

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No. 1**

<b>Date of Meeting</b>	7 <sup>th</sup> April 2016
<b>Application Number</b>	15/09465/FUL
<b>Site Address</b>	Land Adjoining the Old Manor Hospital  Wilton Road  Salisbury  Wiltshire  SP2 7EP
<b>Proposal</b>	Demolition of Foxley Green, Porters Lodge and single storey rear extensions to Finch House. Construction of 71 assisted living extra care units (C2 use class) with associated communal facilities, bin stores and landscaping. Construction of new convenience store. Construction of new vehicle entrance off Wilton Road and works to boundary walling
<b>Applicant</b>	Mr Julian Shaffer
<b>Town/Parish Council</b>	SALISBURY CITY
<b>Electoral Division</b>	SALISBURY ST PAULS – Councillor Richard Clewer
<b>Grid Ref</b>	413395 130409
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Richard Hughes

**Reason for the application being considered by Committee**

Cllr Clewer considers that this proposal needs to be considered by the Committee given the scale of the project and the likely impact of the works on the character of the area and the highway system, and the need to ensure the scheme is part of a wider enhancement of the site.

**1. Purpose of Report**

To recommend to Members that the scheme be APPROVED, subject to a suitable S106 legal Agreement, and conditions

**2. Report Summary**

- a) Principle of development and policy context

- b) Design, and Impact on heritage assets including listed buildings and the wider conservation area/archaeology
- c) Impact on highway safety/A36 corridor/parking
- d) Affordable housing/extra care facilities
- e) Drainage/flooding
- f) Noise and disturbance and impact on amenity
- g) Ecology
- h) S106 and conditions

### **3. Site Description**

The red line of this application site covers a modest part of the southern section of a much larger site known locally as the Old Manor Hospital site, which extended to the north and south of the A36. This wider area is defined by the limits of the Conservation Area.

The southern part of the wider site in which the application site sits consists of two grade ii listed buildings Avon House, and Finch House. These formed part of a wider complex of buildings which operated as a hospital up until 2000, when the use ceased. Much of the former hospital related buildings which were located between and adjacent to the listed buildings on the site have since been removed. This southern part of the site is bounded by a high boundary wall which bounds the A36, and there are a number of mature trees adjacent to this wall within the larger site.

The current application site covers extensions and additions to Finch House, and includes a modern gate house, which is located adjacent the existing vehicular access onto the A36. The site also includes part of the brick boundary wall of the larger site, and a building known as Foxley Green, a modern single storey building which was up until recent years used for health services, but is now empty.

In the last 15 years, a complex of modern health related buildings have been erected along the southern edge of the wider site, including the recently completed surgery complex adjacent Finch House. Furthermore, the listed Kennet House, to the east of the new surgery complex, was in recent years refurbished as a religious meeting hall.

Along the southern edge of this wider, larger southern site lines the main railway line and ancillary buildings, and to the east and west, a mixture of residential and industrial buildings (including the Ashley Road industrial estate to the south west).

To the northern side of the A36, the Conservation Area now encompasses the Courts, with Orchard House (residential move-on centre for young people) to the rear, and abut Manor Fields primary school. Also to the north east is the recently built nursing home complex (formerly Llangarren), as well a number residential properties, two of which are listed (The Paragon). There is also the former (unlisted) entrance gate house which originally served Llangarren manor.

### **4. Planning History**

The wider historic site has been the subject of a number of applications for works over recent years, some of which are listed below.

15/09519/LBC      Demolition of existing extension to Finch House & erection of new extension. Works to existing boundary wall

S/2012/0017	Demolition of Downton House, refurbishment and conversion of the Ballroom and erection of new building to provide a primary health care centre (Use Class D1), retail pharmacy (Use Class A 1), associated car parking, cycle parking, ambulance drop off zone, landscaping and boundary treatment.
S/2012/0018	Demolition of Downton House
S/2006/0433	demolition of two timber framed buildings (former nightingale ward and contractors' site office)
S/2000/1035	demolition of garages and part of existing boundary wall reduction of height of retained wall
S/2002/1571	demolition of lindford and shear water wards buildings within old manor hospital site
S/2002/1572	demolition of brooks house and crane ward buildings within old manor hospital site
S/2006/1647	alteration of planning consent s/05/1842 to include additional parking, new store to the old manor social club, new access to montague house and changes to fenestration
S/2005/1842	demolition of existing structures including tree removal and erection of 3 storey combined courts centre and creation of new vehicular access car parking and associated works
S/2005/1839	demolition of existing structures including tree removal and erection of 3 storey combined courts centre and creation of new vehicular access car parking and associated works

## 5.The Proposal

It is proposed to demolish the existing extensions to listed building Finch House and also remove the existing detached buildings in the vicinity (including Foxley Green previous occupied by the NHS Mental Health Partnership), and construct 71 assisted living extra care units. The scheme would also include associated landscaping, ancillary buildings and uses such as a cafe and communal uses and rooms, including a new convenience store of 422sqm.

This proposal also includes works to alter the existing vehicular access onto the adjacent A36, which would involve works to the existing boundary walling, including stopping up the existing access, creating a new vehicular access, and creating a pedestrian access.

At this time, it is intended that this proposal would form Phase 1 of part of a much larger development of the surrounding Old Manor site (a total of 5 Phases), including future works to the adjacent Finch House itself (Phase 2). As currently indicated by the suggested masterplan and phasing, Phase 5 would facilitate the creation of a cycle and pedestrian route with the adjacent Windsor Road.

## 5. Local Planning Policy

## Wiltshire Core Strategy

Saved plan polices H3 & E6 – Old Manor site  
Saved plan policy – D8 Public Art  
Saved plan policy S3 (retail)

Core Policy 1: Settlement strategy  
Core Policy 3: Infrastructure requirements  
Core Policy 20: Strategy for the Salisbury Community Area  
Core Policy 21: Retail and city centre  
Core Policy 36: Economic regeneration  
Core Policy 38: Retail and leisure  
Core Policy 41: Sustainable construction  
Core Policy 43 & 45, 46: Affordable Housing/Meeting housing needs  
Core Policy 50: Biodiversity and Geodiversity  
Core Policy 51: Landscape  
Core Policy 55: Air Quality  
Core Policy 57: Ensuring high quality design and place shaping/amenity/art  
Core Policy 58 : Ensuring the Conservation of the Historic Environment  
Core Policy 61 – transport and new development  
Core Policy 62 – development impacts on the transport network

Wiltshire Waste Core Strategy policy WCS 6

National Planning Policy Framework (March 2012), in particular Section 7 (requiring good design), Section 11 (conserving and enhancing the natural environment).

