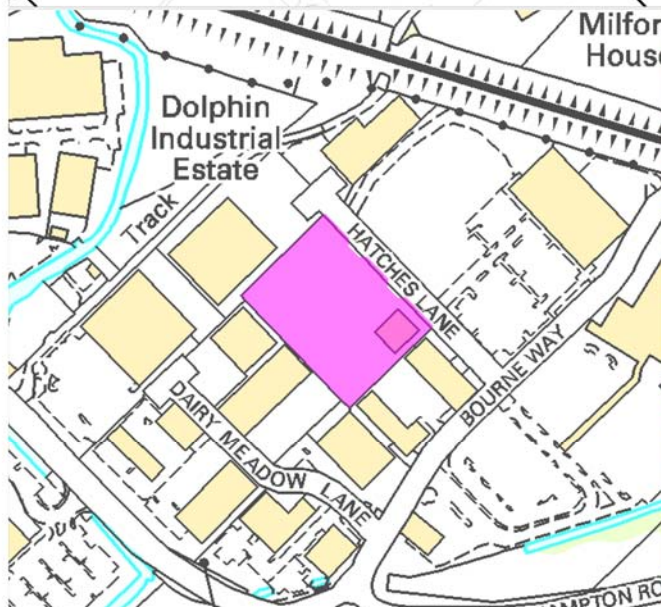
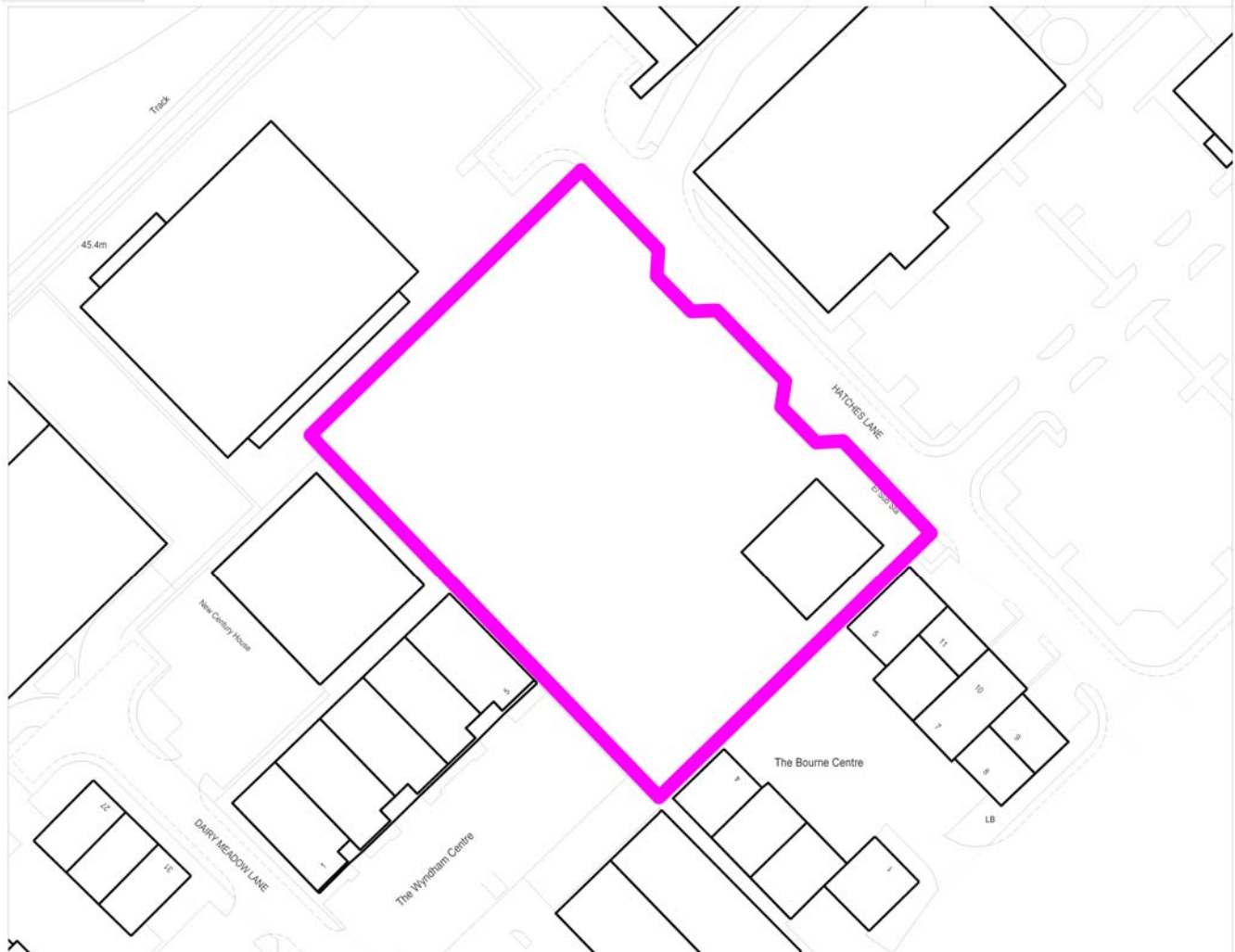
1. The surface water drainage scheme must be designed in accordance with PPG25
2. Information regards water efficiency measures is available on the environment agency website
3. The site overlies a major aquifer and is close to the river bourne. Safeguards should be implemented during construction phase to minimise the risks of pollution and detrimental effects to water interests in and around the site. Information regards this matter is available of the environment agency website.
4. Wiltshire Fire and Rescue Service has advised that sprinklers be installed, and that adequate consultation is undertaken by the applicant to ensure that the site has adequate water supplies for firefighting, and adequate access for fire appliances, as outlined in Building Regulations Approved Documents.

