

Date of Meeting	21 May 2015
Application Number	14/11997/FUL
Site Address	Tollgate Road, St. Martin, Salisbury. SP1 2JJ
Proposal	Demolition of existing building and erection of 6th form college building with access, parking and multi use games area
Applicant	Mr Simon Firth
Town/Parish Council	Salisbury City
Ward	St Martins and Cathedral
Grid Ref	415093 129633
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called in to the Southern Area Committee by Cllr Ian Tomes on grounds of concern regarding the relationship of the proposed development to surrounding properties, environmental and Highway impact and neighbour amenity considerations.

1. Purpose of Report

To consider the recommendation of the Area Development (South) that the application should be **APPROVED** subject to conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- I. Principle of the proposed development
- II. Scale, design, materials and impact on the character of the surrounding area
- III. Impact on adjacent listed building(s) and the adjoining conservation area
- IV. Archaeological considerations
- V. Highways considerations
- VI. Impact on the amenity of neighbours
- VII. Land contamination and remediation

The application has generated a total of 3 representations from third parties, as follows:

- One representation from an adjoining residential neighbour objecting to the proposed development on grounds including excessive height and consequent overlooking, amenity impacts from proposed bin store, adverse impact on the surrounding area and Highway (increased traffic) issues.
- One representation from a resident in Marina Road raising no objection in principle but raising concerns in respect of the architectural merits of the development and potential noise from air conditioning units.

- One representation from the churchwardens and PCC of St. Martin Parish raising no objection to the application, with comments in respect of working hours to preserve the peace during church services.

Salisbury City Council provided a consultation response of 'no observation' to the application

3. Site Description

The application site is located within the south eastern suburbs of Salisbury city, in a generally mixed residential/commercial area and in close proximity to the principal Wiltshire College Salisbury campus site. The site is within an Area of Archaeological Significance and has residential dwellinghouses on all sides (and on the opposite side of Tollgate Road). The site is adjacent to the designated conservation area (to the immediate west) and adjoins the Grade 1 listed St Martins Church.

Historically, the site was formerly a boot factory and then a clock factory, originally built by Moore Bros in 1892, but burned down in 1909.

The site is currently disused, containing redundant workshop building(s).



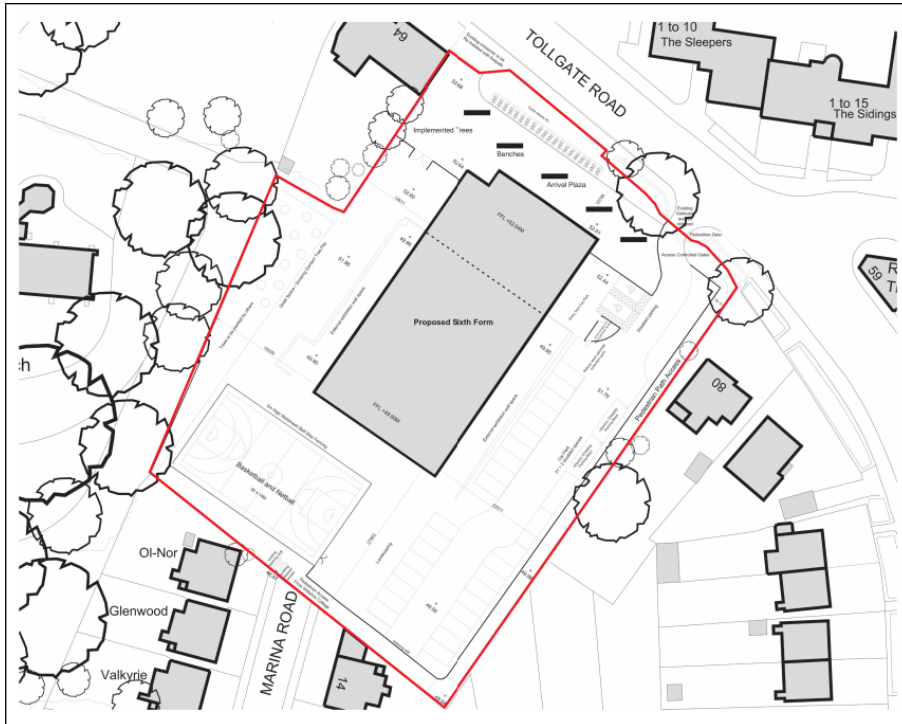
4. Planning History

- | | |
|-------------|---|
| S/1995/0135 | Use of area cleared by demolition as additional car parking for college use |
| S/2000/0346 | Demolition of existing buildings and construction of new building for use as an acoustic centre |
| S/2001/0360 | Change of Use of building to aerobics studio and changing room plus provision of new entrance |