National Planning Practice Guidance (March 2014)

Old Manor Conservation Area Appraisal

Old Manor Development Brief

## **6. Summary of consultation responses**

**WC Spatial Planning** – Development accords with adopted and saved policies of the WCS, and with wider national planning policies.

**WC Highways** – No objection subject to conditions

**WC Open space** - There is adequate open and communal space provided on the site, which will be maintained by a management company. Therefore I would not wish to make comment on this application

**WC Archaeology** - I would recommend that a phased programme of archaeological works should be conditioned on any planning permission. The first phase of these works would be likely to include a combination of watching brief and evaluation. Conditions suggested.

**WC Education** – Do not wish to comment given the housing is for elderly

**WC Housing** - Core Policy 43 of the Wiltshire Core Strategy sets out a requirement for 40% on site affordable housing provision with a net gain of 5+ dwellings within Salisbury.

With this in mind, a 40% affordable housing provision applied to the above proposals would equate to 28 affordable units. However, in conjunction with the above application an affordable housing viability assessment report was also submitted.

The viability assessment has been examined by the Council's Strategic Projects Development Manager, after much consideration and discussion with the applicant having particular regard to the substantial abnormal development costs and the purchase price of the site, it has subsequently been advised by the Development Manager and a third party independent Quantity Surveyor who appraised the submitted evidence, that there is not sufficient capital raised by the scheme to afford the on-site affordable housing provision. An off-site affordable housing contribution has therefore been agreed, in lieu of any on-site affordable housing provision.

It must be noted that the Core Policy 43 compliant affordable housing commuted sum for the said scheme is £862,809, however from the viability conclusions reached, it is evident that the scheme is not able to afford the full amount.

Therefore, the sum agreed is £3,250 per unit which is to be made on the sale of each unit, or in total for the 71 phase units by 30 months after the first sale (phase specific), which on this occasion equates to £230,750. It must however be noted that the scheme is likely to provide 128 additional units which will also be subject to the said sum of £3,250 per assisted or retirement living units.

Further, should any future General Needs Open Market units proposed, the Core Policy 43 affordable housing provision will be endeavoured to be sought as necessary in the first instance. The affordable housing commuted sum is to be secured by means of s106 agreement, and on receipt of the funding it will be used to assist the delivery of off-site affordable housing schemes in Wiltshire.

**WC Urban Design** – Objection to original plans due to various architectural details and treatments

**WC Ecology** -The Ecological Appraisal and Phase 1 and 2 Bat surveys Report (Lindsay Carrington Ecological Services Ltd, updated August 2015) is adequate to support this application. Site holds low potential for protected species and no bats were found during the phase 2 surveys. I believe this development is taken account of in the Nutrient Management Plan for the River Avon SAC. I have no further comments to make.

**WC Drainage** – No objections to amended plans subject to conditions

**WC Waste and recycling** – No objections subject to a financial contribution in line with adopted policy

**Highways England** – No objections to the proposal subject to certain conditions being imposed on any consent, including a condition which relates to works and traffic restrictions being in place prior to commencement and occupation which restrict and improve traffic movements with respect to the A36 and the proposed access.

**Environment Agency** – No objection subject to conditions

**Wessex Water** – General response related to arranging drainage matters

**Historic England** - This proposal is for the redevelopment of a brown field site that forms part of the land that is designated as the Old Manor Conservation Area. Within the site are a number of Grade II listed buildings and other buildings and structures, some of which are curtilage listed. Whilst Historic England welcomes the opportunity to consider a proposal for the redevelopment of this long-neglected site, we are concerned about the lack of a rigorous evidence base to inform the masterplan and with the phasing of the development that leaves the heritage assets potentially vulnerable. However, we also believe that there may be scope to redesign a scheme on this site that is less harmful and would, therefore, be happy to look at any revisions that come out of any negotiations.

**Salisbury City Council** - support this application with the following comments:

- The impact on conservation interests, particularly the fabric and setting of the listed buildings, needs careful consideration.
- Existing trees make an important contribution to the Old Manor Conservation Area and every effort should be made both to retain existing mature trees and also to plant appropriate larger species wherever possible.
- Given the air quality issues on Wilton Road there needs to be an assessment of the air quality impact of the development, and steps to mitigate any impact need to be taken.
- The installation of PV panels to help reduce the CO2 emissions from the site is supported.
- A Travel Plan is referred to in the Transport Assessment. This should cover staff and visitors to the site as well as residents.
- The proposal for an on-site car share scheme is supported. Consideration should be given to electric car charging points for some of the car share and other parking bays. These would make some contribution towards mitigating air quality impacts.

## **7. Publicity**

826 letters and other communications have been received, (largely generic letters supporting the scheme), and also raising the following points:

- Scheme will enhance the dilapidated site
- Scheme will improve the economy of the area
- Will bring much needed investment
- Development seems very high
- Provide much needed elderly housing
- Welcome new shopping facilities
- Will bring footfall to Fisherton Street and enhance the economy
- Will improve Wilton Road
- Will improve listed buildings on the site
- Concern about traffic impacts
- Concern regards impact of future phases and any community buildings
- Will landscaping be delivered and of quality
- We need hotel as well as housing
- Will additional elderly impact on existing surgery workload

**Ministry of Justice** – Concern about the impact of construction works on the operation of the adjacent crown courts. Some form of construction plan is required to be agreed in this respect.

**Avon and Wiltshire NHS Trust** – Foxley Green building will be removed and we have already relocated the facilities, so this will have no detriment on our clinical activities. Welcome the redevelopment generally as the derelict nature of the site raises Health and Safety issues. Development would appear to respect our service users privacy. There may be a synergy between the planned housing and the NHS facilities, including use of the planned group rooms. Also, the development may lead to improvement along the Fountain Way private road system which currently has parking and security issues.

**Salisbury Conservation Advisory Panel** – Design of phase 1 not of a standard appropriate for the Conservation Area and the much needed regeneration of the site.

**Salisbury Civic Society** – The Society has no objection to the overall principle of developing the site for the proposed use, but it feels there are major opportunities for improving the details of the scheme. Overall, the Society accepts that the price paid for the site, coupled with the considerable expense of rescuing its long-neglected listed buildings, dictates a high density development a long way removed from the former mental hospital character. Nevertheless, within these constraints there is scope for a less heavy-handed approach, as demonstrated by one relatively small part of the scheme itself. A further demonstration comes with the indication in the application documentation of the likely design of the final phase of the Quantum scheme, the Station Courtyard in the SE corner of the whole Old Manor site, which again uses a refreshingly simple approach. Detailed comments regards the details of the landscaping and planting.