(B) Should the legal agreement at (A) above not be completed within the timescale given, the Director of Development Services be authorized to refuse the application for reasons of retail and highway impact

Appendices:	None
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Background Documents Used in the Preparation of this Report:	<p>PLANS AND DATE RECEIVED</p> <p>1.01 REV C – 17<sup>TH</sup> MARCH 2008</p> <p>1.06 REV C - 17<sup>TH</sup> MARCH 2008</p> <p>1.07 - 7<sup>TH</sup> MARCH 2008</p> <p>1.02 REV C- 17<sup>TH</sup> MARCH 2008</p> <p>1.04 REV E - 17<sup>TH</sup> MARCH 2008</p> <p>1.03 REV B - 17<sup>TH</sup> MARCH 2008</p>
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S/2008/550



Deadline	03-Oct-2008		
Application Number:	S/2008/1389		
Site Address:	UNIT 2 BOURNE RETAIL PARK BOURNE WAY HATCHES LANE SALISBURY SP1 2QQ		
Proposal:	VARIATION OF CONDITION 3 TO PLANNING CONSENT S/2008/0965 TO PERMIT A FOOD RETAIL USE OF UNIT 2		
Applicant/ Agent:	MR TREVOR ADEY SAVILLS (L&P) LTD		
Parish:	SALISBURY CITY COUNCIL		
Grid Reference:	415907.811391473 129382.3708179		
Type of Application:	S73B		
Conservation Area:		LB Grade:	
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

### Reason for the application being considered by Committee

The Director of EDPH does not consider it prudent to exercise delegated powers due to the potential retail impact of the proposal upon the wider area, including the vitality and viability of Salisbury city centre.

### 1. Purpose of Report

To recommend that permission be GRANTED subject to conditions and a legal agreement relation to the restricting of the retail use, and in relation to the securing of a Travel Plan in accordance with the Direction of the Highways Agency, following completion of which the Area Development Manager be authorised to GRANT planning permission subject to conditions.

(Members should be aware that regards an identical application, which was considered at the May meeting of the Southern Area Committee, the applicant has appealed to the Planning Inspectorate on the grounds that the Council have not determined the application within the statutory eight week period. Officers indicated that at that time, there were three outstanding issues related to the retail impact of the proposal on the vitality and viability of the city centre. Members chose to continue to fight that appeal.

Members should further note that following the previous officer report regards S/08/ 1635 and members resolution regards the appealed scheme, the applicants have now submitted further information, and that information has now been assessed by the Council retail consultant GVA Grimley. This report therefore highlights the planning issues, and whether the applicants additional information has overcome the previously expressed concerns of officers related to the appealed scheme.

If members consider that the applicant has overcome the previously expressed retail concerns regards S/08/1635, and wish to approve this current identical application, officers additionally request that they be granted delegated powers to inform the applicant and Planning Inspectorate that the Council no longer wishes to fight the current appeal, in relation to S/08/1635)

## 2. Main Issues

- 1 Principle of development
- 2 Impact upon the vitality and viability of Salisbury town centre;
- 3 Access / Highway considerations.

## 3. Site Description

The site relates to one third of an existing retail warehouse at Bourne Retail Park, situated off Southampton Road, Salisbury. Currently the retail warehouse is occupied by *Sturtions & Tappers* furniture retailer and the office retail supplier *Staples*. The site is located in a commercial area and adjoins a large car park.

## 4. Planning History

Application	Proposal	Decision	
95/0992	Retail warehouse space arranged in 2 buildings capable of various sub-divisions to suit individual operator's requirements & construction of vehicular & pedestrian access	A	30.10.95
98/1285	Application for a certificate of a proposed Lawful use for the sale of office furniture, Computers and other office equipment from Units 5 and 6 Bourne Retail Park in compliance with condition 11 of planning permission reference S/95/0992	A	10.03.99
03/2235	Internally illuminated static free standing gantry sign at Staples, Unit 1	R	17.12.03
05/0905	Subdivision of the Staples unit 5 & 6 and new mezzanine floor in each new unit	A	03.08.05
08/0965	External alterations to elevations and internal works to create two retail units	A	18.07.08
08/1635	Variation of condition 3 to planning consent S/2008/0965	Undetermined	

Members should also be aware that there is also another application for a discount foodstore lodged with the Council (S/2008/0550), related to the creation of a Lidl foodstore on the existing haulage site opposite the Wickes store off Hatches Lane. This application is subject of a separate officer report on this agenda.