14/10383/PREAPP Demolition of existing workshops (disused) and construction of new four storey 6th form college and associated parking and landscaping works and multi-use games area

5. The Proposal

The application proposes the demolition of the existing redundant former factory building and the erection of a new three/four storey 6th Form college building with associated access, parking and multi-use games area.



6. Local Planning Policy

- Adopted Wiltshire Core Strategy (WCS) policies CP35, CP57, CP58, CP63, CP64
- Saved local plan policies H8, PS5
- NPPF & NPPG

7. Summary of consultation responses

WC Highways – No Highway objection subject to a financial contribution towards cycle infrastructure improvements along Tollgate Road

Highways England – No objection subject to a financial contribution towards the A36 cycle infrastructure improvement scheme

WC Archaeology – No objection, subject to a Condition

Tree officer – No response received

Public Protection – No objection subject to Conditions including controls on the use of the proposed MUGA and appropriate land contamination investigation/remediation

Landscape Officer – No response received

Historic England – Concerns raised in respect of the proposal having an adverse impact on the setting of the adjacent listed church and surrounding conservation area

Conservation Officer – Agrees with and echo's the concerns expressed by Historic England

Sport England – No comment

WC Education – No response received

WC Drainage – Support, subject to Conditions

Environment Agency – No response received

WC Spatial Planning – No response received

WC Ecologist – No comments

WC Waste – No response received

Salisbury City Council – No observation

8. Publicity

The application was advertised by site/press notices and neighbour consultation letters.

The application has generated a total of 3 representations from third parties, as follows:

- One representation from an adjoining residential neighbour objecting to the proposed development on grounds including excessive height and consequent overlooking, amenity impacts from proposed bin store, adverse impact on the surrounding area and Highway (increased traffic) issues.
- One representation from a resident in Marina Road raising no objection in principle but raising concerns in respect of the architectural merits of the development and potential noise from air conditioning units.

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Salisbury City Council provided a consultation response of 'no observation' to the application

9. 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.

9.1 Principle of the proposed development

The application proposes the demolition of the existing redundant former factory building and the erection of a new three/four storey 6th Form college building with associated access, parking and multi-use games area. The proposal constitutes a change of use from the existing (redundant) B2 general industrial use to a non-residential college of further education (Use Class D1).

Saved local plan policy PS5 (Education) states that new education facilities required by the local Education Authority will be permitted on suitable sites within or adjoining settlements.

WCS Core Policy 35 deals with existing employment sites. The application site is not within the defined Principle Employment Area of Salisbury, outside of such areas CP35 acknowledges that some older employment sites may no longer be fit for purpose or that their role has changed. The overall employment land target (within the WCS) includes an allowance for the replacement of some sites, therefore, in some circumstances it may be appropriate to allow for the redevelopment (in whole or part) of existing employment sites for an alternative use, particularly where the site is not required to remain in its current use to support the local economy in the area, and in cases where it has remained unsold or un-let for a substantial period of time (at least 6 months).

The NPPF sets out how the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPA's should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted (NPPF para.72).

In Principle, the development of a new educational establishment is welcomed by National and Local Planning Policy. Furthermore, in general terms, the choice of site would seem to be appropriate, particularly given the synergy with the establish

College use of the larger site. The removal of dilapidated existing college building and the enhancement of the general street scene would also be welcomed.

Taking into account local plan and national planning policy, the proposed development is considered acceptable in principle.

9.2 Scale, design, materials and impact on the character of the surrounding area

The existing building(s) on the site are of single and two storey, predominantly flat-roofed form and occupy the central part of the northern end of the site (towards Tollgate Road). The remainder of the site is open and hard surfaced.

The proposed development consists of a new rectangular flat-roofed building of three storey height (with partial lower ground floor creating four stories at the rear). The principle access to the building is on the ground floor at the northern end (facing onto Tollgate Road) with vehicular and pedestrian access off of Tollgate Road incorporating a landscaped external 'Arrival Plaza' at the front of the site.