**Salisbury BID** - confirm the support of the BID Board for the long awaited and much needed redevelopment of the Old Manor Site on the Wilton Road. We have been shown the plans as they have developed over the last 6 months and feel the redevelopment of this site, which is on one of the key gateways to the City, which has sadly been allowed to fall in to chronic decline over the years, can only be good for the City. Any developments that increase the affluence of Salisbury, delivers much needed local housing solutions and provides additional customers for existing local businesses can only be viewed as a positive move. The location of the site gives easy access into the City for the walker as well as excellent transport links – all of this will bring additional business and footfall for local businesses. We also trust that as part of this development, the developers will take into consideration feedback from organisations such as the Salisbury Civic Society & Salisbury Conservation Advisory Panel.

**Salisbury Chamber of Commerce** - the development proposed has been sympathetically designed, without overdevelopment, supporting Salisbury's need for housing for the over 55 age group whilst providing a small element of additional jobs through the creation of new convenience shops. The design and layout also helps the site retain its heritage and this is not over compromised within the scheme. We feel that this development will create an increase in the daily footfall of the Fisherton Street gateway to Salisbury, which will help support the local economy there. We are pleased to endorse and support this application, however as this is one of five phases we would like to recommend that a program of protection/refurbishment and/or stability of the existing listed properties is implemented immediately through planning conditions to ensure that any further deterioration on the site is

prevented and would like to see a commitment from the developer to work with regeneration partners and commute a sum of money towards improvements of the street scene of the Wilton Road and Fisherton street areas.

## **8. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

The site is highlighted within the strategic sites map associated with Core Policy 20 of the WCS as a strategic mixed use site. The site remains covered by saved policies E6 & H3 of the previous Salisbury District Local Plan, which indicate that:

*“E6 Office development will be permitted at Old Manor Hospital as part of a mixed development.*

*H3 Residential development will be permitted at Old Manor Hospital. A planning obligation will be sought in respect of educational, recreational and community facilities, together with any other on and off-site infrastructure and facilities where they are necessary, relevant to planning and directly related to the proposed development.”*

The site also remains covered by the Old Manor Hospital Development Brief (adopted in 2000), which reiterates the above policy stance, and also sets some parameters for demolition and new works on the site. The Development Brief, which envisages the removal of much of the modern additions to Finch House, and the development of the surrounding area with modern buildings.

More recently, the site has also been the subject of an adopted Conservation Area Appraisal in 2013. This analyses and explains the historic importance of the buildings and the wider site, and highlights that the wider site contains two listed buildings and three unlisted buildings considered to be “at risk”. It also highlights the need for a masterplan, the removal of the modern buildings on the site, and improvements to boundaries and access.

It is therefore apparent from the various policies connected directly with the site that its redevelopment is acceptable in principle, and that residential development as part of any such redevelopment scheme would also be acceptable.



However, the overall policy stance also refers to the site being utilised other non residential uses, namely employment uses such as offices. This first phase of the development is however solely residential in nature, save for some associated and ancillary uses, plus a small convenience store. The submitted draft master plan shows that the site and the wider Old Manor site are clearly earmarked by the applicant for a largely housing development, in line with their operations as extra care assisted living housing providers.

It is there arguable that this scheme may not fully accord with the historic policy stance related to the site. However, officers would argue in this particular instance that the planned regeneration of the site for assisted living/extra care accommodation may have economic regeneration benefits and accords with policy CP46 of the WCS. The site has laid derelict for some 15 years, and therefore has not played a positive role in the economy of the area, and indeed, may have had a negative impact due to its visual appearance on a main gateway to Salisbury. The assisted living/extra care proposals would at least result in initial economic benefits via construction works, but may also result in some additional employment related to the residential use in terms of on site staffing. The small convenience store will also have some modest economic benefits.

It is also the case that the site identified in the Core Strategy covers a much wider area than just the existing application site, and encompasses the buildings to the east and south of the application site, which have already been developed for health, religious and commercial uses. As a consequence, it may be difficult to argue that a scheme for housing on only part of the allocated site would be contrary to the policies as a whole.

The NPPF (which post dates the relevant local plan policies E6 & H3 and the Development Brief for the site), indicates clearly that:

“22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

And , at para 51 of the NPPF:

“51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”

As a consequence, and in principle, the redevelopment of the application site for housing related development would appear to accord with the aims of national and local plan policies.

## Impact of proposed retail store and other facilities

The NPPF indicates that large retail proposals outside the main town and city centres should be subject of an impact test. Policy CP38 of the WCS reflects this national guidance and indicates that proposals above 200 sqm will be expected to provide information regards the likely impact on the main centre, and CP21 seeks to safeguard existing and proposed retail in the city centre. The applicants have submitted a retail impact assessment . In this case, the proposal involves the provision of a small convenience store (approx 422sqm), intended to serve the residents of the future development, but also serve as a local store for the area. From the various third party letters, there is clear support for such a facility. Whilst the proposed store would exceed the 200sqm referred to in WCS policy, it is well below the 2500sqm limit referred to by the NPPF. Furthermore, whilst outside the main part of the city centre, Wilton Road and its surrounding hinterland serves a large urban area, which extends well outside the city centre edge. The area already contains various local convenience stores and other business which help support the local population, and also reduce the need for residents to travel to and from the main city centre for modest shopping needs. In this context, and given that the application site is a short walk from the main city centre, it is considered that the impact of the planned store in this particular instance is unlikely to be significant enough to have any significant impact on the vitality and viability of the main city centre stores.

The scheme (Phase 1) also includes modest facilities which are intended to primarily be ancillary to the proposed residential units, including external space and seating areas, a cafe, a health hub, a salon and treatment rooms. Given the modest scale of these facilities, it is unlikely that they would attract a large amount of customer even if they were open to all members of the public, and therefore the proposals are unlikely to have a significant impact on the adjacent city centre. It does however appear that some of the meeting rooms in the residential complex may be made available to users of the adjacent existing healthcare facilities. This is considered to be appositive synergy of such uses, and unlikely to have any negative planning impacts. Indeed the inclusion of such ancillary uses meets the requirements of the saved local plan policies related to the site in terms of the overall Old Manor Hospital site being for a mixed use.

## **9.2 Design, and Impact on Heritage assets and wider Conservation Area**

The site is located within the Old Manor Hospital Conservation Area, within which is included the listed Finch House and Avon House, as well as Kennet House, and the residential buildings known as The Paragon, on the northern side of the A36. The now converted Langarren complex and the derelict lodge building, whilst not listed, are considered to be important unlisted heritage assets.