## 5. The Proposal

Planning application S/2008/0965 granted consent for the subdivision of Unit 1 Bourne Retail Park, currently occupied by *Staples*, to two smaller units. A bulky goods condition was applied to this consent, similar to how the existing units are controlled, in order to ensure that the type of retailers occupying the unit would not be those most likely to directly compete with shops in the city centre. This condition stated:

*The range and type of goods to be sold from the two retail units hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores.*

The applicants now wish to allow one of the subdivided units (referred to as "Unit 2") to be occupied by

a discount food retailer. No end user for the unit is specified, but potential occupiers could include stores such as *Aldi*, *Lidl*, or *Netto*. The intention would be for *Staples* to then downsize and occupy the other subdivided unit. Consent is therefore sought to vary the bulky goods condition of consent S/2008/0965 in order to include a food retail use.

## 6. Planning Policy

The following development plan policies and national planning guidance are considered relevant to this proposal:

Local Plan policies G1, G2, TR1, TR11, TR14

Structure Plan policies DP1, DP2, DP5, DP6, TR11

PPS1: *Sustainable Development*; PPS6: *Planning for Town Centres*; PPG13: *Transport*

Other planning documents of relevance include:

SDC Retail & Leisure Needs Study (October 2006)

The Salisbury Vision, including aspirations for the Southampton Road area

## 7. Consultations

Wiltshire Council Highways	No objection to affect on the county highway.
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Highways Agency	No objection subject to securing the implementation of the applicant's travel plan.
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Environmental Health	No objection.
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## 8. Publicity

The application was advertised by site notice / neighbour notification

Expiry date 23/10/08

1 letter of objection was received on the grounds that a food retail use in the proposed location would have a significant impact upon the vitality and viability of the town centre.

## 9 Planning Considerations

### 9.1 Principle of development

The site is not specifically allocated for a food retail use within the Local Plan, and therefore the proposal should be considered on its merits in relation to guidance contained within PPS6. Section 3 of PPS6 sets out the relevant policy considerations which apply to the application. Applicants are required to demonstrate the following:

- The need for development, having regard to quantitative and qualitative factors;



- That the development is of an appropriate scale, having regard to the catchment area it is to serve;
- That there are no more central sites, within the existing town centre for the development, i.e. the “sequential approach”;
- That there are no unacceptable impacts on existing centres; and
- That locations are accessible to their intended catchment by sustainable transport modes.

The following paragraphs address the above matters:

## **9.2 Impact upon vitality and viability of town centre**

Whilst the above criteria contained within PPS6 provide clear guidelines for assessing retail developments, matters are complicated in this case by several concurrent retail proposals and future development which require cumulative affects to be considered.

Other concurrent proposals and future developments include:

- The Tesco and Asda food store planning applications at Amesbury (Asda and Tesco), currently being considered by the Planning Inspectorate following a recent public inquiry, with a decision not expected until later in the year;
- The Lidl food store planning application at Hatches Lane, off Southampton Road, currently being considered by the Council;
- The future planned redevelopment of the Maltings, which includes the provisions of a larger food store, as provided for within the Local Plan and plans for the forthcoming LDF and Salisbury Vision

Consequently, officers have employed consultants *GVA Grimley* to provide specialist retail advice on the potential impacts of the Bourne Retail Park and Lidl Hatches Lane planning applications, including their relationship with the proposed Amesbury and Maltings food store developments.

Taking into account this advice from *GVA Grimley*, the PPS6 criteria are examined below:

### **A) Assessing the Need for Development**

PPS 6 is clear that “Need” must be demonstrated for the proposal as it is sited within an out of town location. Need is considered in both “quantitative” terms (i.e. is there sufficient demand expenditure in the catchment for the proposal?) and “qualitative” terms (i.e. will the proposal contribute to the overall retail offer of the catchment?).

The applicants retail assessment is specifically based on the fact that the proposal in question is a “deep discount foodstore” and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Dealing first with quantitative need, although the applicant initially demonstrated that there would be sufficient capacity for the store’s projected sales figures, their initial analysis took no account of the cumulative impact of other current proposals. *GVA Grimley* note that “If one or both of the current food store proposals proposed in Amesbury were to be permitted... we would question whether there would be any significant convenience goods capacity arising in Salisbury in quantitative terms.” This is because residents in the Amesbury catchment who currently shop in Salisbury would be more likely to be drawn to a new Tesco and/or Asda in Amesbury, thereby reducing the turnover of the main Salisbury stores.



The applicant has however now supplied some additional clarification regards the cumulative impact of the proposals, and GVA Grimley has indicated that it is happy with the response.