The area surrounding the application site is characterised by a diverse mix of built forms, ages and uses, including large commercial buildings, residential houses, apartments, the listed church to the west and the existing Wiltshire College buildings to the south and south west.

By reason of the existing diversity of building types, scales and the materials and finishes used in other buildings within the surrounding area it is considered the proposed 6th Form college building would not be out of keeping or otherwise unduly detrimental in terms of the existing character of the surrounding area.

9.3 Impact on adjacent listed building(s) and the adjoining conservation area

The site is adjacent to the designated conservation area (to the immediate west) and adjoins the Grade 1 listed St Martins Church. The consultation response from Historic England raises concerns in respect of the impact of the proposed development on the setting of the adjacent listed church, and the surrounding conservation area. The consultation response identifies that St Martins is grade I and forms part of the eastern end of the Milford Hill Conservation Area. The church sits centrally within a large churchyard that has a low boundary wall around its perimeter. The church is a major landmark in this part of the City, with its spire acting as a visual termination to the historic core of the City. The Church has strong architectural, historic, evidential and communal significance and dominates the end of St Martins Church Street, with a number of grade II listed houses along its length. The churchyard also provides an attractive open space for this part of the City, as identified in the Conservation Area Appraisal. The churchyard wall forms the boundary to the proposed development site that lies immediately to the east of the Church. To the south of the Church are the buildings belonging to Wiltshire College, however, there appears to be a good tree screen between these two areas (all of the trees are contained within the churchyard).

The Historic England consultation response concluded that, on the basis of the heritage assessment/information provided, the height and bulk of the proposed new

college building is likely to have a harmful impact on the settings of the conservation area and the grade I St Martins Church. The Wiltshire Council conservation officer echo's these concerns.

In response the applicant has submitted (May 2015) a revised Heritage Assessment for the proposed development, which has been forwarded to Historic England and the conservation officer for their further comments (comments are expected to be available prior to the Committee meeting and will be published to the Council's website when received and will be circulated in full to Members as late correspondence).

9.4 Archaeological considerations

The application site is within a designated Area of Special Archaeological Significance. The Assistant County Archaeologist has assessed the proposal and notes the archaeological assessment that accompanies the application recognises that there is particularly potential for Palaeolithic and medieval remains to be present on the site. The assessment also deals with the previous land use - it is possible that the 'made ground' deposits that are mentioned in the report are archaeological in origin, however the presence of brick fragments in at least some of them suggests that, if only in parts, they are likely to be of later date.

The Assistant County Archaeologist supports the application, subject to a Condition that a programme of archaeological works is carried out as part of any development (it is likely that this would take the form of an archaeological watching brief).

9.5 Highways considerations

Highways England has assessed the proposal and after a significant amount of additional liaison with the applicant have provided the following consultation response:

The applicant is seen to have an impact on the already congested A36(T) Southampton Rd/ Churchill Way East roundabout. Highways England therefore recommends that the developer endeavours to maximise sustainable trips in order to minimise the impact of vehicular trips at this junction. A cycle infrastructure improvement scheme is currently proposed along the A36(T) to form a link from Petersfinger Park and Ride to College Roundabout. It is recommended that prior to occupation of the approved development the applicant should provide a contribution of £25,000 towards this improvement scheme in order to encourage the transfer of trips from the private car to cycle to minimise the impact on the A36(T) roundabout.

Wiltshire Highways have also assessed the proposal and raise no Highway objection, subject to the applicant providing a financial contribution towards cycle infrastructure improvements along Tollgate Road.

The proposed development is considered acceptable in Highway safety terms.

9.6 Impact on the amenity of neighbours

The use of the proposed new building is a Class D1 non-residential institution (as defined within the Use Classes Order) to provide education facilities predominantly for 16 to 18 year olds in the form of a 6th Form College in association with the existing and adjacent Wiltshire College. The proposed development would therefore be generally limited to use during the daytime and on weekdays only, and only during weeks forming part of the academic year (being approximately 42 weeks of the year).

By reason of its academic function and use, it is considered the proposed development is less potentially onerous in terms of the amenity of neighbouring residents than a residential use such as a development of apartments or flats. However, the normal planning consideration in respect of the impact of the proposed development on the amenity of neighbouring residents and uses remain relevant and are considered below:

The proposed D1 academic use of the site would replace the existing authorised industrial use of the site (with the potential for adverse impacts on local amenity through noise, vibration, odour etc), and is considered to be a quieter, less intensive and generally more appropriate use in terms of its potential impacts on neighbouring residential amenity.