This phase of the proposal involves substantial demolition and removal of existing buildings, including existing extensions/additions attached to the listed Finch House. The planned development would then be within immediate proximity of the original structure of Finch House, and connected to it along the western facade of the listed building. (A separate application for listed building consent in relation to the works proposed directly affecting Finch House and the walling has also been submitted.)

The proposals envisage a group of three storey buildings, arranged around landscaped court yards and ancillary public areas, together with some vehicular circulation and parking areas. Some of this development would be attached to the western facade of Finch House. Works are also proposed to the brick walling which bounds the site to the immediate north.

The National Planning Policy Framework indicates that:

*“133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.*

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

Notwithstanding the above, policy CP58 of the adopted WCS indicates that:

*“Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance, including:*

- i. Nationally significant archaeological remains*
- ii. World Heritage Sites within and adjacent to Wiltshire*
- iii. Buildings and structures of special architectural or historic interest*
- iv. The special character or appearance of conservation areas*
- v. Historic parks and gardens*
- vi. Important landscapes, including registered battlefields and townscapes.*

*Distinctive elements of Wiltshire’s historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57.”*

Whilst the two listed buildings on the site are grade II, Historic England has been consulted on the application due to the scale of the site within a Conservation Area. It has voiced concerns regards a number of matters, and concluded that:

*“..In its current form we seek major amendments to allow greater harmony with the historic context as we consider that the harm caused to the setting of the listed buildings and to the character and appearance of the conservation area currently outweighs any public benefits achieved by the redevelopment. Should this not come forward we advise that the scheme should be determined against Paragraphs 61, 64, 134 and 137 of the NPPF.”*

The Council's Conservation Officer has had significant discussions with the applicants regards the impact and details of the scheme, and also in the context of the Heritage England comments. Whilst she concludes that the scheme as proposed may cause "less than substantial harm" to the heritage assets and is concerned that the scheme may have adverse impact on the setting of Finch House and Avon House, and therefore the wider conservation area, she also acknowledges that the existing site is in a very poor state and that the proposed scheme may result public benefits which may outweigh the harm likely to be caused, particularly any scheme leads to the enhancement of the adjacent Listed Buildings.

Salisbury Civic Society has also voiced concerns regards the impact of the current scheme, although it is also noted that there appears to be significant public support for the redevelopment and enhancement of this site, and it would appear from the third party responses that the current scheme, its design, and therefore its impacts, have significant public support. It can therefore be argued that there appears to be some public/social benefits to the proposals. In particular, the positive responses from Salisbury BID and the Chamber of Commerce indicate that there may well be economic benefits to the scheme.

The comments and concerns of Heritage England and other parties are of course noted. The planned buildings are of a large scale, and it seems likely that once constructed, they will be prominent features in the Conservation Area, and may well challenge the dominance of the existing listed building, Finch House, although other listed buildings in the wider area will be less affected due to the comparative distance with these building and other buildings in between. Notwithstanding this, this site has deteriorated significantly since the previous use ceased in the early 2000's, and the scheme subject of this application is the only significant scheme for redevelopment to be put forward in the last 15 years. Whilst this is in itself not a reason to approve the scheme, it seems likely that unless works are undertaken on the site, the site and its listed buildings will continue to deteriorate rapidly, and remain an eyesore for a number of years into the future. Whilst again, this is not a reason to approve unacceptable development, officers somewhat disagree with Historic England's stance and consider that at the moment, it could be argued that substantial harm is being caused to the listed buildings and the wider heritage assets by the state of dereliction and dilapidation of the site and the buildings, and this can only get worse. In contrast, even though there may be disagreements regards the scale of the works, the current scheme would at least lead to a general enhancement of the heritage assets and the wider area, and hopefully involve the reversal of the decline in the listed buildings and the wider heritage asset. It would appear that this is the view expressed by the significant majority of the third party letters received.

In officers opinion, (which is at odds on this occasion with the conservation bodies who have commented on this application), the scheme presented has a quite pleasing Georgian/early Victoria aesthetic which reflects the overall character and proportions of the surrounding more historic buildings. Whilst it is agreed that buildings of a more modest subservient scale would perhaps be more acceptable, it seems unlikely that any alternative scheme would come forward which would significantly adjust the scale of the proposed scheme, due to the economics of developing this site and repairing the listed buildings. Indeed, the adopted development brief encourages three storey buildings, and indicates that any new buildings on the site should echo the style of the existing buildings, but should be "...essentially modern in their approach whilst respecting the historic setting..". The Brief also allows for the removal of the modern extensions to Finch House, and replacement with modern buildings, and indeed indicates that the removal of the modern extensions would be "...beneficial in helping to restore the original character of the building".

It is considered that the proposed scheme adheres to the Brief in these respects.

Consequently, subject to suitable quality materials and details of openings and other features, officers are of the opinion that the scheme, whilst dominant in scale terms, is likely to result in a general enhancement of the area. A refusal of the scheme may therefore be difficult to justify.

It is therefore considered that subject to details secured via conditions, the scheme can offer an overall enhancement of the visual appearance of the wider area, including the Conservation Area, and of the listed buildings. There is also a general economic case to be made that the works would enhance the overall appearance of the area, which is one of the main arteries serving the city of Salisbury. In officers view, this is a public benefit which could outweigh the likely impact on the scale of the development on the setting of the adjacent listed buildings, particularly in this case, Finch House. The future protection and enhancement of the listed buildings could also be considered a significant public and heritage benefit.

The scheme would result in the removal of a number of mature trees on the site. Whilst this is regrettable, the scheme proposes significant replacement planting with semi mature specimens which over time which soften the development and give the conservation area a greenery appearance. Existing mature trees along the A36 adjacent to the existing boundary walling will be retained as part of the planned access and walling works. Some new trees will be planted adjacent the boundary walling and Finch House, thus over time, providing an additional avenue of trees along the A36.

#### Future of Finch House and Avon House

Both Finch House and Avon House are considered to be in an advanced state of dilapidation and “at risk”. This is confirmed by the applicants own assessments, and has been caused by many years of water ingress, coupled with anti-social behaviour/vandalism and break ins, and general lack of normal maintenance that would have otherwise have occurred if the buildings and surrounding site had been in use.