As for qualitative need, it is noted that there are currently no such national multiple discount food retailers in the urban area of Salisbury, with the nearest being the Lidl store in Amesbury. The proposal would therefore meet this need, although *GVA Grimley* questioned the need for two discount food stores in the Southampton Road area, which would occur if both this and the Lidl Hatches Lane developments were approved. However, *GVA Grimley* advise that this is probably not a strong enough reason on its own to refuse the proposal.

As a result of GVA Grimley's advice that the applicants further clarification is acceptable, (and the fact that judging by the public response to the Lidl application there appears to be a high level of support for a discount foodstore from the public), officers accept that there is a "need" for the proposal.

#### B) Securing the Appropriate Scale of Development

The size of the food retail area of the proposed store would be reasonably small for a multiple food store operator (just over 900sqm) and is not considered to be out of scale for the Salisbury urban area and its catchment. However, when taken with the concurrent proposal for a Lidl store at nearby Hatches Lane (approx 1640sqm), the scale of discount retail floorspace in the Southampton Road area would be relatively large, resulting in a less than ideal distribution across the urban area. However, as above, on its own it is not considered that this would be a strong reason to not permit the proposal.

#### C) Applying the Sequential Approach to Site Selection

The guidance contained within PPS6 states that developers should be "flexible" when exploring the possibility of more central sites and that all options in the centre should be "thoroughly assessed" [paras. 3.14 and 3.15]

At the time the application was first submitted, the applicant undertook a sequential test to identify whether there are any available sites within Salisbury city centre to accommodate the food store. However, since undertaking that initial assessment, the economic climate has altered considerably and a number of stores within the city centre have become vacant, including the former Woolworth's store.

The Council's retail consultant GVA Grimley considered that the applicants had not undertaken an appropriate sequential assessment, to demonstrate why a discount retailer could not practically operate from within the town centre. The applicant was therefore requested to supply additional, up to date information regards this matter.

The applicant has subsequently undertaken such an additional assessment which indicates that having looked again at the vacancies in the city centre, most vacant units were considered too small. Regards the vacant Woolworths store, the applicant goes on to indicate that this store would be unsuitable as its ground floorspace of 2,908sqm is considerably larger than that suggested for this proposal, and further indicates the former Woolworths store does not, in their opinion, lend itself to subdivision, and suffers because of a lack of adjacent parking and due to its awkward loading and delivery area, which requires HGV's to wait in the highway, and use a narrow alleyway to the side of the shop. There is apparently no loading area available to rear of the shop adjacent the river. The applicants also point out that the subdivision of the store would result in the loss of a

large retail unit in the town centre.

GVA Grimley has indicated that it is now satisfied that this matter has been covered adequately, and consequently, officers are now satisfied that the applicants have undertaken an appropriate sequential assessment, and have adequately demonstrated why a discount retailer could not practically operate from within the town centre.

#### D) Assessing Impact

The guidance contained within PPS6 is clear that cumulative effects are an important consideration within the assessment of out of town development proposals upon the vitality and viability of existing centres [para. 3.21].

The applicants retail assessment is specifically based on the fact that the proposal in question is a “deep discount foodstore” and develops an argument the impacts of the proposal would be different to those resulting from a normal retail operation.

Following concerns from GVA Grimley the applicant has now considered the cumulative impact of both its own application for a discount food store and the concurrent application for a second discount food store on Hatches Lane (Lidl). The applicant has also considered the implications of new food stores in Amesbury and the impact of the recent Tesco extension and potential redevelopment of the Maltings, which includes the provisions of a larger food store.

GVA Grimley has indicated that it is now happy with the applicants assessment of the impact of the proposal. Consequently, officers are now satisfied that the proposal, either by itself or cumulatively with other retail scheme (including the second discount foodstore scheme) will be unlikely to harm the vitality and viability of the city centre.

### **9.3 Access / Highway considerations**

#### E) Ensuring Locations are Accessible

PPS6 describes two factors which should be considered in terms of accessibility, first in terms of a choice means of transport, and second in terms of the impact on car use, traffic and congestion.

With regards to the impact of the development on car use, traffic and congestion, this is a key consideration within the determination of this application due to the potentially controversial nature of additional traffic on Southampton Road. The Highways Agency initially issued a Direction of non determination, whilst they requested further information from the applicant, which prevented the Council from progressing the application.

The applicant subsequently undertook detailed work to predict traffic generation from the proposed use, including new traffic flow counts and queue surveys at the Southampton Road / Bourne Way roundabout, and use of Highways Agency data to determine future traffic flow growth.

The results showed a net development trip generation of 16 additional two way trips during the Friday PM peak and 12 additional two way trips during the Saturday peak (which was found to be the busiest period during the week).

Both the HA and the highway department of this Council seem to accept that this proposal could add to the congestion within the road system around the site and Tesco's. However, this particular area is not adopted highway, and therefore the main concern of both highway authorities is the

adopted A36 system, which in their opinion, would not be significantly affected, if a Travel Plan is adhered to, and which could result in a reduction of traffic in and around the application site. They also believe that any congestion generated on the unadopted road system around the application site and Tesco's car park would be self regulating.