The proposed new building is taller than the existing workshop buildings, but is 'pulled-in' from the east and west side boundaries, thereby increasing the distance between the building and the closest neighbouring residential properties on either side.

The front elevation of the proposed building faces onto Tollgate Road which is a relatively wide two way road with pavements on either side. Directly opposite (to the north east) of the front of the site is a plumbers merchant commercial/industrial unit and a development of relatively new apartment buildings, set over three stories. By reason of the distance separating the front of the proposed 6th Form College building and the apartments on the opposite side of Tollgate Road, it is considered the proposed development would not result in undue impacts in terms of overlooking or overshadowing.

To the northwest of the application site there are dwellings on Tollgate Road, the closest of which is a detached two storey house (number 64) which has a rear garden curtilage enclosed by an approx. 2m tall brick boundary wall. There is a degree of existing natural screening within the garden of number 64. The outside area to the west of the proposed building (within the curtilage of the application site) is designated as a 'quiet space/growing garden' with trees to be planted. Taking into account that the proposed west facing side elevation of the 6th form building has no windows (only a pedestrian fire door serving the ground floor), it is considered the proposed development would not result in the undue overlooking or overshadowing of adjacent dwellings to the northwest or west of the application site.

To the rear (south west and south) of the application site is the proposed outdoor multi-use games area(MUGA) intended for basketball and netball. The proposed MUGA is within an area that is enclosed by an existing brick boundary wall of approximately 1.8m height. The applicant has submitted a management plan for the use of the proposed MUGA, to which the Public Protection officer has responded with the following comments:

“Initial we raised concerns with regards to the potential noise and lighting impact that the MUGA could have on the amenity levels at nearby residential properties. It has been clarified that there will be no floodlighting on the MUGA, though we would recommend a condition is attached to any planning permission granted to ensure floodlighting is not installed on the MUGA.

Although the MUGA will be positioned within close proximity to residential properties there is a brick built wall approximately 2.5 meters high along the bottom boundary of the site, providing some level of noise attenuation. As the nearest residential property is single storey, with no dormer/roof windows there will be no direct line of sight to the MUGA. In addition, the applicant has detailed that the MUGA will only be used for teaching purposes between the hours of 8.45am and 4.00pm, Monday to Friday and will not be used for community use in the evenings or at the weekends. Therefore, we would recommend that a condition is attached to any planning permission granted to restrict the hours of use for the MUGA to 8.45am to 4.00pm Monday to Friday only and no use on Saturdays, Sundays, Public or Bank Holidays”.

Subject to the restrictions set out within the Public Protection officer’s response (by Condition), it is considered the proposed development, including the MUGA, will not result in undue impacts in respect of neighbouring occupiers living adjacent to the site.

To the east of the application site are dwellings along Tollgate Road, and the adjoining rear gardens of properties on Marina Road. The closest neighbouring property to the application site is number 80 Tollgate Road – a detached two storey house with enclosed rear garden running approximately two thirds of the way down the south eastern boundary of the application site. The boundary between the application site and number 80 consists of a masonry wall of approximately 2.5m height. Within the northeast facing side elevation of number 80 is a first floor window with a view over the application site – this window serves a bedroom.

Whilst the proposed new building is of three storey height relative to number 80 Tollgate Road, the height is mitigated by the existing boundary wall and the increased separation distance between the proposed building and the side boundary. To further mitigate against undue overlooking of the bedroom and rear garden of number 80, a Condition can be imposed to ensure that (in addition to the first and second floor windows within the east facing side elevation that are already proposed as obscure glazed – labelled 3A on the proposed drawings), all of the remaining second floor windows within this elevation are obscure glazed for the lower 50%. The rooms at second floor level that are served by the windows within the east facing side elevation are science labs which will have fitted benches up to

the walls, thereby preventing occupiers from approaching right up to the windows on the inside.

Taking into consideration the academic nature and use of the proposed development, the significant boundary wall between the application site and number 80, the increased distance between the proposed building and the side boundary, and subject to the imposition of Conditions requiring potentially overlooking windows within the proposed east facing elevation to be obscure glazed as detailed above, it is considered the proposed development would not result in undue overlooking or other undue negative impacts on the amenity of the occupier(s) of number 80 or other adjacent dwellings.