However, the above redevelopment as proposed is predicated on the retention and the enhancement and reuse of Finch House, which is shown to be retained on the submitted “master plan”, as is Avon House. The wider development as shown on the indicative master plan submitted within this application also indicates that currently proposed development would wish to retain the other listed building, Avon House. However, Members should note that whilst the applicant’s intentions are welcomed, this does not by itself ensure that the listed buildings would be retained or enhanced and there is no guarantee that any such applications for enhancement will be submitted in future. The current application before the Council does not involve enhancement works to either listed building directly, although it is currently intended that an application may be submitted shortly to the Council (as Phase 2), which would include the redevelopment/enhancement of Finch House. Even if this future application is submitted, the Council currently has no control over when it may be submitted, or whether it will indeed relate to Finch House or offer enhancements. The “worst case” scenario is that parcel’s of development come forward as individual applications which do not include any works to either Finch House or Avon House, which would result in the buildings being isolated by surrounding development and deteriorating to the point that no future use can be found.

Without the retention of these important heritage assets, and without any adequate justification for the removal of the buildings, the development would be unacceptable, and contrary to the aims of WCS policy CP58, and the similar guidance within the NPPF. The loss of the listed buildings entirely would also be contrary to the aims of the Conservation Area Appraisal, and the Development Brief associated with the site.

Whilst the submitted phasing and master plans indicate how the site may be developed there is no associated timing of applications. As a consequence, it is considered that as part of any S106 Agreement related to this current Phase 1 development, certain clauses could be included within any agreement which help ensure that Finch House and Avon House are protected during the course of any adjacent and surrounding development, and also that a scheme for enhancement of both buildings is submitted and implemented as part of the wider development of the site in a timely fashion.

### **9.3 Impact on highway system/parking**

The scheme is designed with a new vehicular access off the A36, with the existing access closed up. An internal roadway leading off this access then serves the development, and is also intended to serve the planned future development of the remainder of the Old Manor site. Works are proposed to the existing boundary walling to provide an adequate visibility splay, with some works within the highway itself. Within Phase 1, 67 parking spaces are planned, including 10 spaces for the retail store. A car share scheme with 4 vehicles available will be implemented, and bike storage areas are to be provided. The scheme also involves new turning lanes on the A36.

The NPPF advice reflects Policies CP60 to CP66 of the WCS, which relate to transport impacts and promotion of sustainable travel options, and in particular, CP66 which relates to the Strategic Transport Network indicates that:

*“..Work will be undertaken in conjunction with the Highways Agency, Network Rail, transport operators, neighbouring authorities and other agencies, that will seek to develop and improve the strategic transport network to support the objectives and policies in the Core Strategy and Local Transport Plan.*

*The strategic transport network is shown on the key diagram and includes:*

- 1) The national primary route network (including the strategic road network)*
- 2) The strategic advisory freight route network*
- 3) The rail network*
- 4) The strategic bus network “*

Following significant discussions between the applicants, the Council’s highways officers, and Highways England (formerly Highways Agency), and the submission of a revised transport assessment and removal of a planned traffic island feature. The suggested scheme and works now include:

- Adjustments to the planned access onto the A36 to ensure visibility (whilst retaining the walling and major trees)
- A new right hand turn lane within the centre of the A36 into the new vehicular access
- A left turn lane off the westbound lane of the A36 into the site
- Sufficient parking spaces within the site for residents, staff, and the planned convenience store
- Adjustment to the existing bus stop and parking area on A36
- A pedestrian access through the existing wall off the A36 to improve pedestrian access to the development.

However, notwithstanding a general agreement regards the details of the planned works, the applicants, officers, and Highways England have also discussed at length how such works should be conditioned, and when such works should take place, in order to minimise the harm to the A36 road system. The applicant has confirmed that it would route all construction traffic via the existing Fountain Way and thus access the development site from the rear. The applicant has also confirmed that the proposed new vehicular access onto the A36 would not be created/made operational until after the construction period, and that any large vehicles associated with the proposed retail use would have to use the Fountain Way access. This would mean that the new access, and the planned new turning lanes off the A36 would only tend to be used by smaller vehicles associated with the residential and retail uses. It appears that the HE is happy with this approach.

At the time of writing, officers continue to liaise with both the applicant and the HE in order to try and agree a suitable suite of conditions which will be acceptable to both parties. Officers will report further at the meeting. (Members should however note that should the recommendation be contrary to the advice of Highways England, and should Members be minded to approve the scheme with conditions, the matter must be referred to the Secretary of State for Transport.)

Consequently, officers are of the opinion that the existing site and access points have been effectively disused for over 15 years. Thus any future use of the site will naturally result in significant additional traffic in the surrounding highway systems. Given that both Highways England and the Council own highways officers do not object to the proposal or suggested highways mitigation (subject to suitable conditions), it is considered that whilst there is inevitably going to be additional traffic on the surrounding highway systems, a refusal of the scheme on this basis would be difficult to justify. In this particular situation, it is considered that there may be a number of ways to condition this proposal, so that the harm caused to the A36 system is limited. Officers have therefore decided to recommend the scheme for approval, and suggested a number of conditions which officer consider will mitigate any harm. These are being discussed with the HE and the applicant, and officers will report further at the meeting. Members should also note that the applicant would still have to enter into a separate process with Highways England in order to agree and undertake any works within the public highway.

#### Linkage with Windsor Road

The larger Old Manor site abuts Windsor Road along its eastern boundary. As part of the suggested scheme for Phase 5 of the development, a pedestrian and cycle linkages is planned. Such a link is desirable as it would allow easy access for future residents of the site to the adjacent railway station, and also, such a link would allow residents in the Windsor Road area to access the development and facilities on the Old Manor site. The adopted Development Brief for the wider site also refers to such a link being desirable. However, unless otherwise conditioned as part of this current phase of development or other phases, this link would only be provided at some point in the future, if and when secured as part of the development of the land currently shown as part of Phase 5 (known as the Old Laundry site).

As such a link would benefit any occupiers of Phase 1 (and other Phases) approval (and existing residents of the area), and because construction of this later phase 5 may be some years away, it is considered necessary, desirable, and reasonable to try and secure such a

link as soon as is practicable. A condition related to this matter is suggested as part of this report.

#### **9.4 Impact on general amenity**

Core Policy 57 of the WCS relates to this matter, as does guidance with the NPPG. Developments should seek to minimise and mitigate impacts, and where possible, enhance amenity.

This current application is somewhat divorced from any surrounding residential development, although it would be located adjacent to the existing surgery complex to the east, located directly opposite the existing magistrates courts, adjacent the busy A36 road system, and nearby the railway to the south, and a small industrial estate and dwellings to the south west (Ashley Road). There are also residential properties opposite the site along Wilton Road.

There is therefore the potential for an interaction between the development, its future occupiers, and these adjacent receptors.