The site would be accessible on foot and bicycle from the town centre and adjoining residential areas. There are bus stops situated on Southampton Road with regular trips from surrounding areas. It is noted that the proposal also presents opportunities to link trips given the site's proximity to other nearby retail uses. The applicants have also provided a travel plan to promote the use of such sustainable transport modes. With regards to parking matters, it is considered that appropriate levels of parking would be provided by the existing Bourne Retail Park car park, as per guidelines contained within Appendix VI of the Local Plan.

Consequently, based upon the forecasted traffic generation from a proposed food use, together with the submitted travel plan and recent traffic modelling, and taking into consideration that the existing retail unit already attracts traffic to the area, the Highways Agency do not consider that the proposal would have a materially harmful impact upon the strategic road network, and have removed the Direction. Securing the implementation of the travel plan by appropriate means would be essential were the application to be permitted.

Therefore, whilst officers understand the concerns related to additional traffic congestion around the application site, given the stance of the highway authorities regards this application that the suggested Travel Plan will create a situation where the proposed foodstore will ultimately have limited impact on the road system around the site, it is considered that a refusal on highways grounds would be difficult to support.

## **10. Conclusion**

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore (Lidl).

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

## Recommendation

That subject to all parties entering into a Section 106 Agreement to:

- d) Restrict the range and type of goods to be sold from the premises (to enable the Local Planning Authority to exercise adequate control over the range of goods sold from the premises in the interests of maintaining the vitality and viability of the town centre); and
- e) A Travel Plan is entered into which will encourage more sustainable journeys, and will encourage the reduction of vehicular traffic within the existing highway system around the site, including the A36 Road;

Within 3 months of the date of the committee

then the permission be GRANTED for the following reason:

This proposal has been considered against and in conjunction with other retail schemes which have occurred or have been proposed in the surrounding catchment area, in particular the second application for a discount foodstore (Lidl).

PPS6 seeks to promote town centres as the favoured location for retail developments, and provides five criteria in the assessment of such proposals. Following the submission of additional retail evidence and further comments from GVA Grimley, the local planning authority are now satisfied that the applicant has demonstrated a sufficient quantitative need for a deep discount foodstore and that there would be no detrimental impact to the vitality and viability of Salisbury town centre. Furthermore, the local planning authority are now satisfied that the applicant has undertaken a sufficient sequential assessment to thoroughly assess the appropriateness of retail units which have since become vacant, which notably include a former Woolworth's store in the town centre. The proposal would therefore be in accordance with the aims and objectives of PPS6 and saved policy DP6 of the adopted Wiltshire & Swindon Structure Plan, provided that the operation and size of the store is limited and restricted in accordance with the applicants submitted scheme and retail evidence.

Furthermore, whilst it is acknowledged that the proposal is located in an area which suffers traffic congestion, given that the existing retail store already generates traffic, and following evidence and information submitted by the applicant, and the advice and formal Direction from the Highways Agency, it is considered that a refusal related to the impact of the proposal in highway terms would be difficult to support, provided the impact of the proposal is mitigated through the imposition of a suitable travel plan.

The overall impact on the surrounding area is considered acceptable, given the secluded nature of the site and the commercial character of the wider surrounding area.

and subject to the following conditions:

### 1 :- FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### 2 :- RETAIL- CONTROL OF SHOPPING TROLLEYS

No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved

scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

POLICY--[G2 visual amenities and highway safety]

3 :- The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: In the interests of visual amenity

POLICY G2 (general amenities)

4 :- There shall be no further internal subdivision of the building for the purposes of creating units of less than 935 square metres internal floor space.

REASON: In the interests of ensuring that units are still suitable for bulky goods and do not harmfully compete with the town centre.

5 :- The range and type of goods to be sold from the separate retail unit created in the other half of the existing unit currently operated by Staples (as permitted by permission S/2008/0965) shall remain as stipulated by condition 03 of that permission, namely the following: DIY and/or garden goods; furniture; carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; office equipment and bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the operation of any of the proposed stores. The retail use of "unit 2" as defined by the red line of this application is covered by the S106 Agreement associated with this permission.

REASON: For the avoidance of doubt, and to ensure that the use of the remaining retail unit unit previous permitted is restricted, in order to limit the impact of the proposal on the vitality and viability of the city centre, in accordance with the aims of PPS6.