9.7 Land contamination and remediation

The application site has had a variety of previous industrial uses over the last 100 years (the Moore Bros clock factory was built on the site in 1892, burned down 1909).

The Council's Senior Public Protection Officer has assessed the proposed development and concludes that the two Geotech reports submitted as part of the application sufficiently address the matter of the previous use of the site and have noted some issues related to contamination and proposed remediation (via scheme design / cover system).

The Senior Public Protection Officer recommends that a remediation strategy be agreed (by Condition) prior to the commencement of development or the occupation of the buildings.

10. Contributions required by legal agreement

Two one-off financial contributions are required for Highway infrastructure improvements as set out on the consultation responses of Highways England and Wiltshire Highways. The proposed development is considered to be zero rated in respect of contributions toward the Community Infrastructure Levy (CIL).

11. Conclusion

In Principle, the development of a new educational establishment is welcomed by National and Local Planning Policy. Furthermore, in general terms, the choice of site would seem to be appropriate, particularly given the synergy with the establish College use of the larger site. The removal of dilapidated existing college building and the enhancement of the general street scene would also be welcomed.

The area surrounding the application site is characterised by a diverse mix of built forms, ages and uses, including large commercial buildings, residential houses, apartments, the listed church to the west and the existing Wiltshire College buildings to the south and south west. By reason of the existing diversity of building types, scales and the materials and finishes used in other buildings within the surrounding area it is considered the proposed 6th Form college building would not be out of

keeping or otherwise unduly detrimental in terms of the existing character of the surrounding area.

Taking into consideration the academic nature and use of the proposed development, the significant boundary wall between the application site and adjoining residential properties, the increased distance between the proposed building and side boundaries, and subject to the imposition of Conditions to protect the amenity of neighbouring residents, it is considered the proposed development would not result in undue overlooking or other undue negative impacts on the amenity of the occupiers of adjacent dwellings.

The Historic England consultation response concludes that, on the basis of the heritage assessment/information provided, the height and bulk of the proposed new college building is likely to have a harmful impact on the settings of the conservation area and the grade I St Martins Church. The Wiltshire Council conservation officer echo's these concerns.

In response the applicant has submitted (May 2015) a revised Heritage Assessment for the proposed development, which has been forwarded to Historic England and the conservation officer for their further comments (comments are expected to be available prior to the Committee meeting and will be published to the Council's website when received and will be circulated in full to Members as late correspondence).

On balance, it is considered the public benefits (social, economic and community benefits) brought about through the provision of the proposed 6th form college development act to outweigh the potential harm to the setting of the adjacent listed church and surrounding conservation area, and the application accords with local plan policy and the aims and objectives of the NPPF and NPPG.

Recommendation

Approve subject to the following conditions –

It is recommended the application be **APPROVED**, subject to the applicant entering into relevant legal agreement(s) to ensure financial contributions are made in respect of improvements to local Highway infrastructure, 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 10005-04-P701 Revision B dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04v-vvP001 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P002 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P101 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P201 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P301 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P601 dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P650 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P652 Revision B dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P653 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P654 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P656 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P657 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14, and
Drawing number 10005-04-P751 Revision A dated November 2014, as deposited with the local planning authority on 19.12.14.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. 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.

4. No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Informative:

Further Recommendations: The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

5. No development shall commence on site until details of the external 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.

6. 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.

7. There shall be no floodlighting or other illumination of the approved multi-use games area.

REASON: In the interests of the amenity of neighbouring residents

8. The use of the multi-use games area shall be restricted to between the hours of 8.45am to 4.00pm Mondays to Fridays only and there shall be no use on Saturdays, Sundays, Public or Bank Holidays.

REASON: In the interests of the amenity of neighbouring residents

9. Before the development hereby permitted is first occupied the windows labelled '3A' in the approved drawing (10005-04-P701) in the east facing side elevation 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.

10. Before the development hereby permitted is first occupied all of the top floor windows in the east facing side elevation (those not subject to Condition 9 above) shall be glazed with obscure glass to 50% of the glazed surface area (the bottom half) and these windows shall be permanently maintained with 50% of the glazed surface area (the bottom half) with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.

REASON: In the interests of neighbouring amenities

12. No part of the development hereby approved shall be first brought into use/occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.