The NHS Trust which runs the adjacent health uses appears to support the enhancement of the current derelict site, and also the removal of the Foxley Green building, and also considers that there may be synergies between the development and its health facilities and users. Whilst the overall height of the new buildings would result in new windows facing towards adjacent health related buildings, it appears from the responses received that this does not appear to be an issue with existing adjacent users.

The Council's Environmental Health officers have looked at the scheme closely, and have highlighted such potential conflicts, but have raised no objections, subject a number of conditions, which will resolve potential noise, fumes, and air quality issues. They have also raised some concerns regards the impact of the operation of the planned retail store on future occupiers, as well as the impact of the operation of the planned communal facilities on future occupiers of the development. The applicant has explained that the retail store may be operated by a third party, and hence has accepted some restrictive conditions on this retail operation which would limit its impacts. However, whilst they have acknowledged that the planned communal facilities would sometimes be used and made available to external third parties and non residents, they are concerned that specific and restrictive conditions on these communal facilities may restrict their ordinary use by residents of the planned development. Officers are sympathetic to this issue, and have suggested that rather than restrict the hours of operation and types of uses which could happen within the planned communal facilities, the communal facilities and any impacts which may result would be likely to be self-policed by residents and the managers of the complex, particularly if the communal facilities were not operated by third parties. This can be achieved via a S106 agreement which ensures the communal facilities remain within the control of the operators of the residential complex and not operated by third parties.

There has been no response from Network Rail. However, this development is some distance from the main line and the Council's EHO has not made specific comments or concerns related to the railway impacts. Whilst residents will undoubtedly hear the operation of the railway, other existing dwellings within the surrounding area are in much closer proximity to the main line and railway facilities.

The Ministry of Justice raised initial issues related to the possible impact of any construction works on the operation of the crown courts. However, the applicants have now agreed with



the MoJ that a scheme to mitigate any impacts of said construction works would be agreed between the parties, but that a planning condition would also be acceptable in this regard.

This first phase of the project is likely to be readily visible from Wilton Road, and the dwellings along Wilton Road nearest the site. Whilst there may be some inter-visibility between existing and proposed windows that does not currently exist, this relationship would be across the busy arterial road, and therefore at some distance. In this particular context, a refusal of the scheme in terms of the impact of the new dwellings on the amenity of the existing dwellings is unlikely to be successful at appeal in officers opinion.

Other dwellings are situated some distance to the west along the Ashley Road area. Whilst the development is likely to be readily visible from some of those dwellings, the distance involved is unlikely to result in such a detrimental impact in terms of overlooking and loss of privacy as to warrant refusal. Similarly, the dwellings adjacent Kennet Lodge along the eastern edge of the Old Manor site should remain similarly unaffected.

As this is a very urban situation, some interaction and relationship between the proposal, its future occupiers, and surrounding activities will occur, and therefore to refuse the scheme on this basis given the proactive plan policies related to it would be difficult to defend at appeal, particularly given the positive consultation responses. Consequently, subject to a number of suitable planning conditions, it is considered that the proposal would be likely to have a limited impact, and that future residents of the development would not be significantly affected by being within close proximity to noise/pollution generating uses.

A series of conditions has been suggested as part of this report to mitigate any impacts on amenity.

### **9.5 Drainage/flooding/ecology**

Policies CP50, 57 & 67 of the WCS relate to these matters, and national planning policy is clear that such matters must be considered as part of large applications, in order to assess the significant impacts of the development on sensitive areas.

The site contains a number of derelict buildings, and is situated in an area of Ground Water Protection. The applicant has submitted various reports related to the above matters. Given the urban nature of the site, the scheme has not raised significant ecology issues. The Council relevant drainage and ecology officers have raised no objections subject to certain conditions, and the Environment Agency has not objected. With the planned replacement planting scheme, it also appears that the general ecological situation on site will somewhat improve from its current state.

### **10.S106 contributions and requirements**

Adopted WCS policy CP3 allows for infrastructure improvements to be secured as part of development works. It is also noted that saved policy H3 refers to the need for certain contributions to be secured as part of any redevelopment of this particular site via a S106. However, this H3 policy was compiled a number of years ago, prior to the CIL regulations and the CIL charging regime coming into force in recent years, and the Council's recently

adopted Planning Obligations SPD, and policy CP3. Following consultee responses, the application will need to be subject to the following S106 contributions:

#### Affordable Housing

In line with policy CP43, 45 & 46, a scheme similar to that proposed would normally require 40 percent affordable housing provision on site. However, following a detailed discussion between the Council's Housing and Strategic projects officers, and the applicants, and an assessment of the viability of the scheme, it has been indicated that on this occasion, an off site contribution towards affordable housing can be accepted (see Housing officer comments outlined elsewhere in this report). The general reasoning behind this decision is that given some abnormal costs associated with the specialist form of housing, it would appear that the viability of the scheme may be marginal.

Notwithstanding this, the type of scheme being proposed does not engender itself very well to the integration of affordable housing, given that the scheme has private areas and facilities. It is also understood that even if a standalone affordable housing scheme could be located on the larger Old Manor site (ie on the Old Laundry site), there may be abnormal costs or issues such as contamination and disturbance issues from the adjacent railway, that make the provision of on site affordable housing complicated.

#### Waste and Recycling

In line with policy CP3 of the WCS, and policy WSC 6 of the adopted waste core strategy, a contribution towards the provision of waste and recycling bins has been requested via a S106 by the Council relevant department.

#### Air Quality

The site lies adjacent to the Air Quality Management Area of the city, and in line with Core Policy 55 of the WCS and the Obligations SPD, the Council's Public Protection officer has agreed a financial contribution with the applicants.

#### Public Art

In accordance with saved local plan policy D8 and Core Policy 57, a contribution towards and the provision of a scheme of public art on the site is required.

#### Secure the future of the listed buildings

Neither listed building on the Old Manor site is included within the red line of the application site. To ensure that these buildings are enhanced as part of the overall development and in conjunction with the proposed new –build works, a scheme needs to be secured which achieves this goal via the S106.

#### Restricting residential occupations

The scheme submitted has been considered acceptable on the basis of the impacts of its particularly type of residential accommodation, and this has also affected the S106 contributions needed. Consequently, it is considered that the type of residential use permitted on this site can and should be restricted to that applied for. Officers have discussed this matter with the applicants, who have indicated that other similar developments they have built have also been restricted via S106 agreements.

#### Restricting operation of community uses

The development would operate a number of community related uses, which may be available to third parties not living on the site. This arrangement has the potential to cause disturbance to future residents, if an external party operates a use/event. Rather than heavily restrict the proposed uses which may be unmanageable, it is simpler to ensure that the communal facilities are operated by the operators of the wider housing site. This will ensure that any uses will be self policing.