6 :- Before development commences, details of the cycle storage and bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

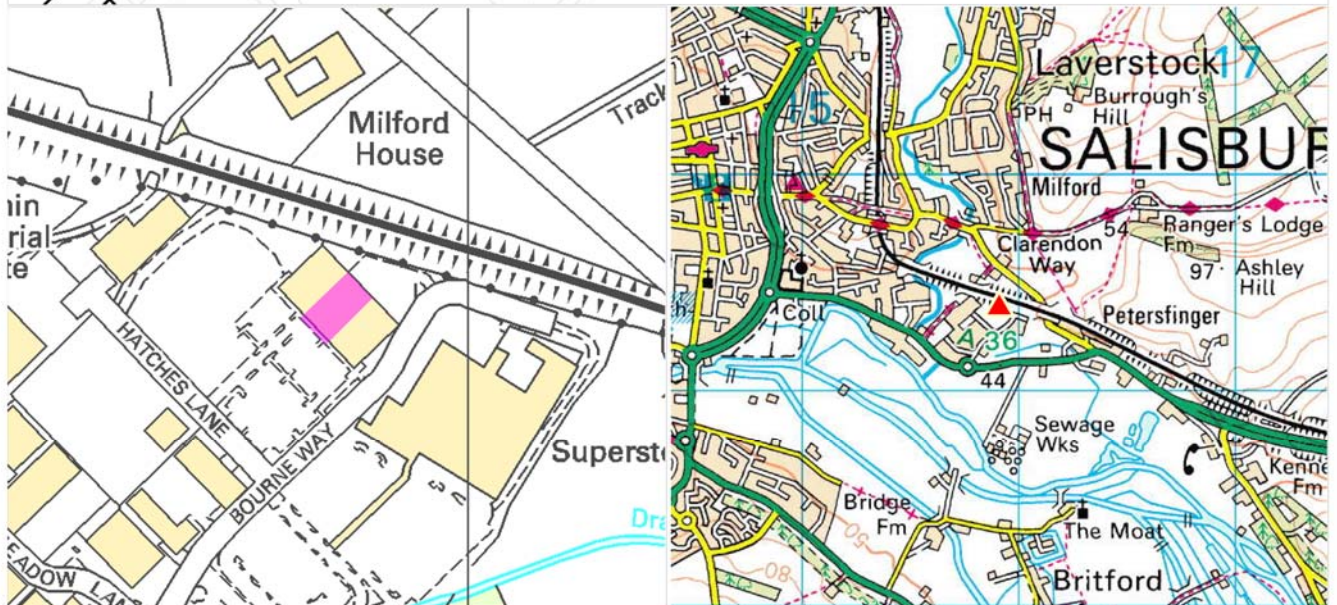
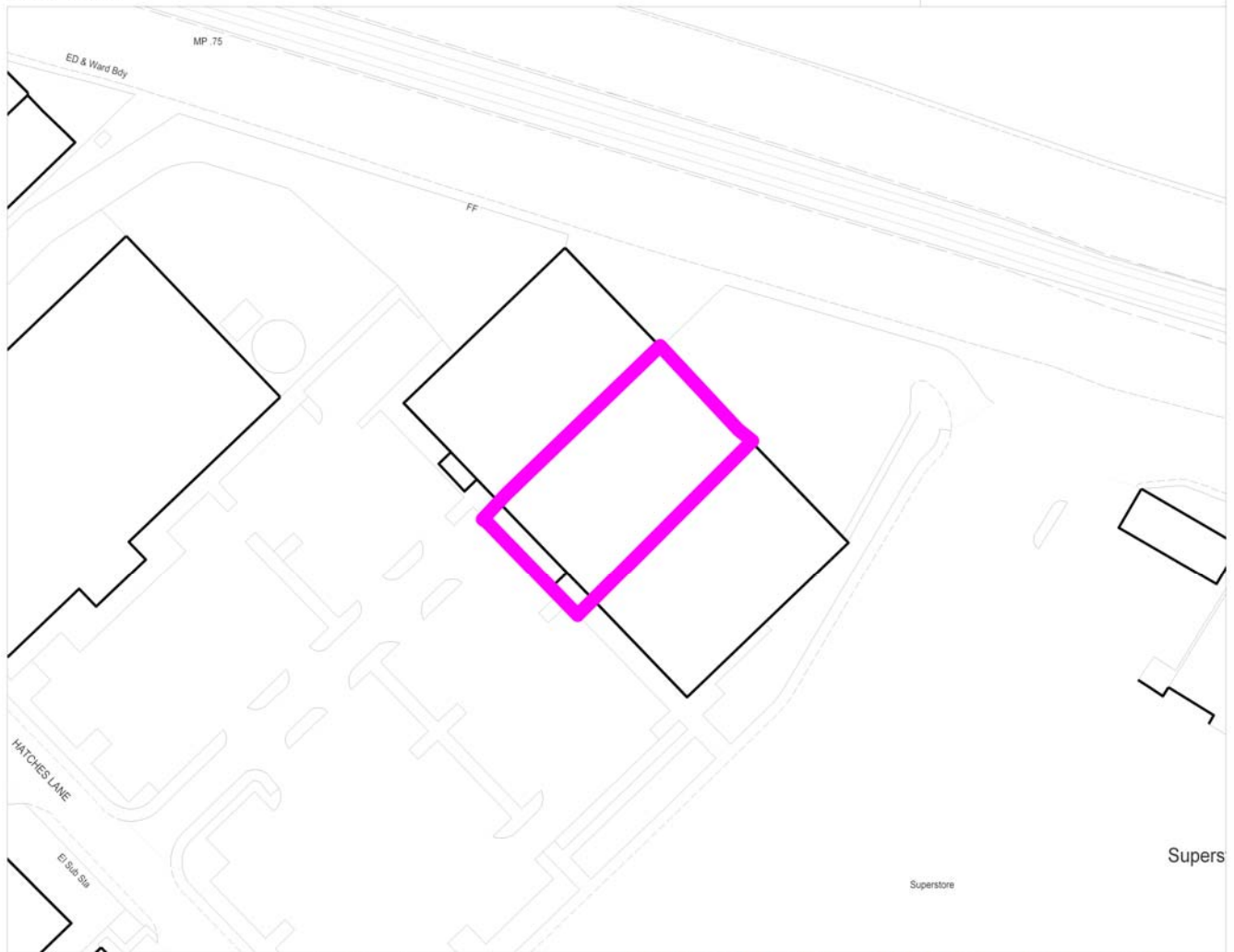
REASON: In the interests of amenities and sustainable travel