### **11. Conclusion (The Planning Balance)**

Whilst the scheme presented is of a large scale and may have impacts on the setting of the adjacent listed buildings, particularly Finch House in this case, this is considered to be outweighed in this instance by the wider public, social and economic benefit of generally enhancing a larger site, which has become a significant visual eyesore over the last 15 years or so, thus enhancing generally the wider conservation area, the arterial route into the city, and the general environment, which could act as a catalyst to the enhancement of this area of the city, both visually and economically. Furthermore, whilst the scheme may have some highways and other impacts, these can largely be mitigated to a degree by relevant conditions. As a consequence, the harm caused by this significant development is in officers opinion outweighed by the improvements likely to result, and hence, the scheme is considered acceptable, and in accordance with national and local plan policies, provided any scheme includes the future retention and enhancement of the listed buildings, Finch House and Avon House. A S106 and conditions are therefore required to ensure that this mitigation and enhancement can be achieved. The proposal is therefore considered to accord with national and local plan policies and guidance, and is considered to be acceptable subject to conditions.

### **RECOMMENDATION SUBJECT TO A SUITABLE S106 LEGAL AGREEMENT WHICH SECURES THE FOLLOWING:**

- I) Financial contribution towards the off site provision of affordable housing**
- II) Financial contribution towards waste and recycling provision on site**
- III) Financial contribution towards air quality management in Wilton Road area**
- IV) Financial contribution and provision towards public art on the site**
- V) Submission of a scheme including timing and phasing, for the future enhancement of both listed buildings (Finch House and Avon House) as part of the wider development of the site.**
- vi) Restrict the occupation of the development to assisted living extra care apartments/residential units as defined in the application details,**

**vii) Restrict the operation of the communal facilities on site (excluding the retail shop) so that they are not operated independently from the residential use of the site**

**THEN THE SCHEME BE APPROVED BY THE AREA DEVELOPMENT MANAGER, subject to the following conditions:**

01 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.

02 Before development commences, full large scale details and samples of the materials to be used for the development, including walls, roofing, architectural details, doors and windows, chimneys, boundary treatments, and hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built out in accordance with the approved details.

REASON: To ensure that the scheme preserves and enhances the Conservation Area and the adjacent heritage assets

03 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

#### **PLANS**

04 The development shall be carried out in accordance with the following plans:

Existing Location Plan 883-100

Existing Topographical Survey 883-101

Existing Site Sections (Sheet 1) 883-102

Existing Site Sections (Sheet 2) 883-103

Existing Photomontage (Phase 1 Areas) 883-104

Proposed Demolition Plan 883-300A

Proposed Location Plan 883-301A

Proposed Landscape Plan 883-302B

Detailed Demolition Plan 883-303

Detailed Demolition Plan 883-304

Detailed Demolition Plan 883-305

Detailed Demolition Plan 883-306

Detailed Demolition Plan 883-307

Boundary Wall Demolition Plan 883-308

Proposed Ground Floor Plan 883-400A

Proposed First Floor Plan 883-401A

Proposed Second Floor Plan 883-402A

Proposed Third Floor Plan 883-403A

Proposed Roof Plan 883-404A

Proposed Site Section (Sheet 1) 883-500

Proposed site Section (Sheet 2) 883-501

Proposed North and East Elevations (Block A&B) 883-502A

Proposed South and West Elevations (Block A&B) 883-503A

Proposed Sections B-B & C-C (Block A&B) 883-504A

Proposed Sections A-A (Block A&B) 883-505A

Proposed Elevations (Block C) 883-506A

Proposed Elevations (Block D) 883-507A

Proposed Elevations (Block C&D) 883-508A

Proposed Façade Details (Block A&B) 883-509A

Proposed Façade Details (Block C) 883-510A

Proposed Façade Details (Block D) 883-511A

Block C and Finch House Junction 883-512A

Existing Finch House Floor Plan 883-600

Existing Finch House Elevations 883-601

Proposed Foul Drainage Strategy 883-700

Proposed Surface Water Drainage 883-706

Proposed entrance gateway adjacent Finch House 883-801

General arrangement Right Turn Lane 4676/001 Rev G

Visibility splay extent – boundary wall demolition - 883-702

REASON: For the avoidance of doubt

### **Planting/landscaping**

05 The new landscaping/planting scheme shall be in accordance with the approved planting/landscaping plan 'Proposed Landscape Plan' 883-302B (listed above) and all the planting shall be carried out and completed within 2 years of the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.

Any trees that are subsequently removed or die within ten years of the date of planting shall be replaced by trees of a species and size indicated on the approved plan, or to as otherwise agreed as part of a replacement planting scheme in writing with the Local Planning Authority.

REASON: To ensure that replacement planting occurs with a suitable timescale in order to soften this and any other development on this site and enhance the wider Conservation Area.

### **Retention and protection of Finch House during construction**

06 Before any demolition works commence, a detailed scheme of how the remaining part of Finch House is to be retained and protected and made structural stable/secure during and following demolition and construction works, shall be submitted to and approved in writing by the Local Planning Authority. Demolition and construction works, and the agreed remedial works to the remainder of Finch House shall be carried out in accordance with the agreed scheme.

REASON: To ensure that the historic asset is protected during and after demolition and construction works

### **Drainage**

07 Before the development hereby approved in occupied, the foul/storm drainage as shown on the approved plans 883-706 Rev A & 883-700 Rev B shall be constructed and made available for use, and an ownership and maintenance regime for the drainage shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development has suitable drainage facilities

### **CEMP**

08 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and

agreed timetable.

REASON: To prevent pollution of the water environment

### **Transport/Highways**

09. Before development commences, a scheme for the works within the A36T highway system, including traffic management measures within the vicinity of the site and the location and extent of parking restrictions related to the proposed new access and Fountain Way, shall be submitted to the Local Planning Authority (and Highways England). The development shall not be occupied or brought into use until the submitted scheme has been agreed in writing by the Local Planning Authority in consultation with Highways England, and has been implemented in full.

REASON: In the interest of highway safety

10. Prior to the commencement of the development (excluding demolition works), details of the internal access road and associated paths including its connection with the existing Fountain Way shall be submitted to and approved in writing by the Local Planning Authority, and the road shall be constructed in accordance with those details.

REASON: To ensure that the access road is constructed in a manner consistent with its future use by other parts of the Old manor Hospital complex.

11. Before the dwellings hereby approved are first occupied, all the associated vehicular parking and turning areas, and bicycle storage/parking areas shall be made available for use, and such facilities shall be retained for those purposes in perpetuity.