POLICY G1 & G2

(B) Should the S106 not be completed within the timescale specified in (A) above, the the Director of Development Services be authorized to refuse the application for reasons of retail and highway impact

Appendices:	None
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Background Documents Used in the Preparation of this Report:	PLANS AND DATE RECEIVED API/BRP/SLP-02 – 6 <sup>TH</sup> AUGUST 2009 08.33.03 – 6 <sup>TH</sup> AUGUST 2009 08.33.04 – 6 <sup>TH</sup> AUGUST 2009
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Deadline	28-May-2009		
Application Number:	S/2009/0482		
Site Address:	HALF ACRE FROG LANE CHILMARK SALISBURY SP3 5BB		
Proposal:	RAISE ROOF OVER EXISTING BUNGALOW TO PROVIDE ADDITIONAL ACCOMMODATION AT FIRST FLOOR LEVEL. INSERTION OF THREE DORMER WINDOWS TO SOUTH WEST ELEVATION OF EXTENDED ROOF		
Applicant/ Agent:	MR MARTIN ALLEN		
Parish:	CHILMARKNADDER VALLEY		
Grid Reference:	396971.9 132543.9		
Type of Application:	FULL		
Conservation Area:	CHILMARK	LB Grade:	
Case Officer:	Mr W Simmonds	Contact Number:	01722 434553

### Reason for the application being considered by Committee

Councillor Deane has requested that this item be determined by Committee due to:  
The concerns expressed by the parish council in respect of the height of the proposed roof.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions

### 2. Main Issues

the main issues to consider are :

1. Scale, design and materials
2. Impact on neighbour amenity
3. Impact on the adjacent conservation area
4. Impact on the surrounding AONB
5. Precedent

### 3. Site Description

Half Acre is a detached bungalow situated within the settlement of Chilmark. The property is set back from the road by approximately 45 metres and is approached by a relatively narrow driveway running between the boundaries of neighbouring properties (also bungalows) of Little Langdale, Dinmont and Angoni. The site lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and adjoins the Chilmark conservation area on its north and east boundaries.

4. Planning History		
Application number	Proposal	Decision
S/1998/1895	Demolition of timber garage & erection of double garage & store	AC 08.01.99
S/2008/1905	Raise roof over existing bungalow to provide accommodation at first floor level (includes 3 x dormer windows to south west elevation)	REF 30.12.08.

## 5. The Proposal

The application proposes the provision of first floor accommodation by raising the height of the main part of the existing roof of the property, together with the addition of three dormer windows within the front facing (south west) roof slope.

## 6. Planning Policy

Adopted Salisbury Local Plan (saved) policy G2 (General Criteria for Development)  
Adopted Salisbury Local Plan (saved) policy D3 (Design)  
Adopted Salisbury Local Plan (saved) policy CN11 (Conservation Areas)  
Adopted Salisbury Local Plan (saved) policy C5 (Landscape Conservation)

## 7. Consultations

Chilmark Parish Council – Object to the proposed development on grounds that the increase in height of the roof would be detrimental to visual amenity within the village and the adjoining conservation area. The Parish Council previously objected to planning application S/08/1905 on grounds of overlooking of adjacent properties, being out of keeping with the character of the village, and setting an undesirable precedent for similar roof enlargements.

## 8. Publicity

The application was advertised by site notice and neighbour notification letters  
Expiry date 07.05.09

One letter and one email objecting to the proposed development were received.  
Summary of key points raised – Adverse impact on the adjoining conservation area, excessive scale of the extended roof and overlooking of adjoining neighbouring property.

## 9. Planning Considerations

### 9.1 Scale, design and materials

The proposal involves the construction of a new enlarged roof over the existing position of the main roof of the bungalow to achieve sufficient space within the resultant roof void for additional ancillary accommodation. The effective increase in ridge height would be approximately 2 metres. The previously refused scheme was refused for the following reason:

*“The proposed increase in the height of the main transverse roof of Half Acre equates to approximately 1.9m, and would include three relatively large dormer windows within the front of the extended roof slope. These dormer windows would face approximately south west. The closest of the dormer windows*



*to the adjoining bungalow known as Dinmont would be approximately 8 metres from the boundary between the two properties and approximately 14 metres from the nearest south east facing window (on Dinmont). The boundary treatment between the two properties is a hedge of approximately 2 metres height. By reason of the creation of new first floor dormer windows within the enlarged roof of Half Acre in relative close proximity to the neighbouring property at Dinmont, it is considered the proposal would result in the undue overlooking of Dinmont to the detriment of the amenity of neighbouring occupiers. As such the proposed development is considered discordant with policy G2 of the saved policies of the adopted Salisbury District Local Plan”*

The current proposal differs from that previously refused in that the three proposed dormer windows within the south west roof plane which have been significantly reduced in size and the windows within the dormer on the west side are now obscure glazed. The materials proposed for the enlarged roof are clay tiles with clay tiles hanging on the cheeks of the dormers.

The proposal is considered compatible in terms of the scale, design and character of the existing property and proposes the use of complementary materials. The development would integrate satisfactorily in relation to other properties and the overall landscape framework.

### **9.2 Impact on neighbour amenity**

The proposal differs from the previously refused scheme in that the three proposed dormer windows within the south west roof plane have been significantly reduced in size and the windows within the dormer on the west side are now specified as being obscure glazed.

As a result, the closest non-obscure glazed dormer window to neighbouring Dinmont would be approximately 10 metres from the window to the boundary between the two properties (the boundary being a mature hedge of approximately 2 metres in height), and approximately 18 metres from the closest part (north east corner) of the neighbouring bungalow. In this respect it is considered the amendments to the proposed development have overcome the previous reason for refusal as the reduction in size of the windows, together with the obscure glazing of the westernmost dormer mitigates the previously undue level of overlooking of neighbouring Dinmont.

It is therefore considered that for the reasons detailed above, the revised proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

### **9.3 Impact on the adjacent conservation area**

The property adjoins the conservation area on its north and east boundaries. The immediate surrounding area is generally well foliated with numerous trees and hedges. By reason of its relatively secluded position set well back from the road, the presence of numerous trees and hedges in the immediate surrounding area and the presence of existing taller dwellings immediately adjoining the site, it is considered the proposed development would not be unduly visually conspicuous within the street scene and would not adversely affect views into or out of the adjacent conservation area.

The conservation officer, although not formally consulted on this resubmitted application due to revised internal consultation policies, raised no objection to the previously submitted (larger) scheme, on which he commented *‘The site lies outside of the conservation area, although it is bounded on three sides by it. I doubt that the proposals would have an adverse impact on the CA as it is quite well surrounded by treed boundaries, however I would recommend that you consider this when determining the application’.*

### **9.4 Impact on the surrounding AONB**

By reason of the appropriate scale, design and materials of the proposed development, the siting and scale of the proposed development are considered sympathetic with the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, in general and with respect to the particular locality.

### **9.5 Precedent**

Any proposal to increase the roof height on bungalows in the surrounding area would require the consent of the local planning authority and would be considered on its individual merits. The granting of planning permission at one site would not prejudice the ability of the local planning authority to refuse a similar scheme at a neighbouring property should the particulars of that scheme be discordant with the policies of the Development Plan.

## **10. Conclusion**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), CN11 (Conservation Areas) & C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan insofar as the proposed development is considered compatible in terms of the scale, design, materials and character of the existing dwelling, and would not adversely affect the amenity of neighbours. The proposed development would not adversely affect views into or out of the adjoining conservation area and would not be detrimental to the natural beauty of the surrounding AONB.

## **Recommendation**

That permission be GRANTED for the following reason

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design), CN11 (Conservation Areas) & C5 (Landscape Conservation) of the saved policies of the adopted Salisbury District Local Plan insofar as the proposed development is considered compatible in terms of the scale, design, materials and character of the existing dwelling, and would not adversely affect the amenity of neighbours. The proposed development would not adversely affect views into or out of the adjoining conservation area and would not be detrimental to the natural beauty of the surrounding AONB

And subject to the following conditions

1 :- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 :- Before the development hereby permitted is first occupied/brought into use, all window(s) in the westernmost dormer window shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.  
POLICY G2 (General Criteria for Development)

Appendices:	None
Background Documents Used in the Preparation of this Report:	Local plan documents as detailed at 6 (above) Plan Ref WEB289-3 F . Date Received 02.04.09 Plan Ref WEB289-1 B. Date Received 02.04.09

RAISE ROOF OVER EXISTING BUNGALOW TO PROVIDE ADDITIONAL ACCOMMODATION AT FIRST FLOOR LEVEL. INSERTION OF THREE DORMER WINDOWS

S/2009/482