REASON: To ensure there is sufficient on site residential parking facilities and cycle storage facilities to encourage sustainable travel, and to limit the impact of traffic on the adjacent A36 highway system.

### **Works to boundary wall and new vehicular access**

12. Notwithstanding the details shown on the approved plans, and prior to the commencement of any works on site in respect of the new vehicular access adjacent Porters Lodge, and the proposed pedestrian access in the boundary walling adjacent Finch House, a construction method statement for the demolition and reconstruction of the site boundary wall and new access and visibility splays and associated works, together with tree protection works, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In interest of the safe operation of the A36 road system and the character of the conservation area and the integrity of the heritage asset.

13. Before the development is first brought into use, the area between the nearside carriageway edge and lines drawn between a point 4.5m back from the carriageway edge along the centre line of the access and points on the carriageway edge 90m from and on both sides of the centre line of the access, shall be cleared of obstruction

to visibility at and above a height of 0.6m above the nearside carriageway level, and thereafter maintained free of obstruction at all times

REASON: To ensure that the proposed vehicular access has adequate visibility in the interests of highway safety

### **Stopping up of existing vehicular access onto A36**

14. The proposed development shall not be brought into use until the existing vehicular access adjacent Porters Lodge has been stopped up and its use permanently abandoned, and the footway crossing reinstated, in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme.

REASON: In the interest of the heritage asset and character of area, and in the interest of highway safety

### **CMP FOR COMPOUND**

15. No development, including site preparation works, shall commence on site, until a construction traffic management plan has been submitted to and agreed in writing by the Local Planning Authority to include the provision of a temporary site access and compound, to provide a parking area for site operatives and construction traffic and for the storage of plant, equipment and materials to be used in the development hereby permitted. Such temporary access and site compound shall be provided on site in strict accordance with the approved details and shall thereafter be maintained during the course of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe operation of the A36 road network and to protect surrounding amenity and the heritage assets on the site

### **Linkage with Windsor Road**

16. Within 3 months of the first occupation of any of the residential units forming part of this development, a scheme for the provision and timing of a pedestrian and cycle linkage with Windsor Road along the eastern boundary of the wider Old Manor site, as indicative by the adopted Development Brief via the planned Phase 5 development site (known as the old laundry) shall have been submitted to the Local Planning Authority. A link as approved in writing by the Local Planning Authority shall thereafter be provided and maintained in accordance with the agreed scheme and timing.

REASON: In order to enhance the sustainability of the approved scheme and any subsequent development, and to allow access to the facilities on the Old Manor site to adjacent residents, in accordance with the adopted Development Brief.

### **Retail shop and associated parking**

17. The retail use hereby permitted (the convenience store) shall only take place (open for trading to the public) between the hours of 0700hrs and 2200hrs. No



deliveries shall be made to, or collections made from, the retail unit hereby approved except between the hours of 0730hrs and 1800hrs Monday to Saturdays, with no deliveries or collections on Sundays or Bank/ Public Holidays.

REASON: In the interest of amenity

18. Before the retail use hereby approved first comes into operation (opens to the public), all the associated vehicular parking and turning areas, and bicycle storage/parking areas shall be made available for use, and such facilities shall be retained for those purposes in perpetuity.

REASON: The retail element of the development will increase demand for car parking in the vicinity of the main vehicular access serving the development site. Without adequate controls to prevent inappropriate parking on the A36T, the safe and efficient movement of goods and people along the Strategic Road Network would be compromised.

19. No development shall commence on site until a scheme of acoustic insulation and noise and odour/fume control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise and odour/fumes from the development including noise from ventilation/ extract fans/ refrigeration units/ generators/ deliveries to or from commercial units or communal uses. The approved scheme shall be implemented in full before the development is occupied and maintained at all times thereafter.

REASON: In the interest of amenity

#### **Construction impacts on amenity**

20. Notwithstanding the hours stated in the submitted Noise Survey and the submitted Construction Management Plan, no construction or demolition work shall take place on Sundays or Public/ Bank Holidays or outside the hours of 0730hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interest of amenity

21. No development approved by this permission shall be commenced until an additional Construction Management Plan, which limits the impact of construction works on the operations of surrounding uses including the adjacent Magistrate/Crown Court use on Wilton Road, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To limit the impact of construction works on an adjacent use.

22. Unless otherwise agreed as part of the measures to be agreed as part of the Additional Construction Management Plan, dust management shall be carried out fully in accordance with the submitted Construction Management Plan submitted to the Local Planning Authority on 2<sup>nd</sup> November 2015.

REASON: In the interest of amenity

### **Protection of dwellings adjacent main road**

23. The development shall not be first brought into use until a scheme for the mechanical ventilation and extraction for residential properties within 15m from the edge of the A36 carriageway has been submitted to and approved in writing by the Local Planning Authority. The ventilation and extraction equipment shall thereafter be maintained in accordance with the approved details. No changes to the ventilation and extraction equipment and flue(s) shall take place, and no other ventilation or extraction equipment shall be installed, without prior written approval from the Planning Authority.

REASON: In order to limit the impact of pollutants from the adjacent A36 road, in the interest of residential amenity

### **General protection of dwellings**

24. Before occupation of the residential accommodation hereby approved, the noise attenuation measures as detailed in Section 5 (Mitigation) of the submitted Hayes McKenzie Partnership Noise Survey dated 26<sup>th</sup> August 2015 shall be implemented in full.

REASON: In the interest of amenity

### **Contaminated Land**

25. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

## **INFORMATIVES**

### **Highways matters**

The developer should note that the details pursuant to a number of the above conditions will be discussed with Highways England.

Notwithstanding and in addition to this consent, the proposed development will require separate Highway England approval for the construction of the proposed vehicular access and lining and signing on Highways England highway land and the reinstatement of footway which will be subject to entering in to the relevant legal agreement with Highways England. The Applicant is required to obtain this approval **before works commence** and is therefore recommended to contact Highways England in this respect as soon as possible.

Notwithstanding all other restrictions or regulations, Highways England has indicated that any construction related traffic or works no site works shall avoid the hours of 07:30-09:00 and 16:30-18:00 which corresponds with peak traffic times along the A36. The submission of further details pursuant to the above conditions should therefore reflect this request.

### **Environmental health matters**

With regards the above conditions, the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:2014 (or any subsequent version) and demonstrate that the rating noise level is at least 5dB below the background noise level. All building services plant associated with the development (including air conditioning units, ventilation grilles, extraction systems or other air handling plant etc) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of -5dB below the lowest measured background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

At the request of the Local Planning Authority (LPA), the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA.

We recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We recommend the applicant consults the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005.)